

EARLY RECORDS OF THE
BURGH OF ABERDEEN

1317

1398-1407

Edited by
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I find the matter as in a labyrinth, easier to enter into
it than to go out. LORD BURGHLEY.

Whoso desireth to discourse in a proper manner concerning Corporated Towns and Communities, must take in a great variety of matter, and should be allowed a great deal of Time and Preparation. The subject is extensive and difficult . . . much hath been said by Writers to Puzzle and entangle, little to Clear it. Insomuch that when I first entered upon discussing onely One part or branch of it . . . I found myself encompassed with Doubts. MADOX, *Firma Burgi*.

Certain laws or lines of general development may be traced by patient endeavour, but it must be patient endeavour always ready to reconsider its generalisations, and not prone to mistake its conjectures for demonstrations. . . . Each town has its history.

W. STUBBS.



PREFACE

‘THOUGH Aberdeen has been fortunate in having its archives subjected to examination by antiquaries so laborious as Kennedy, so accurate as John Stuart and Joseph Robertson; though many volumes have been devoted by the two Spalding Clubs, and by the Burgh Records Society, to the printing of its annals, municipal, ecclesiastical, educational; yet the amount of material that still remains for the future burgh historian to explore, is truly astonishing.’

So wrote P. J. Anderson in 1890; and certainly Aberdeen possesses a wealth of record far surpassing that of any other Scottish burgh.¹ Its court roll for the year 1317 is unique, and its burgh records extend in an almost unbroken series from Michaelmas 1398 to the present day—the only serious gap, indeed, being the volume for the period September 1414 to January 1434² which, we understand, ‘was once sent to Edinburgh and there lost.’

At the close of the sixteenth century the burgh records were apparently even more abundant. A ‘Catalogue of the registeris and baillie court buikis’ prepared by Thomas Mollisone, Town Clerk, in 1591, states that prior to the series of records in book form (and the wording indicates that the ‘books’ then extended further back than the year 1398—the year in which the series now begins³) there were ‘scrowis on parchment contening sum courtis of the

¹ See the inventory in *Charters and other Writs illustrating the History of the Royal Burgh of Aberdeen* (1890), 387-424.

² But see also *infra*, p. vi, note 5.

³ In the present record there is reference to a ‘book’ for the year 1396 (*infra*, p. 27); but it should be noted that each year’s record, beginning with the Michaelmas head court, is referred to as the ‘book’ (*liber communitatis*) of that year. This indicates that at one time each year’s record was regarded as complete in itself (see the immediately following note). It would also appear that a separate ‘common book,’ or register, was kept for tacks and assedations certainly as early as 1396 (*infra*, p. 82)—if the *in libro communitatis* of the one entry is to be distinguished from the *in communi libro* of the other.

Burght of Abirdene writin in Latyne all, and for ilk yeir ane skrow¹: na mater of importance or weycht extant or registrat thairin, nother yit ony ordinance or statut sett downn, onlie suittis and actionis, or processus for annuellis²; but, of these 'scrowis,' only that for the year 1317, alas, still survives.

The 'scrow,' or roll, for the year 1317 has already been printed in the fifth volume of the *Spalding Club Miscellany* (though with some omissions and some errors in the transcription), and selected extracts from the register for 1398-1407 have been printed in the first volume of *Extracts from the Council Register of the Burgh of Aberdeen*³ and in the fifth volume of the *Spalding Club Miscellany* (again, in both cases, with some errors in transcription and, in the case of the *Extracts*, with some serious errors in the dates assigned to the entries).⁴ Here the court roll for 1317 is once more printed in full; but also here, for the first time, are printed in full the complete burgh records for the period Michaelmas 1398 to Michaelmas 1400. Thereafter only certain selections are printed from the later entries in the register—which runs to April 1407⁵—though these selections are fuller and more numerous than those printed in the Spalding Club volume of *Extracts*. Thus, apart from the court roll for the year 1317, almost the whole of the

¹ This is an important statement. It is conclusive as to the early method of keeping the records of the burgh court: it also indicates that if record was kept of the burgh 'customs' or of the 'acts of the council' it was kept as a record separate from that of the burgh court.

² *Extracts from the Council Register of the Burgh of Aberdeen* (Spalding Club), i, viii. And probably because the 'scrowis' contained neither 'ordinance nor statut' they were destroyed as valueless!

³ The entries printed on pp. 3-4 of the *Extracts* do not correspond with the original record. Moreover, the record is *not* a 'council register.' The greater number of the entries record sittings of the burgh court, but the register also contains a few entries of the meetings of the gild and a few 'acts' of the council. It is more correctly lettered on the spine of the binding, 'Council, Baillie & Gild Court Register from Sept' 1398 to 16 April 1407.' That is, whatever may have been earlier practice (cf. *supra*, note 1), the burgh of Aberdeen did not, at this time, keep separate records for the separate activities of court, council and gild.

⁴ Cf. *Extracts*, i, 382 (dated, impossibly, 1402), with *infra*, p. 220. And see *Scottish Historical Review*, xxxii, 199, where the correct date, 5 July 1406, is shown to reveal the importance of the entry.

⁵ It is to be noted, however, that in this register no entries appear between 16 October 1402 and 7 January 1405. Possibly the record for that period was entered on other leaves, or in another register, now lost.

burgh records contained in the present volume have not previously appeared in print.

My object in printing the complete record for the years 1398-1400 was to show the day-to-day work and procedure of a burgh court at the close of the fourteenth century; but, in view of the very large number of purely formal entries, I deemed the complete record of two years to be sufficient for my purpose. The entries selected from the later record to April 1407 have been chosen solely to illustrate some important or unusual aspect of the work of the court, or of the gild or council, though I am fully conscious that any series of selections can never form a satisfactory substitute for the complete record. It should be added, perhaps, that, particularly in the later part of the register, the entries are not always in strict chronological order; as here printed, however, the selected entries have been rearranged chronologically.

The roll for the year 1317 is of parchment, and consists of four membranes sewn head to tail. It measures 160 cm. in length, and varies in width between 20 cm. and 23 cm. The list of *Burgenses rure manentes* and the last few entries (*infra*, pp. 15-17) are written on the dorse of membranes 3 and 4. The register for 1398-1407 is a paper book, measuring 29 cm. by 20½ cm. It contains 164 folios; but it has been paginated throughout (possibly by Kennedy when he was working on his *Annals of Aberdeen*), and this pagination, running from 1 to 328, has been given, for ease of reference, in the margins of the printed text. In view of the parlous state of many of the leaves, I felt I could not reasonably ask for the binding to be removed so that I could examine the gatherings.

The clerks who entered the record for 1398-1407 remain anonymous,¹ but we note that in 1407 the clerk received £4 for his fee for the year.² Often the clerk's method of keeping the record would horrify a clerk of court to-day. Thus, in a case before the court on 16 June 1399, 'iudicium' was deferred 'propter debilitatem curie,' but the record under that date runs straight on, 'Istud iudicium fuit

¹ Cf. *infra*, p. 131.

² *Infra*, p. 239.

datum quinto die mensis Julii,'¹ and there is no entry of the case, or of the judgment, under the sederunt for 5 July. Moreover, this method of saving the labour of later entries may take other forms. For example, one of the entries in the record of the court of 2 October 1398 runs, 'Et idem Andreas peciit auisari usque ad diem Veneris octabis huius curie, *quo die fuit convictus . . .*'²; and on 22 October 1399, when two accused were given a week in which to produce their pledges, the entry continues, 'in quibus octobis [*sic*] neuter venit cum sua acquietancia, et sic quilibet in amerciamiento.'³ Sometimes a marginal note against the record of the first court is our only indication of the finding of a subsequent court⁴; many cases disappear altogether after the first entry (possibly, as we shall see, most of them were settled out of court); and occasionally there is a marginal note saying, laconically, 'nichil plus de hoc,'⁵ or, simply 'nichil.'⁶

Although basing my Introduction as far as possible on the evidence contained in the Aberdeen records, and although well aware that 'each town has its history,' I have not endeavoured to write a new history of the Burgh of Aberdeen. Rather it has been the purpose of my Introduction to examine the place of the 'burgh' in the general scheme of mediaeval Scottish local administration, and thereafter to examine the administration of the 'burgh' itself. Because of that approach, I have hardly even touched upon the vast problem of mediaeval trade, though here and there it has naturally been necessary to say something of the place of the 'burgh' in the economic pattern of mediaeval times. Moreover, in that Aberdeen was, and is, a 'king's burgh' or 'royal burgh,' I have said little about the burghs held by lay lords or by bishops or religious foundations; and, since the records here printed end with the year 1407, I have not discussed burgh administration in the later fifteenth century, when differences between burgh and burgh became more pronounced.

¹ *Infra*, p. 143.

³ *Infra*, p. 108.

⁵ *Infra*, p. 63.

² *Infra*, p. 22. The italics are mine.

⁴ *Infra*, pp. 46, 48, 53, 61, 130, *et al.*

⁶ *Infra*, p. 65.

Nevertheless, despite the valuable work of previous scholars in the same field, the Introduction has proved to be longer than I at first anticipated: partly because I found myself at times in disagreement with my predecessors, or at times thought it helpful to adduce further evidence in their support, but mainly because I wished to discuss certain aspects of the mediaeval burgh which, in Scotland, have hitherto been neglected. Long as the Introduction has become, however, there are still curtailments and omissions, within its restricted scope, for which I must crave indulgence and which must be dealt with elsewhere. I am particularly conscious, too, that in examining the law and procedure of the burgh court I have rashly ventured into an unexplored field in which, if the lawyers follow, the lawyers may well discover that the historian did not find his way aright.

I am indebted to Dr. Margaret Moore for her skill and care in transcribing the records, and to the Carnegie Trust for the Universities of Scotland for a generous grant to meet the cost of Dr. Moore's work. I am also indebted to the Town Council and the Town Clerk of Aberdeen for their willing co-operation in placing the roll for the year 1317, the register for 1398-1407, and many other volumes of their records on temporary deposit in H.M. Register House for my ease of consultation. Finally, I owe much to my colleague and former student, Mr. A. A. M. Duncan, for his kindness in reading my Introduction in manuscript and offering a number of helpful criticisms and suggestions; also to Mr. M. R. Dobie for compiling the two indexes.

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ABBREVIATIONS

<i>A.P.S.</i>	<i>Acts of the Parliaments of Scotland</i> (Record Commission).
<i>Aberdeen.</i>	<i>Registrum Episcopatus Aberdonensis</i> (2 vols., Spalding Club).
<i>Aberdeen Charters.</i>	<i>Charters and other Writs illustrating the History of the Royal Burgh of Aberdeen</i> (Aberdeen, 1890).
<i>Aberdeen MS. Guild Recs.</i>	Aberdeen Guild Court Book, 1441-1468 ¹ (MS. <i>penes</i> Town Clerk, Aberdeen).
<i>Aberdeen Recs.</i>	<i>Extracts from the Council Register of the Burgh of Aberdeen</i> (2 vols., Spalding Club).
<i>Arbroath, Nigrum.</i>	<i>Liber S. Thome de Aberbrothoc—Registrum Nigrum</i> (Bannatyne Club).
<i>Arbroath, Vetus.</i>	<i>Liber S. Thome de Aberbrothoc—Registrum Vetus</i> (Bannatyne Club).
<i>Ayr Charters.</i>	<i>Charters of the Royal Burgh of Ayr</i> (Ayrshire and Galloway Archeological Association).
<i>Ayr MS. Recs.</i>	Ayr Burgh Court Book, 1428-1478 (MS. H.M. General Register House).
<i>Bain.</i>	<i>Calendar of Documents relating to Scotland preserved in the Public Record Office.</i> Edited by Joseph Bain (4 vols., Record Series).
<i>Brechin.</i>	<i>Registrum Episcopatus Brechinensis</i> (2 vols., Bannatyne Club).
<i>Cambuskenneth.</i>	<i>Registrum Monasterii S. Marie de Cambuskenneth</i> (Grampian Club).
<i>Coupar Angus.</i>	<i>Charters of the Abbey of Coupar Angus</i> (2 vols., Scottish History Society).
<i>Dryburgh.</i>	<i>Liber S. Marie de Dryburgh</i> (Bannatyne Club).

¹ These are the dates which appear on the spine of the bound volume, but the main record runs from 1441 to 1465 with a few disconnected additional entries to 1471.

- Dundee Charters.* *Charters, Writs, and Public Documents of the Royal Burgh of Dundee* (Dundee, 1880).
- Dunfermline.* *Registrum de Dunfermelyn* (Bannatyne Club).
- E.R.* *Exchequer Rolls of Scotland: Rotuli Scaccarii Regum Scotorum* (Record Series).
- Edinburgh Charters.* *Charters and other Documents relating to the City of Edinburgh* (Scottish Burgh Records Society).
- Edinburgh Recs.* *Extracts from the Records of the Burgh of Edinburgh* (4 vols., Scottish Burgh Records Society).
- Fife.* *Sheriff Court Book of Fife* (Scottish History Society).
- Glasgow.* *Registrum Episcopatus Glasguensis* (2 vols., Bannatyne Club).
- Glasgow Recs.* *Extracts from the Records of the Burgh of Glasgow* (4 vols., Scottish Burgh Records Society).
- Holyrood.* *Liber Cartarum Sancte Crucis* (Bannatyne Club).
- Inverness Recs.* *Records of Inverness* (2 vols., New Spalding Club).
- Kelso.* *Liber S. Marie de Calchou* (2 vols., Bannatyne Club).
- L.C.* Archibald C. Lawrie. *Early Scottish Charters* (Glasgow, 1905).
- L.Q.B.* *Leges Quatuor Burgorum* (in *A.P.S.*, vol. 1).
- Lanark Recs.* *Extracts from the Records of the Royal Burgh of Lanark* (Glasgow, 1893).
- Lindores.* *Chartulary of the Abbey of Lindores* (Scottish History Society).
- Melrose.* *Liber Sancte Marie de Melros* (2 vols., Bannatyne Club).
- Moray.* *Registrum Episcopatus Moraviensis* (Bannatyne Club).
- Newbattle.* *Registrum S. Marie de Neubottle* (Bannatyne Club).

- Paisley.* *Registrum Monasterii de Passelet* (Maitland Club).
- Paisley Recs.* *Charters and Documents relating to the Burgh of Paisley* (Paisley, 1902).
- Peebles Recs.* *Charters and Documents, and Extracts from the Records of the Burgh of Peebles* (2 vols., Scottish Burgh Records Society).
- R.M.S.* *Registrum Magni Sigilli Regum Scotorum* (Record Series).
- R.P.C.* *Register of the Privy Council of Scotland* (Record Series).
- S.H.R.* *Scottish Historical Review.*
- St. Andrews.* *Liber Cartarum Prioratus Sancti Andree* (Bannatyne Club).
- St. Giles.* *Registrum Cartarum Ecclesie Sancti Egidii de Edinburgh* (Bannatyne Club).
- Scone.* *Liber Ecclesie de Scon* (Bannatyne Club).
- Stirling Charters.* *Charters and other Documents relating to the Royal Burgh of Stirling* (Glasgow, 1884).
- Stirling Recs.* *Extracts from the Records of the Royal Burgh of Stirling* (Glasgow, 1887).

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INTRODUCTION

THE earliest burghs on record in Scotland are the burghs of Berwick and Roxburgh, referred to in a charter granted by Earl David¹ a few years prior to his accession to the throne.² Significantly both these burghs are associated with royal castles; equally significantly, out of thirty-three 'king's burghs' known in 1286, all but two (Haddington and Inverkeithing) were adjacent to castles of the king.³ Or, to state these facts another way, when, in November 1292, sasine of the 'kingdom and castles' of Scotland was given to John Balliol, twenty-three castles were named in the roll and we know that certainly twenty-two of those castles had adjoining burghs.⁴

The 'castle' was something new in twelfth-century Scotland. A mark of the new Norman administration introduced by the sons of Malcolm and Margaret, the king's motte-and-bailey castle was his strongpoint in the outlying parts of his land, a strongpoint held by a new officer, the sheriff, who administered a 'castle area' (soon to be called a sheriffdom) on behalf of the king⁵: and naturally

¹ *David comes*: almost certainly 'of Huntingdon.' But there is ample evidence that David ruled in the south of Scotland with very wide powers and a large slice of independence. The Glasgow *inquisitio* opens, 'David vero Cumbrensis regionis princeps' (*L.C.*, No. 1), and it was David who confirmed Thor's grant of Ednam to St. Cuthbert (*L.C.*, Nos. xxxiii, xxxiv) although the original grant to Thor was made by Edgar (*L.C.*, No. xxiv). The phrase 'in Scotia vel in Cumbria' used by Robert, Bishop of St. Andrews, very early in David's reign (*L.C.*, No. lxxxii) appears to indicate a continuing definite administrative division between Scotland and Cumbria.

² *L.C.*, No. xxxv=*Kelso*, No. 1 (1119×1120). This charter has been held to be a later confection of early grants (somewhat like a later charter of confirmation), but there is no reason to doubt any of the grants contained in it. Shortly after his accession David I speaks of 'my burghs' of Dunfermline, Stirling, Perth and Edinburgh (*L.C.*, No. lxii. 1124×1127).

³ Cf. *S.H.R.*, xxviii, 156. There may have been royal castles at Haddington and Inverkeithing (both important strategic points) of which all trace and record have been lost. By 1286 Dunfermline had ceased to be a royal burgh and had become an abbatial burgh (cf. *infra*, p. xxxvi, note 2).

⁴ *Rotuli Scotiae*, i, 11b-12a.

⁵ See, in general, *Fife*, App. D, Part II.

the site chosen for each of these new castles was the strategic centre of the locality—not only for defence but also to govern and command the lines of communication and access.

Lines of communication, however, control the movement of trade as well as the movement of armed men; moreover, the new king's castle secured the 'king's peace' whereby trade itself was secured. Thus, while the castle might at first attract an agricultural settlement adjacent to its timbered palisade, and while it might promote a collection of subsidiary buildings for the convenience of the barons who paid suit to the head courts of the sheriffdom which were held at the castle gate, soon, under the protection of the new 'peace,' traders began to cluster in new groups beside the shelter of the new castles,¹ or were directly encouraged by the king to do so: and their settlements, erected into 'burghs' by an 'act' of the king,² provided a supply-centre for the castle and a market-centre for the castle's area, the sheriffdom.³

¹ Much the same thing occurred round the new castles built by the Normans in England. 'Henry de Ferrers,' says the Domesday Survey of Staffordshire, 'has the castle of Tutbury. In the borough about the castle are 42 men living only by their trading' (cited, with other examples, in Carl Stephenson, *Borough and Town*, 75).

² In some cases, however, the burgh was not erected from a trading and supply centre which had grown up beside the castle. There is evidence in some cases of the building of a burgh at the time of, or soon after, the building of the castle (cf. Invernairn, in *Moray*, No. 25; and see *infra*, pp. xxvii-xxviii). Or again, there might already be a settlement at the place where the castle was built, and that settlement might eventually be erected into a burgh (see *infra*, p. xxv and note 6).

³ Many of the early plans of burghs show the main street of the burgh running direct to the castle, that is, to the centre which the burgh serves. This was also the plan of Edward I's new boroughs beside his new castles in Wales, as is clearly shown in the case of Flint (cf. John Speed, *Theatre of . . . Great Britaine*, 1676, p. 122. It is unfortunate that Speed gives no similar plans for the Scottish burghs). The plan can be traced in the burghs of Banff, Berwick, Edinburgh, Elgin, Forres, Jedburgh and Inverness (cf. John Wood, *Town Atlas of Scotland*; and see the 'Boundary Reports (Scotland)' in *British Parliamentary Papers*, 1831-32, vol. xlii). For a like reason the main streets of St. Andrews converge upon the priory and cathedral. The plan of Perth presents unique features (see *S.H.R.*, xix, 283-300) and may be the result of the 'new burgh' of King William's time (see *infra*, p. xxvii, note 3). As late as the beginning of the seventeenth century, when the Earl of Argyll began to build the new burgh of Lochhead (Campbeltown), he first built the castle of Lochhead and thereafter gave feus, to newcomers, of sites along a High Street built from the castle to the harbour (McKerral, *Kintyre in the Seventeenth Century*, 23-41).

In such instances growth and development would be complex. As the area supplied the castle, so the burgh would form an *entrepôt*; the stores of agricultural produce brought to the burgh would be protected by the castle; a market, and trading, would develop and receive royal support and recognition¹; the merchants (or traders) would begin to require the services of craftsmen (weavers, dyers, wrights and so forth); in addition, the burgh could provide supplementary accommodation for the castle garrison,² and the burgesses themselves might help to reinforce that garrison in time of need.³ Finally, an effective supply-centre for the castle (with its new and unfamiliar demands) would strongly encourage the development of some form of 'burgh' organisation.⁴

In Scotland, indeed, the close connection between the early castle, held by the sheriff, and the early burgh is to be found on every hand. It can be read in the royal writs. When Malcolm IV granted a toft in Edinburgh to the abbey of Dunfermline, he directed his writ to the sheriff of Edinburgh⁵; and when the same king granted a toft in Linlithgow to the monastery of Scone he addressed his writ 'vicecomiti suo et burgensibus suis de Linlidcu.'⁶

¹ See *infra*, pp. xcvi-xcix.

² Thus, in the account of the bailies of Edinburgh for 1335-36, when Edinburgh was in the hands of the English, we read, 'de quodam tenemento quod fuit Roberti Hogg' . . . non respondent quia tenementum illud occupatum fuit per homines commorantes in municione castri de Edinburg' (*Bain*, iii, p. 345).

³ Cf. the statement of the Sheriff of Ayr in relation to his activities at the time of Hakon's invasion, when he had to find additional men to reinforce his castle garrison because of the refusal of the burgesses to do so (*E.R.*, i, 6).

⁴ In Wales, in the case of Edward I's new castles, the district which supplied victuals to support the castle was often the market district of the borough adjoining the castle (*E. A. Lewis, Mediaeval Boroughs of Snowdonia*, 26-28, 171, 173). So likewise, in Scotland, the burgh beside the royal castle was given a market monopoly over the castle's area, the sheriffdom (*infra*, p. xcvi). The earliest twelfth-century Scottish burghs thus associated with royal castles include Aberdeen, Banff, Berwick, Roxburgh, Edinburgh, Stirling, Crail, Elgin, Lanark and Inverness. It is to be noted, however, that although much of the early market would be victual, later, when grants of a 'market' are made by charter, the emphasis is upon 'merchandise' including the cutting and selling of cloth (cf. *Aberdeen Charters*, No. III). For a discussion of the 'market' see *infra*, pp. xcvi-xcix.

⁵ *Dunfermline*, No. 48.

⁶ *Scone*, No. 14.

When a house and land in Berwick were given to the abbey of Melrose, King William addressed his writ 'vicecomiti de Berwic et prepositis et ministris et omnibus burgensibus¹; and another writ from William is addressed 'vicecomiti meo et ballivis meis qui meum burgum de Karel [Crail] tenebunt.'² When John Balliol wished to ensure the payment of twenty shillings from the fermes of the burgh of Roxburgh, he addressed his writ 'vicecomitibus et ballivis suis de Rogesburgh.'³ Again, certain chapters in the so-called *Leges Quatuor Burgorum* appear to assume that castle and burgh are naturally to be found together⁴; in that same collection we have our sole reference in Scotland to forty days' service of castle-ward⁵; and at the courts of the sheriff or of the *ballivi* of the king, held at the castle, *barones* and *burgenses* sat together on inquest or assise.⁶ During the period 1291-92 many a burgh paid its fermes, or part of its fermes, to the support of the keeper of the castle⁷; during the period 1296-1308 it was common for one English official to be placed in charge of 'castle, town and sheriffdom'; and that triple association was used in Edward Balliol's charter of 1334 in which he ceded

¹ *Melrose*, i, Nos. 23, 24. When the same king granted a toft in Perth his command was addressed to the sheriff of Perth (*Scone*, No. 46).

² *St. Andrews*, 228-229.

³ *Dryburgh*, No. 149.

⁴ Cc. 46, 55, 102 (*A.P.S.*, i, 341-353).

⁵ C. 33 (*A.P.S.*, i, 339). This is not one of the chapters borrowed from the Newcastle custumal. We have at least one instance of a grant of a toft in the burgh to accompany a grant of lands on a *reddendo* of castle-ward (*Familie of Innes*, Spalding Club, 2, 52; *Moray*, Cartae Originales, No. 1); and when, in 1513, James, Earl of Arran, received a grant of the office of sheriff of Lanark, he was also granted a 'land' within the burgh of Lanark (*R.M.S.*, ii, No. 3803). But there appears to be no Scottish evidence to support the theories advanced by Maitland in *Doomsday Book and Beyond*, 186 *et seq.*

⁶ *A.P.S.*, i, 97-100.

⁷ E.g., Banff, Nairn, Dumfries, Inverness, Forres, Aberdeen, and Dumbarton (*Bain*, ii, Nos. 531, 543, 550, 560, 563, 587, 590). In a like way we find that the burgh of Dumbarton paid 6s. 8d. a term, from its issues, towards the cost of watchers in the castle (*E.R.*, i, 161; ii, 25, *et al.*), and that the gatekeeper of Stirling Castle received four merks annually from the fermes of the burgh (*E.R.*, ii, 28). So also, in Wales, the porter of Carnarvon Castle received part of his wages in minor tolls from the produce and fuel brought to the borough market (E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, 174).

all the southern parts of Scotland to Edward III.¹ Finally, it must not be overlooked that the early seals of many burghs bore devices of a castle or tower.²

The sheriffdom, with its king's castle and its king's burgh, was a new unit in a new royal administration; and the close connection of castle, burgh and sheriffdom can still be read to-day in the names of the many 'shires' which bear the names of their head towns.³ For the royal castle, which was at first the *caput* of the sheriffdom, yielded that status in more settled times to the royal burgh which adjoined it and which had received a royal grant of a monopoly of trade over the whole 'castle-area,' the sheriffdom.⁴

Nevertheless, although the evidence which has come down to us indicates that the castle was distinct and separate from the burgh,⁵ and that the burgh was a separate 'erection,' something quite apart from the castle which, here and there, might eventually find itself in the burgh's very midst,⁶ the fact that the early king's writs relating to tofts within the king's burghs are usually directed to his sheriff would appear to indicate that at first the sheriff

¹ *Fœdera*, ii, 888. Similarly, in 1397, Sir John Herries of Terregles sold the *castrum burgum et baroniam* of Fyvie (once a royal burgh) to Sir Henry of Preston (*R.M.S.*, i, App. i, No. 157), and as late as 1502, when William Meldrum of Fyvie resigned his holdings into the king's hands, his resignation included *castellum et fortalitium de Fivye cum villa seu burgo ejusdem* (*Antiquities of Aberdeen and Banff*, ii, 332).

² Among others, Aberdeen, Ayr, Edinburgh, Inverurie, Kinghorn, Roxburgh and Stirling (Stevenson and Wood, *Scottish Heraldic Seals*, i, 52-82). It has been suggested, however, that the device on the seal of the burgh of Aberdeen was probably at first a saint's shrine or reliquary, later corrupted into a triple-towered castle, and finally into three separate towers ([J. Robertson], *Book of Bon Accord*, 349).

³ Exceptionally, Fife, Ross and Sutherland were early 'counties'; and Kirkcudbright is the area once administered by the 'steward' of the Earl of Douglas to whom David II gave all the land between the Nith and the Cree.

⁴ See *infra*, p. xciv-xcix.

⁵ The *L.Q.B.* refer to the castle as *extra libertatem burgi* (*A.P.S.*, i, 356, c. 117), and speak of the burgesses seeking justice at the castle-gate (*ibid.*, c. 46). It is to be noted, however, that in the early twelfth century it is possible that certain burghs were physically within the castle enclosure (see *infra*, pp. xxvi-xxvii).

⁶ That is, the castle was wholly outwith the complex of liberties which constituted the burgh.

had some control over the burgh which adjoined his castle.¹ We have no direct evidence that in Scotland, as in the case of the new boroughs erected by Edward I beside his new castles in Wales, the sheriff or constable of the royal castle at first acted as the *prepositus* or *maior* of the burgh.² On the other hand, we have no evidence to show when a separate *burgh* court first emerged: and the early burgh charters are all silent with regard to jurisdiction. Nevertheless, in the reign of William the frequent appearance of *ballivi* of the burghs—though sometimes still conjoined with the sheriff—would appear to indicate that the burghs, with their own officers, were securing some freedom from whatever earlier shrieval control there may have been.³ Certainly, in the reign of William the burgh had a court.⁴

In this connection, however, the office of 'constable of the burgh,' to be found in Aberdeen⁵ and elsewhere,⁶ is none the less puzzling. Possibly his office derives from some control of law and order once exercised by the

¹ See also, *infra*, p. cli.

² See the various borough charters in E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, Appendix A. And see also, *infra*, p. lxxviii, note 8.

³ And necessarily so, for in the reign of William new burghs were erected where there was no sheriff's seat.

⁴ To enforce burghal 'law and custom,' and with cognisance in civil actions and all actions touching burghal 'lands.' In the well-known case of Adam the Miller (*A.P.S.*, i, 97-98), which was a criminal action, it is noticeable that the inquest was held by the king's bailies *in the castle of Dumfries* and that barons as well as burgesses gave their finding. For long the criminal jurisdiction of the burgh court was strictly limited (cf. *infra*, pp. cxl-cxli).

⁵ *E.R.*, i, 552. The office became heritable in the family of Kennedy of Carmuck (or Kenmuck). Duncan Kymdy was *constabularius hereditarius burgi de Aberdeen* in 1449 (*Aberdeen*, i, 253); and in 1508 William Kennedy was served heir to his father, William Kennedy, constable of the burgh of Aberdeen (*Collections for a History of Aberdeen and Banff*, Spalding Club, 314-315). This William Kennedy, *pater*, however, at the close of the fifteenth century, had made the provosts of Aberdeen constables-depute of the burgh, and had thereby virtually resigned the office into their hands. See also [Joseph Robertson], *Book of Bon Accord*, 373-375. Similarly in Inverness, in 1503, the office of constable of the burgh was held by the alderman (*Thanes of Cawdor*, Spalding Club, 115).

⁶ E.g. Dundee, where the constable of the burgh received twenty shillings of fee from the fermes of the burgh (*E.R.*, i, 63, 85, *et al.*); Clackmannan, where also he drew a fee (*E.R.*, i, 574); Irvine, where in 1424 the office was heritable and the bailies of the burgh paid him annually two merks of fee (*E.R.*, iv, 393); and Kinghorn (*E.R.*, iv, 588). There are also later references to constables of the burghs of Brechin, Forfar and Renfrew.

constable of the castle,¹ for he appears to be concerned in some way with criminal justice and the preservation of the king's peace.² But the evidence is scanty and inconclusive. Certainly the nature and authority of the office varied in various burghs; and in Irvine, for example, the constable of the burgh seems to have become little more than the keeper of the town prison.³

Finally, it may be that there was some early administrative concept of one royal sheriffdom, one royal castle, one royal burgh. But the erections, in the reign of William, of the burghs of Airth, Dundee, Kintore, Inverurie and Cullen⁴ indicate that the advance of a 'mercantile revolution' (to be noted in other ways in that king's reign⁵) was now outpacing whatever earlier administrative design there may have been. While, at one time, there might be castles where no burgh arose or was made, or castles where early burghs decayed because the sites proved unfavourable for trade,⁶ now traders began to establish themselves,

¹ In 1456 Parliament noted that *all* burghs were oppressed by the king's sheriffs, constables and ministers taking distress at the time of fairs (*A.P.S.*, ii, 46, c. 9), and in 1469 Parliament enacted that in future no captain or constable of any king's castle was to hold any elective office (such as alderman, bailie, dean of gild or treasurer) in the burgh thereby (*A.P.S.*, ii, 95, c.5.) Cf. also Dundee, in *R.M.S.*, ii, No. 615.

² Cf. the right of the constable of Dundee 'in correctione sanguinis' (*R.M.S.*, ii, No. 615); and it is to be noted that the bailies in the burgh court had a very restricted criminal jurisdiction unless the burgh had received a charter erecting it into a *vicecomitatus* (cf. *infra*, pp. cxl-cxli).

³ Thus Thomas Sperk, *constabillarius* of the burgh of Irvine is sometimes designated, not *constabillarius*, but *custos carceris* (*E.R.*, v, 237, 280, 319, 633; vi, 314, 405; *R.M.S.*, ii, No. 1848).

⁴ Airth, on the Forth, may have been erected in the hope of a sea-borne trade which never fully developed—though James IV established a naval dockyard there. Cullen, on the coast of Banffshire, was more fortunate. It should be noted, however, that Kintore and Dundee were closely associated with royal castles, and that Inverurie was an important strategic point—the Bass of Inverurie still being an impressive *motte*. Trade, or the hope of trade, might dictate the new erections, but protection was usually there also.

⁵ See *infra*, pp. xciv-xcvii.

⁶ E.g. Fyvie, which was regarded by Edward I as a sheriffdom (*Rotuli Scotiae*, i, 28), and Auchterarder, which appears as a sheriffdom in 1290 (*E.R.*, i, 51) and later (*Rotuli Scotiae*, i, 25, 27)—possibly in both cases indicative of the idea of the triple association of sheriffdom, castle and burgh—both virtually 'disappeared' as royal burghs after 1332. Fyvie renders to exchequer a joint account with Kintore, 1338-40 (*E.R.*, i, 459, 470); and both Fyvie and Auchterarder have one solitary 're-appearance' as royal burghs in 1408 (*E.R.*, iv, 40).

and burghs were erected, where there was no castle but where the site had 'trading possibilities.' And, in addition to increasing the number of their own 'royal' burghs, successive kings were soon erecting burghs at the request of bishops, monastic houses and lay lords.¹

II

Both castle and burgh were something new : both were settlements of new men (*advenæ*). But while the castle was part of the new Norman administration, the burgh, although it also first appears with that new administration, and was part of it, was *a fortiori* indicative of a wide change now taking place in the economic life of the country— notably a change from an almost purely self-supporting agricultural economy to one which, while still predominantly agricultural,² now had significant surpluses for disposal and significant demands for other products. There was a growing volume of trade, in which cloth, wool, woolfells, hides, skins and fish were exported³ in exchange for iron, salt, wines and foreign luxuries. Some such earlier 'trade' there must have been ; but now it is encouraged, now it develops, now it is concentrated in the burghs.⁴ The

¹ As 'episcopal burghs,' 'abbatial burghs' and 'burghs of barony or regality' (but see *S.H.R.*, xxviii, 157-159). In the second half of the fifteenth century and the early part of the sixteenth century many erections made at the request of lay lords were little more than 'commercial speculations.' The lord tried to people his *villa* (now erected into a *burgus*) with traders and craftsmen ; he gave them privileges ; but he kept control strictly in his own hands. In effect, he looked to his burgh to yield him revenue, and to free him from the market monopoly enjoyed by the king's burgh of the sheriffdom. See also, *infra*, pp. xxxvi, note 2, and xlii, note 3.

² For example, when Alexander II marched through England in 1216 to meet Louis at Dover, the burghs provided an aid *in hides* which the king sold in England to meet his needs (*Arbroath, Vetus*, No. 111). It should not be forgotten, moreover, that the burgesses themselves were still agriculturists, and that the burgh held agricultural land both within the burgh and without (see *infra*, pp. xliii-xliv).

³ Even at the end of the sixteenth century wool, woolfells and hides were still the 'staple trade,' the main exports, of the Scottish merchants. But see *infra*, pp. xciv-xcviii.

⁴ So David I granted to the abbey of Holyrood one hundred shillings a year, for the vestments of the canons, to be paid from the dues of ships which came to Perth to trade there (*L.C.*, No. CLIII).

change¹ can be associated with, and was stimulated by, David I and his immediate successors—a remarkable line, and one with intimate connections with England.² Significantly, the earliest known Scottish coinage is that of David I; significantly, too, by the time of William and Alexander II the Scottish burghs appear to have developed their own industry in cloth.³

In the past, Scotland had known neither Roman villas nor Roman towns. Moreover, Celtic society was of the country; it was pastoral and agricultural; its 'vills' or 'townships' were small collections of houses depending upon a limited adjacent area of arable land and a much wider extent of grazing; their situation and grouping were dictated by the fertility of the land.⁴ Even in the middle of the twelfth century the Arab geographer Idrīsī, writing a description of Scotland based upon the accounts of travellers, could state that the land was without towns or even villages.⁵

Nevertheless it is difficult to believe that in, say, the time of Malcolm Canmore (1058-93), there were neither 'towns nor villages.' 'Centres of settlement' there must have been,⁶ particularly on main routes, at river-crossings,

¹ For a general survey of this 'mercantile revolution,' which swept Western Europe, and came, somewhat belatedly, to Scotland, see H. Pirenne, *Les Villes et les Institutions Urbaines* (Bruxelles, 1939). The rapid increase in the number of burghs on the east coast of Scotland is eloquent of developing overseas trade with the European mainland.

² David I's marriage with Matilda de Senlis had brought him vast estates in the south-east midlands of England, from Northampton to Huntingdon, from Oxfordshire to Leicestershire. There he saw both old burghs and new towns. For the intimate connections with England of David I and Malcolm IV, see R. L. G. Ritchie, *The Normans in Scotland*.

³ See *infra*, pp. xcv-xcviii.

⁴ For a general description, see Andrew McKerral, 'The Lesser Land and Administrative Divisions in Celtic Scotland' in *Proc. Soc. Antiquaries of Scotland*, lxxxv (1950-51), 52-64; for an analysis of the evidence, see Angus Graham, 'Archaeological Gleanings from Dark-Age Records,' *ibid.*, 64-91. Even in eighteenth-century Scotland a 'town' was still a group of farm-steadings.

⁵ *S.H.R.*, xxvi, 114-118. Berwick is placed in England. While this is a commentary upon the Celtic economy, it also emphasises that the new burghs which then existed were still very small (see *infra*, pp. xlv-xlvii).

⁶ So, at St. Andrews, Bishop Robert 'built and established' a burgh (*L.C.*, No. CLXIX) when already there was a settlement there. Similarly at Glasgow (*Glasgow*, i, No. 40). We note that there was a *villa* at Ayr before the founding of the burgh there; and King William's charter

at natural harbours, at the mouths of good rivers, and so forth.¹ In those parts subject to Anglo-Saxon influences there would probably also be defensible *burhs* or *boroughs*. Indeed, the importance soon attached to the 'Four Burghs'²—Berwick, Roxburgh, Edinburgh and Stirling—may well reflect an importance that had belonged to them as [Anglian] *burhs*, or defensible settlements,³ of an earlier time. The history of these four burghs may be closely parallel to the history of those English 'boroughs' which developed from strategic strongholds into centres of trade. Significantly all four stood at points of the highest strategic importance; equally significantly, two of them carry the word *burh* in their names (the only two real *burhs* in Scotland⁴); and two of them (Berwick and Roxburgh) are, as we have seen, the earliest Scottish burghs on record.

Possibly, and as was often the case in the burghs of France and Flanders, each of the early 'burghs' in these four instances was at first actually within the original *burh*⁵ which, under the Anglo-Norman administration is

clearly distinguishes between *villa* and *burgus* (*Ayr Charters*, No. 1). At Prestwick, in 1173, a distinction is drawn between *Prestwic et alius Prestwic de burgo* (*Paisley*, p. 409).

¹ Naturally, also, castles would be built at such important sites and, in due course, the settlements would be erected into burghs.

² See *infra*, pp. cxlii et seq.

³ In Anglo-Saxon times the word *burh* meant a fortified enclosure, and Berwick, Roxburgh and Edinburgh were all within the former Bernicia, while Stirling was possibly on its boundary. *Oppidum* (as in *oppidum Eden*, or in William of Newburgh's *oppida et burgi*—*infra*, p. xxxi, note 3) probably had the same meaning of a defensible settlement. It may be a Latin form of the Celtic *dun*. So *Dùn Breatann* (Dumbarton) was similar to *oppidum Eden*. But *burh*, *dun* and *oppidum* were not burghs.

⁴ The old name for the modern Jedburgh was Jedworth. Dryburgh was erected as a burgh in the sixteenth century. Fraserburgh (Faithlie) dates from 1601; Colinsburgh dates from the early eighteenth century. For 'Newburgh,' see *infra*, p. xlii, note 3. Musselburgh, which appears as Muxleburg prior to 1174 (*Newbattle*, p. 316) and as Muskilburg in 1184 (*Dunfermline*, No. 239) is puzzling. Before then it appears to have been 'Inveresk major' (cf. *Dunfermline*, No. 2, with *Dunfermline*, No. 82). It may be that because it possessed the trading characteristics of the new burghs, and had a harbour, it was given a 'burgh' name. Certainly it did not develop from a *burh*. See Webster and Duncan, *Regality of Dunfermline Court Book* (1953), 18-19. It should also be noticed that the early seal of the burgh of Roxburgh has a legend referring to the *chastel*, and the early seal of the burgh of Stirling has the legend *Continet hoc in se nemus et castrum Strivelinse* (Stevenson and Wood, *op cit.*).

⁵ See the interesting plans in Ganshof, *Étude sur le Développement des Villes entre Loire et Rhin au Moyen Âge* (Paris, 1943).

changed into a more clearly defined *castrum* or *castellum*.¹ Something like this appears to have happened at Roxburgh,² Perth³ and Inverness⁴; and may have happened at Edinburgh and Stirling.⁵ To use the phraseology of Continental historians, the 'burgh' may have moved from the *bourg* to the *faubourg*, from the *urbs* to the *suburbs*.⁶ In other instances, the settlement of merchants outwith a new Norman motte-and-bailey castle was erected into a burgh; in other instances, again, the burgh was built at

¹ It should be remembered that the Norman 'castle' was *the whole fortified enclosure* and not simply the motte or the later tower. The very phrase 'castle and tower' emphasises this.

² David I's charter to Kelso (1147×1150) speaks of the *burgus de Roxburge* and also of the *novus burgus*, showing a move away from the 'old burgh of the castle' (*L.C.*, No. CXCIV=*Kelso*, i, No. 2); the 'old burgh of the castle' becomes *Roxburgh vetus*, but the two burghs soon coalesced.

³ In 1176×1178 William speaks of *novus burgus meus de Perth* (*Cambuskenneth*, No. 193), which must again represent a move away from the old burgh of David I's reign; and it is this 'new burgh,' laid out in formal plan, away from the castle, which becomes the modern Perth (cf. the early plan of the burgh in W. Mackay Mackenzie, *The Scottish Burghs*, 61).

⁴ As late as 1503 we find certain burgesses of Inverness described as 'veteris castris burgenses antefati burghi de Invernys' (*Thanes of Cawdor*, Spalding Club, p. 115).

⁵ At Edinburgh and Stirling, while the rock formed an almost impregnable stronghold, so for that very reason, and the great difficulties of access, it was ill-suited for a growing trading-settlement. In each case there is a burgh development *from* the castle and down the slope. It is noticeable that a charter granted by David I to Dunfermline speaks of 'burgus meus de Perth,' 'burgus meus de Edenesburge,' but 'burgus meus in Striuelin' (*Dunfermline*, No. 26=*L.C.*, No. LXII); though this may not carry any real distinction.

⁶ Cf. Stephenson, *Borough and Town*, 24-25. A 'port' (*portus*) is, strictly speaking, an enclosed space for the storage of merchandise; later, for the exchange of merchandise. The 'ports' of the earliest burghs were at first those places where the merchants traded without entering the stronghold. So the *portus* tended to become the *novus burgus* or the *faubourg*, that is, the *forisburgus* or *suburbium*. Later there appears to have been a confusion with *porta*, a gate, and a transference of meaning to those 'ports' or 'bows' where produce enters the burgh and pays toll, and near one of which the tron or weighing-beam is placed. The development is clearly seen in a grant by Arbroath to a burgess of Perth of a toft 'extra dictum burgum inter duas portas quod vocatur Merkarow [Market Row]' (*Arbroath, Nigrum*, No. 8). So also, in many burghs, there was an Argyll Port or Argyll Gate, the port or gate (i.e. street) where the 'foreigners' came to trade. At St. Andrews, the district just outside the West Port was called 'Argyll'; at Glasgow, 'Argyll Street' was outwith the early burgh and adjacent to the 'Trongate' (see the plan in Murray, *Early Burgh Organization in Scotland*, i, 52); in Dundee, 'Argyle Gate' (cf. *Dundee Charters*, pp. 21, 23), now the 'Overgate,' was outwith the early burgh and, as the burgh grew, 'Argyle Port' was pushed westwards and changed its name to the 'West Port.'

the time of the building of the castle,¹ or was 'made' shortly thereafter,² and merchants and men were invited by the king to settle there.³

Moreover, although the new *burgh* is something quite different from the old *burgh*, nevertheless the burgh, like the burh, is a strongpoint.⁴ The new burgh, like the new castle, is 'timbered' with its palisade and defended with its earthen dyke; the new burgh, like the new castle is 'made strong.'⁵ Not only must the merchant have protection for his wealth⁶—which lies in movable goods as opposed to immovable feudal wealth in land—but it was also royal policy to build and erect royal burghs as part of the new endeavour to 'colonise' and hold down the

¹ Alexander II speaks of certain land acquired by King William *ad firmandum in ea castellum et burgum de Invernaren* (*Moray*, No. 25).

² Under the year 1197 the Chronicle of Melrose records, 'Factum est novum opidum inter Don et Ar'; and within ten years (1203 × 1206) we find King William granting a charter to the burgh of Ayr 'ad novum castellum meum super Ar' (*Ayr Charters*, No. 1). Somewhat similarly Alexander II records, 'me ad novum castellum meum apud Dunbrian burgum fecisse' (J. Irving, *Dumbartonshire*, ii, 287). The castle of Tarbert was in process of erection in 1325 (*E.R.*, i, 52-58); and in 1327-28 we read of the making of a cocket, or customs-seal, 'ad burgum de Tarbard' (*E.R.*, i, 118).

³ Even in the early fourteenth century we have record of an interesting proclamation in which the king invites Scotsmen to repopulate a certain burgh (presumably destroyed and vacated during the war with England) with the offer that if no suitable burgages are available for the newcomers one hundred shillings shall be provided from the public purse for their construction (*Register of Brieves*, Stair Soc., 56, No. 48.)

⁴ And this is constantly apparent even at a later date. In 1308 Edward II granted to the burgesses of Perth the farm of the burgh, together with the fishings, mill and bridge, for the next two years to be devoted solely 'ad eandem villam et pontem illud inde afforcianandum et assecurandum' (*Rotuli Scotiae*, i, 56a); in 1309 the same king granted to the burgesses of Roxburgh 'muragium in eadem villa de rebus venalibus ad eandem venientibus per annum capiendum pro dicta villa ad majorem securitatem ejusdem et partium adjacentium includenda' (*ibid.*, i, 64a); and for Dundee as a strongpoint in 1311-12, see the letters in *ibid.*, i, 108-109. As late as 1540 James V granted to the burgh of Selkirk, 'near to England, Liddesdale, and other broken parts,' and hence 'often burned, harried and destroyed,' the right of having 'muros, fossas et stagna circa dictum burgum' (*R.M.S.*, iii, No. 2207. For such a later 'licence of fortification,' see W. Mackay Mackenzie, *The Mediaeval Castle in Scotland*, Appendix A).

⁵ So 'ad firmandum in ea castellum et burgum de Invernaren' (*Moray*, No. 25) may be compared with 'firmari feci castella mea in Ros' (*Dunfermline*, No. 54).

⁶ So leave was granted by David I to the canons of Holyrood 'herbergare quoddam burgum' (*L.C.*, No. CLIII), where *herbergare* carries the meaning of a protective enclosure. In a like way each burgh's 'land' within the burgh had to be 'herberyt and byggyd' (*A.P.S.*, i, 338, c. 27). A similar use of the word occurs in Barbour's *Bruce*, xi, 357-359.

outlying parts of the land.¹ There are far too many references to burgh defences² to allow the old fiction to continue that the Scottish burgh 'had no walls' and that Perth was 'the only walled town in Scotland.'³ Moreover, in addition to the 'wall'—or perhaps more correctly in most cases, the earthen dyke and fosse—it seems clear that the 'tails' (*caudæ*) of the tofts,⁴ adjoining each other on either side, were carefully built up and secured, so that, when all were 'steikit' and fast shut, an additional 'back dyke' was thereby gained.⁵ So the burgh was 'herberyt

¹ So the Scottish burgh was the direct descendant of those 'boroughs' which in England were 'timbered' along the line of the Danelaw; the Scottish castle and burgh were similar to the castles and towns which the Germans erected beyond the Elbe in the lands of the Slav (see F. Keutgen, *Untersuchungen über den Ursprung der Deutschen Stadtverfassung*, Leipzig, 1895; and, more generally, F. L. Carsten, *Origins of Prussia*, chapter iv). So the same policy of erecting new burghs to help to hold down the 'difficult parts' is to be found as late as 1597, when parliament ordered three new burghs to be built in Kintyre, Lochaber and Lewis for the 'bettir intertending and continuing [of] civillitie and polecie within the hielandis and Isles' (*A.P.S.*, iv, 139, c. 34).

² King William agreed with the burgesses of Inverness that when he had made a fosse around the burgh the burgesses would erect thereon a good palisade which they would keep in sound repair to enclose *totum burgum* (*A.P.S.*, i, 88). At Berwick, we have references to the burgh's walls and fosse (*E.R.*, i, 212, 398, 410; *R.M.S.*, i, App. i, No. 17; *Bain*, ii, No. 1313) and to the palisade (Ballard and Tait, *British Borough Charters*, 1216-1307, p. 324). At Perth there were walls (*Scone*, No. 80); at Roxburgh there was a wall (*Dryburgh*, No. 146) and a fosse (*Kelso*, ii, No. 415). Later references to the defences of the burghs are common. For Aberdeen, see *Aberdeen Recs.*, i, 37 bis, 83, 87, 88, 93, 106, 123-125; for Edinburgh, see *Edinburgh Charters*, No. xxx; and for Glasgow, see *Glasgow*, ii., No. 481, and *Paisley*, p. 394.

³ Cf. W. Mackay Mackenzie, *The Scottish Burghs*, 39-44.

⁴ Cf. *Aberdeen*, i, p. 319; *Glasgow*, ii, No. 368. Sometimes called the 'neck' (*Arbroath, Vetus*, No. 289). We find the description, 'tam in fronte quam in cauda' (*Brechin*, ii, No. xx). In the chamberlain ayre, recorded in 1400, John Bullok was in amercement 'quia iniuste occupavit caudam unius terre Thome Willelmi' (*infra*, p. 198).

⁵ The defensible nature of the 'backs' is to be clearly seen at Montrose. At Aberdeen, Gordon's description (1660) says that 'every garding hes its posterne' (*Abredoniae utriusque Descriptio*, 9). At Berwick, the tails, or back-lands, ran down to the wall (*Melrose*, ii, App., No. 29); at Inverness, the tails ran down to the fosse (*Inverness Recs.*, i, 231); and a plan of Stirling (c. 1700) shows that there had been a similar arrangement there (*Stirling Recs.*, frontispiece). This undoubtedly led to the 'Backsides,' 'Backstreets,' 'Backriggs' and 'Backdykes' which are clearly defined in the early plans of Lauder, Elgin and Irvine, and which still survive as local names in many burghs. At Banff, the name was 'Heads of Yards.' The road running at the back of the gardens of the burgh of Elgin is referred to in 1363 (*Moray*, No. 240); and a like arrangement is indicated in the early plan of Forres (Chalmers, *Caledonia*, i, 131).

and biggid'; and it was the duty of each burges to see that his own 'back' was kept secure.¹ This maintenance of the surrounding defence² seems to have been part of the duty implied in the early *vigilia et claustrum*,³ a burden apparently inherent proportionately in every burghal toft⁴; and with the burgh thus *clausus*, peaceful entry could be effected only through the 'ports' or 'bows,'⁵ gates which were themselves indicative of a perimeter defence⁶ and of an enclosed and defensible settle-

¹ So, in Aberdeen in 1442, 'al man that has bakyetis [sall] close thaim swa that thair cum na skathe throu thaim to the toune under the payne of acht schillinges, and at thai lok thair foryettis within viij dayes under the sammyn payne' (*Aberdeen MS. Gild Recs.*, p. 660). Similarly in Ayr in 1430, 'Quisquis claudat capud et caudam terre sub pena octo solidorum' (*Ayr MS. Recs.*, fo. 7 *recto*); and again, in 1432, 'that ilka man close with in the plegs [quarters] of the toun his top and his tail wnder the pain of viij s.' (*ibid.*, fo. 18 *recto*). So in Edinburgh, immediately after Flodden, 'ilk person haifand heidyard dykes that thai big up the samyn within xv dayis' (*Edinburgh Recs.*, i, 146); or, in time of plague, that the owners of 'waist landis . . . big up thair heid dykis . . . weil and competently of heicht and thiknes as efferis' so that 'the towne be fermly closit about swa at thair be na entres bot at the ports' (*ibid.*, i, 150, 151).

² In 1291 we have a reference to a small roll of the charters and liberties of Berwick—'et ibi inuenietur quod burgenses tenentur includere villam de Berwyk' (*A.P.S.*, i, 112); and in 1332-33 each of the *feoda* (burgages) in the burgh of Berwick had to contribute to the repair of the wall (*E.R.*, i, 410). In England we find references to a like duty: in 1218, for example, the *probi homines* of Shrewsbury were ordered to apply themselves 'ad firmandum et claudendum villam nostram' (*Calendar of Patent Rolls*, 1216-1225, p. 169).

³ 'Watch and ward' was a burden upon every toft (cf. *L.Q.B.*, c. 81, in *A.P.S.*, i, 349). It was a duty still insisted upon when other burdens were remitted (*St. Andrews*, pp. 187, 204). For the *vigiles villae* of Aberdeen in 1398, cf. *infra*, p. 26.

⁴ In two charters defining this duty it is referred to as '*vigilia infra burgem et claustrum burgi secundum suam possessionem*,' and '*quantum pertinet ad edificia illa et ad terras illas*' (*St. Andrews*, pp. 187, 204). The burgh was Perth.

⁵ There are innumerable early references to burgh gates—e.g. Roxburgh (1150×1152, *L.C.*, No. ccxliii); Perth (1168×1168, *Arbroath, Vetus*, No. 10); Edinburgh (1224, *Newbattle*, No. 122); Elgin (1244, *Moray*, No. 98). With the burgh changing in more settled times and becoming less of an outpost and strongpoint, its walls and gates tended to fall into disrepair. In 1559, for example, certain of Edinburgh's gates were reported to be 'auld and faillyeit' (*Edinburgh Recs.*, iii, 50); and at Peebles, in 1572, the defences were in such a state that punishments were laid down for those entering the burgh by leaping the wall (*Peebles Recs.*, i, 347).

⁶ So, in Edinburgh, all persons must 'cum in and pas furth bot at the commoun ports thair of under the payne of royall punitioun of thair persoun and banesing of this towne' (*Edinburgh Recs.*, i, 153); or again, 'that thair be bot thre portis oppin daylie . . . and ilk port to haif twa porteris daylie . . . and at thir porteris suffer na maner of persoun on hors nor fute

ment.¹ Nevertheless, as the burgh became less and less an outpost held for the king, so, save in exceptional cases,² its defences declined and its 'back-dykes' and 'ports' became merely a protection for its market privileges.

The new burgh, then, was an economic counterpart to the new castle. Both together formed an 'oasis' held for the king in the outlying parts of the land³ to maintain the king's peace and in which the king's peace was maintained.⁴ Thus the burgh was naturally encouraged by successive kings—not only as a defensible settlement but also as a trading centre from which a return in hard cash could be derived. The burgh helped to secure both peace and trade, and, from peaceful trading, a royal revenue.

to enter within this towne without the president or ane of the bailies knaw of thair cuming and gif thame licence . . . and that ane quarter of the towne watche ilk nicht . . . and that all the nychtbouris of the towne be redde boddin for weir in thair best array at a jow of the commoun bell for the defence of the towne' (*ibid.*, i, 157). So, in Aberdeen, when the laird of Balquhain and his supporters strove to make a raid on the burgh, they were held up at the Justice Port and failed to get entry into the town ([J. Robertson], *Book of Bon Accord*, 224).

¹ Thus the 'burgh' is at times distinguished from a 'throughfare town' (cf. *Acts of the Lords of Council in Public Affairs*, 65-66).

² As, for example, the three Edinburgh stone walls (see Ancient Monuments Commission, *The City of Edinburgh*, lxii-lxvi).

³ Similarly in Wales, where it was said of the Normans that they 'buildd their castles for themselves, and townes for their owne soldiours and countryemen which came with them to remayne neere about them as their garde, and to be allwayes ready to keep under such of the countrye inhabitantes as wold offere to rebell . . . and by this meanes all the townes and castles in most part of Wales . . . were first built' (quoted, E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, 12-13). So William of Newburgh (1136-? 1198), writing of affairs in Scotland immediately following the capture of King William in 1174, says, 'Now there was in the same army [of the Scots] a great number of English; for the fortified places and burghs of the Scottish realm are known to be inhabited by English. On the occasion therefore of this opportunity the Scots declared their hatred against them . . . and as many as they fell upon they slew, the rest who could escape fleeing back to the royal castles'; and Benedict of Peterborough (writing c. 1172-1192) records that at the same time the Galwegians 'at once expelled from Galloway all the bailiffs and guards whom the King of Scotland had set over them; and all the English and French whom they could seize they slew; and all the defences and castles which the King of Scotland had established in their land they besieged, captured and destroyed, and slew all whom they took within them' (A. O. Anderson, *Scottish Annals from English Chroniclers*, 256). Certainly the term 'alderman,' and the many 'gates' (streets) in the Scottish burghs, indicate English influence.

⁴ See Habakkuk Bisset, *Rolment of Courtis* (Scot. Text Soc.), iii, 11, note 6.

III

Accordingly the early burgh is usually a king's burgh; its burgesses are the king's men¹; the land of the burgh is the king's land,² and the rent which each burgess pays for his toft³ is the king's rent; the whole revenue of the burgh is the king's; and the burgesses may be called upon to pay *auxilia* to the king.⁴ To support his burgh the king may later grant to it a trading monopoly⁵ over the whole area of the sheriffdom governed from the castle

¹ David I speaks of *mei proprii burgenses* (*L.C.*, No. CLIII); the burgesses of Aberdeen and of Perth are the king's *burgenses* (*A.P.S.*, i, 87, 86); the king speaks of *burgenses nostri* of Peebles (*A.P.S.*, i, 100), and *burgenses mei* of Ayr (*R.M.S.*, i, No. 262). But the status of the early king's burgess is not easily defined. David I 'in elemosinam tribuit' Mainardus Flandrensis, his 'proprius burgensis in Berrewyk,' to the bishop of St. Andrews to be *praefectus* of the bishop's newly created burgh there (*L.C.*, No. CLXIX) —though this may mean no more than that the bishop was freely given the services of Mainardus.

² So Renfrew was built by David I *in fundo proprio* (*Glasgow*, i, No. 66); and the burgesses of Perth (*A.P.S.*, i, 86), Aberdeen (*A.P.S.*, i, 87) and Ayr (*R.M.S.*, i, App. i, No. 64) are *dominici burgenses*. So, in the reign of Malcolm IV, two tofts in Inverkeithing are *in terra mea* (*Dunfermline*, No. 46).

³ The *toft* is at first the plot of land, and the *tenement* is the building erected thereon, though both words tend to be used synonymously in that the tenement is sometimes regarded as the 'holding' of the toft. Sometimes the toft is differentiated from the house or the building—'cum tofta in burgo et domibus in ea edificatis' (*St. Andrews*, pp. 132, 134). Sometimes, and indicative of trade, the toft is held with its booth—'una tofta in perht cum botha' (*ibid.*, p. 54). The living-room above the booth (the *solar*) appears early in the thirteenth century—'duæ bothæ . . . cum solarium superposito' (*Scone*, No. 86). In 1362 we have a description of the *forestair* giving access to the *solar*—'una cum uno gradu lapideo de latitudine quatuor pedum construendo in via nostra communi in fronte dicti tenementi sui per quem ad solarium dicti tenementi sui introitus haberi valeat et egressus sine quacunque calumpnia inde facienda' (*R.M.S.*, i, No. 146).

⁴ See *infra*, p. xlvi, and note 3. A puzzling document, edited by Professor G. O. Sayles (*S.H.R.*, xxxi, 137-139), shows that the king's burghs at the beginning of the thirteenth century were regarded as part of the royal demesne and could be called upon to pay tallage.

⁵ See, in general, A. Ballard, 'The Theory of the Scottish Burgh' in *S.H.R.*, xiii, 16-29. That trade was confined to the burghs even in the reign of David I, but that exceptions might be made, is to be seen in David's charter to the monks [of May] giving them 'libertatem vendendi piscem in portu suo sicut in burgo. Quare praecipio super meum forisfactum ne calumpnientur de mercimoniis comparatis plusquam de empticio in meo dominico burgo' (cf. *L.C.*, No. CLXVI. The italics are mine).

by which the burgh stands¹; and such a monopoly, it is to be noted, is equally advantageous to the king—trade, and the ingathering of the new money-revenue derived therefrom, is concentrated in certain centres, and supervision to ensure that the king's returns do not suffer through fraud or maladministration, and that the revenue does reach the royal exchequer, is rendered more easy. The burgh is the centre for the royal receipts from trade, and it is the chamberlain, the king's financial officer, who exercises royal supervision through his ayre.²

But if the new burgh is to grow and attract a population, inducements are necessary. Partly there is already the attraction of the protection afforded by the neighbouring castle and the enjoyment of the king's peace.³ Partly, too, there is the inducement of a 'period of grace' for the newcomer: he is allowed *kirset*—a period of 'peaceful

¹ This, and the limitations upon the trading of others, are later defined in charters which are apparently first given by King William (see *infra*, pp. xciv-xcvii) and which survive for, among others, the burghs of Perth, Inverness, Aberdeen, Stirling and Lanark. Fife was *not* a true sheriffdom, and Inverkeithing's 'precinct' was defined as being between the waters of the Leven and the Devon (Ballard and Tait, *British Borough Charters*, 1216-1307, p. 241). Haddington's 'precinct' is referred to in a confirmation by Robert I (*R.M.S.*, i, App. 1, No. 46).

David II, in a 'general charter' to the burghs in 1364, forbade any bishop, prior, or other churchman, any earl, baron, or other layman, to buy or sell merchandise, under any pretext, save only from [or to] the merchants of the burghs *within whose liberties they lived* (*Recs. Convention of Royal Burghs*, i, 538-541). Parliament, in 1504, enacted that 'na personis duelland utouth burrowis use ony merchandice . . . and that nane pak nor pele . . . utouth the kingis burrowis' (*A.P.S.*, ii, 252, c. 29). When further royal burghs were erected within the same sheriffdom they were given their own smaller precincts, though disputes and difficulties with the 'head burgh' frequently arose (cf. the case of Ayr and Irvine, and the definition of Irvine's precinct, in *R.M.S.*, i, No. 398). Later, there arose difficulties through 'unfree trading' and the multiplication of markets and fairs; but the monopoly of trade within the 'precinct' of the burgh, although it had long disappeared under more modern conditions of trade, was not abolished until 1846 (see W. Mackay Mackenzie, *The Scottish Burghs*, 89-95).

² See the detailed description of the chamberlain's ayre, which secured central control over all the king's burghs, in *S.H.R.* xxxiii, 27-36.

³ Since the king's peace is granted to those going to the burgh, staying there, or returning thence, and since the early *via regia* runs from burgh to burgh, there is later a transference of the peace from those who use the road to the road itself. The road is placed under the king's peace; there is the peace of the 'king's highway'; the king will thereby protect those who pass to and fro upon their lawful occasions (see Alexander III's charter to Lanark, in *Lanark Recs.*, 308-309).

sitting'¹ within which to build his tenement and, as a natural corollary, the term within which he pays no burgh rent.² In the so-called 'Laws of the Four Burghs' this period of grace is given as one year³; but, according to special circumstances, a longer period might be granted. In Dumbarton, those willing to come and inhabit the burgh, and be resident there, were given *kersetum* for five years,⁴; and in 1226, in Dingwall, doubtless unattractive owing to its remote situation and dangerous neighbourhood, ten years were given.⁵ Similarly, although the term *kirset* is not used, we find that in the *prima fundacio* of Beaumaris in North Wales, by Edward I in 1295, all those who settled there as burgesses—in an undoubtedly dangerous part—were to live free of rent for the next ten years.⁶

Yet something more than this would be required. If the burgh—the 'colony'—was to attract 'new men,' not merely men of foreign origin, English, Normans, Flemings and Anglo-Danes,⁷ but also men who had broken away

¹ It would be interesting to know how and why the term *kirset* (from the Old Norse *kyrrseta* or *kyrrsæti*) came to be used. Is it a survival from an earlier period, of which we have no record, when 'burhs' were erected in Scotland against the Norse invaders as in England they were erected against the Danes?

² So, in Ireland, at Leek, it is specifically stated that the burgess is to be *rent free* for the first three years (Ballard, *British Borough Charters*, p. 50). But for the necessity of holding a tenement, see *infra*, pp. lix-lxi.

³ *A.P.S.*, i, 338, c. 27.

⁴ J. Irving, *Dumbartonshire*, ii, 287.

⁵ *R.M.S.*, ii, No. 2387. At the other end of the scale, at Preston in England, the burgess had to build up his burgage within forty days, and if he failed to do so, was in an amercement of twelve pennies (*English Historical Review*, xv, 496).

⁶ E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, 97. The actual building of the tenement was part of the defensible character of the burgh (*supra*, pp. xxix-xxx), but the tenement was also a gage for its holder's good neighbourhood (cf. *infra*, pp. lix-lxi).

⁷ Cf. the 'Scots, French, Flemings and English' in the burgh of St. Andrews in the time of Malcolm IV (*St. Andrews*, pp. 132, 194), and William of Newburgh's statement quoted *supra*, p. xxxi, note 3. See also, W. Mackay Mackenzie, *The Scottish Burghs*, 36-37, 48. Most of the names of the burgesses in the 'Ragman Rolls' are foreign in character. The editor of the first volume of the *Exchequer Rolls* pointed out that Flemings occur prominently in the burgh accounts rendered at exchequer (*E.R.*, i, Intro., lxxx-lxxxii, and references there cited); David, Earl of Huntingdon, addressed a charter of the lands of Lesley, in Garioch, 'Francis et Anglis Flamingis et Scotis' (*Collections for a History of the Shires of Aberdeen and Banff*, Spalding Club, 546); and David II, in 1357, granted other lands in Garioch to be held 'una cum lege Fleminga que dicitur

from the ties of family, lord and land,¹ there had perforce to be legal protection for them. Out of this undoubtedly arose the well-known protection for all those who had resided unchallenged within the burgh for 'a year and a day.'² Moreover, the 'business' of those dwelling within the burgh entailed transactions (including, for example, sale and delivery of goods, settlement and proof of settlement, agreements and contracts) which required new and different laws and procedures—not only to attract the trader,³ but also to govern his new activities and to protect him therein.

The traders who settled in the new burghs had to be 'free'—free from feudal lordship, free from feudal exactions, free in their persons⁴ and possessions, and free in their transactions. So rights and privileges were conferred

Fleming lauch' (*ibid.*, 548; *R.M.S.*, i, App. i, No. 128). The personal names in our present record would well repay study, quite apart from such interesting bynames as 'John out with the Sword' (*infra*, p. 228) and 'John pack by the fire' (*infra*, p. 223).

¹ See, in general, Pirenne, *Les Villes et les Institutions Urbaines* (Bruxelles, 1939). So the early burgh charters speak of those who dwell in the burgh *cujuscunque homines sint* (e.g. Perth and Aberdeen, in *A.P.S.*, i, 86, 87); so the early law giving protection to those who have dwelt in the burgh, unchallenged, for a year and a day speaks of the men of barons and of knights (see the immediately following note).

² Cf. *A.P.S.*, i, 335, c. 15, where the 'law' speaks of the men of barons and of knights (and see *infra*, p. xciii). See also the examples in Bateson, *Borough Customs* (Selden Soc.), ii, 88-89.

³ 'A year and a day' meant a year and a *law day* (see F. W. Maitland, *Collected Papers*, ii, 61-80)—that is, the period covered by 'four head courts,' a period which was defined for the recovery of a burghal tenement (see *infra*, p. cxx). See also the examples of insistence upon such a period, in Bateson, *op. cit.*, i, 129, 143-147, 193-194, 270-277, 299-311; and *infra*, p. lxxxvi, note 3.

⁴ This was recognised from the earliest times (see P. Huvelin, *Essai historique sur le droit des Marchés et des Foires*, Paris, 1897, pp. 383 *et seq.*, and authorities there cited). The travelling merchant, for example, could not await the usual legal *induciae* of forty days: he required a more expeditious procedure (cf. *infra*, p. cxi, note 3). The travelling merchant was a stranger, and would find it difficult to secure pledges or compurgators: there had to be a greater dependence upon witnesses to the transaction. The travelling merchant had to be reasonably aware of the laws to which he would be subject and which would govern his activities: so there grew up a kind of international mercantile law as well as a general 'burgh law' (see *infra*, p. xxxvi, note 1).

⁵ A chapter in the so-called *Assise Regis Willelmi* speaks of the merchant as a free man; his son is also a free man, though he may lose his freedom upon the death of his father unless at that time he also is a merchant (*A.P.S.*, i, 380, c. 28).

upon the burgesses of the burghs which cut clean across, or were alien to, the feudal law of the land. So there arose the 'laws' (or perhaps more correctly, the 'customs') of the burghs which were different from the 'laws of the land.'¹

Because of this, the burgh can be 'erected' only by the king, or by leave (*licencia*) of the king.² The settlement,

¹ 'Ce qui constitue la ville du Moyen Age, au sens juridique du mot . . . c'est l'acquisition d'un droit municipal distinct de celui du plat pays' (Pirenne, *Les Villes et les Institutions Urbaines*, i, 16).

The contrast between the two 'laws' appears to be made in *Glasgow*, i, No. 43. In the 1292 inventory of the national records there is an entry relating to two rolls 'de legibus et assisis regni Scocie et de legibus et consuetudinibus burgorum Scocie' (*A.P.S.*, i, 114 *in fin.*). So an entry in the Colvil MS. runs, 'Heyr endis the lawys of Scotland to landwart utouth the burgh, maid and stablyst' by kings David, William and Alexander (*A.P.S.*, i, 199).

So a burgh charter grants to the burgesses '*omnes leges et rectas consuetudines quas alii burgenses mei in aliis burgis meis de Scotia habitantes habent*' (*A.P.S.*, i, 89); so we read '*secundum legem et consuetudinem burgorum*,' or '*secundum quod lex burgorum exigit et requirit*' (Paisley, pp. 382, 386), or in the present record, in 1317, '*secundum leges burgorum Scocie*' (*infra*, p. 5).

In Scotland, where the burgh was comparatively late, the burgh laws and customs were borrowed to a large extent from those already established elsewhere. Partly, trading contacts provided knowledge of the laws and customs of other burghs; partly, too, trading contacts necessitated some uniformity in those laws and customs (a necessity later met by such wider 'codes' as those of Oleron or Wisby). In the Scottish 'Laws of the Four Burghs' there are chapters which are to be found in the 'customs' of Newcastle and Winchester; there are other chapters which closely resemble 'customs' of Nottingham and Northampton; and in one of the so-called *Fragmenta Collecta* King William gave to the burgesses of Scotland certain privileges of the laws of Winchester (*A.P.S.*, i, 720, c. 8). These wide similarities in burgh laws and customs are revealed and analysed in Miss Bateson's two volumes of *Borough Customs* (Selden Society). Moreover, in Scotland we have direct evidence of the burghs endeavouring to secure and maintain uniformity in their customs, and in the interpretation of 'burgh law,' by means of correspondence with one another—cf. the correspondence between the burghs of Perth, Lanark, Edinburgh, Aberdeen and Newcastle (in *A.P.S.*, i, 722-724), and the answer by Edinburgh, in 1469, to a problem put before it (and also before Dundee and Perth) by its 'well beloved neighbours of Aberdeen' (in *Edinburgh Recs.*, i, 24; *Aberdeen Recs.*, i, 26-29). There is also evidence of this in England and on the Continent.

Because of this necessity for uniformity, the Court of the Four Burghs was set up to define and declare 'the law of the burghs' (see *infra*, pp. cxlii-cxlv).

² Such leave, for example, was granted by David I to the canons of Holyrood and to the bishop of St. Andrews (*L.C.*, Nos. CLIII, CLXIX), and by William to the Bishop of Glasgow (*Glasgow*, i, No. 40). Moreover, just as the king's castle secured peace in the outlying parts by its strength, so the religious foundation helped to secure peace by its spiritual influence. We should remember, too, that many of the causes which led to the rise of a burgh beside a castle (cf. the illuminating account of the rise of Bruges

or the new site to which new men are to be attracted, becomes a 'burgh' only by a definite legal 'act' of the king conferring that status upon it¹—probably at first

given by the fourteenth-century Jean le Long, cited in Petit-Dutaillis, *Studies Supplementary to Stubbs' Constitutional History*, i, 77, note) likewise led to the rise of a burgh beside a monastery or episcopal seat. The religious foundation would encourage a cluster of merchants partly by peace and stability, and partly by the traffic of worshippers, pilgrims and visitors of high and low estate; while the religious foundation, in turn, would be interested in a market-centre for its lands. The development, both ways, is to be seen at work in William's grant to Kelso, whereby the men in the adjoining settlement were granted leave to buy fuel, timber and corn from visiting merchants on any day except that of the market at Roxburgh, and to sell bread, ale and flesh at their windows (*Kelso*, i, No. 13; ii, No. 387). So the burghs of the Canongate, St. Andrews, Glasgow, Arbroath, Newburgh (Lindores) and others take their place, but a different place, with Edinburgh, Stirling, Berwick, Roxburgh and others of the king's burghs. The former are 'abbatial' or 'episcopal' burghs; their superior is the monastery or the cathedral chapter, and not the king.

Soon, in a like way, the king may erect the *villa* of a lay lord into a burgh; and later we hear of the 'burgh of barony' and the 'burgh of regality' (but see *S.H.R.*, xxviii, 157-160). See also, *infra*, p. xlii, note 3.

But the 'burgh' is always clearly distinct from any already existing *villa*. So 'Dunfermline *citra aquam*' is distinguished from the 'burgh of Dunfermline' (*Dunfermline*, No. 1). There had to be a clear distinction between those who enjoyed the privileges of a burgh and those who did not. Similarly, in Flanders, at Arras, Ghent, Bruges, Ypres and St. Omer, a distinction was made between the old *civitas* or *castrum* and the *novus burgus* built adjacent thereto; and at Ghent, even in the middle of the thirteenth century, those living in the *portus Gandensis* were called 'burgesses' while those living in other parts of Ghent were not (*Des Marez, Étude sur la propriété foncière dans les villes du moyen âge et spécialement en Flandre*, Gand, 1898, pp. 9 et seq., 87 et seq., 185-186).

So we may find burghs in juxtaposition—Aberdeen and Old Aberdeen (though Old Aberdeen was the later episcopal burgh); Edinburgh and the Canongate—just as Selkirk Regis was distinguished from Selkirk Abbatis (*Kelso*, ii, pp. 460, 462), though then neither was a burgh. But there would appear to be no Scottish parallel to Hereford, in England, where there was a French borough and an English borough (*English Hist. Rev.*, xv, 305, 307), or to Caen, in France, where there were three boroughs in the one centre, each with its own separate administration and its own court (*H. Legras, Le Bourgage de Caen*, Paris, 1911, pp. 28-31 and frontispiece map).

Finally, it is to be noted that in France, according to Beaumanoir, no one could at first erect 'vile de commune . . . sans l'assentement du Roi' (*Coutumes de Beauvaisis*, ed. Salmon, ii, 266, No. 1517), but in England, on the other hand, a vill with a market could apparently be erected into a borough, in the sense of receiving a charter of privileges from a lord, without the king's leave being necessarily sought and obtained (Ballard and Tait, *British Borough Charters, 1216-1307*, Intro., lxvi).

¹ Thus Arbroath is given leave *habendi burgum* (*Arbroath, Vetus*, No. 100). Similarly Glasgow (*Glasgow*, i, No. 40).

The contrast between the legal *burgus* and the physical settlement itself, the *villa*, is possibly suggested in such phrases as *burgus ville predictæ* (*Melrose*, ii, No. 372). Again, in 1379, when the bailies of the *burgus* of Inverkeithing rendered account at exchequer they were allowed a remission

by oral grant, later by a charter of confirmation.¹ 'The burgh is made; it does not grow.'

Looking at these rights and privileges (these 'customs') of the king's burghs, we find that the burgess holds his land as freely as he holds his goods, with freedom to alienate or to bequeath subject only to certain limitations² which may be imposed mainly to protect his family and

of eight merks 'propter consideracionem combustionis magne partis ville sue' (*E.R.*, ii, 593), and a similar contrast between *burgus* and *villa* was made in the case of Aberdeen in 1336 (*E.R.*, i, 526). In the present record, disturbances are always cited as *perturbacio ville* (cf. *infra*, pp. 48, 51, 53, 55, *et al.*), and exactly the same phrase is used in the Ayr burgh records.

To expect such a clear-cut concept in mediaeval times is to expect too much; but although *villa* is sometimes used when *burgus* would be more correct (cf. *Glasgow*, i, No. 135), we never find *burgus* where there was only a *villa*. Probably we should bear in mind that men are always quicker to accept new concepts than to accept new terms. The thing may change, but the old word will still be used.

¹ Cf. W. Mackay Mackenzie, *The Scottish Burghs*, 16-17. The wording of the charters is always to a burgh *already erected*. Even the doubtful charter of David I to Montrose is addressed to his *burgesses*, granting them four and a half carucates of land (an extraordinarily large extent of land—cf. *infra*, p. xlv) to be held by them 'in libero burgo cum omnibus rectitudinibus et libertatibus ad liberum burgum pertinentibus . . . sicut bona villa mea de perth de me tenetur et cum omnibus rectitudinibus empicionis et vendicionis . . . pertinentibus ad opus et officium burgensium et mercatorum.' [This charter to Montrose survives in a charter of confirmation by David II, in 1352, of which only a transcript is now extant (H.M. Register House, Miscellaneous Transcripts of Charters), and in a similar charter of confirmation by Robert II (original, *penes* Town Clerk, Montrose; photostat in H.M. Register House). It is 'doubtful' because the witnesses cannot all be reconciled with the reign of David I, and also because of its style and contents—for example, it grants a 'trade precinct' to Montrose when our earliest other trade precincts date from the reign of King William.]

In the case of all burgh charters we should always bear in mind that most of the rights, liberties and privileges of a burgh were so well known and understood as to require no definition in the charter; and thus we should be careful before laying stress on the absence of this or that right or privilege.

² It is to be noted that religious houses often placed particular limitations upon the holders of burgh 'lands' which were in their hands. Thus, for example, when Arbroath granted one of its 'lands' in Crail in 1288 to Johannes Capellanus, he could hold it himself or assign it to another, but he was excluded from assigning it to other 'men of religion' (the members of Arbroath excepted); further, if he wished to sell it or to pledge it, he had first to offer it to Arbroath, nor could he sell it without leave of Arbroath (*Arbroath, Vetus*, No. 313. Cf. also *ibid.*, Nos. 269, 270). When Lindores granted a toft in Dundee to Laurence of Mowat, he was not to assign it to any 'secularibus personis nobis dicioribus vel potencioribus, nec eciam alicui domui religiose sive viris religiosis'; nor could he, his assigns or his heirs, sell or alienate the toft 'nisi de nostra processerit licencia et voluntate' (*Lindores*, No. LXXXIX). Possibly such limitations were an extension, by the church, of the limitation imposed by the *retrait lignager* which is referred to in the immediately following note.

his kin.¹ The only 'burden' upon his land is the payment of his annual rent. A year-and-a-day's possession of a toft and tenement without challenge gives him full right thereto.² He can divide his holding. He is free in his person; he may come and go as he wills.³ He can marry, and give his children in marriage, without seeking the leave of any lord or paying any feudal render. His heir pays no feudal relief; if he dies leaving his children minors, wardship is governed by the burgh custom and not by feudal law. The oath which he takes upon his admission as a burghess is one to be 'leel and feel' to the king and to the community of the burgh,⁴ and it is the 'community' which admits, or refuses to admit, new members to its number.⁵ Above all, he enjoys, and can claim, the juris-

¹ Notably the limitation on the alienation of 'heirship goods' (*L.Q.B.*, c. 116, in *A.P.S.*, i, 356), and the limitation on the alienation of the 'land' imposed by the *retrait lignager*, of which there is an admirable example in this record in 1317 (*infra*, pp. 3-7), which has been edited by P. Chalmers in a valuable note, 'Remarks on the Law of the Burghs concerning Delivery of Lands within Burgh' (*Spalding Club Miscellany*, v, Appendix to Preface, 49-55). See also the examples in *Glasgow*, i, No. 236; *Paisley*, p. 382) and the references to limitation on alienation, *infra*, pp. 61, 154, 215. The *retrait lignager* in Scotland has also been fully discussed by David Baird Smith (in *S.H.R.*, xxi, 193-206). It is to be noted that in Scotland the *retrait lignager* applied only to heritage; it did not apply to 'lands' acquired by 'conquest' (*L.Q.B.*, cc. 21, 42, in *A.P.S.*, i, 336, 340). Moreover, in the event of poverty, a burghage hereditament could not be alienated to a stranger if the heirs would take it in wadset or feu (*L.Q.B.*, c. 114, in *A.P.S.*, i, 355). If the heir were a minor, he could reclaim any alienation when he came of age; if the heir were abroad, he could reclaim when he returned.

² See the invocation of this privilege, *infra*, p. 38; see also, *Paisley*, p. 385-386; and see *supra*, p. xxxv, note 2, and *infra*, p. lxxxvi, note 3.

³ So when David I confirmed a toft in Perth to Baldwin, his *clients*, he granted that 'cum Baldwinus voluerit a villa recedere quatinus ei liceat possit domum suam et suum toftum in burgagium vendere' (*St. Andrews*, p. 204). I have found no instance in Scotland of a burghess paying 'issue' upon leaving the burgh (cf. Pirenne, *Les Villes et les Institutions Urbaines*, i, 83, note; *Belgian Democracy*, 52-53).

⁴ Cf. *infra*, p. liii and note 1. Nevertheless we must always remember that the oft-cited freedom enjoyed by the burghess ('Lorris est terre de liberté'; 'Stadtluft macht frei') was freedom subject to the customs of the community. In addition, the burghess was thirled to the burgh mill; he had to contribute to local stents for local needs in addition to contributing to national taxations; he had to take his part in watch and ward; and he was subject to all burdens imposed by the community upon the community.

⁵ This is constantly stressed in all extant burgh records; and cf. *Iter Camerarii*, cc. 4, 28 (*A.P.S.*, i, 695, 702). But see also, *infra*, pp. lii, note 5, and civ.

diction of his own court which has special procedures and a particular law to meet his own special needs, and which has certain fixed monetary penalties,¹ to which he knows he is subject, and which are vastly different from the arbitrary justice of the feudal lord, Small wonder the burgh was denounced by the feudalists. 'Commune!' cries Guibert de Nogent, 'Nom nouveau, nom détestable! Par elle les censitaires sont affranchis de tout servage moyennant une simple redevance annuelle; par elle ils ne sont condamnés, pour l'infraction aux lois, qu'à une amende légalement déterminée; par elle ils cessent d'être soumis aux autres charges pécuniaires dont les serfs sont accablés.'²

This court, moreover, is of the very essence of the burgh. The burgh, created by 'act' of the king, is embodied in its court; and the 'head court' of the burgh, the assembly of all the burgesses, declares the burgh's 'customs' which are agreed by all and to which all are subject. Not without significance the term 'burgenses de curia' occurs three times in the 'Laws of Breteuil'³ which served as a model for the 'laws' of many other burghs. So, just as the court of the baron bound together the lands of the barony, or the court of the sheriff bound together the lands of the sheriffdom, in a like way the court of the burgh bound together the burgesses, the men of the 'lands' of the burgh.⁴ The court gave to the burgh a unity.⁵ In the possession of its court, with its own special laws and procedures, lay a main distinction between the 'burgh' and the 'vill' or 'town.'

¹ Note the constant occurrence, in all burgh records, of the penalty of eight shillings, in conformity with the maximum of eight shillings—*sed raro plene capitur*—laid down in *L.Q.B.*, c. 39 (*A.P.S.*, i, 340). See also, *L.Q.B.*, cc. 60, 63, 65, 66, 67, 69, 72, and particularly the vernacular version of c. 68. King William granted to his burgesses of Inverness that they were to have only 'half the forfeiture' of other burghs (*A.P.S.*, i, 89). And see *infra*, p. cxxvii, note 2.

² *De Vita Sua*, III, vii, cited, in translation, by Achille Luchaire, *Les Communes Françaises* (Paris, 1890), 14.

³ *English Historical Review*, xv, 497, 498.

⁴ So we find such phrases as, 'Teste tota curia burgensium' (*St. Andrews*, pp. 284-285), or 'In curia burgensium' (*Scone*, No. 95). These references may be dated, respectively, 1226 × 1258, and 1245.

⁵ Cf. 'The Administration of Justice in Mediaeval Scotland' in *Aberdeen University Review* xxxiv, 338 *et seq.*

IV

The 'burgh,' then, has been built,¹ and has been 'duly constituted.'² It is a 'built-up area,'³ an enclosed area, clearly defined, and those who reside therein (those *manentes*) enjoy a royal protection and royal privileges, live under their own special laws (or, more correctly, customs), and are answerable to their own court. Men have been attracted there by the offer of a building-plot (often with an additional holding of arable land outwith the burgh⁴; always with rights on the burgh's 'common lands') and by the privileges that go therewith. Not unnaturally, the burgh grows and expands beyond its original enclosure,⁵ and, later, we find that the area within the jurisdiction of the burgh is called its 'royalty.'

¹ The words *burgum fecisse* are used for Ayr, Dumbarton, Dingwall and Arbroath (abbatial burgh). Renfrew was *construixisse* (*Glasgow*, i, No. 66). At Glasgow (episcopal burgh) we have references to the toft which Ranulfus of Haddington built in *prima edificatione burgi* (*Melrose*, i, Nos. 43-45).

² *Fundari fecimus* is used for Dumbarton (*Glasgow*, i, No. 183). At St. Andrews, the burgh (episcopal) was *statuissse*, but also Mainardus was among the first 'burgum supradictum edificare et instaurare' (*L.C.*, No. CLXIX).

³ The 'land' must be built upon within a stated period (cf. *supra*, pp. xxxiii-xxxiv, and *infra*, pp. lix-lxi) otherwise the holding of the land will lapse; land in a burgh is given or granted *ad habitandum et ad edificandum* (cf. *Paisley*, p. 18); and in an agreement made in 1304 between the abbey of Coupar Angus and a tenant of its 'land' in Montrose we read that if the holder of the land, or his heirs, 'domos in dicta terra construendas in bono statu tenere non poterunt' the abbey may re-enter into possession of the land (*Coupar Angus*, No. LXXV). As late as 1559-60 Bellenden and McGill speak of the burgh as containing lands given by the king 'aux habitans . . . pour illec faire bastir maisons' (*Discours Particulier d'Écosse*, Bannatyne Club, 9).

So, in all burgh sasines a 'land' is defined by the street and by the tofts on either side; and only in the burghs do we meet 'liners,' who determine the boundaries of the tofts and ensure that there is no encroachment (see *L.Q.B.*, c. 105, in *A.P.S.*, i, 353). Lining at first proceeded on a brieve from the king. An instance of this can be seen in *Peebles Recs.*, i, 176-177; and the brieve is given in *Quoniam Attachiamenta*, c. 60 (*A.P.S.*, i, 658). For examples of the liners at work, see *Peebles Recs.*, i, 176-177, 181; *Edinburgh Recs.*, i, 126.

⁴ Cf. *infra*, p. xliii, note 2.

⁵ That the 'burgh' of Berwick, for example, was a very clearly defined area, probably within its own palisade, and that then the burgh expanded beyond that original area, is indicated by a charter of the thirteenth century in which the king confirmed to the abbey of Melrose all its holdings 'infra burgum de Berwic et extra,' all of which, however, were

With the possible early exceptions of Edinburgh, Roxburgh, Stirling, Inverness and Perth, the burgh was built outwith the works of the adjacent castle,¹ and there is clear evidence that in Scotland, as on the Continent (and, at a later date, as in Wales under Edward I), the burgh, when built, was laid out according to a plan²—much as a ‘new town’³ is laid out to-day. So, to take the example of Berwick, we are told by an inquest of 1292 that, when the burgh was founded, an additional plot of forty acres,

nevertheless ‘in confinio dicti burgi’ (*Metrose*, ii, No. 636). At Perth, certain burgesses living *extra burgum* were still to have ‘communione in burgo meo de pert cum burgensibus meis vendendi et emendi et alias rectitudines habendi’ (*Arbroath, Vetus*, Nos. 10, 107). At Roxburgh, as early as 1150×1152, we find ‘illud toftum . . . in burgagio extra murum de Rogesburgh’ (*L.C.*, No. CCXLI—*Dryburgh*, No. 146).

¹ In Dumfries we read of the road ‘que ducit de villa de Dunfres versus castrum’ (*Kelso*, ii, No. 332); and in the episcopal burgh of St. Andrews we read in 1160×1162 of the ‘via qua itur a burgo ad ecclesiam’ (*St. Andrews*, p. 127). In the building accounts of Tarbert castle (1325-26) we find a payment for making a road ‘ab uno Tarbart usque ad alium’—i.e. a road between the castle and the ‘vill’ which, within two years, was to become a burgh (*E.R.*, i, 54). The early plans of the burghs indicate the separateness of the castle. See also *supra*, p. xviii, note 3. It is important to remember, however, that the castle was outwith the burgh in more than the physical sense: it was *extra libertatem burgi* (cf. *supra*, p. xxi).

² On the Continent the ‘layers out’ of the new burghs who assigned the marked-out sites of the separate tofts (in Scotland, ‘lands’) were known as *locatores*. There is an admirable description of the laying out of a new burgh [a *bastide*] in France in Flach, *Origines de l’ancienne France* (1893), ii, 168 note.

³ So a newly constructed burgh may be called a *novus burgus*. Just as, in France, the monasteries founded privileged *sawetés* to attract a population to till hitherto waste land and to establish a market in victuals, so Alexander III in 1266 granted to the monastery of Lindores that they should have their *villa*, called *novus burgus*, as a *liber burgus* with a market there and with the liberties of a burgh and market (*Chartularies of Balmerino and Lindores*, Abbotsford Club, p. 8). Thus arose Newburgh in Fife. The *novus burgus*, like the king’s burgh, attracted settlers by the offer of privileges. Again, in a like way the lay lord in France might found a *bastide*: a settlement of houses, built on measured plots, with laid-out streets, and usually surrounded by a ditch and earthen dyke (see the plans of typical *bastides* in Cecil Stewart, *A Prospect of Cities*, 82-84). The settlers there had rights of common, a market, and a governing body of elected *jurés*. The *bastide*, though a defensible settlement, was economic in character, not military: it was intended to attract a rural population by grants of personal freedom and special privileges. And something similar in Scotland can be seen in the *novus burgus* founded in the thirteenth century by Alexander Comyn, earl of Buchan, which had a gate (and therefore, presumably, a defensive wall or dyke), burghal roods and common pasture (*Aberdeen*, ii, 276-277; *Collections for a History of the Shires of Aberdeen and Banff*, 371-372; *Antiquities of the Shires of Aberdeen and Banff*, iii, 96 et seq.). Thus arose Newburgh in Aberdeenshire.

between the burgh and the fosse, was also given to the burgesses to build there, if any wished to do so, *and that there were streets arranged in the said ground to that end.*¹

It would, nevertheless, be wrong to think of the burgh as a 'built-up area' in the sense in which we use that term to-day. Not only were there 'common,' 'arable' and 'pasture' outwith the burgh, held and enjoyed by the burgesses,² but even within the burgh itself there was

¹ *Bain*, ii, No. 1813 (the italics are mine). The old town plans of Elgin, Forres, Inverness and Perth are all eloquent of early 'town-planning.'

² For, with primitive transport, any collection of people in one place had to be largely self-supporting. So the burgess was a farmer as well as a trader. So 'heirship goods' included a plough, a wain and a cart, and ground already sown with seed was reserved (*L.Q.B.*, c. 116, in *A.P.S.*, i, 356).

Alexander II gave to the burgesses of Inverness the lands of Markynch to cultivate and to help them with the payment of their fermes (Ballard and Tait, *British Borough Charters*, 1216-1317, p. 333). At Ayr, each original toft had six acres of land outwith the burgh (*R.M.S.*, i, No. 262). In Ireland, at Drogheda, each burgage carried with it three acres in the common fields (Ballard, *British Borough Charters*, 51). David II's charter to Dundee gave the burgesses a right to cultivate in fields, muirs and mosses (*Dundee Charters*, facsimile). In the reign of William, when Walter, son of Alan, granted to the abbey of Melrose a toft in Berwick, the toft carried with it twenty acres of land *in campo de Berwic* (*Melrose*, i, No. 19). In Aberdeen, these 'burgh acres' appear to have been called *territorium croftorum burgi* (*Aberdeen*, i, 398; ii, 283, 294-295), and P. J. Anderson drew a map showing their conjectural locations (*Aberdeen Charters*, end). These lands outwith the burgh, when arable, were apparently held in run-rig as early as the reign of David I (cf. *Kelso*, ii, No. 381), and run-rig divisions are clearly shown in the early plan of Forres (Chalmers, *Caledonia*, i, 181). Called *terrae campestris rudae burgales* (cf. *Brechin*, i, p. 93), they could sometimes be alienated, or otherwise disposed, separately from the tofts to which they pertained. For the exceptional survival of the 'burgess acres' of Lauder, and rights in the common, see *British Parliamentary Papers*, 1870, vol. lv, 'Return of all Boroughs . . . possessing Common,' pp. 40-42. In the case of 'common' or 'pasture,' naturally the rights were enjoyed by all the burgesses in common. There are, for example, frequent references to the 'common herd'; the 'common ox-herd' appears in the present record in 1399 (*infra*, pp. 91-92); in Ayr, in 1433, he was 'chosyn . . . with hail consent and assent of the communis,' and, in the following year, it was agreed that he should be paid fivepence for each 'sowme' (*Ayr MS. Recs.*, ff. 18 verso, 22 recto)—and here the only limitation would be upon the number of sheep and cattle that each burgess was allowed to graze, i.e. 'to sowme on the burgh muir' (cf. *Lanark Recs.*, 1). See also the entry relating to Rubislaw (*infra*, p. 167). Similarly, and with similar restrictions, peat-cutting, the gathering of dead wood (*focale*), the pannage of pigs, and so forth were enjoyed in common; and because Aberdeen held the Forest of Stocket, the burgh regularly appointed its foresters (*infra*, pp. 46, 92, 129-130). Because of all this, we find such terms as *terra burgalis*, *terra campestris* and *terra communis*.

But while the needs of the burgh, from the very first, probably gave the neighbouring countryside a market for some of its surplus of victual, so that both the burgh and the countryside benefited and lived, the eventual

much open ground. The early burgages had their long gardens; sometimes the toft had an adjoining plot of land, unbuilt upon,¹ and used for agriculture; and there are odd references to large open spaces.² It is evident on all hands that the early burgess was perforce a farmer as well as a trader.³

dependence of the burgh to a very large extent upon imported victuals is seen in the many regulations to ensure that foodstuffs reached the burgh and were readily available in the market there. There was to be no forestalling or regrating. It was only when the burgesses had been fully supplied that other buying and selling was allowed. No burgess was to buy more victual than he required for his own household. The fleshers were not to keep meat in their cellars, or the bakers to buy more flour than they needed for their bakings. There were to be maximum prices, fixed by assize, for the necessities of bread and ale, and the quality was to be approved. Much of all this is illustrated in the present record. There was regular appointment of the assize of bread and ale, and regular 'finding' (*infra*, pp. 27, 34, 39, 46, 53, *et al.*); tasters of ale and wine, and apprisers of flesh were appointed at the Michaelmas head court (*infra*, p. cxix); all food had to be brought to the market for sale, so that all might have equal opportunities of purchase (*infra*, p. 179). No one could buy before the food had come to the market, and the market had opened with the ringing of the bell (*infra*, pp. 72, 126, 212, 216); no one could buy privately in private houses (*infra*, pp. 79, 80, 118, 216), or 'extra forum in preiudicium communitatis' (*infra*, p. 58). Any burgess receiving or concealing forestallers or their goods 'in preiudicium libertatis burghi vel communis utilitatis eiusdem' was subject to a penalty of 40s. (*infra*, p. 217). The tasters and apprisers might have to 'thole an assize' of their neighbours that they were carrying out their duties as 'tenentur de iure' (*infra*, p. 48-49). There was strict supervision over measures, proper baking and proper brewing—all of which constantly occurs throughout the record. Two entries refer to the 'baker's dozen' (for, with the imposition of an amercement, or of suspension from baking for a year, for short weight, the practice grew up of the bakers giving thirteen loaves for twelve); but in the one case the 'baker's dozen' appears to be approved (*infra*, p. 64) and in the other case frowned upon (*infra*, p. 138-139). On all this, see also *L.Q.B.*, cc. 59, 60, 64, 66, 67, 72, 73, in *A.P.S.*, i, 344-347; and two important entries in *Aberdeen Recs.*, i, 397 (1441), and *Edinburgh Recs.*, i, 36 (1479).

¹ The plot unbuilt upon is called a *placea*, or a *placeum*, or a *platya* (*Scone*, No. 46). In a survey of part of Berwick in 1297, after its capture by the English, while a toft unbuilt upon is called a *placea*, a built-up toft is called a *burgus* (Stevenson, *Documents Illustrative of the History of Scotland*, ii, No. ccccxviii). In view of the use of the same word for the marked-out place of combat in the lists, are we to assume that the unbuilt upon plots in the burgh were also clearly defined and marked out? There is other evidence to that effect.

² In 1304 Evota of Stirling had held a messuage and three acres of land 'in the town of Stirling' (*Bain*, iv, No. 1800). In 1421 we have a reference to four contiguous acres of arable in the Pottergate of Crail (*Arbroath, Nigrum*, No. 56).

³ As late as the middle of the sixteenth century an Edinburgh cloth merchant, Frances Spottiswood, who died about 1540, left 'a horse with a plough, "ane par of harrowis," a cart and sledge and other agricultural implements' (Warrack, *Domestic Life in Scotland*, 65-68).

But this interesting Berwick *inquisitio* of 1292¹ also tells us that on the additional plot of forty acres, between the burgh and the fosse,² the king 'might build as good or a better town than the present,' thereby also telling us that the built-up burgh of Berwick itself at that time was possibly only some forty acres or so in extent. And, continues the *inquisitio*, if it be the king's pleasure, he may 'increase his said town by 160 burgesses;'³ though it cannot thereby be deduced that one hundred and sixty burgesses was necessarily the approximate number of burgesses in the existing burgh.

The existing burgh may even have contained less than one hundred and sixty burgesses—who, with their families, and with menial servants, apprentices, craftsmen not admitted to burgess-ship and general 'hangers on,' might constitute a total population of over one thousand. It is to be noted that the 'burgesses and community' of Berwick, swearing fealty to Edward I in 1291, numbered only about eighty,⁴ and it can scarcely be presumed that half of the burgesses escaped, or abstained from, the oath.⁵ The same records list the burgesses of Perth as about

¹ *Bain*, ii, No. 1818.

² 'Whereon all the burgesses both small and great have common pasture in open time by use and wont, and they are divided in small divisions . . . among the burgesses.'

³ On this calculation by the inquest, each burghess would hold exactly one rood of land, or one-quarter of an acre (English measure). But many other references clearly indicate that the burghal 'rood' was not necessarily one-quarter of an acre in extent (see *infra*, p. lvi, note 2). Again, while Berwick, exceptionally, may have adopted the English measure, the Scottish rood was larger than the English rood because of the Scottish measurements of the 'ell' (longer than the yard) and the 'fall' of six ells (longer than the perch). In 1405 a burgh toft, of one rood, in Glasgow, is stated to have a frontage to the *communis via regia* of six ells (*Paisley*, p. 488), that is, roughly, the twenty feet of the Scottish burgh rood (cf. *infra*, p. lvi, note 2). It is to be noted, however, that an elongated shape must have been common in view of the 'axial' plan of most burghs (cf. *supra*, p. xviii, note 3), and that generally the measurement of burghal tofts is given by their frontages only.

⁴ The Wrest Park (Hunter Marshall) MS. (now in Glasgow University Library) gives eighty-four names; the version in *Fœdera* (i, ii, 772) gives eighty-three names; and the 'Ragman Roll' (*Instrumenta Publica . . . super fidelitatibus et homagiis Scotorum domino regi Angliæ factis*, Bannatyne Club, pp. 12-18) gives seventy-nine names.

⁵ Particularly in view of the fact that twenty-three burgesses who did not compare to take the oath on the first day did so three days later.

seventy,¹ while, seventy years earlier, in 1219, we read of the three *prepositi* of Perth 'et ceteri burgenses de eadem villa' who number twenty.²

From other stray references³ it is clear that the population of the mediaeval Scottish burgh was small; and it long remained small, though slow but steady increases can be seen. In 1426 there were one hundred and ten *burgages* in Selkirk.⁴ In the Ayr court book, under the year 1429, we have what looks like a list of burgesses numbering one hundred and six.⁵ In 1477 we read that the community of Stirling assembled 'to the number of 120 *burgesses*,'⁶ and in 1550 the four quarters of the burgh apparently contained three hundred and thirty-six *male adults*.⁷ Arbroath, in 1517, is said to have had about two hundred *hearths*, which would mean a population of about one thousand.⁸ A rental of Haddington, of about 1560, shows that there were just over five hundred *roods* in the burgh;

¹ The Wrest Park MS. gives seventy-two names; the version in *Foedera* (i, ii, 778) gives seventy names; and the 'Ragman Roll' (*Instrumenta Publica*, p. 17) gives seventy-one names.

After the lists of the burgesses of both Berwick and Perth there is added 'et ceteri de communitate quorum non inscribitur numerus' (Wrest Park MS.) or 'et reliquus populus dictae villae qui tunc temporis erat praesens, juramentum fidelitatis praedicto domino regi Angliae . . . [praestitit]' (*Foedera*); but it is doubtful whether this means much or anything more than the equally vague and very common 'cum multis aliis.'

The names for both Berwick and Perth appear to include craftsmen as well as merchants (cf. *infra*, p. ci).

I am indebted to Professor E. L. G. Stones for providing me with a microfilm of the Wrest Park MS. Professor Stones's researches suggest the dates of the various lists as, Wrest Park MS., circa 1291; *Foedera*, ante 1297; 'Ragman Roll,' circa 1315 × 1318.

² *Scone*, No. 82. Despite the wording of the document, the men here named as the *ceteri burgenses* may not have constituted the full tale. But a growth from, say, twenty-three in 1219 to, say, seventy in 1291 was not necessarily remarkable. As early as 1198 a licence was granted to the bishop of St. Andrews to build a new church to meet the increase in the population of the parish of St. Andrews, where, it will be remembered, a burgh had been founded less than sixty years earlier (*Calendar of Papal Registers, Papal Letters*, i, p. 5).

³ It is very difficult to accept Froissart's statement that in the reign of David II there were 'not four thousand houses' in Edinburgh. Probably we should read 'not four hundred.'

⁴ *E.R.*, iv, 419, 460.

⁵ *Ayr MS. Recs.*, fos. 121 verso-122 recto.

⁶ *Stirling Recs.*, App. I, No. 32—though there would be some absentees.

⁷ *Ibid.*, p. 59.

⁸ G. Hay, *History of Arbroath* (1876), 39, citing Theiner, *Vetera Monumenta*, 525. But there were only a few merchants (*mercatores pauci*).

but an individual burghess might hold as many as fifteen roods, a very large number of burghesses held two, and the total number of *burghess holdings* is only two hundred and sixty-four.¹ Two lists of the *town* of Peebles, in 1570 and 1572,² contain one hundred and seventy-seven names (including eight women), and one hundred and sixty-one names (with no women), respectively.

In the face of this evidence, it is not easy to accept the statement that Aberdeen had a population of some three thousand at the close of the fourteenth century, and some four thousand at the time of the Reformation.³ In support of those figures, however, two taxt-rolls, one of 1408⁴ and one of 1451,⁵ both contain about three hundred and fifty names⁶; and if, as would appear to be the case, we are to take these names as being those of the holders of burghage tenements,⁷ then the population of Aberdeen in the fifteenth century may have been over two thousand. Clearly it was no mean royal burgh.

V

The early burgh, as we have seen, is held together by its court, which declares and enforces the 'laws' of the burgh which are agreed by all and to which all are subject. The early burgh acquires a unity in the law-declaring and law-receiving of all those, meeting together in one body, who have been admitted to its membership and who have taken the oath to be 'leel and feel' to their fellow-members.⁸

¹ *S.H.R.*, x, 379-383. Similarly in Stirling, in 1475, one burghess might hold as many as eleven roods ('Protocol Book of the Burgh of Stirling' in *The Scottish Antiquary, Northern Notes and Queries*, x, 130). Thus the number of burghal roods has ceased to be a guide to the number of burghesses.

² *Peebles Recs.*, i, 313-314, 339-341.

³ [J. Robertson], *Book of Bon Accord*, 104. The same figures (2977 in 1396, and 4,000 in 1572) are given in the [*New*] *Statistical Account, Aberdeen*, p. 38. In neither work is any authority or source cited.

⁴ *Aberdeen Charters*, 312-317.

⁵ MS. Council, Bailie and Guild Court Book, 1448-1468, pp. 112-116.

⁶ And each contains the names of craftsmen as well as the names of merchants.

⁷ The names of a few women appear in each roll.

⁸ Cf. the oath of the burghess in *A.P.S.*, i, 683. It is impossible to date this oath.

Some idea of the burgh as a *communitas*—whatever interpretation we are to place upon that term—can, indeed, be read in the earliest records. In David I's charter to the abbey of Holyrood the burgesses of the new burgh of the abbey [the Canongate] are to have *communio vendendi . . . et emendi*,¹ and, in the early royal grants of rights and privileges made to individual burghs, all who 'manent in burgo . . . et cum burgensibus meis ad forum *communicare* voluerint' must '*communicent* cum illis ad auxilia mea reddenda.'²

Here the concept would appear to be solely one of the equal enjoyment of rights and privileges accompanied by an equal bearing of royal burdens³—and, later, of local burdens also. But the very grant of a charter to a burgh implies a community: the charter grants or confirms certain rights and privileges to be held and enjoyed *in common* by a definite group of people (the burgesses) who are living together in the one defined place (the burgh). And the concept, and recognition, of the burgh as both a *unum quid* and also a *communitas* develops fast. King William, for example, granted '*permanenter* prepositis et ceteris burgensibus meis de Inuerkethin *ad aisiamentum burgi communiter* terram illam ex australi parte burgi que appellatur Croc,' to hold and to have that land '*ad commune aisiamentum burgi*.'⁴ The same king granted to

¹ *Holyrood*, No. 1=L.C., No. CLIII (1128×1136).

² Aberdeen (*Aberdeen Charters*, No. III); Perth (*A.P.S.*, i, 86); Stirling (*Stirling Charters*, No. VII).

³ Alexander II exacted an aid from his burghs when, in 1216, he marched through England to meet Louis at Dover (*Arbroath, Vetus*, No. 111). The Bute MS. contains a writ to named officials to collect an aid from Dundee—'*ad taxandum vos equaliter et sigillatim . . . in prestacione auxilii nostri*' (*Register of Brieves*, Stair Soc., p. 62, No. 99). The Exchequer Rolls show the burghs contributing to the 'tenth penny' granted to Robert I in 1326, and to the '*contribucio pro pace*' arising out of the Treaty of Edinburgh/Northampton of 1328. In national taxations after 1472 the burghs contributed one-fifth of the amount to be raised (the barons contributing two-fifths and the Church two-fifths); from the third decade of the sixteenth century these proportions were changed to one-sixth from the burghs, one-third from the barons, and one-half from the Church. For later details of national taxations and of the contributions of the burghs, see Dickinson and Donaldson, *A Source Book of Scottish History*, iii, 292-302.

⁴ Cosmo Innes Transcripts (H.M. Register House); cf. Ballard and Tait, *British Borough Charters, 1216-1307*, p. 378.

the burgesses of Inverness, *ad sustentamentum burgi*, that land 'extra burgum que vocatur Burch halev'¹; and when Alexander II renewed the grant in 1236 (the land being now called 'Markinch'), he did so *ad firmam burgi . . . sustinendam*.² In the same year, 1236, Alexander II confirmed to the burgesses of Ayr, in feu-ferme, five 'pennylands' in Kyle to be held *inperpetuum* for a render of £10 a year,³ while he also gave them the royal fishings of the rivers Ayr and Doon for the upkeep of their bridge, the improvement of their harbour, 'et ad alia communia negotia ville de Ayr.'⁴

Clearly when the burgh, the burgesses and the 'community' of the burgh could hold property for the 'common good' there was something approaching the concept of a 'corporation.' More than that, we soon find that the *communitas burgi* can grant a holding of lands,⁵ that lands can be held 'of the community,'⁶ and that the 'burgesses and community' of the burgh can issue charters granting lands to be held of them and their successors.⁷ In all this, moreover, the use of the words 'burgenses et communitas' seems to imply that the *communitas* is something more than the total of the burgesses.⁸ Notably, for example, David II's remission to Aberdeen in 1345 was granted to *omnes burgenses et singuli* and also to the *communitas burgi*.⁹

Of even greater importance, we find that Berwick had

¹ *A.P.S.*, i, 88. 'Burch halev' is the 'burgh haugh.'

² Ballard and Tait, *British Borough Charters, 1216-1307*, p. 333. That the land of the burgh haugh and the land of Markinch were one and the same is revealed in the charter of confirmation granted by James VI (*R.M.S.*, v, No. 2001).

³ *Ayr Charters*, No. 5. Cf. Bruce's later charter of 1324 in which he confirmed to the burgesses of Ayr and their 'successors' the five pennylands of Auleway, Cortoun and Gorcloy to be held by them *in liberam baroniam* for an annual return of ten pounds of silver, suit to the sheriff court of Ayr, and the provision of certain necessities (straw and fuel) for the king's hall, chamber and cook-house for three days and three nights whenever the king came to the burgh of Ayr (*R.M.S.*, i, App. i, No. 64).

⁴ *Ayr Charters*, No. 8.

⁵ *Aberdeen*, i, p. 35 (1294).

⁶ 'De communitate de Abirdene,' 1350 (*R.M.S.*, i, No. 184).

⁷ Fraser, *Earls of Cromartie*, ii, Nos. 528 (1451), 529 (1454).

⁸ Significantly the indenture of 1326 was made between the king, on the one hand, and the earls, barons, freeholders and *communitates burgorum* on the other hand (*A.P.S.*, i, 483).

⁹ *Aberdeen Charters*, No. XIII.

a common seal as early as 1212¹—probably a seal for its court²—and, somewhat later, the sale of a toft and tene-ment in St. Andrews was sealed with the vendor's seal *una cum communi sigillo burgensium Sancti Andree . . . Teste tota curia burgensium Sancti Andree*.³ There is a reference to the common seal of Perth in 1219,⁴ and, also in the reign of Alexander II, there are references to the common seals of Aberdeen⁵ and Elgin.⁶ Moreover, all these burghs were using common seals long before they had gained what is known as 'feu-ferme status.'⁷

Later references to burgh seals are common,⁸ and that the seal implied some form of 'legal entity' is abundantly clear.⁹ In February 1290 the 'prepositi ac ceteri burgenses communie de Banff' addressed a complaint to the Guardians of Scotland under 'sigillum nostrum commune'¹⁰; and in 1348 four bailies of the burgh of Dundee, bearing letters 'communitatis dicti burgi sigillo suo communi sigillatas,' appeared in a legal cause before the justiciar benorth the

¹ *Melrose*, i, No. 27. But see *infra*, p. lxxxix.

² It was appended to a quitclaim made *in plena curia placitorum nostrorum*.

³ *St. Andrews*, pp. 284-285. Similarly, in 1245, we have record of a quitclaim made *in curia burgensium de Perth* and *coram burgensibus ejusdem ville*, sealed on the one part with the *sigillum commune burgensium de Perth* (*Scone*, No. 95).

⁴ *Scone*, No. 82. There is possibly an even earlier reference in a charter which cannot be dated but which may well be of the last decade of the twelfth century (*Lindores*, No. LXVII).

⁵ *Arbroath, Vetus*, No. 140.

⁶ *Moray*, No. 98.

⁷ See *infra*, pp. lxxiii-lxxvi. In England, in the middle of the fifteenth century, it was held in law that a grant in fee-farm to 'burgensibus, civibus, et communitati' was a good incorporation in virtue of which the burgh could have action in respect of matters touching its farm (Year Books, 7 Edward IV, quoted Pike, *Year Book*, 16 Edward III, Rolls Series, i, Intro., p. lxxviii). Certainly, much earlier, Ipswich, immediately after receiving its charter of fee-farm (1200), ordered a common seal to be made (*Gross, Guild Merchant*, i, 24; ii, 119, 121).

⁸ The form of the legend varies—(i) *Sigillum commune de A.*; (ii) *Sigillum commune burgi de B.*; (iii) *Sigillum commune burgensium de C.*; (iv) *Sigillum communitatis de D.*; (v) *Sigillum communitatis burgi de E.* (see Stevenson and Wood, *Scottish Heraldic Seals*, i, 52-82). The earliest preserved seal of the burgh of Aberdeen bears the legend, 'Sigillum de communi Abirdo[nensi].'

⁹ In France, in 1235, St. Louis told the citizens of Rheims 'non debebant habere sigillum cum non habeant communiam' (*Ducange*, s.v. *Commune*, cited Tait, *Medieval English Borough*, 229, note 3).

¹⁰ *Aberdeen Charters*, p. 290-291.

Forth and there spoke 'tam nomine suo quam sue communitatis nomine.'¹

This legal entity of the burgh, moreover, can be seen in other ways. In relation to the Exchequer, we find that in 1330 the 'communitas burgi de Are' can render account *per attornatum suum*²; the 'community of the burgh' can issue letters of receipt,³ or can acknowledge payment⁴; and the 'community of the burgh' can be pledged in a given sum.⁵ Or again, services can be owed and rendered to the burgh⁶; the *communitas Roxburgie* can be given power to take certain action in certain circumstances.⁷

In a different aspect, the seals of the burghs (*sigilla communitatum villarum*) of Aberdeen, Perth, Stirling, Edinburgh, Roxburgh and Berwick were affixed to the ratification in 1296 of the treaty made with France⁸; in 1357, when the seals of the burghs of Aberdeen, Dundee, Perth and Edinburgh were affixed to a commission, granting powers to certain ambassadors to treat with Edward III for the liberation of David II, those seals were apparently held to bind not only the burgesses of those burghs but also the whole burgh estate of Scotland⁹; and in 1424 the provost, bailies and community of Aberdeen (and likewise of Edinburgh, Perth and Dundee) bound them-

¹ *Arbroath, Nigrum*, No. 22. Similarly, in 1402, we find procurators of the burghs of Perth and Dundee bearing full commissions under the common seals of their respective burghs (*Dundee Charters*, No. 22, facsimile, p. 18).

² *E.R.*, i, 267.

³ Cf. the letters of receipt *dicte communitatis [burgi de Lythgw]* (*E.R.*, i, 599), and the letters of receipt *sub sigillo communi burgi [de Edinburgh]* (*E.R.*, i, 607).

⁴ *E.R.*, i, 313 (Berwick).

⁵ When the *prepositi* of the burgh of Aberdeen were unable to pay the fermes of the burgh from the Martinmas term of 1336 because, they said, the town had been burned by the English and no fermes could be raised, nor did they dare to dwell therein because those who were living there were partisans of the English, they pledged the *communitas* in the sum of £1,000 for the truth of their statements (*E.R.*, i, 526).

⁶ 'Faciendo inde domino regi et burgo ville predicte servicia etc.' (*Melrose*, ii, No. 372).

⁷ Cf. *Kelso*, ii, No. 484, where the community is given power to appoint a priest to a chantry (1330).

⁸ *A.P.S.*, i, 453b. Note also John II's use of the same phrase in 1352 (*A.P.S.*, xii, 8).

⁹ *A.P.S.*, i, 515.

selves, their heirs and successors, with all their goods, held individually or by the community, *in solidum*, for the payment of the ransom of James I.¹ Finally, in 1357 the 'royal burghs' sent commissioners to a General Council, and from 1366 they sent commissioners to Parliament.

Undoubtedly some early concept of a 'community' would spring from the gathering together in one place of a group of people mainly concerned with trade²—and a trade which had to be 'protected.' But a burgh which can hold common property³ and common funds, which can infest, which can delegate authority in its own name, which can sue and be sued, and which can 'act' under its common seal is little distinguishable from the modern corporation.⁴

Above all, it is the *community* which admits new members to its number,⁵ and the newly admitted burghess must

¹ *Aberdeen Charters*, pp. 317-321. Though *in solidum* may simply be in accordance with the legal theory that all obligations *in faciendo* are indivisible.

² And this would bind the 'upland burghess' to the burghesses within the burgh. When, in the reign of William, the king granted to Arbroath a toft *extra burgum de pert*, the men of the abbey who resided *super terram illam* were still to have *communio* with the king's burghesses in the burgh of Perth in buying and selling and in other rights (*Arbroath, Vetus*, Nos. 10, 107).

³ This ownership by the *communitas* is something different from the *condominium* of co-ownership or joint-tenancy. Writing of England, Maitland thought that 'the borough *communitas* of the thirteenth century was but rarely a landowner; it generally owned valuable "franchises" but not land' (*Law Quarterly Review*, ix (1893), p. 37). The Scottish burgh of the thirteenth century, however, seems frequently to have held land.

⁴ In England, Bracton seems to recognise something of this when he speaks of the *universitas civium vel burgensium* (cf. Pollock and Maitland, *History of English Law*, 2nd edn., i, 510).

⁵ It is not possible to say whether this was so at the very beginning. Possibly, at the very beginning, some say would lie with the king or his officer; but, with a grant of feu-ferme status (see *infra*, pp. lxxiii-lxxvi) the right to admit or to refuse to admit would probably become the right of the community. In 'burghs of barony' and 'burghs of regality' the lord was more tenacious of his rights. An interesting record of 1323 throws some light upon the whole position. In that year the burghesses of Wester Kelso admitted in the abbot's court that as the abbot held the burgh *in manu sua* and that *illis non fuerit ad firmam dimissum*, the right of making new burghesses still pertained to the abbot, but that, *secundum morem legis burgorum*, such new burghesses should be presented to the then burghesses in their court so that they could ensure that the new burghesses were men fit to enter into 'neighbourhood' with them (*Kelso*, ii, No. 459). At a

swear faith not only to the king and the king's officers but also to *communitati illius burghi in quo burgensis factus est*.¹ Such an oath is of the very essence of association or *commune*.² The claims of the individual are subordinated to the needs of the community. Hence the early idea of a 'fraternity'³; hence the distrust of the outsider, the stranger⁴; hence the offender against the community is banished from its midst.⁵

VI

In the royal charters granted to the burghs, however, that interesting word *communicare* applies not only to trading rights and privileges; it applies also to those who, residing in the burgh, *communicant* . . . *ad auxilia mea reddenda*.⁶ Again we are brought back to the early burgh as the king's burgh. The king encourages the new trading settlements: they contribute to his 'aids,' but, in addition, he draws therefrom a new revenue—a revenue from the payment of rents for burgage tofts and tenements, from the tolls of markets and fairs, from the multures

later date, when the 'communitas' tends to become identified with the gild, it is to be noted that new burgesses, as well as new gild brethren, are admitted by the gild in the gild (cf. *infra*, p. civ).

¹ *A.P.S.*, i, 333, c. 2. A form of the oath of the burgess and gild brother includes, 'Quod erit leel et feel domino regi et communitati illius burghi' (*A.P.S.*, i, 683). It is impossible to date these *Juramenta*.

² 'Sans association par serment, il n'y avait pas de commune . . . Commune a exactement le même sens que serment commun.' (Petit-Dutaillis, *Les Communes Françaises*, Paris, 1947, p. 37).

³ It must be remembered that, with the development of the conception of a 'community,' whether of burgh or of gild, membership of the community became strictly governed by admission and oath. It was not automatic, *ratione patris*. Hence the use of *successors* rather than *heirs*. Hence, too, the later distinctions between *burgesses* and *burgesses and gild brethren*.

⁴ Cf. *L.Q.B.*, c. 85 (*A.P.S.*, i, 350). In Aberdeen, in 1442, we read that 'no man of this town, whatever he be, harbour any man of without the town, but incontinent he shall come to the Alderman. and let him wit of how many persons and what persons they are under the pain of law and banishing; and if they happen to do any scathe, their harbourers shall be called and held art and part' (*Aberdeen MS. Gild Recs.*, p. 659).

⁵ *Infra*, pp. lix, cxxvi-cxxvii.

⁶ *Aberdeen Charters*, No. 111; *Lanark Recs.*, p. 309; Perth charter (in *A.P.S.*, i, 86).

paid at the burgh mills,¹ from the profits of justice,² and, in due course, in the seaport burghs, from the customs dues, on exports, collected by his custumars. All this, moreover, is a revenue in hard cash as opposed to such feudal returns as the provision of one knight, or one archer, or the render of a pound of pepper or a pair of gilt spurs.³ On the other hand, although the burgh is part of the royal demesne,⁴ it remains essentially and always a trading community. It is never called upon to stock the royal larder or the royal granaries, but it may be required to provide special store-

¹ The mills of a royal burgh were the king's mills, and sometimes their issues are accounted for at exchequer separately from the fermes of the burgh. In 1380 the mills of Peebles were being rebuilt at the command of the chamberlain, and the cost was entered against the burgh's account (*E.R.*, i, 169, 274). When, however, as in the case of Aberdeen, the burgh was granted a charter of feu-ferme (cf. *infra*, pp. lxxiii-lxxiv), the mills were included within the 'feu' and thenceforward the profit from the mills went to the burgh, while their upkeep was a charge on the burgh's finances (cf. *infra*, p. 239). The mills might, or might not, be 'set'—that is, leased for a fixed sum for a year or a number of years, leaving the lessee to make what profit he could from the payments of multures by the burgesses. When the burgh ran its mills, the miller was subject to the burgh officers and could be called to account for bad grinding (cf. *infra*, p. 135). An enquiry into the conduct of the miller was part of the work of the chamberlain when he visited the burgh on his ayre (*A.P.S.*, i, 698, c. 11; *infra*, p. 174).

² These returns are not listed in detail in the accounts rendered by the burghs at exchequer; but we are fortunate in possessing more detailed accounts for the southern burghs during their period of occupation by English officials. Thus for the year 1335-36 the account of the burgh of Roxburgh included—

de libera firma burgi	17s. 4d.
de tolneo mercati nundinarum et aliorum minorum proficuum dicte ville	£6, 13s. 4d.
de secta ville debita ad molendinum Regis eiusdem ville	6s. 8d.
de receptis de stallagio ville de R.	11s. 6d.
de amerciamentis curie burgi	7s.

and in the same year the account of the burgh of Edinburgh for one term included—

de libera firma burgagiorum	£1, 10s.
de receptis de minutis custumis et mensuris	£1, 7s. 3d.
de stallagio	2s. 9d.
de amerciamentis curie dicti burgi	6s. 5d.
de molendino de Dene ad que [<i>sic</i>] debetur secta dicti burgi	£1, 19s.

(*Bain*, iii, pp. 320-321, 345).

There might, of course, be additional items of revenue arising out of special local arrangements—for example, the issues of a ferry, or the tolls of a bridge.

³ So Bruce's charter to Dundee recognises the value of the burgh *ad auxilia nostra reddenda et alia quecumque onera supportanda*; and this is repeated in the charter of David II. (*Dundee Charters*, Nos. 16, 17).

⁴ *Supra*, p. xxxii.

houses for the king's provisions,¹ or even for his wardrobe,² though in such cases an appropriate allowance is made in the exchequer audit. In this, as in all else, the burgh and its burgesses are subject to the orders of the king; equally, in times of stress, the king will aid his burgh and his burgesses, usually by granting some rebate from the payment of the burgh rents.³

But although the burgh was a *communitas*, each burges held his toft and tenement for a separate rent paid by him, individually—at first to the royal officers. He was a burges not only by virtue of his admission to the community and his burges oath but also by virtue of holding a toft and tenement within the burgh and residing there.⁴ The compilation known as the *Leges Quatuor Burgorum* states that 'Quilibet [burgensis] dabit domino regi pro burgagio suo quod defendit⁵ pro perticata terre vd. annuatim,'⁶

¹ Cf. *E.R.* i, 65, 160, 265, 305, 363, 414, 494, 521; iii, 143, 532, 605.

² Cf. *E.R.*, iii, 22, 59, 71, 532, 605.

³ Thus, in 1328, we read that the king had granted the burgh of Aberdeen a rebate of twenty merks a year for ten years, *ratione combustionum dicti burgi* (*E.R.* i, 60-61); and in 1343 Perth received a rebate of twenty shillings *pro mundacione ville que maculata fuit per inimicos* (*E.R.*, i, 524).

⁴ All the privileges granted in the early burgh charters are granted to those *manentes* in the burgh. Sometimes the phraseology is even stronger. In a writ of 1222, for example, Henry III ordered that no men were to enjoy freedom of toll and custom in Waterford, or elsewhere, simply by holding a 'land' in the burgh; they must also be '*cubantes et levantes in eadem villa . . . et ad lottum et ad scottum communiter cum burgensibus nostris . . . ibidem residentibus*' (Peter Gale, *Inquiry into the Ancient Corporate System of Ireland*, App. ix). Later, there are innumerable 'acts' by burgh councils that those who wish to enjoy the freedom of the burgh must come into the burgh to reside there and bear their share of the common burdens. The position grew more and more difficult with the increase in the numbers of the 'upland burgesses,' and from time to time engaged the attention of the Convention of Royal Burghs. It is aptly illustrated in 1580, for example, when the burgh of Inverness, in accord with decisions laid down by the Convention, charged and warned certain non-resident burgesses 'to cum and dwell and mak thair actual residence, wyth thair wyiffis, bernis, famyll, fyre and flitt within the burcht . . . hald stob and steaik within the saymyn, skatt, lott, vache, walk and waird wyth the inhabitantis thairof' within the next twelve months under pain of losing 'thair fredome and prewilege' (*Inverness Recs.*, i, 285-287).

⁵ *Quod defendit* may simply mean *which he holds*, though, as in Domesday Book, it may also carry the meaning *for which he is assessed*.

⁶ *A.P.S.*, i, 333, c. 1. As late as 1425-26, at Selkirk, 'deputatus camerarii mensurari fecit particatas burgales ejusdem burgi, que se extendunt ad quinques viginti et decem particatas de quarum qualibet debentur annuatim quinque denarii domino regi' (*E.R.*, iv, 419; and see the immediately following account for Selkirk, *E.R.*, iv, 460).

and that no man may be a burghess of the king unless he can do as much service as pertains to at least one rood.¹ So we have the well-known 'burgh roods'²—again an indication of 'planning' in the layout of the burgh—and the burgh rood assessed at fivepence can be traced into

¹ *L.Q.B.*, c. 49, in *A.P.S.*, i, 342. That the burden of aid and works rested on the toft is shown in *Arbroath, Vetus*, No. 13.

² According to one of the chapters in *Fragmenta Collecta* (*A.P.S.*, i, 751, c. 15) the rood, or perticate, within burgh ought to measure twenty feet, and burgages with twenty-foot frontages were common in Ireland (Gale, *op. cit.*, App. iv, vii).

It is difficult to reconcile this with the rood of one-quarter of an acre which is clearly referred to in the Berwick *inquisitio* of 1292 (*supra*, p. xlv, note 3). Berwick was almost certainly exceptional; and many of the measurements which have survived suggest that a twenty-foot frontage was common. A *placea* in Perth, for example, in 1211×1214, was twenty feet wide by twenty-six feet deep (*Scone*, No. 46).

In the first place, the *rood* and the *perticate* were clearly one and the same. Thus we have 'tres rudas meas sive perticatas' (*Aberdeen*, i, 288; and, similarly, *ibid.*, i, 340, 341; ii, 229). Secondly, a plot of a given size appears to have been recognised as 'one full toft.' So, as early as 1153×1178 we find 'per latitudinem unius plenarii tofti' (*St. Andrews*, p. 208); and there are many references to 'one full toft of four perticates' (occurring as early as 1178×1198—*Scone*, No. 49). It is to be noted, however, that such a 'full toft of four perticates' need not, apparently, be integral—cf. 'plenarium toftum nostrum . . . in burgo de Aberden, scilicet duas perticatas versus castellum et duas perticatas . . . in vico ex orientali parte ecclesie sancti Nycholay' (*Arbroath, Vetus*, No. 347). Again, tofts might vary in the number of their perticates, or in size, even within the same burgh. We find tofts of as many as five perticates (*L.C.*, No. CLIII; *St. Giles*, p. 114); we find ten feet by twenty-four feet (*St. Andrews*, p. 203), which is possibly half a perticate; twenty feet by seventy feet (*Scone*, No. 82); and fifty-two feet by fourteen feet (*R.M.S.*, i, Nos. 691, 779). In *St. Andrews*, Mr. Cant has noted a number of burgage frontages (and the frontage, or *latitudo*, appears to have been the measurement which mattered) each thirty-three feet wide (*College of St. Salvador*, 81-82), and such a frontage looks suspiciously like two *English* perches of five and a half yards. Moreover, if these roods were twenty *English* perches deep, they would equal the quarter-acre roods of Berwick; and we must remember that Mainardus, who helped to build the burgh of *St. Andrews*, came from Berwick (*L.C.*, No. CLXIX). For the sizes of burgh tofts in England, where also there were many variations, see M. de W. Hemmeon, *Burgage Tenure in Mediaeval England* (Harvard, 1914), 100-101.

Finally, in *Aberdeen* we have references to 'lands' which are called 'Daynars gabile' and 'Daynardisgavile' (*infra*, pp. 214, 236; *Aberdeen*, i, 239, 322); and in *Peebles* in 1476 a burgh 'land' is called simply a 'gawyll' (*Peebles Recs.*, i, 176-177). This is a term found in many *English* boroughs and also in Normandy. It is the same as 'gable' or 'gablum,' and merely means a burgh land held for the payment of rent. It is noticeable that in the *Danelaw* boroughs the word for burgage rent is usually some form of 'hawgavel,' giving the further meaning of rent for an enclosed plot of land (*haga*, haw). See, in general, Hemmeon, *op. cit.*, 62-64; Tait, *Mediaeval English Borough*, 8, 90.

comparatively modern times,¹ though other initial assessments are to be found² and there are odd exceptional cases of a burgh 'land' being held for a render other than that of a money rent.³

Naturally, however, as tofts and tenements were bought and sold, or otherwise transferred, while the rent to the king remained at fivepence (or whatever the initial figure may have been) for each rood or perticate, a tenant, although a burghess, might soon be paying a much higher rent—a new 'economic' rent⁴ for the advantage of holding a toft and tenement within a particular burgh.⁵ The rent

¹ We have already noted the instance of the burgh roods of Selkirk in 1426 (*supra*, p. lv, note 6). In Peebles, in 1439, burgh roods were still paying fivepence to the King, while 'unum parvum tenementum' was paying twopence-halfpenny (*Peebles Recs.*, ii, 208-209). In Linlithgow, in 1433-34, when James I took over certain burgh roods for the building of the palace, they were valued at an annual rent of fivepence each (*E.R.*, iv, 588, 631). In Haddington, a rental of about 1560 reveals that many burgh roods were still assessed at fivepence each, and that rental also contains the interesting entry, 'Item of ilk hous of the Nungait that the reik cummis out of, v d. in the yeir' (*S.H.R.*, x, 379-383). In Inverness a rood of land was still paying fivepence to the king in 1573 (*Inverness Recs.*, i, 231).

² In 1317 a perticate of land in Aberdeen paid sixpence to the king (*infra*, p. 7-8), and that may have been the initial assessment in the burgh. At Ayr each burghess paid twelpence for his toft and his rights in the burgh's common lands (*R.M.S.*, i, No. 262); and in England the burgage rent was frequently twelpence, though other assessments, of varying value, are as frequently to be found.

³ For example, David I gave to Baldwin a toft in Perth for a yearly render of 'i turet et ii coleres,'—i.e. a bridle-ring and two collars (*St. Andrews*, pp. 187-188); and King William granted a toft in Perth to William [the] galeator, in fee and heritage, for a render of two iron hats yearly (*Scone*, No. 46).

⁴ We have an admirable example of an 'economic rent' in Perth in the middle of the fourteenth century. In 1354 the abbey of Scone granted a 'land' *in vico sellatorum* in the burgh of Perth to a burghess, John Mercer and his heirs. For the first year, the land was to be held 'pro durabili constructione in eadem terra construenda'—i.e. *kirset* (see *supra*, pp. xxxiii-xxxiv); for the second year, a rent of 3s. 4d. was to be paid; for the third year, a rent of 6s. 8d.; and thereafter the rent was to rise by a quarter of a merk each year up to a maximum, in the ninth year, of 26s. 8d. (*Scone*, No. 172).

⁵ In 1261 a tenement in the Briggate, Berwick, 'cum pertinenciis et cum fructibus' was estimated to be worth five hundred merks (*St. Andrews*, p. 391). The difference between the old assessment and the new economic value is also seen in Berwick in the second half of the thirteenth century when a burghess sold his 'land' to the cathedral chapter of Moray for one hundred pounds sterling—the chapter to pay in future the rent of seven-

changed its nature: it became less and less a *tenurial* return.

The very fact that the burgess could devise his toft and tenement, and that a burgage holding did not pass into the hands of the superior before the heir could gain possession, quickly weakened the tenurial bond with the king.¹ Nevertheless the ultimate superior was still the king,² and the king, through his chamberlain, kept a watchful eye on the burghs to ensure that the royal revenue therefrom was not suffering through any cause.³ Moreover, the king was at first quick to escheat a burgage into his own hands *ratione bastardie*,⁴ or *ratione forisfacture*,⁵ while he would likewise take into his hands a burgage of which the heir had failed to take sasine (*saisina per heredem non recuperata*).⁶ Even if the burgh had received a charter of feu-ferme, the escheat was still to the king and not to the community⁷; but it should be noted that a tenement

pence halfpenny (possibly for one and a half roods) to the king (*Moray*, No. 129). Wealthy burgesses, indeed, soon began to speculate in real estate, and there is ample evidence of individual burgesses holding many tofts and tenements from which they drew large rents. In Aberdeen, for example, we have the cases of Martin, the goldsmith, in 1281 (*Aberdeen*, ii, pp. 278-279), and of John Crab in 1382 (*R.M.S.*, i, No. 682).

¹ And the bond was further weakened when the burgh gained feu-ferme status (*infra*, pp. lxxiii-lxxvi).

² All burgesses of the royal burghs were held to be crown vassals until 1874, when burgage tenure was abolished by statute (37 & 38 Victoria, c. 94, section 25).

³ See *S.H.R.*, xxxiii, 27-36. In 1331 we find an instruction in exchequer to the *prepositi* of Inverness, with regard to two waste (i.e. unoccupied) lands in the burgh, 'quod dictas terras ad commodum regis assedari faciant, et inde respondeant' (*E.R.*, i, 354); and, in the following year's audit, when the lands are still waste, it is noted that that indeed was shown to be the case 'coram camerario' (*E.R.*, i, 417).

⁴ *R.M.S.*, i, Nos. 160, 639; *E.R.*, iii, 506 *Aberdeen Recs.*, i, 29. For a statement of the law that if a bastard holding a burgage died without lawful heirs of his own body the burgage escheated to the king, see *R.M.S.*, i, No. 629 (*anno* 1375). See also *Stirling Charters*, App. i, No. 1. By special favour of the king, however, a bastard might be allowed to make disposition of his burghal holding (cf. *R.M.S.*, i, No. 768, *anno* 1384).

⁵ Cf. *infra*, pp. 3-4. *R.M.S.*, i, Nos. 155, 229, 272. *E.R.*, i, 354, 358, 363; iv, 493. If the lands of a lord are forfeited, and if the lord's holding includes a burghal tenement, then the tenement returns into the hands of the king (cf. *Glasgow*, ii, No. 355).

⁶ *E.R.*, iv, 492, 493.

⁷ See *infra*, p. lxxv, note 4.

held of the community escheated to the community, just as a tenement held of a mesne lord escheated to the lord and not to the king—though later, when burgages had frequently changed hands, it might prove difficult to find a superior other than the king.

The rent to the king was paid *pro burgagio*—a term to be found as early as 1150×1152,¹ when already it is understood to mean the tenure by which the burgess holds his toft and tenement, and a tenure which at first carried with it common enjoyment of burghal privileges and the common bearing of burghal burdens. Moreover if, as we have seen, the burgess must build his house within a given time, so his house becomes his 'gage' for the performance of his common burdens and duties and for the due observance of the burgh's laws and customs which include 'good neighbourhood' towards his fellow-burgesses. So, too, his house may be 'pledged' for his good neighbourhood.² If the burgess should fail in his common duties, or in his observance of the burgh's laws and customs, then he is liable to lose his 'freedom' and, in token (and also in implementation) thereof, his house may be destroyed, thereby rendering it impossible for him to remain within the 'community.'³ If he fall into debt, his creditor

¹ *L.C.*, No. CCXLI—*Dryburgh*, No. 146.

² Cf. *infra*, p. 199.

³ 'His hous salbe strikyne to the erde and him self put out of the toune' (*A.P.S.*, i, 719, c. 3). So, in Aberdeen, in 1412 (and with the memory of Harlaw still fresh in the minds of the burgesses), each burgess was to 'stand gaird' and help to protect his neighbours 'fra schait and susprice' under the pain of 'banysing and tyttyn doune of his huss' (*Aberdeen Recs.*, i, 389); and in 1481 the burgess who 'passis himself fra the defens of the toune' is to be 'benist for yer and day . . . and his house to be tane doune efter, as it is statut in commond law' (*ibid.*, i, 38). In Ayr, in 1432, any man who 'settis his hous to ony pikaris he sal pay fyrst viij s., syn xvj s., and the thryd tym drawin doune of the hous' (*Ayr MS. Recs.*, fo. 18 *recto*). In Inverness, as late as 1576, 'all thais quha hes unlauchfull tennentis dwelland in thair biggynnis' are to cause them to 'flit out of the samyn, failyeing thairof to tak doune the house above thair heidis' (*Inverness Recs.*, i, 251).

This custom of demolishing the house of the offender against the community is of widespread occurrence (see Round, *Feudal England*, 552-562). In England, the Assize of Clarendon laid down that the house of the man who sheltered heretics was to be *carried out of the town and burned* (Stubbs, *Select Charters*, 9th edn., 173, c. 21), thereby avoiding the risk of setting fire to the neighbouring houses (and see Dickinson and Donaldson, *Source*

may be given possession of his house for a year and a day¹ and, during that period, the debtor (or his family and kin) can, by liquidating the debt, recover possession.²

The possession of a house, as a necessary part of burgess status, gives the community a power of distraint over the individual.³ So no man may enjoy the liberty and freedom of a burgh unless he has 'ane land inhabit and streinyeable within yeare and day after his entres'⁴; so, in this present record, where *terra* is still used for a *land* and the *house* thereon,⁵ we find a man, recently admitted as a burgess and gild brother, in an amercement of forty pence 'quia non habet terram,' or, in another case, where the wording

Book of Scottish History, iii, pp. 369-371); but in Brechin, in 1439, sasine and possession of a tenement was formally broken 'per abstractionem tecture domus dicti tenementi et ignis incendium' (*Brechin*, ii, No. LVI). All this demonstrates the simple wood, clay and thatch construction of the burgh's houses. Alexander III's charter to Lanark granted his peace to all carrying timber there (*meremium*, building wood—as opposed to *focale*, wood for burning) 'ad dictum nostrum burgum de Lanark sustentandum' (*Lanark Recs.*, 309). Stone houses, or slated houses, were so unusual as to be cited as such (cf. *infra*, p. 14; *Scone*, No. 80; *Coupar Angus*, i, No. XIII; *Ayr MS. Recs.*, fo. 26 *recto*); and not until 1677 did the town council of Edinburgh lay down regulations that in future only stone houses, roofed with slate, were to be built.

¹ That is, the period covered by four head courts (*supra*, p. xxxv note 2), the usual period for recovery (*infra*, p. cxx).

² Cf. *L.Q.B.*, c. 90, in *A.P.S.*, i, 351.

³ In certain burghs on the Continent the holding of the burgess *qu'il ait à perdre* might be either his house or his goods. The charter of Laon, for example, states, 'Quicumque in pace ista recipietur infra anni spacium aut domum suum edificet . . . aut tantum sue mobilis substantie in civitatem afferat per que iusticiari possit, si quid forte in eum querele evenerit' (Pirenne, *Les Villes et les Institutions Urbaines*, Bruxelles, 1939, i, 107).

In some boroughs in England distress for rent could be levied on the doors and windows (e.g. Northampton and Nottingham, cited, *English Historical Review*, xv, 503). In Scotland, however, in the case of a tenement which was 'waste and undistrainable,' an early enactment forbids the removal of the doors, windows and timbers, and prescribes recovery by the procedure of four courts (*A.P.S.*, i, 722, c. 14). On the other hand, in Aberdeen, immediately following a chamberlain ayre in February 1448/49, it was decided by the council that 'housis that ar fundin un-sufficient be the assise sal be refourmyt be thaim at aw thaim within viij dayis or ellis the balyheis sal passe and tak doune the durris and wyndowis of thaim and mak thaim uninhabitable' (Aberdeen MS. Council, Baillie and Guild Court Book, 1448-1468, p. 34).

⁴ Decrees of the Court of the Four Burghs, 1405 (*A.P.S.*, i, 703). It is to be noted, however, that the date of this fragment rests solely upon the authority of Skene (see *infra*, p. cxliv, note 3).

⁵ Cf. *infra*, p. 131. Tenements in Scottish burghs are still often called 'lands.'

is fuller, 'quia non habet terram *que potest distringi*.'¹ Similarly a newly admitted gild brother must find a pledge 'quod infra annum habebit terram distringibilem ad faciendum vicinitatem'²; and in one case we find a tenement distrained for the payment of four merks after the process has been led through four courts—not four head courts, but four *dies legales*.³ Other burgh records contain similar entries: in Ayr, after the oath made by the newly admitted burgess to the king and the community has been recorded, the entry relating to his admission concludes, 'Et habebit terram edificatam infra diem et annum vel amittet libertatem'⁴; in Peebles, in 1456, a newly admitted burgess has to find a pledge 'for al scottying lotting and al other borou mallis' until he 'get a land of his an.'⁵

The possession of a house is part and parcel with burgage tenure and burgess status.⁶

VII

Because the burgh is the king's burgh, and its land the king's land, so the king may grant tofts and tenements within his burghs to religious houses, to feudal lords, and to members of his household.⁷ Such grants are common

¹ *Infra*, p. 104. Cf. also, *infra*, p. 184.

² *Infra*, p. 231. *Vicinitas* would include, in addition to good neighbourly conduct, the payment of stents and the performance of watch and ward, both of which were based on the 'land' (cf. *note 5* below).

³ *Infra*, pp. 146, 147, 149, 154; and cf. *infra*, pp. cxxxi *et seq.*

⁴ *Ayr MS. Recs.*, fos. 3 verso, 5 verso, 8 recto, *et al.*

⁵ *Peebles Recs.*, i, 118. As late as 1562 the provost, bailies and council of Inverness agreed to admit a man as a free burgess 'quhen he gettis ane fre rud of land' (*Inverness Recs.*, i, 73); and in 1560 they had refused an admission because the would-be burgess had not a free rood of land, had not made habitation in the burgh for a year and a day, had never held 'stob and staik,' and had never 'scottit and lottit' or 'walkit and wardit' (*ibid.*, i, 41-42).

⁶ In Normandy a burgess had to have a house and pay an annual rent for it *ut inde fiat burgensis* (Petit Dutailis, *Les Communes Françaises*, Paris, 1947, p. 48). The whole concept of *house-holding* has its roots deep in legal and social history. In the early Welsh laws, for example, the holder of 'breyr lands' had to build a house on his holding otherwise his family could not acquire from the community an absolute right to the lands (Lewis, *Ancient Laws of Wales*, 303).

⁷ Most of our references to the early burghs come, indeed, from the engrossments of such grants in the chartularies.

and natural. A toft and tenement in the burgh is useful to the abbot or prior who may have to reside there, temporarily, when visiting the burgh upon the affairs of his house, or when attending the king's court or council which is being held there¹; a toft and tenement is likewise useful to the feudal lord who also may have to attend the king's court or provide service in the king's castle²; tofts and tenements in the various burghs are well-nigh necessary for the officers of the household who accompany the king on his 'ridings' throughout his realm.³ In somewhat similar fashion, tofts in Berwick are useful to the abbey of Melrose in relation to its exports of wool; or again, when James, earl of Arran, received a grant of the office of sheriff of Lanark he received therewith a tenement within the burgh of Lanark.⁴ Moreover, in every sheriffdom the head courts of the sheriff (to which all barons and freeholders owed suit and service) were held at the castle or in the burgh; the castle and burgh formed the administrative centre of the sheriffdom; naturally it was convenient for the barons of the sheriffdom to hold tofts in the burgh.

Nevertheless, with such grants, a situation arose which threatened to cut the very roots of burghal unity.⁵ The abbot, prior or lord regarded or came to regard his burgh

¹ Hence the toft and tenement is frequently let to a tenant to be held as a 'hostilage.' See the interesting details of Arbroath's hostilage in the burgh of Aberdeen in *Arbroath, Vetus*, No. 347. See also, *ibid.*, Nos. 321, 344.

² When Malcolm IV granted lands 'in provincia de Elgin' to Berowald the Fleming 'in feodo et hereditate' for the service of one knight 'in castello meo de Elgin,' he also granted to Berowald *in burgo meo de Elgin unum toftum plenarium tenendum simul cum predicto feodo suo* (*Moray, Cartæ Originales*, No. 1).

³ So Malcolm IV granted to the Steward a toft in each of the royal burghs *ad hospitia sibi in eo facienda* (*A.P.S.*, i, 93); and so the Constable of Scotland held his office *cum hostilagiis ad dictum officium pertinentibus* (*R.M.S.*, i, App. i, No. 104; and see *Spalding Club Miscellany*, ii, lxxxvii-xcii). For similar arrangements for the Chamberlain in Ireland, see William Lynch, *A View of the Legal Institutions . . . in Ireland*, 93-94.

⁴ *R.M.S.*, ii, No. 3803.

⁵ Even in the very early beginnings of the burgh, David I exempted Baldwin, his *cliens*, to whom he had granted a toft in Perth, from answering any plea save 'in presentia mea aut justicie mee' (*St. Andrews*, pp. 187-188), which apparently cut out the jurisdiction of the officers of the burgh or of the sheriff. But such an exemption was undoubtedly exceptional.

'lands' as being part of his fief, his barony, or his regality¹; his burgh 'land' was *terra baronie*²—a small jurisdictional oasis within the liberty of the burgh.³ The Ayr MS. recension of the *Leges Quatuor Burgorum* contains a clause relating to those 'qui tenent in baronia infra burgum,'⁴ and in our present record the 'act' stipulating that each 'perticate' of land is to pay annually sixteen pence continues, 'et hoc est ordinatum ita bene de terris regalitatis et tempilli et baronie sicut de regalibus.'⁵

In accordance with feudal law, however, a suit relating to land had to be heard in the court of the lord of whom the land was held; and, likewise, once a tenant had been entered to lands,⁶ resignation and regrant of those lands, or confirmation of alienation, had to take place before the lord of the fief. Accordingly it is not uncommon to find that when a 'land' within a burgh is held by a religious house or by a lay lord, while the tenant on the 'land' must observe the 'leges et consuetudines dicti burgi,'⁷ resignation and regrant of the land takes place in a court of the lord, as 'capitalis dominus ejusdem feodi,' held within the burgh itself. In 1280, for example, a land in Renfrew, held of the abbey of Paisley, was, because of the

¹ For example, Alexander, fourth High Steward, granted to Dryburgh an annual rent from 'tota terra pertinente ad baroniam nostram' in the burgh of Lanark (*Dryburgh*, No. 211).

² So the abbey of Arbroath speaks of 'terram nostram baronie nostre jacentem in territorio . . . burgi de Perth' (*Arbroath, Nigrum*, No. 107); so we find definitions such as, 'illa propars baronie de Dundee tam infra burgum quam extra tam in annuo reddito quam terra' (*Brechin*, i, Nos. 13, 14), and three perches of land lying 'in burgo de Strivelyn in baronia senescalli Scocie' (*R.M.S.*, i, No. 755). In 1423 John Scrimgeour, constable of Dundee, successfully claimed before a general council a certain land in the Mangate in the burgh of Dundee as being within his barony of Dundee (Maitland Thomson Photographs, Miscellaneous, *sub anno*. H.M. Register House).

³ At a much later date we have a somewhat different situation in which barons and gentlemen 'duelland to landwart' acquire tenements within the burgh and then refuse either to accept the jurisdiction of the burgh magistrates or to bear their share of the burgh's burdens—see the complaint of Banff in 1600, in *R.P.C.*, vi, 125.

⁴ *A.P.S.*, i, 281, c. 74 (of the time of Robert I).

⁵ *Infra*, p. 238.

⁶ As, for example, Adam de Ledhous who held his land 'in vico de Futy infra dictum burgum [de Abbiriden] . . . de abbate [de Abirbrothoc] in capite' (*Arbroath, Nigrum*, No. 41).

⁷ *Kelso*, i, No. 43.

tenant's *necessitas*, resigned, quitclaimed and sold to the abbey 'in plena curia abbatis et conventus de Pasleto apud Renfrw'¹; and in 1290, a land in Berwick, held of the abbey of Kelso, was, in a like way, resigned, quitclaimed and sold to the abbey 'in plena curia dicti domini abbatis apud Berewyc.'² In another resignation of a land in Berwick, held of the abbey of Kelso, however, we find that the resignation was made 'tam in curia domini regis apud Berewyc quam in curia dicti domini abbatis utpote domini ejusdem feodi,'³ which suggests two processes, one at Berwick, in the burgh court, and the other, probably at Kelso, in the court of the abbot. Certainly it would be administratively difficult for any religious house, holding tofts in many burghs, to make local arrangements for the holding of local courts whenever changes in tenancy took place, or whenever, for example, there arose an action for the recovery of annual rent; and there can be no doubt that, before long, resignations, regrants, and confirmations of such burgh lands were made in the ordinary courts of the abbot and convent,⁴ while later still a religious house might appoint one of the burgh bailies to act locally on its behalf in relation to all causes touching its burghal lands and tenements—as, for example, when the abbey of Arbroath so appointed one of the baillies of Aberdeen.⁵

On the other hand, this early 'conflict of jurisdictions' might go much deeper. About the middle of the thirteenth century when a tenant, holding by charter of Roger de Quincy two lands stated to be 'de baronia patris mei [de Quincy] . . . infra burgum de Perth' and 'ad constabillariam Scotie pertinentem,' made a gift of the lands to the abbey of Scone, de Quincy confirmed the gift with the saving clauses—'Salva nobis et heredibus nostris curia nostra in eadem terra tenenda et salvis placitis et misericordiis et

¹ *Paisley*, p. 375.

² *Kelso*, i, No. 44.

³ *Kelso*, i, No. 34.

⁴ In 1320, for example, a resignation and regrant of 'lands' in the burgh of Aberdeen, held of the abbey of Arbroath, was made in the court of the abbot at Arbroath (*Arbroath, Vetus*, No. 347). Such instances could be multiplied.

⁵ *Arbroath, Nigrum*, No. 134 (anno 1461).

si que fuerint escaete' and also 'Si vero aliquis clamium vel calumpniam in dicta terra voluerit movere, salvo cujuslibet jure, causa inter litigantes mota per rectam legem et assisam terre in curia nostra finem debitum sortiretur.'¹ This is a clear reservation of a feudal jurisdiction which apparently de Quincy had previously enjoyed. Moreover, there is the further reservation that any action which might arise is to be determined *per assisam terre* and not by the laws and customs of the burgh.² Nevertheless, in the confirmation by Alexander II the king's charter concludes, 'consuetudinibus burgorum regni nostri et regio in omnibus jure salvis.'³

Again, in 1320, in a confirmation relating to certain 'lands' in the burgh of Aberdeen held by the abbey of Arbroath, the abbey added the saving clause 'salva nobis justicia regalitatis et aliis placitis nostris in dictis domibus cum voluerimus tenendis'⁴; and such saving clauses are common.⁵ The abbey of Arbroath also refers to '*burgenses nostri* in burgis domini regis.'⁶ And even within the period of our present record there was still some reservation and enjoyment of regality rights in the king's burgh of Aberdeen.⁷

On the other hand, no record has survived of the holding of separate courts within the burgh for the pleas of a regality, and there appears to be no instance in Scotland in which the king, when granting a toft within a burgh, granted with the toft the right to hold a court for the tenants thereof.⁸ It may be that the lord, or religious

¹ *Scone*, Nos. 79, 80.

² *Scone*, No. 81 (1246).

³ Cf. *supra*, p. xxxvi and note 1.

⁴ *Arbroath, Vetus*, No. 347.

⁵ Similar clauses are to be found in charters granted by the abbey of Arbroath of tofts and tenements in Crail, Stirling, Peebles, Auchterarder, Perth, Forres, Inverkeithing and Dundee (*Arbroath, Vetus*, Nos. 270, 321, 344; *Arbroath, Nigrum*, Nos. 6, 8, 14, 40, 44, 195, 413). When Robert I granted the 'terra de Narne cum burgo' to Hugo de Ross, to be held of Thomas Randolph, Earl of Moray, the king reserved to the earl his 'jus regalitatis . . . tam infra dictum burgum quam extra' (*R.M.S.*, i, App. i, No. 8).

⁶ *Antiquities of the Shires of Aberdeen and Banff* (Spalding Club), ii, p. 139 (given in abbreviated form in *Arbroath, Nigrum*, No. 5). Cf. also the phraseology in *Arbroath, Vetus*, Nos. 269, 270.

⁷ Cf. *infra*, pp. lxvi, 211.

⁸ For examples of such grants in England, see Ballard, *British Borough Charters*, 1042-1216, pp. 125-126.

house, was quick to use the process of repledging¹ for 'his own burgesse'²; but an early law, doubtless intended to clarify the position, laid down that all who inhabited 'lands of barony' within a burgh were to be subject to the laws of the burgh and were to be under the jurisdiction of the bailies of the burgh *de fractione assise et precii et in omnibus aliis causis et actionibus civilibus*.³

A writ issued by David II to his sheriff of Fife appears to indicate that certain regality rights, which affected the burgh's market privileges, were being enjoyed in Cupar-Fife in 1366-67⁴; and a tantalising glimpse of some similar rights within the burgh of Aberdeen enjoyed by those on regality or 'temple' lands is revealed in our record in 1401. In December 1401, in a gild court, 'ordinatum fuit per totam communitatem quod, si templarii et ipsi de regalitate pinsant laganas ammodo vel pessimant forum in empicione farine, tota farina et lagane reperte in eorum domibus erogabuntur pauperibus per officarios ville cum adiutorio communitatis.'⁵ And while, for the holders of 'Temple lands' within the burghs, we have a fair amount of informative evidence, the position of the holders of 'regality lands' is more obscure, though possibly parallel.⁶

¹ See *Fife*, 344-346.

² Though it is to be noted that the *Cambridge MS.* accords the right to claim his 'cross and market' to the 'king's burgesse' or 'other man of franchise' (*Scot. Hist. Soc. Miscellany*, ii, 34, 40).

³ *Frag. Coll.*, c. 6 (*A.P.S.*, i, 720). In Inverness, as late as 1562 and 1578, certain privileges were apparently still being claimed by the holders of 'baron burgesis land' (*Inverness Recs.*, i, 77, 263).

⁴ *A.P.S.*, xii, Supplement, pp. 15-16, No. 28.

⁵ *Infra*, p. 211.

⁶ Regality jurisdictions within burghs long persisted, and the 'spread' of the burghs soon brought in further regality lands. This was particularly the case in Edinburgh and the Canongate, where regality and barony lands included the Citadel of Leith, Queensberry House, Holyrood Abbey Sanctuary, Inverleith, Portsburgh, and the Regality of Broughton. The Citadel of Leith and Queensberry House were both involved in comparatively late decisions in the courts. In the case of the Citadel of Leith, which had been erected into a free barony and burgh of regality in 1662 (*R.M.S.*, xi, No. 239) and of which the superiority had passed into the hands of the royal burgh of Edinburgh in the following year, the separate jurisdiction of the burgh of regality was still upheld in 1817 in *Dowie v. Douglas* (*Faculty Collections*, 30 May 1817) in accordance with Section 26 of the Act abolishing Heritable Jurisdictions (20 George II, c. 43). In

In the case of the holders of 'Temple lands'¹ we find throughout an insistence upon the enjoyment of burghal privileges combined with a refusal to accept the jurisdiction of the burgh's courts. Members of the Order of the Temple were holding tofts in the Scottish burghs as early as the reign of David I²; and Malcolm IV granted to the Order of the Hospital of St. John a toft in every burgh in Scotland.³ Both Orders (and, after the suppression of the Order of the Temple in 1309, the Order of the Hospital alone) enjoyed franchisal privileges as well as special rights and freedoms which conflicted with burghal privileges and immunities. Most notably, Alexander II had granted to the Knights Hospitallers *sok et sak etc., infra burgum et extra*, with freedom *de placitis et querelis*, together with exemption *ab omni tholoneo et de omnibus aliis consuetudinibus in omnibus emptionibus et vendicionibus qualitercunque contingentibus*, including exemption *in omni foro et in omnibus nundinis*, and freedom *ab omni scotto et gildo*—all of which rights and freedoms were confirmed by James IV as late as 1488.⁴

Naturally such far-reaching privileges and immunities would be bound to lead to controversies and disputes between the ordinary burgesses and those who held tenements belonging to the Order of the Hospital (or 'Templars')—if, indeed, such privileges and immunities were ever

the case of Queensberry House, which in 1706 became part of the barony of Drumlanrig and regality of New Dalgarnock, and which subsequently was held by the Government and used as a military barrack, the Crown, in 1815, sought to evade payment of the local Poor Rates on the argument that the House was outwith the burgh of the Canongate; but in this case the Crown's argument was not upheld (*Faculty Collections*, 21 November 1815). [I am indebted to Dr. C. A. Malcolm for this note.]

¹ After 1309, and the suppression of the Order of the Temple, the description 'Temple lands' was still used, even though 'Temple lands' had then passed largely into the hands of the Order of the Hospital, and some into the hands of local barons. The description 'Temple lands' appears, indeed, to have been used loosely for lands granted originally to either Order, and members of the Order of the Hospital holding 'Temple lands' were even loosely called 'Templars.'

² *L.C.*, No. cclxviii.

³ *R.M.S.*, ii, No. 1791.

⁴ Confirmation of various charters in *R.M.S.*, ii, No. 1791. It is to be noted that William Knollys, the Preceptor of Torphichen, was at this time Treasurer.

fully enjoyed and exercised.¹ In a collection of 'laws' stated to have been enacted by the Court of the Four Burghs, sitting at Stirling in 1405, we find, 'Quod nullus Templarius debet se intromittere cum aliquibus mercimoniis vel bonis pertinentibus ad gildam emendo vel vendendo infra terram suam vel extra nisi fuerit confrater gilde'²; and in an attempt to prevent abuse, the burgh authorities soon uniformly insisted that all 'Temple tenements' had to be distinguished from other tenements by a cross clearly marked on chimney or gable.

It would appear that in the exercise of the privileges of the Order, a local 'Temple bailie' for each sheriffdom held a 'Temple court' in the head 'Temple tenement'³ of the head burgh of the sheriffdom, to which suit was paid from the 'Temple lands' in the sheriffdom and burgh, and before which came all suits and actions touching the 'Temple lands,' or their holders.⁴ As late as 1532 the 'Templar bailie' of the Preceptor of St. John of Torphichen, in the sheriffdom of Ayr, held such a 'Templar court' on 'Temple lands' in the burgh of Ayr⁵; but, with the approach of the Reformation, the burgh authorities apparently became more insistent upon burghal rights and customs. In 1556, for example, the bailies of Peebles refused a claim to a right to repledge which was made by an 'officer and baillie to my lord Sant Johnis' and, in refusing, spoke of 'forstallaris, usand pakking and peling, in hurt of privilege of the burgh and fraude of our Sovereane

¹ Alexander II's main charter is open to grave suspicions of forgery, for its wording and style are unusual, and the Hospitallers appear to have had it widely registered: it occurs, for example, in *Aberdeen*, ii, 266-268, and in *Newbattle*, No. 222. Nevertheless its confirmation in 1488 indicates that its provisions were then accepted without question—though Chancery probably made no effective check of charters submitted for confirmation.

² *A.P.S.*, i, 704. The date of this collection, however, appears to rest upon the sole authority of Sir John Skene (cf. *infra*, p. cxliv note 3).

³ Similarly, perhaps, we find Arbroath, as a regality, speaking of its 'capitale edificium terre nostre' in the burgh of Crail (*Vetus Arbroath*, No. 270) (1281).

⁴ Cf. *Brechin*, i, Nos. 27, 52; ii, No. XIII; *Newbattle*, Nos. 287, 288; *Laing Charters*, No. 264; *Antiquities of the Shires of Aberdeen and Banff* (Spalding Club), iii, 359-360, 437-438. Including also the services of heirs on briefs which issued from the chapel of the Order of St. John (or of the 'Temple') (*Acta Dominorum Concilii*, ii, 457-458).

⁵ *Protocol Book of Gavin Ros* (Scot. Record Soc.), No. 1305.

Lady customis.’¹ Nevertheless, although the Order of the Hospital of St. John virtually came to an end in Scotland in 1564 with the nefarious agreement between Queen Mary and the Preceptor, Sir James Sandilands,² the newly erected barony of Torphichen (later the barony of Drem) still claimed the old franchisal privileges in the old name. In 1575 an action for arrears of the annual rent of a ‘Temple tenement’ in Glasgow was repledged from the burgh court to a court of the ‘bailie of the Temple’ to be held in the Temple tenement itself³; and as late as 1844 the burgh magistrates of St. Andrews still insisted upon the erection of the ‘Cross of St. John of Jerusalem’ upon the most conspicuous part of a Temple tenement within the burgh, ‘as the distinguishing mark betwixt the Burgage and Templar lands.’⁴

VIII

Because the land of the burgh is the king’s land, and because the king enjoys a revenue from his burgh in rents, tolls and other issues, so the king has something he can give away; and the gift may be more than one of a toft and tenement. The king may grant away the whole of one of his burghs, and all its issues, even as he may grant away any other part of the royal lands. It is well known that Bruce’s grant of the earldom of Moray to Thomas Randolph included the king’s burghs of Elgin, Forres and Nairn⁵; and, earlier, when the lordships of Haddington and Crail were granted in dower to the Countess Ada⁶ the grant undoubtedly included the king’s burghs in both lordships.⁷

¹ *Peebles Recs.*, i, 229.

² *R.M.S.*, iv, No. 1499.

³ *Glasgow Recs.*, i, 45-46.

⁴ David Henry, *Knights of St. John . . . in St. Andrews*, 24-25.

⁵ *R.M.S.*, i, App. i, No. 31. And Nairn was held of Thomas Randolph by Hugo de Ross (*R.M.S.*, i, App. i, No. 8). But the king reserved to himself and his heirs his burgh of Inverness ‘cum loco castelli et terris ad dictum burgum pertinentibus’ (*R.M.S.*, i, App. i, No. 31).

⁶ Lawrie, *Annals of the Reigns of Malcolm and William*, 221, note.

⁷ For Haddington, see *Dunfermline*, No. 152; *St. Andrews*, p. 207. For Crail, see *Dunfermline*, No. 151; *Dryburgh*, Nos. 16, 17; *Cambuskenneth*, No. 192.

Other burghs which can be traced as having been 'mediatised' to subject superiors include Renfrew,¹ Inverkeithing,² Cromarty,³ Wigton,⁴ and Dundee.⁵

When Elgin, Forres and Nairn were granted by Bruce to Thomas Randolph as part of his earldom of Moray, the charter of erection contained the saving clause, 'Volumus insuper et concedimus quod burgi et burgenses sui de Elgyn de Forrays et de Invernarne⁶ easdem libertates habeant et exerceant quas tempore domini Alexandri regis Scocie predicti et nostro habuerunt hoc solum salvo quod de nobis tenebant sine medio et nunc de eodem comite tenent cum eisdem libertatibus'⁷; and a similar reservation of the liberties of the burgesses of Wigton was made in David's II's charter confirming the grant of the earldom of Wigton to Malcolm Fleming.⁸ Admittedly no such saving clause is to be found in Bruce's charter granting to Andrew of Moray and Christiana his wife 'omnes terras nostras de Garviauch tam infra burgos nostros quam extra,' to be held as David, Earl of Huntingdon, had held them in the times of former kings,⁹ but it would appear that the interposition of a subject superior affected the burghs only to the extent that the subject superior, and not the king, now enjoyed the revenues derived from them.¹⁰

In a somewhat similar way the king might 'set' this or that burgh 'to farm.' At first it would appear that the officers of the burgh collected all the issues of the burgh

¹ *Dunfermline*, No. 162; *Paisley*, p. 20; *Glasgow*, i, No. 20.

² *Lindores*, No. LXXXV.

³ *Nat. MSS. Scotland*, ii, No. 21.

⁴ *R.M.S.*, i, App. i, No. 119.

⁵ *Bain*, i, No. 273; and cf. Bruce's charter to Dundee (1327) in *Dundee Charters*, frontispiece facsimile.

⁶ Invernairn and Nairn ought perhaps to be distinguished, for Invernairn is now under the sand.

⁷ *R.M.S.*, i, App. i, No. 31.

⁸ *R.M.S.*, i, App. i, No. 119.

⁹ *R.M.S.*, i, App. i, No. 70.

¹⁰ In a like way, when the fermes of Aberdeen, Inverkeithing and Kinghorn formed part of the dowry of Queen Margaret, the second wife of David II, the bailies made no return to exchequer *de firmis dicti burgi . . . quia in manu domine regine tanquam dos* (*E.R.*, ii, 154, 157—which meant no more than that the queen enjoyed the revenues of the king's burgh). But it would also appear that the chamberlain did not hold his ayre in those burghs (cf. *E.R.*, ii, 220, 259).

(*exitus burgi*) separately, including the individual rents of the burghages, the petty tolls and customs, the profits of justice and so forth.¹ But the king might 'farm' these issues for a fixed sum, leaving the 'farmer' to collect—and to make what profit he could.² In 1290, for example,

¹ Cf. *supra*, p. liv, note 2.

It is noticeable that only certain of the royal burghs—Aberdeen, Ayr, Banff, Crail, Dumbarton, Dumfries, Dundee, Edinburgh, Forfar, Haddington, Inverkeithing, Inverness, Lanark, Linlithgow, Peebles, Perth, Rutherglen and Stirling—appear regularly in the records as rendering their accounts direct to exchequer. Auchterarder, Cullen, Fyvie, Irvine, Kintore, Kirkcudbright, Montrose, Roxburgh and Wigton occasionally render their accounts direct. There is possibly some significance, which at present eludes us, in the fact that those burghs which compeared regularly at exchequer were all at the *capita* of sheriffdoms or constabularies, and were, in a sense, 'original' royal burghs.

A brief entry in Lord Haddington's transcript of the account of the chamberlain rendered in 1264 runs, 'Item, per firmas burgorum, ex utraque parte maris Scocie, vj^c lxxv li. xviii s. ij d. ob' (*E.R.*, i, 10)—a figure which, although only about half the total of the fermes of the burghs in 1327 (when there were many more royal burghs), may represent the full total of the fermes of all the royal burghs in 1264. Thus it may be that in Alexander III's time the burghs accounted through the chamberlain, but that, later, the more important burghs gained a right to account direct—possibly at the time of their payment of a tenth penny to Bruce under the indenture of 1326 to which the burghs were a party. Even then, certain of these burghs still appear from time to time as paying their fermes through the chamberlain.

But what of the other royal burghs who do not compear at exchequer, and whose accounts never appear in the separate roll written up for the accounts of the burghs and the customars? Did they account through the sheriff of the shire, as did the English boroughs until they gained the privilege of *firma burgi*? Unfortunately almost all the fourteenth-century accounts of the sheriffs have been lost, but there may be pointers in one or two entries in the accounts which have survived. Thus, in 1330, when one of the farmers of Banff was still in arrears, 'preceptum est vicecomiti quod levet' (*E.R.*, i, 271); in 1348, the sheriff of Aberdeen records that he has received no payment from the burgh of Kintore (*E.R.*, i, 542); and in 1359 the sheriff of Banff accounts for the burghs of Cullen and Banff, and the sheriff of Kinross for the burgh of Kinross (*E.R.*, i, 548, 579). In a later instance, in relation to part of the account of the burgh of Crail due to be rendered in 1364, the sheriff is ordered to compel a render to the chamberlain—'Et nihil hic de duobus terminis precedentibus, quia balliui mortui sunt; et precipitur vicecomiti quod compellat executores eorundem ad reddendum comptum camerario de dictis terminis' (*E.R.*, ii, 155-156).

² Naturally the farmer of the burgh would be only too apt to prefer his own interests to those of the burgesses. In England the detestation of the farmer, and the causes that led to it, are lucidly set forth by the community of Bristol in a petition to the king in parliament in 1283 (*Bristol Charters*, ed. Cronne, Intro., 42-43). For Scotland, where undoubtedly there would be a like situation, we have no evidence; but, as will be seen from the immediately following argument, the practice of farming the issues of a burgh was never as common in Scotland as it was in England.

Malise, earl of Strathearn, was farmer of Auchterarder¹; in 1292, William Clausun was farmer of the burgh and mills of Peebles, and John of Lidel was farmer of Dundee²; in 1327 Alexander of Seton and Reginald More were co-farmers of Berwick³; Banff had two farmers from 1327 to 1329⁴; from 1328 to 1331 Thomas of Charteris was farmer of Roxburgh⁵; and in 1342-43 Adam of Buthirgask appears as farmer of Cullen.⁶ In many burghs, moreover, during the Edwardian regime of 1291-92 the burgesses were farmers of their own burgh. In 1292, for example, Edward I directed a writ 'burgensibus de Aberden firmariis ejusdem ville' in which he refers to the arrears of their account 'de tempore quo fuistis firmarii'⁷; and in the same year the burgesses of Perth, Dumbarton, Roxburgh, Inverness and Ayr were all acting as farmers of their respective burghs.⁸ Similar arrangements had also been in force at Edinburgh, Stirling and Rutherglen.⁹ This was in accord with English practice, but, with the accession of John Balliol, such arrangements were apparently brought to an end. In January 1292/3 the burgesses of the burghs of Perth, Inverness, Edinburgh and Stirling were all 'nuper firmarii.'¹⁰ It would appear, indeed, that in Scotland the farming of the issues of a burgh was never as common as it was in England—until the sudden multiplication of charters of feu-ferme.¹¹

In a like way, and often (but not solely) owing to the English harryings in the early part of the reign of David II,¹² when many burghs were burned or destroyed and so were unable to make due payment of their fermes to the king, the king might appoint a *custos*, not only as a 'receiver'

¹ *E.R.*, i, 51.

² *Rotuli Scotiae*, i, 13b, 17a.

³ *E.R.*, i, 63. In 1328 Alexander of Seton appears as sole *firmarius* (*E.R.*, i, 311). For a note on the ferme of £266, 13s. 4d., see *infra*, p. lxxiv, note 2.

⁴ *E.R.*, i, 61, 271. In 1370 Banff was even farmed to an Englishman, John of Kylyyntoun (*E.R.*, ii, 351).

⁵ *E.R.*, i, 299, 353.

⁶ *E.R.*, i, 515.

⁷ *Rotuli Scotiae*, i, 14a.

⁸ *Ibid.*, i, 12, 14-16.

⁹ *Ibid.*, i, 16b, 17b.

¹⁰ *Ibid.*, i, 17b.

¹¹ *Infra*, p. lxxiv, note 4.

¹² The ravages of the war are clearly revealed in the returns of some of the burghs to exchequer (cf. *E.R.*, i, 473, 484, 490, 491).

but also to try to rehabilitate the burgh's fallen state. For, having failed to pay its *fermes*, the burgh, like a feudal fief which failed to render the service for which it was held, fell *in manu regis*. In this way, and at different times, we find the burghs of Cullen, Linlithgow, Montrose, Berwick, Inverness, Perth and Dumfries in the hands of the king, and then usually administered by a royal *custos* responsible to the chamberlain.¹

But the burgesses themselves might become farmers of their own burgh. The Exchequer Rolls show that the chamberlain, the royal officer charged with the supervision of the king's burghs,² might fix a certain sum to be paid annually by a burgh for a certain number of years in place of all the individual rents and other issues, leaving the burgesses to make their own arrangements for the raising of the annual amount.³ And that the payment of such a fixed sum was welcomed by the burgesses is evident from occasional references to a 'grassum' paid by the burgh for the renewal of its 'lease.'⁴

This was, indeed, little more than a natural simplification; but a further and more important stage was reached when the burgh received from the king a charter whereby in future, and *in perpetuity*, the burgh would pay an annual fixed sum for all burgh rents, petty tolls, profits of justice and all other issues—excluding, however, in the case of seaport burghs, the 'great customs' on exports.⁵ The burgh of Aberdeen was the first to be granted this privilege of 'feu-ferme status' in a charter conferred by Robert I in 1319.⁶ Thereby the king granted and confirmed to his burgesses and community of his burgh of

¹ Cf. *E.R.*, i, 61, 68, 157, 213, 478, 484-486, 524; iii, 125.

² See the *De Articulis Inquirendis in Burgo in Itinere Camerarii* (*A.P.S.*, i, 680-682), the *Modus Procedendi in Itinere Camerarii* (*A.P.S.*, i, 693-702), and the account of the chamberlain's duties in relation to the burghs in *S.H.R.*, xxxiii, 27-36.

³ For example, in 1393 Peebles was given an *asseditio* for five years at £8 a year (*E.R.*, iii, 337). In 1373 the *asseditio* of Haddington is said to be 'nunc expirata' (*E.R.*, ii, 385).

⁴ For example, Linlithgow, in 1330 (*E.R.*, i, 273, 301).

⁵ These were collected separately, and were accounted for separately at exchequer, by officers known as 'custumarii.'

⁶ *Aberdeen Charters*, No. viii.

Aberdeen his aforesaid burgh and his forest of Stocket to be held by the burgesses and community, their heirs and successors, in perpetuity, of the king and his heirs, in fee and heritage and in free burgage, with all mills, waters, fishings, petty customs, tolls, courts, and with all other privileges, for an annual payment of £213, 6s. 8d.¹ In March 1320 Robert I also granted a charter of feu-ferme to the burgh of Berwick for an annual render of £333, 6s. 8d.²; and the burgh of Edinburgh received a charter of feu-ferme status in 1329, its ferme being £34, 13s. 4d.³ Gradually other king's burghs received a like privilege,⁴ probably in some cases purchasing it, as Dundee may have done.⁵

¹ In the account of the baillies rendered *coram communi consilio* on 29 August 1407 (*infra*, p. 239) it is to be noted that the total fermes of the burgh then came to £238, 5s., from which £213, 6s. 8d. was paid to the king, and £2 was allowed to the baillies 'pro expensis suis ad scaccarium.' The repair of the mills, now held by the burgh, is charged against the receipts from the fermes.

² *Percy Chartulary* (Surtees Soc.), 437-440. Berwick had been regained by the Scots in March 1318. Edward I had granted a charter of feu-ferme to Berwick, in 1307, for a like ferme of 500 merks (Ballard and Tait, *British Borough Charters, 1216-1307*, pp. 324-325); but Bruce's charter is particularly interesting in its re-definition of the burgh boundaries; its references to the burgh wall, to the 'placea, tam edificata quam non edificata' (cf. *supra*, p. xlv and note 1), and to the 'prisona que vocatur Berfray'; its enumeration of burghal privileges, including the burgh's right to its own coroner; and its statement of the burgh's 'trade precinct.'

In the Exchequer accounts for 1327 to 1331, however, Berwick was paying a ferme of only 400 merks (*E.R.*, i, 63, 311, 812, 361). For 1327 the render was by two *confirmarii* and *ex assedacione domini regis*; for 1328 by one *firmarius* only; for 1329 and 1330 the render was by the *prepositi*; and in 1331 it is stated to be *per firmam*. Possibly, in view of the burgh's losses in the war and the long English occupation for twenty years, Bruce found it necessary to relieve the burgh and to reduce the ferme from 500 merks to 400 merks: it is inconceivable that the early *firmarii* were allowed to pocket annually 100 merks for themselves.

³ *Edinburgh Charters*, No. iv. The Edinburgh charter is less full and explicit than those granted to Aberdeen and Berwick.

⁴ The list (p. lxxv, foot), based partly on burgh charters and partly on the dates when the burgh first cites its feu-ferme privilege in exchequer, illustrates the gradual extension of the privilege. It is clear, however, that these dates are far from being exact, and that charters of feu-ferme status had been granted in many cases at considerably earlier dates. In 1425, for example, Kinghorn stated that it had received a charter of feu-ferme from David II (*E.R.*, iv, 396); in 1412 Irvine paid fermes of £14, 13s. 4d. according to a feu-ferme charter from Robert III (*E.R.*, iv, 153); and in 1426 Cupar referred to a grant *in feodo* made by the Duke of Albany (*E.R.*, iv, 426). It should also be noted that, with only two exceptions, all these burghs had regularly accounted direct to exchequer (cf. *supra*, p. lxxi, note 1).

⁵ Cf. *E.R.*, ii, 157.

By a charter of feu-ferme¹ the 'burgh' was held by the 'community' in free burgage in perpetuity. Again this suggests a legal conception of the 'burgh' as being something more than a mere physical collection of tofts and tenements. If, previously, the burgesses had held their tofts and tenements severally (by separate title, as it were) of the king, how did each burghess hold now? The only answer can be, 'of the community of the burgh.' The feu-ferme charter was an economic counterpart to the unity already created by the burgh court. Through the court of the burgh the burgesses were bound together in their law-owing and law-receiving; through the feu-ferme status of the burgh, the burgesses were bound together in the provision of a fixed sum each year to the royal exchequer. Henceforth it was the responsibility of the whole community, through its own officers, to ensure that the various and separate issues were forthcoming in order to enable it to pay the full total of its ferme. And the community and its officers could be amerced if the ferme was not rendered in time.² But if the feu-ferme payment still remained the same, even though new burgages were created and the revenue of the burgh thereby increased,³ nevertheless it is clear that by a grant of feu-ferme status the king did not abandon his escheats.⁴

1860 Dundee (£20)	1892 Ayr (£20)
1869 Inverness (£53, 6s. 8d.)	1893 Forfar (£8, 13s. 4d.)
1870 Montrose (£16)	Lanark (£6)
1872 Banff (£20)	1895 Dumfries (£20)
1874 Perth (£80)	1896 Crail (£11)
1886 Stirling (£16)	1400 Dumbarton (£8)
1888 Haddington (£15)	1410 Irvine (£7, 6s. 8d.)
Inverkeithing (£5)	1425 Kinghorn (£2, 10s.)
Rutherglen (£13)	1426 Cupar (£17, 6s. 8d.)
1889 Linlithgow (£5)	

¹ And a baron or lord of regality might likewise grant feu-ferme status to his burgh, as might also a bishop or an abbey (cf. *Dunfermline*, Nos. 396, 432; *Paisley Recs.*, No. 15). See also *supra*, p. lii, note 5.

² Cf. the case of Aberdeen in *E.R.*, i, 457, 471.

³ Cf. *supra*, p. lxxiv, note 1.

⁴ So, in 1330, Edinburgh paid £34, 13s. 4d. under its feu-ferme charter, but it also paid, *in addition*, 5s. 4d. *per quasdam terras escheate infra burgum* (*E.R.*, i, 272). And see *ibid.*, i, 301, 363). Maitland observed that, in England, with a grant in fee-farm 'we may say with some certainty that the king did not mean to abandon the escheats' (*Township and Borough*, 82).

There is no evidence to support the view that with feu-ferme status the burgh now became self-governing¹—indeed it is indubitable that a certain measure of self-government had already long been the rule.² It is equally indubitable, however, that the king still retained his ultimate control. The chamberlain, on his ayre, still enquired into the good conduct and upright administration of the burgh officers, into the admission of burgesses, into the administration of the finances, and so forth.³ But, apart from that royal supervision, the burgh now administered its own finances. Now it administers its own ‘common good,’ to which it can add the admission dues (‘burgess silver’) of newly admitted burgesses; now it can ‘stent’ its burgesses for special local needs or to meet the ‘extraordinary’ claims of the king. Nor is there any evidence that its officers, elected by the burgesses from the burgesses, were presented to the chamberlain, or to the king, to take the oaths *de fidelitate* and *de fidei administratione*.⁴

¹ It has often been noted that in England, at Ipswich, when the charter of fee-farm reached the town the whole community of the burgh at once met and elected their bailiffs and coroners (the officials sanctioned by the charter) and, a few days later, by representatives of the parishes, elected twelve ‘capital portmen’ (Gross, *Gild Merchant*, i, 23-24; ii, 115-123).

² See *infra*, pp. lxxx-lxxxii. In the collection known as the *Statuta Gilde*, the *maior et prepositi* are to be elected ‘per visum et consideracionem totius communitatis’ (*A.P.S.*, i, 436, c. 38).

³ See *S.H.R.*, xxxiii, 27-36.

⁴ In England the elected officers had usually to be presented to the king (or to his representative), or to Exchequer, for formal admission, at which time they took the oath *de fidelitate* (*The English Government at Work*, Mediaeval Academy of America, iii, 109). The solitary instance of this in Scotland relates to Berwick and Edward I. When, in 1302, Edward I confirmed the privileges of the burgh of Berwick, he granted to the burgesses the right to choose a mayor and bailies *de seipsis*, but stipulated that when the mayor had been elected he was to be presented to the king, or to the chancellor, or to the Treasurer and Barons of the Scottish Exchequer (if the king or his heirs were absent) to take the oath of fealty (Stevenson, *Documents Illustrative of the History of Scotland*, Record Series, ii, No. DCXIX; *Rotuli Scotie*, i, 428b). In Wales, in the new boroughs erected by Edward I beside his new castles, the burgesses were given the right to elect two bailiffs from among themselves, but these officers had to be presented to the constable of the castle who was also mayor of the borough (see the charters in E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, Appendix A).

IX

Once again—because the burgh was the king's burgh on the king's land, and because the burgesses were the king's men, so, as with any other parcel of royal lands, the burgh was administered by a royal official. Possibly, in the earliest period, this royal official was the sheriff of the adjoining castle¹; but later, and certainly as early as the reign of William, the burgh had its own officer, or officers, with the title of *ballivus* or *prepositus*.

Both designations were commonly used for royal officials administering royal lands²; and, indeed, it is possible that in the great areas of the early royal demesne—in Moray, Ettrick and Gowrie—certain of the royal burghs were there erected upon already existing royal manors,³ and that there the *prepositus* of the king's manor became the *prepositus* of the king's new burgh.⁴ In the royal burghs along the Moray Firth we find frequent use of the word *prepositura* to indicate, not the office of *prepositus*, but the lands attached to that office. We have references

¹ Cf. *supra*, pp. xix-xxii.

² Thus, lands falling by escheat or forfeiture into the hands of the king were usually administered by a *ballivus ad extra*. In the *L.Q.B.* both the *prepositus* and the *ballivus* are referred to as officers of the king (cc. 2, 25, 56, 57, in *A.P.S.*, i, 333-343). So Alexander II orders his bailies of Aberdeen to support his burgesses of Aberdeen and to maintain on their behalf the right *consuetudines* of his burgh of Aberdeen (*Aberdeen Charters*, No. III; *A.P.S.*, i, 87-88). Unfortunately the early records are not sufficiently full to enable us to tell whether or not there was any clear distinction between a *prepositus* and a *ballivus*. See, however, *infra*, p. lxxx, note 1.

³ It is important to remember that the *manor* might have a surplus for disposal by *trade*. Later, indeed, we find Edward I granting to the abbey of Dunfermline a weekly market and a yearly fair in its 'manor' of Kirkcaldy (*Bain*, ii, No. 1653). For references to royal manors on the royal demesne, see, for example, *Scone*, Nos. 5, 68; *Arbroath, Vetus*, No. 265.

⁴ We should also remember that the royal demesne was now frequently held by *firmarii* (cf. *Moray*, Nos. 34, 40) and, like the burgh, was expected to yield *fermes* (cf. *Cambuskenneth*, No. 224). In the middle of the thirteenth century we find a burgh 'land' spoken of as being held *ad feodifirmam* (*Charters of the Collegiate Churches of Midlothian*, *Soltre*, No. 37; see also *infra*, p. 14), and though, in a sense, all the tenants in the king's burghs were *firmarii*, their tenure was *in burgagium* where the stress is upon the 'burgh holding' rather than upon the 'ferme holding.'

to the *prepositura* (or 'grieveship land') of Inverness,¹ of Banff,² of Cullen,³ of Elgin,⁴ of Forres,⁵ and of Invernairn.⁶ Yet, even in these cases, the link between the castle and the burgh is still so strong⁷ that we find the *prepositura* frequently stated to be 'of the castle' when we would expect to read 'of the burgh.'⁸ We find such phrases as 'prepositura castri [de Forres]'⁹; 'prepositura castelli [de Forres]'¹⁰; 'prepositura castelli de burgo de Elgyn'¹¹; and we note that the chaplain in the castle of Elgin received towards his fee two merks from the 'grefeschip' of Elgin.¹²

The administration of *ballivus* or *prepositus*—and administration included also justice—was supported by a court, the *curia burgensium* or *curia burgi*, which, in the earliest records that have come down to us, was held in the name of the king as lord of that land and of the burgh which he had erected thereon.

¹ The lands of Drokes are 'prepositura' of the burgh of Inverness (*E.R.*, ii, 496); and two years later these lands are said to be included in the charter of assedation of the burgh (*E.R.*, ii, 579).

² When Robert II, in 1372, granted to the burgesses and community of Banff the right to hold the burgh in feu-ferme, he included in their holding *terra prepositure dicti burgi* (*Annals of Banff*, New Spalding Club, ii, 375).

³ The lands of 'le Grieveschip de Culane' (*R.M.S.*, i, No. 698); the lands 'de Greviscip de Culane' (*R.M.S.*, i, No. 786).

⁴ 'Tres rodas terre jacentes in prepositura de Elgyn' (*Moray*, No. 241).

⁵ James IV's charter of novodamus to the burgesses and community of the burgh of Forres, refers to the lands called 'le Grefship' and 'le Baillyeland' (*R.M.S.*, ii, No. 2319).

⁶ 'Terra prepositure de Invereren' (*Moray*, Original Charters, Nos. 3, 5—and a clear distinction is made between 'terra de Inveren' and 'terra prepositure de Invereren'). Though possibly Invereren may be Blervie.

⁷ In the case of Invernairn we have a reference to William's building of the 'castellum et burgum de Invernaren' (*Moray*, No. 25). Were these 'castles and burghs' along the Moray Firth part of that 'colonisation' of Moray which followed the rising of the *Moravienses* in 1163? (*Fordun, Annals*, c. 1v; *Chronicle of Holyrood*, Scot. Hist. Soc., 142 and note 2).

⁸ One explanation, although we have no other evidence pointing in that direction, might be that, in the difficult parts of Moray, the constable of the newly built royal castle did, at first, act as the *prepositus* of the newly erected royal burgh—possibly with *ballivi* under him. This, as we have seen (*supra*, p. xxii) was the case in the new boroughs erected by Edward I beside his new castles in Wales. It was also usually the case in the Flemish burghs until the end of the twelfth century (Pirenne, *Belgian Democracy, its Early History*, 64-75). We have also seen that, at Invernairn, the castle and the burgh were apparently built at one and the same time (*Moray*, No. 25).

⁹ *E.R.*, i, 15.

¹⁰ *Moray*, No. 40.

¹¹ *Moray*, No. 40.

¹² *E.R.*, vi, 517.

Naturally those living within the burgh had to observe certain 'rules and regulations' imposed for the 'government' of the burgh; and those 'rules and regulations' were agreed in the court of the burgh and by the court of the burgh they were enforced. The court, indeed, bound the community together.¹ The members of the community, the burgesses, were those who were subject to the court of the community, who were, indeed, themselves the court of the community²—for the court of the community had to be an assembly of the whole community in that it had to be a meeting of all those who were concerned with its decisions and bound by them. So the early court of the burgh, in imposing and enforcing 'rules and regulations,' imposed and enforced the burgh's 'laws and customs.'³ Those 'laws and customs,' moreover, were largely concerned with 'good neighbourhood' (*vicinitas*); and, because of that, the court possessed the jurisdiction necessary to ensure that *vicinitas* was maintained—a jurisdiction in civil causes between burgess and burgess, or, as our record so often puts it, in the plea of one burgess it could call a fellow-burgess to answer *tanquam vicinus ad vicinum*.⁴

¹ Cf. *supra*, p. xl.

² So the earliest references are not to a *curia burghi*, but to a *curia burgen-sium* (*St. Andrews*, pp. 284-285; *Scone*, No. 95). These references may be dated, respectively, 1226 × 1258 and 1245. So also, in the 'Laws of Breteuil' we find the phrase 'burgenses de curia' (cf. *supra*, p. xl).

³ Through intercourse and imitation, and a desire for like 'laws' for like circumstances, there were undoubtedly many customs common to all burghs (as, for example, the collection known as the *Leges Quatuor Burgorum*). See also, *supra*, p. xxxvi and note 1. But there were also customs which were peculiar to this or that particular burgh, approved by this or that particular community. So we find 'secundum leges et consuetudines dicti burghi [de Berwic]' (*Kelso*, i, No. 43). And see also *A.P.S.*, ii, 222, c. 21, referring to differing 'use and consuetude.' All 'laws and customs,' moreover, would develop and change as the burgh, its activities and circumstances, also altered and changed. We even read that in 1127 the Count of Flanders accorded to the burghers of St. Omer 'ut [de] die in diem consuetudinarias leges suas corrigerent' (Pirenne, *Medieval Cities*, Princeton, p. 199). As new 'laws and customs,' new 'acts' (as they come to be called) are brought forward, however, they must be approved by the whole community, for the whole community is bound by them (cf. *infra*, pp. lxxii-lxxiii). See also, in general, Bateson, *Borough Customs* (Selden Society). Unfortunately we have no one set of 'customs' which can be associated with one Scottish burgh.

⁴ E.g., *infra*, pp. 107, 121, 128, 129, 145, *et al.*

Possibly in all burghs the *prepositi* or *ballivi*¹ were at first appointed by, or with the concurrence of, the king; for on his behalf they administered his burgh and his land.² The wording of King William's charter to Inverkeithing, however—'Sciatis me concessisse . . . prepositis et ceteris burgensibus meis de Inuyrkethin'³—suggests that at that time, in Inverkeithing, the king's *prepositi* were simply chosen from among the body of burgesses and were not royal officials apart; and it is quite clear that by the time of Robert I, if not earlier, the *ballivi* or *prepositi* in all burghs were chosen annually from among the burgess community.⁴ This is amply, and quite simply, proved by an analysis of the burgh accounts rendered at exchequer in the years 1328 to 1331, the earliest years for which burgh accounts have survived. There we find that, in the same burgh, the office is held by different men year by year; indeed, in the returns of the burghs of Crail, Stirling and Linlithgow made in 1330, when the two terms of the financial year were accounted for separately, we find that the office has changed hands between the one term and the next.⁵ This would hardly have been the case had the *prepositi* or *ballivi* been extraneous royal officials. We must conclude that the *prepositi* or *ballivi* were chosen from

¹ In the earliest burgh accounts (1327) rendered at exchequer (1328) we find both *prepositi* and *ballivi*, and we have no knowledge of any difference between the two—though it is noticeable that an account is usually rendered by two *prepositi* or one *ballivus* (*E.R.*, i, 59-74; 84-94). In later accounts, up to 1343, only the term *prepositi* is used (*E.R.*, i, 349-365; 410-418; 469-473; 477-494; 515-528); but after 1359 the accounts are regularly and always rendered by *ballivi*. For the significance of this change, see *infra*, pp. cii-ciii.

² Cf. the charter of Alexander II to Aberdeen (cited *supra*, p. lxxvii, note 2), and the similar wording of William's charter to Inverness (*A.P.S.*, i, 89). In the burghs of barons and lords of regality the lord usually kept the appointment strictly in his own hands.

³ Ballard and Tait, *British Borough Charters*, 1216-1307, p. 378.

⁴ In the charters granted to his new boroughs in Wales, Edward I usually allowed the burgesses to choose two *ballivi* from among themselves, but they had to present them to the constable of the castle, as mayor of the burgh, for his approval (E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, App. A; see also, Henry Taylor, *Historical Notices . . . of Flint*, 30-32). For earlier charters to English boroughs granting a right to the burgesses to elect their own *prepositus* or *ballivus* (but usually subject to presentation to the king for approval), see Ballard, *British Borough Charters*, 243-246.

⁵ *E.R.*, i, 265, 266, 273.

among the burgess body : we might even hazard that they were elected by the burgesses themselves at the Michaelmas head court (which was held between the two terms of account)—as is laid down in the *Leges Quatuor Burgorum*¹ and as is revealed in the opening entry of the register for 1398-1407²

We should remember, however, that, if the king did not appoint his own extraneous official, only burgesses could serve in office and, at first, the king would naturally tend to appoint those burgesses suggested by their fellow-burgesses.³ In that way election by the burgesses from the burgesses probably arose.⁴ Moreover, unless the burgh was held by a 'farmer,'⁵ there was no profit to be made from the collection of the fermes, and, in the absence of profit, office would be unattractive to the outsider. In particular, however, it is abundantly clear that the right of the burgesses to elect their own officers was not dependent upon the attainment of feu-ferme status.⁶

Nevertheless the burgess-officers were still officers of the king ; to them the king directed his letters—'prepositis et ballivis burgi de Abirden, fidelibus suis.'⁷ The court which they held was the king's court, fenced in the king's name.⁸ When the chamberlain came to the burgh on ayre, it was the bailies of the burgh who stood 'challenge' for their administration, and who acted as executive

¹ *L.Q.B.*, c. 70 (*A.P.S.*, i, 347). It is to be noted that this chapter is to be found in the Ayr MS. of the time of Robert I—again supporting the argument that certainly as early as the reign of Robert I the *ballivi* or *prepositi* were chosen annually from among the burgess community.

² *Infra*, p. 21. Unfortunately the roll for 1317 does not contain details of the election of the officers of the burgh at the Michaelmas head court of that year ; it is purely a court roll.

³ But there is no evidence of 'presentation' to the king (*supra*, p. lxxvi).

⁴ There is no evidence to suggest that annual elections by the burgesses superseded earlier appointments for life tenure. In Flanders, Pirenne has shown that annual election, as opposed to life tenure, was only gradually secured—Arras (1194), Ypres (1209), Gand (1212), Douai (1228), Lille (1235) and Bruges (1241) (*Histoire de Belgique*, 2nd edn., 1902, i, 270).

⁵ Cf. *supra*, pp. lxxi-lxxii.

⁶ This, it should be noted, is contrary to Tait's conclusions with regard to the English boroughs (*Medieval English Borough*, 185-193).

⁷ *Infra*, p. 7.

⁸ *Infra*, p. cxxv.

officers to the chamberlain and were responsible for the issues of his ayre.¹

But, while these officers presided over the burgh court and possessed executive power, the judgments of the court were made by its members—the burgesses. Moreover, although in the courts held ‘a quindena in quindenam’² actions and causes between burgess and burgess (personal actions) would be heard and determined by the burgess-suitors of the court,³ *acta* (‘acts and statutes’), decisions which affected the whole community, were approved only in the three head courts of the year at which all the burgesses were bound to be present.⁴ And eventually, just as the ‘styles and statutes’ of a barony were read and approved at its Whitsun court,⁵ so, in the burgh, ‘acts and statutes’ were read and approved at the head court of Michaelmas, though we note that in due course further ‘acts and statutes’ might also be read and approved at either of the other two head courts.

Nevertheless, although all the burgesses had a right and a duty to be present at the head courts at which ‘acts and statutes’ were approved, it is doubtful to what extent ‘all the burgesses’ had any say in the *making* of those ‘acts.’ The early ‘laws’ of the burghs speak of a small body elected by the burgesses to ‘preserve and maintain the laws and true customs of the burgh’; and it is clear that this small body, which is to be found at work at the end of the fourteenth century in the earliest burgh records that have come down to us, and which eventually became the ‘town council,’ discussed and drew up the ‘acts and statutes’ which it then submitted to the community for their final

¹ *A.P.S.*, i, 680a ; 695, c. 4. See also *S.H.R.*, xxxiii, 32. In a like way when the justiciar came to the sheriffdom on ayre, the sheriff, as the king’s officer, had to ‘thole an assize’ charged to enquire into his good conduct in office (*A.P.S.*, i, 508b, 535a ; ii, 177, c. 8 ; and see *S.H.R.*, xxxv, 140), and, upon the conclusion of the ayre in the sheriffdom, the sheriff was responsible for the financial returns (*Fife*, xlvi).

² See *infra*, pp. cxx *et seq.*

³ For suit of court, and the suitors as ‘judgement finders,’ see, in general, *Fife*, lxxii-lxxxvi. For suit to the burgh court, see *infra*, pp. cxxii, cxxviii-cxxix.

⁴ *L.Q.B.*, c. 40 (*A.P.S.*, i, 340).

⁵ *Court Book of the Barony of Carnwath* (Scot. Hist. Soc.), cviii-cix.

approval. And again it is doubtful to what extent 'all the burgesses' assembled in the head court could amend or reject the 'acts' which were placed before them.¹

The constitution of this smaller body, its powers and authority, even its very name, apparently at first varied from burgh to burgh; and at a later date the variations were many.² In this, as in other aspects of growth and development, it was a characteristic of every burgh that it was different from every other burgh³; local conditions and local needs affected local development in administration as well as local change in physical growth. Above all, in every burgh change and development in administration proceeded from experiment to experiment.

Indeed, it is impossible to write with any certainty of the emergence of this smaller body. Clearly, as the community of the burgh steadily grew larger and more complex, some delegation of authority would become necessary—if only for prior discussion, or to take action between the meetings of one head court and the next. On the other hand, it may be that the early king's officer, in his relations with the burgesses, at first required them to appoint certain of their number to advise him on matters affecting the 'laws and customs' of the burgh—just as the king's sheriff acted with an *inquisicio* of the men of the neighbourhood, and, in the earliest period, probably asked the *judex* to interpret the local law and custom.⁴ Or again, it may be that the king, anxious to populate his new burghs, granted to the burgesses from the outset a right to appoint their representatives to preserve and maintain (and perhaps even to interpret) the 'liberties' which he had granted to them—possibly even to maintain those liberties against, and not merely in consultation with, his own officer.

¹ That is, we must beware of assuming that in the burghs we have an early form of democratic government; equally we must be careful not to assume that the 'community' means 'all the men of the burgh.'

² See 'Setts of the Royal Burghs of Scotland' in *Miscellany of the Scottish Burgh Records Society*.

³ Nor is there any evidence in Scotland of 'mother and daughter' associations such as those to be found in the English boroughs and on the Continent.

⁴ *Fife*, lxvi-lxix.

The charters of erection of Continental burghs in the twelfth century frequently contain such a right; but we have no charters of erection for the Scottish burghs. Moreover, as one burgh gained a right, or developed a new practice, other burghs would demand a similar right or would develop a similar practice—not necessarily, however, of exactly the same form.

As late as the reign of Alexander II the king is still ordering his bailies of Aberdeen to maintain his burgesses in the possession of their 'rectas consuetudines'¹; but, according to the *Leges Quatuor Burgorum*, each burgh was to have a body of twelve of the more sufficient and discreet burgesses sworn to preserve and maintain to the best of their power the laws and true customs of the burgh,² and, in the *Statuta Gilde*, the *communia* of Berwick was to be governed by twenty-four of the better, more discreet and worthy burgesses who were to be elected together with the mayor and the four *prepositi*.³ It is impossible to date these collections. Certainly they are composite and, in that form, probably of the second half of the thirteenth century. The numbers twelve and twenty-four may have been borrowed from England, where it was not unusual to have a body of twelve or twenty-four burgesses, chosen *de discreciolibus*, to serve with and to aid the chief magistrate *ad expedienda simul cum eo negocia vestra in villa vestra*.⁴ Alternatively, they may have been borrowed

¹ *Aberdeen Charters*, No. III.

² *L.Q.B.*, c. 112 (*A.P.S.*, i, 355).

³ *A.P.S.*, i, 436, c. 37. If any dispute arose in the election of the mayor or the *prepositi*, then the election was to be made by the oaths of [the] twenty-four upright men elected by the burgh who were to choose one man 'ad dictam communitatem regendam' (*A.P.S.*, i, 436, c. 38).

⁴ The words cited are from King John's letters to Northampton (Tait, *Medieval English Borough*, 272). In Ipswich there were to be twelve 'chief portmen,' as 'there are in other free boroughs of England,' with full power 'to govern and maintain the borough and all its liberties, and to render the judgments of the town' (Gross, *Gild Merchant*, ii, 117). For the examples of Northampton and Ipswich, however, see Tait, *op. cit.*, 270-274, and Stephenson, *Borough and Town*, 175-178. Later appointments of twelve 'chief burgesses' are common (Weinbaum, *British Borough Charters, 1307-1660*, pp. 3, 7-8, 13, 16, 20, 27, *et al.*). See also, Pollock and Maitland, *History of English Law*, 2nd. edn., i, 659.

from the Continent, where a like arrangement was common.¹

Again, in the new boroughs erected by Edward I beside his new castles in North Wales a 'common jury' of twelve sworn burgesses, elected at the Michaelmas leet (or 'head court'), served for a year in actions and causes affecting the whole community, its rights and privileges²; and in the records of Peebles we find occasional entries of the 'delyverans and statutis of the quest' which read exactly like the 'acts' of a council,³ while in the Dunfermline records, of much later date, a 'gangand assise' ratified and approved the 'acts and statutes' of the town.⁴ It is possible that, through their hearing and making deliverance upon 'common actions' which touched the whole community, such 'quests,' 'common juries' and 'gangand assises,' elected to serve for a year, came to act, in each burgh where they are found, as a body concerned with all matters touching the common weal whether or not such matters had arisen in actions before the court. Such a development would be natural; but the records are too scanty for the development to be traced.

In other burghs again, we find a standing body of twelve burgesses,⁵ elected each year, called the 'doussan' or 'duodene.' Once, in the Edinburgh records, the 'doussan'

¹ In the charter to Saint-Antonin-en-Rouergue (c. 1144) twelve *probi homines* are to be elected annually and sworn *ad consulatum et consulendum communitatem ville*, and it is these twelve who are to swear in a chief officer, a *bailivus*, to render justice (Stephenson, *op. cit.*, 41, note 6; Paul Viollet, *Les Communes Françaises*, 86). Pirenne states that the small group of burgesses is chosen to safeguard and administer the common affairs, the *public weal*, of the town (*Medieval Cities*, Princeton, 213-214).

² E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, 127-129. This is very similar to the jurés of the Continental burghs. In Leicester, the 'four and twenty' were known as 'jurats' (*jurati*)—Bateson, *Records of Leicester*, i, xlv—but equally, in Leicester, it is impossible to draw the line between the 'four and twenty' as representative of the town and as representative of the gild (*ibid.*, i, xlvi; and see *infra*, pp. cxiv-cxv).

³ *Peebles Recs.*, i, 147, 166.

⁴ MS. Dunfermline Burgh Records, 20 October 1573. Once, in Aberdeen, in 1512, we have a reference to 'the assyse consale of the towne' in a case touching the community (*Aberdeen Recs.*, i, 82); and a 'gangand assise' is referred to in 1449 (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 34).

⁵ Nor need numbers worry us unduly. When we constantly find more than twelve, or more than twenty-four, appointed, it may well be that more than twelve, or more than twenty-four, were elected and sworn so

is called the 'duodecim consules et limitatores,'¹ but, in another entry, it is called the 'duodene et limitatores terrarum burghi.'² It is just possible that there is here some connection with the twelve 'burgess witnesses' to any alienation of land within the burgh.³ In some burghs a standing body of twelve (or more) burgesses may have been elected annually to act for all alienations, and, from that, for all sasines; and such a 'dozen' would naturally be concerned with the boundaries of the 'land' and so might act as 'liners.'⁴ On the other hand, in Peebles, the 'doussan' and the 'quest' appear at times to be one and the same. In 1471, if we can trust the record, the 'chossyng' of the 'doussan' was followed immediately by the 'delyverans and statutis of the quest'⁵; and in 1503 the entry 'thair salbe xxiiij of the best nychtburis of the towne chosing and sworne to soit one accions belangand the utilite and comoun profit to the towne,⁶ and als to soit and resaif the cont of thair comoun gudis and to fut

that always twelve, or always twenty-four, would be available to act. In Aberdeen, for example, in 1447, we read, 'The same day the whole council being present to the number of twenty four' (*Aberdeen MS. Guild Recs.*, p. 724: the italics are mine) when, at the election, forty members of council had been appointed (*ibid.*, p. 721). The principle is admirably expressed in one entry in the Peebles records—so that 'thair salbe xvj personis, or xij, or awch at the leist . . .' (*Peebles Recs.*, i, 199).

¹ *Edinburgh Recs.*, i, 2 (1418).

² *Ibid.*, i, 3 (1426).

³ *A.P.S.*, i, 355, c. 111; 720, c. 10; 754, c. 35. So also, whosoever had bought a 'land' with the witness of twelve of his neighbours and had held it without challenge for a year and a day should, subject to certain conditions, hold it thenceforward in peace (*L.Q.B.*, c. 10, in *A.P.S.*, i, 334). We can see these 'twelve burgess witnesses' at work in Glasgow (*Glasgow*, i, Nos. 236, 248), Lanark (*Lanark Recs.*, 14) and Paisley (*Paisley*, 385-386).

In a burgh sasine in our present record, in 1317, we have reference to one penny of in-toll and one penny of out-toll (*infra*, p. 6). This is in accord with *L.Q.B.*, c. 52 (*A.P.S.*, i, 342), and is of constant occurrence in all burgh records. The 'alienation fee' varied in the English boroughs, but a penny of in-toll and a penny of out-toll was the custom in, among other boroughs, Pontefract, Preston and Norwich. Probably the fee of a penny was connected with the idea of the 'God's penny' which clinched a bargain—in 1498, for example, when a son was given sasine 'per le hespe et stapylle' of his deceased father's lands in the burgh of Kintore, he still paid a penny of in-toll (*Aberdeen*, i, 343).

⁴ The *L.Q.B.*, however, merely stipulate that the liners are to be 'at least four' in number (*A.P.S.*, i, 353, c. 105); and in our present record (where there is no mention of a 'doussan') the liners appointed in the years 1399, 1400, 1401 and 1402 varied in number between nine and thirteen. For the liners, see also *supra*, p. xli, note 3.

⁵ *Peebles Recs.*, i, 166.

⁶ Exactly like the 'common jury' of the boroughs of North Wales.

the samyne, the quhilkis the namys ar under writting . . . ' is followed immediately by ' The quhilk dai, it [is] statut and ordanit be the balyais and *the gret dosone, the quhilk the namys ar abon writyn*, that thair sal na comoun gud be deliverit na gewin furth to na personis be na maner of way. . . .'¹ Finally, in Edinburgh, in 1492, the ' dusane ' could be called ' for the halding of the counsale in the wirking of the commoun proffeitt,'² where again the ' dusane,' like the ' quest,' appears to be concerned with matters concerning the common weal of the burgh.

One thing is clear : out of bodies with varying names and varying composition, and possibly in some burghs out of bodies with overlapping personnel, and therefore with a natural overlapping of functions—for the population of the mediaeval burgh was small and the ' better men ' would be few in number—the affairs of every royal burgh were eventually regulated by a ' council ' which, in every burgh, was concerned with ' the utility and common profit of the town.' Undoubtedly there was fumbling and experiment³; and where there had once been a ' doussan ' or a ' quest ' that body was either merged in the council or, surviving for a time side by side with the council, was finally superseded by the council.⁴

¹ *Peebles Recs.*, i, 199. The italics are mine.

² *Edinburgh Recs.*, i, 64-65.

³ In Peebles, for example, we find yet another body—' the six men.' ' It is ordanyt be the balyeis, and with consent of the commwnite and the sex men ' ; ' Thir ar the sex men that is ordanyt to geif the balyeis consell ' (*Peebles Recs.*, i, 158).

⁴ So, in Lanark, ' the inquist and counsall ' ordain the statutes of the town (*Lanark Recs.*, 20-21) ; in Ayr, the ' commissio generalis,' the ' consilium generale ' and the ' inqueist ' are all used synonymously for the later ' council ' (*Ayr MS. Recs.*) ; in Edinburgh, in 1431, a member of the *duodene absent a consilio* is to pay fourpence (*Edinburgh Recs.*, i, 4), and in 1442 we have a deliverance ' be the dusane and the counsale of the town ' (*ibid.*, i, 6).

It is noticeable that in Peebles, where both ' quest ' and ' council ' existed for a time side by side, the ' quest ' was at first superior to the ' council.' Thus, ' the inqueist ordanis the baillies, as ony commoun besynes occurris, to caus thair officeris warne the counsale on xxiiij houris warnyng in the tolbutth ' (*Peebles Recs.*, i, 257) ; ' the inqueist ordanis the baillies and counsale to vesy and sycht ' the place where John Paterson wishes to build his ' chep ' (*ibid.*, i, 328) ; ' the inqueist ordanis the baillies to elect ane counsale to decerne apone all actiones concernyng commoun effaris ' (*ibid.*, i, 335).

Each burgh undoubtedly came to have its own small group of elected burgesses to sit on 'common actions' and to safeguard the weal of the burgh including the account of its 'common good.'¹ Names and forms might vary; but that small group of elected burgesses became in due course, in every burgh, the 'town council.' In our present record in 1399, twenty 'communes consiliarios' were elected at the Michaelmas head court.²

Here, then, we have a major distinction between the burgh court and the burgh council. The burgh court is the king's court for the men of his land; its officers, the bailies, are the officers of the king. At first both administrative and judicial, it gradually becomes more and more concerned with the administration of justice between burgh and burgh.³ The council, on the other hand, emerges from the peculiar character of the burgh as a 'communitas.' The council is elected by the community; it represents the community; it safeguards the interests of the community; it is concerned with 'the common weal and profit of the town' and with 'the setting forward of common actions.' It represents 'town government'—something quite different and distinct from the administration of a parcel of the king's land and the serving of justice to the king's men dwelling thereon. The authority of the council is soon testified by its use of the burgh's common seal—a seal distinct and separate from that used to testify the authority of the burgh court.⁴

¹ Cf. *Peebles Recs.*, i, 199, 207, 335; *Lanark Recs.*, 20-21.

² *Infra*, p. 100. Similar elections took place in 1400 (*infra*, p. 196) and 1401 (*infra*, p. 208). And because 'the "better men" were few in number' inevitably the same men tended to serve year after year (cf. *infra*, p. cviii, note 5) and, gathering power into their hands, became an oligarchy.

³ And, later, the bailies of the burgh are 'judges ordinary.'

⁴ The seal used for the burgh court is the 'seal for causes.' The name, and the distinction, may have been borrowed from France. Luchaire states that in the French communes 'le grand sceau' was reserved for acts, decrees and documents of public interest which affected the whole community, while minor administrative decrees and judgments of the magistrates were given under 'le sceau aux causes' (*Les Communes Françaises*, Paris, 1890, p. 103). On the other hand, Bôiard (*Manuel de Diplomatie*, ii, 242) shows that the burgh 'seal for causes' in France does not appear until the second half of the thirteenth century, was

Admittedly we have no references to common seals before the first decades of the thirteenth century—a period of burghal development under William and Alexander II when merchant guilds were erected in many burghs. But no Scottish burgh common seal bears a legend like that of Gloucester, in England—‘*Sigillum burgensium de gilda mercatorum Gloucestrie.*’¹ The earliest reference to a common seal, that of Berwick, is clearly to a seal used by the burgh court²; and a little later the common seal of St. Andrews was the ‘*sigillum commune burgensium Sancti Andree.*’³ When, however, the burgh begins to use a common seal which is distinct and separate from the seal of the burgh court, its use would seem to demand an officer, a ‘head of the community,’ other than the king’s bailie. And yet not necessarily so, At Ipswich, when it had received its charter in 1200, we read in its ‘*Doomsday Book*’ that ‘*Electi sunt tres de legalioribus et potencioribus de dicto burgo ad custodiendum [or ad custodes] illud sigillum [the common seal] . . . qui jurati sunt coram communitate quod bene et fideliter custodient predictum sigillum et quod nullam litteram nec aliquod instrumentum cum eodem sigillo consignabunt nisi fuerint pro communi honore et pro utilitate ville seu burgensium ville et hoc per assensum parium suorum*’⁴; and there was no reason why, in Scotland, the ‘twelve’ or the ‘twenty-four,’ and later the ‘council,’ should not at first depute the custody of the seal to one or more of their number. Even at the beginning of the eighteenth century at least half a dozen royal burghs had no municipal ‘head.’⁵ Nevertheless, in

borrowed from ecclesiastical diplomatic, and was at first used mainly for agreements, contracts and settlements made before one of the burgh magistrates. (I am indebted to Mr. A. A. M. Duncan for this reference.) It is possible that in Scotland, also, the seal was borrowed from the Church; and for its parallel use in craft ‘incorporations,’ see *infra*, p. cvi, note 1.

¹ Tait, *Medieval English Borough*, 230. For the various Scottish legends, see *supra*, p. l, note 8.

² It was appended to a quitclaim made *in plena curia placitorum nostrorum* (*Melrose*, i, No. 27. *Anno 1212*).

³ *St. Andrews*, pp. 284-285.

⁴ Gross, *Gild Merchant*, ii, 121.

⁵ See the ‘Setts of the Royal Burghs’ in *Scottish Burgh Records Society Miscellany*.

many burghs, but by no means all, a 'head of the community' was found through the royal erection of a merchant gild, and, in those burghs, as in Aberdeen, where the records have fortunately survived, the council and the gild inevitably became closely interwoven.

X

Once the burgesses of a burgh begin to elect a number of their fellow-burgesses to preserve and maintain their liberties and to draw up 'laws and customs' for the government of the town, they naturally elect those of their fellows who stand out by character, or wealth, or influence. With increasing trade, however, and notably overseas trade, it is the merchants who acquire wealth and influence—as opposed to the craftsmen who, more humbly, merely satisfy local needs. So, in due course, the members of the council tend to be chosen from the merchants; and, where the merchants are associated together in a merchant gild, council and gild naturally begin to work hand-in-hand. From that, it is only a short step to the control of the council by the gild, and to a council chosen from the gild and by the gild.

In England, it has been maintained that the first beginnings of 'town government' came from the merchant gild¹; and although in Scotland not every burgh (so far as we know) had a definitely constituted merchant gild, it is clear that in due course the elected town council in every burgh was usually composed of merchants, elected by the merchants. In effect, in every burgh, the merchants became a separate 'group' among the burgesses, whether or not that group had been formally erected into a merchant gild.

The many foreigners (and notably the English and the

¹ Thus Tait, writing of the English borough, says, 'Though granted only for the regulation and advancement of their trade, it [the merchant gild] was utilised in practice to give a kind of semi-corporateness to the borough community' (*op. cit.*, 263). See also Stephenson, *Borough and Town*, 150-151. For the development in France, see A. Luchaire, *Les Communes Françaises*, 31-33.

Flemings) within the Scottish burghs, and the trading contacts of the Scottish burghs with England and the Low Countries, must have meant that the gild system was known to the burgesses of the Scottish burghs from the days of the earliest erections. In Northern France and Flanders, gilds merchant had thriven from the early years of the twelfth century, and in England there is evidence of merchant gilds at the time of David I's reign in Scotland.¹ The new settlers in the new Scottish burghs would expect to receive the privileges which they knew were enjoyed elsewhere; probably, too, the kings would be not unwilling to grant demands for merchant gilds since the success of their new burghs depended largely upon the trade of the merchants who had settled there.

King William's well-known charter granting and confirming to his burgesses of Aberdeen and to all the burgesses of Moray and to all his burgesses dwelling [in burghs]² benorth the Mounth 'liberum ansum suum tenendum ubi voluerint et quando voluerint ita libere et quiete plenarie et honorifice sicut antecessores eorum tempore regis Davidis avi mei ansum suum liberius et honorificentius habuerunt'³ can hardly be read to mean the existence of a 'confederacy [of burghs] called by the name of "Hanse"—a name so well known afterwards in connexion with the great European combination of free cities.'⁴ The very words 'tenendum ubi voluerint et quando voluerint' preclude such an interpretation. Rather must this grant be read to mean that Aberdeen and the other burghs then erected north of the Mounth were *each of them* entitled to enjoy [a] hanse as had been their privilege in the time of David I. But was this 'hanse' a merchant gild? The privilege of a merchant gild, when granted to a burgh by royal charter, is always styled a *gilda mercatoria*, or a *gilda marcanda*⁵; always, in Scotland, it first appears in the

¹ Gross, *Gild Merchant*, i, 9-16.

² The gloss 'in burghs' is justified by *manentes*.

³ *Aberdeen Charters*, No. 1.

⁴ Cosmo Innes, *Scotch Legal Antiquities*, 114.

⁵ See the many charters in Ballard, *British Borough Charters*, 202-207, and Ballard and Tait, *British Borough Charters*, 1216-1307, 278-283.

reigns of William and Alexander II; and, in the case of the northern burghs, Aberdeen and Elgin were both first granted the privilege of a *gilda mercatoria* by Alexander II.¹ The 'hanse' of David I's reign must have been something different.

Both 'hanse' and 'gild' have the same original meaning—a payment; from that, a payment of entry-money, or 'upset,' or dues, to become a member of an association²; and, from that, by transference, both came to mean the association itself. Dr. E. A. Lewis has shown that in the new boroughs erected by Edward I in North Wales those who wished to enjoy the liberties of the borough had to 'be sworn before the burgesses justly to maintain the rights and liberties of the town, and also to contribute a certain custom, called "hanse," towards the common weal of the borough.' In these North Welsh boroughs he found no evidence of a merchant gild flourishing as an organisation distinct from that of the borough; the fact that the 'hanse,' or 'gild entrance fee,' was paid into the common coffer of the borough would suggest that burghership and gildship were one and the same³; and the common coffer would appear to indicate that the borough had a unity of its own (something approaching a *communia*) even though the constable of the King's castle was its mayor.⁴

Here, then, it would seem that the burgher had not only to hold a 'land' in the borough and be resident there, he had not only to take the burgher oath, but, in addition, he had to contribute to a common fund devoted to the burgh's common good.⁵

¹ *Aberdeen Charters*, No. III; *Records of Elgin* (New Spalding Club), i, 8.

² So, in the present record, *gilda sua* is used for the entry-money to the gild (cf. *infra*, p. 231).

³ *Mediaeval Boroughs of Snowdonia*, 166-167.

⁴ See the various borough charters, *ibid.*, Appendix A.

⁵ In these North Welsh boroughs, too, the newly admitted burgher, having sworn his oath and paid his hanse, was subject to the payment of 'scot and lot,' duties which fell only upon the resident burgesses (Lewis, *op. cit.*, 167); and it may not be without significance that in Scotland, in a doubtful charter of Alexander II, 'scot and lot' appears as 'scot and gild' (*R.M.S.*, ii, No. 1791).

The 'hanse' of William's charter to Aberdeen must be interpreted in a like way.¹ The concluding words of the charter 'Quare prohibeo firmiter ne quis eos inde vexet aut disturbet super meam plenariam forisfacturam' would thus mean that the king's officer, and others, were precluded from interfering with these payments of 'hanse.' The 'hanse' was the burgesses'; *ergo* they could apply it to their own uses (the 'common coffer' of the boroughs of North Wales). Only to that extent, perhaps, does the hanse at this stage imply an association. Nevertheless, by a natural transference, the hanse soon came to mean all those who had paid—an association of burgesses to which the payment gave admission. And that association would thus appear to have included merchants and craftsmen alike. It 'did not exclude dyers, butchers, fishermen' and so forth.² It was, to all intents and purposes, the burgh *communio* or *communitas*.³

Gilda and *communio*, indeed, appear upon occasion to be equated. Thus, while the *Leges Quatuor Burgorum* say simply that if a man of any baron or knight, or if any serf, shall come to a burgh, shall buy there a 'land,' and shall remain on his land (*manserit in burgagio suo*) for a year and a day unchallenged by his lord, thenceforth he shall be a free burgess and shall enjoy the liberty of the burgh,⁴ on the other hand the *Regiam Majestatem*, borrowing from Glanvil, states that if a *nativus servus* shall remain unchallenged for a year and a day *in aliqua villa privilegiata* such as a royal burgh, and shall be received *in eorum communio vel gilda tanquam burgensis*, he shall thereby be released from the yoke of

¹ So, too, arose the Scottish burgess fee or 'burgess silver,' a payment made by all burgesses upon their admission. Moreover, where a *gilda mercatoria* was erected, we shall find that an additional gild fee was paid for admission thereto, over and above the burgess fee, or 'hanse' (*infra*, p. cix).

² So wrote William Cunningham after his thorough investigation into the membership of the gild of Shrewsbury (cited Mackenzie, *The Scottish Burghs*, 102).

³ That is, the argument here is more in accord with that of Gross in *The Gild Merchant* than with that of Tait in *The Medieval English Borough* (particularly chapter ix).

⁴ *A.P.S.*, i, 335, c. 15.

serfdom.¹ In the (1215) charters to Dunwich and Hereford the actual words are 'in gilda et hansa et lot et scot' with the burgesses,² and those same words are to be found in the charters of some twenty boroughs during the period 1227-1302, including Edward I's new boroughs in North Wales³ and his charter of 1302 to Berwick.⁴ Finally a Lincoln charter of 1157, citing this same privilege of enfranchisement after a year and a day, adds, 'et dederit consuetudines civitatis'⁵—probably meaning, 'and shall have paid his "hanse" or "gild."''

Nevertheless, although the hanse or gild was probably at first the association of all the burgesses, trade was the *raison d'être* of the burgh and the continued existence of the burgh depended upon trade. So, those who were engaged in trade (the merchants as opposed to the craftsmen) naturally tended to become a more important group within the burgh community. This importance of the merchant group was recognised by the king and, in a number of burghs in the reigns of William and Alexander II, the merchants received by royal charter a right to a merchant gild⁶—a gild of merchants within the wider gild or hanse of the town. Even though we cannot trace the existence of such a merchant gild in every royal burgh,⁷ and even though certain royal burghs appear never to have had a merchant gild, it is probable, in the light of the evidence which has come down to us, that by the middle

¹ *Regiam Majestatem*, II, 12. Glanvil, *De Legibus*, v, 5. See the parallel texts in *A.P.S.*, I, 147. Glanvil's text in this place is, moreover, above suspicion (Tait, *op. cit.*, 223). It is to be noted that the *nativus* of the king appears to be excluded from this privilege (cf. *De Articulis Inquirendis* in *A.P.S.*, I, 683b); and equally the fugitive serf can be reclaimed only if taken *extra dominia mea* [*sc. regis*], and *dominia* would include the king's burghs (*Kelso*, I, No. 7; *Dunfermline*, No. 67; *Soltre*, No. 42). Indeed, the wording of the brieve in the Ayr MS. is 'extra dominia nostra burgos nostros et wardas nostras' (*Register of Brieves*, Stair Soc., p. 36, No. v).

² Ballard, *British Borough Charters*, 105.

³ Ballard and Tait, *British Borough Charters*, 1216-1307, 136-137.

⁴ *Rotuli Scotiae*, I, 429a.

⁵ Bateson, *Borough Customs* (Selden Society), II, 89, note 2.

⁶ So in Edward I's charter to Berwick only those *de gilda* could 'make merchandise' within the burgh—that is those who were in the *gilda mercatoria*; but all who wished to enjoy the liberties and free customs of the burgh had to be 'ad gildam et scottum cum eisdem burgensibus' (*Rotuli Scotiae*, I, 428-429).

⁷ See the article and the table in *Scottish Review*, xxxii (1898), 61-81, correcting the table in Gross, *Gild Merchant*, I, 203-207.

of the thirteenth century many, or perhaps even most or all, of the 'head burghs' of the sheriffdoms had been accorded by royal charter the privilege of a merchant gild.

Turning to the charters of privilege granted by William and Alexander II to Perth, Aberdeen and Stirling¹ we note that those burgesses 'qui sunt in gilda mercatoria'² are given a monopoly of the making of cloth within the bounds of the sheriffdom³; that restrictions are laid upon the 'traffic' of stranger merchants who must buy and sell in the burgh and not elsewhere in the sheriffdom; that fullers and weavers are expressly excluded from the gild⁴; and that the stress throughout is upon cloth. Admittedly a trade in hides and wool is mentioned—but only towards the end of each charter. It is clear that the export of hides, wool and woollens was not regarded as being as important as the making of cloth,⁵ and that while the merchants were given a monopoly in the buying and selling of hides and wool, their monopoly in wool was mainly to enable them to secure sufficient supplies for the weavers of cloth. The weavers and fullers, moreover, were outwith the gild because they took part only in the making of cloth and were not in the cloth trade.⁶

¹ *A.P.S.*, i, 86; *Aberdeen Charters*, No. III; *Stirling Charters*, No. VII.

² And in due course a gild brother could be *manens extra burgum* provided he had been admitted, had paid his dues, and bore his share of the burdens. The list of gild brethren in the records of the gild court of Ayr (1428-1431) distinguishes between those *manentes* and those *extra manentes* (*Archaeological and Historical Collections . . . of Ayr and Wigton*, i, 228-229).

³ That is, within the burgh's 'trade precinct,' called here its 'liberty.' Later, 'the liberty of the burgh' was usually the same as its 'royalty'—that is, the area within the burgh's jurisdiction (cf. *Aberdeen*, ii, p. 283; *Arbroath, Nigrum*, No. 165; Craig, *Jus Feudale*, i, x, 31).

⁴ The dyers, on the other hand, appear to be protected—no one may make dyed cloth within the sheriffdom outwith the burgh.

⁵ All this accords with what we know of the English cloth industry—an important *urban* industry of the late twelfth and early thirteenth centuries. There, too, dyers, using expensive imported dyes, tended to be as wealthy as the merchants and were admitted to the gild (see 'The English Cloth Industry in the late Twelfth and early Thirteenth Centuries,' by E. M. Carus-Wilson, in *Economic History Review*, xiv).

⁶ Possibly in Berwick, however, with its large export trade in wool, the merchants there were more concerned with the export of the raw material than with its manufacture. In the *Statuta Gilde* the monopoly of the gild brethren in the purchase of hides, wool and woollens, 'for resale,' preceded their protection in the 'cutting of cloth' and is clearly regarded as more important (*A.P.S.*, i, 435, c. 23).

Here, in the references to the *gilda mercatoria*, we are probably reading only the written royal recognition and confirmation of certain local associations of merchants which had already arisen in a number of the more important king's burghs—the 'head burghs' of sheriffdoms—whose charters have fortunately been preserved. Is there any reason to doubt¹ that there were like merchant guilds in a number of the other 'head burghs' whose charters have unfortunately been lost?² The style of a royal charter in the Ayr MS. runs that the king has granted to his burgesses of *A* 'ut ipsi ad melioracionem dicti burgi nostri de *A* habeant in eodem burgo gildam suam mercatricem'³; and that is the identical style of Alexander II's grant of a merchant guild to the burgh of Elgin.⁴ Merchant guilds, we may say, were at this time 'in the air.'

But such a manufacture and trade in cloth demands markets, at which 'stranger merchants' can buy and sell; and it is significant that in each of these charters to Perth, Aberdeen and Stirling a market is granted with a market peace, and royal protection is accorded to those proceeding to the market or returning thence. More significant still, at this time—the end of the twelfth century and the opening decades of the thirteenth century—the surviving burgh charters show that there must have been a whole series

¹ As Murray does, in *Early Burgh Organization in Scotland*, i, 464.

² There is later evidence, but under changed economic conditions (*infra*, pp. xcvi-xcviii), for Cupar-Fife, Ayr, Montrose and Forfar.

In a 'law' attributed to William, the king 'Statuit quod mercatores regni habeant gildam suam mercatoriam et ita gaudeant in pace cum libertate emendi et vendendi ubique infra limites libertatum burgorum' (*A.P.S.*, i, 383, c. 39). This reads like the mid-thirteenth century, rather than the reign of William; but, whether or not the 'law' was effective at any period, it would be wrong to assume, as Murray did, that it refers 'not to a guild in each town, but to a general merchant guild which, when constituted, should be entitled to trade in any burgh' (*op. cit.*, i, 460). Again the wording (as in the charters) 'infra limites libertatum burgorum' clearly refers to the 'trade precincts' of the individual burghs. Moreover, the 'law' even goes on to say, 'ita quod quilibet sit contentus sua libertate et nullus occupet libertatem alterius.' Alexander II granted a merchant guild to the burgh of Elgin 'sicut aliquis burgorum nostrorum . . . gildam suam habet liberiozem' (*Records of Elgin*, i, 8).

³ *Register of Brieves* (Stair Soc.), p. 51, No. 78.

⁴ *Records of Elgin*, i, 8.

of royal grants of 'market.' Charters of a right of market have survived for Inverness (1199×1214), Ayr (1203×1206), Aberdeen (1216×1222), Dumbarton (1221) and Stirling (1226)¹—all 'head burghs' of sheriffdoms.² Such a series of charters granting the right of a market, and a like series at this same period granting freedom from toll,³ taken in conjunction with the contemporary grants of a merchant gild⁴ (sometimes market and gild being granted in the same charter⁵) are all indicative of a mercantile revolution taking place at this time and of royal attempts to encourage the royal burghs as manufacturing and trading centres.⁶ And the manufacture and trade was in cloth.⁷

When, however, details of Scottish exports become available in the early fourteenth century we find that the merchants are now largely concerned with the export of wool, woolfells, hides, skins and fish, and with only a small amount of coarse cloth. Now we find that the gild brethren in the burghs are laying stress upon their monopoly in the

¹ Ballard, *British Borough Charters*, 172; Ballard and Tait, *British Borough Charters*, 1216-1307, 246.

² Moreover there appears to be a concept of one market for each sheriffdom—a concept clearly enunciated in *Fragmenta Collecta*, c. 49 (*A.P.S.*, i, 729)—and it is to be noted that in North Wales Edward I restricted the right of market to the burghs which he erected beside his castles (E. A. Lewis, *Mediaeval Boroughs of Snowdonia*, 174-175).

³ Freedom from toll on the goods of their burgesses throughout the realm (*Aberdeen Charters*, No. II; Ballard, *op. cit.*, 190-191; Ballard and Tait, *op. cit.*, 254). For an interesting picture in 1348 of an unfortunate collector who had unwittingly collected a penny of toll at Dundee, see *Arbroath, Nigrum*, No. 22. But how were collectors to know who was due to pay and who was exempted?

⁴ And it is to be noted that a 'market' and a 'merchant gild' were both franchises, the subject of separate royal grants over and above the erection of the 'burgh.' The king, in effect, made a grant *negociandi usus*; and the market, like the burgh, was the king's. The charters constantly speak of *forum meum* (cf. *L.C.*, No. CLIII; *Kelso*, Nos. 13, 387).

⁵ And the market, like the gild, 'improved' the burgh. In 1285, for example, Kinghorn was granted a market *pro utilitate et melioracione burgi* (Ballard and Tait, *op. cit.*, 248; *R.M.S.*, i, No. 183).

⁶ We have already associated with this period the erection of new burghs which were not adjacent to the *capita* of sheriffdoms (*supra*, pp. xxiii-xxiv); and it is noteworthy, and probably significant, that at this time in England, in the reigns of Richard I and John, there were parallel burghal developments.

⁷ See also the king's interest in the cutting and dyeing of cloth in *Constitutiones Nove pro Burgensibus*, attributed to William (*A.P.S.*, i, 666).

buying and selling of hides, woolfells and wool.¹ Now the 'stranger merchant' comes to buy the raw materials from the brethren of the gild; and now the king enlarges his revenue by 'new' customs duties on their export.² Now, in David II's 'general charter' granted to the burghs in 1364, no bishop, prior or other churchman, no earl, baron or other layman, may buy or sell wool, skins, hides or other merchandise save only from [or to] the merchants of the burghs within whose liberties³ they live; all such merchandise is to be exposed publicly at the market-place and cross of the burgh, so that the merchants may buy and so that the king's customs may be paid; and, finally, foreign merchants are to trade, in buying and selling, only with the merchants of the burgh.⁴

Possibly the change in emphasis from a manufacture and trade in cloth to the export of wool, woolfells and hides took place in the late thirteenth century⁵; certainly in the fourteenth century these raw materials, exported by the Scottish merchants, have become their 'merchandise,' and the merchant gild is now mainly concerned with pre-

¹ In 1371, for example, a monopoly of buying and selling wool, woolfells and hides was claimed by the merchant gild of Cupar-Fife (*A.P.S.*, i, 536-537). In the *Ledger of Andrew Halyburton*, 1492-1503, the Scottish exports were still wool, hides, skins, salmon, trout and a little cheap cloth; and all in small quantities. And see also, *infra*, p. cxi, note 2.

² See the earliest accounts of the customars in *E.R.*, i, *passim*.

³ Again 'liberty' is used for the burgh's 'trade precinct.'

⁴ *Records of the Convention of Royal Burghs*, i, 538-541. This charter also appears in the form of a 'law' attributed to King William (*A.P.S.*, i, 383, c. 40); but the whole tenor of the 'law' is clearly of a date later than that king's reign. In a further 'law' attributed to William a 'stranger merchant' not selling his goods 'in great' to the merchants of the burgh was to be seized *per ministros de gilda* (*A.P.S.*, i, 383, c. 41); and it is to be noted that in the present record the officers of the gild may be distinct from the officers of the court—the officers of the gild appear to be called 'mairs' (*infra*, pp. 227, 228), while the officers of the court are called 'sergeands.' It is possible, however, that these mairs were the mairs of the sheriffdom.

⁵ See 'An Industrial Revolution of the Thirteenth Century,' in *Economic History Review*, xi, 39 *et seq.*, where Professor Carus-Wilson shows that with the invention of the fulling-mill the cloth industry in England moved from the towns to the countryside. There was almost certainly a like movement in Scotland. It may be, too, that the Scottish merchant found it more profitable to export the local wool to the great cloth-manufacturing centres in Flanders. Is there any significance, for example, in the fact that Robert I's charter to Dundee (*Dundee Charters*, facsimile) gave it a merchant gild like that of Berwick (*cf. supra*, p. xcv, note 6)? On all this we must await the researches of Scottish economic historians.

servicing a monopoly therein. But not entirely so. Although the making of cloth appears to have moved from the burghs to the countryside, the gild still enforces its monopoly of the trade in cloth within its 'precinct' of the sheriffdom.¹ 'Cutters of cloth,' equally with 'tanners of hides,' are haled before the gild court,² and that court, in turn, is supported by the sheriff and the chamberlain.³

In the early charters the gild is said to 'improve' the burgh; indeed, it is of undoubted benefit to the king and the merchants alike. It facilitates the ingathering of the royal customs on the export of wool, woollens and hides,⁴ while at the same time it enables worth-while cargoes to be assembled. No one merchant 'trafficking' in what were certainly 'sma' sums' could assemble sufficient export cargo for one ship,⁵ nor could he gather together sufficient capital or exchange-goods to acquire the whole of an incoming cargo from abroad. The gild, with its monopoly, facilitated both exports and imports. So, in Ayr, in 1428, we find the gild making arrangements to buy all merchandise entering the harbour⁶; and in Aberdeen, in 1444, the gild appointed certain of its members to buy 'al maner of gudes of aventur that cummys be see to this burgh' and thereafter 'til dispoone thaim to the nyghbouris.'⁷ Finally, in both imports and exports the

¹ It must be borne in mind that these monopolies were a limitation as well as a privilege. Despite the grants of freedom from toll throughout the realm (*supra*, p. xcvi, and *note* 3), the gild brother of, say, Aberdeen, was cut out of the area of the trade monopoly enjoyed by the gild brethren of, say, Perth. This accounts for such disputes as that between Ayr and Irvine (cf. *R.M.S.*, i, No. 398), or that between Perth and Dundee (cf. *R.M.S.*, vi, No. 1098); it accounts for agreements such as that between Forfar and Montrose (*Historical MSS. Commission*, Second Report, App., 206a).

² Cf. *infra*, pp. cx, 227-231.

³ *S.H.R.*, xxxiii, 33.

⁴ As is clearly indicated in David II's general charter to the burghs.

⁵ In the present record we find certain burgesses in amercement, and their goods forfeit, because they put into a ship more than their allotted share (*infra*, p. 234); and, in the light of our later argument that only the merchants and some very few admitted 'worthy craftsmen' were *burgesses*, we find an 'act' of 1407 that only a 'burgess' could trade overseas (*infra*, p. 238).

⁶ *Archaeological and Historical Collections relating to . . . Ayr and Wigton*, i, 226.

⁷ *Aberdeen MS. Gild Recs.*, p. 686.

individual merchant gained some security through association with his fellow-merchants.¹

All this was to the advantage of the king, the merchants and the 'police' of the kingdom; but all this, strengthening the position and status of the merchants, was bound to depress the position and status of the craftsmen. We have already seen that the merchant gild, an association of merchants to protect and further their own interests,² at first specifically excluded the weavers and the fullers; but the exclusions apparently extended.³ We have no real knowledge of the complex economic changes which were at work; but it is clear that in the social structure of the burgh the craftsmen came to be regarded as men of lesser standing, as men who 'worked with their hands'⁴ and who, serving the day-to-day needs of the merchants,

¹ And through that association he would be protected and supported when 'vexit or chalangit utouth the burgh' (*Statuta Gilde*, c. 15, in *A.P.S.*, i, 434).

² As is abundantly clear in the *Statuta Gilde*. But it should be remembered that the merchant gild was also a 'brotherhood' (to care for decayed members, widows and orphans), a social 'brotherhood' (meeting for the drinking together of wine—and amercements within the gild often took the form of the provision of wine), and a religious 'brotherhood' (maintaining an altar in, or, more usually, maintaining the whole fabric of the town church, the dean of gild being usually the 'kirkmaster'—cf. *Edinburgh Recs.*, i, 61; iii, 45, 62, 67; *Aberdeen Recs.*, i, 96-97).

³ The *L.Q.B.* exclude, in addition, dyers, butchers and shoemakers, unless they forswear their crafts and exercise them only by servants (*A.P.S.*, i, 351, c. 94). The Ayr MS., of the time of Robert I, adds fishers to those excluded (*A.P.S.*, i, 281). See also *Iter Camerarii*, c. 28 (*A.P.S.*, i, 702), and *Statuta Gilde*, c. 30 (*A.P.S.*, i, 436). Significantly (see *infra*, pp. civ-cvii) there are reaffirmations by Parliament in 1467 and 1487 that no craftsman may 'use merchandise' unless he first of all renounces his craft (*A.P.S.*, ii, 86, c. 2; 178, c. 13); again reaffirmed at a meeting of 'commissaris of burrowis' held at Aberdeen in 1498 (*Aberdeen Recs.*, i, 67), and at a meeting of the Court of the Four Burghs in 1500 (*Recs. of the Convention of Royal Burghs*, i, 505). Occasional instances are to be found of craftsmen binding themselves to 'desist and ceis fra all tred and occupation' upon their admission to the gild—'trade' being here used in its Scottish sense of the work of a 'tradesman,' in contradistinction to 'merchandise'—and occasionally a craftsman might be admitted to the gild for some singular service rendered to the burgh. It should be noted that, on the other hand, no merchant and gild brother could 'occupy' a craft (cf. *Aberdeen Recs.*, i, 67); and we find gild brethren placing themselves in the will of the *prepositus* and dean of gild when charged with 'operacione manu propria' (cf. *Aberdeen MS. Gild Recs.*, p. 782).

⁴ See the final sentence of the preceding note; and the distinction is apparent in the rule that the craftsman admitted to the gild must henceforth forswear his craft and exercise it *only by servants*.

were paid by the merchants for their services. As the merchants grew richer they grew more powerful, and the poorer burgesses had smaller say.¹ Moreover, the privileges granted to the 'burgesses' and to the 'burgh' were all *trading* privileges—a monopoly of trade within the precinct, freedom to trade throughout the realm without the payment of tolls, a right to fairs and markets—all furthering the interests of the merchants. And the burgh lived only through its merchant trade. So the craftsmen came to be regarded as forming a lower and a menial class; so, if we read the records aright, the merchants gradually came to regard themselves (and in due course to be regarded by the royal authority) as the real 'burgesses' of the burgh; so the *communitas* of the burgh tended to become equated with the *merchants' gild*.

This was clearly not the case in the early period of the burgh. In 1162×1164 Malcolm IV granted that the smith, the skinner and the soutar in the service of the abbey of Scone were to have 'omnem libertatem at omnem liberam consuetudinem in burgo et extra burgum quas burgenses mei de Pert melius habent in burgo meo de Pert vel extra' as long as they remained in the service of the abbey.² In the lists of those who swore fealty to Edward I in 1291 we find that the 'burgesses and community' of Berwick included two tanners and a skinner, and that the 'burgesses and community' of Perth included a tailor, a carpenter, a skinner and three bakers³; and in 1296 the 'burgesses and community' of Stirling included a tailor

¹ The contrast between the two groups of burgesses is shown, for example, in England, in 1308-09, when William Sadeler and others the *poor burgesses* (*pauperes burgenses*) of Newcastle recovered in the court of exchequer the last ten pounds of fifty pounds awarded to them against Nicholas of Carlile and the *rest of the burgesses of the merchant gild of the town* (Madox, *Firma Burgi*, 96. The italics are mine). On the same page we have also record of a suit by the middling and poor burgesses—*mediocres et pauperes burgenses*—of Scarborough against the rich burgesses.

² *Scone*, No. 8. In a confirmation by Robert I this grant is said to have been made by David I; but it is noticeable that in Robert I's confirmation these *ministri* of Scone are to enjoy the same privileges which 'ejusdem modi ministri [not burgenses] . . . habent in burgo meo de Perth' (*R.M.S.*, i, App. i, p. 441a). Is this an indication that the status of the craftsman was already changing?

³ *Instrumenta publica . . . super Fidelitatibus et Homagiis Scotorum* (Bannatyne Club), 12-13, 17.

and a wright.¹ Above all, in the earliest extant accounts of the burghs rendered at exchequer the *prepositi* or *ballivi* were so frequently craftsmen that clearly the craftsmen were then of equal status with the merchant-burgesses—and they are so many in number that not all of them could be men who had ‘foresworn their craft.’² We find souters from Stirling and Cullen³; tailors from Forfar, Rutherglen and Peebles⁴; a fisher from Banff⁵; dyers from Linlithgow and Banff⁶; weavers from Rutherglen and Wigton⁷; a carpenter from Aberdeen⁸; and a baker from Linlithgow.⁹

From 1358-59, however, such craft designations for the officers rendering the accounts of the burghs become extremely rare; and when, after 1373, the Latin forms begin to disappear, the compearance of a Webster, a Baxter, a Taylor or a Wright is equally rare.¹⁰ More than that, while the earlier accounts are rendered by *prepositi* or *ballivi*, the later accounts, after 1359, are always rendered by *ballivi* and never by *prepositi*. This is probably something far more than a change in exchequer styles. Probably it indicates that *prepositus* has now become the accepted title of the head of the ‘community,’ of the man who presides over the restricted group of burgesses which constitutes the gild.¹¹ So a clear distinction must now be made between the *prepositus* on the one hand, and, on the other hand, the *ballivi* who are the officers of the king and, as

¹ Palgrave, *Documents and Records illustrating the History of Scotland* (1837), 157.

² See *supra*, p. c, notes 3 and 4.

³ *E.R.*, i, 67, 271 (1328, 1330).

⁴ *E.R.*, i, 85, 162, 299 (1328, 1329, 1330).

⁵ *E.R.*, i, 91 (1328).

⁶ *E.R.*, i, 166, 457 (1329, 1341).

⁷ *E.R.*, i, 270, 303 (1330, 1331).

⁸ *E.R.*, i, 455 (1340).

⁹ *E.R.*, i, 519 (1343).

¹⁰ Cf. *E.R.*, ii, 386, 488, 596; iii, 57, 127.

¹¹ So, if the newly admitted burgher is also admitted to the gild then, having taken the oath, he must ‘kiss the *prepositus*’ (*A.P.S.*, i, 683a).

That *prepositus* and *ballivus* were virtually synonymous in the second half of the thirteenth century is clear from two Glasgow documents of close date in which John Dubber and John son of Waldevus appear as both *prepositi* and *ballivi* (*Glasgow*, i, pp. 200, 216). In Aberdeen, in 1281, *aldirmanus* appears to be used for the head of the burgh and *prepositi* for the bailies of the burgh (*Aberdeen*, ii, p. 279). In Berwick there were one *mayor* and four *prepositi* (*A.P.S.*, i, 436, c. 37). Very occasionally we find *proconsul* used for the head of the council. In the vernacular version of

such, are responsible for the render of the king's fermes from his burgh.

Above all, the time of the change is of obvious importance. Suddenly, with the Treaty of Berwick in 1357, enormous sums had to be raised year by year for the payment of David II's ransom, and the burghs had manifestly to bear their share. So, to raise more and more money, trade must be encouraged and protected in every way. But trade is in the hands of the merchants. Accordingly the king's 'general charter'¹ confirms their trading monopoly, and their privileges are protected by legislation.² Because of the king's needs, only the merchants matter; for only the merchants, as opposed to the craftsmen, can make money to meet the king's demands. And when only trade and the merchants matter, when the king is protecting the merchants and only the merchants, when the merchants and only the merchants are meeting the king's demands, what becomes of the craftsmen and their status within the burgh? As we have already suggested may have been the case, it is not long before the question arises whether the craftsman is a burgess at all, and whether, indeed, the 'community' of the burgh is not now the merchant community—that is, the merchant gild. We may even ask whether it is not now the *gild*, or the *council*, which embodies the 'community,' rather than the *court*. The Aberdeen Guild Court Book, beginning in 1441,

the *L.Q.B.*, *prepositi* is translated *borow greffis* (*A.P.S.*, i, 336, c. 19; 339, c. 37); but in one place the singular *prepositus* is translated *aldirman* (*A.P.S.*, i, 339, c. 36).

In the present record *aldirmanus* and *prepositus* are titles accorded to one and the same man (cf. *infra*, p. 38), and from the evidence of the Aberdeen MS. Guild Court Book, 1441-1468, it appears that *aldirmanus* was the title accorded to him as head of the council, and *prepositus* the title accorded as head of the gild (cf. *infra*, pp. cx-cxi and supporting notes). That the same man should be head of the council and head of the gild was inevitable in view of the fact that those two bodies became inextricably interwoven; the surprising thing is that two titles should have survived.

Eventually the vernacular *provost* superseded both *prepositus* and *aldirmanus*; but *alderman*, in the vernacular, still lingered here and there until the middle of the sixteenth century. In 1540, for example, William Gaderar was elected 'alderman' of Elgin, but always thereafter he was styled 'provost' (*Records of Elgin*, New Spalding Club, i, 48 *et seq.*). See also *Ayr Burgh Accounts* (Scot. Hist. Soc.), Intro., xxii, note 7.

¹ See *supra*, pp. xcvi-xcviii.

² *A.P.S.*, i, 492b.

shows that in that year, and regularly thereafter, the council was elected by the gild, in the gild, at its regular meeting on the Friday following the Michaelmas head court of the burgh,¹ and that consequently the craftsmen can have had no voice in the election.² There we find that in the sittings of the gild *the council* constantly 'finds' or 'ordains.'³ There, and equally important, we find that the council can lay down rules governing admission to the gild,⁴ and that not only are new gild brothers admitted 'ex consideracione consilii'⁵ but also that in the gild new burgesses (*simplices burgenses*) are admitted.⁶ There it is clear that now the gild, or the council, has control over the membership of the community of the burgh.⁷

Significantly, following further obligations entered into by the burghs for the payment of the ransom of James I⁸ we find repressive legislation against the crafts. The alderman and council of the town (clearly composed of merchants) are to fix prices, and the crafts are not to hold 'their accustomed meetings' which are presumed to 'savour of conspiracies.'⁹

¹ Exceptionally, in 1446, it was elected a fortnight later, on Friday, 21 October, instead of on Friday, 7 October.

² In 1710 the council was still chosen from and by the gild ('Setts of the Royal Burghs,' in *Scottish Burgh Records Society Miscellany*, 166).

³ At a sitting of the gild in January 1448/9 certain persons were chosen 'be the hale consale and communitie' to see 'how ilke man of this burgh sal be bodyne anent the apparande wer tocum of Inglis men'; and in the immediately following entry, 'a man of ilke craft sal sytt with the forsaid personis quhile thai of his craft be taxt and ordanit eftir the ordinance of the forsaid personis' (*Aberdeen MS. Gild Recs.*, 735)—thus showing that although the 'community' now consisted of the members of the gild, the various crafts were sufficiently organised to appoint representatives (cf. *infra*, p. cvi, note 1).

⁴ *Aberdeen MS. Gild Recs.*, p. 769.

⁵ *Ibid.*, pp. 707, 708.

⁶ Cf. *infra*, p. cviii, note 7.

⁷ It is to be noted that in 1437 the council laid down that 'omnes commissarii burghi mittendi ad parlamenta et concilia regis generalia eligantur per totum commune concilium burghi' (*Aberdeen Recs.*, i, 394); and in 1530 the commissioners to a Convention [of burghs] were appointed by the magistrates, council, and burgesses of gild (*Records of the Convention of Royal Burghs*, i, 512). See also, 'Burgh Commissioners to Parliament,' in *S.H.R.*, xxxiv, 92-95.

⁸ Although only the first year's payment and part of the second year's payment were made.

⁹ That is, conspiracies to raise prices. See *A.P.S.*, ii, 13, cc. 2, 3, 4; 14, c. 4. In the present record, in 1398, there is a reference to the weavers making a 'conspiracy' among themselves in prejudice of the community (*infra*, p. 27).

That is, a well-marked, well-defined differentiation had arisen between merchants and craftsmen.¹ That differentiation was hardened by the necessity of finding money to meet royal ransoms—money which could be provided only by the merchants through their overseas trade. Now, indeed, there may be craftsmen who are not even admitted to burghship.²

Thus the well-known enactments of 1467, 1469, 1474 and 1504, which gave the merchants all authority and power within the burghs, were merely statutory definitions of an already existing situation, but one in which the control exercised by the merchants was meeting with opposition from 'common simple persons'³—in other words, the craftsmen.

In the opening entry of the Aberdeen *liber* beginning with the Michaelmas head court of 1398 the magistrates and officers of the burgh were chosen 'cum consensu et assensu totius communitatis'⁴; but, even if this means election by all the burgesses, it is probable that now 'all the burgesses' meant only the members of the gild and some few craftsmen who had been admitted to burghship *by the gild*.

Opposition to such an oligarchy, however, soon apparently began to make itself heard. Possibly this was due to the

¹ That there was an early distinction between 'burgesses' on the one hand, and baxters, brewers and fleshers on the other hand, seems to be implied in one of the chapters of the *Fragmenta Collecta* (*A.P.S.*, i, 719, c. 1); and the low status of the wool-combers is abundantly clear in *L.Q.B.*, c. 103.

That burghship was possible without admission to the gild is, however, amply evident from all burgh records; and see also *Iter Camerarii*, in *A.P.S.*, i, 695, c. 3. In the present record, in 1398, when objection was taken to a weaver that he was not competent to act as a witness, being only 'semihomo,' it was answered that he enjoyed the freedom of the burgh although he did not enjoy the freedom of the gild (*infra*, pp. 32-33).

² Now, apparently, only 'worthy' craftsmen are made burgesses and freemen (cf. e.g., *Edinburgh Recs.*, i, 14, s.a. 1456).

³ The wording of the Act of 1469, that at the time of the elections of the officers there had been 'great trouble and contention . . . through multitude and clamour of common simple persons' (*A.P.S.*, ii, 95, c. 5), finds a remarkable echo and parallel in the English Act of 1489 governing the elections of the officers and council in the boroughs of Leicester and Northampton (*Rolls of Parliament*, vi, 432); though the solution there was somewhat different, equally it led to a strictly closed corporation (see also Bateson, *Records of Leicester*, ii, 319, and authorities there cited).

⁴ *Infra*, p. 21.

growing numbers of the craftsmen—a natural corollary to the growing wealth of the merchants; possibly it was due to a growing tendency to admit fewer and fewer craftsmen to full burghship; possibly it was due to the growing importance of the work of the crafts, which the craftsmen themselves were not slow to realise.

Thus, to avoid the 'clamour' of the craftsmen, the act of 1469 laid down that the old retiring council was to choose the new council, and that the old and the new councils, sitting together, were to choose the burgh officers—though, as a concession to the craftsmen, each craft was to be allowed to appoint one member to 'have voice in the said election of the officers,' whatever value there may have been in such a minority voice.¹ Then, in 1504, Parliament

¹ *A.P.S.*, ii, 95, c. 5. See also, *Records of the Convention of Royal Burghs*, i, 8, 413.

Possibly this Act was a borrowing from Flanders, where a like practice had been put into operation in the endeavour of the merchants to secure and retain control at the expense of the craftsmen (cf. Pirenne, *Histoire de Belgique*, 1902, i, 271; *Les Villes et les Institutions Urbaines*, i, 227). At Liège, from 1330, *le grand conseil* consisted of the old council and the new council sitting together with certain representatives of the crafts; and the new council was there elected by the old council (Godefroid Kurth, *La Cité de Liège au Moyen-Age*, Bruxelles, 1910, ii, 38, 152). At Douai the old council elected the new council (G. Espinas, *La Vie urbaine de Douai au Moyen Age*, Paris, 1913, i, 336-361). See also, Paul Viollet, *Les Communes Françaises*, Paris, 1900, pp. 86-87. A somewhat similar arrangement had also grown up in Beverley (Yorkshire) by the middle of the fourteenth century (*Beverley Town Documents*, Selden Soc., xxvi-xxviii, 1, 12).

Although the Act of 1469 apparently became effective in Edinburgh forthwith, in other royal burghs it became effective only at varying later dates and with various local modifications (see *Miscellany of the Scottish Burgh Records Society*, lxxvii et seq.); but whatever the modifications, the merchants were able to secure and retain control. (For Aberdeen, see, for example, *R.P.C.*, iv, 533; *Records of the Convention of Royal Burghs*, i, 313).

The appointment of one member from each craft 'to have voice in the election of the officers' necessitated some form of craft organisation. There is evidence that in some burghs certain of the crafts were already organised prior to 1469 (for Aberdeen, in 1448, see *supra*, p. civ, note 3; and for the skippers of Edinburgh, in 1450, see *Edinburgh Recs.*, i, 9-11), and it is possible that certain of the more important crafts had some form of organisation as early as the thirteenth century; but, following the Act of 1469, the various crafts began to seek 'incorporation' under 'seals of cause'—so called because the 'incorporation' was sealed with the burgh's 'seal for causes' (see *supra*, p. lxxxviii, note 4). I know of no incorporation under a 'seal of cause' prior to 1469, but after 1469 such incorporations appear thick and fast. Incorporations, however, varied widely from burgh to burgh. In Edinburgh, fourteen crafts were eventually incorporated; in Perth and Dundee, nine; and in Aberdeen and St. Andrews,

enacted that 'nain have jurisdictione within burgh bot gif thai use merchandice within the said burgh'¹—that is, are merchants engaged in wholesale (or overseas) trade in 'staple goods'²; and also that 'na provest balye nor aulderman of ony townis mak burgessis nor gilde brethir without the consent of the grete consale³ of the toun.'⁴ According to one recent historian, commenting upon these acts, the merchant gild in the Scottish burghs was 'a shadow.'⁵ But the officers of the burgh were now elected by the council, and in Aberdeen, at least, as we have already seen, the council was elected by the gild.⁶ If, on the surface, the Act of 1504 gave the burgh council control of the gild, had not the gild already secured control of the council? And that being so, did it matter which was the substance and which the shadow?

All this lies beyond the period of our record; but it was a natural development from the development of trade. In the day-to-day affairs of the mediaeval burgh it was virtually impossible to divorce regulations relating to trade from the regulations relating to the 'common weal and profit' of the town. The merchants were those concerned with trade; inevitably the merchants became those concerned with the 'running' of the burgh.

Thus, in those burghs where there was an organised merchant gild, council and gild worked increasingly hand-in-hand. As early as 1284-94 the administration of the burgh of Berwick appears to have been largely in the hands

seven. On the other hand, Renfrew had apparently only one incorporated craft, that of the tailors, and its incorporation under a 'seal of cause' was not granted until 1687 (W. Mackay Mackenzie, *The Scottish Burghs*, 118). So arose the 'incorporated trades' of the Scottish burghs, with their 'Deacon Conveners.'

¹ *A.P.S.*, ii, 252, c. 25. But as early as 1471 in the burgh records of Newburgh (Fife) we read. 'The sam day Alexander Mitchyson ffind a bourtht that John of Kyhard [one of the presiding bailies] sowld be nay balye on ffawt the craft that he owssis' (Alexander Laing, *Lindores Abbey and its Burgh of Newburgh*, 165).

² That is, wool, woollfells, skins, hides, fish and a little coarse cloth.

³ Possibly the old and the new councils sitting together (cf. *supra*, p. cvi, note 1).

⁴ *A.P.S.*, ii, 252, c. 31.

⁵ Murray, *Early Burgh Organization in Scotland*, i, 468-470.

⁶ *Supra*, p. civ.

of the gild¹; and in the Edinburgh records, in 1453, the officers of the burgh are called 'officiarii gilde.'² So, in Aberdeen, in 1445, 'it was concludit statute and ordanit be the commoune counsaile and mony othir of the gilde . . .',³ and in one instance, in 1449, the gild court is even said to have been held by members of the council—'Curia gilde burgi de Aberdene tenta per consiliarios burgi predicti.'⁴

Again, any analysis of the burgh records that have come down to us reveals that in each burgh the same small group of men provided year by year the alderman, the bailies, and the members of the council.⁵ But these same men were also on the gild. Theoretically, gild and council might be separate meetings of separate bodies; but, with the same men sitting in both gatherings, differentiation between the two naturally became increasingly difficult. Inevitably these same men would see little difference between their activities in gild and council; their own interests precluded differentiation; hence, as we have seen, gild and council became inextricably interwoven.⁶

Finally, while all gild brethren are burgesses, there are some burgesses who are not gild brethren,⁷ and there are

¹ *Statuta Gilde*, cc. 47, 49, 51 (*A.P.S.*, i, 437-438).

² *Edinburgh Recs.*, i, 1. The date is there erroneously given as 1403; for the correct date, 1453, see *S.H.R.*, xxvi, 190-191.

³ *Aberdeen MS. Gild Recs.*, p. 701.

⁴ *Ibid.*, p. 735.

⁵ Thus, in the present record, in the years 1399-1401, the council numbered each year either 20 or 21; but only 34 names occur over the three years. Of the 20 members of council elected in 1399, 17 were re-elected in 1400, and 16 were re-elected in 1401. From these same 34 men were also chosen each year the alderman and the four bailies.

Or again, during the eight years 1441-48 the council varied in number from 25 in 1441 to 40 in 1447, but we find 21 members who were annually elected five times or more. But see also *supra*, p. lxxxv, note 5.

Never, at this time, do we find a member of council bearing a name derived from the exercise of a craft.

⁶ Cf. Pirenne, *Mediaeval Cities* (Princeton, 1925), 194-195.

⁷ To be noted in the *Modus Procedendi in Itinere Camerarii* of apparently the end of the fourteenth century (*A.P.S.*, i, 695, c. 3). In later burgh records the admissions of 'burgesses' and of 'burgesses and gild brethren' are usually entered upon separate folios and under separate headings. In the Aberdeen records the admissions are entered separately as early as 1444 (*Aberdeen MS. Gild Recs.*, pp. 694, 695, 708, 710). There, too, although we find craftsmen admitted as burgesses, such admissions are always few in number. Moreover, after 1447 a new phraseology creeps in: a man may be admitted as 'burgess and gild brother' or as a 'simple

many residents in the burgh who are not even burgesses.¹ All who are admitted to burgess-ship, however, still contribute the old 'hanse' under its new name of 'burgess fee' or 'burgess silver'; it is paid at the time of taking the burgess oath, and it is still part and parcel with admission to the burgh community. But the man admitted as burgess and gild brother pays an additional contribution for his admission to the gild.²

XI

While it is impossible to say that such and such a matter or decision definitely pertained to the gild, or pertained to the council, and while the men who sat in those two assemblies, seeing but little difference between their different sittings, might, at times, be ruled by convenience or expediency, nevertheless it would appear that certain

burgess'—*receptus fuit in simplice comburgense (ibid., p. 725)*. So also, in the present record, the unfreeman usurping the privileges of a burgess was to be amerced in 6s. 8d., but the unfreeman usurping the privileges of a gild brother was to be amerced in 13s. 4d. (*infra, p. 237*).

¹ The sons of burgesses, most of the craftsmen (for apparently only the 'worthiest' were now admitted to burgess-ship), apprentices, common servants, 'stallangers' and 'hucksters.'

At a later date, when the craftsmen had secured some recognition of their rights, we find that apprentices were 'booked' in the Dean of Gild records when they entered upon their 'indentures' and, after their apprenticeship of five or seven years, could be admitted as 'freemen' and burgesses—though sometimes an additional period of years might be required before such admission. And it is to be noted that control is still, theoretically at least, in the hands of the gild. We then begin to find such designations as 'merchant burgess,' 'skinner burgess,' 'candlemaker burgess,' 'cordiner burgess' and so forth.

² If the 'simple burgess' is later admitted to the gild, he may apparently be called upon to pay only the additional contribution (*cf. infra, p. 231*). Admission to the gild may also be restricted to sons of gild brothers, or those who have married the daughters of gild brothers, or those who have rendered some special service to the burgh (*cf. Aberdeen MS. Gild Recs., p. 769*). Thus the oligarchy becomes closer still. And this close community of the gild safeguards itself: a man admitted to the gild because he has contracted matrimony with the daughter of a gild brother may lose his privilege if the marriage contract is not implemented, or if he later secures a divorce (*ibid., pp. 707, 708*). Similarly a burgess may be admitted because he has married the daughter of a burgess (*ibid., p. 710*), or because he has rendered some special service to the burgh, or because of some special service to be rendered (*Aberdeen MS. Gild Recs., p. 752*). In Ayr, for example, we find a burgess admitted under his promise to work 'ad fenistras ecclesie' (*Ayr MS. Recs., fo. 28 recto*).

differences between the functions, jurisdictions and powers of the gild, the council and the burgh court were roughly understood.

With one exception, the proceedings in the gild court of the burgh of Ayr relate entirely to trade¹—there, rules and regulations are laid down relating to the trade of the burgh; there, forestallers come in the will of the court and find pledges; there, in 1430, two persons are convicted by an assize of taking the money of strangers for trading.² In the Gild Court Book of Aberdeen, covering the period 1441-1468, the entries that predominate are actions against forestallers and regraters; and in 1449, in what appears to be a series of 'acts' of the council, the dean of gild is to 'inquir and accuse . . . forstalling ilke xv daiis in the gilde courte.'³ Finally, in the present record, forestallers, regraters and those accused of tanning or of cutting cloth contrary to the liberty of the burgh (that is, contrary to the privileges conferred upon the merchants of the gild⁴) appear, not before the burgh court, but before the *prima*, or gild assembly,⁵ presided over by the *prepositus*,⁶ and are there tried by an assize.⁷

¹ The exception is the very first entry in the record when, *coram decano gilde et melioribus ville*, a pacification was reached between two scolds. But it should be noted that both women were wives of gild brothers, and apparently an attempt was being made, in the first instance, to keep the trouble within the gild and to avoid the more open publicity of the burgh court. Only in the case of further trouble was either party, as complainer, to go to the provost and bailies [of the burgh court] for remede (*Archaeological and Historical Collections relating to Ayr and Wigton*, i, 223-230).

² Cf. *Statuta Gilde*, c. 25 (*A.P.S.*, i, 435). Similarly in the gild court of Aberdeen in 1447, 'Alsua that naman of this burgh tak othir mennys monay in this fredome to waar, undir payne of x lib. unforgiffin as is contenit in the actis made thareapon of befor, xv yheris syne' (*Aberdeen MS. Gild Recs.*, p. 722).

³ *Aberdeen MS. Gild Recs.*, p. 745 (*Aberdeen Recs.*, i, 402). Similar references to fortnightly courts occur in 1457—'the gilde courte ilke xv days on fridai' (*Aberdeen MS. Gild Recs.*, p. 801)—and 1466 (*ibid.*, p. 837), but the gild court book does not provide evidence of such regular sittings, even allowing for the possibility that some sittings were not recorded.

⁴ Cf. *supra*, pp. xciv-xcix.

⁵ Cf. the use of the word *prima* in the *Statuta Gilde*, c. 49 (*A.P.S.*, i, 438), and in *Edinburgh Recs.*, i, 1. In the latter place the editor has translated 'prima' as 'first,' and it would be interesting to know what he would have made of the 'secunda prima,' the 'proxima prima,' and so forth of the Aberdeen records. From some of the entries, we should probably define the *prima* as a sitting of the important men of gild and council (again indicative

Thus it would appear that the gild court, primarily maintaining the monopoly of the merchants,¹ concerned itself with actions and regulations relating to trade,² including forestalling and regrating, with mercantile causes,³ and with actions between merchant and mariner, and merchant and merchant. The Dean of Gild, the 'officer' of the gild, protected and supervised the trading privileges of the burgh.⁴ Later, we find that he can 'steik up' the booth doors of unfreemen and bring to book those

of the impossibility of separating the two bodies), rather than as a sitting of the *curia gilde*. This use of the word was unknown to Ducange.

⁶ It is sometimes called the *prima prepositi* (*infra*, pp. 215-216). It is apparently the same as the *curia prepositi* (*infra*, p. 237).

⁷ *Infra*, pp. 101-102, 183-184, 222-231. Its sittings, like those of the later-defined *curia gilde*, were always on a Friday; those who were absent were amerced in fourpence (*infra*, pp. 209-210, 216); and that there was some regularity in its sittings is evident from the continuations 'ad proximam primam.' It is also to be noted that those living outwith the burgh but within its 'trade precinct' (the sheriffdom), although cited before, and denounced in, the *prima*, were remitted to the sheriff for action to be taken by him in support of the burgh—though a grant under the privy seal (not now extant, but possibly by James I) apparently gave a right to the gild brethren of Aberdeen to arrest, apprehend and punish forestallers within the *sheriffdom* of Aberdeen (*Aberdeen Charters*, p. 119).

¹ Cf. *A.P.S.*, i, 383, c. 41. In the *Statuta Gilde*, cc. 33, 34 (*A.P.S.*, i, 436), the ameracements of forestallers and those who traded contrary to the 'acts' of the town, together with their forfeited goods, were to go to the benefit of the gild.

² So, in Aberdeen, in a *curia gilde* held in January 1448/9, 'it was auisit concludit and ordanit be the maste parte of the brethir of gilde of this burgh for the commoune gude and avale of merchandise that al maner of man that ladis ony merchand gudes owte of this burgh in flannndris sal make fraight hamwartis in the schippes to be frachtit to this burgh nyghborlike that is to say at the leste for three sekis owtwarde twa tonnes hamewartis And of othir gudes Right swa be the valu bath of fische and of hidis. Item at ilke rais [voyage] thar salbe twa of the worthiaste merchandis that sailis chosin be the commoune counsaile of this burgh quhilkis sal haue powar under the Seel of the toune to mak the said statute be execute as afferis alsweil of gudis set up at the merkate as othiris' (*Aberdeen MS. Gild Recs.*, p. 735). And in a *curia gilde* held in November 1464, it was 'ordanyt and statut be the alderman and the mast part of the counsaile that frahyne furth na freman na unfre turss na hafe to the monthe [Mounth] nothir woll hide na skynnis to sell out of the fredome na yeit to by na wollin clath out of dunde brechine na out of nane uthir place beyonde the monthe to sell agayn under the paynis of eschete of the gudis' (*ibid.*, p. 828).

³ Though in 1451 a *curia ballivorum* hears a mercantile case and orders proof of payment to be made 'infra tres fluctus maris' (*MS. Council, Baillie and Guild Court Book*, 1448-1468, p. 124). On the hearing of mercantile causes 'within three tides,' see *L.Q.B.*, c. 8, in *A.P.S.*, i, 334, and *De Articulis Inquirendis in Burgo in Itinere Camerarii* at *A.P.S.*, i, 681b.

⁴ Cf. *A.P.S.*, i, 383, c. 41; and see *supra*, pp. xciv-xcix.

who usurp the rights of burgesses and gild brethren; he can hear causes of 'compt and reckning' between gild brethren and burgesses¹; he supervises the freighting of ships² and scans the charter-parties between skippers and merchants.³

Naturally, from all this, there is a further tendency to bring any action between gild brothers before the gild court rather than before the burgh court.⁴ In 1444, in Aberdeen, it was 'consensum et statutum per maiorem partem gilde huius burghi quod commune consilium determinabit omnes querelas et debatas ortas et oriendas inter confratres gilde per sedulas et querelas absque extensione aliqua plegiorum etc. et tales determinaciones fient per prepositum et sex personas alias de communi consilio quos ad hoc invenerit pro tempore prompiciores etc. Et sedebunt ad audiendum et determinandum huiusmodi querelas omni ebdomida die martis et die jovis'⁵; and in view of the close relationship between the council and the gild that was tantamount to saying that actions between gild brothers should be decided by the *prepositus* and six of their fellow gild brethren.

In relation to actions between merchants and mariners, and mercantile causes in general, we read in Welwood's *Sea Law of Scotland* (1590) that maritime causes 'suld be without exemption decydit be the Judge of the brough quhairunto the schip is frauchtit, quha is, according to the common custome, the Deane of Gyld,'⁶ and in his *Abridgement of All Sea Lawes* (1636) we read that 'before the erec-

¹ Cf. *Edinburgh Recs.*, iv, 395-398.

² Cf. *Recs. of the Convention of Royal Burghs*, i, 105.

³ Naturally, too, shipping and other mercantile contracts are registered in the gild court books and the authority of the court is interponed for their enforcement. Even humbler contracts may be so registered, and the Aberdeen Gild Court Book records that on 5 July 1442 'David Hardgat David Dun Robert mason and gilbert mason oblist thaim ane as all and all as ane til a honorable knyght sir Williame of lesly of balchane that thai sall fullfill and perfonyce his werk eftir the tenoure of the endentouris made thareupon betuex the said sir Williame and david hardgat forsaid' (*Aberdeen MS. Gild Recs.*, p. 655). See also *infra*, pp. 105-106.

⁴ So, in 1442, a gild brother finds lawburrows in the gild court (*Aberdeen MS. Gild Recs.*, p. 661). And cf. *supra*, p. cx, note 1.

⁵ *Aberdeen MS. Gild Recs.*, p. 685.

⁶ *Scottish Text Soc. Miscellany* (1933), 77.

tion of our Admirall, after the example of other Nations, the Deanes of Gild were ordinarily Judges in civill debates betwixt Mariner and Merchant.' ¹ Admittedly the *Leges Quatuor Burgorum* give this jurisdiction to the bailies of the burgh ²; in the Aberdeen records occasional mercantile causes can be found coming before the *curia ballivorum* ³; and in 1560 a skipper, driven into the harbour of Crail, related in the Admiral's court that he had first brought his action 'afoir the baillies of Carell.' ⁴ But, at a time when the functions of the dean of gild were changing, and when his jurisdiction was becoming one solely concerned with 'good neighbourhood' (and, out of that, one largely concerned with the control of buildings within the burgh—to ensure that no building was detrimental to the neighbours or to the community as a whole), ⁵ the Act of 1593 still confirmed his authority in 'all matters and actions concerning merchants, between merchant and merchant, and between merchant and mariner' ⁶; and in 1600 the Convention of Royal Burghs laid down that when a burgh was choosing its dean of gild it was to choose a merchant 'habill to discus upoun merchand billis and merchand caussis.' ⁷

In this connection, however, it must be borne in mind that a number of seaport burghs in the fifteenth and sixteenth centuries received 'commissions of admiralty' whereby, usually, the provost and bailies were constituted 'admirals depute' authorised to hear and decide admiralty causes. ⁸ So, for example, in Aberdeen in September 1451, we find a 'Curia admirallatus tenta per gilbertum meignes et Johannem de fife deputatos domini georgei de Crichtone

¹ Title II, pp. 34-35.

² *L.Q.B.*, c. 25 (in *A.P.S.*, i, 337).

³ To the case cited *supra*, p. cxi, note 3, can be added one in 1449 concerning the freightage of the ship *Maryknycht* (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 68).

⁴ *Acta Curiae Admirallatus* (Stair Soc.), 169.

⁵ Cf. *Edinburgh Recs.*, ii, 182; Murray, *Early Burgh Organization in Scotland*, i, 494-495.

⁶ *A.P.S.*, iv, 30, c. 38.

⁷ *Records of the Convention of Royal Burghs*, ii, 81.

⁸ Similarly in England (Holdsworth, *History of English Law*, 5th edn., i, 531-535).

domini de Carnys militis admiralli Scocie,' but the action, heard before an assize of thirteen, was held to be too difficult and was remitted to the king and council.¹ But in this connection, also, there was often conflict between the Admiral, the bailies (acting as admirals depute), and the dean of gild in relation to their competing jurisdictions.²

On the other hand, causes and affairs which concerned or touched the 'common weal and profit' of the burgh came before the council³ which was presided over by the alderman. Thus in Aberdeen, in the middle of the fifteenth century, the alderman may make no decision affecting the weal of the community without the 'counsaile and assistance of xij persounes at the leste of the counsaile,'⁴ or, upon another occasion, no great matter touching the community may be concluded unless at least thirteen of the council are present.⁵ In support of our earlier argument, however, it is to be noted that both these 'acts' were made at sittings of the gild; and in the present record we read of 'acts' determined in a *prima* with 'the assent of the greater part of the community'⁶ while in another *prima* an 'act' is made 'cum communi consilio.'⁷ The impossibility of separating the weal of the merchants (which pertains to the gild) from the weal of the burgh (which pertains to the council) is at this stage obvious on every hand. So the gild court may appoint certain persons 'to commoune and conclude apou the governance of this toune and commoune profite of it and for the uphaldin

¹ MS. Council, Baillie and Guild Court Book, 1448-1468, p. 127. Cf. *Aberdeen Recs.*, i, 19. Sir George Crichton of Cairns was Admiral certainly as early as 1448 (Fraser, *Scotts of Buccleuch*, ii, No. 41) and was probably created Earl of Caithness in 1452 (*Scotts Peerage*, ii, 327-330). It was not unusual for admiralty causes to be remitted to the Lords of Council, or to be advocated by the Lords of Council from the court of the Admiral, because of their 'difficulty'—the real issue being that international relations were likely to be involved.

² Cf., e.g., *Aberdeen Council Letters*, i, No. 136.

³ Cf. *supra*, pp. lxxxiv-lxxxviii. Just as, in the Continental burghs, and particularly in France, such causes and affairs came before the jurés (Pirenne, *Les Villes et les Constitutions Urbaines*, i, 95, and note 3), Scotieë, the 'quest.'

⁴ *Aberdeen MS. Gild Recs.*, p. 722.

⁵ *Ibid.*, p. 659.

⁶ *Infra*, pp. 215-217. See also, pp. 102, 211.

Infra, p. 197.

of merchandise'¹; so, in the gild court, the council may order the 'acts' for the 'comoune profite of this burch' to be observed and kept.² 'Merchandise' and the 'common profit of the town' are inextricably intertwined.

Finally, actions of 'wrang and unlaw'—mainly of a possessory nature—came before the bailies in the burgh court; and throughout the present record it is to be noted that the burgh court was always presided over by the bailies, and never by the *aldirmanus* or *prepositus*. In the early laws it is the bailies who are enjoined to hold the law evenly to poor and to rich, and to take no profit therein; it is the bailies who hold the wand of office for the administration of justice.³ The bailies were the king's officers for the administration of justice on the king's land. A charge of *perturbacio ville* can be made *ex parte regis*⁴; contempt of their authority is *in pudorem regis et legis*⁵; the contemner of their authority is 'in the king's will.'⁶ Over their justice the king exercises supervision through his chamberlain.⁷

Put simply, we may say that the *prepositus* is the officer of the gild or, as *aldirmanus*, the officer of the 'community' of the town⁸; the bailies are the officers of the king.⁹

Probably, in some respects, these distinctions are too

¹ *Aberdeen MS. Gild Recs.*, p. 744 (1449).

² *Ibid.*, p. 825 (1462).

³ *A.P.S.*, i, 347, c. 70; 680a. Cf. *Peebles Recs.*, i, 330.

⁴ *Infra*, pp. 124, 153. Cf. also, 'Memorandum quod eodem die Thomas filius Willelmi existens in pretorio non obediuit balliuis, et balliui precipiebant seriandis ut citarent dictum Thomam *ex parte regis* ad veniendum coram ipsis' (*infra*, p. 51. The italics are mine).

⁵ *Infra*, p. 205.

⁶ 'The quhilk day val seriand prefit in court that he chargit to Gib barcar that he sowl nocht pass out of the tollboht quhil he had payit to Johne Walkar a some the quhilk [he] was previt in court to pay as det/ the quhilk Gib passit of the tolboht without lefe of bailye or seriand/ and the forsaid Gib in the kyngis wil for the said action' (*Ayr MS. Recs.*, fo. 22 verso: anno, 1434).

⁷ *Infra*, p. cxlii; *S.H.R.*, xxxiii, 27-36.

⁸ So, in the present record, in a 'memorandum,' Nicholas filius Ade became pledge to enter Andrew Harpar 'coram Willelmo de Camera patre [then alderman], et ad satisfaciendum voluntati sue *nomine communitatis*' (*infra*, p. 73. The italics are mine).

⁹ And the clear distinction between the *primae prepositi* and the *curiae balliuorum* is made in the 'acts' of 1405 with regard to the peace of the court (*infra*, p. 216).

sharply drawn. Yet they were still there. In 1455, indeed, an attempt was made to invade the distinction between the work and authority of the court and the work and authority of the council when it was enacted that, to secure more speedy justice, eight or twelve persons were to be chosen from the council to determine all matters of 'wrang and unlaw' to the extent of five pounds or less, upon eight days' summons only.¹ But although in the gild court of Aberdeen in October 1456,² it was laid down 'be the hale counsaile' that six persons of council were to sit each Monday 'to end al smal complayntis betuex nyghboris of al soumes that ar within v lib. efter the act of the Kingis parliament,'³ the records prove that this arrangement and the act itself were soon both dead letters.

Naturally, with the same few men dominating the court (as bailies), the council and the gild, actions and causes might well be heard according to the convenience and capacity of the session in which those men were sitting, but it is none the less clear that the nature, work and competence of the burgh court were always well understood.

The 'scrow' for 1317 fully supports Thomas Mollisone's description. It contains 'onlie suittis and actionis or processus for annuellis'; in it are to be found 'neither ordinance nor statute.'⁴ It is a roll of the burgh court⁵—distinct and separate as such. Even with the later confusion of record⁶ the work of the court is still the same. 'Ordinance and statute' are the work of the council and gild.

The burgh court is the king's court for the king's men on the king's land of the king's burgh. As such

¹ *A.P.S.*, ii, 43, c. 9.

² This is an interesting instance of the time-lag between legislation (August 1455) and execution (October 1456).

³ *Aberdeen MS. Gild Recs.*, p. 795.

⁴ *Supra*, pp. v-vi.

⁵ And in the *De Articulis Inquirendis*, of the latter part of the reign of Robert I, the chamberlain had to enquire if the bailies had caused the record of the burgh court to be enrolled (*A.P.S.*, i, 682a).

⁶ In the present record, beginning in 1398, one 'book' is used for court, council and gild; but the sederunts of the court, which constitute by far the greater part of the record, are always carefully defined, more carefully, indeed, than the sittings of council and gild.

it is later stated to be one of the courts of the 'judges ordinary.'

XII

When we turn to the records of the burgh court of Aberdeen, we find the court sitting as (a) a *curia capitalis*, or (b) a *curia legalis tenta per ballivos*, or (c) a *curia tenta per ballivos*.

The *curia capitalis*, as we have seen, was the assembly of 'all the good men of the community,' that is, of all those who had been admitted to burghship. Every burghess, whether *manens* or *ruremanens*, was bound to attend the head court under pain of amercement,¹ unless he had a lawful essoin—on the king's service, bedsickness, out of the country,² or attending a fair³—and, upon one occasion, the head court is said to be 'incepta per vocacionem sectarum.'⁴

The *curia capitalis* met three times a year,⁵ at Michaelmas, Yule and Easter (Pasch); and, like the head courts of the sheriffdom,⁶ these sittings conformed with a rule. Unless postponement was necessary for some special reason, the Michaelmas head court met on the first Monday after Michaelmas Day; the Yule head court on the Monday following, or of, Epiphany; and the Easter head court on

¹ Cf. *infra*, pp. 13; 209-210 (1401) where the amercements amounted to 15s. 2d. (p. 210); p. 216 where the amercement for lack of suit (apparently at head courts, for there is a later entry relating to the *curia legalis*), is fixed at fourpence (thus according with *L.Q.B.*, c. 40, in *A.P.S.*, i, 340), but where it would appear that only those absent after personal summons are to be so amerced. In Ayr, at the Yule head court of 1430, thirty persons were amerced for lack of suit (*Ayr MS. Recs.*).

² *Patria*, meaning the neighbourhood, and almost certainly, for the royal burghs, meaning the sheriffdom, and not the kingdom (cf. *S.H.R.*, xxiv, 240-243). *Patria* is frequently used in this record for the area of the trade-precinct (the sheriffdom) in cases of forestalling and regrating (cf. for example, *infra*, pp. 102, 179, 183).

³ *L.Q.B.*, c. 40 (*A.P.S.*, i, 340).

⁴ *Infra*, p. 220. Apparently, as in other courts (cf. *Fife*, lxxxv; Skene, *De Verborum Significatione*, s.v. *Iter*), the suits were called three times (cf. the *ultima vocatio sectarum*, *infra*, p. 216) from a suit roll. Much later, in 1558, in a particularly difficult and vexed question, we find each burghess being asked for his opinion, individually, 'be the ordour of the suit rol' (*Aberdeen Recs.*, i, 307).

⁵ In England the 'great courts' met 'once, twice, or thrice a year, according to the custom of the place' (Bateson, *Borough Customs*, Selden Soc., ii, cxlv).

⁶ *Fife*, xv.

the Monday following Quasimodo.¹ The Michaelmas head court of 1317 conforms with this rule,² and by the time of the record of 1398-1407 the rule was apparently well established³; but it is impossible to say when the rule was first made and determined.

The head courts, like all other sittings of the burgh court, were presided over by the bailies; and, of the three head courts, that held at Michaelmas was the most important. At the Michaelmas head court were elected⁴ the alderman⁵ (and it is to be noted that he was elected as *aldirmannus* and not as *prepositus*⁶), the bailies,⁷ and the

¹ In 1451, when the Monday following Quasimodo fell on 3 May, the day of the celebration of the Invention of the Holy Cross (when pageants and processions were held), the sitting of the Easter head court was postponed for a fortnight to 17 May (MS. Council, Baillie and Guild Court Book, 1448-1468). See also *infra*, p. cxxi, note 3.

² *Infra*, p. 13.

³ Cf. *infra*, p. 137.

⁴ *Infra*, pp. 21, 100-101, 195-196, 208-209.

⁵ The present record shows that he could be re-elected to hold office for a second year. Adam de Benyn was elected in 1399 and 1400 (*infra*, pp. 100, 195) and Robertus filius David was elected in 1405 and 1406 (*infra*, pp. 215, 222). It was apparently the custom for the retiring alderman to entertain the new alderman with wine—at the expense of the burgh (*infra*, p. 82). An entry of 1442 shows that by then the alderman was elected from a leet (*Aberdeen MS. Guild Recs.*, p. 658; *Aberdeen Recs.*, i, 7); but there is no evidence to show when that practice began.

⁶ See *supra*, p. ciii, note.

⁷ In our record four bailies were elected each year, but there is no evidence to show that the four bailies were responsible, respectively, for the four 'quarters' of the burgh (apparently, in 1399, Greenside or The Green, Vicus Ecclesie, Futy, and Gallowgate—*infra*, p. 180; later, in 1449, the 'quarters' had become, and thereafter remained, The Crooked, The Even, Futy, and The Green—MS. Council, Baillie and Guild Court Book, 1448-1468, pp. 37-42). In the Flemish burghs assignment of responsibility for each 'quarter' (*vinave*) became common (Pirenne, *Les Villes et les Institutions Urbaines*, i, 220-221), and in Dundee, at a later date, we find each of the four bailies each responsible for the fines of one quarter (Warden, *Burgh Laws of Dundee*, 47). The 'quartering' of burghs was usual, and the *Statuta Gilde* appear to indicate a 'farthingman' for each quarter (*A.P.S.*, i, 432, 434, 437). Peebles, in 1466, decided that the burgh should be quartered (*Peebles Recs.*, i, 154).

Throughout the record the bailies were changed each year, only one, Simon de Benyn, serving for more than one year (1398 and 1399—*infra*, pp. 21, 100). In view of the onerous nature of the office this is not surprising; and it must not be forgotten that in addition to their judicial burdens the bailies were also the financial officers of the burgh, keeping not only the accounts of the burgh as a part of the royal demesne, but also making payments, on behalf of the king, out of the king's ferme of £213, 6s. 8d. (cf. their accounts, *infra*, p. 239, and their accounts in exchequer at this time—*E.R.*, vols. iii and iv. See also *Aberdeen Recs.*, i, 394). They had also to act as financial and executive officers to the chamberlain when

sergeands¹—all of which accords with the early ‘burgh laws’²; also at that court were appointed the other burgh officers—the liners,³ the tasters of wine⁴ and ale,⁵ the apprisers of flesh,⁶ the kirkmasters⁷ and the treasurers (*depositores*).⁸ There is no entry relating to the appointments of the clerk⁹ and the dempster.¹⁰ The record of the Michaelmas head court usually contains also the names of the council elected for the year, but, by the time of the record for the years 1398-1407, it is probable that the

he came to the burgh on his ayre (cf. *S.H.R.*, xxxiii, 32, and see *infra*, p. cxlii). The ‘depositores,’ or burgh treasurers, appointed at least as early as 1394 (*Aberdeen Recs.*, i, 392), appear to have been concerned with the ‘common good’ of the burgh as something separate and distinct from the royal *firma burgi*. They had charge of the monies pertaining to the ‘common purse’ (*ibid.*). They collected the petty tolls and customs, payments for admission as burgesses or gild brethren, and, because the burgh had now attained feu-ferme status, the amerancements of the court, including amerancements for lack of suit (cf. *infra*, pp. 209-210).

In 1406 we have an echo of a disputed election—that a baillie was not elected ‘per totam et integram communitatem,’ which would suggest either that election had to be unanimous or that the election in this case had been made when not ‘all the community’ were present (*infra*, p. 233); and the complaint was referred to the council (*infra*, p. 233). As to who formed ‘the community,’ see *supra*, p. ciii *et seq.*

¹ Likewise four sergeands were elected each year, but again there is no evidence to connect individual sergeands with individual quarters—though later that appears to have been the practice (*Aberdeen Recs.*, i, 177-178). Similarly Edinburgh had ‘quartermasters’ certainly as early as 1498 (*Edinburgh Recs.*, i, 73), and Lanark, very late, in 1595, decided to appoint quartermasters (*Lanark Recs.*, 111). Again, in view of the onerous nature of the office, we find no sergeand serving for more than one year. The sergeand’s office, however, was a humble one; and while a baillie might become alderman, we find no sergeand becoming a baillie. The office was almost certainly filled from outside the gild. An entry in November 1398 records that the dues of the stallangers and the receipts from the petty customs were [that year] to be handed over to the sergeands for their services (*infra*, p. 83), and in November 1399 we note that the dues of the stallangers and the receipts from the petty customs were ‘set’ for four pounds (*infra*, p. 166).

² *L.Q.B.*, cc. 70, 71 (*A.P.S.*, i, 347).

³ See *supra*, p. xli, note 3.

⁴ Usually two in number. See *Statuta Gilde*, c. 31 (*A.P.S.*, i, 436).

⁵ Four or more in number. In 1398 seven were appointed.

⁶ Usually four in number.

⁷ Varying in number, but always important gild brethren. Later, the dean of gild became ‘master of the kirk work,’ and the gild made itself responsible for maintaining the fabric of the church while each craft supported an altar dedicated to its patron saint.

⁸ Usually two in number. See *supra*, p. cxviii, note 7.

⁹ See *supra*, pp. vii-viii.

¹⁰ In 1407 the dempster was paid 13s. 4d. for his fee (*infra*, p. 239).

council had already been chosen by the gild¹; a little later still, in the gild records beginning in 1441, it is clear that the council was then elected by the gild in a gild court which met on the Friday following the Monday of the head court.² As in the Flemish burghs, it would appear that a burghess could be compelled to take office under the penalty of distraint.³

The head courts were of particular importance in that recovery of a burgage for which the annual-rent had not been paid, and which was 'waste and undistrainable' had to be made, by symbolic presentation of earth and stone, before 'four head courts'—that is, 'a year and a day'⁴—a procedure to be found in many burgh records.⁵ Naturally, too, because of the fuller attendance of burghesses at the head courts, there was a tendency to bring important actions before them or to continue important actions to them.⁶

In the roll of 1317, the lesser, or intermediate courts, appear to conform with the rule laid down in the *Leges Quatuor Burgorum* that 'a quindena in quindenam currunt

¹ It is interesting to note that the record of a meeting of the *prima*, or gild-council, held on 27 August 1399 consists solely of a list of seventeen names (*infra*, pp. 99-100), and that, at the following Michaelmas head court, of those seventeen, one was elected alderman, three were elected bailies, and the remaining thirteen were elected members of a council of twenty-one (*infra*, p. 100).

² *Supra*, pp. ciii-civ.

³ Cf. the entry relating to two of the appointed appraisers of flesh in 1398 (*infra*, p. 26). In Dundee, at a much later date, the burgh officers, including the provost, the bailies, councillors, dean of gild, treasurer, kirk master and pier master, when elected had to accept office under penalty of £10 and warding until they did accept (Warden, *Burgh Laws of Dundee*, 37).

⁴ See *supra*, p. xxxv, note 2.

⁵ See *Fragmenta Collecta*, c. 14 (*A.P.S.*, i, 722). For examples in the present record, see *infra*, pp. 212-215. Apparently at the fourth head court the processes before the three preceding head courts were fully read (*infra*, p. 236). See also *Cambuskenneth*, Nos. 211, 212; *Glasgow*, ii, No. 453; Bisset, *Rolment of Courtis*, Scot Text Soc., ii, 132-138. In 1490, on a supplication by the burgh of Perth, this recovery at four head courts, 'as used in Edinburgh,' was ordered by parliament to apply to all burghs (*A.P.S.*, ii, 222, c. 21). See also *A.P.S.*, iii, 112, c. 33. For England, see Bateson *Borough Customs*, i, 304 *et seq.*, 'The process had fallen into desuetude by the second half of the seventeenth century, and letters of poinding were used in its place (Mackenzie, *Observations*, James IV, Parliament II, Act 20).

⁶ And before them, for a like reason, came the 'acts' of the council for approval by the 'community' (see *supra*, pp. lxxxii-lxxxiii).

placita in burgo.’¹ Moreover, according to that roll, there appears to have been no ‘harvest vacance.’² Courts were held on 8 August, 22 August, 5 September, 19 September and 3 October: all on Mondays, and all at fortnightly intervals. Also in that roll we find courts continued ‘in diem lune in quindenam,’ or to be held ‘die lune in quindenam.’³

When we turn to the burgh records beginning with the Michaelmas head court of 1398, while again there is no ‘harvest vacance,’⁴ the number of sittings of the burgh court has increased enormously, and now certain sittings carry the rubric *curia legalis* while the other sittings are called simply *curia tenta per ballivos*. An analysis of these sittings, however, shows that the *curia legalis* always sat on a Monday, and usually at intervals of a fortnight⁵; it was, in fact a sitting of the burgh court in compliance with the old law.⁶ Other sittings, *curiæ tentæ per ballivos*,⁷ sittings in between those of the *curiæ legales*, had proved to be necessary owing to the growth of the burgh, the complexity of its affairs, and therewith the increase in the work of the court. These additional sittings were held on any

¹ *L.Q.B.*, c. 47 (*A.P.S.*, i, 342).

² See *Fife*, xxiii-xxiv.

³ *Infra*, pp. 11, 15. The *induciæ* of a fortnight was also observed in the exceptional cases of the postponement of a sitting of the head court (cf. *supra*, p. cxviii, note 1).

⁴ There were, of course, not the same impelling reasons in the burgh, as there were in the shire, for a ‘harvest vacance.’ Nevertheless in 1478 the Lords of Council decreed a retour to be of no effect because the bailies of Edinburgh had ‘wragwisly and unordurly’ served the brieve (of certain lands within the burgh) ‘in hervist quhilk is feriale tyme and forbiddin of the law’ (*Acta Dom. Conc.*, i, 16a). Possibly the service of a brieve of inquest was then held to be on a different footing from the ordinary civil jurisdiction of the burgh court.

⁵ Upon occasion the interval between two sittings of a *curia legalis* might extend to four weeks, six weeks, or even eight weeks; but if the interval between two sittings was more than a fortnight it was always a multiple of a fortnight.

⁶ Upon one occasion a *curia legalis* ‘dilata fuit ad Octobas . . . quia fuit dies festiualis’ (*infra*, p. 45); and upon another occasion it was postponed ‘propter aduentum ducis de Rothisay’ (*infra*, p. 55). See also *infra*, p. cxiii.

⁷ It should also be noted that the *curiæ legales* and the *curiæ tentæ per ballivos* are entered chronologically in the same record. There was not that differentiation of record which, as early as the second half of the thirteenth century, can be noted in a number of English boroughs.

day of the week—upon one occasion we even find a sitting on a Sunday.¹

Nevertheless the *curia legalis* was apparently regarded as being in some way a more formal meeting of the court. Actions are sometimes continued 'ad proximum diem legalem propter debilitatem curie'²—possibly indicative of a fuller attendance of suitors there.³ Certainly in the early part of the register containing the record of the sittings of the burgh court from 1448 to 1468 the rubric *sectis vocatis* occurs only at sittings of the head courts and the *curiæ legales*; it is never used for a sitting of a *curia tenta per ballivos*.⁴ But there is no evidence to show how suit was paid to the fortnightly sitting of the *curia legalis*⁵ as opposed to the full sitting of the *curia capitalis*.

¹ Sunday, 30 May 1400 (*infra*, p. 140). This was not a slip in the clerk's date for the sitting of the court. The court also sat on Saturday, 29 May, and on Monday, 31 May; and there is a marginal note, *lune*, opposite the record of the Monday sitting. In 1440 a man finds lawburrows 'on Sondag the xxiii day of Aprile' (*Aberdeen Recs.*, i, 394); and in 1453 we find a *curia legalis* sitting 'in profesto Nativitatis domini nostri Jhesu Christi' (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 191). On the other hand, the burgh 'acts' of 1405 forbade the purchase or sale of merchandise on Sundays under pain of ten shillings (*infra*, p. 217).

² E.g., *infra*, p. 153. For 'weakness of court,' which is of constant occurrence, see *L.Q.B.*, c. 47 (*A.P.S.*, i, 342), and *Fife*, xxv-xxvi. In the roll of 1317 a continuation 'propter debilitatem curie' is naturally 'in diem lune in quindenam' (*infra*, p. 11). Even in a head court a decision could be deferred to the next *dies legalis* because of 'weakness of court' (*infra*, p. 139)—a deferment, in this case, unpopular to both parties, who must have said so in no uncertain terms for in the next entry both were in amerement 'propter perturbacionem curie.'

³ Though sometimes in a *curia legalis* itself the 'warda curie' is 'differtur usque ad quindenam' or 'ad proximum diem legalem' for a like reason (cf. *infra*, pp. 41, 115).

⁴ After 1453 the rubric *sectis vocatis* begins to disappear from the record of sittings of the *curiæ legales*, and eventually, save for the head courts, it disappears altogether (MS. Council, Baillie and Guild Court Book, 1448-1468).

⁵ An 'act' of 1405 laid down that 'pro communi utilitate ville . . . absentes a curia ballivorum in diebus legalibus' were to be amerced in fourpence unless they had a lawful essoin (*infra*, p. 216); that is, there was the same amerement for both a *curia legalis* and a *curia capitalis* (see *supra*, p. cxvii, note 1). Two days after this 'act,' and at a *curia legalis*, we find seven absent suitors amerced in fourpence each, though five of the names were later scored through (*infra*, p. 219).

It is extremely unlikely, however, that all burgesses were expected to attend a *dies legalis*; and probably there was some system of rotation of which we have no record. Very occasionally lists of suitors are given and the numbers are always small—eleven, fourteen (said, in the record, to be 'few in number') and, at one sitting, twenty-four (*infra*, pp. 232-233, 234,

As an echo of the old law, continuations are often to a court fifteen days hence—though continuations for a shorter period, of one week (*in octabis presentis curie*), or even of one day, are also to be found.

Again, while the *curia legalis* was apparently regarded as a more formal sitting of the court, there is no evidence to indicate that at the time of the present record a *curia tenta per ballivos* was in any way less competent than a *curia legalis* (indeed, we find cases continued from a *curia legalis* to a *curia tenta per ballivos*, and vice-versa). On the other hand, it is abundantly evident that a *curia legalis* was still regarded as a sitting of the court distinct and separate from the other intermediate sittings. A *curia legalis* which was due to sit on 28 July 1399 was postponed 'propter aduentum ducis de Rothisay usque ad octauum diem sequentem,'¹ and, on 4 August 1399, when the postponed *curia legalis* was held, there was also held, on the same day, but under a separate rubric and with separate entries, a sitting of a *curia tenta per ballivos*.² It has been shown that in England, at Ipswich, in the second half of the thirteenth century, actions which initiated upon the king's writ went before the borough court, while actions of 'gage and pledge,' initiated by complaint, went before additional sittings held *coram ballivis*.³ We shall never know whether there had been a parallel development in Scotland, for the lack of record defeats us; but it is noticeable in these Aberdeen records that in all cases initiating upon the king's brieve or letters the court was either a head court or a *curia legalis*.⁴ Yet whatever continuing distinctions there may have been between a *curia legalis* and

236-237)—all, noticeably, after the 'act' of 1405. Rotation would provide no difficulty. It was in common use for the duty of 'watch and ward'; it was used at the time of our record for the task of building the new tolbooth ('circumeundo villam viciscitudinaliter sicut consueti moris fuit'—*infra*, p. 238: the italics are mine); and later, in 1492, the two town minstrels were to have their 'resonabile dietis circualie throw the nichtbouris of the towne' (*Aberdeen Recs.*, i, 418. See also *ibid.*, i, 427, 452).

¹ *Infra*, p. 55.

² *Infra*, pp. 56, 57.

³ G. H. Martin, *Early Court Rolls of the Borough of Ipswich* (University College of Leicester, 1954).

⁴ E.g., *infra*, pp. 133, 136, 214, 237.

a *curia tenta per ballivos*, all had completely disappeared by the middle of the fifteenth century.¹

Upon one occasion, in 1317, the court was held 'in domo Andree Bissap in vico castri'²; but, in the same roll, three later references to the tolbooth (*tolloneum*)³ seem to indicate that the court was then sitting there. Otherwise the roll of 1317 is silent as to the meeting-place of the court. Probably, as in other burghs in mediaeval times, for reasons of tradition or convenience (or for other reasons of which we are ignorant), the Aberdeen burgh court sat in the tolbooth, or in the church, or in the house of some prominent burgess,⁴ or even, as Joseph Robertson surmised,⁵ in the open air.⁶ We have no reference to a court at the market cross.⁷ In the record for the years 1398-1407, however, the court apparently sat regularly in the tolbooth⁸—possibly still the old tolbooth, for, although Robert III had granted leave to the burgh in 1393 to build a *pretorium*,⁹ the new building was still unfinished in 1407, when an 'act' of the town laid down that every man, in

¹ MS. Council, Baillie and Guild Court Book, 1448-1468.

² *Infra*, p. 10.

³ *Infra*, pp. 13, 15, 17.

⁴ Clearly indicative of the smallness of the gathering.

⁵ *Book of Bon Accord*, 338-339.

⁶ Certainly, even when Ayr possessed a tolbooth, the burgh court frequently sat 'super montem prope ecclesiam sancti Johannis,' or 'super montem prope mare,' or 'super montem juxta le Kennedis hous' (which later becomes 'apud Kennedohil')—*Ayr MS. Recs.*, fos. 23 verso, 24 verso, 25 recto, 26 recto, et al. During the same period, however, the court sometimes sat 'in ecclesia Sancti Johannis baptiste' (fo. 2 recto), or 'in choro sancte trinitatis' (fo. 21 verso), or 'in soleo roberti de dalrampil' (fo. 26 recto). One wonders if the weather dictated a meeting indoors rather than 'super montem.'

⁷ Cf. *Historical MSS. Commission*, 6th Report, App., p. 669b for a meeting of the burgh court of Haddington in 1391 at the market cross (*tenta juxta crucem in loco qui vocatur Lukynbuthis*). In Banff, as late as 1549 and 1551 we have odd references to courts held at the market cross (*Annals of Banff*, New Spalding Club, i, 23, 25, 28).

⁸ One special sitting was held at Rubislaw (*infra*, p. 41), possibly 'super fundum,' but it is doubtful whether it was a sitting of the burgh court, its validity was called in question, and the sederunt is not recorded.

⁹ In 1393 Robert III granted leave to the burgesses and community of Aberdeen to build a *pretorium* eighty feet long and thirty feet wide wherever they wished within their burgh save in the midst of the market; the *pretorium* to be held direct of the king (*Aberdeen Charters*, No. xv). Unfortunately we possess no early plans of the burgh to show where this *pretorium* was built, or where the *tolloneum* (referred to in the roll of 1317) was situated.

rotation, must give a day's labour 'ad pretorium' or pay fourpence.¹

XIII

The court was fenced in the name of the king,² and to it the king might direct his brieve ordering justice to be done. So, in 1317, we find Robert I directing to it a 'brieve of right'³; so, in 1406-07, we find an action proceeding upon a 'brieve of convention'⁴; so, in a like way, the court gave effect to *littera regis compulsionis*⁵ and accepted royal letters of attorney.⁶

¹ *Infra*, p. 238. In January 1402 there is a reference to a *domus consilii* (*infra*, p. 185); but again we are ignorant of its situation. It is interesting to note that, in Ayr, although the court sat 'in tolloneo' in 1429 (*Ayr MS. Recs.*, fos. 6 *recto*, 6 *verso*), in 1432 a gild brother paid for his 'upset' four chalders of lime towards the building of the *pretorium* (*Archaeological and Historical Collections relating to . . . Ayr and Wigton*, i, 227-228). Is it possible that the *pretorium* (council-chamber; justice-seat) was regarded as separate and distinct from the *tolloneum* (tolbooth; toll-house)? Does the *pretorium* (as a 'Town House') represent the growth of 'town government,' as opposed to the *tolloneum* where the tolls (originally the king's) were collected? This may be too fanciful; but later, while 'tolbooth' persisted in the vernacular, *pretorium* tended to oust *tolloneum*.

² Cf. *infra*, p. 220. For the 'fencing of the court,' see *S.H.R.*, xxi, 54-62; *Fife*, 309. In a series of 'acts' in 1405 it was laid down that 'si aliquis maledixerit aliquem in primis prepositi vel curiis balliuorum soluet octo solidos' (*infra*, p. 216. Cf. *Quoniam Attachiamenta*, c. 25, in *A.P.S.*, i, 652); and 'si aliquis alte loquatur in primis prepositi vel curiis balliuorum unde predictae curie inlequantur nisi sit cum licencia petita et obtenta et legitime loquantur [sic], soluet xii d.' (*infra*, p. 216. Cf. *Quon. Attach.*, c. 21, in *A.P.S.*, i, 651). See also, *infra*, pp. 48, 148.

³ *Infra*, pp. 7-8. This brieve, sewn to the roll (as was also the practice in the English boroughs), is in the same style as that in the Ayr MS. (*Register of Brieves*, Stair Soc., p. 40, No. xix. See also, *Quon. Attach.*, c. 40). Later references to the brieve of right occur in 1405 (*infra*, p. 214), and in 1449 (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 61). There are similar references to a 'brieve of right from the king's chapel' in 1425 and 1426 in the Haddington Burgh Records (MS. H. M. Register House, folios 1 *recto* and 1 *verso*). Also, in 1317, we find it stated that an action touching 'heritage' must proceed upon a brieve from the royal chapel (*infra*, p. 12) which accords with the early burgh law that a burgess challenged in his land and tenement need not answer save to the king's letters, unless of his own free will (*L.Q.B.*, c. 43, in *A.P.S.*, i, 341. See also, *A.P.S.*, i, 473, c. 25).

⁴ *Infra*, pp. 232, 237. Cf. *Quon. Attach.*, c. 50 (*A.P.S.*, i, 657).

⁵ *Infra*, p. 133, where distraint is ordered to be made. See also *Register of Brieves*, Ayr MS., p. 37, No. xi; *Quon. Attach.*, c. 49, in *A.P.S.*, i, 657. In 1449 we find a defender compearing 'virtute et vigore cuiusdam brevis compulsionis de capella domini nostri Regis' (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 57).

⁶ *Infra*, p. 136. Cf. *Register of Brieves*, Ayr MS., p. 35, No. ii.

Here, however, it should be noted that, apart from actions initiating upon a brieve from chancery, the record provides no clue as to the initiation of all the many other actions which came before the court. That is, when *A* compeared at the suit (*ad sectam*) of *B*, although he compeared after due summons, we do not know what initial steps were taken by *B* to raise his action before the court and to secure the execution of the summons of *A*. Possibly he proceeded by way of 'complaint'; the procedure may have been similar to the 'gage and pledge' of the English borough courts—that is, after complaint, he had to find his pledge to pursue; and a lone hint in the Gild Court Book—'per sedulas et querelas'¹—suggests that complaint might be either by 'bill' or oral.

The court possessed a civil jurisdiction in petitory and possessory actions to an unlimited extent; its criminal jurisdiction was strictly limited²; it could be used for the registration of deeds.³

Only two criminal causes appear in our record⁴—one of reset of theft, the other of some crime unspecified. In 1399, for reset of theft, Mariota Fethes is banished from the burgh for two years 'sub pena sigilli de Abirdene in sua facie infigiendi,'⁵ and, later in the same year, Elena Scotcok

¹ *Aberdeen MS. Gild Recs.*, p. 865. Cf. *supra*, p. cxii.

² For example, the four pleas of the crown were reserved to the justiciar (cf. *infra*, p. 47 *bis*). According to *L.Q.B.*, c. 6 (*A.P.S.*, i, 334) pleas of the crown were to be enrolled, kept until the advent of the justiciar, and then impleaded and determined in the burgh court in the justiciar's presence. See also *Assise Regis David*, c. 12 (*A.P.S.*, i, 319) and *De Articulis inquirendis in Burgo in Itinere Camerarii* (*A.P.S.*, i, 681*b*). Likewise it had no jurisdiction in causes of life and limb (cf. *R.M.S.*, i, App. i, No. 134) unless it had been granted a special franchise (cf. *infra*, p. cxl-cxli). Exceptionally, Edward I's charter to Berwick gave the burgh a gallows for infangenthef and utfangenthef (*Rotuli Scotiae*, i, 428*b*).

³ Cf. the interesting contract, in the vernacular, registered in 1399 (*infra*, p. 105-106). Later registrations are sometimes of an unusual character. In Elgin, in 1542, a burgess made registration that his wife had no authority to dispose of his goods and gear, and that was 'made known to all and sundry by open intimation . . . at the tolbooth door' (*Records of Elgin, New Spalding Club*, i, 67-68). In Peebles, in 1560, we find a wager solemnly recorded—ten merks to a tar-barrel against Queen Elizabeth marrying the King of Sweden within a year (*Peebles Recs.*, i, 262).

⁴ For the summary character of criminal justice, see *Fife*, 323, and *Court Book of the Barony of Carnwath* (Scot. Hist. Soc.), p. cviii.

⁵ *Infra*, p. 92.

is banished for a hundred years and a day 'et si iterum ad villam veniat ferrum ferlote affigetur in gena sua.'¹ In this latter case we note that 'reperitum est et ordinatum per assisam'—the only reference to a criminal assize throughout the whole record. There are several cases of assault—which is of a quasi-criminal nature—and in one case the entry runs, 'Thomas Wod in amerciamento curie pro percussione Andree Gandy usque ad sanguinem et bla . . . viii s.'²—an echo of the old law 'De querela de blaa et blodi.'³ Despite an entry in the burgh accounts, rendered in August 1407, 'pro emendacione de ly cukstule, iiii s.'⁴ and despite an 'act' of 1405 that 'Whosoever shall abuse the *prepositus*, the bailies, or any of the king's officers shall kiss the cuckold for the first offence, for the second offence shall be placed on the cuckold and befouled with eggs, dung, mud and suchlike, and for the third offence shall be banished from the town for a year and a day,'⁵ the record contains no entries of the imposition of these and similar punishments. Certainly such punishments would be inflicted, but they would be inflicted mainly upon non-burgesses (and their wives) and the sentences, which brought in no financial return, were probably regarded as not worthy of record.⁶ Exceptionally, banishment had to be recorded in case the offender was found to have returned before his or her term had expired.

In endeavours to prevent assault and 'perturbation,' there are a large number of entries in which pledges are found 'quod *A* non dampnabit *B* aliter quam exigit ordo iuris,' or that '*A* non dampnabit *B* nec per se nec per

¹ *Infra*, p. 142. For banishment from the burgh, see 'Burgh Life from Burgh Records' in *Aberdeen University Review*, 1946.

² *Infra*, p. 234, when a pledge would have to be found not only for the amercement but also 'ad satisfaciendum parti de dicta iniuria' (cf. *infra*, p. 118). In view of what has been said already about the fixed character of the amercements in the burgh court (*supra*, p. xl), it is interesting to note that in 1405 fixed penalties were laid down for assault: with sword, axe, knife or stick, eight shillings; with fist, four shillings (*infra*, p. 216).

³ *L.Q.B.*, c. 82 (*A.P.S.*, i, 349).

⁴ *Infra*, p. 239. Cf. *L.Q.B.*, c. 68 (*A.P.S.*, i, 345).

⁵ *Infra*, p. 217.

⁶ It is added, 'Et hoc intelligitur si non fuerint burgenses' (*ibid.*); for a like offence burgesses were to be amerced in the sum of eight shillings (*infra*, p. 216).

suam impetracionem aliter quam exigit ordo iuris, nec verbo nec facto' ¹; or 'A deuenit plegius pro B de indempnitate C, et D deuenit plegius pro C de indempnitate B, aliter quam ordo iuris requirit' ²—that is, 'lawburrows.'³ A general pledge for future good conduct in the burgh may be 'sub pena quinque marcarum,'⁴ or 'sub pena decem librarum.'⁵ In one case the penalty is 'sub pena vite et membrorum et xl s. ad usus communitatis sine remissione aliquali.'⁶ In one unusual entry, 'Johannes Wormot venit coram balliuis et peciit se fore tutum de Duncano Mernys pro igne et murthur, presentibus Aldirmanno, Daid de Scroggis, et Johanne Ruthirford, cum multis aliis.'⁷

Likewise of a quasi-criminal nature are the innumerable cases of 'perturbacio ville,'⁸ which might be simply quarrelling, or 'fun and games' at the expense of the watch,⁹ or the more serious 'brigacio'¹⁰—when again pledges had to be found for future good conduct and for the amercements imposed.

Apart from the very many cases of 'lawburrows' and of 'perturbacio ville,' however, the work of the court, as revealed in these records, was almost wholly of a civil character, and very largely in possessory actions of one kind or another. There are occasional actions for breach of the 'acts' of the town; but cases of forestalling and regrating, unprivileged cutting of cloth or of tanning, and so forth, went, as we have already seen, before the *prepositus* and the gild.¹¹

The record provides little evidence of the part played by the suitors in the judgment of the court. Once, in a difficult case, we read, 'petitum fuit a curia quid inde

¹ E.g., *infra*, p. 23.

² E.g. *infra*, p. 108.

⁴ E.g. *infra*, pp. 22-23.

⁶ *Infra*, p. 30.

⁸ *Infra*, pp. 48, 51, 53, *et al.*

⁹ 'Pulsando campanum sancti Fotini' (*infra*, p. 160).

¹⁰ *Infra*, pp. 149, 156, 219.

¹¹ In our present record such cases are heard 'in prima,' or 'post conuicionem assise cum preposito' (cf. *infra*, pp. 180 *et seq.*, 222 *et seq.*). See also *supra*, p. cx.

³ See *Fife*, 330-331.

⁵ *Infra*, p. 24.

⁷ *Infra*, p. 118.

esset . . . faciendum. Unde curia bene ausata decreuit quod . . . ' ¹; and in another case we read, ' curia diligenter ausata et ad plenum deliberata . . . ' ² But the very multiplicity of continuations, or deferments of the ' warda curie,' made ' propter debilitatem curie,' indicate that judgment was the judgment of the burgesses who, as suitors, formed the body of the court,³ and that the bailies ⁴ were solely presiding officers.

The bailies, as the king's officers, however, would themselves bring a charge of ' perturbacio ville,' ⁵ or of contempt of their authority, or the authority of the sergeands,⁶ or of breaking the prices fixed by the apprisers of flesh or by the assize of bread and ale ⁷; and persons charged with such offences, which were in despite of the king's authority, could put themselves in the bailies' will.⁸

Litigants could appear by procurator, but the procurator had to be approved and admitted by the court.⁹ In addition, as the case proceeded, either party could seek leave to go out of court to take the advice of his friends as to his next step in the action,¹⁰ or to consult with his procurator¹¹; similarly a procurator could seek leave to go out of court to be advised ¹²; and occasionally we find a defender asking for a continuation to the next court so that, in the meantime, he could take advice.¹³

When we turn to procedure, the record fully illustrates the reluctance of mediaeval courts to give a final decision. ' Warda ' is seldom given by the court unless the pursuer has failed to pursue or the defender has failed to answer; and not always even then. Contested actions drag on interminably, continued from court to court ' propter debilitatem '—which should probably be read, ' propter reluctationem.' Both aspects are revealed in one interest-

¹ *Infra*, p. 154.

² *Infra*, p. 236.

³ Cf. *A.P.S.*, i, 317, c. 4.

⁴ Though apparently the court could be held by one bailie only (cf. *infra*, p. 34).

⁵ *Infra*, p. 76-77.

⁶ *Infra*, pp. 205, 233.

⁷ *Infra*, p. 76.

⁸ *Infra*, pp. 26, 44-45, 48, *et al.*

⁹ *Infra*, pp. 3, 11, 62, 78, 79, *et al.* Cf. *Fife*, 315.

¹⁰ *Infra*, pp. 8, 13, 124, 205, 209.

¹¹ *Infra*, p. 25.

¹² *Infra*, p. 43.

¹³ *Infra*, p. 22.

ing entry in which a procurator for the defence 'extendebat plegium¹ ad iter Camerarii' that, since the defender had thrice compeared in court at three separate diets assigned to him by the bailies to receive the 'warda' of the court, and that since thrice 'warda' had not been given 'propter debilitatem curie,' that therefore the action brought against him by the pursuer should be dismissed.²

This reluctance of the court to proceed to a final decision may also account for the very large number of actions or 'controversies' which are submitted 'in amicabilem compositionem.'³ It would almost appear, indeed, as though the court welcomed a reference to 'compositours': it could offer its authority to enforce their finding,⁴ while it was itself relieved of the burden of making a decision. It is also likely that litigants often preferred the 'amicable composition' in that it was far more expeditious than the slow procedure of the court.⁵ Frequently the reference to an amicable composition concludes 'et ubi defectus reperitur presentabitur balliuis,'⁶ when each side finds pledges 'pro presentacione si in ipso defectu reperiatur'⁷; and sometimes pledges are also found by each side 'de

¹ It will have been noticed already that the finding of pledges (caution, or surety) is a further feature of the record. Pledges are found to pursue and to answer; to enter a person before the court, or before the chamberlain on ayre, or before the justiciar on ayre (cf. *infra*, p. 47); for the satisfaction of ameracements imposed by the court (cf. *infra*, p. 143); and for future good conduct (cf. *infra*, p. 44). All these pledges are referred to later in this Introduction. See also Bisset, *Rolement of Courtis* (Scot. Text Soc.), iii, 54, note 1.

² *Infra*, p. 34. For the previous history of the case, see *infra*, pp. 23, 25, 31 (*bis*), 32. For appeal to the chamberlain's court on his ayre, see *infra*, p. cxlii, and *S.H.R.*, xxxiii, 27-36.

³ Cf. *Fife*, 321-322.

⁴ In one case we find the court imposing an ameracement because the pursuer failed in the proof 'sibi iniuncta per arbitros' (*infra*, p. 141).

⁵ The law was at first patient and slow to move to a decision partly because of the extreme difficulties of communication and access. For justice to be fair, the defender had to have every opportunity to defend. But in the burghs, to which strangers and men of other nations resorted for trade, expedition was necessary; and yet peremptory courts in the burghs were not set up until the end of the fifteenth century, Edinburgh being the first burgh entitled to hold a peremptory court by virtue of a charter granted by James III in 1482 (*Edinburgh Charters*, No. LIV).

⁶ *Infra*, pp. 21, 22, 25, 32, 33, *et al.* In one case the clerk adds 'Defectus repertus fuit in dicto Laurencio, et finiuit pro vi d.' (*infra*, p. 21). 'Fine' is here used in its strict and proper meaning of the *end* of the action.

⁷ *Infra*, p. 73 (*bis*), *et al.*

dicta accione non ulterius prosequenda coram dictis balliuis in forma iuris.'¹

The procedure in an action before the court was slow because it followed the 'process of four courts'²—that is, summonds had to be made to four separate courts, the summonds to the fourth and last court being peremptory that whether or not the defender compeared the court would proceed to judgment.³

The defender was summoned at the suit (*ad sectam*) of the pursuer to compear before the court on a stated day to answer ('gainsay') the pursuer's *calumpnia*. The summonds was made by one of the sergeands of the court,⁴ who made it before witnesses⁵ (and who had to be able to prove to the court that he had so made the summonds and had in other respects made it lawfully⁶), and who, at

¹ *Infra*, pp. 73, 150, *et al.*

² So Edinburgh was given its peremptory court (*supra*, p. cxxx, note 5) because 'per veram informationem nobis factam intelleximus tediosum tardum et longum processum de quatuor curiis dicti burgi in ministracione justicie temporibus exactis habitum ductum et usitatum' (*Edinburgh Charters*, No. LIV).

³ At first, with the court sitting only at fortnightly intervals, the process of four courts, including the initial summonds, would extend over at least eight weeks; but later, with the increase in the number of sittings of the court, we find that summonds could be made to a court sitting on the morrow (*infra*, p. 78), and that the 'four courts' could be held on four consecutive days (*infra*, pp. 149-150, 152: Johannes Hervy v. Willelmus de Camera, *pater*). Here, however, it is to be noted that although Willelmus de Camera, *pater*, was a distinguished burgher, he does not appear to have claimed a *dies legalis* or a *summonicio legalis*. Yet there are a number of other instances in which a burgher asks for 'legalem diem et legalem summonicionem tamquam vicinus ad vicinum' (*cf. infra*, pp. 53, 128, 133), and this appears to mean fifteen days summonds to a *curia legalis* (*cf. infra*, p. 53) which would accord with *Quoniam Attachiamenta*, c. 2 (*A.P.S.*, i, 647). In the Haddington burgh records (MS. H.M. Register House), in 1425, in a brieve of right, summonds was made *a quindenno in quindennum* (fo. 1 *recto*). In one instance in the present record the sergeand is ordered to summond 'ad proximum diem legalem . . . si quindenam de iure debet habere, ex quo est filius burgensis' (*infra*, p. 121), which seems to indicate that the man who had not been admitted to burgher-ship could not claim a *dies legalis* and summonds of fifteen days.

⁴ In 1317 we have references to summonds *ad tenementum* (*infra*, pp. 10, 12), which accords with the *ad domum suam* of *Fragmenta Collecta*, c. 32 (*A.P.S.*, i, 726); but in the record for the years 1398 to 1407 no reference is made to the method and place of execution.

⁵ *Infra*, pp. 10, 12, 232, 237. *Cf. A.P.S.*, i, 380, c. 30. And see *infra* p. cxxxii, note 1.

⁶ *Infra*, pp. 10, 12, 63, 74, 106. *Cf. Fragmenta Collecta*, c. 32 (*A.P.S.*, i, 726).

the time of the summons, took a pledge for the appearance of the party summoned.¹ If, at the first court (*primus dies*), the defender did not compare, the serjeant was ordered to take a distraint of eight shillings,² *dare ad plegium*,³ and cite the defender anew to a second court (*secundus dies*). If at the second court the defender did not compare, a like procedure was followed and he was summoned to a third court (*tertius dies*). If at the third court he again did not compare, the same procedure was followed and he was summoned to a fourth court which was peremptory (*ad quartum diem tamquam diem peremptorium*),⁴ If at that fourth court the defender was still absent, then the pursuer *ad suam pervenit calumpniam per legitimum juris processum causa non defensa*.⁵

When both the pursuer and the defender compared in court, the pursuer, 'stans ad barram,' or 'comparens ad barram,' or 'accedens ad barram,' recited his *calumpnia*,⁶ for which he found a pledge,⁷ and the defender made a formal gainsaying (*recontrariacio*) denying 'wrang and

¹ That is, the defender must find a pledge to compare, the pledge *intrare personam* (cf. *Quoniam Attachimenta*, c. 13, in *A.P.S.*, i, 650). If the pledge 'non intravit A ad sectam B,' he was in amercement of the court (*infra*, pp. 36, 75, 143). The procedure is well illustrated in the following entry from the Ayr burgh records—'The quhilk day Gib of askrik preuit in court with Gib layng & andro wreht that he arestit m^cronnel to the kingis chalange & let him to borch tyl Adam more of lathlan & mad hym sommond in playn court to entir to this court. . . .' (*Ayr MS. Recs.*, fo. 26 recto : anno 1435).

² For the general amercement of eight shillings, see *supra*, p. xl, note 1.

³ That is, again take a pledge for his compareance (see note 1 above).

⁴ *Infra*, pp. 52, 106, *et al.* According to *Quon. Attach.*, c. 3 (*A.P.S.*, i, 648), the four amercements for four failures to compare were imposed at the fourth court, and this is stated to have been done in several instances in the MS. Council Baillie and Guild Court Book, 1448-1468.

⁵ *Infra*, pp. 58, 59, 66-67, 145, *et al.* Cf. *Fragmenta Collecta*, c. 3 (*A.P.S.*, i, 741). A royal brieve had likewise to pass through this 'process of four courts' (*infra*, pp. 214, 232). In 1405, by an 'act' of the town, any defender who 'detineat aliquod debitum' and allows the process to go to the fourth court, 'et super hoc conuictus fuerit iuridice, vel concedendo, soluet octo solidos sine remissione' (*infra*, p. 216).

⁶ *Infra*, pp. 31, 36, 121, 207, *et al.*

⁷ Even at the very end of the sixteenth century in the burgh court of Inverness we read, 'Ane brocht struikin be A on B that wrangusle and aganis all law he . . .,' followed by the pursuer's recital of his *calumpnia* (*Inverness Recs.*, i, 272, 279-292, *et al.*); but probably this was simply a formality of words without any finding of a pledge.

unlaw,'¹ for which he likewise found a pledge. Sometimes, in his *calumpnia*, the pursuer stated the amount at which he assessed the *dampna* he had suffered by the 'wrang' and which he claimed for himself apart from any 'unlaw' which might be imposed by the court²; sometimes the defender might admit the *calumpnia* (in modern parlance, the 'charge'), but deny 'wrang and unlaw' thereby.³

The pledges found by the pursuer and the defender were 'ad standum jure adversario suo,'⁴ and a day was now assigned to the pursuer 'ad suam probacionem,' or to the defender 'ad suam acquietanciam.'⁵

Proof could take one of several forms, but by an 'act' of 1405 it was laid down that 'in curiis balliuorum nulla probacio acceptabitur nisi taynt probacio et littera sigillata, residuum vero ponetur ad assissam'⁶—apparently an endeavour to put an end to compurgation and to proof by oath of party, though both those forms of proof can still be found at a later date.

Only three cases of compurgation appear in our record, and only one case of proof by oath of party. Two men,

¹ Although the distinction between civil and criminal actions is comparatively modern, 'wrang and unlaw,' 'torte and noun rayson,' 'injuria et non racio' appear to be alike and to be the terms used for a civil action as opposed to the 'life and limb,' 'vita et membris,' of a criminal action (cf. *A.P.S.*, i, 402, cc. 11, 12; 471, c. 17; 711, c. 9. See also Skene, *De Verborum Significatione*, s.v. 'Tort').

² Cf. *infra*, pp. 8, 10, 11, 209. So *Thomas filius David calumpniavit Robertum de Barry quod iniuste ab eo detinet unum pyk de valore xxviii d., et taxat dampna sua ad valorem ii s.* (*infra*, p. 56).

³ *Infra*, pp. 120, 205-206. Cf. *L.Q.B.*, c. 96 (*A.P.S.*, i, 352).

⁴ Cf. *Quon. Attach.*, c. 13 (*A.P.S.*, i, 650). If, however, the defender, being present, did not gainsay the *calumpnia* and find his pledge, then the pursuer could claim judgment in his favour that 'veniebat ad calumpniam suam causa non defensa' (*infra*, pp. 51-52, *et al.*). Cf. 'stetit nichil respondendo non negando nec concedendo nec auisationem petendo' (*Aberdeen Recs.*, i, 388, anno 1412). So, in 1450, we read, 'The said maystir Johnne saide that the saide belt wrangwisly was haldin fra him & askit the forsaid Thomas to deny or graunt sen he was in a fensit court & upone that the samyn mayster Johnne strekit a borgh & the said thomas askit to be avysit til ansuer to the said borgh & ramovit out of the court & quhen he come agayn he ansuerit nocht to the borgh & than the samyn mayster Johnne strekit ane uthir borch that the fyrst borch was of valou sen it was unraconnterit be [the] said Thomas And askit warde & dome' (MS. Council, Baillie and Guild Court Book, 1448-1468, p. 94). It should also be remembered that by gainsaying the *calumpnia* the defender admitted the competency of the court.

⁵ *Infra*, pp. 23, 24, 29, 30, *et al.*

⁶ *Infra*, p. 217.

charged with making dung-heaps, 'acquietauerunt se iuridice quolibet, videlicet, se decimo tercio'¹; one man, charged in a gild court with 'procuring an outside lord,'² is to acquit himself 'se decimo tercio'³; and one man, charged with speaking 'verba enormia contra balliuos, vel in despectu eorum vel legis,' is likewise to acquit himself 'se decimo tercio.'⁴ All three cases appear to be related to the old burgh 'law' that if the officers of the burgh *calumpniaverunt* any man they were not to lead witnesses but he was to acquit himself *per legem*⁵; and compurgation 'se decimo tercio' (that is, with twelve compurgators) appears in certain chapters of the *Leges Quatuor Burgorum*.⁶ The one case of proof by oath of party occurs in 1399 when 'Willelmus Strade [fuit] in amerciamento curie quia iniuste inuenit plegium super Willelmum baxter mykyl, ut probatum fuit per iuramentum dicti Willelmi baxter.'⁷

¹ *Infra*, p. 116.

² Cf. also *infra*, pp. 122, 148, 162-163, 164, 237. Because the burgh was a close community there was always deep distrust of the stranger. In the *L.Q.B.* no man could harbour a stranger for more than one night unless he were willing to become pledge for him (c. 85, in *A.P.S.*, i, 350; and cf. *Aberdeen Recs.*, i, 8-9); and in the present record pledges were found that certain English sailors whose ship was then in the harbour would not be allowed to see 'secreta ville nec statum et conuersacionem burgensium' (*infra*, p. 212). But also the burgh was in enjoyment of its own 'laws' and its own court, which was a court of the burgesses for the burgesses, and that privilege was jealously safeguarded against 'outside lords.' One of the 'points' to be enquired into by the chamberlain (cf. *S.H.R.*, xxxiii, 27-36) was whether anyone had 'purchased a lord dwelling to landward to come to the court of the burgh in prejudice or scathe of his neighbours' (*A.P.S.*, i, 702); such procuring of outsiders was proscribed in the *Statuta Gilde* (*A.P.S.*, i, 436, c. 85); and parliamentary enactments to a like effect were passed in 1458 and 1491 (*A.P.S.*, ii, 50, c. 24; 226, c. 17). See also *Aberdeen Recs.*, i, 387, and *Aberdeen MS. Gild Recs.*, pp. 724, 727. That the objection to the outside lord was not merely against the possibility of 'overawing' the court is to be seen in Peebles where 'outside lawyers' were also forbidden (*Peebles Recs.*, i, 215). Significantly, in 1445 when the gild brethren were asked if they wished to have a lord to be *capitaneus* of the burgh, all *singillatim* replied that they desired no *capitaneus* other than their lord the king, the *prepositus*, and the officers of the burgh (*Aberdeen MS. Gild Recs.*, p. 706).

³ *Infra*, p. 164.

⁴ *Infra*, p. 164.

⁵ *L.Q.B.*, c. 76 (*A.P.S.*, i, 348).

⁶ *L.Q.B.*, cc. 22, 26 (*A.P.S.*, i, 336, 337). See also *Fragmenta Collecta*, cc. 8, 28 (*A.P.S.*, i, 720, 725).

⁷ *Infra*, p. 41.

Submission of the case to an inquest or assize¹ is seldom referred to in the record itself. Two cases of 'recent enforcement'² are determined by an assize, and in one of these cases the assize is listed and numbers eighteen. The king's brieve of right almost certainly went before an assize.³ Finally, in one case, where a man is 'challenged' by the alderman with breaking the statutes of the town anent the buying of wool, and is later 'conuictus per unam inquisitionem vicinorum suorum,'⁴ it is to be noted that the case was determined on a Friday and was probably heard before the gild court.⁵

Proof in other cases before the court was 'per taynt probacionem.'⁶ Then the pursuer had to support his

¹ The term *inquisicio* is used only once or twice; *assisa* is of general occurrence. The distinction of *assisa* for criminal actions, and *inquisicio* for the service of brieves (cf. *Fife*, ci) is not observed. For example, the age of Ada, daughter of Rogerus de Hauwod, is found 'per bonam et sufficientem assisam proborum ville' (*infra*, p. 5).

² *Infra*, pp. 65, 117.

³ In the Haddington burgh records the brieve of right was determined by an assize, and in one case, 20 February 1425-26, we have an unusually full account of the assize's finding—'And than Alexander hepburne ane of the sayd ballis sperit at the sayde assyse gife thai war accordyt qwilkis ansuerit ya And than the balye sperit qwha suld say thair concordans qwhilkis ansuerit walter of cocburne And than the balye sperit how thai fand of the fyrste tenement qwhilk ansuerit we fynd william lame hafand ful rycht in the sayd tenement lyand in the huchsterraw And than the balye sperit of the tother tenement qwhilk ansuerit we fynd Jamis & meg of bolton hafand ful rycht in the land beforsayd lyand in poldrace.' (MS. Haddington Burgh Records, H.M. Reg. Ho., fo. 1 verso.)

⁴ *Infra*, p. 22.

⁵ Which met on Fridays and where it was customary for actions of forestalling and regrating to be determined by an assise (*see supra*, p. cx).

⁶ In one case the argument is advanced that the value which is claimed exceeds fifty shillings and that therefore proof ought to be 'per taynt probacionem et non aliam' (*infra*, pp. 74-75, 107). This is difficult to reconcile with the early law (*Frag. Coll.*, c. 7; *A.P.S.*, i, 735) that a claim up to fifty shillings and four pence, in movables or money, may be proved by four sufficient witnesses, and claims of lesser amount by fewer witnesses, three or two, according to the amount, but that a claim exceeding fifty shillings and fourpence can be proved only 'per literam et sigillum sufficienter factum vel per duellum'; but it has affinities with a 'law,' said to have been made in the Court of the Four Burghs in 1405 (but see *infra*, p. cxliv, note 3), that two men of good fame who heard and saw can prove any sum whether more than fifty shillings or less (*A.P.S.*, i, 704). See also *Quoniam Attachiamenta* (Stair Soc. edn.), p. 370, c. 81. It is noticeable that in another case, in 1401, a pursuer states that his *probacio* is sufficient, 'quia calumpnia . . . non fuit nisi xl s.' (*infra*, p. 207). In one case, in April 1400, a man leads only two witnesses 'tamquam taynt probacio' (*infra*, p. 139); but probably the court would regard more than

calumpnia with his *secta calumniatoris*; that is, he had to bring to the court his 'suit of witnesses.'¹ 'Veniens ad barram,' he made his 'probacio de taynt'; that is, he led his witnesses in support of his *calumpnia*.² The defender might 'gainsay,' or find a pledge that the 'probacio non fuit sufficiens,'³ and he, in turn, might be assigned a day to come with 'sua acquietancia,' when he could bring his 'suit' in support of his defence, instead of the pursuer proceeding with his *probacio*. Thus, although it is sometimes said that at this time 'witnesses were allowed only on the part of the pursuer: it was not lawful to adduce witnesses on behalf of the defender,' for 'it lay with the pursuer to establish his case; it was not for the defender to disprove it,'⁴ it is quite clear that in the burgh court of Aberdeen at the close of the fourteenth century the defender could lead his witnesses in proof of his *taynt acquietancia*⁵—indeed, in one case, an argument apparently arose as to which 'suit of witnesses' should be led first.⁶ It is difficult, in fact, to see how proof of settlement or proof of debt could have been justly determined otherwise. If, however, the defender was found 'deficiens in sua acquietancia' or if

two witnesses as desirable in important cases. Thus, in another case, ten witnesses were led (*infra*, p. 46); and in one case where a pursuer leads five witnesses he offers to lead four more 'si necesse fuerat' (*infra*, p. 144). David Murray (*Early Burgh Organization in Scotland*, i, 237), relying upon the final sentence in Skene's *De Verborum Significatione*, s.v. *Attaynt*, mistakenly assumed that *taynt probacio* required the deliverance or probation of twenty-four leal men. The witnesses could, if necessary, be compelled to attend and testify (cf. *Register of Brieves*, Stair Soc., Ayr MS., No. xv), and exception could be taken to a witness (cf. *infra*, p. 32). For the exceptions which could be taken, see Bisset, *Rolment of Courtis*, Scot. Text Soc., iii, 80, note 9.

¹ Cf. *infra*, pp. 46, 144.

² *Infra*, pp. 139-140, 144. According to *L.Q.B.*, c. 30 (*A.P.S.*, i, 338), witnesses had to swear that they did not speak 'propter odium unius nec propter amorem alterius sed propter veritatem dicendam,' and they had to hear both the claim and the answer before they swore to the truth of their testimony. In certain later entries in the Aberdeen records we find witnesses swearing that they 'were present, saw and heard,' and that their evidence is given not 'prece, precio, odio vel amore, sed pro veritate dicenda' (e.g. MS. Council, Baillie and Guild Court Book, 1448-1468, pp. 60, 64).

³ *Infra*, p. 140.

⁴ Murray, *Early Burgh Organization in Scotland*, i, 194.

⁵ *Infra*, pp. 32, 47, 55-56, et al.

⁶ *Infra*, p. 36.

'non acquietavit se cum taynt acquietancia,'¹ then the pursuer 'ad eius pervenit calumpniam'² and the defender was in amercement of the court.

Unfortunately the record is not full enough to show whether the witnesses gave evidence, or whether they merely swore that what their adducer said was true.

Whilst the court was deliberating both parties were removed³; they were then recalled to hear the court's decision.

It is probable that where no witnesses were led, and where the court simply decided whether the pursuer's pledge 'fuit valoris' or whether the 'recontrariacio fuit valoris,'⁴ the decision was sometimes made by assize and not by the whole body of the court.⁵ Then, if the decision was that the pursuer's pledge 'fuit valoris,' the pursuer won his case and the defender was 'in amerciamento curie quia iniuste recontrariauit plegium inuentum super eum'⁶; if, on the contrary, the court found that the defender's pledge 'fuit valoris,' the defender won the case and the pursuer was in amercement for bringing an unjustified *calumpnia*. A litigant who could not find a pledge could apparently swear the 'great oath.'⁷

It would appear that a defender who was obstinate, despite the 'testibus ductis et iuratis in probacione' by the pursuer, might find himself in a second amercement 'quia opposuit contra dictam probacionem iniuste.'⁸

The pursuer, as we have seen, had to find a pledge to pursue⁹ and if, having found his pledge, he then failed to compear at the assigned court day 'ad prosequendum plegium quod inuenit,' he was in amercement of court¹⁰—for which a further pledge had to be found¹¹—and the defender having offered himself 'paratus ad respondendum'

¹ *Infra*, p. 141.

² *Infra*, pp. 66, 107, 113, *et al.*

³ *Infra*, pp. 205-206, *et al.*

⁴ *Cf. infra*, p. 233.

⁵ *Infra*, pp. 35-36, 46, 73-74, *et al.*

⁶ *Cf. infra*, pp. 136, 150.

⁷ *Cf. infra*, p. 10.

⁸ *Infra*, pp. 24, 26, 35, 46, 59, *et al.*

⁹ *Infra*, p. 73.

² *Infra*, p. 69.

⁸ *Infra*, p. 128.

could claim 'quitus fuit a calumpnia' until 'nouiter attachiatus fuerit.'¹ If the defender, on the other hand, having found his pledge 'ad recipiendum probacionem,' or to gainsay the *calumpnia*, did not compear to do so on the assigned court day, he likewise was in amercement of court² and he was summoned anew.³ Either side, being absent, was called 'sepe, sepius, et sepissime . . . hora diei legitime expectata.'⁴

The usual essoins were allowed.⁵

There are two references to 'borch of hamehald,'⁶ in each case relating to the purchase of a horse; and it is evident from the second case that such pledges could be many deep.⁷

It is noticeable that the dempster gives the 'warda' of the court in civil actions⁸; even when the pursuer 'pervenit ad eius calumpniam causa non defensa' the dempster still gives the 'warda.'⁹

The decrees, acts and judgments of the court were enforced by warding, amercement and distraint.

¹ *Infra*, pp. 41, 60, 77, 124, *et al.* Cf. *Quoniam Attachiamenta*, c. 3 (*A.P.S.*, i, 648), and *Fragmenta Collecta*, c. 3 (*A.P.S.*, i, 741).

² *Infra*, pp. 123, 142, *et al.*

³ There is no trace of the procedure outlined in *Fragmenta Collecta*, c. 2 (*A.P.S.*, i, 741), that if on the assigned day the pursuer was present and the defender absent, the pursuer's proof was to pass (*transcat*) against the defender—a procedure which appears to be different from that of 'causa non defensa' (see *supra*, p. cxxxii).

⁴ Cf. *infra*, pp. 154, 220. This later becomes 'ofttymes callit lauchfull tyme of day biddin,' and, later still, 'oft times called and lawful time of day abiden.' There is no reference in the record to the hour at which the court sat. According to *L.Q.B.*, c. 75 (*A.P.S.*, i, 348), the burgh court was to sit at 'undern' (9 a.m.) in winter, and before 'midmorn' (6 a.m.) in summer; but it is doubtful if the rule was observed. At Elgin, in 1541, it was 'statute' that the court should sit at 10.30 a.m. (*Records of Elgin*, i, 66), and at Dundee, in 1562, the 'hour of cause' was 11 a.m. (*Warden, Burgh Laws of Dundee*, 23-24).

⁵ For example, on the king's service (*infra*, p. 206). For the essoins, see *L.Q.B.*, c. 92 (*A.P.S.*, i, 351), and Bisset, *Rolment of Courtis*, Scot. Text Soc., iii, 61-62.

⁶ *Infra*, pp. 63-64, 131-132. For 'borch of hamehald,' see the note in Bisset, *Rolment of Courtis*, iii, 11, note 1. An interesting example, in 1555, is to be found in *Aberdeen Recs.*, i, 282-283.

⁷ But presumably the fourth pledge had to defend (cf. *Regiam Majesta-* *tem*, i, 22; iii, 10, in *A.P.S.*, i, 604, 625).

⁸ For example, he gives the judgment of the court as to which pledge is 'valoris' (*infra*, pp. 205-206).

⁹ *Infra*, pp. 66-67, 67-68, 158-159, 220, *et al.*

One or two other points of interest emerge. We note, for example, that a man is ordered to enter himself into prison in the tolbooth (i.e. to enter himself in ward)—he is not put there¹; and that a pledge must be found that he will not go out of prison until the law has been satisfied.² In one case we find a man in three amercements because, firstly, he resisted the sergeants in the execution of their duty; secondly, he refused to enter himself in prison; and thirdly, he went out of prison without leave.³ We have an interesting entry of a reference back to the burgh court of Aberdeen of a claim for a debt incurred in Flanders⁴; and while it was a common privilege of the burghs that a burgess could be distrained only for his own proper debts,⁵ we see here that a burgess could himself distrain only for the debt due to him and not for the debts due to others.⁶ Finally, in one entry Robertus Gwelp 'adiudicatus est in xlviij li. pro concelacione firme sue erga regem,'⁷ which appears to be the penalty of £1 for every penny of evasion (probably here for evasion of the ferme of eight burgh

¹ *Infra*, p. 22. Much later, in Paisley, offenders were sometimes given the key of the tolbooth and told to go and lock themselves therein (*Paisley Burgh Recs.*, Intro., p. cvii).

² *Infra*, p. 22. At Elgin, in 1541, a man was charged with 'the wrangus trubling of this burgh and for the taking of the lok of the tolboyth efter he was put thairinto' (*Records of Elgin*, New Spalding Club, i, 60).

³ *Infra*, p. 134.

⁴ *Infra*, p. 47.

⁵ Ballard, *British Borough Charters*, 164-166; Ballard and Tait, *British Borough Charters*, 1216-1307, 228-233; *Aberdeen Charters*, No. v; *Ayr Charters*, No. 16; *Dundee Charters*, facsimile frontispiece.

⁶ *Infra*, p. 61. Extra-judicial distraint is referred to in certain chapters of the *L.Q.B.* (cc. 32, 33, 54, in *A.P.S.*, i, 339, 343); and in *L.Q.B.*, c. 53 (*A.P.S.*, i, 343) it could be used for arrears of rent. Certain exceptions were recognised—for example, it was forbidden in the time of the fair. Goods so distrained had to be sold under proper formalities, with opportunity for the debtor to purchase back his own goods; the debtor was also entitled to the surplus, if any, between the selling-price and the amount of the debt. According to *Fragmenta Collecta*, c. 33 (*A.P.S.*, i, 727), distrained goods had to be offered for sale on three market days and then finally sold on a fourth market day for the highest price offered; and in two cases in Aberdeen, in 1469 and 1507, we find goods which had been distrained for debt offered in the market on three separate days and finally sold on a fourth day (*Aberdeen Recs.*, i, 405-406, 434-435). In the first of these cases the burgh officer received for his labours one shilling from the amount realised.

Undoubtedly extra-judicial distraint was rendered necessary owing to the scarcity of coined money (cf. *S.H.R.*, xxxiii, 31, and note 9).

⁷ *Infra*, p. 140.

roods at sixpence for each rood,¹ or of one rood for eight years which is prescribed in one of the chapters of *Fragmenta Collecta* for the evasion of the king's customs.²

A man unable to pay an amercement might, instead of payment, undertake to do an equivalent amount of 'common work.'³ Later, we frequently find the issues of the court devoted to some particular 'common work' such as the building and completion of the Gallowgate port,⁴ or the 'kirk werk';⁵ in Peebles we find them similarly devoted to the building of the tolbooth, the buying of a town clock or the repair of the bridge.⁶

XIV

The possible extension of the jurisdiction of the burgh by a grant of rights of admiralty has already been noted⁷; but the burgh's jurisdiction might also be extended in other ways. In Aberdeen, in 1445, it was 'sene speidful to the counsaile to trete giue thai may get the fredome to be schirrefis within the toun, and to mak a coste therapon'⁸; and, subsequent to the period of the present record, a number of burghs—including Edinburgh, Stirling, Perth, Selkirk, Lanark, Haddington, Dumfries and Dundee—did obtain royal grants whereby they were erected into sheriffdoms within their own bounds.⁹ This gave the burgh an enlarged jurisdiction in criminal causes.¹⁰ Later, Mackenzie states that the magistrates of burghs 'have not power to judge murders, except they be sheriffs within

¹ For the ferme of sixpence for each burgh rood, see *supra*, p. lvii, note 2.

² *A.P.S.*, i, 725, c. 25. In 1495, by a decree of the auditors of exchequer, a fraudulent custumar and a fraudulent clerk of cocket were ordered to pay £1,440 as penalty for £6 of evasion (*E.R.*, x, 536-537)—again a penalty of £1 for every penny, and here said to be in accordance with 'juribus municipalibus et statutis regni.'

³ *Infra*, p. 219.

⁴ *Aberdeen Recs.*, i, 96 (1519).

⁵ *Ibid.*, i, 7, 12 (1442, 1444).

⁶ *Peebles Recs.*, i, 132-133, 147, 157. See also *infra*, p. 238.

⁷ *Supra*, p. cxiii.

⁸ *Aberdeen Recs.*, i, 14.

⁹ Cf. *Edinburgh Charters*, No. LIV; *Stirling Charters*, No. xxxiii; *R.M.S.*, ii, No. 2605; *R.M.S.*, vi, No. 1098.

¹⁰ This is clearly stated in James III's charter to Edinburgh (*Edinburgh Charters*, No. LIV).

themselves'¹; and we note that in Edinburgh, in 1491, in a case of slaughter, the bailies are stated to be acting as sheriffs within the burgh.² The advantage to the burgh is also to be seen in the dispute between the burgh of Aberdeen and the sheriff-principal of Aberdeenshire which came before the Lords of Council in 1512³; the disadvantage to the sheriff-principal is clearly revealed by the fact that Arran, sheriff-principal of Lanarkshire, obtained from the Lords of Council, immediately upon his assumption of the office of Governor in 1543, a reduction of the grant earlier made to the burgh of Lanark.⁴

Also subsequent to the period of the present record, the jurisdiction of the burgh might be enlarged by a 'commission' from the Lords of Council giving the provost and bailies particular rights for a particular period. Usually such a commission was a 'commission of justiciary' (of which many, owing to the breakdown of the justice-ayres, were issued in the sixteenth century to burghs and to local lords) under which the burgh could hold its own 'justice court' for criminal causes.⁵ There is abundant evidence that the system of 'commissions of justiciary' was grossly abused⁶ but, rightly used, it was a valuable instrument to meet some special need at some special time—as, for example, when the provost and bailies of Ayr were granted a commission of justiciary to enable them to enforce their regulations and to deal with theft and other crimes committed within the burgh during the period of an outbreak of the plague.⁷

Also later than the period of the present record, Edinburgh, suffering from the jurisdiction of the 'verge' claimed by the Lord High Constable whenever the sovereign

¹ *Observations*, James I, Parliament vi, Act 93.

² *Edinburgh Recs.*, i, 60.

³ *Aberdeen Charters*, No. xxvi.

⁴ *Acts of the Lords of Council in Public Affairs*, 515, 525.

⁵ Cf. *Spalding Club Misc.*, i, 96; *Edinburgh Recs.*, i, 156; *Ayr Charters*, No. 30; *Stirling Recs.*, i, 24, 42, 53, 71.

⁶ Cf. *Acts of the Lords of Council in Public Affairs*, 302-303; *R.P.C.*, iii, 91-92, 504.

⁷ *E.R.*, xviii, 482. The purchase of the commission 'to justefy thame that brak rewll in the tyme of the pest' apparently cost of the burgh £12 (*Ayr Burgh Accounts*, Scot. Hist. Soc., 102).

was in residence in the castle or in Holyrood, purchased from the Constable the right of acting as 'constable depute.'¹

XV

'Appeal,' by way of falsing, lay from the burgh court to the court held by the chamberlain when next he visited the burgh on his ayre²; a dissatisfied litigant could claim a right to bring his cause before the chamberlain as before a court of first instance³; and difficult or important actions could be held over to await the chamberlain's advent.⁴ These and other aspects of the chamberlain's ayre have already been discussed elsewhere⁵ in an account of the interesting entries appearing in the present record under the heading *Extentā itineris camerarii* in 1399 or 1400.⁶

Disputes between the burghs themselves might be heard by the chamberlain,⁷ or might go before a central court for the burghs, known as the Court of the Four Burghs, which could also hear appeals from the burghs and from the chamberlain's ayre.

The earliest record evidence for the Court of the Four Burghs occurs in 1292, when a question relating to the interpretation of the 'law' of the burghs was referred to the 'four burghs'⁸; and in 1296 we find the burgesses of Berwick, Edinburgh, Roxburgh and Stirling making a

¹ *Edinburgh Recs.*, i, 203.

² Cf. *infra*, p. 37—where the pledge is found *iuxta tronum burgi*.

³ Cf. *infra*, p. 34—where a litigant finds a pledge to bring his cause before the chamberlain because, although three sittings of the court had been assigned to him to receive judgment, *warda* was still deferred.

⁴ Cf. *infra*, p. 113—where an action is deferred *ad proximum iter camerarii, et hoc datum fuit pro iudicio*.

⁵ *S.H.R.*, xxxiii, 27-36. It is important to note that in the second half of the fifteenth century the Lords of Council steadily assumed more and more control over the burghs in jurisdiction and in finance, and that the chamberlain's authority over the burghs steadily declined. This appears to have been part of a general increase of 'conciliar control' over the officers of the king's household.

⁶ *Infra*, pp. 174 *et seq.*

⁷ In 1429 we find him sitting with an assize at Glasgow to hear a dispute between the burghs of Dumbarton and Renfrew in relation to rights on the river Clyde (*Fraser, Chiefs of Colquhoun*, ii, 285, No. 20).

⁸ Stevenson, *Documents illustrative of the History of Scotland*, i, 380-381. The Berne MS. contains certain 'Leges et consuetudines quatuor burgorum · Edinburg, Rokisburg, Berewic, Striuelin · constitute per dominum Dauid Regem Scocie' (*A.P.S.*, i, 178)—probably of earlier date than 1292 and indicating the earlier existence of the court.

declaration with regard to the law of 'heirship goods.'¹ That is, the Court of the Four Burghs was a body which declared the 'law and custom' of the burghs in order to secure uniformity,² whilst its jurisdictional character is revealed in 1331 when the chamberlain accounted for fifty shillings 'de quodam amerciamento in quo Symon Gelchauch cecidit ad quatuor burgos.'³

The 'four burghs' were thus Berwick, Edinburgh, Roxburgh and Stirling⁴; but in 1369, because of continued English possession of Berwick and Roxburgh, Lanark and Linlithgow were substituted for them.⁵ The act of 1369, moreover, shows that, in addition to declaring the 'law and custom' of the burghs, the Court of the Four Burghs also heard falsed dooms, and that it sat at Haddington under the chamberlain; and in a legal fragment we are likewise told that all dooms falsed in burgh courts were to be determined at Haddington before the chamberlain and four of the wisest and most sufficient burgesses from each of the four burghs of Berwick, Edinburgh, Roxburgh and Stirling.⁶

¹ *A.P.S.*, i, 724, c. 20.

² The burghs also corresponded directly with one another to the same end (cf. *A.P.S.*, i, 723-724; and *Aberdeen Recs.*, i, 26, 28, 29, and *Edinburgh Recs.*, i, 24, which show that the burghs possessed their own copies of the *Leges Quatuor Burgorum*).

³ *E.R.*, i, 336.

⁴ Cf. *supra*, p. xxvi. It should be noted, however, that the arrangements for the payment of the ransoms of David II and James I show that the four *most important* burghs were then Edinburgh, Perth, Aberdeen and Dundee (cf. *A.P.S.*, i, 517, No. 13; *Aberdeen Charters*, No. xvi).

⁵ *A.P.S.*, i, 507b. The choice of Lanark and Linlithgow was probably dictated by geographical considerations—facilitating ease of meeting. Balfour's report of a decision anent 'heirship goods' made by 'the burgessis of Berwick, Edinburgh, Roxburgh, Striviling, at Haliruidhous, anno Domini 1395' (*Practicks*, 234), must therefore be accepted with reserve unless, for 1395, we should read 1295 (cf. *note 1* above).

⁶ *Fragmenta Collecta*, c. 8 (*A.P.S.*, i, 742). This is confirmed by English record. In 1345 Edward III was informed by the community of Berwick that it had long been the custom in Scotland for dooms falsed in burgh courts to be heard at Haddington by the chamberlain and sixteen burgesses from the four burghs, Berwick, Edinburgh, Roxburgh and Stirling, and that as the three latter burghs were at enmity with the English king they could not meet with the burgesses of Berwick, and so dooms falsed in the burgh court of Berwick remained undetermined. The English king replied that, until the men of the four burghs could again meet together, the dooms falsed in the burgh court of Berwick were to be heard annually at Berwick before the *custos*, the mayor, and twelve discreet burgesses of the burgh (*Rotuli Scotiae*, i, 660).

In 1454, however, James II, confirming a decree of James I, conferred upon Edinburgh the privilege of being the seat of the Court of the Four Burghs, which was to meet annually on the day following Michaelmas and which was finally to determine judgments gainsaid in burgh courts throughout the whole realm and to give standard measures for the ell, the firloft, the stoup and the stone.¹ Again we have reference to the chamberlain (or his depute) as the presiding officer, and to commissioners from each of the 'four burghs' who are to be summoned as suitors or *accessores*. More important, however, it is noticeable that the Court of the Four Burghs is here called the *Parliament* of the Four Burghs—that is, by its judgments it declares the 'law' of the burghs, just as that other parliament, the king's High Court of Parliament, by its judgments declared the law of the land.²

But if we are to trust a fragment of 1405,³ the Court of the Four Burghs had now been enlarged to include two or three sufficient burgesses from each of the royal burghs to the south of the Spey, who were to compare yearly to the '*parliament* of the four burghs' and there to treat and determine upon all things concerning the utility of the common weal of the burghs, their liberties and court; and it may be that the wording of the decree of 1454 meant that the four commissioners from each of the 'four burghs' were to sit with the chamberlain for the determination of dooms and falsed judgments, while other burghal affairs

¹ *A.P.S.*, Supplement, xii, 23, No. 43; *Edinburgh Charters*, No. XXXIII.

In 1493/4 we have a reference to the measures 'devisit and ordanit be the commissaris of four burowis' (Laing, *Lindores Abbey and its Burgh of Newburgh*, 180). In 1552 the Convention of Royal Burghs decreed that all burghs must use the stone weight of Lanark, the pint stoup of Stirling, the firloft of Linlithgow, and the ell of Edinburgh (*Recs. Convention of Royal Burghs*, i, 2).

² Cf. *supra*, p. xxxvi and note.

³ *A.P.S.*, i, 703, where the date rests solely upon the authority of Sir John Skene (*A.P.S.*, i, 51). It is possible, as the editor of the first volume of the *A.P.S.* suggests, that this fragmentary record of a meeting of the *Curia Quatuor Burgorum* should be assigned to a much earlier date than 1405. In it the 'four burghs' are stated to be Edinburgh, Stirling, Berwick and Roxburgh, and that at once postulates a date prior to 1369 (cf. *supra*, p. cxliii); the law relating to the Templars may possibly suggest a date prior to 1309 (but see *supra*, pp. lxvii-lxix). It may be that for 1405 we should read 1305, or 1355.

were to be discussed by all the commissioners of all the burghs represented at the court. Certainly in 1487 parliament enacted that commissioners of all the burghs, both north and south, should meet yearly at Inverkeithing to treat of the 'welfare of merchants, the good rule and statutes for the common profit of burghs, and to provide for remedy upon the scathe and injuries sustained within burghs.'¹

In 1507 Lanark was still sending commissioners to the Court of the Four Burghs,² but soon thereafter the Court appears to have fallen into desuetude.³ In March 1534, however, the commissioners of the burghs of Edinburgh, Dundee, Perth, St. Andrews and Stirling, meeting in Edinburgh,⁴ decided that all burghs should send commissioners to Edinburgh, to meet on the 26th July following, to treat on matters relating to the common weal of the burghs,⁵ and this was one of several attempts to revive a common gathering for common action which eventually led to the formation of the Convention of Royal Burghs⁶—though there is no evidence that the Convention was in direct descent from the Court.

XVI

In 1406 the names of thirty-three burgesses, many of them, as revealed by other entries, men of importance in the burgh, are listed under the heading 'Electi ad transeundum contra kethranos.' Three of those so listed are to go

¹ *A.P.S.*, ii, 179, c. 17.

² *Lanark Recs.*, 17, 18.

³ Possibly not unconnected with the decline in the authority of the chamberlain over the burghs (cf. *supra*, p. cxlii, note 5).

⁴ It would be interesting to know how commissioners from these five burghs came to meet in Edinburgh at that time. It would almost appear as though Edinburgh must have invited the other burghs to send commissioners to treat and discuss, for there is no record of a parliament or general council in Edinburgh in March 1534. In this connection, however, it should be noted that after the burghs had gained a right to send representatives to parliament we occasionally find the commissioners of the burghs (taking advantage of their presence together as one of the estates of the realm) meeting outwith parliament and acting as a body to determine burghal matters and causes (cf. T. Pagan, *The Convention of the Royal Burghs of Scotland*, 15-17).

⁵ *Edinburgh Recs.*, ii, 67.

⁶ Cf. *A.P.S.*, iii, 102, c. 11 ; 224, c. 262. And see Pagan, *op. cit.*

'cum homine.'¹ What this particular 'affair' was, we do not know. The North was turbulent, for Albany had already assumed the wardship of Euphemia, *de jure* Countess of Ross,² while her uncle, Donald, Lord of the Isles, saw no reason why the earldom should not be his. Harlaw, fought five years later, was but the culminating point of Donald's claim.³ But this entry in the record does raise the difficult question of the military service rendered by the king's burghs.

Undoubtedly, as tenants-in-chief of the king, the royal burghs could be called upon to render some form of military service⁴; but the evidence is so scanty that it is impossible to say with any certainty what were the conditions and the nature of their service. An early reference to the reinforcement of the royal castle of Ayr by the burgesses of the burgh, 'secundum mandatum domini regis,' has already been noted⁵; and it would appear that the military service to be rendered by the burghs at first rested largely upon the royal mandate. But did their service include the sending of a levy to the feudal host?

Robert I, in 1313, apparently exempted the burghs and burgesses of the realm from all army service unless they were summoned thereto by the chamberlain or his deputies⁶; and another document, of 1418, states clearly that the burgesses of Ayr, and of the other burghs of the realm, performed their military service under the chamberlain, and only when summoned by the chamberlain, and that they were free from summons by the sheriff.⁷ On the other hand two, much later, documents appear to indicate

¹ *Infra*, pp. 226-227.

² Certainly as early as 11 July 1405 (*Scots Peerage*, vii, 242).

³ See *Transactions of the Gaelic Society of Inverness*, xxx, 267 *et seq.*

⁴ It should be noted that conditions in Scotland were entirely different from the conditions in England, described by Stephenson in *Borough and Town*, 155-160.

⁵ *Supra*, p. xix, note 3 (*E.R.*, i, 6). Cf. the charter to Egremont, in Ballard, *British Borough Charters*, 90.

⁶ *Ayr Charters*, No. 12. In a later charter to Ayr the burgesses are freed from army service unless summoned thereto by the king (*R.M.S.*, i, App. i, No. 64).

⁷ *Ayr Charters*, No. 42 (1418). For the sheriff as leader of the local feudal levy, see *Fife*, xlii.

that the burghs could be summoned by the king to send forth all 'fencible men' between the ages of sixteen and sixty¹; and in this connection it is to be noted that there are many references in burgh records to the holding of 'wappinschaws,' and that the military measures enacted by the parliaments of James I prescribed 'wappinschaws' within the burghs four times a year and detailed the arms and armour to be worn by burgesses.²

Nevertheless, apart from local 'affairs,' when doubtless in their own interests all 'able' men would turn out to defend their possessions and their 'good town,'³ it is hardly likely that all burgesses between sixteen and sixty passed to the king's host.⁴ Partly it would be unprofitable to the king if his burghs were to be sacked in the absence of all their able-bodied burgesses; partly the burghs long continued to be, to some extent at least, defensible centres; and partly it was more profitable to allow the burgesses to continue their trade in merchandise, even in time of war, as progressively they became less and less men of 'the trade of war.'

Thus, while at first the burgesses might be called upon to reinforce the garrison of the castle, later, in national mobilisations, it is probable that each burgh sent only a particular quota of men. This is well illustrated at a much later date in letters from James VI to the burgh of Edinburgh in 1582—' . . . because we wald be laith to truble the hail inhabitantis of our burrowes . . . we haif thocht guid to certifie yow that ye sendand unto ws ane hundreth and

¹ *Muniments of Irvine* (Ayrshire and Galloway Archaeological Association), i, Nos. 17 (1514), 26 (1543). See also *infra*, p. cxlviii, and note 3.

² *A.P.S.*, ii, 10, c. 17; 18, c. 14. The conditions of admission as a burgess often included the possession of sufficient armour 'for serving the king's grace and the good town.'

³ Cf. *Aberdeen Recs.*, i, 60-61, 389. In the records of the burgh of Peebles there are entries in which newly admitted burgesses furnish a bow and a sheaf of arrows (presumably for the town's armoury) instead of paying the usual burgess silver (cf. *Peebles Recs.*, i, 149).

⁴ Indeed it is hardly likely that such a complete mobilisation took place anywhere in the country save, perhaps, in the immediate neighbourhood of the king's own person. An effective machinery was lacking, and much would depend upon the action and authority of the local sheriff or lord. Even at the best there would be many 'absentees'—as many entries in the *Accounts of the Lord High Treasurer* clearly indicate.

three scoir habill hakbutteris provydit to remayne with ws for the space of ane moneth after the said day, it sall releif yow and that haill burgh. . . .'¹ Possibly, indeed, there was at one time a fixed quota for each burgh according to a roll kept by the chamberlain; but, if so, the record has been lost.

It was not long, however, before each burgh either paid a lump sum 'to bide at hame' or furnished its quota in the form of mercenaries ('wageouris')—the expense in each case being met by a general stent upon the town. And again, in the determination of the sum to be paid, there was probably some 'assessment' by the chamberlain or, later, the Council.²

So, in Aberdeen, in August 1494, when all burgesses and indwellers between sixteen and sixty were charged to be ready 'weile abilyet for weir, with xl dayis wittal, to pass to the kingis hienes efter the tenour of the proclamation be our souerane lordis lettres maid thairupone,'³ the burgh apparently escaped this service by providing five shillings and fourpence a day for the space of a month for the sustentation of eight Englishmen in Perkin Warbeck's army and by paying £100 'to reman at hame fra the passage in England.'⁴ For the campaign which culminated in Flodden, Aberdeen raised a stent of £400 to be used to furnish twenty 'spears'—each 'spear' consisting of six horses, three horses with riders and three for 'caragis.'⁵ In 1522 the canny town urged its commissioners to ensure that its payment 'to bide at hame' would be refunded if the host did not set forth from Roslin Muir; and at that time we note that six bold burgesses refused to pay their part of the stent and 'said thai wauld pass furtht to the

¹ *Edinburgh Recs.*, iv, 260.

² The extent to which this system grew may be gleaned from the payments by 'the burghs' to remain away from the muster at Gladsmuir, when, in a justiciar's ayre held at Dumbarton in April 1547, the licences granted to the burghs (probably only the burghs of the south-west and west) to 'bide at home' were compounded in the sum of £8,737 (*Acts. Lord High Treasurer*, ix, 19). In that case the sum to be paid by each burgh would probably be assessed by the 'lords compositours' of the Council who accompanied the justiciar on his ayre.

³ *Aberdeen Recs.*, i, 54-55.

⁴ *Ibid.*, i, 57.

⁵ *Ibid.*, i, 85.

said oist.'¹ In 1532 the burgh raised a stent of £84 (Scots) monthly for 'waegeris' to pass with the king's artillery 'aganis our auld ennimies of Ingland'²; and similar stents for the provision of mercenaries (or for the purchase of a licence to 'bide at hame') can be found for Solway Moss, the siege of St. Andrews Castle, Pinkie, the siege of Broughty Castle and so forth. Similar arrangements can be traced in the records of other burghs, while the amounts paid are sometimes entered in the Treasurer's accounts and the formal licences to 'bide at hame' are sometimes to be found in the Register of the Privy Seal.³

At times, however, the royal burghs rendered a form of military service which appears to bear some resemblance to the military service rendered by the French communes on the royal demesne. In France the *prisia servientium* (*la prisée des sergents*)⁴ shows that the communes were grouped together to furnish a definite number of *servientes* (*sergents*) together with a definite number of waggons for munitions, victuals and baggage—though the king might call upon them to provide a money payment in lieu of this service.⁵ And in the Scottish burgh records there are too many references to the furnishing of 'carts of war' for the parallel to be ignored. In 1497, in the Aberdeen records, for example, we read 'Thir personis under writtin furnist thair [? thir] cartis under for wer, to the resisting of our auld inemeys of Ingland'—followed by a list of burgesses who, individually or in groups, furnished the carts⁶; and in 1522 carts 'to the carting of the townis artalyery . . . eftir the auld rit and constitutioun of the guyd town'

¹ *Ibid.*, i, 104-105, where, for vij lib. read vij^{xx} lib. In Peebles, in 1458, a newly admitted burgess was excused from the payment of five shillings of his burgess-fee of ten shillings in return for 'his rydyn to the ost' (*Peebles Recs.*, i, 124).

² *Aberdeen Recs.*, i, 144.

³ E.g. *Accounts of the Lord High Treasurer*, i, 313; *Registrum Secreti Sigilli*, i, No. 112.

⁴ Of the two surviving texts, one is of the beginning of the thirteenth century, the other of the middle of the thirteenth century; but the service continued long thereafter.

⁵ Luchaire, *Les Communes Françaises* (Paris, 1890), 180. See also, Powicke, *Loss of Normandy*, 326-327.

⁶ *Aberdeen Recs.*, i, 63-64.

were furnished by named burgesses and by the separate crafts.¹ Admittedly Parliament in 1456 had laid a somewhat similar burden upon 'the gret baronys that ar of ony mycht,'² but that from an earlier time the king could call upon his burghs to render a service of carriage in time of war or expedition is clear from the penalties imposed upon the burghs of Montrose, Haddington and Aberdeen in 1428 for failing to carry victuals to James I at Inverness.³

XVII

This Introduction opened with the close association between the early king's burgh and the king's castle. Possibly, as we have seen, the burgesses in the twelfth and thirteenth centuries could be called upon to undertake some form of castle-guard and so enable those who were more fit for warfare to serve with the army or host in other parts; possibly the burgh, itself a defensible unit,⁴ could provide accommodation for a reinforced castle garrison in time of need.⁵ But, as trade developed and grew, men who were primarily merchants were little likely to be good men of war; and then the king's interests were better served by collecting money from his burghs in place of men.

We should not forget, however, that the close association between castle and burgh in early times may have had something more than a military significance. While the castle would secure the king's peace, whereby the burgh could thrive, the sheriff, holding the castle and administering the castle-area (the sheriffdom) for the king, was a financial

¹ *Ibid.*, i, 99.

² *A.P.S.*, ii, 45, c. 4. See also *A.P.S.*, ii, 99, c. 5 (1471); 105, c. 13 (1473); 106, c. 5 (1474).

³ *E.R.*, iv, 488, 489, 490, 550, 551 ('quia non fecerunt victualia cariari in partibus borealibus cum rege'); 586 ('quia non fecerunt cariari victualia versus Invernys').

⁴ As we have seen, as late as 1540 Selkirk, 'often burned, harried, destroyed and overwhelmed' through its proximity to 'England, Liddesdale and other noxious and broken parts,' was given licence by James V to have 'muros, fossas et stagna circa dictum burgum' (*R.M.S.*, iii, No. 2207).

⁵ *Supra*, p. xix.

as well as a military, administrative and judicial officer. At first, the sheriff may well have been concerned not only with securing the king's peace but also with ensuring that the finances accruing to the king from the burgh, as well as from the sheriffdom, duly reached the royal coffers. And that may have meant some early shrieval control of which we have no direct record. We have noted, however, that the early writs relating to 'lands' within the burgh were addressed to the sheriff¹; equally we have noted a difficulty in tracing the financial returns of those burghs which did not account direct to exchequer.²

Very early in their history, however, and probably in the period of rapid development at the end of the twelfth century and early in the thirteenth century, the 'head burghs' appear to have freed themselves from whatever initial shrieval control there may have been.³ Then, not only did the burgh become a self-governing community under its own officers, but also, in due course, it achieved a certain financial autonomy with the grant of a charter of feu-ferme. Both helped to confirm that unity which each burgh was jealous to preserve and of which each soon became justly proud.

¹ *Supra*, pp. xix-xx.

² *Supra*, p. lxxi, note 1, where the evidence suggests that the sheriff may have been responsible, though unfortunately most of the early sheriffs' accounts have been lost.

³ As late as 1252, however, we find Alexander III ordering his sheriff of Linlithgow to ensure that 'prepositi burgi nostri de linlithquo et firmarii nostri in ballia vestra' make their annual payment of £10 to the nuns of Manuel (*Register House Charters*, No. 49).

ABERDEEN BURGH COURT ROLL
1317

¹[.]¹ Henric ¹[.]¹d quod dictus m. 1.
 Adam ¹[.]¹ unde ¹[.]¹ quater quadraginta dies ¹[.]¹ proximo sequens ad producend-
¹[.]¹.

¹[*Die lune* ?]¹ proxime ante festum Sancti Laurencii martiris anno gracie millesimo ccc^mo decimo ¹[.]¹ de Abirdene in plena curia dicti burgi Ada filia ²et heres² Rogeri de Hauw¹[*od*]¹ de Polgoueny fi³[:]³ et heredis Malcolmi de Polgoueny ¹[.]¹ constituens Duncanum Kunedy et Daud filium Laurencii suos prolocutores ad ¹[.]¹ coram balliuis in curia predicta, qui, optenta licencia, ex parte dicte Ade proposuerunt quod ¹[.]¹s Malcolmi de Polgoueny vestitus fuit ⁴[.]⁴ de quadam pecia terre, cum pertinenciis ¹[. *ed*]¹ificiis in eis constructis, iacente ⁴[.]⁴ parte vici furcarum inter terras ¹[*qu*]¹ondam predicti Malcolmi versus Austrum et boream ⁴[.]⁴ parte iacentes, et dicta terra cum aliis terris dicti Malcolmi in vita dicti Malcolmi obligata fuit Magistro Roginaldo de Buchan pro quater viginti marcis sterlingorum cum quibus predictus Rogerus de Hauwod tenebatur magistro Roginaldo predicto, pro quo debito dictus Malcolmus, per litteras suas obligatorias penes dictum magistrum Roginaldum residentes, plegius et debitor principalis fuit constitutus, dicta terra ⁵[*sua*]⁵ remanente obligata pro predicto debito, et predicto magistro Roginaldo institutionem in terra predicta habente corporalem. Idem Malcolmus eiectus de eadem in fata discessit, quo defuncto, inopportunitate gerre totam terram Scotie undique agrauante, et dicto magistro Roginaldo propter suam rebellionem contra pacem regni existente, dominus rex dictam terram ipsam, pro

1-1 MS. torn.

2-2 Illegible owing to stain.

4-4 Hole in MS.

2-2 Scored through.

5-5 Stained.

eskaeto per rebellionem predicti magistri Roginaldi contingentem contulit discreto viro, domino Willelmo de Lindesey, rectori ecclesie de Are, tunc camerario suo Scoocie, qui per dictam concessionem regis eandem occupavit et tenuit de domino rege per annos et dies. Et ¹[*cum*]¹ processu temporis magister Roginaldus predictus ad pacem domini regis venerat cum aliis incolis dicti regni, et ¹[*graciam gaudendi*]¹ ecclesiasticis bonis et mundanis impetraverat. Dictus dominus Willelmus, ut pleniori iure dictam terram poteret [*sic*] occupare, per formam conuencionis inter ipsum et predictum magistrum Roginaldum confecte, sibi de predicto debito satisfecit, et dictam terram exsolutam de manu sua recuperavit, et per eandem viam institutionis per quam idem magister Roginaldus dictam terram detinuit idem dominus Willelmus in eadem permansit hucusque. Unda predicta Ada, sub virga patris sui et infra etatem in alia parte regni extra burgum de Abirdene cum patre suo permanens, de statu et mora predicti Duncani, awunculi sui, filii et heredis predicti Malcolmi, in quibus mundi partibus extiterit, diligenter et solerter explorans, pro firmitate pleniori anelans per mortem dicti Duncani, si contigerit, in hereditatem predicti Malcolmi de Polgoueny de predicta terra tanquam proximior et apparencior heres de sanguine dicti Duncani heredis ¹[.]¹, et tandem extraneorum mercatorum et peregrinancium a remotis partibus insinuacione veridica ¹[.]¹ laborante dicta Ada concipiens predictum Duncanum, awunculum suum, viam uniuerse carnis ¹[.]¹, et statim cum patre suo apud Abirdene accessit, ius hereditatis in dicta terra se habere proclamando, et ¹[.]¹ Willelmi in euidenti paupertatis statu constituta assequabatur graciam suam, continue ²expectando ut ¹[.]¹ paupertate compatiens sibi aliquam porcionem pecunie, per quam sui status ¹[.]¹, pro iure suo quod, tanquam heres predicti Duncani, clamabat se habere in predicta terra, conferre sibi voluerit graciose, quamvis ad hoc faciendum non

¹⁻¹ Stained.

²⁻² *ex* added above the line.

tenebatur de iure. De statu, ¹tamen¹, dicte puelle compatiens, et dictam terram ²[. . .]² quam pleno iure nolens gaudere, quandam pecunie porcionem ad summam ³[]³ sibi in pecunia numerata persoluit pro toto iure quod dicta puella pro se et heredibus suis in dicta terra clamabat se habere, de qua summa dicta puella se bene contentam tenuit et pacatam. Et tempore quo dicta Ada cum predicto domino Willelmo super vendicione dicte terre et renunciacione sui iuris de eadem conuenit se coram balliuis et curia burgi proposuit, sui status inopiam exprimendo, et supplicans eisdem, quod de ²[. .]² in villa de Abirdene generacionis et alumpnacionis sue cepit exordium et in dicta villa de Abirdene melius de perfeccione sue etatis nosci vel certiorari poterit quam alibi, ut ipsi balliui de potestate sui officii per bonam et sufficientem assisam proporum [*sic*] ville, per quos sue etatis perfeccio melius sciri potuit et inquiri, graui sacramento interueniente, se ad inuicem super sue etatis perfeccione consulere et eandem balliuis et curie predictae deponere. Que assisa proporum ville leuata, iurata, et consulta, deposuit in virtute sui sacramenti, interueniente in dicta assisa Mariota, alumpniatrice dicte puelle et iurata cum assisa predicta, quod dicta Ada etatem quindecim annorum compleuerat ad festum Sancti Martini anno etc. quarto decimo et quod tunc, secundum leges burgorum Scocie, perfecte fuit etatis conuencionandi contractus, in pignorandi, vendendi, et alienandi terras et possessiones quascunque; et sic matura etate dicte Ade per deposi- m. 2. cionem dicte assise et sue alumpniatricis iuratarum facta et probata, dictam terram in plena curia burgi de Abirdene ad tria placita dicti burgi rite et secundum leges burgorum Scocie proximioribus amicis sanguinis sui, si qui eandem emere voluerint pro eadem, vel consimili, summa denariorum soluenda sibi primo, secundo, et tercio, per Ricardum filium Randulphi, attornatum suum per breue de capella domini Regis constitutum, optulit ad vendenda ⁴[. renunci]⁴acionis et vendicionis comparuerunt

¹⁻¹ *tamen* added above the line.

²⁻² Blank.

³⁻² Stained.

⁴⁻⁴ Hole in MS.

in curia dominus Galfridus de Wellys, capellanus ¹[.
.]¹ pelliarius, ostendentes quod ipsi proximiores
erant heredes dicte terre ¹[.]¹ mota fuit de
Alicia, sponsa quondam Malcolmi de Polgoueny predicti
et ²[.]² maritagio cum predicto Malcolmo, et quod
ipsi tanquam proximiores ²[.]² heredi-
tarie deberent gaudere computando hinc inde ²[.]²
ad ²[. . .]² mulierem. Et super discussione sui iuris in
dicta terra ²[.]² in bonam assisam proborum
ville, que assisa iurata et ²[.]² pelli-
parium, ratione proximitatis sanguinis sui, in defectu
predicte Ade filie ²[.]² si se ipsam fieri con-
tigisset humanitus proximiorum et apparenciorum heredem
²[.]², pro parte dicti domini Galfridi deposuit
ipsum nulla ratione sanguinis ²[.]² sponse quon-
dam predicti Malcolmi de Polgoueny ²[.]²,
et sic dictus dominus Galfridus a clamio dicte terre fuit
exclusus ²[.]² ³recusans³ iura sua
que, ratione proximitatis sanguinis, vel alterius iuris,
²[.]² in dicta terra pure, perpetuo, et sim-
pliciter renunciavit in manus dicti domini Willelmi de
Lindesey in plena curia dicti burgi de Abirdene, qua
renunciacione facta, nemine alio de sanguine venditoris
predicte dictam vendicionem et alienacionem ad tres
oblaciones premissas in tribus placitis burgi predictis
inpugnante nec contradicente, dicta Ada supplicavit
balliuis dicti burgi ut ipsi cartam infeodacionis sue, per
quam vendidit dictam terram et dictum dominum Willel-
lum infeodavit in eadem in curia sua, legi facerent et
secundum tenorem eiusdem saysinam inde deliberarent
dicto domino Willelmo per mediam personam balliui inter
partes ad capud et ostium terre predicte. Et sic ad in-
stanciam dicte puelle surrexerunt balliui et curia, et ad
capud ipsius terre pergentes cum denario de intoll et
denario de uttoll ab utrisque partibus, emptore et venditore,
in manu Thome filii Roginaldi, unius balliuorum de Abir-
dene tunc temporis, solutis, eidem domino Willelmo

¹⁻¹ Hole in MS., followed by a stain.

²⁻² Stained.

³⁻³ *recusans* added above the line.

saysinam dicte terre ¹[.]¹ ²ibidem congregata² testante. Et in tradicionem dicte saysine predicta Ada cartam infeodacionis sue de predicta terra confectam dicto domino Willelmo per manus suas deliberavit, et ¹[.]¹ processum ³litis³ predictum per illam legem burgorum per quam dicitur, cum cartis et clamore fiat tradicio terrarum in burgis.

⁴Et⁴ idem dominus Willelmus, postquam dicta assysa deposuerat pro dicto Johanne pro proximiore ¹[.]¹ sanguinis predicte Ade, ad vendicandum ius in predicta terra optulit in plena curia ad ¹[.]¹ omnes conuenciones inter ipsum et dictam Adam confectas super empcione et vendicione dicte terre, per quod ipse Johannes omnem pecuniam, quam idem soluit Ade predicte pro empcione dicte terre et de qua satisfecit magistro Reginaldo de Buchan predicto pro debito Malcolmi de Polgoueny predicti, infra unum annum proxime sequentem solueret integraliter.

Die lune proxime ⁵ante⁵ festum Sancti Laurentii Johannes filius Laurentii, carnifex, et Marioria, sponsa dicti Johannis et filia quondam Bricii de Cragy, presentauerunt litteram de capella domini regis ⁶d[ire]cto⁶ prepositis burgi de Abirdene, que rotulo suta est, qua perlecta prepositi dederunt in mandatis ⁶[Thome]⁶ Ernach, sergenti dicti burgi, ad citandum Emmam, filiam quondam Bricii de Cragy, in diem ⁶[. .]⁶ quindenam ad respondendum dicto die contra predictos Johannem et Marioriam super tenore littere de ⁶[. . .]⁶.

Robertus dei gracia rex Scotorum prepositis et balliuis burgi de Abirden, fidelibus suis, salutem. Mandamus vobis et precipimus quatinus Johanni filio Laurentii et Mariorie filie quondam Bricii de Cragy, sponse sue, plenum rectum teneri faciatis, ⁷racione dicte sponse,⁷ de una perticata terre cum pertinenciis jacente infra dictum

[On strip measuring 7½ cm. x 28 cm., sewn to roll.]

¹⁻¹ Stained.

²⁻² *ibidem congregata* added above the line.

³⁻³ *litis* added above the line.

⁴⁻⁴ *Et* added above the line.

⁵⁻⁵ *ante* added above the line, and *post* scored through.

⁶⁻⁶ MS. torn.

⁷⁻⁷ *racione dicte sponse*, added above the line.

burgum de Abirden ex orientali parte vici, qui dicitur Galugat, inter terram que fuit quondam Willelmi Ficchet ex parte australi ex parte una et terram que fuit quondam Reginaldi de Grendoun ex parte boreali ex altera, quamquidem perticatam terre cum pertinenciis de nobis tenere clamavit hereditarie ratione dicte sponse, reddendo inde nobis et heredibus nostris annuatim sex denarios argenti, videlicet, tres denarios ad festum Pentecostes et tres denarios ad festum Sancti Martini in hyeme, reddendo eciam fratribus de ordine Trinitatis de Abirden sex solidos et octo denarios argenti per annum, medietatem, videlicet, ad festum Pentecostes supradictum et aliam medietatem ad predictum festum Sancti Martini in hyeme, quam vero perticatam terre cum pertinenciis Emma filia predicti quondam Bricii de Cragy eis iniuste deforciat, sicut dicunt, ¹tantum¹ inde facientes quod pro defectu recti amplius inde iustam querimoniam non audiamus. Teste me ipso apud Abirden xxviii^o die Julii anno regni nostri duodecimo.

Eodem ²[die]² primo citatus contra Willelmum Duncan et non comparuit. In misericordia.

Eodem ²[die]² per Alexandrum Wytleyir, prelocutorem suum inculpavit Adam fullonem quod idem Adam ²[.]² sua defamauerat, vocando ipsum falsum hominem, et cum cultello euaginato ²[.]²nlaw, et ponendo ad dampna sua xx s., et hoc optulit se verificare per ³[ser]³gentem burgi qui ²[.]² et audiuit. Alter per os Roberti iuuenis, sui prelocutoris constituti, negavit wrang et unlaw et peciit ²[.]² consilium; qui de consilio suo rediens negavit W[rang] et unlaw prius, non tamen negavit se aliqua verba ²[. . .]² que non debuit, et hoc voluit emendare iuxta ordinationem illorum qui presentes fuerunt. Unde de consideracione curie habent diem ad concordandum in amore in diem mercurii proxime sequentem, salua misericordia in qua idem Adam remansit ratione confessionis sui dilicti facte in plena curia.

¹⁻¹ Stained.

²⁻² MS. torn.

³⁻³ Illegible.

Memorandum quod Thomas apotecarius in curia burgi comparuit tribus diebus placitorum protestando quod tenetur in quodam reddito annuali tresdecem solidorum et quatuor denariorum de illa terra iacente ex occidentali parte del cukystoll inter terram Rogeri bouer versus boream ex una parte et terram que fuit Duncani apwart versus austrum ex altera, de que terra recognouit quod defecerant firme duorum terminorum, scilicet, sancti Martini et Penthecostes ultimo preteritorum, non solute, quam summam promptam in manu sua habuit, et se paratum ad soluendum optulit cuicumque ius in dicto reddito habenti et legaliter recuperare potenti.

Die lune in octabis assumptionis beate ¹[*Marie*]¹ virginis.

Eodem die Johannes Halt per Alexandrum Wytleyir ¹[.]¹ ²inculpauit² ¹[.]¹ Tidemannum Breme et Elisot, sponsam suam, quod idem Tydemannus et Elisot

Eodem die ³[. in littera regia de recto prepositis burgi directa]³ Cragy p¹[.]¹ quod ipsa in villa de Abirdene personaliter ne⁴[.]⁴ nem b¹[.]¹ contra Johannem filium Laurencii ⁴[.]⁴ fuit qua licet pluries exp⁴[*ectata*]⁴ dictum tenementum fuit per ipsum fact⁴[.]⁴ eandum p¹[.]¹ illato ⁴[. . .]⁴ dicto Andree, et preceptum est eidem ⁵Thome⁵ ad citandum dictam Emmam ¹[.]¹ die lune ⁴[.]⁴

Eodem die Adam Baxy ⁶tribus vicibus⁶ citatus contra Willelmum de ⁷[.]⁷.

Eodem die Walterus Thokis primo citatus contra Dauid Cryn ⁷[.]⁷ non comparuit ⁷[.]⁷

¹⁻¹ Stained.

²⁻² *inculpauit* added above the line.

³⁻³ MS. torn. The words supplied have been added above the line.

⁴⁻⁴ MS. torn and stained.

⁵⁻⁵ *Thome* added above the line.

⁶⁻⁶ *tribus vicibus* added above the line, and *tercio* scored through.

⁷⁻⁷ MS. defaced.

Eodem die Philippus de Gaitown citatus contra Willelmum Duncani ¹[.]¹. In misericordia.

m. 8.

Curia tenta die lune proxime ante festum Natiuitatis beate Marie virginis in domo Andree Bissap in vico castri.

Eodem die Ricardus Ledbeter inculpauit Johannem Lene, maritum et tutorem Beatricis, sponse sue, quod die Jouis ultimo preterito dicta Beatrix ipsum in domo Jacobi Ferwr in vico de Foty defamauerat et verberauerat cum Wrang et unlaw, et ponendo ad dampna sua xx s., et hoc optulit se probare per vicinos dicti vici. Alter, per os Alexandri Witleyir, prolocutoris sue, negauit W[rang] et unlaw, defamacionem et verberacionem, et super hoc peccit vicinos predictos. Unde habent diem in diem dominicam proxime sequentem recepturi verificacionem facti prout vicini recordauerint, conuicto remanente in misericordia.

Eodem die Emma filia quondam Bricii de Cragy, burgensis de Abirdene, secundo citata per Thomam Ernach, sergentem burgi, contra Johannem filium Laurencii et Marioriam filiam predicti Bricii, sponse eiusdem Johannis, ad respondendum eisdem Johanni et Mariorie super tenore littere regie de recto ²[prepo]²sitis dicti burgi directe, qua Emma licet pluries vocata et diucius expectata nullo modo comparuit, et idem Thomas Ernach, sergens, dictam citacionem ³eidem Emme³ ad tenementum specificatum in dicta littera regia, que suta est rotulo, per ipsum legitime fuisse factam optulit se paratum ad probandum per testimonium Thome Marescalli de Fintreth et Ade Prony, carnificis.

Eodem die, scilicet, quarto die, Willelmus Duncani comparuit in curia racione cuiusdam plegii in manibus Simonis Gelchach et Thome filii Reginaldi, balliuorum burgi, per ipsum inuenti de prosequendo contra Philippum de Gaydouna super iniuriis sibi per predictum Philippum illatis, ut dicebat. Qui diucius apparenciam partis sue aduerse expectans, et parte predicta licet pluries vocata non comparente, et sergentibus burgi citaciones precedentes

¹⁻¹ MS. defaced.

²⁻² Hole in MS.

³⁻³ eidem Emme scored through.

eidem Philippo se legitime fecisse dicentibus, scilicet, Thoma Ernach et Roberto Red, suam proposuit calumpniacionem, dicens quod, cum ipse sex annis elapsis ad firmam concessisset quamdam domum suam lapideam ¹Willelmo de Abirnethy¹ pro termino unius anni, reddendo sibi pro firma unius anni xx s. sterlingorum, quam domum, iacentem in vico furcarum cum pertinenciis emerat de Galfrido de Gaytouna, patre quondam dicti Philippi, et in qua diu ante decessum dicti Galfridi vestitus fuerat et saysitus, idem Philippus dictum Willelmum de Abirnythy, ne in dicta terra sibi assedata pacifice morari posset, perturbavit, per quod dictus Willelmus Duncani fi²[*rmam*]² suam sibi conuencionatam penitus amisit, ³item dicendo³ et non solum illo anno, verum eciam quineque annis ²[. . .]² sequentibus, dictus Philippus eodem modo penes ipsum et tenentes suos quibus dictam domum assedauerat ²[. . .]² imposuit impedimentum, item dicendo quod cum ipse, Willelmus Duncani, die martis sex septimanis ²[*lapis*]² in terra sua eidem domui adiacente lutum fecisset fodiri et equum suum ad cariandum dictum lutum ²[. . .]² idem Philippus dictum equum iniuste detinuit et modo violente arestavit, estimando wrang et unla²[*w*]², et ponendo ad dampna sua xl s., exceptis vi li. de principali de firmis dicte domus sex annorum preteritorum, et super hoc peccit iudicium curie, ex quo esset dies suus preceptorius, qualiter deberet recedere. Unde propter debilitatem curie balliui continuauerunt diem illum in diem lune ⁴in quindenam⁴ proxime sequentem. Et idem balliui dederunt in mandatis Thome Ernach, sergenti, ad citandum dictum Philippum dicto die iudicium recepturum.

Eodem die Reginaldus, gener Walteri Purniel primo citatus contra Andream Pernum et non comparuit. In misericordia.

Memorandum quod Johannes tanator, filius Ade cissoris, quondam in plena curia constitutus constituit Rogerum filium Stephani, cissorem, attornatum suum et procura-

¹⁻¹ *Willelmo de Abirnethy* added above the line.

²⁻² MS. torn.

³⁻³ *item dicendo* scored through.

⁴⁻⁴ *in quindenam* added above the line.

torem ad ordinandum super redditibus suis et terris infra burgum de Abirdene, et ad ius suum defendendum in omnibus querelis motis et mouendis super dictis terris et redditibus, vel personam suam tangentibus.

Curia tenta die lune proxime post festum exaltacionis sancte crucis.

Eodem die Emma filia quondam Bricii de Cragy, burgensis de Abirdene, tercio citata per Thomam Ernach, sergentem burgi, contra Johannem filium Laurencii et Marioriam filiam Bricii predicti, sponse eiusdem Johannis, ad respondendum eisdem Johanni et Mariorie super tenore littere regie de recto prepositis dicti burgi directe, que Emma licet pluries vocata et diucius expectata nullo modo comparuit, et idem Thomas Ernach dictam citacionem ad tenementum [*sic*] specificatum in dicta littera regia, que suta est rotulo, per ipsum legitime fuisse factam optulit se paratum ad probandum per testimonium Johannis de Menteth, sutoris, et Ade scot. Quarto citetur peremptorie.

Eodem die comparuit in plena curia Willelmus Duncani cum Alexandro Witleyir, prolocutore suo, ex una parte, et Philippus de Gaytouna, constituens Johannem de Gardropa suum prolocutorem, ex altera. Unde predictus Willelmus Duncani peccit rotulacionem perlegi, que confecta fuit in curia burgi ultimo tenta super processu litis per ipsum mote contra predictum Philippum. Qua rotulacione inspecta et in plena curia perlecta, dictus Willelmus peccit a curia iudicium sibi reddi iuxta tenorem rotulacionis predictae. Ad quod dixit Johannes de Gardropa, ex parte dicti Philippi, quod, ante iudicium redditum vel processum litis incoatum, quod dicto Philippo verti deberet in aliquod preiudicium, tempestive comparuerat, maxime ex eo quod causa principalis illius litis tangebatur suam hereditatem, quare de iure non tenebatur respondere sine littera de capella domini regis. Ad quod dictus Willelmus dixit quod illa terra cum pertinenciis, de qua idem Philippus fecerat mencionem, erat sua pura hereditas fideliter empta de Galfrido de Gaytouna, quondam patre predicti Philippi,

et quod de dicta terra sine impedimento alicuius pacifice fuerat saysitus, nec de dicta saysina aliquo tempore legaliter eiectus. Ad quod dictus Johannes de Gardropa respondebat quod lite super eisdem querelis et articulis ante tunc, ut nunc, inter ipsos Willelmum et Philippum habitis in dicto tolloneo coram discreto viro, magistro Stephano de Donidouer, tunc camerario Scotie, leuata fuit bona et sufficiens assisa proborum virorum et fidelium burgi super iure partis utriusque discuciendo, que iurata assisa deposuit dictam terram fuisse dicti Philippi, ipso vero Philippo sic manente vestito de eadem. Ad quod dictus Willelmus dixit quod, si aliqua assisa fuerat preced¹[. .]¹ erat inter ipsos dictum Galfridum, patrem dicti Philippi, et ipsum Phillipum, set nunquam de suo consensu vel assensu. Ad quod dictus Johannes de Gardropa dixit quod et eciam ipso Willelmo Duncani in curia presente, assenciente, nec aliquo modo tunc contradicente, et ad hoc dictus Johannes de Gardropa, ex parte dicti Philippi, plegium inuenit in manibus balliuorum, et ad hoc verificandum peciit villatum. Unde balliui pecierunt de predicto Willelmo Duncani si in contrarium plegium vellet inuenire, qui, multis habitis altercacionibus, licenciam peciit consilium suum adhibendi, et de consilio suo rediens tandem in forma petita per balliuos plegium inuenit. Unde balliui statuerunt utrique parti eorum certum diem ad comparendum, scilicet diem lune proxime post festum beati Michaelis archangeli, dicto die villatum recepturo.

Eodem die Ricardus Rere primo citatus contra Petrum Armurer et non comparuit. In misericordia.

Eodem die Roginaldus, gener Walteri Purniel, secundo citatus contra Andream Pernum et non comparuit. In misericordia.

Eodem die

Curia capitali tenta die lune proxime post festum beati m. 4. Michaelis archangeli primo vocati fuerunt ruremanentes, absentibus remanentibus in admerciamentis.

Eodem die de precepto balliuorum leuata fuit bona et

¹⁻¹ MS. torn.

sufficiens assisa fidelium virorum burgi magno sacramento interueniente iuratorum, quorum nomina sunt inferius scripta, de rei veritate dicenda super querelis motis inter Willelmum Duncani et Philippum de Gaytwna iuxta formam plegiorum per predictos Willelmum et Philippum in manibus dictorum balliuorum inuentorum, prout in rotulacione inde confecta plenius continetur. Qui iurati dicunt quod illa assysa que precedebat tempore magistri Stephani de Donidouer, tunc camerarii Scocie, erat inter Galfridum de Gaytouna, patrem dicti Philippi, et ipsum Philippum et non inter ipsos Willelmum Duncani et Philippum, set ipse Willelmus presens tunc fuit, nec in aliquo contradixit. Item dixerunt quod dicta assysa deposuit, et ipsi iurati deponunt, quamdam partem dicte terre, ¹iacentis in vico furcarum¹, que se extendit in latitudine a lingno posito in muro in singnum tempore construccionis domus lapidee in dicta terra versus austrum et domum quondam Thome Slech versus boream, fuisse datam Galfrido de Gaytwn in libero maritagio cum Mariota Slech, sponsa dicti Galfridi, quondam matre predicti Philippi. Et sic deponunt dictam partem terre cum edificii in dicta terra edificatis predicto Philippo racione matris sue iure hereditario pertinere.

Eodem die Walterus filius Randulphi protestatus fuit quod non poterat recuperare feodum suum sex solidorum et octo denariorum annui redditus ipsum contingentis de quadam domo cum fornace iacente in vico del Kyregat, quam domum Willelmus filius Gartaneti, pistor, de ipso tenet ad feodofirmam de duobus terminis ultimo preteritis, propter insufficienciam tenementi.

Eodem die, scilicet quarto die, comparuerunt in curia Johannes filius Laurencii, carnifex, et Marioria, sponsa predicti Johannis, filia quondam Bricii de Cragy, actores ex parte una, constituentes Daud Cryn et Alexandrum Wytleyir suos prolocutores, et Emma filia predicti Bricii, rea ex altera, petens, tanquam orphana et puella infra etatem, a balliuis prolocutorem pro causa sua defendenda

¹⁻¹ *iacentis in vico furcarum* added above the line.

sibi exhiberi. Unde, littera regia de recto in plena curia perlecta, ac multis habitis hinc inde altercacionibus, tandem per amicos partis utriusque interlocutum fuit super concordia inter partes facienda, et de concensu parcium et licencia balliuorum in hunc modum informanda, videlicet quod partes predictae, conuocatis eorum amicis et adunatis, probare deberent infra quatuordecim dies proxime sequentes, si per aliquam viam compositionis conuenire possent in amore, et, si aliquo modo infra dictum tempus non poterint concordare, partes predictae sine aliqua pre-munitione vel citacione premissa personaliter comparere deberent coram balliuis in dicto tolloneo die lune in quindenam, scilicet die lune in vigilia Sancti Luce ewangeliste, et dicto die ibidem ¹lite remoto [*sic*]¹, et electis duodecim viris burgi fidedingnis et non suspectis cum duobus superioribus, videlicet Rogero clerico et Ricardo de Elgyn, magno sacramento grauiter iuratis super iure partis utriusque quoad dictam terram in littera regia specificatam, que rotulo suta est, declarando, et quicquid per eosdes [*sic*] iuratos in primis inuentum fuerit et depositum tanquam iudicium redditum proparte ius in dicta terra habente pure permaneret, parte vero non habente ex tunc in illo casu nunquam exaudienda, et eciam in partes predictas conuentum fuit in plena curia et obligatum quod si contigerit aliquam partem earum, actricem vel defendentem, dicto die lune esse absentem, vel aliqua premissorum que in curia fuerint concessa contradicere seu repugnare pars illa penam amissionis dicti tenementi curreret in perpetuum, et ut omnia ista firmiter seruarent inconcussa, pars utraque in manu Thome filii Roginaldi balliui ²[. . .]².

Burgenses rure manentes

m. 3d.

Roginaldus filius Alani.

³Robertus de Fingask³.³Magister Walterus Blakwater³.³Jacobus de Culletenachy³.

Johannes filius Alexandri.

¹⁻¹ *lite remoto* added above the line.²⁻² Cut off at end of membrane.³⁻³ Scored through.

¹Johannes de Gardropa del Mernis¹.
¹Willelmus de Melgedrum¹.
 Ricardus Mugref.
 Johannes Mal²[.]².
¹²[. . . .]² Nicolay de Salchop¹.
¹Heres ³domini³ Johannis Flemyng militis¹.
¹Nigelius filius Petri¹.
²[. . .]² de Der.
 Patricius de Achynlevyn.
¹Adam de Rane¹. Roginaldus de Rane.
 Dominus Alexander Fraser.
¹Robertus More¹.
 Dominus Walterus Berceley.
 Johannes filius Hugonis.
¹Simon Fraser¹.
¹Magister Stephanus¹.
 Johannes de Fyngask.
 Ricardus de Rossnyet.
 Johannes Bolgenach.
¹Hugo Berceley¹.
 Bethius filius Constantini.
 Johannes filius Henrici.
 Johannes Brwning.
²[.]².
 Philippus clericus.
 Thomas de Sancto Claro.
¹Thomas Camerlie.¹
 Adam Story.
 Willelmus de Berwico.
 Macolmus de Hadingtouna.
 Johannes filius Malcolmi Bolgy.

m. 4d.

Die martis proxime post festum beati Michaelis archangeli ex continuacione diei precedentis Ricardus Rere secundo citatus contra Petrum Armurer, et non comparuit. In misericordia.

¹⁻¹ Scored through.

²⁻² Illegible owing to stain.

³⁻³ *domini* added above the line.

Eodem die Roginaldus carnifex de Pert primo citatus contra Henricum Eliot, et non comparuit. In misericordia.

Die Mercurii proxime post festum beati Dionisii Roginaldus de Ran, filius Ade de Ran, comparens in curia recognovit se ad omnes redditus, terras, et possessiones ipsum iure hereditario contingentes ratione quondam Alicie, filie Uttingi Casterball, sponse predicti Ade, matris sue, iacentes infra burgum de Abirdene, super resingnacione quorum vel quarum reddituum, terrarum, vel possessionum sibi per dictum Adam de Ran, patrem suum, facta; quamdam litteram patentem sigillo predicti Ade singnatam, que in curia inspecta fuit et perlecta, ostendebat.

Curia tenta die lune in vigilia sancti Luce Ewangeliste.

Eodem die Willelmus de Munross ¹primo¹ citatus contra Tydemannum Breme et non comparuit. In misericordia.

Eodem die Ricardus Rer tercio citatus contra Petrum Wapinmaker, et non comparuit. In misericordia.

Eodem die Emma de Schremerstouna primo citata contra Ricardum Schalend et non comparuit. In misericordia.

Die Sabati proxime ante festum Sancti Luce Ewangeliste, comparuit in tolloneo coram balliuis Johannes de Tolidef, gener Ade de Ran, dicens quod, ut intellexerat, Roginaldus de Ran, filius Ade de Ran predicti, se recognouerat in dicto tolloneo breui tempore elapso ad quosdam redditus, terras, et possessiones, in diuersis vicis et locis burgi de Abirdene iacentes et ipsum ratione Alicie quondam matris sue, sponse Ade predicti, iure hereditario contingentes, ut dicebat, in quibus idem Roginaldus nullum ius habuit aut clamium, set ipse Johannes [*incomplete*].

¹⁻¹ *Primo* added above the line and *secundo* scored through.

ABERDEEN BURGH RECORDS
1398-1400

PROCESSUS CURIARUM BALLIUORUM ISTI SUNT qui in- p. 1.
 cipiunt die lune proxime post festum beati Michaelis
 Archangeli anno domini millesimo ccc^{mo} nonagesimo
 octauo. Quo die Willelmus de Camera, pater, cum con-
 sensu et assensu totius communitatis dicti burgi electus est
 in officium aldirmanni; et Robertus filius Dauid, Simon de
 Benyn, Johannes Scherar, ac Magister Willelmus Dicsoun
 electi sunt in officium balliuorum; Ac Mauricius filius
 Roberti, Johannes filius Bricii, Walterus Rede, et Simon
 de Camera electi sunt in officium seriandorum.

APPRECIATORES CARNIUM	Johannes Spront. Gilbertus Kyngude. Adam Thome. Thomas Scherar.
GUSTATORES	VINI
	CERUISIE
	Simon Lamb. Johannes Dorb. Johannes Gilberti. Haynkyn de Derr. Simon Bayard. Adam Codlyn. Alanus Smyth. Willelmus filius Ade. Robertus Hesilhede.

LINEATORES¹

Curia tenta per balliuos secundo die mensis Octobris p. 2.
 anno etc. nonagesimo octauo, quo die curia affirmata etc.

Accio inter Johannem Spront et Laurencium Crannoch
 ex consensu utrarumque partium submittitur in amica-
 bilem compositionem, et ubi defectus reperitur presenta-
 bitur balliuus, plegio Andrea filio Gilberti pro dicto
 Laurencio. Defectus repertus fuit in dicto Laurencio, et
 finiuit pro vi d.

Adiungitur Johanni Crab, famulo Andree Petri, ad suam

¹ No names entered. The remainder of the page is blank.

acquietauit

acquietanciam in die lune infra octabas huius curie quod non perturbauit Johannem Man. Eciam adiungitur eidem Johanni ad suam acquietanciam eodem die fiendam quia non obediuit clienti suum officium exercenti.

conuictus

Eodem die Aldirmannus calumpniauit Andream filium Gilberti de fraccione statuti ¹[*acti*]¹ per commune consilium de empcone lane. Et idem Andreas peciit ausari usque ad diem Ven¹[*eris*]¹ octabis huius curie, quo die fuit conuictus per unam inquisitionem vicinorum suorum.

Willelmus Scherol deuenit plegius pro Willelmo de Strade quod non dampnabit ²[*Thomam*]² Halt aliter quam per viam iuris.

Donaldus Ka deuenit plegius pro Joneta Boncle quod vicini et etiam villa per ³[*se*]³ dampnum non incurrent aut per suam procuracionem.

Simili modo et propter eandem causam Michael de Camera deuenit plegius pro Margareta ³[. . .]³.

Johannes Scherar incidit in amerciamento quinque marcarum pro plegiagio quod incurrebat erga Mauricium Suerdsleper de indempnitate ville et vicinorum.

Et dictus Mauricius ordinatus est et summonitus intrare prisonam quousque inueniat plegium de indempnitate ville et vicinorum.

Robertus filius Daudid deuenit plegius pro Cristino de Clunes quod non exhibit carcerem pretorii quousque Aldirmannus et balliui ac consules ville habuerint juris complementum ex eo quod deforciauuit seriandos, ut dictum est.

Curia tenta per balliuos octauo die mensis Octobris anno quo supra, quo die curia affir³[*mata*]³.

Accio inter Matildam Hulk et Aliciam Wily ex consensu utriusque partis submittitur in amicabilem compositionem, et ubi defectus reperitur presentabitur balliuis, plegio pro Matilda Matheo Pynches, et pro dicta Alicia plegio Patricio filio Laurencii.

Thoma Spryng et Johannes Scherar deuenerunt plegii,

¹⁻¹ Page torn at edge.

²⁻² MS. torn : name supplied from p. 3 of MS.

²⁻³ MS. torn.

quilibet, videlicet, sub pena quinque marcarum, pro Mauricio Suerdsleper quod amplius non perturbabit officarios ville, nec vicinis suis dampnum faciet, aliter quam exigit ordo Iuris.

Mauricius Suerdsleper in amerciamento curie pro iniusta p. 8. perturbacione Walteri Rede seriandi.

¹Willelmus de Camera, filius, in amerciamento quia non comparuit Willelmum Turnbull¹.

Eodem die Willelmus de Camera, filius, postero die vocatus ad intrandum Willelmum Turnbull.

Patricius Club deuenit plegius pro Johanne Ruthirford quod non dampnabit Thomam Spryng nec per se, nec per suam impetracionem, aliter quam exigit ordo iuris, nec verbo, nec facto.

Thomas filius Willelmi simili modo deuenit plegius pro Thoma Spryng quod non dampnabit Johannem Ruthirfurd, ut predicatur.

Curia legali tenta per balliuos xiiii die mensis Octobris anno quo supra, quo die curia affirmata.

Thomas Halt primo die vocatus ad sectam Willelmi de Strade non comparuit; unde precipitur seriandis capere districcionem octo solidorum, et dare ad plegium et citare ipsum nouiter ad secundum diem.

Gilbertus de Kyngude postero die vocatus ad sectam Johannis Andree non comparuit; Unde precipitur Seriandis capere districcionem viii s. etc.

Adiungitur Johanni Bond hodie ad quindenam ad suam probacionem quod non det Willelmo baxter Boyl nisi quatuor d. pro firma unius domus, quos obtulit sepissime dicto Willelmo, ut dicit, set dictus Willelmus nolebat ipsos recipere quia dixit se debere sibi plus.

Willelmus Diesoun primo die vocatus ad sectam Johannis Bricii non comparuit; unde precipitur seriandis capere districcionem etc.

Johannes Fychet in amerciamento quia non venit ad prosequendum plegium quod inuenit super Willelmum baxter Boyl.

¹⁻¹ Scored through.

Curia tenta per balliuos xv die mensis Octobris anno quo supra, quo die curia affirmata etc.

Cristinus de Clunes posuit se in voluntate balliuorum pro verberacione cuiusdam mulieris, et sic est in amerciamento curie.

Matheus Pynches deuenit plegius pro Cristino de Clunes quod satisfaciet Mariote, uxori Patricii, de verberacione quam ei fecit. Et idem Matheus eciam deuenit plegius pro dicto Cristino quod amplius non perturbabit villam sub pena decem librarum.

p. 4. Willelmus filius Ade in amerciamento quia non venit ad prosequendum plegium quod inuenit super Daudid de Tulch.

Curia tenta per balliuos xxi die mensis Octobris anno quo supra, quo die curia affirmata etc.

Thomas
Strang in
defectu.

Causa mota inter Adam Thome ¹et¹ Johannem Lany, ex una parte, et Thomam Strang, ex alia, ex rigore iuris ponitur ad visum et ordinacionem proborum hominum ex ipsorum amborum consensu, et dicti Adam et Thomas deuerunt plegii pro se ipsis quod amplius dicta causa non veniret ad noticiam legis in ipsorum defectu, presentando defectum balliuis.

Thomas Strang posuit se in voluntate balliuorum quia maledixit ²Johanni Lany² et aliter quam exigit ordo iuris.

Johannes Lany similiter accusatus quia dispersionauit Thomam Strang concessit, et de hoc se posuit in voluntate balliuorum et iudicatum fuit quod est in amerciamento.

Adiungitur Ade filio Thome ad suam quitanciam ad octabas presentis curie quod non dispersionauit Thomam Strang.

Adiungitur Alexandro de Mernys ad suam probacionem in octabis presentis curie quod Willelmus Dicson tenetur sibi in xvi s.

Curia tenta per balliuos xxiii die mensis octobris anno quo supra, quo die ³[curia]³ affirmata.

¹⁻¹ Added above the line.

²⁻² Added above the line in substitution for *Thome Strang*, which has been scored through.

³⁻³ MS. torn.

Dominus Johannes de Tulach et Andreas Malvile, prelocutores Willelmi de Buchania, inuenerunt plegium super Robertum baxter quod dictus Robertus a dicto Willelmo detinebat unum carcagium bouis. Qui Robertus petens auisari cum Johanne Crab, prelocutore suo, ¹et¹ rediens peciit diem ad warantum suum eo quod de tali causa possit inposterum calumpniari de vita et membris. Consequenter dictus Andreas, nomine dicti Willelmi, plegium extendebat quod dictus Robertus non debet ulteriorem diem habere ad warantum quia plegium per ipsum inuentum est de wrang et unlaw, quod plegium de sui [*sic*] natura immediate debet terminari, ut asseruit. Et Johannes Crab, prelocutor dicti Roberti, illud ultimum plegium per dictum Andream porrectum recontrariauit, ostendendo racionem suam antedictam. Quare assignatur eis dies lune proxime futuro per balliuos ex consensu utrarumque parcium propter debilitatem curie que tunc nimis debilis fuit ad dandum wardam.

Accio inter Willelmum Dicsoun et Simonem de Kil- p. 5. drommy submittitur in amicabilem compositionem; et ubi defectus reperitur presentabitur balliuis, plegio pro dicto Simone Willelmo de Camera, filio, et Willelmo Dicsoun plegio pro se ipso.

Matheus Hulk posuit se in voluntate prepositi quia iniuste habet animalia de libertate de Abirdene ad alias libertates in preiudicium communitatis de Abirdene.

Curia legali tenta per balliuos xxviii die mensis Octobris anno quo supra, quo die curia affirmata.

Actio inter Willelmum de Buchania et Robertum pistorem differtur ad quindenam, et in quindecimo die dictus Willelmus veniet cum sua probacione ad probandum quod carcagium antedictum est suum, et hoc probato sibi restaurabitur, et dictus Robertus capiet se ad warantum suum.

Accio inter Willelmum de Strade et Thomam Halt ex consensu utriusque partis ponitur ad visum et ordinacionem proborum hominum infra octabas presentis curie, et qualiter

¹⁻¹ et added above the line.

tunc de dicta accione fuerit factum hodie ad quindenam presentabitur balliuis ad videndum ubi defectus reperietur.

Willelmus de Foty posuit se in voluntate balliuorum quia perturbauit balliuum et vigiles ville.

De plegio inuento per dominum Thomam Tynnyngame super Willelmum de Foty defectus reperiebatur in dicto Willelmo, quare est in amerciamento.

nichil

Willelmus Turnbull in amerciamento curie quia perturbauit Villam cum Thoma Cummyne, ut concessit coram balliuis.

Fersith Rede et Willelmus ¹Lang¹ primo die vocati ad sectam Thome Halt non comparuerunt. Unde precipitur seriandis capere districcionem octo solidorum etc.

Precipitur per balliuos in plana curia Ade filio Thome et Thome Scherar quod non exeant pretorium antequam voluntatem balliuorum perimpleant, videlicet, ad intrandum in officio appreciatorum carniū sub pena omnium que amittere poterunt erga regem et communitatem burgi nostri.

p. 6.

Johannes Bonde in amerciamento quia non venit cum sua probacione contra Willelmum Boyl, baxter, secundum quod ei iniunctum fuit.

Johannes Crab, prelocutor Willelmi Boyl, baxter, presentauerunt [*sic*] se ad recipiendum probacionem dicti Johannis Bonde; quo deficiente in probacione sua predicta dictus Johannes Crab ex parte dicti Willelmi extendebat plegium quod venit ad suam calumpniam.

Willelmus Dicsoun secundo die vocatus ad sectam Johannis Bricii non comparuit; unde preci²[*pitur*]² seriandis capere districcionem octo solidorum, et citare ipsum nouiter ad tertium diem.

Alexander de Mernys in amerciamento quia non venit cum sua probacione contra Willelmum Dicsoun secundum quod ei iniunctum fuit.

Willelmus Dicsoun paratus et petens dictam probacionem extendebat per plegium quod quitus fuit a calumpnia dicti Alexandri de Mernys eo quod cum sua probacione non uenit.

¹⁻¹ Added above the line.

²⁻² Hole in MS.

Assisa leuata super cognicione panis et cervisie com-
pertum fuit quod bolla brasii valet xl d. et bolla frumenti
valet iiii s.

Johannes Man primo die vocatus ad sectam Patricii
Crane non comparuit. Unde precipitur seriandis capere
districcionem octo solidorum, et citare ipsum ad crastinum
diem.

Curia tenta per balliuos xxix die mensis Octobris anno
quo supra, quo die curia affirmata.

Accio inter Johannem Man et Patricium Crane de una
vacca differtur usque ad ¹[ad]¹uentum vicecomitis propter
causam.

Adiungitur textoribus ville ad suam acquietanciam in
die lune proxime futura quod non fecerunt conspiracionem
inter se in preiudicium communitatis de Abirdene.

Memorandum quod eodem die de controversia mota p. 7.
inter Simonem Lamb, ex parte una, et Johannem Crab,
filium, ex parte altera, de quodam annuo redditu nouem
solidorum exeunte de illa terra jacente infra burgum de
Abirdene in vico furcarum in occidentali parte eiusdem
vici, inter terram Johannis Strang, ex parte australi, et
terram Nicholai Riginaldi ex parte boreali, quem annum
redditum dictus Johannes Crab habuit a fratre Johanne
Bothwill, ordinis fratrum predicatorum de Abirdene,
gerente se pro tunc iustum possessorem dicti annui redditus,
ut patet per suam tradicionem inde factam dicto Johanni
Crab, prout scriptum est in quodam rotulamento inde
confecto in libro communitatis burgi de Abirdene de anno
etc. nonagesimo sexto in curia per balliuos tenta tercio die
mensis Septembris eiusdem anni sexti, quod rotulamentum
ita dicit et in se proportat. Memorandum quod vicesimo
octauo die mensis Septembris anno etc. nonagesimo
septimo comparuit in pretorio frater Johannis Bothwill,
ordinis fratrum predicatorum burgi de Abirdene, et palam
tradidit Johanni Crab, filio, imperpetuum sine animo
reuocandi aut contradicendi in futuro omne ius et iuris
clameum quod habuit in illo annuo redditu novem soli-

¹⁻¹ Hole in MS.

dorum alias sibi debito de una terra jacente infra burgum de Abirdene in vico furcarum in occidentali parte eiusdem vici, inter terram Johannis Strang ex parte australi et terram Nicholay Riginaldi ex parte boreali, sic quod dictus frater Johannes Bothwill in presencia aldirmanni et balliuorum iuravit corporaliter quod, post¹[quam]¹ ius suum fideliter dicto Johanni Crab tradidit, nunquam intendit se intromittere in dicto annuo reddito, teste curia. Inde tandem ita fuit determinatum, videlicet, quod dictus Simon Lamb elegit pro parte sua Johannem Scherar, unum balliuorum dicti burgi, Johannem Ruthirford, et Willelmum Scherol, suos arbitros, et dictus Johannes Crab pro parte sua elegit Willelmum Andree, Adam de Benyn, et Johannem Andree, suos arbitros, Willelmo de Camera, patre, tunc Aldirmanno dicti burgi ex consensu utriusque partis electo pro superiori ad concordandum dictas partes, si in aliquo discord[a]rent. Quo facto et predictis arbitris sedentibus, adiunctis per se nullis aliis se cum ipsis miscentibus, tandem sibi aduocari fecerunt predictos Simonem et Johannem, qui arbitri unanimiter et concordanter venientes in pretorio coram Simone de Benyn et Magistro Willelmo Dicsoun, balliuis dicti burgi, necnon et ceteris de curia preceperunt dicto Johanni Crab ut quod per eos fuerat determinatum ipse supleret et faceret, qui Johannes voluntarie et sponte in manibus dicti magistri Willelmi, unius balliuorum dicti burgi, tradens unam cyrotecam nomine dicti annui redditus ut ipse magister Willelmus eandem cyrotecam et nomine eiusdem annui redditus traderet dicto Simoni Lamb, ita dixit, Ego Johannes Crab, filius, mea mera et spontanea voluntate sine animo reuocandi vel contradicendi, palam trado Simoni Lamb, comburgensi meo et vicino, omne ius et iuris clameum quod habeo in illo annuo reddito sepissime antedicto exeunte de terra illa superius nominata. Teste curia.

Curia tenta per balliuos xxx die mensis Octobris anno quo supra, quo die curia affirmata etc.

Adiungitur Girkyn Webster ad suam acquietanciam

¹⁻¹ Illegible.

in octabis presentis curie quod non perturbavit villam cum Willelmo de Marr.

Eodem die adiungitur Ade Codlyn ad suam acquie- p. 8.
tanciam in octabis presentis curie quod non perturbavit Johannem Clayhill.

Eciam adiungitur Matheo Evirart ad suam acquie-
tanciam quod non perturbavit villam cum dicto Willelmo de Marr.

Simon de Benyn et Johannes Scherar devenerunt plegii pro Matheo Hulk quod ammodo non foristallabit villam, Hulk nec faciet contra statutas [*sic*] factas vel faciendas per commune consilium sub pena xx li.

Memorandum quod octavo die Julii Daud de Scroggis deuenit plegius pro Daud Walkar ad intrandum ipsum in proxima prima scilicet in quindena sequente diem antedictum.

Curia legali tenta per balliuos xi die mensis Nouembris p. 9.
anno quo supra, quo die curia affirmata.

Adiungitur Ricardo de Lownan crastino die ad suam probacionem contra Johannem Ranyoun de Dromkelchyn quod dictus Johannes det sibi quamdam sumam [*sic*] pecunie.

Jacobus Brown primo die vocatus ad sectam Willelmi Scherol non comparuit, unde precipitur seriandis capere districcionem etc.

Eodem die Willelmus de Buchania venit cum sua probacione contra Robertum baxter, dicto Roberto presente, qui ibidem concordati fuerunt inter se, et sic de illa accione finis est.

Adiungitur Roberto baxter ad suam acquietanciam in octabis presentis curie quod non perturbavit nec rebellavit officarios ville.

Laurencius Bell in amerciamento quia perturbavit villam cum Galfrido Braa, et posuit se in voluntate balliuorum.

Curia tenta per balliuos xiii die mensis nouembris anno quo supra, quo die curia affirmata etc.

Simon Lamb deuenit plegius pro Thoma Spryng de indempnitate Johannis Crab. Similiter Bricius Duncanni deuenit plegius pro Johanne Crab de indempnitate dicti Thome Spryng.

Willelmus Dicsen deuenit plegius pro Hankyne de Dere quod non dampnabit Hankinum Kokener per ipsum nec per suam impetracionem in dicto neque in facto, sub pena vite et membrorum et xl s. ad usus communitatis sine remissione aliquali.

Simon de Camera deuenit plegius pro Gerkinio Webster quod non dampnabit Hankinum Kokener sub pena, prout supra.

Eodem modo Johannes filius Jacobi deuenit plegius pro Ade [*sic*] Codillyne quod non dampnabit Hankinum Cokener per ipsum neque per suam impetracionem, prout supra.

Allanus filius Jacobi deuenit plegius pro Andrea filio Alexandri quod non dampnabit dictum Hankinum Cokener per ipsum nec per suam impetracionem sub pena, prout supra.

Mauricius Sourdesleper deuenit plegius pro Patriceo Crane, prout supra.

Donaldus Ka conuictus de calumpnia per prepositum sibi imposta.

p. 10. Curia tenta per balliuos xviii die mensis nouembris anno quo supra, quo die curia affirmata.

probaui. Adiungitur Thome Marr ad probandum contra Jonetam de Lychtoun hodie in quindena quod ipsa cepit Willelmum Crag suum plegium et debitorem de iii li. de quibus dictus Thomas eidem tenebatur.

Accio inter Willelmum Voket et Dunccanum de Mernys que est ad wardam curie propter debilitatem curie differtur ad crastinum diem.

Adiungitur Thome Halt, Andree sutori, et Craufurd latamo, et Laurencio carpentario, crastino die ad suam acquietanciam quod non destruxerunt ligna cimiterii, plegiis, pro Thoma Halt, Hugone Arbuthnot, pro Andrea sutore, Willelmo Cryn, pro Craufurd, Johanne Loctoun,

pro Laurencio, Ricardo Lownan, et pro Johanne Donaldi plegio Daudid de Bradstane, pro Willelmo Crag plegio Johanne Jacobi.

Adiungitur Galfrido de Braa die lune proxime futura ad suam acquietanciam quod non perturbavit Laurencium acquietavit. Bell verbo vel facto.

Accio de discordia mota inter magistrum Willelmum Diesoun et Willelmum Inueroris submittitur ad visionem et ordinacionem Alexandri Banirman et Willelmi Blyndcele pro parte dicti magistri Willelmi, et Thome Spryng et Willelmi filii Andree pro parte dicti Willelmi Inueroris.

Controversia mota inter Galfridum Bra et Laurencium Bell submittitur ad ordinacionem Thome Spryng et Johannis Thome pro parte dicti Galfridi : pro parte dicti Laurencii nulli adhuc sunt electi, set isto die eliguntur.

Curia tenta per balliuos xxvi die mensis Nouembris anno quo supra, quo die curia affirmata.

Thomas Halt in amerciamento propter iniustam detencionem vii s. a Willelmo Strade.

Eodem die Willelmus Strade veniens ad barram calumpniavit Thomam Halt de xxxiiii s. ab ipso iniuste detentis tam ex suo proprio debito quam ex plegiagio : qui quidem Thomas allegavit in contrarium, dicens quod omnem summam predictam sibi persoluit preter vii s. et unum denarium, et residuum summe predictae solucionem probabit. Unde dies probacionis assignata est sibi die lune proxime futura.

Eodem die assignatur dies Patricio Crane ad probandum p. 11. contra Johannem Mane quod quamdam vaccam ab eo iniuste detinet, et fore suam : et adiudicatum fuit sibi per balliuos quod decimo die Decembris haberet dictam vaccam vel precium, scilicet, xii s. cum uno stirk.

Item Thomas Halt calumpniavit Willelmum Lang quod ab ipso detinuit iniuste iii s. et iiii d. ; qui quidem Willelmus respondebat in contrarium, dicens quod in illa causa calumpniatus fuerat per alios et iudicatum fuit ei aliis persolvere illam summam, unde quietus fuit a calumpnia sua. Idem Thomas insuper obtulit se probare sibi deberi

ipsam summam. Unde dies probacionis fuit sibi assignata, videlicet, dies lune proxime futura.

Item Willelmus Scherol calumpniauit Jacobum Brown quod iniuste detinet [*sic*] ab eo xiii s. et iiii denarios. Dictus vero Jacobus negauit wrang et un*l*aw. Unde ex consensu parcium predictarum dicta accio posita est ad amicabilem compositionem proborum hominum ad hoc electorum, pro parte dicti Willelmi, Willelmi Moden, et pro parte dicti Jacobi, Gilberti de Kynros, et ubi defectus reperietur presentabitur balliuis.

Curia tenta per balliuos secundo die mensis Decembris anno quo supra, quo die curia affirmata.

Adiungitur Willelmo de Strade ad suam acquietanciam in octabis presentis curie quod non perturbauit nec dispersionauit Thomam Halt in plana curia.

Eodem die Thomas Halt venit cum istis subscrip*t*is, videlicet, Roberto filio Colini, Johanne Lambyntoun, Johanne filio Ade, Haynkyn de Deir, Daud filio Duncani, Patri¹[*cio C*]ra¹[*n*]¹e, et Andrea filio Johannis ad probandum, secundum quod ei iniunctum fuit, quod non d¹[*e*bebat Wille]¹lmo de Strade nisi vii s. et unum denarium, quos vii s. sibi obtulit in curia et soluebat. Qui vero Willelmus excipiebat contra suam probacionem, et primo contra Haynkyn de Deir excipiebat quod non fuit ydoneus ad probandum, quia fuit nisi semihomo, quia textor, eciam quia alias depriuabatur a sua libertate, ut dicebat, propter causam. Insuper contra Andream filium Johannis excipiendo dixit quod ipse non potuit insistere dicte probacioni, quia ante juramentum suum se fecit prelocutorem ut pars, et per istas raciones Willelmus de Strade extendebat plegium quod dicta probacio non debebat ulterius procedere nec recipi ut probacio per balliuos. Dictus vero Thomas Halt dictum plegium recontrariauit, et hoc istis racionibus respondendo ad raciones antedictas, primo ad exceptionem factam contra Haynkyn de Deir, dixit quod est sufficiens homo et integer et non priuatus a libertate burgi, set solummodo a gilde

¹⁻¹ MS. torn.

libertate. Secundo, contra exceptionem factam Andree filii Johannis, dicebat quod dictus Andreas non locutus fuit aliquid quare a dicta probacione debebat repelli; et, si aliquid locutus fuit, quod potuit esse contra dictam probacionem, hoc peccit tunc in plana curia probari. Et sic ista accio, que est ad wardam curie, propter debilitatem curie differtur ad octabas presentis curie.

Memorandum quod quarto die mensis Decembris anno p. 12. quo supra Willelmus de Camera, pater, Aldirmannus ville, deuenit plegius pro Roberto Russ, mercatore Anglie, ad seruandum balliuos ville, scilicet, Robertum Daud, Simonem de Benyn, Johannem Scherar, et magistrum Willelmum Dicsoun, indempnes erga pisces, scilicet, salmone per dictum Robertum et suos seruientes in diuersis nauibus et diuersis vicibus a dicta villa transportatos et habitos, et ab o¹[*mni*]¹ calumpnia fienda per dominum nostrum regem, si contigerit, de noua custuma facta super piscibus et aliis contentis in statutis.

Similiter Adam de Benyn deuenit plegius dictis balliuis pro viii barellis salmonum missis Dyonisio de Mont ad conseruandum ipsos similiter indempnes a custuma dictarum [*sic*] barellorum nouiter statuta, si dicta custuma per dominum nostrum regem a dictis balliuis exigatur.

Curia tenta per balliuos quinto die mensis Decembris anno quo supra, quo die curia affirmata.

Controuersia mota inter Thomam filium Willelmi et magistrum cuiusdam nauis vocate ¹[. . .]¹ fynk submittitur ad ordinacionem Ade de Benyn et Willelmi Andree, pro parte dicti ma¹[*gistri*]¹ nauis, et Ricardi de Lownan et Alani Jacobi, pro parte dicti Thome, ad determinandum dictam causam in pretorio de Abirden in die sabbati proxime futura, et ubi defectus reperietur presentabitur balliuis, plegiis pro magistro nauis Ada Benyn et Willelmo Andree.

Curia tenta per balliuos septimo die mensis Decembris anno quo supra, quo die curia affirmata.

¹⁻¹ MS. torn.

Dominus Alexander Fraser, vicecomes de Abirdene, prelocutor Johannis Mane, extendebat plegium quod illa vacca quam alias Patricius Crane probavit esse suam debebat reddi iterum dicto Johanni non obstante dicta probacione per rationes quas habuit ostendere cum oportuerit.

Curia legali tenta per balliuos nono die mensis Decembris anno quo supra, quo die curia affirmata.

Gilbertus de Kynros secundo die vocatus ad sectam Johannis Andree non comparuit. Unde precipitur seriandis capere districcionem viii solidorum et dare ad plegium et citare ipsum ad tercium diem.

p. 13. Eodem die Willelmus Dicsoun tercio die vocatus ad sectam Johannis Bricii non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum etc. Cetera agenda isto die dilata fuerunt usque ad crastinum diem propter debilitatem curie.

Crastino vero die, scilicet, decimo die huius mensis Decembris Willelmus de Camera pater, prelocutor Thome Halt, stans ad barram peciit wardam curie dicto Thome Halt dari de accione mota inter dictum Thomam et Willelmum de Strade secundum quod patet in rotulamentis superius scriptis. Unde Simon de Benyn ibidem sedens in pretorio tanquam iudex, quia balliuus fatebatur se promptum et paratum ad faciendum ea que in tali causa iudici pertinebat [*sic*] set propter debilitatem curie dicta warda non potuit procedere illo die, ¹Idcirco¹ dictus Willelmus de Camera, pater, prelocutor dicti Thome Halt, extendebat plegium ad iter Camerarii quod, ex quo dictus Thomas ter comparuit ad barram per tres dies sibi assignatas a balliuo ad recipiendum dictam wardam et dicta warda non fuit sibi data propter debilitatem curie, ut predicitur, dictus Thomas quitus fuit a calumpnia dicti Willelmi de Strade.

Assisa leuata super cognicione panis et ceruisie compertum est quod bolla frumenti valet xl d. et bolla brasii valet xxxii d.

¹⁻¹ Substituted for *Unde*, which has been scored through.

Curia capitali tenta per balliuos die lune proxime post festum Epiphanie domini anno etc. nonagesimo octauo, quo die curia affirmata.

Adiungitur Willelmo Scherol hodie ad ¹octo dies¹ ad probandum quod Jacobus Brown tenetur sibi in quadam summa pecunie.

Willelmus Dicsoun in amerciamento quia iniuste cepit stallagium a quadam muliere Roberti pistoris.

Johannes Thome, pistor, in amerciamento quia posuit se in voluntate balliuorum pro iniusta perturbacione Thome Johannis et ville.

Adiungitur dicto Johanni filio Thome ad suam probacionem infra octabas presentis curie quod Thomas Johannis tenetur sibi in quadam summa pecunie.

Thomas filius Johannis in amerciamento pro perturbacione ville cum Johanne filio Thome predicto.

Curia tenta per balliuos vicesimo die mensis Januarii p. 14. anno quo supra, quo die curia affirmata.

Henricus Rothnay deuenit plegius et debitor Johanni filio Thome, pistori, pro Thoma Johannis carnificis ad satisfaciendum dicto Johanni ante festum carnispriuii, xlii d.

Curia tenta per balliuos tercio die mensis Februarii anno quo supra, quo die curia affirmata.

Accio inter Robertum Broun et Willelmum Foty submittitur ad ordinacionem proborum hominum, videlicet, Johannis Crag et Roberti Narne pro parte dicti Roberti, et Henrici Beset et Johannis Yhul pro parte dicti Willelmi, et ubi defectus reperitur presentabitur balliuis, plegiis utriusque partis inuentis quod ammodo dicta accio non ueniet coram balliuis.

Magister Johannes Wrycht in amerciamento quia non venit ad prosequendum plegium quod inuenit super quemdam vocatum Patricium commorantem in ly Watertoun.

Thomas Johannis in amerciamento quia iniuste recon-

¹⁻¹ Substituted for *quindenam*, which has been scored through.

trariauit plegium inuentum super eum per Willelmum filium Ade.

Johannes Walteri, Willelmus filius Ade, et Thomas Johannis posuerunt se in voluntate balliuorum quia non tenent precium factum per appreciatores carnum.

Curia tenta per balliuos xi die.

Curia tenta per balliuos xiii die mensis Februarii anno quo supra, quo die curia affirmata.

Curia tenta per balliuos vicesimo sexto die mensis Februarii anno quo supra, quo die curia affirmata.

Alexander de Mernys in amerciamento quia non intrauit Johannem de Buchania ad sectam Thome filii Dauid.

p. 15.

Curia tenta per balliuos vicesimo septimo die mensis Februarii anno quo supra, quo die curia affirmata.

Willelmus Blyndcele stans ad barram calumpniauit Willelmum Cuk, dicens quod iniuste ab eo detinuit unum dubletum, precii viii s., et unam togam longam, precii xx s. Johannes Crab, prelocutor dicti Willelmi Cuk, negauit wrang et unlaw, concedens quod habuit unum dubletum et unam togam datos sibi in vadium per Johannem de Brechyn qui tenebatur sibi in xxviii s., et hoc dixit quod probaret. Postea Willelmus Blyndcele e contrario dixit, asserendo quod dictus Willelmus Cuk dictam togam et dubletum ab eo replegiauit et obligauit se illam togam et dubletum iterum sibi intrare ad suam voluntatem, et per plegium extendebat quod sibi dictam togam et dubletum debebat sibi reintrare. Johannes vero Crab antedictus dixit quod, ex quo allegauit ad suam probacionem, illa probacio debet precedere. Willelmus Blyndcele allegauit in contrarium, dicens quod, ex quo primum plegium extendebat, videlicet, quod dictus Willelmus Cuk debebat sibi dicta bona reintrare ex eo quod eadem a se replegiauit, quod allegauit probare, illa probatio sic falsita per plegium suum prius extensum debet precedere aliam probacionem allegatam per dictum Johannem Crab. Unde ista accio

propter debilitatem curie differtur ad diem lune proxime futurum.

Memorandum quod illa controuersia mota inter Thomam Spryng et Johannem Wrycht causa deuastationis cuiusdem terre, quam dictus Johannes de eodem Thoma tenuit in feodo, ad declaracionem et determinacionem communis consilii ex consensu et unanimi assensu dictorum Thome et Johannis bona fide prestitis, data fuit et commissa, et per idem consilium sic extetit ordinatum quod idem Johannes Wrycht ipsam terram, quam sic vastam et desolatam demiserat, reintraret et inhabitaret et in eodem statu seruaret quo fuit in tempore ante suum recessum in edificiis et ceteris: eciam quod idem Johannes firmam de eadem terra debitam ex terminis retroactis eidem Thome ex nunc persolveret, et idem Thomas dictum Johannem in eadem terra warandizaret ut warandizari tenetur in forma iuris; Super aliis petitionibus et accionibus inter eosdem motis seu hinc inde petendis eligerent ex utraque ¹[parte]¹ duos probos viros ad quorum determinacionem super premissis dicti Thomas et Johannes stabunt firmiter et eorum decreta seruabunt ²fideliter² in futuris.

Memorandum quod decimo tercio die mensis Marcii p. 16. Paulus Crab iuxta tronum burgi de Abirdene in manibus Willelmi Borthwyk, tunc unius balliuorum dicti burgi ^{ad iter camerarii} extendebat plegium ad iter camerarii quod, ex quo falsificauit iudicium de accione mota inter ipsum et Thomam Spryng, dictus Thomas non debet se introumittere in terris pertinentibus dicto Paulo quousque falsificacio illius iudicii fuerit determinata. Ulterius ³virtute dicti plegii inuenti³ eciam extendebat per dictum plegium quod dictus Thomas debet restituere ⁴sibi ⁴omnes firmas receptas post falsificacionem dicti iudicii ex quo, ut dictum est, dicti iudicii falsificacio adhuc non est determinata, testibus ad premissa vocatis per dictum Willelmum, tunc ballium, quod amplius ab eo dictus Paulus pro tunc non requirebat

¹⁻¹ Illegible owing to stain.

²⁻² Marginal insertion substituted for *firmiter*, which has been scored through.

³⁻³ Scored through.

⁴⁻⁴ Added above the line.

nec plegium nisi ad premissa duo puncta solummodo extendebat, Adam [*sic*] Benyn, Andrea Petri, et Willelmo Gleny.

ad iter
camerarii.

Memorandum quod decimo septimo die eiusdem mensis Marci in pretorio burgi de Abirdene accedens coram preposito et communitate in prima sedentibus Alexander Man, commorans cum domino comite de Craufurd, petiit ab aldirmanno et communitate unam cartam perlegi de quodam annuo reddito pertinente quondam Willelmo de Dunbar de terra quam nunc inhabitat Willelmus Scherol, ¹ut dicta carta in se plenius continet,¹ nunc, ut dictus Alexander asseruit, pertinente Johanne, sponse dicti quondam Willelmi de Dunbar, que Johanna tradidit dicto Alexandro dictam cartam ut ipse de dicto annuo reddito caperet sasinam hereditariam quia sibi concessit dictum annum redditum in sua pura viduitate ²et² ex sua libera donacione propter causam factam sibi et eciam ratione consanguinitatis, unde dictus Alexander dictam sasinam petiit secundum copiam dicte carte ¹sibi dari a balliuis¹. Willelmus Scherol in eodem pretorio et eodem die existens extendebat plegium ad iter camerarii quod dictus Alexander non potuit nec debuit capere sasinam de dicto annuo reddito secundum quod hactenus res se habent, et dictus Alexander dicto plegio recontrariauit.

Eodem die Thomas Spryng recontrariauit plegium inuentum per Paulum Crab, ut superius scribitur, in omnibus punctis, articulis, et circumstanciis, secundum quod inuentum fuerat, sic quod non tenetur dimittere suas possessiones propter illud plegium, nec firmas receptas reddere, set quod pacifice stare debeat in possessione dictarum terrarum et reddituum ut in feodo suo et hereditate, et ¹protestans¹ quod liberacio facta per ipsum Paulum comiti de Crauford nullius sit valoris nec cedat sibi in preiudicium sue libertatis, et ubi dicit quod iudicium est falsificatum non est notum ipsi Thome, ut dicit, cum steterit in pacifica possessione per unum annum et magis, ut asserit.

¹⁻¹ Marginal insertion.

²⁻² Added above the line.

Curia legali tenta per balliuos vicesimo ¹[*quarto* ?]¹ die p. 17. mensis Marcii anno quo supra, quo die curia affirmata.

Curia capitali tenta per balliuos in die lune proxime post dominicam qua cantatur quasi modo geniti anno domini etc. nonagesimo nono, quo die curia affirmata.

Curia legali tenta per balliuos vicesimo [*? lege xxi*] die p. 18. mensis Aprilis anno etc. nonagesimo nono, quo die curia affirmata.

Willelmus Holtars in amerciamento propter iniustam capcionem de camera Margarete de Fodryngame unius paris sotularum et unius paris de galochis.

Willelmus baxter mykyl primo die vocatus ad sectam Willelmi de Strade non comparuit. Unde precipitur seriandis capere districcionem octo solidorum etc.

Andreas Johannis in amerciamento curie propter iniustam detencionem naule quam debuit Nicholao Caralsoun.

²Thomas Spryng in amerciamento quia non intrauit Johannem Spryng, pro quo deuenit plegius ad calumpniam Patricii Crane, et precipitur seriandis ut capiant namos Thome Spryng et ponant pro namis Patricii Crane, vel probat Johannes Spryng, vel suus plegius, incontinenter quod liberauit suum fideiussorem, scilicet, dictum Patricium.²

Eodem die quo supra adiungitur Thome Strang ad comparendum in quindenam ad sectam Willelmi Scot alioquin succumbet in causa.

Assisa leuata super cognicione panis et ceruisie compertum est quod frumentum valet xl denariis et brasium iii s.

Eodem die Thomas Amfrasoun comparens ad barram dixit quod Johannes Crab in quindena elapsa inuenit plegium erga ipsum, et fuit paratus ad respondendum, et extendebat per plegium quod, exquo dictus Johannes non fuit paratus ad ipsum prosequendum, quietus fuit a calumpnia sua.

¹⁻¹ Blank in MS.

²⁻² This paragraph has been scored through.

Curia tenta per balliuos xxii die mensis Aprilis anno quo supra, quo die curia affirmata.

Willelmus Buchur in amerciamento pro iniusta detencione xi d. a Thoma Amfray.

Adiungitur Thome amfrasoun ad suam probacionem die lune proxime futura ad probandum quod Willelmus Buchur debet sibi vii libras de netthrede.

Eodem die Thomas de Marr, attornatus Alexandri de Keth, ex parte dicti Alexandri calumpniauit naulam de bonis existentibus in farcost¹ quondam Johannis de Lawe, que naula adiudicata fuit debita Alexandro de Kethe et nulli alii.

p. 19.

Curia tenta per balliuos vicesimo septimo [? *lege* xxviii] die mensis Aprilis anno quo supra, quo die curia affirmata etc.

Johannes Tekat in amerciamento pro iniusta detencione unius barelli parui de sinapio a Thoma filio Willelmi.

Curia tenta per balliuos vicesimo octauo [? *lege* xxix] die mensis Aprilis anno quo supra, quo die curia affirmata.

Adiungitur Johanni Spryng ad suam probacionem in die lune proxime futura quod satisfecit Henrico de Louthiane illam summam quam sibi debuit et pro qua traxit Patricium Crane in plegium ²secundum illum modum quem recitauit in curia et legittime.²

Willelmus de Strade in amerciamento quia non venit ad prosequendum plegium quod inuenit super Willelmum Buchur, pro quo Willelmo Johannes Spront fuit plegius et ambo comparuerunt.

Adiungitur Eby Bouer ad suam acquietanciam quod non pinsit laganas nec pinsuit postquam fuit inhibitus die lune proxime futuro.

Adiungitur uxori Benche ad suam acquietanciam die lune proxime futuro quod non pinsit laganas nec farinam vendit in discis et modicis mensuris cum aliis diuersis punctis valde malis.

¹ A small ship.

²⁻² Added in margin.

Curia legali tenta per balliuos quinto die mensis May [sic] anno quo supra, quo die curia affirmata.

Thomas Spryng et Robertus Colini eodem die protestabantur quod curia alias tenta super territorium de Rubislaw per aldirmannum et balliuos burgi nostri de Abirdene nullius valoris est aut firmitatis, quia tenta fuit per non habentes potestatem, eciam summonitor [? *summonitio*] non fuit legitimus nec legitime tenentes summoniebantur quia per infamem et suspensorem [? *suspectum*] hominem.

Eodem die Fersith Rede adiungitur in octabis presentis curie ad suam probacionem quod Willelmus taillour Blacberd iniuste detinet ab eo unum monile et unum par de bedis.

Eodem die adiungitur uxori Henrici masoun in octabis presentis ad suam acquietanciam quod non pinsit laganas ad vendendum extra hospicium suum, nec quod est rebellis contra officarios ville, et non peiorat forum quoad empionem farine nisi quod prouenit marito suo racione conducionis bouium suorum.

Eadem uxor Henrici masoun in amerciamentis, primo quia vendit ceruisiam et alia ut burgensis et non est, eciam quia vendit farinam cum mensuris non sigillatis.

Willelmus Strade in amerciamento curie quia iniuste inuenit plegium super Willelmum baxter mykyl, ut probatum fuit per iuramentum dicti Willelmi baxter.

Et Willelmus Strade extendebat plegium immediate post hoc quod illud iuramentum non fuit sufficiens nec valebat, et dictus Willelmus baxter illud plegium recontrariauit, et sic est ad wardam curie, que warda differtur usque ad quindenam propter debilitatem curie.

Eodem die assisa leuata super cognicione panis et p. 20. ceruisie compertum fuit quod frumentum valet xld. et brasium valet iii s.

Eodem die Henricus Louthiane fuit paratus et ad horam legitimam diei expectans probacionem quam Johannes Spryng habuit probare contra ipsum. Quo Johanne absente et non comparente dictus Henricus extendebat per plegium quod quietus fuit a calumpnia sua.

Eodem die Dunecanus de Marr primo die vocatus ad

sectam Johannis de Loctoun non comparuit. Unde precipitur seriandis capere districeionem octo solidorum et dare ad plegium et citare ipsum.

Eodem die Thomas Spryng, prelocutor Thome Johannis et Willelmi filii Ade, extendebat plegium quod bona Thome Moderach debebant arrestari ad calumpniam dictorum Thome et Willelmi pro iniuriis iis illatis per dictum Thomam. Johannes Ayncroft, filius, allegavit in contrarium, dicens quod illa bona fuerant sua et non Thome Moderach. Thomas Spryng dixit quod, ex quo Johannes Ayncroft hoc allegavit, tenebatur hoc probare et hoc extendebat per plegium quod plegium Johannes Ayncroft recontrariauit. Et sic ad wardam curie que differtur usque ad quindenam propter debilitatem curie.

In crastino sequenti, videlicet die Martis, venit Johannes Spryng et extendebat per plegium recontrariando plegium inuentum per Henricum de Louthiane, asserens quod eadem dies Martis est eis dies assignata ad probandum et non dies lune predicta, et offert se paratum ad probandum, et assignatur eis proxima dies legalis ad determinandum suam accionem.

Curia tenta per balliuos nono die mensis May [*sic*] anno quo supra, quo die curia affirmata etc.

Johannes filius ¹Walteri¹ et Johannes Spryng accusati ²de fraccione appreciacionis² quod non tenent precium carnis et quod emunt pisces extra villam in preiudicium communitatis ville ceperunt se ad quitanciam suam in die lune proxime futura.

Meg Dubry,
Thomas
Wood,
Adam Cuk.

Laurencius Campsi similiter est ad quitanciam suam eodem die fiendam propter dictas causas, et ultra acquie-
tabit se quod non emit carnes post pascha.

Willelmo filio Ade et Johanni ³Gilberti³ adiungitur ad suas quitancias dicto [*sic*] die lune quod non emerunt pisces in preiudicium et dampnum ville. Similiter et

¹⁻¹ Added above the line; *Gilberti* scored through.

²⁻² Scored through.

³⁻³ Added above the line; *Walteri* scored through.

Thomas Johannis. Et isti tres sunt in amerciamentis quia vendunt carnes sine precio.

Thomas Johannis posuit se in voluntate balliuorum pro perturbacione ville cum Willelmo filio Ade.

Adiungitur Willelmo filio Ade ad suam probacionem die lune proxime futura quod Thomas Johannis percussit ipsum. Et eidem adiungitur ad suam quitanciam eodem die quod non perturbavit Thomam Johannis.

Dunceanus Hervy convictus tam de carnibus quam de piscibus, et sic in amerciamento.

¹Omnes isti defecerunt tam in probacionibus quam in quitanciis.¹

Willelmus Spaldyng devenit plegius pro Henrico p. 21. Louthiane ad intrandum ipsum balliuis cum premunitus fuerit sub pena legali.

Magy Dog et Mariota Fotheres posuerunt se in voluntate balliuorum pro iniusta empcione butiri a quadam muliere rurali, et pro perturbacione eiusdem mulieris.

Curia tenta per balliuos duodecimo die mensis May [*sic*] anno quo supra, quo die curia affirmata.

Curia tenta per balliuos decimo tercio die mensis May [*sic*] anno quo supra, quo die curia affirmata.

Eodem die Simon Lamb, prelocutor Johannis Henrici, calumpniavit Johannem Wynk ex parte dicti Johannis Henrici quod iniuste detinet ab ipso vii s. sterlingorum, pro quibus ipse Johannes Henrici compulsus fuit per Willelmum Blyndeel et districtus per namos suos ad satisfaciendum ipsi Willelmo Blyndeele de dictis vii s., et quod idem Johannes Wynk aut dictos vii s. solueret vel saltem ipsum quitum faceret erga Willelmum Blyndeele per plegium affirmavit. Postmodum Johannes Alani, prelocutor Johannis Wynk, peciit auisari, qui auisatus reintrauit curiam et ipsam calumpniam neque negavit neque fatebatur. Incontinenter Simon Lamb ex parte dicti Johannis Henrici excepit, dicens quod, ex quo idem

¹⁻¹ Added in the margin; presumably referring to the six preceding entries.

Johannes Wynk ausatus ad respondendum super calumpniam et responsum legale non dedit neque litis contestationem fecit legittime, ad suam peruenit calumpniam causa non defensa, et hoc per plegium affirmavit. Dicitur Johannes Alani ipsum plegium recontrariauit, affirmans et dicens quod in hac curia non debet conueniri neque responsum dare quia sunt ex utraque parte ruremanentes. Unde differtur warda usque ad crastinum diem propter debilitatem curie.

Thomas scissor posuit se in voluntatem [*sic*] balliuorum quia pistor est farine auenaticae, et inuenit Simonem Lamb plegium quod amplius in talibus non delinqueret sub legali pena.

Adiungitur Effamie Lisurs ad suam quietanciam in crastino die quod non pinsuit farinam auenaticam, plegio Johanne Lucris. Non quitavit set soluit se in voluntate balliuorum, et inuenit Johannem Lucris plegium quod amplius non delinquet.

Curia tenta per balliuos decimo quarto die mensis May [*sic*] anno etc. quo supra, quo die curia affirmata.

Johannes Mungwale posuit se in voluntate balliuorum de iniuria per se facta Willelmo walkar Crusank, qui Willelmus inuenit Johannem Scherar plegium quod non dampnabit Johannem Mungwale aliter quam per viam iuris.

Adiungitur Magy Blakburn ad crastinum diem quod acquietabit se de calumpniis sibi factis per balliuos secundum quod exigit ordo iuris.

p.22.

Matilda de Frenndracht posuit se in voluntate balliuorum quia pistris est laganarum et quod brasiat et vendit ceruisiam cum non sit libera.

¹Simon Lamb posuit se in voluntate balliuorum in hoc quod malefecit alias vel iniuste fecit uxori et nutrici Ade Thome¹.

Simon Lamb calumpniatus fuit per balliuos quod illegitime incarceravit quamdam mulierem de burgo autoritate sue ratione officii sui vicecomitis, que mulier primo debeat presentari balliuis super aliqua accione. Qui

¹⁻¹ Scored through.

Simon fatebatur se sic fecisse, et super hoc se posuit in voluntatem [*sic*] balliuorum.

Curia tenta per balliuos decimo quinto die mensis May [*sic*] anno quo supra, quo die curia affirmata.

Willelmus filius Michaelis posuit se in voluntate balliuorum pro verberacione cuiusdem mulieris.

Curia legali tenta per balliuos secundo die mensis Junii anno quo supra, quo die curia affirmata, dilata fuit dicta curia usque ad Octobas [*sic*] eiusdem quia fuit dies festiualis.

Quo die octauo sequenti, videlicet, nono die mensis eiusdem Junii et anno quo supra Dunccanus Marr secundo die vocatus ad sectam Johannis Loctoun non comparuit. Unde precipitur Johanni filio Bricii, seriando, capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad tercium diem.

Eodem die Petrus de Paxtoun primo die vocatus ad sectam Henrici de Louthiane non comparuit. Unde precipitur eidem seriando capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad secundum diem.

Eodem die Willelmus Moden comparens ad barram asseruit quod iniunctum fuit ad suam probacionem quod Mauricius Suerdsleper [. . .]¹.

Eodem die comparens ad barram Simon de Benyn calumpniauit Willelmum Dicsoun quod iniuste ab eo detinet xxxiii s. in quibus sibi tenebatur, ut asseruit, pro animalibus que emit ab uxore dicti Simonis. Qui quidem Willelmus negauit dictum debitum, et sic assignatum fuit dicto Simoni ad suam probacionem in proximo die legali ut probaret quod dictus Willelmus sibi in dicta pecunie summa tenebatur.

Curia tenta per balliuos decimo tercio [*sic*] die mensis p. 23. Junii anno quo supra, quo die curia affirmata.

Laurencius de Leth vocatus tamquam primo die ad

¹ Entry incomplete.

sectam Johannis Spryng non comparuit. Unde precipitur seriandis capere districcionem etc. et dare ad plegium usque ad crastinum diem.

Curia legalis [*sic*]¹ tenta per balliuos decimosexto die mensis Junii anno quo supra, quo die curia affirmata.

Adiungitur Johanni Spryng et Henrico Louthiane ad proximum diem legalem quod comparendum [*sic*] coram balliuis et ad habendum finalem determinacionem de accione inter ipsos mota.

Eodem die Simon Benyn venit cum istis subscriptis, videlicet, Gilberto Hervy, Andrea Johannis, Matheo Hulk, Patricio Club, Johanne Hervy, Johanne Lucris, Roberto Arnache, Johanne Mungwale, Willelmo baxter, et Willelmo Jacsoun, et probauit quod Willelmus Dicsoun tenebatur sibi et eciam nunc tenetur in xxxiii s. pro animalibus emptis ab uxore dicti Simonis per dictum Willelmum.

Willelmus Dicsoun vocatus ad prosequendum plegium quod inuenit super Simonem Benyn non comparuit, quare est in amerciamento curie.

Willelmus Dicsoun in amerciamento propter iniustam recontrariacionem plegii inuenti super ipsum per Johannem Bricii pro uno annulo et ligno, et precipitur dicto Willelmo ad restaurandum dictum annulum et lignum dicto Johanni.

Adiungitur eidem Willelmo ad suam probacionem in octabis presentis curie ad probandum quod deliberauit quamdam scalam Johanni filio Bricii quam ab eo mutuauit. Et sic in amerciamento.

non
probauit.

Adiungitur Dunccano Mernys ad suam probacionem in octobis [*sic*] presentis curie ad probandum quod Willelmus Dicsoun tenetur sibi in x s. vi d. ob.

probauit

Assisa leuata super cognicione panis et ceruisie comperitum est quod frumentum valet xl d. et brasium iii s.

Homo Johannis Wormot vocatus ad sectam forestarii pro delacione silue non comparuit, quare precipitur seriandis capere districcionem etc., et citare ipsum ad crastinum diem.

¹ Usually this is in the ablative, and in several entries in the earlier part of the book (pp. 9, 12, 18, 19, 22) the final s has been erased.

Curia tenta per balliuos decimo septimo die mensis Junii anno quo supra, quo die curia affirmata.

Robertus Duncani venit cum istis subscriptis, ut iniunctum fuit sibi in terra flandrensi, videlicet, Willelmo Moden, Matheo Hulk, Alano Jacobi, Andrea Johannis, Wilkyn Webster, Daud Thome, ¹et¹ Johanne Uscher, et probauit quod satisfacit Andree filio Duncani, commoranti in Flandria, et Bricio Duncanni de xvii s. grossorum et ix grossis; de quibus calumpniatus fuit in Flandria per dictos Andream et Bricium.

Johannes Wormot primo die vocatus ad sectam Duncanni de Mernys non comparuit. Unde precipitur seriandis etc.

Bricius Roberti primo die vocatus ad sectam Willelmi taillour non comparuit. Unde precipitur seriandis etc.

Curia tenta per balliuos decimo nono die mensis Junii p. 24. anno quo supra, quo die curia affirmata.

Simon Lamb deuenit plegius pro Michaeli [*sic*] de Camera ad intrandum ipsum coram iusticiario in proximo itinere eiusdem, et ad conseruandum balliuos indempnes erga calumpniam fiendam dicto Michaeli secundum quod ordo iuris exigit et requirit, testibus Johanne de Forbes, milite, domino eiusdem, Willelmo de Camera, patre, et Johanne Ledale cum aliis circumstantibus.

Eodem die et eodem modo Willelmus de Camera, pater, deuenit plegius dictis balliuis pro Thoma Halt et coram eisdem antedictis.

Eodem die Andreas Petri et Thomas Paxtoun deuerunt plegii pro Magy Blakbarn ad intrandum ipsam etc., ut supra dicitur, et ad conseruandum dictos balliuos indempnes prout exigit ordo iuris.

Eodem die Willelmus Henrici inuenit plegium super Robertum filium Colini quod iniuste ab eo detinuit quamdam summam pecunie, et dictus Robertus concessit dictum debitum, quare posuit se in voluntate balliuorum et in amerciamento.

Eodem die et eodem modo et coram antedictis testibus

¹⁻¹ et added above the line.

Willelmus Foty et Mauricius Suerdsleper deuenerunt plegii pro Johanne filio Gilberti, carnifice, presentibus eciam Thoma Paxtoun et Willelmo Moden.

Curia tenta per balliuos vicesimo tercio die mensis Junii anno quo supra, quo die curia affirmata.

Adiungitur Roberto de Angus ad suam acquietanciam in die Mercurii proxime futuro quod non perturbauit villam cum Thoma filio Johannis, plegio pro dicto Roberto ad intrandum se dicto die coram balliuis Nicholao Mercer.

Thomas filius Johannis in amerciamentis, primo, quia perturbauit villam cum Roberto de Angus, secundo quia fuit rebellis et inobediens balliuis ville.

Johannes Thome, carnifex, posuit se in voluntate balliuorum pro fraccione assise carniū non tenendo precium appreciatorum etc.

Adiungitur Roberto Colini ad veniendum die Mercurii proxime futura ad probandum quod Thomas Blake iniuste ab eo tenet unum anulum aureum, plegio pro dicto Thoma quod veniet ad recipiendum dictam probacionem Alano Jacobi, et eciam quod non dampnabit dictum Robertum verbo vel facto aliter quam exigit ordo iuris. Dictus annulus est precii dimidii nobilis in pondere, et pro factura xii d.

non
acquietauit.

Adiungitur Roberto Narn ad suam acquietanciam die mercurii proxime futura quod non perturbauit villam nec Willelmum Foty, vicinum suum, et Walterus Rede deuenit plegius pro dicto Roberto quod non dampnum [*sic*] dictum Willelmum aliter quam per viam iuris, et sic in voluntate balliuorum.

p. 25.

Thomas Blak, in amerciamento quia dispersionauit Robertum Colini coram balliuis in plana curia.

Eodem die Dunccanus de Mernys venit ad barram et probauit intencionem suam per legitimos testes quod Willelmus Dicsoun ab ipso tenuit iniuste x s. vi d. ob. secundum quod eidem Dunccano iniunctum fuit in curia precedente per balliuos.

Adiungitur appreciatoribus carniū in octobis [*sic*] presentis curie ad veniendum coram balliuis, et ad re-

cipiendum assisam vicinorum suorum si faciant ad officium suum quod facere tenentur de iure.

Willelmus filius Ade, carnifex, et Johannes Thome, et Thomas filius Johannis, et Johannes filius Gilberti posuerunt se in voluntate balliuorum quia non tenent precium carni-um, nec faciunt ad artificium suum quod facere tenentur de iure.

Henricus sclatar in amerciamentis, primo quia verberavit quamdam mulierem iniuste, et eciam quia inobediens fuit et rebellis officariis ville.

Willelmus Dicsoun in amerciamentis, primo quia non venit ad recipiendum probacionem ductam per Dunccanum de Mernys contra ipsum, secundo quia non venit cum probacione sua secundum quod ei iniunctum fuit in curia precedente.

Curia tenta per balliuos vicesimo quinto die mensis Junii anno quo supra, quo die curia affirmata.

Robertus de Angus posuit se in voluntate balliuorum quia non venit cum acquitancia sua secundum quod debebat, ut patet in curia precedente, plegio pro ipso Andrea pistore.

Michael de Camera posuit se in voluntate balliuorum pro verberacione famuli Johannis filii Laurencii.

Patricius Innerkethyn posuit se in voluntate quia iniuste se intromisit cum Michaele de Camera ¹et¹ in verberacione dicti famuli Johannis Laurencii, et sic in amerciamento, et eciam quia refutavit ad acquietandum se de dicta intromissione.

Thomas Johannis, famulus Johannis Laurencii, habet recipere emendam a Michaele de Camera et Patricio de Innerkethyn, et dictus Thomas erit ammodo indempnis de dictis Michaele et Patricio, plegio pro dicto Michaele Johanne filio Thome, et plegio pro dicto Patricio dicto Michaele.

Accio inter Robertum Colini et Thomam Blake, que est ad wardam curie, differtur ad proximum diem legalem propter debilitatem curie, et ibi utraque pars ostendet

¹⁻¹ Scored through.

raciones suas, secundum quod hodie ostendebant, quas habent pro se, plegio pro dicto Thoma Blak Alano Jacobi.

p. 26.

Ion Paw, Flemingus, posuit se in voluntate balliuorum pro iniusta capcione unius cobyll a Willelmo Scot, et pro iniusta laboracione eiusdem.

Curia tenta per balliuos vicesimo nono die mensis Junii anno quo supra, quo die curia affirmata.

Stephanus de Foresta in amerciamento pro iniusta [*de*]tencione viii s. a Waltero de Tulach.

Curia tenta per balliuos trecesimo die mensis Junii anno quo supra, quo die curia affirmata.

¹Adiungitur Roberto baxter ad suam probacionem¹.

Curia legali tenta per balliuos ultimo die mensis Junii anno quo supra, quo die curia affirmata.

Alexander Bannirman, prelocutor Johannis Spryng, extendebat plegium quod accio que est inter dictum Johannem et Henricum de Louthiane modo ad wardam curie, ut patet in rotulamentis precedentibus, debet modo terminari per wardam: et predictus Henricus dictum plegium recontrariauit, dicens quod dicta accio non debet terminari in curia balliuorum per dictam wardam, cum ipsi balliui sint iudices in dicta curia. Unde propter debilitatem curie ista accio differtur ad proximum diem legalem.

Eodem die warda dependens inter Robertum filium Colini et Thomam Blake ad[*huc*]² propter debilitatem curie differtur usque ad proximam curiam legalem.

Johannes Wormot secundo die vocatus ad sectam Dunccani de Mernys non comparuit. Unde precipitur Johanni filio Bricii, seriando, capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter ad tercium diem etc.

Willelmus Boyl, baxter, primo die vocatus ad sectam Thome turnour non comparuit. Unde precipitur seriandis capere districcionem etc.

¹⁻¹ Scored through.

² Cf. *infra*, p. 53.

Bricius Roberti secundo die vocatus ad sectam Willelmi taillour Blacberd non comparuit. Unde precipitur seriandis capere districcionem viii s. etc.

Memorandum quod eodem die Thomas filius Willelmi existens in pretorio non obediuit balliuis, et balliui precipiebant seriandis ut citarent dictum Thomam ex parte regis ad veniendum coram ipsis. Unde dictus Thomas noluit venire ad summonicionem seriandorum, set non obediuit, ut predicatur, testibus Ricardo Fichet, Stephano de Foresta, quatuor seriandis, Duncano de Mernys.

Curia tenta per balliuos primo die mensis Julii anno quo p. 27. supra, quo die curia affirmata.

Curia tenta per balliuos septimo die mensis Julii anno quo supra, quo die curia affirmata.

¹Willelmus Dicsoun in amerciamento pro iniusta tencione xi s. vi d. de [*sic*] dompno Johanni [*sic*] Irwell, qui Willelmus calumpniatus de detencione dicte summe ²per Thomam Sprin[g], prelocutorem dicti dompni Johannis², non fatebatur nec negauit. Quare dictus Thomas, ex parte dicti dompni Johannis, ut eius prelocutor, extendebat per plegium quod veniebat ad calumpniam suam causa non defensa¹.

Willelmus Dicsoun posuit se in voluntatem [*sic*] balliuorum tanquam inobediens et rebellis dictis balliuis.

Willelmus Crab posuit se in voluntate balliuorum pro [*per*]turbacione ville cum Roberto filio Colini.

Adiungitur Roberto filio Colini ad suam acquietanciam acquietauit. in octabis presentis curie quod non perturbauit villam nec vicinum suum, Willelmum Crab.

Eodem die veniens ad barram Johannes de Irwell, monachus, cum suo prelocutore, Thoma Spryng, calumpniauit Willelmum Dicsoun quod ab ipso iniuste tenuit xi s. vi d. sterlingorum ex certo debito. Qui quidem Willelmus ad hoc nichil legitime respondebat, nec aliquid in contrarium opposuit. Tunc idem Johannes de Irwell

¹⁻¹ This whole entry has been scored through.

²⁻² Added in margin.

extendebat per plegium quod, ex quo prosequeretur legitime ipsum Willelmum in iure et in forma iuris, ipso Willelmo legitime non respondente, ut de iure tenebatur, idem Johannes de Irwell ad suam peruenit calumpniam causa non defensa. Petitum fuit per balliuos a dicto Willelmo si dictum plegium recontrariare voluit. Qui dicebat quod non. Tunc curia decreuit et datum fuit pro iudicio per Willelmum Croket, iudicem curie, quod dictus Johannes ad suam peruenit calumpniam causa non defensa, et sic idem Willelmus remansit in amerciamento curie.

dies
mart[is]

Curia tenta per balliuos octauo die mensis Julii anno quo supra, quo die curia affirmata.

Adiungitur Johanni Lany et Roberto Wrycht in die lune proxime futura ad veniendum coram balliuis ad capiendum noticiam vicinorum suorum utrum sint bracia-tores vel non.

Memorandum quod decimo die mensis Julii anno quo supra Willelmus de Camera, pater, tunc aldirmannus ville, deuenit plegius balliuis ville, videlicet, Roberto filio Dauid, Johanni Scherar, Simoni Benyn, et Willelmo Borthwik ad conseruandum ipsos indempnes ¹ab omni calumpnia que potest fieri¹ per² regem et camerarium pro pannis laneis, worsetis, et huius modi Thome, mercatoris Londonie, testibus Thoma Spryng et Willelmo Andree.

p. 28.

Curia legali tenta per balliuos decimo quarto die mensis Julii anno quo supra, quo die curia affirmata.

Johannes Wormot tercio die vocatus ad sectam Duncanni de Mernys non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter ad quartum diem, tamquam diem peremptorium.

Robertus filius Dauid primo die vocatus ad sectam Henrici taillour non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare

¹⁻¹ Added in margin.

² per substituted for *erga*, which has been scored through.

ipsum nouiter ad proximum diem legalem etc. Et protestabatur pro sumptibus et expensis.

Adiungitur Morgane Malevile ad suam acquietanciam in octobis [*sic*] presentis curie quod non perturbauit villam cum Wilky Michalsoun commorans [*sic*] in ly gask. non
acquietauit

Willelmus Diesoun calumpniauit Dunccanum de Mernys quod ipsum in plegio traxit ¹de duabus ollis, precii 1 marce¹, et non liberauit : et predictus Dunccanus respondit quod ipsum liberauit, et hoc obtulit se probare. Unde assignatur sibi proxima dies lune ad suam probacionem. non
probauit

Willelmus filius Ade, carnifex, in amerciamento quia non venit ad prosequendum plegium quod inuenit super Michaellem de Camera.

Warda dependens inter Robertum Colini et Thomam Blake adhuc propter debilitatem curie differtur ad proximum diem legalem, plegio pro dicto Thoma Alano filio Jacobi.

Eodem die Willelmus Boyl, baxter, secundo die vocatus ad sectam Thome turnour non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter etc.

Willelmus de Marr, Johannes Lisurs, et Johannes Fichet, quilibet in amerciamento quia iniuste ascendebant domus Nicholay Mercer per scalam in eius dampnum et vituperium sine licencia, plegio quod dictus Nicholaus non dampnabit illos prescriptos Andrea Petri, plegiis pro Lisurs Willelmo de Marr et Johanne Fichet, Willelmo Moden, plegio pro Lucris [*sic*] Johanne Hery. Nicholaus Mercer in amerciamento quia perturbauit villam cum Willelmo de Marr, Johanne Lisurs, et Johanne Fichet.

Eodem die Robertus Schirraff calumpniauit Willelmum filium Ade, carnificem, quod iniuste ocupauit quamdam domum, que sua erat, et sine licencia. Dictus vero Willelmus peciit legalem diem et legalem summonicionem tamquam vicinus ad vicinum. Unde assignatur eis proxima dies legalis pro determinacione accionis predictae.

Assisa leuata super cognicione panis et cervisie com- p. 29.

¹⁻¹ Added in margin.

pertum fuit quod bolla frumenti valet xl d. et bolla brasii xxx d.

die
mercurii

Curia tenta per balliuos decimo sexto die mensis Julii anno quo supra, quo die curia affirmata.

non
acquietauit

Adiungitur Johanni Crab crastina die ad suam acquietanciam quod non verberauit Jonetam Nory, nec ei malefecit verbo vel facto, vel eam aliquo modo perturbauit nec domum suam.

Idem Johannes Crab posuit se in voluntate balliuorum pro verberacione cuiusdam mulieris commorantis cum Andrea Petri.

die Jouis

Curia tenta per balliuos decimo septimo die mensis Julii anno quo supra, quo die curia affirmata.

Adiungitur Laurencio de Leth crastino die ad suam probacionem quod Johannes Spryng, tanquam seruiens suus, in defectu suo perdidit de mappis, pintis, ollis, etc. ad valorem quinque solidorum.

Eodem die Johannes Crab posuit se in voluntate balliuorum de acquietancia sibi iniuncta per balliuos, videlicet, de verberacione et malediccione Jonete Nory, ac eciam de perturbacione domus Andree Petri, et sic in duobus amerciamentis.

die Veneris

Curia tenta per balliuos decimo octauo die mensis Julii anno quo supra, quo die curia affirmata.

Andreas filius Gilberti primo, secundo, tercio, et quarto die et premporie vocatus ad intrandum quemdam ruralem non intrauit, quare adiudicatus fuit in amerciamento curie.

die sabbati

Curia tenta per balliuos decimo nono die mensis Julii anno quo supra, quo die curia affirmata.

probauit

Adiungitur Thome turnour ad suam probacionem die lune proxime futuro quod Thomas Plossy deuenit sibi plegius pro tribus solidis erga Willelmum Crary, et sciendum quod dictus Thomas Plossy concessit in plana curia quod deuenit plegius dicto Thome turnour erga dictum Willelmum Crary pro tribus solidis. Quare precipitur dicto

Thome Plossy ad faciendum dicto Thome turnour de illis tribus solidis quod plegius de iure facere tenetur, plegio pro Thoma Plossy Thoma Dauid.

Curia tenta per balliuos vicesimo primo die Julii anno quo supra, quo die curia affirmata etc.

Alexander Banirman deuenit plegius pro Laurencio de Leth de indempnitate Dunccani de Mernys, et Johannes Crab similiter deuenit plegius pro dicto Dunccano de indempnitate dicti Laurencii.

Eodem die Thomas turnour probauit intencionem suam p. 80. per legitimos testes quod Thomas Plossy deuenit plegius sibi pro Willelmo Crary de vis., ut iniunctum fuit sibi in curia legali ultimo tenta per balliuos.

Eodem die Willelmus Dicsoun cum suo prelocutore, Laurencio de Leth, accedens ad barram obtulit se ad recipiendum probacionem Dunccani de Mernys, prout iniunctum fuit dicto Dunccano in ultima curia legali tenta per balliuos. Quo Dunccano deficiente in sua probacione dictus Willelmus extendebat per plegium quod pro defectu dicte probacionis ad suam peruenit calumpniam.

Morgane Malwill in amerciamento curie quia non venit ad quietandum se de perturbacione ville cum Wilky Michalsoun de le Gask, prout iniunctum fuit sibi in ultima curia legali tenta per balliuos.

Curia legalis que debebat teneri xxviii die mensis Julii dilatam [sic] fuit propter aduentum ducis de Rothisay usque ad octauum diem sequentem.

Curia tenta per balliuos ultimo die mensis Julii anno Jouis quo supra, quo die curia affirmata.

¹Willelmus Blyndcele probauit per legitimos testes in presencia Roberti Faucuner quod satisfacit dicto Roberto de xxxix s. et vi d. pro plegiagio quod incurrebat pro Johanne Brechyn erga dictum Robertum Faucuner¹.

Willelmus Blyndcele probauit per legitimos testes in presencia Roberti Faucuner quod satisfactum est dicto

¹⁻¹ Scored through.

Roberto de xxxix s. vi d. pro dicto Willelmo de plegiagio quod dictus Willelmus Blyndcele incurrebat pro Johanne Brechyn erga dictum Robertum.

sabbati

Curia tenta per balliuos secundo die mensis Augusti anno quo supra, quo die curia affirmata.

Nicolaus Ledale legitime vocatus ad intrandum Johannem Scot ad prosequendum plegium quod inuenit super Ingeramum de Buchania non comparuit: quare dictus Ingeramus extendebat per plegium quod quitus fuit a sua calumpnia pro tunc.

p. 31.

Eodem die accio mota inter Willelmum de Strade et Johannem filium Walteri submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperiatur presentabitur balliuis.

Curia legalis ultimo die lune dilata, ut patet in libro, usque ad hunc quartum diem Augusti¹ modo tenetur per balliuos anno quo supra, quo die curia affirmata.

Bricius filius Roberti tercio die vocatus ad sectam Willelmi taillour Blakberde non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter ad quartum diem etc.

Adiungitur Thome filio Daud in octobis [*sic*] presentis curie ad suam probacionem quod Robertus de Barry iniuste ab eo detinet unum pyk de valore xxviii d., et taxat dampna sua ad valorem ii s.

Thomas Lamb primo die vocatus ad sectam Johannis Yhule non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter etc.

Eodem die Willelmus Boyl, baxter, tercio die vocatus ad sectam Thome turnour non comparuit. Unde precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam quartum diem etc.

Warda dependens inter Robertum filium Colini et

¹ Cf. *supra*, p. 55.

Thomam Blake adhuc propter debilitatem curie defertur ad octobas [*sic*] presentis curia.

Johannes Ayncroft, filius, posuit se in voluntate balliuorum pro verberacione uxoris Roberti filii Colini. Et ulterius se obtulit per visum vicinorum suorum, siue communis consilii, ad satisfaciendum dicte mulieri de dicta verberacione, et ad hoc inuenit Willelmum Cryn plegium.

Eodem die, set non in curia, adiungebatur Ricardo de Inchemethen ad veniendum crastina die cum sua probacione ad probandum quod satisfactum est Johanni Spryng de iiii s. iiii d. de mercede sibi debita per Laurencium de Leth pro qua mercede dictus Ricardus deuenit plegius.

Curia tenta per balliuos quarto die mensis Augusti anno quo supra, quo die curia affirmata.

Ricardus Inchemethen venit cum sua probacione, Laurencio de Leth, et Willelmo Blyndceele, tanquam cum taynt probacione, ad probandum sicut sibi pridie adiungebatur per balliuos etc., ut patet in curia precedente. Et Johannes de Sancto Michaelē, prelocutor Johannis Spryng, opposuit contra dictam probacionem quod non fuit sufficiens nec legalis, et hoc extendebat per plegium, et ostendebat rationes suas tales:—prima ratio fuit quod dictus Ricardus debebat duxisse ad suam probacionem partem de talibus, sicut ipse est utputa burgensis, et partem de talibus sicut est Johannes Spryng, quod non fecit, quare dicta probacio non fuit sufficiens: secunda ratio fuit quia Laurencius de Leth, qui fuit unus ductus ad probacionem, est pars in causa; quare etc.: tertia ratio fuit quia dictus Laurencius fecit se prelocutorem in causa antequam iuramentum fuit sibi impositum et contra dictum Johannem; quare etc. Et dictus Johannes de Sancto Michaelē p. 32. protestabatur pro aliis racionibus faciendis, cum necessitas requireret et sibi opportune siue expediens videretur, et eciam pro expensis dicti Johannis Spryng medio tempore factis similiter protestabatur. Dictus vero Laurencius de Leth extendebat per plegium quod dicta probacio fuit sufficiens, quia taynt probacio, cum aliis racionibus suis cum oportuerit faciendis similiter protestando. Que accio

siue causa modo est ad wardam curie et propter debilitatem curie differtur ad diem lune proxime futurum.

sabbati

Curia tenta per balliuos nono die mensis augusti anno quo supra, quo die curia affirmata.

Adiungitur Johanni filio Gilberti ad suam acquietanciam in octobis [*sic*] presentis curie quod non emit pisces extra forum in preiudicium communitatis, et eciam acquietabit se quod illos duos salmone quos habuit in opella sua non tenuit ibidem in preiudicium communitatis.

Curia legali tenta per balliuos undecimo die mensis Augusti anno quo supra, quo die curia affirmata.

Warda dependens inter Ricardum Inchemethen et Johannem Spryng propter debilitatem curie differtur ad proximum diem legalem.

Similiter et warda dependens inter Robertum Colini et Thomam Blake usque ad eundem diem differtur propter eandem causam.

Eodem die Bricius Roberti vocatus ad sectam Willelmi taillour Blakberd tanquam quarto die et peremptorie non comparuit. Willelmus scissor prosequens in causa suam calumpniam recitans, videlicet, quod idem Bricius ab ipso iniuste tenuit quoddam par de paternostris cum una cruce et monili de argento precii viii s., peciit sibi fieri iuris complementum, affirmans quod, ex quo dictus Bricius vocatus fuit usque in quartum diem peremptorium et non comparuit, ad suam peruenit calumpniam causa non defensa. Peciit super hoc iudicium sibi dari. Quod quidem iudicium respectuatur per balliuos usque ad quindenam propter debilitatem curie.

Eodem die Dunccanus de Mernys, recitans coram balliuis quod iniunctum fuit sibi ad suam probacionem contra Willelmum Dicsoun, videlicet, quod liberauit dictum Willelmum a plegiagio in quo ipsum traxit etc., ut patet in rotulamentis precedentibus, dixit quod propter Laurencium de Leth et eius minas nullus audebat secum probare, quare extendebat per plegium quod, licet deficiebat in dicta probacione, non debebat sibi cadere in preiudicium

aliquod vel grauamen, et protestabatur pro aliis causis faciendis quare in¹ dicta probacione defecit cum sibi videbitur oportune.

Eodem die Johannes Wormot vocatus ad sectam Dunc- p. 88.
cani de Mernys tamquam quarto die et peremptorie non comparuit. Dictus Dunccanus prosequens in causa suam calumpniam recitans, videlicet, quod dictus Johannes ab eo iniuste detinet viii s. tribus obulis minus, peciit sibi fieri iuris complementum, affirmans quod, ex quo dictus Johannes Wormot vocatus fuit usque ad quartum diem et peremptorie et non comparuit, ad suam peruenit calumpniam causa non defensa; et peciit super hoc iudicium sibi dari, quod quidem iudicium respectuatur per balliuos usque ad proximum diem legalem propter debilitatem curie. Et dictus Dunccanus protestatur pro costagiis suis et expensis.

Eodem die Donaldus filius Cristini ²primo die² vocatus ad sectam Fergusii Ade non comparuit. Unde precipitur seriandis citare dictum Donaldum ad crastinum diem et capere districcionem viii s. a Johanne Mungewale, fideiussore dicti Donaldi, et dare ad plegium usque ad crastinum diem, citando ipsum nouiter ad eundem diem tanquam fideiussorem.

Thomas filius Daudid vocatus ad veniendum cum sua probacione contra Robertum Barry, ut iniunctum sibi fuit, non comparuit: quare adiudicatur in amerciamento curie.

Similiter et dictus Robertus vocatus ad recipiendum probacionem dicti Thome Daudid non comparuit: quare adiudicatur in amerciamento curie.

Willelmus Gleny vocatus ad prosequendum plegium quod inuenit super Matheum Hulk non comparuit: quare adiudicatur in amerciamento curie.

Et Matheus Hulk³.

Eodem die Dunccanus de Mernys accedens ad barram obtulit se paratum ad respondendum Willelmo Diesoun super plegium per dictum Willelmum super ipsum inuentum. Quo quidem Willelmo ⁴[non]⁴ comparente dictus

¹ *in* added above the line.

³ Incomplete.

²⁻² Added above the line.

⁴ Hole in MS.

Dunccanus extendebat per plegium quod quitus fuit a sua calumpnia; et sic dictus Willelmus adiudicatur in amerciamento curie.

Eodem die Johannes Spryng obtulit se paratum ad respondendum Laurencio de Leth super plegium per dictum Laurencium super ipsum inuentum Quo quidem Laurencio non comparente dictus Johannes extendebat per plegium quod quitus fuit a sua calumpnia tamquam illo die.

Johannes Anglicus, mercator Londonie, in amerciamento curie quia non intrauit Johannem Croyis, secundum quod iniunctum fuit sibi per balliuos.

Curia tenta per balliuos decimo tercio die mensis Augusti anno quo supra, quo die curia affirmata.

Adiungitur Alano filio Jacobi crastina die ad suam acquietanciam quod non percussit filium Simonis Hervy, nec perturbauit villam cum eodem.

Adiungitur eciam Simoni Hervy ad suam acquietanciam crastina die, quod non perturbauit villam cum Alano Jacobi, plegio Alexandro Banirman. Similiter dictus Alexander deuenit plegius pro eodem Simone de indempnitate dicti Alani pro se et pro sua impetracione. Et Adam Thome deuenit plegius pro dicto Alano de indempnitate dicti Simonis pro se vel pro sua impetracione aliter quam exigit ordo iuris.

p. 84.

Curia tenta per balliuos decimo quarto die mensis Augusti anno quo supra, quo die curia affirmata.

¹Joneta uxor Walteri trompour veniens ad barram¹.

Veniens ad balliuos Emma, uxor Johannis Donaldi, et obtulit in eorum manus quemdam annum redditum duorum solidorum et vi denariorum sterlingorum sibi debitum de illa terra jacente in vico viride, quam tenuit Johannes filius Thome pakar, ad inde dandum per sasinam Simoni de Camera statum et possessionem hereditariam, quem annum redditum eadem Emma dicto Simoni vendidit pro certa summa pecunie: quam quidem statum

¹⁻¹ Scored through.

et possessionem hereditariam dicti balliui prefato Simoni contulerunt salvo iure cuiuslibet.

Eodem die veniens ad barram coram balliuis in pretorio Joneta uxor Walteri trompour, filia dicte Emme, fecit protestacionem in forma iuris, asserens quod illa sasina dicto Simoni data de dicto annuo reddito ii s. et vi d. nullius est valoris nec debeat esse quia facta est contra leges et statuta burgorum, quia, si dictus annuus redditus alienari debeat, debeat primo ad certos dies legales offerri propinquioribus de sanguine. Insuper dicta Joneta aurum at argentum obtulit ad dandum pro eodem annuo reddito prefate Emme, matri sue, affirmans per plegium quod ipsa debeat esse propinquior ad habendum dictum annum redditum sic alienatum quam aliquis alius, vel alia, qui non est ex ipsius sanguine vel progenie.

Memorandum quod Willelmus Blyndcele, tanquam attorney Alexandri Berclay et eius uxoris, fecit protestacionem de dicto annuo reddito xxx d., asserens quod est debitus dicto Alexandro ex parte uxoris eius et sic dictam sasinam interrupit. Similiter Willelmus Diesoun asseruit se esse in possessione dicti annui redditus, et sic dictam sasinam asseruit esse nullam.

Curia tenta per balliuos decimo octauo die mensis Augusti anno quo supra, quo die curia affirmata.

Johannes Croys posuit se in voluntate balliuorum de empcione cuiusdam salmonis infra villam in preiudicium et grauamen communitatis, plegio Thoma Daud.

Et eidem Johanni adiungitur ad suam acquietanciam ^{non} crastina die quod non emit pisces extra villam nec infra ^{acquietauit.} in preiudicium communitatis: et sic in amerciamento curie, plegio eodem Thoma.

Thomas Moderach posuit se in voluntate balliuorum quia iniuste namauit quosdam vicinos ville non pro debitis suis propriis, set pro debitis quorundam vicinorum ville.

Memorandum quod Johannes Ayncroft, filius, accedens ad barram fecit protestacionem.

Curia tenta per balliuos decimo nono die mensis Augusti p. 35. anno quo supra, quo die curia affirmata.

Johannes Croys in amerciamento curie quia non venit ad suam acquietanciam secundum quod iniunctum fuit sibi in curia precedente, plegio Thoma filio Dauid.

Curia tenta per balliuos vicesimo secundo die mensis Augusti anno quo supra, quo die curia affirmata.

Bricius Roberti in amerciamento curie propter iniustam recontrariacionem plegii inuenti per Johannem Loctoun, prelocutorem Thomlyn Anglici. Et hoc dictum fuit pro iudicio.

Curia legali tenta per balliuos vicesimo quinto die mensis Augusti anno quo supra, quo die curia affirmata.

Willelmus Blyndcele accedens ad barram accusauit Simonem Bayard per plegium, scilicet, quod iniuste deuastat quamdam terram quam dictus Willelmus assedauit dicto Simoni ¹pro xiii s.¹, et taxauit dampna illata dicte terre ad valorem xi s. Qui quidem Simon peciit diem legalem et assignatur sibi per balliuos proxima dies legalis ad respondendum dicto Willelmo de dicta accione, ²et est prima dies huius processus². Et omnia precedentia dictus Willelmus fecit ut attornatus dicti Alexandri ³.

Eodem die precipitur Simoni de Camera et Johanni filio Bricii, seriandis, ad summoniendum Johannem Stoyl ad comparendum proxima die legali coram balliuis responsurum Thome Spryng de accionibus quas habet contra eundem Johannem. Similiter ad summoniendum Katerinam de Sancto michaele, Laurencium Foty et eius sponsam, ad comparendum dicto Thome coram balliuis responsuros sibi de illa que habet eisdem dicere iuridice.

Eodem die Willelmus Leny accedens ad barram supplicauit balliuos ad acceptandum Thomam Spryng suum attornatum ad prosequendum nomine suo contra Matheum Hulk quod iniuste ab eo detinet xxi petras lane et dimidiam. Et precipitur Johanni Bricii, seriando, ad summoniendum dictum Matheum ad proximum diem legalem.

Thomas Marr primo die vocatus ad sectam Roberti

¹⁻¹ Added in margin.

²⁻² Scored through.

³ Alexander Berclay (*infra*, p. 70).

Qhwelp non comparuit. Unde precipitur Johanni Bricii, seriando, capere districcionem viii s. et dare ad plegium, et citare ipsum ad proximum diem legalem tamquam ad secundum diem. Et protestatur pro expensis suis medio tempore factis et faciendis propter defectum dicti Thome.

Ferguseus Ade in amerciamento curie quia non venit ad prosequendum plegium quod inuenit super Donaldum ^{nihil plus de hoc} filium Cristini et Johannem Mungwale, fideiussorem dicti Donaldi, et causa est quia seriandus non probauit quod summoniebat dictum Ferguseum, ut preceptum fuit sibi in ultima die legali.

Eodem die precipitur Simoni de Camera et Johanni ^{p. 36.} Bricii, seriandis, ad summoniendum Henricum Louthiane et Ricardum Nachty ad proximum diem legalem responsuros Johanni filio Walteri, carnifici, et plegio per ipsum inuento super dictos Henricum et Ricardum.

Eodem die accio mota inter Dunccanum de Mernys, actorem, et Willelmum Dicsoun, reum, ex consensu parcium submittitur in amicabilem compositionem : et ubi defectus reperitur presentetur balliuis, plegiis quod dicta accio amplius non veniet coram balliuis quolibet pro ipso.

Eodem die adiungitur Willelmo Boyl, baxter, in proxima die legali ad veniendum cum sua probacione contra Fersith ^{probauit} Rede ad probandum quod emit a dicto Fersith unam axem [*cum*] quibusdam curris et le raychis eiusdem. Probauit, et sic dictus Fersith in amerciamento.

Omnes warde antea dependentes adhuc propter debilitatem curie dilate sunt usque in crastinum post festum natiuitatis beate Marie virginis.¹

Assisa leuata super cognicionem panis et ceruisie compertum est quod frumenti bolla valet iii s. et bolla brasii xxxii d.

Curia tenta per balliuos vicesimo sexto die mensis Augusti ^{p. 37.} anno quo supra, quo die curia affirmata.

Johannes Spryng calumpniauit Patricium Crane quod, ex quo fuit plegius de haymhald pro Henrico de Louthiane pro quodam equo ab eodem Henrico per ipsum Johannem

¹ 9 September. *Infra*, p. 66.

empto, et ille equus fuit arestatus in vicecomitatu de Kyncardyn et ibidem ille equus a dicto Johanne iudicatus fuit per legem, idem Patricius tenetur ei restituere precium dicti equi, videlicet, xxiii s. cum dampnis suis medio tempore sublatis. Qui quidem Patricius fatebatur se plegium fuisse modo quo supra et diem peciit, videlicet, tempus xl dierum ut debitorem possit querere et parti satisfacere. Unde dicte dies sibi date sunt ad satisfaciendum parti de precio equi et de dampnis suis et expensis secundum quod ei¹ probare poteret, et ad hoc inuenit plegium videlicet.

Thomas Blake in amerciamento curie quia cepit panem ab uxore Willelmi Blakburn sine causa et iniuste sine aliquo officiaro ville.

Idem in alio amerciamento quia intulit minas eciam iniuste dicto Willelmo.

Patricius baxter	}	Isti tres sunt ad acquietanciam in die lune proxime futura, scilicet xvii die Nouembris.		
Willelmus baxter				
Willelmus baxter				
Andreas baxter fregit			}	Omnes isti obligauerunt se ad soluendum sine remissione balliuis viii s., et ad desistendum ab officio suo per unum annum, si vendant plures panes pro duodecim quam xiii panes, vel si dimittant forishabitanes pinsere in fornacibus suis in preiudicium communitatis.
Willelmus Boyl				
Simon baxter				
Johannes baxter fregit				
Johannes Thome fregit				
Robertus baxter				
Thomas Blake				
Johannes Bricii				
Andreas Gilberti				
Hesilhede fregit				

Curia tenta per balliuos vicesimo octauo die mensis Augusti anno quo supra, quo die curia affirmata.

Robertus filius Duncani veniens ad barram fecit protestacionem in forma iuris, asserens quod sasina data Johanni Wrycht de quodam annuo reddito decem solidorum exeunte de quodam crofto iacente iuxta pontem latronum ex parte orientali eiusdem, inter croftum Johannis

¹ *ei* added above the line.

Ledale ex parte australi etcroftum quod vocatur ly Newlandis ex parte boreali, nullius est valoris, nec debeat esse quia facta est contra leges et statuta burgorum eo quod dictus Robertus fuit et est in pacifica possessione dicti crofti et eciam dicti annui redditus a longis temporibus retroactis, quem annum redditum ac totum ius et clameum iuris que¹ Alanus Haket habuit in dicto crofto dictus Robertus emit ab eodem pro certa summa pecunie, que dicto Alano per dictum Robertum plenarie et fideliter est soluta, de quo quidem annuo redditu et iure dictus Robertus possessionem cepit, ut asseruit, corporalem, et, si necessitas requireret, hoc per plegium extendebit.

Memorandum quod primo die mensis Septembris anno p. 38. quo supra Johannes Scherar et Simon de Benyn deuenerunt nichil plegii pro Willelmo de Strade ad intrandum ipsum infra xv dies.

Curia tenta per balliuos primo die mensis Septembris anno quo supra, quo die curia affirmata.

Willelmus de Strade in amerciamento curie quia iniuste inuenit quoddam plegium, videlicet, quod propter recens deforciamento per ipsum factum in presencia aldirmanni non debebat calumpniari illo eodem die a balliuis, set quod debeat habere quindecim dies ad ausandum se de rationibus suis et defensionibus quas potuit pro se habere.

Adam Benyn, Willelmus Crag, Johannes Wormot, Andreas Johannis, Johannes Andree, Willelmus Scherol, Patricius Club, Adam Thome, Willelmus Gleny, Thomas Strang, Andreas Petri, Willelmus Moden, Mauricius Suerdsleper, Ferguseus filius Ade, Thomas Lamb de Foty, Thomas Willelmi, Johannes de Tulach, Johannes Loctoun, isti subscripti wardauerunt.

Eodem die Willelmus de Strade adiudicatus est per os Willelmi Croket, iudicatoris curie, in tali amerciamento quale debeat perdere pro recenti deforciamiento, quod deforciamiento Johannes filius Bricii, seriandus ville, legitime probauit cum Willelmo de Camera, patre, et Nicholao Ledale in plana curia.

¹ Substituted for *quod*, which has been scored through.

Eodem die Willelmus de Strade inuenit Willelmum Scherol plegium de indempnitate Johannis Bricii et Ade Codlyn tam facto quam verbo aliter quam exigit ordo iuris.

Curia tenta per balliuos secundo die mensis Septembris anno quo supra, quo die curia affirmata.

Donaldus Herwart posuit se in voluntate balliuorum pro verberacione cuiusdam mulieris, et sic remanet in amerciamento.

p. 39.

Curia legali tenta per balliuos nono die mensis Septembris anno quo supra, quo die curia affirmata.

Johannes Stoyl vocatus ad sectam Thome Spryng non comparuit. Precipitur seriandis capere districcionem octo solidorum de dicto Johanne, et dare ad plegium, et citare ipsum nouiter; et est huius processus prima dies.

Item Katerina Pyngle, sponsa Johannis Stoyl, et Ysabella Pingle, sponsa Laurencii de Foty, filie et heredes quondam Mariorie de Blakwater, vocate ad sectam Thome Spryng non comparuerunt. Precipitur seriandis capere districcionem etc.; et est huius processus prima dies.

Item Thomas de Marr secundo die vocatus ad sectam Roberti Qwelp non comparuit. Quare precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter tanquam ad tercium diem.

Item warda dependens inter Robertum Colini et Thomam Blak super excepciones interpositas per Johannem de Spens, prelocutorem dicti Thome Blake, contra probacionem dicti Roberti Colini anteductis racionibus hincinde ostensis deposita fuit ad declaracionem et determinacionem curie. Partibus de curia remotis curia decreuit quod ille exceptiones interposite contra dictam probacionem nullius fuerunt valoris vel momenti, et quod dicta probacio fuit in se valida et iusta, et idem Thomas annulum de quo agitur restituere debeat, vel eius precium, ¹dicto Roberto¹, et quod remansit in amerciamento curie. Et hoc datum fuit pro iudicio per os Willelmi Croket, iudicatoris curie, nemine contradicente.

¹⁻¹ Added above the line.

Item Willelmus scissor veniens ad barram peciit iudicium sibi dari super causam dependentem inter ipsum et Bricium filium Roberti de qua antea agitur, ¹et¹ asserit se tres processus fecisse tribus diebus legalibus retroactis cum quarto die ¹et¹ peremptorio, prout in rotulamentis inde prius factis continetur. Curia auisata decreuit quod dictus Willelmus ad eius peruenit calumpniam super premissa per legitimum iuris processum causa non defensa, et quod dictus Bricius dictum par de paternostris cum monile argenteo debeat restituere, prout superius expressatur, ipsi Willelmo, et dictus Bricius in amerciamento curie. Et hoc datum fuit pro iudicio per os iudicatoris antedicti.

Item Matheus Hulk primo die vocatus ad sectam Willelmi Ricardi Gleny non comparuit. Quare precipitur seriandis capere districcionem viii s. et dare ad plegium.

Item Ricardus Nachtisoun et Henricus de Louthiane vocati ad sectam Johannis filii Walteri, carnificis, non comparuerunt. Quare precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsos nouiter etc. Et est huius processus prima dies.

Eodem die assignatur Johanni de Tulach ad veniendum cum sua probacione in octabis presentis curie ad probandum quod Johannes Flechar cepit de ipso quamdam terram in vico de Foty iacentem ad firmam, quod dictus Johannes Flechar negauit. probauit

Simon Bayard vocatus ad sectam Willelmi Blyndcele non comparuit. Quare precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter, et est huius processus ²prima dies². p. 40.

Eodem die Dunccanus de Mernys veniens ad barram peciit iudicium sibi dari super causam dependentem inter ipsum et Johannem Wormot, de qua antea agitur, asserens se tres processus fecisse tribus diebus legalibus retroactis cum quarto die et peremptorio, prout in rotulamentis inde superius confectis continetur. Curia auisata decreuit quod dictus Dunccanus ad suam peruenit calumpniam super premissa per legitimum iuris processum causa non defensa,

¹ et added above the line.

²⁻² Substituted for *secunda dies*, which has been scored through.

et quod dictus Johannes dictos viii s. tribus obulis minus Dunccano predicto debeat restituere, prout superius expressatur. Et hoc ex ore Willelmi Croket iudicatoris curie datum fuit pro iudicio nemine contradicente, teste curia: et dictus Johannes remanet in amerciamento curie.

Curia tenta per balliuos decimo sexto die mensis Septembris anno quo supra, quo die curia affirmata.

Johannes flechar in amerciamento curie quia negavit quod cepit quamdam terram ad firmam de Johanne de Tulach, quod dictus Johannes probavit, ut sibi assignatum fuit in precedente curia.

Eodem die Thomas filius Johannis, carnifex, posuit se in voluntate balliuorum quia fuit rebellis seriandis ville.

Eodem die adiungitur Henrico sclatar in octabris [*sic*] presentis curie ad veniendum cum sua probacione ad probandum quod Thomas Johannis iniuste fregit arcum suum.

p. 41.

Eodem die Thomas filius Johannis, carnifex, inuenit Johannem filium Jacobi et Johannem Hervy plegios quod amplius non erit maledicens vel rebellis aliquibus officiariis ville sub pena duarum librarum cere solvendarum ad lumen beati Nicholay et duarum librarum soluendarum ad lumen beate Marie, quas quatuor libras soluet tociens quociens delinquit, ut predicitur.

Jouis

Curia tenta per balliuos xix die mensis Septembris anno quo supra, quo die curia affirmata.

Thomas Blake posuit se in voluntate balliuorum de fraccione assise panis, prout se obligavit pro communi utilitate ville.

Item posuit se in voluntate balliuorum pro rebellionem quam fecit Roberto Rede, seriando, exercendo officium suum.

Accio inter hetman et Robertum faucuner differtur usque ad crastinum diem, et plegio pro Roberto faucuner Willelmo de Crag, et plegio pro hetman Willelmo Borthwyk.

p. 42.

Curia legali tenta per balliuos vicesimo secundo die mensis Septembris anno quo supra, quo die curia affirmata.

Accio mota inter Thomam Spryng et Johannem Stoyl

ex consensu utriusque partis submittitur ad ordinacionem proborum hominum; et utraque pars inuneit plegios quod dicta accio amplius non veniet coram balliuis. Johannes Stoyl inuenit Johannem Andree plegium, et dictus Thomas inuenit Laurencium Leth plegium quod amplius non veniet coram balliuis in eorum defectu.

Eodem die Katerina Pingle, sponsa Johannis Stoyl, et Isabella Pingle, sponsa Laurencii de Foty, filie et heredes quondam Mariorie Blakwater, vocate ad sectam Thome Spryng non comparuerunt. Precipitur seriandis capere districcionem viii s. et dare ad plegium et citare ipsam [*sic*] nouiter: et est huius processus secunda dies.

Memorandum de determinacione accionis mote inter Laurencium de Leth ex una parte et Johannem Andree ex alia parte, iudicatum fuit quod dictus Laurencius ad eius peruenit calumpniam de quadam porcione petrarum ad valorem quinque marcarum, et [*quod dictus Johannes*] tenetur dictas petras restituere, vel eius valorem, et sic dictus Johannes in amerciamento. In eadem causa iudicatum est quod Willelmus Dicsoun tenetur ipsum Johannem warandizare et indempnem obseruare erga ipsum Laurencium et omnes alios de dictis petris, vel saltem sibi precium restituere secundum quod solueret, et ipse Willelmus in amerciamento quia illas petras ille Willelmus illegittime vendidit.

W. Dicsoun
in amercia-
mento

Thomas de Marr vocatus ad sectam Roberti Qwhelp non comparuit. Precipitur seriando capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter etc.: et est huius processus *tercia dies*.

Ricardus Nachtisoun et Henricus Louthiane vocati ad sectam Johannis Walteri, carnificis, non comparuerunt. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsos nouiter etc. et est huius *secunda dies* processus secunda dies.

Patricius baxter veniens ad barram calumpniauit Johannem filium Walteri, carnificis, quod iniuste ab eo detinet iii s. ix d. et x petras cepi et vii coria, qui quidem Johannes peciit diem legalem.¹

¹ Unde assignatur sibi scored through after legalem.

secunda dies
p. 43. Simon Bayard secundo¹ die vocatus ad sectam Willelmi Blyndcele, tanquam attornatus Alexandri Berclay, non comparuit. Precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter etc.

Matheus Hulk secundo die vocatus ad sectam Willelmi filii Ricardi Gleny non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad tercium diem etc.

Curia tenta per balliuos vicesimo tercio die mensis Septembris anno quo supra, quo die curia affirmata.

Johannes Bricii primo die vocatus ad sectam domini Jacobi de Douglas, militis, non comparuit. Precipitur seriandis capere districcionem, et dare ad plegium, et citare ipsum nouiter ad crastinum diem tanquam ad secundum diem huius processus.

Eodem die Daudid de Scrogis calumpniatus de pintis suis, quod non fuerunt sufficientes etc, posuit se in voluntate balliuorum.

[C]²uria tenta per ball[iuos vi]²cesimo quarto die mensis Septembris anno [quo]² supra, quo [die curia]² affirmata.

Willelmus de Strade in amerciamento quia non venit ad prosequendum plegium quod [inuenit super quemdam homin]² em, vocatum Alexandrum filium Reginaldi.

Curia tenta per balliuos vicesimo sexto die mensis Septembris anno quo supra, quo die curia affirmata.

Willelmus de Strade in amerciamento quia cecidit a plegio quod inuenit super Alexandrum filium Reginaldi.

Curia tenta per balliuos vicesimo septimo die mensis Septembris anno quo supra, quo die curia affirmata.

Willelmus Moden primo die vocatus ad intrandum Alexandrum Reginaldi non comparuit. Precipitur seriandis capere districcionem viii s., et dare ad plegium.

¹ *tercio* scored through, and *secundo* added above the line.

² MS. stained.

Curia tenta per balliuos ultimo die mensis Septembris p. 44. anno quo supra, quo die curia affirmata.

Willelmus Moden secundo vocatus ad intrandum Alexandrum filium Reginaldi ad sectam Willelmi de Strade non comparuit. Precipitur seriandis capere districcionem viiis., et dare ad plegium, et citare ipsum nouiter.

Item Willelmus filius Andree primo die vocatus ad intrandum Johannem Ingrame, magistrum nauis, non comparuit. Precipitur seriandis capere districcionem etc.

Similiter dictus Johannes Ingerame vocatus ad intrandum omnes nautas suos non comparuit, quare remanet in amerciamento.

Curia tenta per balliuos primo die mensis Octobris anno quo supra, quo die curia affirmata.

Willelmus Moden tercio vocatus ad intrandum Alexandrum filium Reginaldi ad sectam Willelmi de Strade non comparuit. Precipitur seriandis capere districcionem viii s. et dare ad plegium etc.

Item Willelmus filius Andree secundo die vocatus ad intrandum Johannem Ingrame, magistrum nauis, non comparuit. Precipitur seriandis capere districcionem viii s. etc.

Similiter dictus Johannes Ingrame vocatus secundo ad intrandum omnes nautas suas [*sic*] non comparuit, quare est in amerciamento.

Curia tenta per balliuos secundo die mensis Octobris anno quo supra, quo die curia affirmata.

Assignatur Willelmo de Strade in octobis [*sic*] presentis curie ad probandum legitime quod contractus calumpnie de accione mota inter ipsum et Alexandrum filium Reginaldi fuit factus in burgo de Abirdene, plegio pro dicto Alexandro quod veniet dicto die ad recipiendum dictam probacionem Willelmo Moden. Dictus vero Alexander protestatur pro sumptibus suis et expensis.

Curia tenta per balliuos tercio die mensis Octobris anno p. 45. quo supra, quo die curia affirmata.

Johannes Ingerame, magister nauis.

Johannes bakar.

Patricius thekar	} quilibet istorum quatuor in amercia- mento quia iniuste vendiderunt et mensurauerunt poma et pira infra nauem.
Michael	
Huber Jansoun	
Jac Hermanstoun	
Magnus	

Adiungitur Johanni Ingerame ad suam quitanciam crastina die quod non vendiderunt nec mensurauerunt [*sic*] poma, vel pira, vel cepas, infra nauem contra statuta burgorum regni Scocie. Similiter adiungitur Johanni bakar et Huber Jansoun crastina die ad suas acquietancias de eadem causa. Similiter et eodem die et propter eandem causam adiungitur Nicholao Mercer ad suas quitancias.

Adiungitur Johanni bakar ad suam quitanciam crastina die quod non maledixit Willelmo Croket, iudicatori curie, in curia affirmata.

Adiungitur Johanni Lambyntoun ad suam quitanciam crastina die quod nesciuit quod poma per ipsum empta fuerunt mensurata in nauis.

Curia capitali tenta per balliuos die lune proxime post festum Beati Michaelis Archangeli anno quo supra, quo due curia affirmata.

Matheus Hulk tercio die vocatus ad sectam Willelmi Gleny non comparuit. Precipitur seriandis capere districcionem viii solidorum, et dare ad plegium, et citare ipsum nouiter ad quartum diem.

Eodem die Thomas Marr vocatus ad sectam Roberti Qwelp tanquam quarto die et peremptorie non comparuit. Robertus Qwelp prosequens in causa sua, recitans calumpniam, videlicet, quod idem Thomas ab eo iniuste detinet [*incomplete*].

p. 46.

Ricardus filius Nachty et Henricus Louthiane tercio vocatus ad ¹[*sectam*]¹ Johannis Walteri, carnificis, non comparuerunt. Precipitur seriandis capere ¹[*districcionem*]¹ viii s., et dare ad plegium, et citare ipsos nouiter etc. Et est huius processus tercia dies.

¹⁻¹ Illegible owing to stain.

Johannes filius Walteri, carnifex, primo die vocatus ad sectam¹ Patricii pistoris non comparuit. Precipitur seriandis capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter etc.

Memorandum quod die Martis sequente Nicholaus filius Ade deuenit plegius pro Andrea harpar ad intrandum coram Willelmo de Camera, patre, et ad satisfaciendum voluntati sue nomine communitatis, vel alias intrabit personam.

Nicholaus Ade in amerciamento quia non venit ad prosequendum plegium quod inuenit super unum fabrum pro una bilance, plegio pro illo amerciamento Ada Thome.

Curia legali tenta per balliuos vicesimo die mensis Octobris anno quo supra, quo die curia affirmata.

Petrus de Paxtoun primo die vocatus ad sectam Thome Spryng non comparuit. Precipitur seriandis², videlicet, Mauricio filio Roberti capere districcionem etc.

Accio mota inter Willelmum Gleny et Matheum Hulk submittitur in amicabilem compositionem proborum hominum ad hoc electorum, et, ubi defectus reperietur, presentabitur balliuis, plegio pro Willelmo Gleny pro presentacione defecti [*sic*], si in ipso reperiatur, Thoma Spryng, et plegio pro dicto Matheo se ipso ad presentandum dictum defectum balliuis, si in ipso reperiatur.

Item accio mota inter Robertum Qwelp et Thomam de Marr submittitur eciam in amicabilem compositionem proborum hominum ad hoc ex consensu utriusque partis electorum. Unde pro dicto Roberto Thomas Spryng deuenit plegius tam de presentacione defecti balliuis, si in ipso³ Roberto³ dicto defectus reperiatur, quam de dicta accione non ulterius prosequenda coram dictis balliuis in forma iuris. Et eodem modo dictus Thomas de Marr deuenit plegius pro se ipso de dictis duobus punctis eodem modo et effectu quibus supra.

Henricus de Louthiane in amerciamento propter in-

¹ *Walteri filii Patricii* scored through.

² *Sic*; followed by *capere di* scored through.

³⁻³ Added above the line.

iustam recontrariacionem plegii inuenti per Thomam Spryng, prelocutorem Mariorie Blacburn : et hoc datum fuit pro iudicio.

Eodem die Katerina Pingle sponsa Johannis Stoyl et Ysabella Pingle sponsa Laurencii de Foty, filie et heredes quondam Mariorie de Blakburn, vocate ad sectam Thome ¹[*Spryng non*]¹ comparuerunt. ¹[*Precipitur seriandis*]¹ capere districcionem etc. et est huius ¹[*processus tercia dies*]¹.

p. 47.

Accio mota inter Ricardum filium Nachty et Robertum Louthiane, ex une parte, et Johannem filium Walteri carnificis, ex alia, differtur ad proximum diem legalem ut medio tempore seriandi possint probare summoniciones suas legitime factas ²et ut ordo iuris requirit² dictis Ricardo et Henrico [*sic*] secundum formam processuum precedencium.

³[*Eodem d*]³ie accedens ad barram Henricus de Louthiane extendebat per plegium in manibus balliuorum in plana curia quod Marioria Blakburn ab eo iniuste detinet unum ³[*monile precii*]³ vii s. sine lapidibus in dicto monile infixis ; que quidem Marioria peccit ³[*diam*]³ legalem etc.

Eodem die Johannes Stoyl vocatus ad sectam Thome Spryng non comparuit. Precipitur seriandis ³[*capere*]³ districcionem octo solidorum, et dare ad plegium etc. : et est huius processus secunda dies.

Eodem die probi homines electi ad componendum de accione mota inter Willelmum Gleny et Matheum Hulk determinauerunt et ordinauerunt dictum Matheum satisfacere dicto Willelmo de summa quam potuit legitime probare contra eum. Qui quidem Willelmus surgens in plana curia cum pluribus fidedignis de burgensibus ville optulit se probare quod dictus Matheus tenebatur in xxi petris et dimidio lane secundum quod sibi per dictos compositores amicabile adiungebatur. Statim Alexander Banirman et Simon de Benyn, prelocutores dicti Mathei, extendebant per plegium quod dicta probacio non fuit sufficiens eo quod dicta lana [*sic*] extendebant [*sic*] sum-

¹⁻¹ MS. stained ; but cf. *supra*, pp. 66, 69.

²⁻² Scored through.

³⁻³ MS. stained.

mam quinquaginta solidorum, asserentes quod summa excedens 1 s. debet probari per taynt probacionem, qualis non fuit illa, et hoc, ut predicitur, per plegium extendebant. Thomas Spryng, prelocutor Willelmi Gleny, dictum plegium recontrariauit, et sic ad wardam curie. Que curia decreuit quod plegium inuentum per prelocutores dicti Mathei nullius fuit valoris et recontrariacio fuit valoris; et hoc datum fuit pro iudicio: et dictus Matheus remanet in amerciamento.

Accio mota inter Matheum sutorem hudeman et unum ruremanentem submittitur in amicabilem compositionem, et, ubi defectus reperitur, presentabitur balliuis, plegio pro ruremanente Johanne Tulach, Matheo sutore plegio pro se ipso.

Johannes Johannes [*sic*] Bell, sutor, in amerciamento pro iniusta inuencione plegii super uxorem Turnbull de una securi.

Accio mota inter Bricium Dunccani et Philippum p. 48. Johannis submittitur in amicabilem compositionem, et, ubi defectus reperitur, presentabitur balliuis, plegio pro presentacione defectus Simone Lamb.

Uxor Turnbull in amerciamento curie quia inobediens fuit seriandis, set remittitur.

Hugo Aberbothnot in amerciamento quia non intrauit Johannem Euermar et Willelmum Michaelis ad calump- nichil niam balliuorum pro perturbacione ville, secundum quod pro eisdem deuenit plegius.

Johannes Crab deuenit plegius pro Matheo Hulk quod non dampnabit Willelmum Gleny aliter quam dictauerit ordo iuris, et Thomas Spryng deuenit plegius pro Willelmo Gleny de indempnitate dicti Mathei.

Eodem die Simon Bayard tercio die vocatus ad sectam Willelmi Blyndcele, attornati Alexandri Berclay, non comparuit. Precipitur Ferguseo Ade, seriando, capere districcionem octo s., et dare ad plegium etc.

Assisa leuata super cognicione panis et ceruisie compertum est quod bolla frumenti valet iii s., et bolla brasii valet iii s.

Patricius Club deuenit plegius pro Willelmo Spaldyng de indempnitate Willelmi Boyl, baxter, et Johannes Ledale

deuenit plegius pro Willelmo Boyl, baxter, de indempnitate dicti Willelmi Spaldyng.

p. 40.

Curia tenta per balliuos vicesimo secundo die mensis Octobris anno quo supra, quo die curia affirmata.

nichil

Assignatur Johanni Ingrame, magistro nauis, in crastino die ad [*incomplete*].

Quo die Alanus filius Jacobi deuenit pro Thoma Spryng plegius de indempnitate Willelmi Crab, et Robertus filius Duncceani deuenit plegius pro Willelmo Crab de indempnitate dicti Thome.

Curia tenta per balliuos vicesimo tercio die mensis Octobris anno quo supra, quo die curia affirmata.

Johannes Gilberti calumpniatus per balliuos de fraccione precii facti per appreciatores carniuum concessit fraccionem precii, et de hoc posuit se in voluntate balliuorum, et sic in amerciamento.

Adiungitur Thome filio Johannis, carnifici, ad suam acquietanciam in octobis [*sic*] presentis curie quod non fregit precium carniuum a tempore quo ultimo fuit correctus usque nunc.

Laurencius Campsy posuit se in voluntate balliuorum de fraccione precii, set considerandus est quia de modico.

Johannes filius Thome posuit se in voluntate balliuorum de fraccione precii carniuum.

Adiungitur eidem in octabis presentis curie ad suam acquietanciam quod non vendidit unum bouem appreciatum quolibet quarterio pro xvi d. carius quam dicta appreciatio.

Willelmus filius Ade posuit se in voluntate balliuorum pro fraccione precii carniuum.

Willelmus Crab posuit se in voluntate balliuorum de perturbacione Thome Spring.

Gilbertus Hervy posuit se in voluntate balliuorum pro fraccione precii carniuum.

p. 50.

Curia tenta per balliuos xxv die mensis Octobris anno quo supra, quo die curia affirmata.

Henricus sclatar calumpniatus per balliuos de perturbacione ville et Nicholai Mercer, vicini sui, negauit dictam

perturbacionem, tam ville, quam vicini sui. Quare adiungitur sibi ad suam acquietanciam in die lune proxime futura.

Similiter Nicholaus mercer eodem modo calumpniatus et propter eandem causam negavit omnem perturbacionem. Eodem die lune adiungitur sibi ad suam acquietanciam de dicta perturbacione.

Eodem die Thomas Spryng calumpniatus de perturbacione curie et Willelmi Crab, vicini sui, negavit dictam perturbacionem, tam curie, quam dicti Willelmi, propter quod adiungitur sibi ad suam acquietanciam die lune proxime futura etc.

Curia tenta per balliuos vicesimo septimo die mensis Octobris anno quo supra, quo die curia affirmata etc.

Henricus sclatar non uenit cum acquietancia sua secundum quod sibi adiungebatur, set posuit se in voluntate balliuorum si villam vel suum vicinum suum [*sic*] Nicholaum mercer in aliquo perturbauit.

Stephanus de Foresta vocatus ad prosequendum plegium quod inuenit super quadam muliere non comparuit. Unde Johannes de sancto Michaele, prelocutor diete mulieris, extendebat per plegium quod dicta mulier quita fuit a calumpnia Stephani pro nunc quousque nouiter fuerit attachiata.

Nicholaus mercer non uenit ad acquietanciam suam secundum quod adiungebatur sibi. Quare adiudicatus est in amerciamento curie.

Accio mota inter Johannem Spryng et Patricium Crane de uno equo, que est ad wardam curie, differtur ad proximum diem legalem propter debilitatem curie.

Thomas Scot, magister Farcost,¹ in amerciamento quia iniuste vendidit carbones domini Patricii Gray, militis.

Curia tenta per balliuos penultimo die mensis Octobris p. 51. anno quo supra, quo die curia affirmata.

Curia legali tenta per balliuos tercio die mensis Nouembris anno quo supra, quo die curia affirmata.

¹ A small ship.

Eodem die Johannes Stoyl terciò vocatus ad sectam Thome Spryng non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem.

Eodem die warda dependens inter Johannem Spring et Patricium Crane adhuc propter debilitatem curie differtur ad proximum diem legalem.

Robertus Marr vocatus ad sectam cuiusdam mulieris commorantis cum Willelmo Foty non comparuit. Precipitur seriandis capere districcionem etc., et citare ipsum nouiter ad crastinum diem.

Idem Robertus comparuit et adiungitur dicte mulieri ad suam probacionem in octobis [*sic*] presentis curie ad probandum quod satisfecit dicto Roberto pro reparacione unius cofre secundum quod conuentum fuit inter ipsos, videlicet, de x denariis.

Memorandum quod Simon Bayard extendebat plegium quod quitus fuit a calumpnia Willelmi ¹[*Bly*]¹ndce¹[*l*]¹e etc.

Item Katerina Pingle et Isabella Pyngle quarta die et peremptorie vocate ad sectam Thome Spryng etc.

Item Memorandum de processu Johannis filii Walteri ¹[. .]¹.

p. 52.

Curia tenta per balliuos decimo die mensis Nouembris anno quo supra, quo die curia affirmata.

Willelmus Scherol deuenit plegius pro Johanne Horn ad intrandum ipsum coram preposito responsurum sue calumpnie pro tannacione.

Willelmus Andree vocatus ad intrandum Stephanum Philippi non comparuit. Precipitur seriandis capere districcionem etc., et citare ipsum ad crastinum diem tanquam ad secundum diem huius processus.

Johannes de Lyntoun in amerciamento quia fecit se prelocutorem pro Roberto Marr sine licencia balliuorum perturbando curiam affirmatam.

Mulier commorans cum Willelmo Foty venit cum sua probacione et probauit quod satisfecit Roberto Marr de x denariis pro reparacione unius cofre, et precipitur Roberto

¹ MS. stained.

predicto ad restaurandum dictam cofram dicte mulieri. Unde inuenit Nicholaum Ledale plegium quod infra octo dies dictam cofram restauraret, et adiudicatur in amerciamiento curie propter detencionem dicte cofre.

Robertus Wan in amerciamiento pro verberacione cuiusdem mulieris, plegio Gilberto de K[ynros] ad satisfaciendum voluntati balliuorum.

Curia tenta per balliuos xiii die mensis Nouembris anno quo supra, ¹[quo die]¹ curia affirmata.

Adiungitur uxori Johannis Bricii ad suam acquietanciam die lune proxime futura quod non tenuit forum in domo sua emendo vel vendendo brasium vel farinam vel permittendo aliquos emere vel vendere in domo sua in preiudicium communitatis.

²[Thomas Benche]² posuit ²[se in]² voluntate balliuorum de empcione et vendicione ²[.....]².

[Ste]phanus de Foresta calumpniauit quamdam mulierem p. 53. quod iniuste ab eo tenet iii s.

³[Johannes]³ Spens, prelocutor dicte mulieris, negauit iniustam tencionem dicte pecunie quia, ut ²[asseruit]² dicta mulier inuenit dicto Stephano unum sufficientem plegium et debitorem principalem, ³[quem]³ dictus Stephanus cepit, omnino dictam mulierem exonerando, et hoc obtulit se probare. ³[Unde]³ assignatur dicte mulieri ad veniendum in octobis [sic] presentis curie cum sua probacione, plegio pro dicta muliere Johanne Spens.

Curia tenta per balliuos xiiii die mensis Nouembris anno quo supra, quo die curia affirmata etc.

Andreas filius Petri est in amerciamiento curie quia fecit se prelocutorem pro uno rurali sine licencia balliuorum perturbando curiam.

Adiungitur Patricio Club ad veniendum crastino die cum sua probacione contra unum ruralem ad probandum quod uxor eius tradidit dicto rurali ii s. pro una bolla

¹⁻¹ MS. stained.

²⁻² Illegible owing to rubbing. Cf. *infra*, p. 111.

³⁻³ MS stained. Cf. *infra*, p. 111.

farine, et, si aliquid plus vellent dare dicto rurali pro dicta bolla farine, uxor dicti Patricii tantum promisit soluere dicto rurali quantum aliquid ultra ii s. sibi obtulerunt in die sequente. Probauit et dictus ruralis in amerciamento.

Adiungitur Waltero Rede ad veniendum die lune proxime futura ad acquietandum se nomine uxoris sue quod non peiorat forum emendo vel vendendo brasium, farinam, vel auenam pro maiori precio quam vicini sui offerunt pro iisdem, et eciam quod non propinat alique de rebus antedictis in domo sua in preiudicium communitatis.

Mariota, quedam mulier, cum prelocutore suo, Thoma Willelmi, in cuius terra commoratur, extendebat plegium quod quita fuit a calumpnia Gilberti de Kynros de plegio quod dictus Gilbertus inuenit super dictam mulierem ¹nomine Roberti Wan¹ ²et sic dictus Robertus in amerciamento pro defectu prosecucionis dicti plegii.

Curia tenta per balliuos xv die mensis Nouembris anno quo supra, quo die curia affirmata.

Thomas Willelmi vocatus ad intrandum quamdam mulierem ¹vocatam Mariotam¹ ad sectam Thome Wan non comparuit cum dicta muliere. Precipitur seriandis capere districcionem viii s. a dicto Thoma, et dare ad plegium, et citare ipsum nouiter cum dicta muliere ad diem Lune proxime futurum tanquam ad secundum diem huius processus.

p. 54.

Expense prepositi l. de L.

In primis Willelmo de Camera, patri, et Simoni de Benyn ad quoddam consilium tentum apud Lytheu.

Item deliberati episcopo qui iacuit in domo Vicarii pro vino—xxxii d.

Item dati regi de cageris pro ictu sanguineo per Matheum Pynches ad emendum—vi s. viii d.

¹⁻¹ Added above the line.

² et sic dictus Gilbertus in amerciamento quia non venit ad prosequendum dictum plegium scored through.

Item Willelmo Made pro litera habenda apud Perth—
iiii s. iiii d.

Item Willelmo Mure pro comissione habenda ad
Willelmum de Camera apud Perth—ii s.

Item mimis Comitibus de Crawford—vi s. viii d.

Item Alexandro de Keth dimidia lagena vini—xxxii d.

Item Dunccano filio Johannis—xii d.

Item dati episcopo in taberna Johannis Andree—
xxvii d. pro v pintis.

Item ibidem dati Alexandro sen—ii s. pro iiii pintis.

Item dati domino Roberto de Erskyn in taberna ¹[W.]¹
Blyndcele—ix s. pro vino.

Item ibidem Alexandro sen—iiii s. in vino.

Item W. de Camera et domino Willelmo Lang in taberna
Gilberti Kynros—xii d. pro iii pintis.

Item dicto episcopo in taberna de Newport—viii d.

¹[Item]¹ ibidem Alexandro senn dati ¹[pro]¹ } Summa
xiiii pintis—iiii s. viii d. } vii s.

Item ibidem Willelmo de Camera, patri—v pinti
—xx d.

Item in taberna Roberti Daud dati Alexandro sen et
diuersis vicinis ville in diuersis potacionibus—xx¹[d.]¹.

Item in taberna Johannis Cristini date episcopo—
ii lagene—²v s. iiii d.²

Item eidem de taberna Ricardi Inchemethem ii s., in
Romany, ³quando episcopus commedebat in domo Wil-
helmi de Camera³.

Item in taberna Johannis Cristini, Laurencius Leth et
R. Daud cum aliis de communitate—x pinti xl d.

Item in taberna dicti Ricardi, Laurencius de Leth, R.
Daud, Johannes Scherar, [Willelmus] Borthwik, balliui,
et alii de communitate—vii pinti et i chopyn—iiii s.

Item nuncio Regis qui vocatur Beny xx d. ad expensas
suas et ad ferrandum equum.

Item hominibus ¹[...] ¹Alexandri senn, qui fuerunt
capti, ad expensas suas—v s.

¹ MS. stained.

²⁻² Substituted for *xxxii d.*, which has been scored through.

³⁻³ Added in margin.

Item pro acquisitione arcus, gladii, et sagittarum cuiusdam hominis dicti Alexandri—xvi d.

¹[*Item*]¹ in taberna Simonis de Benyn in vino dato Camerario—vii s. vi d.

Item Henrico taillour pro portacione litterarum ad comitem de Crawford—xl d.

Item nuncio comitis Orcadie—ii s.

¹[*Item*]¹ ad crucem—xl s.

Item in solio custume prepositus antiquus soluit preposito nouo in vino—iiii s.

Memorandum de ix d. potacionum.

p. 55.

Computus balliuorum burgi de A.

Item in taberna Ricardi Lownan dati communi consilio in pretorio post aduentum Willelmi de camera, ipsis ibidem sedentibus pro iudiciis falsificatis—vi s., et domino Willelmo Lang cum W. de Camera et clerico ¹[. .]¹ in taberna Laurencii de Benyn in vino dato diuersis de villa immediate post ponderacionem ¹[*l*]¹ane—xxxii d.

Item dati Alexandro Senn pro vino ante portam R. Daud—ii s.

p. 56.

Assedacio reddituum burgi de Abirdene facta in pretorio eiusdem per balliuos, videlicet, per Robertum filium Daud, Johannem scherar, Simonem de Benyn, et magistrum Willelmum Diesoun die lune xviii die mensis Nouembris anno domini millesimo ccc^{mo} nonagesimo octauo.

Le Garne

Assedatur Johanni filio Andree pro sex libris, ut patet in communi libro de anno etc. nonagesimo sexto, quolibet anno, videlicet, pro sex libris.

Schethokisley

Assedatur Alexandro Banirman et Willelmo filio Andree, quolibet anno pro iii libris, ut patet in dicto libro de eodem anno.

¹⁻¹ MS. torn.

Stellis

Assedatur ¹Willelmo filio Andree et Johanni scherar pro octo libris¹, Willelmo de Camera, filio, Johanni Loctoun et Roberto Daudid pro sex libris, plegio altero alterius.

Redditus perticarum

Stallancia cum parua tollonia, da[n]tur seriandis pro eorum seruiciis.

Foresta cum fogage

Assedatur Johanni de Spens pro uno anno pro ii marcis, plegio Simone de Camera.

Redditus de Rubislaw

Assedantur Simoni de Camera pro uno anno pro xl s., plegio Nicholao Ledale, et pro villa de Rubislaw ordinatur ad soluendum xiii s. et iiii d. ex communi concilio.

Tollis ferlote

Assedatur Mauricio de Suerdsleper per unum annum pro viginti marcis, plegiis Ricardo de Lownan et Andrea filio Petri.

Aqua Borealis²

p. 57.

³[Assedatur]³ Ade de Benyn, et Ricardo de Lownan, et Ricardo Fichet quodlibet ³[r . . . pro]³ viginti libris, plegiis altero alterius pro uno anno.

Le Crays

³[Assedatur]³ Alexandro Banirman, Thome Lamb Yhung, et Willelmo Thaynstoun pro ³[. . .]³ una libra, dimidietate, videlicet, dicto Alexandro et alia dimidietate dictis

¹⁻¹ Scored through.

² The *cavels* of the fishings at the end of the eighteenth century still included the North Side, Mid Channel, Pot Water, Fords, and Bridge Water (*Old Statistical Account*, xix, 216).

³ MS. torn down inner edge of page.

¹[*Thome*]¹ et Willelmo, plegiis altero alterius. Et ista assedacio est per ²tres annos² ¹[...] salch et alryn ad sufficientiam de le stokat tantum.

Stake

¹[*Assedatur*]¹ Willelmo de Camera, filio, Roberto filio David, et Johanni Loctoun per unum annum, ¹[*quodlibet*]¹ rete pro xi marcis, plegiis altero alterius. Sunt quinque rete [*sic*] et dimidium retis—xl li. vi s. viii d.

Midchyngil

¹[*Assedatur*]¹ predictis Willelmo, Roberto, et Johanni per unum annum, quodlibet rete pro quatuor marcis, plegiis altero alterius. Sunt sex rete—xvi li.

Le Pot

Assedatur eisdem Willelmo, Roberto, et Johanni per [*unum*] annum, quodlibet rete pro quinque marcis, plegiis altero alterius. Sunt sex rete.

Le Furdis

Assedatur eisdem Willelmo, Roberto, et Johanni per unum annum, quodlibet rete pro quinque marcis, plegiis altero alterius. Sunt septem rete et dimidium retis—xxv li.

Molendinum

Assedatur una medietas Simoni Lamb pro x libris, Willelmo de Camera, patri, et Willelmo filio Andree alia medietas pro x libris, plegiis altero alterius, pro termino quatuor annorum a dato presentis assedacionis complendorum.

¹ MS. torn down inner edge of page.

²⁻² Substituted for *unum annum* which has been scored through.

Isti dederunt ad expensas Johannis Bricii quilibet p. 58.

¹[.]¹

Willelmus de Camera, pater
 Adam Benyn
 Laurencius Leth
 Magister Willelmus de Camera
 Johannes Loctoun
 Johannes scherar
 Simon Lamb
 Willelmus Borthwik
 Robertus Daud
 Prior Carmelitarum
 Johannes filius Thome
 Matheus Balram
 Willelmus Blyndcele
 Johannes Ruthirford
 Willelmus Crag
 Matheus Hulk
 Walterus Rede
 Johannes Carsane

Marion Branche

p. 59.

Malice Sprunt

Meg Campsy xii d.

Syffy Rauffe xii d.

Meg Walchope xii d.

Marion Fetes xii d.

Marion Sybald

Johannes Barry } Ambo ii s.
 Willelmus Gilruth }

Enot Mirden xii d.

Joneta Kynlos, sutrix xii d.

Aly Webster xii d.

Alexander lepar xvi d

Johannes Alani de Colly ii s.

²Wymark²

¹⁻¹ MS. torn down inner edge of page.

²⁻² Scored through.

Inge						
Johannes Roberti	.	.	.	.	.	xii d.
Willelmus Wyly	.	.	.	.	.	ii s.
Maulde Benche	.	.	.	.	.	ii s.
Andreas Calby	.	.	.	.	.	xii d.
Thomas thekar	.	.	.	.	.	ii s.
Johannes Patricii	}	.	.	.	.	xl d.
Uxor eius						
Bertholomeus						
Elena filia Walteri Patricii						
Johannes taillour	.	.	.	.	.	xii d.
Galfridus taillour	.	.	.	.	.	xvi d.
Thomas lorymer	.	.	.	.	.	ii s.
Girkin Webster	.	.	.	.	.	ii s.
Andreas Coupar	.	.	.	.	.	ii s.
Robertus de Castell	.	.	.	.	.	ii s.
Marioun de Atale	.	.	.	.	.	xii d.
Thomas Smyth	.	.	.	.	.	ii s.
Magister Rogerus	.	.	.	.	.	ii s.
Adam filius Walteri	.	.	.	.	.	ii s.
Uxor Thome Henrici	.	.	.	.	.	xii d.
Waldy Sutar	.	.	.	.	.	ii s.
Thomas de Dere	.	.	.	.	.	ii s.
Robertus Thome	.	.	.	.	.	xii d.
Meg of Abernethy	.	.	.	.	.	vi d.
Johannes Futhas	.	.	.	.	.	ii s.
Johannes Suerdsleper	.	.	.	.	.	xii d.
Michael Johannis	.	.	.	.	.	ii s.
Johannes de Camera	.	.	.	.	.	xvi d.
Johannes de Mernys	.	.	.	.	.	ii s.
Andreas Johannis	.	.	.	.	.	viii d.
Robertus Sutar	.	.	.	.	.	ii s.
Johannes filius						
Dunceanus Sadillar	.	.	.	.	.	xii d.
Malkyn	.	.	.	.	.	xii d.
Magy hukar						
Uxor Johannis Patricii						
Magy Corbrand	.	.	.	.	.	viii d.
Johannes filius Augustini	.	.	.	.	.	xii d.

Johannes Crab	xii d.
Andreas Fersithsoun	xii d.
Bricius Ferletsoun	xii d.
Uxor Thome Faucuner	xii d.
Uxor Johannis Bricii	ii s.
Eruginator	xii d.
Muriell dross	xii d.
Aly Bernath	xii d.
Marion Crusank	xii d.
Thomas thekar	xii d.
Meg Skynnar	viii d.
Edy Uxstar	xii d.
Cristiana Walas	xii d.
Willelmus Sperk	ii s.
Thomas de Are	xii d.
Johannes de Crag	
Johannes Rede, taillour	xii d.
Enot de Barry	xii d.
Robertus de Stragryff	xii d.
Matheus Couper	xii d.
The bowmakar	xii d.
The cawsamakar	ii s.
Cristina Crusank	xii d.
Robertus Henriki	xii d.
Meg of Abernethy, harper	xii d.
Thomas Turnour	ii s.
Marion Abell	xii d.
Laurencius Webster	xii d.

Stallangiatores finientes cum preposito, Roberto Daud, p. 60.
de secundo anno officii sui.

¹[*Bracia*]¹trices

¹[. . .]¹gis Nory ii s.

²[*Maulde*]² Benche iii s.

²[*B*]²ricius Ferletson ii s.

¹[*U*]¹xor Thome faucuner ad gr.

¹[*M*]¹eg of Dyinguale iii s.

¹ Page torn down outer edge.

² Page torn ; supplied from the preceding entries.

² [<i>Ma</i>] ² gy Corbrand	viii d.
¹ [. . .] ¹ sutar ³	
² [<i>Johannes</i>] ² de Crag	ii s.
² [<i>Mari</i>]oun ² Abell	iiii s.
¹ [.] ¹ ³ Hog ³	
² [<i>Marioun</i>] ² bouar	xl d.
¹ [.] ¹ Walteri bowar	ii s.
Carnifices	
¹ [<i>Tho</i>] ¹ mas Johannis	xl d.
¹ [.] ¹ Roberti	xl d.
Laurencius Johannis	xl d.
Willelmus Calman	xl d.
Johannes Andree	vi s. viii d.
Andreas Scot	xl d.
Dunccanus Hervy	xl d.
Stephanus ostler	xl d.
³ Thomas de Dere ³	ii s.
³ Johannes Patricii ³	ii s.
³ Waldy Sutar ³	xl d.
³ Robertus Johannis ³	
Patricius sutar	
Johannes Rede	ii s.
³ Robertus Castell	xii d ³
Galfridus taillour	ii s.
³ Johannes Barry ³	ii s.
Johannes Gilruth	
³ Johannes de Mernys ³	³ vi s. viii d. ³ xl d.
³ Johannes Crusank ³	ii s.
³ Alexander lepar ³	ii s.
³ Johannes Walterson ³	xii d.
Johannes Knarsden	xii d.
³ Girkyn Webster ³	ii s.
Walkyn Webster iuxta Waldy	ii s.
Laurencius qui operatur cum Hankyn de Dere	xii d.
³ Johannes de Camera ³	xl d.

¹ Page torn down outer edge.

² Page torn; supplied from the preceding entries. ³⁻³ Scored through.

Marioun Codlyn	ii s.
Donaldus Kymmysoun	vi s. viii d.
Johannes Gilberti	xl d.
Johannes Walteri	xl d.
¹ Hugo Carnifex ¹	
¹ Jacobus carnifex ¹	
Dunccanus	
¹ Aly Forglen ¹	xii d.
¹ Johannes Roberti ¹	ii s.
Andreas Galby	
Thomas huntar	
Thomas Johannis, wevar	xii d.
Dauid Riburn	
Willelmus Crusank	
Thomas Walkar	
Johannes Nory	
Willelmus Gicht	
Meg Walkar	

Tenentes botharum

v s.—Andreas Petri Mathei	
Alexander Daltoun	
xl d.—Pylmour	
¹ Johannes Bargame ¹	
¹ Dauid cum Johanne Sprunt ¹	
¹ Andreas Sprunt ¹	
Willelmus Andree	vi s. viii d.
¹ Eliseus cum Dunccano de Marr ¹	
Rayny Voket	xl d.
¹ Johannes Brown ¹	
² [.] ²	
¹ Johannes Rede ¹	
¹ Johannes Smale ¹	
¹ R. Lownan ¹	
Ricardus Ruthirford	

¹⁻¹ Scored through.² Foot of page rubbed.

[*al d. contd.*]

Robertus Fossy

¹Rogerus cum Johanne Henrici¹¹Frater dicti Johannis¹¹W. Nachtysoun cum Rob Jacsoun, patre¹

Willelmus Newburgh xl d.

Andreas Kynros xl d.

p. 61.

Johannes Willelmi ii s.

Cristiana Walas xii d.

Propinquus [?] Simonis Bayard ii s.

Robertus Stragryffe ii s.

Mulier in domo sua xii d.

¹Enot de Barry¹

Andreas couper xvi d.

Willelmus wricht ii s.

Robertus Willy ii s.

Thomas taillour ii s.

¹Johannes Willelmi iuxta Voket¹

Johannes Duncani ii s.

Mathy coupar xii d.

Thomas Henrici xl d.

¹Ady Tod¹

Thomas Plossy xii d.

Uxor Roberti Spanky xii d.

Cristinus Crusank ii s.

Michael Chapman ii s.

Dunccanus de Suthas xii d.

Johannes Suthas xii d.

Mathy thekar ii s.

¹Magy Rauffe¹

Meg Abernethy xii d.

Jacobus Scynnar ii s.

Fynlaus baxter xii ²[d.]²Edy Uxtar xii ²[d.]²

Abby sadillar vi d.

Thomas hukar vi s. viii ²[d.]²

Scissor de Foty xii d.

¹⁻¹ Scored through.² Edge of page rubbed.

Anguss Glennysoun	xii d.
Walterus bowar	ii s.
Willelmus Watsoun	ii s.
Andreas Gandy	ii s.
Uxor Willelmi Murysoun	ii s.
Meg of Abernethy	xviii d.
Uxor Thome Wod	ii s.
Thomas turnour	ii s.
Johannes Suerdsleper	
Maliz Sprunt	xii d.
Meg Campsy	xii d.
Meg of Walchope	xii d.
Marion Fetes	xii d.
Johannes Alani de Colly	ii s.
Thomas thekar	xii d.
Willelmus Wyly	ii s.
Marioun Boyde	ii s.
¹ Thomas Sanster ¹	
The beltmakar	xl d.
Marioun Crusank	xii d.
The sutar ibidem	
Garntuly	ii s.
Uxor Johannis Makysoun	ii s.
Meg Hervy	xii d.
Johannes Henrici	ii s.
Adam Watsoun	xl d.
Andreas Fersithsoun	xii d.
Adam Androwsoun	xii d.
Thomas thekar	xii d.
Johannes Bryame	viii d.
Willelmus Gicht	ii s.

Destructores silue

Dauid Walkar

Alexander Banirman

p. 68.

Willelmus filius Gilberti est conductus bubuleus ville usque ad festum omnium sanctorum, et Willelmus moden

¹⁻¹ Scored through.

deuenit plegius pro medietate quod debet facere animalibus ville quod facere tenetur.

Matheus Pynches posuit se in voluntate balliuorum quia non fecit ad officium forestarii quod facere debet.

Willelmus Spaldyng posuit se in voluntate balliuorum quia non arrestauit omnes dolantes siluam quos potuit arrestare; et est ad assisam quod ipse non dolauit virides arbores nec licenciauit aliquos ad dolandum etc.

Mariota Fethes xii [*sic*] duodecimo die mensis Marcii est relegata a burgo de Abirdene pro recepcione furti, per spacium duorum annorum ab octauis predicti diei complendorum, sub pena sigilli de Abirdene ¹in sua facie infigendi¹ ad hoc deputati.

Quia quedam controuersia inter me et W. etc., fuit mota post decessum dicti quondam Willelmi, patris sui, super vendicione cuiusdam crofti dicto quondam patri suo, ut asseruit, per me facta et inferius ubi iacet allegata, noueritis me, consideratis benemeritis, beneficiis, auxiliis, consiliis, et gratitudinibus multiplicibus mihi per dictum quondam W. sepius factis et inpensis, ac eciam et multo magis pro sustentacione vite mee, et ad debita mea acquietanda in quibus erga plures tempore confectionis presencium exteti grauius oneratus, dedisse etc.

Crimantes² le thakhathir

Willelmus Forglen crimavit le thachir, similiter et Johannes Donaldi et Robertus Grouersone. Willelmus Drabar est captor focalium. Willelmus Forglen, Alexander Forglen, Matheus Schipart.

Pistores laganarum³

Acta sexto die mensis Julii. Quo die adiungitur uxor

¹⁻¹ Between two caret marks.

² *Lege* cremantes?

³ Bakers of cakes. Cakes were not included in the 'challenge of the baxters' (*de pistoriibus calumpniandis*) which detailed the kinds of bread to be baked 'as the law of burgh requiris' (*A.P.S.*, i, 697, c. 9); but other entries in the court book (*infra*, pp. 122, 142) show that the baking of cakes was 'contra statuta burghi' and prohibited. Later still, bakers of cakes are charged as spoilers or injurers of the market—'spillar of the mereat' (*MS. Gild Court Book, 1441-1468, p. 682; cf. infra, p. 93*).

Walteri Patricii ad veniendum die lune proxime futura ad acquietandum se quod non est pistrix laganarum.

Cristiana Walas Edy Murgress in voluntate balliuorum

Mariota amasia Johannis Gilberti, } pistores
Gil. commorantes cum Mariota Balra } laganarum.

Magy Lamb conuicta primo quia pistrix laganarum, secundo quia destruit forum.

Uxor Mauricii, filia Walteri Patricii, posuit se in voluntate balliuorum quia pistrix est laganarum.

Uxor Daud Tulch est ad acquietanciam suam die lune proxime futura quod non destruit forum de empcione farine, et de vendicione eiusdem in preiudicium communitatis.

Walterus Rede concessit quod uxor sua est pistrix laganarum, affirmando quod est libertas sua, et hoc de iure potest facere.

Matildis Benche acquietabit se in die lune proxime futura quod non pinsuit laganas vel vendit [*sic*] ceruisiam quatuor denariis depost quod ultimo fuit correcta.

Mariota de Atholia ad acquietanciam in die lune.
Joneta Cummy Conuicta est, et in voluntate balliuorum.

Meg Cok
Ysot
Uxor Thome Henrici } Conuicte sunt de destruccione fori.
Edy Uxtar

Briciatrices

Willelmus baxter Mykil

Uxor Willelmi taillour

Siffy

Joneta Dunbar

Willelmus Sprunt

Uxor Daud Tulch

Willelmus Foty

Willelmus Inuerory

Uxor Walteri Rede
 Johannes Uscher
 Uxor Johannis Laurencii

Andreas baxter	vi d.
Andreas Petri	vi d.
Johannes Laurencii	vi d.
Mariota Balram	iiii d.
¹ Duthacus Carnegy	iiii d. ¹
Johannes Thome	vi d.
qt Johannes Alani	¹ vi d. ¹ —iiii d.
qt Daudid Home	vi d.
Thomas Lyntoun	vi d.
qt ² Henricus Beson	¹ vi d. ¹ —iiii d. ²
qt Hankyn Bray	¹ viii d. ¹ —vi d.
qt Adam Thome	¹ viii d. ¹ —iiii d.
Thomas Lamb	vi d.
Johannes Gilberti	vi d.
qt Thomas Squier	¹ viii d. ¹ —iiii d.
Alanus filius Ricardi	vi d.
qt Elena filia Walteri Patricii	¹ vi d. ¹ —iiii d.
Nicolaus filius Michaelis	viii d.
qt Mauld Benche	viii d.
qt Gilbertus Kynros	¹ viii d. ¹ —vi d.
¹ Johannes Crab	xii d. ad acquietanciam ¹
¹ Willy Scot	clerico ¹
qt Thomas Strang	¹ viii d. ¹ —iiii d.

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Braciatore

Johannes Jacobi	¹ viii d. ¹ —iiii d.
qt Thomas Scherar	¹ viii d. ¹ —iiii d.
qt Henricus sclater	¹ vi d. ¹ —viii d.
Patricius Club	vi d.
qt Johannes baxter	¹ vi d. ¹ —iiii d.
Robertus Hesilhede	vi d.
¹ Hugo Aberbothnot ¹	
Johannes Wellis	vi d.

¹⁻¹ Scored through.²⁻¹ Added above the line.

	Johannes filius Cristini	vi d.
qt	Dauid Thome	¹ vi d. ¹ —iiii d.
qt	Johannes Lambyntoun	¹ viii d. ¹ —iiii d.
	Johannes Bricii	viii d.
qt	Henricus Masoun	¹ vi d. ¹ —iiii d.
	Johannes Henry	vi d.
		vii s. viii d.
qt	Thomas Badstok	vi d.
	¹ Simon Bayard	vi d. ¹
	Willelmus Foty	vi d.
qt	Matheus Balran	vi d.
	Johannes Tulach	vi d.
	Thomas Dauid	¹ viii d. ¹ —vi d. Johannes
		Thome receipt
qt	Ricardus Fichet	¹ viii d. ¹ —iiii d.
qt	Bricius Roberti	¹ viii d. ¹ —vi d.
	Johannes Mungwale	vi d.
	Willelmus Inuerory	viii d.
	Willelmus Moden	vi d.
	Andreas Forster	vi d.
		vi s. viii d.
qt	Johannes taillour	vi d.
qt	Johannes uscher	vi d.—iiii d.
	Johannes de Buchania	vi d.
	Johannes Bonde	vi d. ad acquetanciam
	² [Da] ² uid Tulch	¹ viii d. ¹ —vi d.
qt	Willelmus Spront	¹ vi d. ¹ —viii d. Johannes
		Thome receipt
qt	Willelmus taillour	vi d.
qt	¹ Walterus Rede	viii d. ¹ —iiii d.
	Johannes Spront	vi d.
qt	Willelmus baxter	vi d.
qt	Siffy	vi d.
	Nicolaus Ledale	viii d.
	Mariota Wright	vi d.
		vi s. viii d.

¹⁻¹ Scored through.² MS. stained.

Pistores laganarum¹

Alison etc. conuicta
 Magy Corbrand conuicta
 Magy Fulane
 Uxor Daudid Tulch sa²
 Mauld Benche
 Filie Walteri Patricii, una conuicta et qt.
 Uxor Johannis Gilberti sa²
 Malkyn
 Meg Halt ad assisam
 Uxor flechar acquietauit
 Mag Walchope
 Uxor Johannis Cristini sa²
 Uxor Gilberti Kynros sa²
 Filia Mauricii Suerdsleper
 Aby bouer
 Filia Brusur
 Filia Johannis Ayncroft ad commune consilium
 Uxor Lambyntoun
 Isot ad assisam
 Uxor Cristini Clunes ad assisam
 Uxor Dunecani Mernys
 Uxor Henrici Beset
 Uxor Johannis Bricii sa²
 Joneta ostler
 Meg Strathekyn
 Cristy Campsy ad assisam
 Uxor Willelmi Crusank

³[De]³ istis summis Johannes Thome recepit xviii d. et Simon Benyn residuum.

p. 67.

Finientes cum preposito

Gilliane	.	.	.	.	.	vi d. clerico
Iby Heith	.	.	.	.	.	xii d.
Marion Fethes	.	.	.	.	.	vi d.

¹ See *supra*, p. 92, note 3.

² ? *satisfecit*. ³ MS. stained.

	Magy Dog	iiii d.	
	Edy Murgress	vi d. clerico	
	¹ Cristiana de Camera	vi d. ¹	
	Isota	vi d. clerico	
	Meg Walchop	vi d.	
	¹ Johannes Monros	vi d. ¹	
	¹ Joneta Boncle	vi d. ¹	
qt	Mariota manens in terra Gilberti		
	Kynros	vi d. preposito	
	Joneta Cummyrn	vi d. clerico	
	Joneta Ostler	vi d.	
	¹ Uxor Thome Wod	iiii d. ¹	
	Edy taillour	iiii d.	
	Cristiana filia Roberti	iiii d.	
	Meg Duvy	iiii d. clerico	
	Alexander Lepar	xii d.	
	Willelmus Lambirtoun	xii d.	
	Johannes Rede	xii d. clerico	} scissores
	Finlaus taillour	xii d. clerico	
qt	Ricardus taillour	viii d. preposito	}
	Thomas Willelmi	vi d. clerico	
	Thomas Fichet	viii d.	
	Johannes Bonde	¹ xii d. ¹ —viii d. clerico	
	Meg Campsy	iiii d.	
	Cristy Campsy	iiii d.	clerico
	¹ Meg Strathekyn	iiii d. ¹	
	Elisot	iiii d.	
	Uxor aur ² Alexandri	iiii d.	
	¹ Ady Couper	iiii d. ¹	
	Johannes filius Alani	viii d.	
	Katerina ultra portam	iiii d.	
	Willelmus Wily	viii d.	
	Aly Porky	iiii d. clerico	
	Johannes Carsane	xl d.	
	Nicolaus Ade	xl d.	
	Waldy Sutar	vi d.	clerico
	Andreas Sutar	vi d.	

¹⁻¹ Scored through.² ? aur[ifabri].

	Cristinus Crusank	iiii d.	
∴	Simon More	xl d.	
	Henricus filius Stephani	iiii d.	
	¹ Dauid filius Dunccani	vi d. ¹	
	Willelmus walkar Crusank		
	Johannes filius Jacobi		
	¹ Stephanus Willelmi ¹		
	¹ Adam Tod	iiii d. ¹	
	¹ Patoun Spadberd	iiii d. ¹	
	Girkynd Webster	¹ viii d. ¹ —xii d.	
∴	Johannes Wodman	vi s. viii d.	
	Thomas turnour	xii d.	
	Andreas taillour	viii d.	
	Patricius Crane	viii d.	
	Dauid walkar	xiii s. iii d.	
∴	Robertus Spront	xl d.	} pro stabellis
clerico	Gilbertus Hervy	xl d.	
clerico	Willelmus filius Ade	xl d.	
	Johannes filius Gilberti	xl d.	
	Johannes filius Walteri	xl d.	
clerico	Thomas Johannis	xl d.	
clerico	Willelmus Roberti	xii d.	
clerico	Adam filius Walteri	ii s.	
clerico	Robertus Dauid	iiii d.	
clerico	Uxor Johannis taillour	xii d.	
clerico	Siffy	viii d.	
clerico	Andreas Bryame	vi d.	
	Robertus Coupar	viii d.	
	Thomas Yhung	¹ ii s. ¹ —xii d.	
clerico	Johannes Skynner	vi d.	
clerico	Willelmus Blakburn	xii d.	
	¹ Johannes filius Thome ¹		
	Laurencius filius Johannis		
clerico	Thomas scynnar	viii d.	
	Henricus Mason	viii d.	
	¹ Thomas Lawsoun ¹		

¹⁻¹ Scored through.

¹Candlayn¹¹Johannes Seres¹

Thomas Halt	xii d.	
¹ Donaldus Milner	iiii d. ¹	
¹ Donaldus Scot	iiii d. ¹	
Cristinus Clunes	iiii d.	
¹ Johannes Clayhill	iiii d. ¹	
Thomas Henrici	iiii d.	
¹ Thomas Smyth	iiii d. ¹	
Thomas Sayme	viii d.	
Johannes Alani, faber	vi d.	
Laurencius de Buchania		
Johannes Henrici	iiii d.	clerico
Johannes Walterson	vi d.	
Johannes Logy	viii d.	clerico
¹ Mariota wricht	iiii d. ¹	
Johannes filius Cristini	vi d.	clerico
¹ Laurencius Huysoun	vi d. ¹	
The cardar	iiii d.	
Aly Sidserff	iiii d.	
Iby of Buchane	iiii d.	
Andreas Johannis	xii d.	
Johannes Patricii	vi d.	
Johannes flechar	xii d.	
Filia Walteri Patricii	vi d.	clerico
Thomas Plossy	vi d.	
¹ Johannes Suthas	iiii d. ¹	
Hugo plumber	xii d.	
Michael Forglen	iiii d.	
Maulde Benche	vi d.	
² [. . .] ² sutar	vi d.	
Hukar	xii d.	

Prima tenta per aldermannum et commune consilium p. 70.
vicesimo septimo die mensis Augusti.

¹⁻¹ Scored through.¹ MS. stained.

Willelmus de Camera, pater, Laurencius Leth, Willelmus de Camera, filius, Alexander Banirman, Thomas Spring, Willelmus Andree, Johannes Andree, Daudid Scrogis, Johannes Scherar, Robertus Daudid, Simon Benyn, Johannes Thome, Willelmus Blyndcele, Johannes Ruthirford, Johannes Wormot, Simon Lamb, Ricardus Lownan.

p. 71.

LIBER COMMUNITATIS BURGII DE ABIRDENE EST ISTE qui incipit die lune proxime post festum beati Michaelis Archangeli anno domini millesimo tricentesimo nonagesimo nono.¹ Quo die electus fuit Adam de Benyn cum consensu et assensu totius communitatis dicti burgii in officium aldirmanni. Et Willelmus Blyndcele, Simon de Benyn, Johannes Wormot, et Johannes filius Thome electi sunt in officium balliuorum. Et Mauricius filius Roberti, Donaldus Ka, Fergusius filius Ade, et Johannes de Lucris electi sunt in officium seriandorum.

Eodem die electi sunt in communes consiliarios dicti burgii Willelmus de Camera, pater, Laurencius de Leth, Willelmus de Camera, filius, Alexander Banirman, Thomas Spryng, Willelmus Andree, Johannes Andree, Johannes de Ledale, Daudid de Scrogis, Johannes Scherar, Robertus filius Daudid, Johannes Loctoun, Hugo Aberbothnot, Johannes Ruthirford, Willelmus de Crag, Simon Lamb, Ricardus de Lownan, Willelmus Borthwyk, Johannes Strang, et Ricardus Fichet.

LINEATORES

Johannes de Tulach
 Willelmus Spront
 Johannes Spront
 Adam Strathekyn
 Johannes Lambyntoun
 Willelmus Spaldyng
 Gilbertus de Kynros
 Robertus de Arnache
 Willelmus baxter Mykyl
 Mauricius suerdsleper
 Magister Johannes wrycht

¹ Cf. *supra*, pp. 72 ff.

APPRECIATORES CARNIUM

Thomas Lamb, yhung
 Johannes Yhule
 Patricius Club
 Johannes Lambyntoun

GUSTATORES VINI

Gaufridus de Ramfru
 Et Johannes Hervy

GUSTATORES CERVISIE

Adam Wrycht, Alanus Smyth
 Johannes Cristini, Robertus baxter
 Simon Bayard, Adam Codlyn

MAGISTRI ECCLESIE

Dauid de Scrogis
 Willelmus Blyndcele
 Johannes Scherar
 Johannes Spront

DEPOSITORES¹

Johannes filius Andree
 Johannes Rutherford

Memorandum quod Aldirmannus calumpniauit Matheum p. 72. Hulk de foristallacione lane vicesimo octauo die mensis Nouembris. Qui Matheus petens auisari ipso auisato posuit se ad deliberacionem et determinacionem communis consilii tanquam conuictum per dictum consilium unanimiter congregatum. Deliberatum fuit et determinatum quod dictus Matheus nunc solueret pro dicta forisfaccione xl s., et, si ammodo in dicta forisfaccione fuerit conuictus, sine remissione soluet quinque marcas. Idem Matheus eodem die deuenit plegius aldirmanno pro quodam tannatore commorante apud Dere de vi s. viii d.

¹ That is two 'conservatores distributores ac nostri receptores nostri burgi conburgensium omnium pecuniarum nostrarum infra nostrum burgum vel extra' (*Aberdeen Recs.*, i, 392). But see *infra*, pp. 196-197.



Adam foresta conuictus est per assisam de foristallacione tam lane, pellium, quam coriorum. Finiuit pro xl d.

Matheus Hulk deuenit plegius pro Willelmo Slech ad intrandum ipsum aldirmanno infra premunicionem octo dierum, vel alias pro ipso respondebit.

Walterus filius Andree posuit se in voluntate prepositi de foristallacione lane.

Henricus Celty posuit se in voluntate prepositi de foristallacione lane. Et repertum fuit per assisam quod concedit pecunias in patria super empcione lane; et est in quinque marcis, plegio Alano Jacobi. Finiuit pro v s.

Willelmus Dayntre fatebatur quod emit lanam in patria. Et assisa reperit quod concedit pecunias in patria ad emendum lanam, et est in quinque marcis, plegio Johanne filio Alani.

In prima tenta die Veneris immediate ante festum Pentecostes ordinatum est quod quicumque inuenerit porcos in blado suo capiet eos tanquam escaeta, appropriando eos sibi tanquam proprios porcos.

¹Walterus filius Johannis.¹ Thomas de Daltoun finiuit pro foristallacione sua pro xs. Et inuenit plegium, qt. Johannem Ayncroft, filium, quod, si ammodo forisfaciat dicto communitati foristallando, in voluntate dicti communitatis se ponet penitus et submittet.

Walterus filius Ricardi finiuit pro foristallacione—v s.

Item de Johanne Wodman—vi s. viii d.

p. 73. Isti submittunt se ad ordinationem prepositi et communis consilii

W. de Camera	R. Lownan
W. Borthwik	S. Lamb
W. Gleny	J. Andree
J. Ledale	W. Sprunt
A. Banerman	J. Alani
N. Mercer	J. Uscher
T. Amfray	A. Petri
W. Blyndcele	H. Rothny
T. Willelmi	W. Thaynstoun

¹⁻¹ Scored through.

H. Ade	W. Crab
W. Blyndcele	H. Aberboth
H. Hervy	J. Thome
H. Sclater	¹ [. .] ¹ Ayneroft
A. baxter	balliui
R. Glanderstoun	Isti non
D. Lownan	² J. Strang ²
W. Jacsoun	W. Strade
W. tallour	H. Kynros
R. Inchemethen	D. Marr
J. Lucris	A. Jacobi
J. Man	A. Johannis
J. Gilberti	J. Yhule
H. Beset	J. Hervy
R. Nachtison	J. Henrici
D. Carnegy	J. Voket
D. Home	J. Tulach
J. Crab	S. Stil
R. Sadillar	W. Kyntor
S. Foresta	A. Gilberti
M. Hulk	T. Lamb
D. Tulch	W. harper
J. Abel	D. Thome
H. Celty	J. Lambyntoun
P. baxter	² W. Jacsoun ²
T. Lynton	J. Fichet
T. Daud	¹ [. .] ¹ Alexandri
Wal Rede	R. Marr
J. Strang	¹ [. . . .] ¹
W. Crag	L. Kell
R. Daud	

Receptio depositorum. In primis a Willelmo Kyntor p. 76.
et Johanne Henrici—x s. iiii d.

Expense eorundem. In primis Aldirmanno x s., qui
fuerunt dati domino W. Calabre.

Expense Aldirmanni de anno domini millesimo quad- p. 77.

¹ MS. stained.

²⁻² Scored through.

ringentesimo. In primis domino Willelmo Calabre—iii marce et dimidium.

p. 79.

Non habentes terras

Johannes Lambyntoun posuit se in voluntate prepositi quia non habet terram, et curia adiudicavit ipsum in xl d.

Idem Johannes est obligatus ad soluendum preposito ante festum beati Michaelis proxime futurum xl s., quos debet pro libertate sua et gilda: et si aliquid de dicta summa soluebat sibi allocabitur.

Henricus Cely posuit se in voluntate prepositi quia non habet terram—xl d.

Walterus Andree eciam posuit se in voluntate prepositi quia non habet terram que potest distringi.

Galfridus Ramfrw posuit se in voluntate prepositi quia non habet terram—xl d.

p. 80.

Burgenses de Abirdene

¹Noui burgenses¹. Fratres gilde[Fratre]s³
gilde.

- | | |
|---------------------------------|---|
| { | Willelmus Burnet remittitur ad requestum ² [Walteri de Tulach] ² pro speciebus et vino |
| | qt Johannes filius Henrici—v s. iii ob. |
| | Matheus Balram finiuit— ¹ xx s. ¹ un ² [a cum speciebus et vino—xiii s. iii d.] ² |
| | qt Willelmus Kyntor—v s. iii ob. |
| | qt Johannes Boss—v s. iii ob. |
| | Johannes Man—xl s. se ipso plegio |
| | qt Willelmus Blyndcele—v s. iii ob. |
| qt Johannes Strang—v s. iii ob. | |

Noui burgenses

Johannes filius Thome—xiii s. iii d.

Thomas Johannis—xiii s. iii d.

Item recepti per Aldirmannum uno equo empto per communitatem precii xx s.

¹⁻¹ Scored through.

²⁻² Gall stain; supplied from an early transcript in the Register House.

³ Cut off by edge of page.

Item recepti pro bollaeque de Thoma Voket—x d.	} xiiii s. vi d.
Item de Petro Mawnd—ii d.	
de Johanne Ingrame—x d.	
Item de Johanne Gil—vi d.	
Item de ordeo Orcadie—xiiii d.	
Item de Ricardo de Camera—vi d.	
Item de ordeo Orcadie—ii d.	
Item de Petro fabro—x s.	
Item de Willelmo Spront—iiii d.	

PROCESSUS CURIARUM TENTARUM PER BALLIUOS SUNT p. 81. isti qui incipiunt die lune proxime post festum Beati Michaelis Archangeli anno domini millesimo trecentesimo nonagesimo nono. Quo die curia affirmata¹.

Matheus Hulk tercio vocatus ad sectam Willelmi Gleny non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad secundum diem huius processus.

²[*Eodem die Ricardus filius Nachty et Henricus de Louthiane tercio vocatus ad sectam Johannis filii Walteri carnificis non comparuerunt. Precipitur seriandis etc.*]².

Eodem die Johannes filius Walteri, carnifex, primo vocatus ad sectam Patricii pistoris non comparuit. Precipitur seriandis capere districcionem viii solidorum, et dare etc.

Eodem die Nicholaus filius Ade adiudicatus fuit in amerciamento curie quia non venit ad prosequendum plegium quod inuenit super quemdam fabrum pro detencione unius bilancis ab eo, plegio pro satisfaccione dicti amerciamenti Ada Thome etc.

Copia Lambyntoun et Crawford

This is the cunand made betwex the comownys of Abirden on the ta part and Jon Lambynton and Crawford, mason,

¹ See *supra*, pp. 72-73.

²⁻³ Illegible owing to gall stain. Supplied from an early transcript in the Register House.

on the tother part, that is to say, that the forsaïd masonys sale hew to the forsaïd comownys xii durris and xii wyn-dowys in fre taily, and sal delyvir frely thaim at our key of Abirden, or ellis at the sandis at Laurence of Lethis hows, and that werk sal be sufficiand and gude, but frethyng borch ilkane for athir.

Et dictus Johannes Lambyntoun obligavit se bona fide ad deliberandum dicta ostia et fenestras apud le key de Abirdene ante festum pasche proxime futurum, et, si in hoc deficiat, duplicabit valorem dictorum ostiorum et fenestrarum ¹[. . .]¹, seipso plegio.

p. 82.

Curia legali tenta per balliuos vicesimo die mensis Octobris anno quo supra, quo die curia affirmata et sectis vocatis etc.

Petrus de Paxtoun [*ut supra*, p. 73].

Eodem die accio mota inter Robertum Gwelp et Thomam de Marr [*ut supra*, p. 73].

Henricus Louthiane in amerciamento curie propter iniustam recontrariacionem plegii inuenti per Thomam Spring, prelocutorem Mariorie Blakburn, de accione inter eosdem mota de uno monile etc. [*cf. supra*, p. 73].

Eodem die Katerina Pingle, sponsa Johannis Stoyl, et Isabella Pingle [*ut supra*, p. 74].

Eodem die Johannes filius Walteri, carnifex, peciit Ricardum filium Nachty et Henricum Louthiane vocari ad suam sectam tanquam quarto die et peremptorie. Dictus vero Henricus stans ad barram asseruit se non fuisse legittime citatum per seriandos. Propterea iste processus est dilatus usque ad proximum diem legalem, ut medio tempore seriandi possint probare quod dictos Henricum et Ricardum legittime citauerunt [*cf. supra*, p. 74].

Eodem die Henricus de Louthiane accedens ad barram extendebat plegium in manibus balliuorum in plana curia quod Marioria Blacburn ab eo iniuste tenet unum monile, precii vii s. sine lapidibus in dicto monile infixis. Qui quidem Marioria cum prelocutore suo, Thoma Spring,

¹ Illegible owing to gall stain.

peciit diem legalem tanquam vicina ad vicinum [cf. *supra*, p. 74].

Eodem die Johannes stoyl tanquam secundo die vocatus p. 88. ad sectam Thome Spryng non comparuit [ut *supra*, p. 74].

Eodem die probi homines electi ad componendum et determinandum de accione mota inter Willelmum Gleny et Matheum Hulk determinauerunt et ordinauerunt dictum Matheum satisfacere dicto Willelmo de illa summa quam potuit probare eundem Matheum debere sibi de iure. Qui quidem Willelmus immediate surgens cum pluribus fidedignis de burgensibus ville obtulit se probare quod dictus Matheus sibi tenebatur in xxi petris et dimidio lane. Statim Alexander Banirman et Simon de Benyn, prelocutores dicti Mathei, extendebant plegium quod probacio illa ibidem ducta per Willelmum Gleny non fuit sufficiens, eo quod dicta lana excedebat summam quinquaginta s., asserentes quod summa excedens ls. debet probari per taynt probacionem et non aliam. Thomas Spryng, prelocutor dicti Willelmi, dictum plegium recontrariauit, asserens illam probacionem sufficientem pro tanta summa lane. Unde partibus remotis curia decreuit et datum fuit pro iudicio quod plegium inuentum per prelocutores dicti Mathei nullius fuit valoris et recontrariacio fuit valoris. Et sic dictus Matheus remanet in amerciamento [cf. *supra*, p. 74].

Accio mota inter Matheum Hudman, sutorem, et unum ruremanentem [ut *supra*, p. 75].

Johannes Bell, sutor, in amerciamento quia iniuste inuenit plegium super uxorem Willelmi Turnbull, asserens quod ipsa iniuste unam securim tenuit ab eodem [cf. *supra*, p. 75].

Accio mota inter Bricium Dunccanum et Philippum Johannis [ut *supra*, p. 75].

Uxor Turnbull calumpniata de inobediencia sua et rebellione facta seriandis exercentibus suum officium, conuicta de criminibus antedictis posuit se in voluntate balliuorum [cf. *supra*, p. 75].

Hugo de Aberbothnot in amerciamento quia non intrauit

Johannem Euermar et Willelmum filium Michaelis [*ut supra*, p. 75].

p. 84.

Johannes Crab deuenit plegius pro Matheo Hulk de indempnitate Willelmi Gleny, et pro Willelmo Gleny Thomas Spryng deuenit plegius quod non dampnabit dictum Matheum aliter quam exigit ordo iuris [*cf. supra*, p. 75].

Eodem die Simon Bayard tercio die vocatus ad sectam Willelmi Blyndcele, attornati Alexandri Berclay [*ut supra*, p. 75].

Patricius Club deuenit plegius pro Willelmo Spaldyng de indempnitate Willelmi Boyl, baxter, et Johannes Ledale deuenit plegius pro Willelmo Boyl, baxter, de indempnitate Willelmi Spaldyng aliter quam ordo iuris requirit [*cf. supra*, p. 75].

Eodem die assisa leuata super cognicione panis et ceruisie [*ut supra*, p. 75].

p. 85.

Curia tenta per balliuos vicesimo secundo die mensis Octobris anno quo supra, quo die curia affirmata etc.

Johannes filius Gilberti
Laurencius Campsy
Johannes filius Thome
Willelmus filius Ade
Dunccanus Hervy

Omnes isti calumpniati de fraccione precii carniū facti per appreciatores posuerunt se in voluntate balliuorum de dicta accione, et sic quilibet in amerciamento¹.

Eodem die Thomas Johannis et Johannes Thome calumpniati de eadem accione negauerunt fraccionem precii carniū facti per appreciatores. Unde adiungitur eisdem ad suas acquietancias in octabis presentis curie, in quibus octobis [*sic*] neuter venit cum sua acquietancia, et sic quilibet in amerciamento.²

Alanus filius Jacobi deuenit plegius pro Thoma Spryng [*ut supra*, p. 76].

¹ Cf. *supra*, p. 76, where these cases are recorded as coming before the court on 23 October, and where *Gilbertus* Hervy appears and not *Dunccanus* Hervy.

² Cf. *supra*, p. 76, where Johannes filius Thome places himself in the will of the bailies.

Curia tenta per balliuos vicesimo quinto die mensis Octobris anno quo supra, quo die curia affirmata.

Henricus sclatar et Nicolaus mercer particulariter calumpniati de perturbacione ville per brigam inter ipsos motam ¹uterque¹ negauerunt dictam perturbacionem. Unde adiungitur eisdem ad suas acquietancias die lune proxime futura de perturbacione antedicta [cf. *supra*, p. 76].

Eodem die Thomas Spryng calumpniatus de perturbacione curie et Willelmi Crab [ut *supra*, p. 77].

Curia tenta per balliuos vicesimo septimo die mensis Octobris anno quo supra, quo die curia affirmata.

Henricus sclatar et Nicolaus Mercer vocati ad veniendum cum suis acquietanciis secundum quod eisdem in ultima curia adiungebatur non comparuerunt. Quare quilibet eorum adiudicatus est in amerciamento curie [cf. *supra*, p. 77].

Eodem die Stephanus de Foresta, vocatus ad prose- p. 86.
quendum plegium quod inuenit super quamdam mulierem vocatam Mariota, non comparuit. Johannes de Sancto Michaele, prelocutor dicte mulieris, extendebat plegium quod dicta mulier fuit quita a calumpnia dicti Stephani tanquam illo die et quousque nouiter fuerit attachiata [cf. *supra*, p. 77].

Accio mota inter Johannem Spryng et Patricium Crane per excepciones interpositas est ad wardam curia, et ¹ibi¹, quando oportet, quilibet pars ostendat rationes. Que warda differtur ad proximum diem legalem propter debilitatem curie [cf. *supra*, p. 77].

Thomas Scot, magister cuiusdam farcost², in amerciamento curie quia iniuste vendidit carbones domini Patricii Gray, militis, ab eodem [cf. *supra*, p. 77].

Curia legali tenta per balliuos tercio die mensis Nouembris anno quo supra, quo die curia affirmata etc.

Johannes Stoyl tercio die vocatus ad sectam Thome Spryng [ut *supra*, p. 78].

¹⁻¹ Scored through.

² A small ship.

Item warda dependens inter Johannem Spryng et Patricium Crane [*ut supra*, p. 78].

Eodem die Willelmus de Foty, prelocutor cuiusdam mulieris commorantis cum eodem, calumpniavit ex parte dicte mulieris Robertum Mare, dicens quod iniuste tenet a dicta muliere unam cofram quam dedit eidem Roberto ad reparandam, pro cuius reparacione dicta mulier soluit dicto Roberto decem denarios secundum quod conuentum fuit inter eosdem. Dictus vero Robertus negavit quod satisfactum fuit sibi de dictis x denariis. Dicta mulier allegavit ad probandum hoc. Propterea adiungitur eidem mulieri ad veniendum in octobis [*sic*] presentis curie cum sua probacione ad probandum quod satisfecit dicto Roberto de x denariis pro reparacione dicte cofra [*cf. supra*, p. 78].

Petrus de Paxtoun secundo die vocatus ad sectam Thome spryng non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium etc.

p. 87.

Eodem die Simon Bayard accedens ad barram obtulit se paratum ad sectam Willelmi Blyndeele et ad respondendum eidem de omnibus que de iure potuit opponere contra eum. Quo quidem Willelmo legitime vocato ad prosequendum contra dictum Simonem, et non comparente, dictus Simon extendebat plegium quod quitus fuit a calumpnia sua tanquam illo die et quousque nouiter fuit attachiatus [*cf. supra*, p. 78].

Eodem die Katerina Pyngle, sponsa Johannis Stoyle, et Isabella Pingle, sponsa Laurencii de Foty, burgensis de Abirdene, filie et heredes quondam Mariorie Blakwater, tanquam quarto die et peremptorie vocate ad sectam Thome Spring non comparuerunt. Dictus Thomas prosequens in causa, suam recitans calumpniam, videlicet: [*entry incomplete*] [*cf. supra*, p. 78].

Eodem die Johannes filius Walteri, carnifex, peccit Ricardum Nachtisoun et Henricum Louthiane vocari ad sectam suam tanquam quarto die et peremptorie. Quibus non comparentibus, nec quocumque attornato legitimo nomine ipsorum, dictus Johannes ulterius prosequens in causa et suam recitans calumpniam, videlicet: [*entry incomplete*] [*cf. supra*, p. 78].

Curia tenta per balliuos decimo die mensis Nouembris p. 88.
anno quo supra, quo die curia affirmata etc.

Willelmus Scherol deuenit plegius pro Johanne Horn ad intrandum ipsum coram preposito infra xv dies postquam fuerit premunitus responsurus calumpnie dicti prepositi pro tannacione [cf. *supra*, p. 78].

Willelmus Andree vocatus ad intrandum Stephanum Philippi non comparuit, neque dictus Stephanus. Precipitur seriandis capere districcionem etc., et citare ipsum nouiter ad crastinum diem tanquam ad secundum diem huius processus [cf. *supra*, p. 78].

Johannes Lyntoun in amerciamento [ut *supra*, p. 78].

Mulier commorans cum Willelmo de Foty [ut *supra*, p. 78].

Robertus Wan posuit se in voluntate balliuorum ¹pro¹ verberacione cuiusdem mulieris. Et Gilbertus de Kynros deuenit plegius ad satisfaciendum voluntati balliuorum de amerciamento [cf. *supra*, p. 79].

Curia tenta per balliuos decimo tercio die mensis Nouembris anno quo supra, quo die curia affirmata. p. 89.

Adiungitur uxori Johannis Bricii ad suam acquietanciam die lune proxime futura quod non tenuit forum in domo sua emendo vel vendendo brasium, farinam, vel auenas, vel permittendo aliquos emere vel vendere ibidem in preiudicium communitatis [cf. *supra*, p. 79].

Eodem die Thomas Benche, calumpniatus de empcione et vendicione farine in domo sua in preiudicium communitatis, posuit se in voluntate balliuorum, et sic adiudicatus est in amerciamento curie [cf. *supra*, p. 79].

Eodem die Stephanus de Foresta calumpniavit quamdam mulierem quod iniuste ab eo tenuit iii solidos sterlingorum. Johannes Spens, prelocutor dicte mulieris, negauit iniustam tencionem dicte pecunie quia, ut asseruit, dicta mulier inuenit dicto Stephano unum sufficientem plegium et principalem debitorem quem dictus Stephanus ut sic recepit, dictam mulierem de dictis iii s. penitus exonerando, et hoc obtulit se probare. Unde assignatur dicte mulieri ad

¹⁻¹ Interlined ; substituted for *de*, scored through.

veniendum in octobis [*sic*] presentis curie cum sua probacione ad probandum preallegata, Johanne Spens plegio pro dicta muliere [cf. *supra*, p. 79].

Eodem die Johannes Ledale deuenit plegius pro Johanne Spens de indempnitate Stephani de Foresta, et Willelmus Moden deuenit plegius pro dicto Stephano de indempnitate dicti Johannis Spens.

Curia tenta per balliuos decimo quarto die mensis Nouembris anno quo supra, quo die curia affirmata etc.

Andreas filius Petri in amerciamento curie [*ut supra*, p. 79].

Adiungitur Waltero Rede ad veniendum die lune proxime futura cum sua acquietancia, nomine uxoris sue, ad acquietandum se quod non peiorat forum emendo vel vendendo brasium, farinam, vel auenam pro maiori precio quam vicini sui offerunt pro eisdem, videlicet, arris¹ vicinorum existentibus in manibus vendencium de precio antedicto, etiam quod non propinat de huiusmodi rebus sic emptis in domo sua aliter quam iuris ordo requirit in preiudicium communitatis [cf. *supra*, p. 80].

Gilbertus de Kynros vocatus ad prosequendum plegium quod inuenit super quamdam mulierem non comparuit. Thomas filius Willelmi, prelocutor dicte mulieris, extendebat plegium quod quita fuit a calumpnia dicti Gilberti tanquam illo die et quousque nouiter fuerit attachiata [cf. *supra*, p. 80].

p. 90.

Curia tenta per balliuos decimo quinto die mensis Nouembris anno quo supra, quo die curia affirmata.

Thomas filius Willelmi, vocatus ad intrandum quamdam mulierem vocatam Mariotam ad sectam Roberti de Kynros,² non comparuit cum dicta muliere. Precipitur seriandis [*ut supra*, p. 80].

Curia legali tenta per balliuos decimo septimo die mensis Nouembris anno quo supra, quo die curia affirmata, et sectis vocatis, absentes amerciantur.

¹ ? Arles, or earnest-money.

² *ad sectam Thome Wan* (*supra*, p. 80); *ad sectam Gilberti de Kynros nomine et ex parte Roberti Wan* (*infra*, p. 113).

Accio mota inter Thomam Spryng ex una parte et Laurencium de Foty et eius uxorem ex altera de quadam conuencione facta inter eos pre hiis temporibus submittitur ad amicabilem compositionem proborum hominum ad hoc electorum ex consensu utriusque partis, et ubi defectus reperitur presentabitur balliuis, et quilibet deuenit plegius pro se ipso quod amplius dicta accio non veniet coram balliuis in eorum defectu.

Similiter accio mota inter Thomam Spryng et Johannem Stoyle de excambio quarumdam terrarum submittitur eciam ad amicabilem compositionem proborum hominum ad hoc electorum ex consensu utriusque partis, et quilibet deuenit plegius pro se ipso quod amplius dicta accio non veniet coram balliuis in defectu alicuius ipsorum.

Eodem die Laurencius de Foty accedens ad barram talem fecit protestacionem.

Eodem die Petrus de Paxtoun tercio die vocatus ad p. 91. sectam Thome Spryng non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad quartum diem.

Eodem die Thomas filius Willelmi, vocatus ad intrandum quamdam mulierem vocatam Mariotam ad sectam Gilberti de Kynros nomine et ex parte Roberti Wan, non comparuit. Precipitur seriandis capere districcionem etc., et citare ipsum nouiter ad crastinum diem tamquam ad tercium diem huius processus.

Memorandum quod curia decreuit partibus remotis de warda pendente inter Johannem Spryng et Patricium Crane differendo dictam accionem ad proximum iter camerarii, et hoc datum fuit pro iudicio. ad iter
camerarii.

Eodem die adiungitur Stephano filio Philippi ad veniendum crastina die cum sua acquietancia ad acquietandum se erga regem quod non dolauit infra forestam del Stoket, nisi semel quando licenciatus fuit a balliuis.

Assisa leuata super cognicione panis et ceruisie compertum est quod bolla frumenti valet iii s. et brasii bolla valet xxxii d.

Eodem die adiungitur Johanni Lambyntoun ad venien-

dum in octobis [*sic*] presentis cum sua acquietancia quod non dolauit virides arbores in foresta¹ del stoket quas de iure non potuit, nec debuit dolare.

p. 92. Curia tenta per balliuos decimo nono die mensis Nouembris anno quo supra, quo die curia affirmata.

Gilbertus de Kynros, prelocutor Roberti Wan, calumpniavit quamdam mulierem, vocatam Mariotam, quod ipsa iniuste verberauit quemdam puerum dicti Roberti usque ad sanguinis effusionem. Thomas Willelmi, prelocutor dicte mulieris, negauit dictam iniuriam. Et sic adiungitur dicto Roberto ad veniendum in octabis presentis curie cum sua probacione ducenda contra dictam mulierem, ut predicatur in forma iuris.

Dicta accio mota inter Robertum Wan et dictam mulierem, vocatam Mariotam, presentata fuit ad amicabilem compositionem; et tam Robertus quam mulier reperti fuerunt in defectu; et sic quilibet in amerciamiento, plegio pro dicto Roberto ad satisfaciendum voluntati balliuorum, vel ad intrandum personam, Willelmo Moden.

Eodem die Adam filius Walteri calumpniavit quemdam ruralem, vocatum Johannem filium Thome, quod emit ab eodem ii duodenas de grilsis, quarum soluit sibi unam duodenam, et alteram iniuste tenet ab eodem. Dictus vero Johannes Thome dixit quod solummodo emit ab eo unam duodenam quam soluit dicto Ade, negando aliam duodenam. Quapropter adiungitur dicto Ade ad veniendum crastina die cum sua probacione ad probandum quod dictus Johannes Thome vendidit sibi duas duodenas, et quod debet sibi adhuc aliam duodenam non solutam.

Curia tenta per balliuos vicesimo die mensis Nouembris anno quo supra, quo die curia affirmata etc.

p. 93. Curia legali tenta per balliuos primo die mensis Decembri anno quo supra, quo die curia affirmata et sectis vocatis etc.

Johannes Crab, prelocutor Matilde Strang, calumpniavit

¹⁻¹ *farcost* scored through.

quemdam forishabitantem, vocatum Robertum Gal; qua calumpnia omnino dimissa ita concordatum est inter partes quod dictus Robertus infra xv dies post aduentum Thome Strang citra mare veniet ad burgum de Abirdene in eodem statu sicut hodie stetit in curia ad respondendum dicto Thome, vel eius deputato, ad ea que habet contra eundem obicere in forma iuris, plegio pro dicto Roberto Simone Lamb.

Accio mota inter Thomam Paxtoun et Willelmum Foty submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis. Quod amplius non veniet coram balliuis in ipsorum defectu altero plegio alterius.

Adam de Benyn et Johannes Andree, calumpniati de pintis insufficientibus cum quibus vendiderunt vinum, posuerunt se in voluntate balliuorum. Et sic quilibet adiudicatur in amerciamento curie.

Accio mota inter Willelmum Wily et Ferguseum Ade submittitur ad amicabilem compositionem proborum hominum. Et ubi defectus reperitur presentabitur balliuis.

Eodem die Alanus Jacobi, prelocutor prioris domus fratrum carmelitarum, calumpniavit Adam filium Walteri quod iniuste ab eo tenet iiii s. et vi d. de firmis domus sue, cuius domus dictus Adam adhuc habet clauem. Johannes Scherar, prelocutor dicti Adam, respondebat, dicens quod diuersa sunt computanda inter dictum priorem et Adam, offerendo omnes acciones inter ipsos ad compositionem et determinacionem vicinorum suorum ad hoc eligendorum, et quod dicta accio debeat sic terminari extendebat per plegium. Dictus Alanus dictum plegium recontrariauit, dicens quod firma domus predictae, que pertinet ad dictos fratres carmelitarum, nullo modo debeat differri non soluta ultra terminum, nec ad compositionem vicinorum poni. Warda huius plegii et recontrariacionis differtur ad proximum diem legalem propter debilitatem curie.

Willelmus Blyndcele, Thomas Willelmi, et Thomas Daudid calumpniati tanquam tabernatores vini de iniustis pintis suis posuerunt se in voluntate balliuorum: et sic quilibet adiudicatur in amerciamento.

p. 94.

Johannes Hervy et Willelmus Moden, calumpniati tanquam braciatores quod non faciunt ad illud officium quod facere debent, posuerunt se in voluntate balliuorum: et sic quilibet adiudicatur in amerciamento curie.

Similiter Johannes Hervy posuit se in voluntate balliuorum de tabernacione vini, videlicet quod non fecit ad illud officium quod facere debuit.

Item Johnanes Mungwale, Willelmus baxter Mykyl, et Daud de Tulch posuerunt se in voluntate balliuorum eo quod non fecerunt ad officium braciatorum quod facere debent de iure.

Gilbertus Hervy, calumpniatus tanquam carnifex quod non facit ad officium suum quod facere debet, posuit se in voluntate balliuorum: et sic adiudicatur in amerciamento curie.

Willelmus Scot, calumpniatus tanquam braciator quod non facit ad illud officium quod facere tenetur de iure, posuit se in voluntate balliuorum.

Thomas Johannis et Johannes Gilberti, carnifices, calumpniati quod non faciunt ad illud officium quod facere tenentur de iure, posuerunt se in voluntate balliuorum: et sic quilibet adiudicatur in amerciamento.

Alanus Jacobi et Michael de Camera calumpniati de faccione sterculiniorum¹ acquietauerunt se iuridice, quolibet, videlicet, se decimo tercio.

Johannes Walteri, calumpniatus tanquam carnifex quod non facit ad illud officium quod facere tenetur, posuit se in voluntate balliuorum: et sic adiudicatur in amerciamento.

Thomas Amfrasoun deuenit plegius ad intrandum Edam Fechtar coram balliuis cum camerarius eam petere voluerit a balliuis sibi presentari.

Eodem die Thomas ²Spryng² accedens ad barram peciit Petrum de Paxtoun ad sectam suam tanquam quarto die et peremptorie vocari.

p. 95.

Curia legali tenta per balliuos decimo quinto die mensis Decembris anno quo supra, quo die curia affirmata.

¹ *dung-heaps.*

²⁻² Interlined.

Willelmus Dicsoun accedens ad barram obtulit se paratum ad respondendum plegio super eum inuento per Bricium Roberti. Quo Bricio legitime vocato et non comparente dictus Willelmus extendebat plegium quod quitus fuit a calumpnia sua tanquam illo die, et dictus Bricius adiudicatus est in amerciamento.

Margareta Halt adiudicatur in amerciamento quia non venit cum sufficiente acquietancia secundum quod sibi adiungebatur a balliuis pro rebellione quam fecit uxori Andree baxter.

Eodem die Petrus de Paxtoun accedens ad barram obtulit se paratum ad respondendum Thome ¹Spryng¹ et omnibus processibus suis contra ipsum per dictum Thomam factis. Quo quidem Thoma legitime vocato ad prosequendum contra dictum Petrum processus suos prius factos et de eisdem processibus ad habendum determinationem finalem et non comparente, dictus Petrus extendebat plegium quod quitus fuit a calumpnia dicti Thome facta prius per suos processus quousque nouiter attachietur, et ¹quod¹ predicti processus nullius valoris aut vigoris existant.

Curia tenta per balliuos decimo nono die mensis Decem- p. 96.
bris anno quo supra, quo die curia affirmata.

Dominus Johannes Burnet, capellanus, accedens ad barram cum prelocutore suo, Thoma Willelmi, extendebat plegium de recenti deforciamiento ²super² facto sibi per Gilbertum de Kynros. Unde assisa leuata proborum hominum et iuratorum ad cognoscendum utrum dictus Gilbertus deforciauuit vel non, dictus Gilbertus, stans ad barram, posuit se in voluntate balliuorum de dicto deforciamiento, propter quod dictus Gilbertus adiudicatus fuit in tali amerciamento quale debeat perdere pro recenti deforciamiento. Per os Willelmi Croket iudicatoris curie, teste curia.

Curia tenta per balliuos vicesimo secundo die mensis Decembris anno quo supra, quo die curia affirmata etc.

¹⁻¹ Interlined.

²⁻² Scored through.

Elena Scot, accusata de verberacione uxoris Ade Tode, posuit se in voluntate balliuorum. Unde Thomas Daudid deuenit plegius pro dicta Elena ad satisfaciendum parti de dicta iniuria, videlicet, de xii d., et eciam balliuis de suo amerciamento.

Daudid de Tulch deuenit plegius pro Roberto baxter quod non dampnabit fratrem Willelmi de Ross aliter quam exigit ordo iuris.

Gilbertus de Furby defecit in acquietancia sua sibi adiuncta pro verberacione Matildis Benche.

p. 97.

Ada de Culane veniet in crastino post diem lune immediate sequentem epiphaniam domini, et acquietabit se quod non fecit forum in domo sua, emendo et mensurando farinam, vel brasium, in domo sua cum communi ferlota.

Memorandum quod penultimo die mensis Decembris anno quo supra Simon Lamb et Willelmus Scherole deueniebant plegii pro Johanne Scherar et omnibus sibi adherentibus de indempnitate Gilberti Hervy, filiorum suorum, et omnium sibi adherencium, aliter quam per viam iuris. Similiter et eodem modo Johannes Ruthirford et Andreas filius Petri deueniebant plegii legales pro Gilberto Hervy, filiis suis, et omnibus sibi adherentibus, de indempnitate Johannis Scherar et omnium sibi adherencium. Item Johannes Scherar deuenit plegius pro Wilhelmo Foty, et Andreas filius Johannis deuenit plegius pro Roberto Dunccani de indempnitate dicti Gilberti, filiorum suorum, et omnium sibi adherencium.

Eodem die Johannes Wormot venit coram balliuis, et peciit se fore tutum de Dunccano Mernys pro igne et murthur, presentibus Aldirmanno, Daudid de Scroggis, et Johanne Ruthirford, cum multis aliis.

Eodem die Robertus de Narn deuenit plegius pro Johanne Wormot de indempnitate Dunccani de Mernys pro se vel pro sua impetracione, aliter quam exigit ordo iuris. Similiter et eodem modo Andreas filius Petri deuenit plegius pro dicto Dunccano de indempnitate dicti Johannis.

Curia tenta per balliuos ultimo die mensis Decembris anno quo supra, quo die curia affirmata etc.

Dauid de Home, calumpniatus quod perturbauit Johannem Jacobi et villam, negauit omnimodam perturbacionem. Unde adiungitur sibi ad veniendum in octabis presentis ad acquietandum se de dicta perturbacione, ut ordo iuris requirit.

Bricius Jacobi, calumpniatus de perturbacione ville cum Dauid Home, eciam negauit omnimodam perturbacionem. Unde adiungitur sibi ad suam acquietanciam in octabis presentis curie de dicta perturbacione secundam exigenciam iuris.

Eodem die Robertus filius Duncani, calumpniatus de p. 98. perturbacione ville cum Johanne Lucris, et Johannes Lucris, calumpniatus de perturbacione ville cum dicto Roberto, negauerunt omnimodam perturbacionem. Adiungitur eis ad suas acquietancias in octobis [*sic*] presentis curie de dicta perturbacione.

Curia tenta per balliuos ¹septimo¹ die mensis Ianuarii anno quo supra, quo die curia affirmata.

Willelmus filius ²Johannis², calumpniatus de perturbacione ville cum Henrico taillour, posuit se in voluntate balliuorum: et sic adiudicatus est in amerciamento curie.

Eodem die Henricus taillour, calumpniatus de perturbacione ville cum Willelmo ³Johannis³, et eciam de inobediencia et rebellion factis per ipsum officariis ville, negauit omnimodam perturbacionem, inobedienciam, et rebellionem. Adiungitur sibi ad acquietandum se in octauis presentis curie de predictis secundum quod exigit ordo iuris.

Eodem die Alanus filius Jacobi, calumpniatus de inobediencia et rebellion factis officariis ville, similiter et de perturbacione curie affirmate, negauit omnimodam perturbacionem et inobedienciam. Adiungitur sibi ad suam acquietanciam in octauis presentis curie de predictis, secundum exigenciam et ordinem iuris.

¹⁻¹ Interlined, substituted for *decimoquarto*, which has been scored through.

²⁻² Interlined, substituted for *Thome*, which has been scored through.

²⁻³ Marginal substitution for *Thome*, which has been scored through.

Eodem die Robertus de Narne deuenit plegius pro Alano Jacobi et Henrico taillour de indempnitate Willelmi ¹Johannis¹ pro se vel pro sua impetracione, aliter quam exigit ordo iuris. Similiter Johannes filius Thome deuenit plegius pro Willelmo filio suo de indempnitate Alani Jacobi et Henrici taillour pro se vel pro sua impetracione aliter quam ius exigit et requirit.

Eodem die Johannes filius Thome, nomine et ex parte Willelmi filii sui, obtulit se ponere ad amicabilem compositionem vicinorum suorum, vel communis concilii determinationem, accionem motam inter dictum Willelmum filium suum et Alanum Jacobi et Henricum taillour.

p. 99.

Curia tenta per balliuos ²octauo² die mensis Januarii anno quo supra, quo die curia affirmata etc.

Dunccanus de Mernys, calumpniatus quod iniuste traxit cultellum et percussit Johannem Wormot, posuit se in voluntate balliuorum. Unde adiudicatus est in amerciamiento curie.

Curia tenta per balliuos decimo quarto die mensis Januarii anno quo supra, quo die curia affirmata etc.

Alexander de Keth, prelocutor Jonete de Dunbar, extendebat plegium quod Willelmus Boyl, baxter, iniuste remouit et tenuit ab ea unum plumbum³. Willelmus Moden, prelocutor dicti Willelmi Boyl, concessit remocionem et tencionem dicti plumbi, negando omnimodam wrang et unlaw, et asserendo quod dictum plumbum fuit suum proprium et nullius alterius, eo quod habuit terram in qua dictum plumbum fuit infixum [sic] in feodo et hereditate. Dicta Joneta ibidem probauit incontinenter cum taynt probacione quod dictus Willelmus Boyl sursum reddidit sibi dictam terram, et postea eandem terram non habuit in feodo ⁴nec⁴ saisitus aut vestitus, quare dictum plumbum iniuste remouit. Precipitur sibi ergo per balliuos

¹⁻¹ Interlined, substituted for *Thome*, which has been scored through.

²⁻² Added above the line for *decimoquinto*, which has been scored through.

³ Presumably a cistern or trough made of lead.

⁴⁻⁴ Interlined, substituted for *vel*, which has been expunged.

ad restituendum dictum plumbum in dicta terra sicut prius fuit, et ad satisfaciendum eidem Jonete de dampnis sibi illatis propter iniustam remocionem dicti plumbi : et dictus Willelmus adiudicatus est in amerciamento curie.

Curia legali tenta per balliuos vicesimo sexto die mensis p. 100. Januarii anno quo supra, quo die curia affirmata.

Johannes de Tulach extendebat et inuenit plegium super Walterum filium Patricii quod iniuste ab eo tenet xvi s. Qui Walterus peciit diem legalem etc., tanquam vicinus ad vicinum. Tandem, post aliquas altercaciones inter partes hinc inde factas, dicta accio ex consensu parcium posita fuit ad amicabilem compositionem proborum hominum : et ubi defectus reperitur presentabitur balliuis. Defectus reperiabatur in Waltero Patricii.

Thomas Plossy accedens ad barram inuenit plegium super Robertum filium Willelmi ¹[clerici]¹ de Elon quod iniuste ab eo tenet ¹[xxvi d. qui Willelmus negauit]¹ ²[.....]² iniustam tencionem. Adiungitur dicto Thome ad probandum in octauis presentis curie quod dicta summa sibi per dictum Willelmum debetur, plegio pro dicto Willelmo, ut ius requirit, Johanne Ayncroft, filio.

Mariota Wricht in amerciamento curie quia iniuste tenet a Thoma Plossy nouem denarios.

Johannes Wricht primo die vocatus ad sectam Roberti Dunccani non comparuit. Precipitur seriandis capere districcionem octo s., et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem, tanquam ad secundum diem huius processus, si quindenam de iure debet habere, ex quo est filius burgensis.

Johannes Walteri, carnifex, accedens ad barram inuenit plegium super Laurencium Campsy, asserens quod iniuste ab eo tenet v s. Qui Laurencius negauit omnem tencionem. Adiungitur ergo dicto Johanni ad veniendum in octauis presentis curie ad probandum quod dicta summa sibi debetur, prout exigit ordo iuris.

Assisa leuata super cognicione panis et ceruisie com-

¹⁻¹ Illegible owing to gall stains ; supplied from an early transcript in the Register House. See also *infra*, p. 123. ²⁻² Illegible.

pertum est quod bolla frumenti valet iiii s., et bolla brasii valet xxxii d. vel iii s. quod bonum est.

Thomas Willelmi in amerciamento curie quia non venit ad prosequendum plegium quod inuenit super quemdam ruralem, hominem Alexandri de Keth, ut asseruit.

p. 101.

Curia tenta per balliuos vicesimo septimo die mensis Januarii anno quo supra, quo die curia affirmata.

Uxor Walteri Rede, calumpniata quod destruit forum emendo farinam et brasium in preiudicium communitatis, eciam quod pistrix est laganarum, negauit ambo puncta. Adiungitur sibi ad suam acquietanciam in octauis presentis curie de causis antedictis.

Mariota Wrycht posuit se in voluntate balliuorum quia ceruisia sua non est sufficiens de precio.

Magy Blacburn posuit se in voluntate balliuorum quia pinsit laganas contra statuta burgi in preiudicium communitatis.

Uxor Johannis filii Cristini, calumpniata quia pinsit laganas in preiudicium communitatis, negauit illud factum. Adiungitur sibi ad suam acquietanciam in octauis presentis curie de dicta causa.

Johannes filius Cristini, calumpniatus quod fecit homines comitis Moraue secum venire in vilipensionem Mathei Hulk et in perturbacionem et vilipensionem balliuorum et officiariorum ville, negauit calumpniam antedictam. Propterea adiungitur sibi ad suam acquietanciam in octauis presentis curie de dicta calumpnia.

Mauld Benche posuit se in voluntate balliuorum quia pinsuit laganas in preiudicium communitatis ville.

Johannes Dicson, taillour, primo vocatus ad sectam Duthaci Carnegy non comparuit: et memorandum quod dictus Duthacus in die precedente inuenit plegium super dictum Johannem quod iniuste ab eo tenet x s. pro firma unius domus et xx travas de thak hathir.

Alanus filius Jacobi calumpniatus de perturbacione ville negauit omnimodam perturbacionem. Propterea adiungitur sibi in octobis [*sic*] presentis curie ad suam acquietanciam secundum quod exigit ordo iuris.

Robertus Narne deuenit plegius pro Alano Jacobi et Henrico taillour de indempnitate Willelmi Scot, eciam pro impetracione dicti Alani et Henrici aliter quam exigit ordo iuris. Similiter Willelmus Cryne deuenit plegius pro dicto Willelmo ¹pro¹ et sua impetracione de indempnitate dicti Alani et Henrici aliter quam ius exigit vel requirit.

Curia tenta per balliuos vicesimo octauo die mensis p. 102. Januarii anno quo supra, quo die curia affirmata.

Johannes filius Walteri	} calumpniati, tanquam carnifices, quod non faciunt ad officium suum quod facere tenentur de iure, posuerunt se
Laurencius Campsy	
Johannes Fordoun	
Willelmus Ade	

in voluntate balliuorum tanquam conuictos de dicta calumpnia.

Curia tenta per balliuos trecesimo die mensis Januarii anno quo supra, quo die curia affirmata.

Curia tenta per balliuos tercio die mensis Februarii anno quo supra, quo die curia affirmata etc.

Johannes Walteri, carnifex, vocatus ad probandum contra Laurencium Campsy, non comparuit, ut adiungebatur ei in curia precedente. Dictus Laurencius extendebat plegium quod quitus fuit a sua calumpnia, et dictus Johannes est in amerciamento curie.

Thomas Plossy, vocatus legitime ad veniendum cum sua probacione contra Robertum filium Willelmi, clerici de Elon, ut adiungebatur sibi in curia precedente, non comparuit. Unde adiudicatus fuit in amerciamento curie. Similiter dictus Robertus vocatus ad recipiendum dictam probacionem non comparuit. Adiudicatus est eciam in amerciamento.

Curia legali tenta per balliuos nono die mensis Februarii p. 103. anno quo supra, quo die curia affirmata et sectis vocatis etc.

Willelmus Moden deuenit plegius pro Willelmo Crab ad satisfaciendum fratri Johanni de Brechyn, ministro domus

¹⁻¹ Scored through.

Trinitatis de Abirdene, infra quatuordecim dies de xiii s. et iiii d. sine aliqua namacione, vel strepitu iudicali, inde faciendo etc.

Johannes thekar in amerciamento curie quia iniuste tenuit a Johanne de Tulach unam peliam.¹

Robertus Dunccani, vocatus ad prosequendum plegium per ipsum inuentum super Johannem Wrycht, non comparuit. Dictus Johannes extendebat per plegium quod, ex quo dictus Robertus fuit actor in causa, et debuit esse paratus ad prosequendum, et non comparuit, quitus fuit a calumpnia sua quousque nouiter attachiatus fuerit.

non
acquietauit

Johannes Ledale, famulus Johannis Ledale, burgensis de Abirdene, calumpniatus ex parte regis quod perturbauit villam cum Dedryke, quodam flamingo, negauit omnimodam perturbacionem. Adiungitur eidem ad veniendum in octauis presentis curie ad suam acquietanciam secundum quod exigit ordo iuris, plegio pro ipso Alexandro Banirman.

Similiter dictus Johannes Ledale, famulus, calumpniatus quod, postquam inuenit plegium de indempnitate dicti Dedryke pro se vel sua impetracione in presencia balliuorum, vel unius eorum, secundum exigenciam iuris, ²sub pena centum librarum², et dictum plegium in presencia unius balliuorum fregit, dampna regis fuerunt sibi taxata ad valorem centum librarum propter dictum forisfactum. Cum amicis suis auisatus de dicta calumpnia posuit se in voluntate balliuorum. Unde adiudicatus est in dicta pena per os iudicis curie ad hoc iurati, plegiis Alexandro Banirman et Johanne Ledale.

Item Dedryke, filius Petri Herbolt, calumpniatus ex parte regis quod perturbauit villam cum Johanne Ledale, famulo, negauit omnimodam perturbacionem. Adiungitur sibi ad veniendum in crastino die cum sua acquietancia ad acquietandum se de dicta calumpnia secundum exigenciam iuris, plegio pro dicto Dedryke Willelmo Andree.

Johannes Lambyntoun deuenit plegius pro Mauricio suerdsleper de indempnitate Stephani de Foresta pro se,

¹ A shovel.

²⁻² Scored through.

vel pro sua impetracione, aliter quam exigit ordo iuris. Similiter et Willelmus Moden deuenit plegius pro dicto Stephano pro se et sua impetracione de indemnitate dicti Mauricii aliter quam exigit ordo iuris.

Mauricius suerdsleper, calumpniatus de perturbacione ville cum Stephano de Foresta, posuit se in voluntate balliuorum, et idcirco adiudicatus est in amerciamento curie.

Johannes Spens, calumpniatus de perturbacione ville p. 104.
cum Thoma Willelmi, posuit se in voluntate balliuorum de dicta perturbacione. Unde adiudicatus est in amerciamento curie.

Johannes Crab, calumpniatus de perturbacione ville cum Philippo Andree, Johanne Andree, Rogero Sprunt et aliis iuuenibus ville, negauit omnimodam perturbacionem. non
acquietauit
Adiungitur sibi in octauis presentis curie de dicta perturbacione ad suam acquietanciam tam de dacione quam recepcione ictuum.

Johannes Henrici, ¹et¹ Andreas sutor, et Dunccanus, tabernator, calumpniati de perturbacione ville. Adiungitur eis in octauis presentis curie ad suam acquietanciam de dicta perturbacione, ut exigit ordo iuris, quia dictam perturbacionem negauerunt, plegio pro dicto Andrea non
acquieta-
uerunt
Johanne Spens. Dictus Dunccanus in plana curia posuit se in voluntate balliuorum de dicta perturbacione refutando suam acquietanciam. Adiudicatus est ergo in amerciamento curie.

Eodem die Johannes filius Dunccani promisit ad soluendum fideliter, sine aliqua namacione vel strepitu iudicali, Willelmo de Strade ante festum Pentecostes proxime futurum xvii s. vii d. Et Thomas de Paxtoun eodem modo promisit ad soluendum dicto Willelmo ante festum Sancti Martini proxime inde sequens xv s. iiii d. Et Thomas tallour, plegius pro xv s. et iiii d. ad soluendum ad festum Pentecostes proxime sequens festum antedictum Sancti Martini, quia nunc est absens, si voluerit in aduentu suo cum hoc capere, dictam summam, ut premittitur, soluet, sin autem Fergusius filius Ade, qui est debitor predictorum

¹⁻¹ Added above the line.

Johannis, Thome, et Thome, erga predictum Willelmum, de summis antedictis inueniet dicto Willelmo ita sufficientem plegium sicut dictus Thomas taillour est ad soluendum dicto Willelmo dictam summam ante festum Sancti Martini predictum. Et dictus Fergusius Ade promisit bona fide ad liberandum Johannem, Thomam, et Thomam, antedictos, suos plegios, de summis antedictis et ante terminos prenotatos.

Assisa leuata super cognicione panis et ceruisie comperum est quod bolla frumenti valet quadraginta denariis et bolla brasii iii s.

mercurii

Curia tenta per balliuos undecimo die mensis Februarii anno quo supra, quo die curia affirmata.

non
acquieta-
uerunt

Ada de Culane Johannes Lambyntoun Uxor Walteri Rede Johannes filius Cristini Daud Thome	}	omnes isti, calumpniati quod pessimant forum ville, negauerunt dictam calumpniam. Ad- iungitur eis ad suam acquie- tanciam in octauis presentis curie de dicta calumpnia. Similiter uxor Walteri Rede et Johannes filius Cristini, calumpniati de piscione laganarum, negauerunt dictam calumpniam. Adiungitur eisdem [<i>in</i>] dicta die ad suam acquietanciam de dicta accione.
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p. 105.

Curia tenta per balliuos xii die mensis Februarii anno quo supra, quo die curia affirmata.

Gilbertus de Kynros, calumpniatus quod recepat brasium et farinam in domo in preiudicium communitatis, et eciam quod emit brasium et farinam in domo sua antequam presentetur ad crucem, et quod detinet paruam tolloniam a firmariis eiusdem, negauit dictas calumpnias. Adiungitur sibi ad suam acquietanciam in octauis presentis curie.

Johannes filius Laurencii, kerd, Fergusius filius Ade Uxor Andree Marr Famula Willelmi Spront Uxor Johannis Bricii Ada de Culane conuicta fuit de dictis punctis.	}	omnes isti ordinantur ad acquietancias suas propter causas predictas die ante- dicta.
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Johannes filius Jacobi et Willelmus Inuerory, calumpniati quod destruunt forum : primus respondebat sic, quod venit unus ruralis cum exemplo brasii ad domum suam, warandizando residuum ita bonum sicut exemplum fuit ; quo exemplo viso uxor eius emit unam bollam vel plus quam recepit in domo Hugonis plummar, et hoc legittime fuit factum, ut ipse asseruit. Willelmus respondebat, dicens quod uxor eius emit unum onus brasii in domo dicti Hugonis secundum quod residuum fuerit venditum et de eodem precio, et hoc ipse asseruit legittime factum. Ista duo puncta sunt dilata ad determinacionem communis consilii, utrum legittime et de iure possunt fieri, vel non, secundum que superius scribuntur.

Memorandum quod Patricius Alexandri deuenit plegius Willelmo Scherol pro Patricio Kemp ad intrandum dictum Patricium infra premunicionem duorum dierum ad respondendum dicto Willelmo, et ad liberandum ipsum de plegiagio xxv s. quod iniuit erga eundem pro tribus catallis.

Curia tenta per balliuos decimo sexto die mensis Februarii anno quo supra, que die curia affirmata.

Bricius Roberti posuit se in voluntate balliuorum de empcione et vendicione brasii in domo sua in preiudicium communitatis.

Uxor Hugonis plummar posuit se in voluntate balliuorum pro eadem causa.

Andreas Johannis posuit se in voluntate balliuorum quia perturbauit villam cum Thoma Porke, ¹Johanne scherol plegio¹. Thomas Porke posuit se in voluntate balliuorum quia perturbauit villam cum dicto Andrea.

Uxor Morgoun, calumpniata quod facit forum in domo sua de brasio et farina, negauit dictam calumpniam. Adiungitur sibi in octauis presentis curie de dicta calumpnia ad suam acquietanciam. Similiter et Katerina taillour se acquietabit eodem die pro eadem causa.

Curia tenta per balliuos vicesimo primo die mensis p. 106. Februarii anno quo supra, quo die curia affirmata.

¹⁻¹ Added in margin.

Dunccanus de Marr posuit se in voluntate balliuorum pro perturbacione ville cum Andrea de Tulch commorante apud Inuerkethyn.

Willelmus filius Michaelis posuit se in voluntate balliuorum pro perturbacione ville et verberacione Thome Westland.

Curia legali tenta per balliuos vicesimo tercio die mensis Februarii anno quo supra, quo die curia affirmata.

Dauid de Scrogis primo die vocatus ad sectam Roberti filii Colini non comparuit. Precipitur Johanni Lucris, seriando, capere districcionem viii s., et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Accio mota inter Nicolaum de Ledale et Mariotam de Atholia submittitur ad amicabilem compositionem proborum hominum ad hoc electorum; et ubi defectus reperitur presentabitur balliuis.

Thomas filius Johannis, carnifex, adiudicatus est in amerciamento curie quia iniuste recontrariauit plegium inuentum per Johannem Wormot, videlicet, de una probacione recipienda per ipsum contra unum ruralem vocatum Johannem foular.

Item in alio amerciamento quia, testibus ductis et iuratis in dicta probacione, dictus Thomas opposuit contra dictam probacionem iniuste, ut curia decreuit et wardauit.

Item in alio amerciamento quia iniuste tenuit a dicto rurale vi s. et octo denarios, ut probatum fuit legittime coram balliuis.

Causa mota inter Thomam de Paxtoun et uxorem Henrici Masoun ponitur ad amicabilem compositionem proborum hominum: et ubi defectus reperitur presentabitur balliuis.

Eodem die Thomas Strang accedens ad barram extendebat plegium super Willelmum de Borthwyk quod iniuste ab eo tenet ix nobilia et dimidium. Qui quidem Willelmus peciit diem legalem et legitimam summonicionem, tanquam vicinus ad vicinum.

Eodem die Johannes Ledale deuenit plegius pro Roberto Narn de indempnitate Thome Strang pro se vel sua im-

petracione aliter quam exigit ordo iuris. Similiter Johannes Crab deuenit plegius pro Thoma Strang de indempnitate dicti Roberti eodem modo etc.

Willelmus de Strade deuenit plegius pro Johanne Strang de indempnitate Willelmi Borthwyk, et Thomas Spryng deuenit plegius pro Willelmo Borthwyk de indempnitate Johannis Strang pro se vel pro sua impetracione aliter quam exigit ordo iuris.

Johannes Strang et Willelmus ¹Borthwyk¹ quilibet in amerciamento pro perturbacione curie.

Eodem die Mauricius suerdsleper stans ad barram extendebat plegium super Matheum Balram quod iniuste ab eo tenet xliiii s. causa replegiacionis debitorum suorum qui sibi dictam summam debebant, illos debitores sibi adhuc non intrando. Qui quidem Matheus peciit diem legalem tanquam vicinus ad vicinum.

Assisa leuata super cognicione panis et ceruisie comperit quod bolla frumenti valet xl denariis et bolla brasii facti in villa iii s. et vi d., et bolla brasii facta in patria valet iii s.

Fergusius filius Ade calumpniauit Edam Cok quod iniuste ab eo tenet ii s. Dicta Eda respondebat, dicens quod dictus Fergusius assignauit sibi unum debitorem cui soluit dictos duos s.; et balliui assignauerunt sibi, scilicet Ede, ad probandum in octauis presentis quod dicta summa est soluta debitori sibi assignato.

Accio mota inter Johannem filium Walteri, carnificem, et Laurencium Camsy submittitur ad amicabilem compositionem proborum hominum: et ubi defectus reperitur presentabitur balliuis.

Accio mota inter Schethok et Bricium Roberti differtur ad octauas presentis curie. Adiungitur dicto Schethok ad veniendum illo die cum sua probacione ad probandum quod equa de qua agitur est sua. Et dicto Bricio adiungitur ad veniendum dicto die cum suo waranto, ut finis iuridicus de dicto negocio habeatur.

Dauid walkar posuit se in voluntate balliuorum pro iniusta dolacione viridum arborum de le Stoket. Propterea

¹⁻¹ Added above the line.

adiudicatus est in tali amerciamento quale debeat perdere propter dictam causam. Et eciam in amerciamento curie.

Matheus Pynches in amerciamento quia non fecit ad officium forestarii quod debuit facere.

Willelmus de Strade calumpniavit Willelmum Camera de key quod iniuste ab eo tenet v li. xvii s. et ii d. Qui quidem W. Camera peccavit dictam summam poni in cedula partita ut ipse auisatus potuit dicte calumpnie respondere : et ipso auisato, si dictam summam vel partem eius negaret esse debitam dicto Willelmo Strade, dictus Willelmus illam summam¹ probavit in octavis presentis illam summam negatam sibi deberi secundum quod exigit ordo iuris.

p. 108.

Accio mota inter Willelmum de Strade et Willelmum Camera de key de uno pacto inter ipsos facto penes non spoliacionem unius terre, que est ad wardam curie, differtur ad proximum diem legalem propter debilitatem curie.

non
probat

Adiungitur Thome Johannis, carnifici, ad veniendum in octavis presentis curie ad probandum quod Johannes filius Thome, carnifex, traxit ipsum in plegiagio sex s. et octo denariorum erga Johannem foular.

Curia tenta per balliuos vicesimo quarto die mensis Februarii anno quo supra, quo die curia affirmata.

Dunccanus Porke posuit se in voluntate balliuorum pro verberacione uxoris Kennach, et pro percussione dicti Kennach, et perturbacione ville cum eisdem, et inuenit Thomam Paxtoun plegium ad satisfaciendum dicte mulieri de dicta verberacione et bludwit, secundum quod probi homines ad hoc electi iudicant et ostendunt.

non
acquietavit

Johannes Wrycht de Badynnach veniet in die lune proxime futura ad acquietandum se de destruccione silue.

non
acquietavit

Laurencius Camsy, calumpniatus tanquam carnifex quod non facit ad officium suum quod debet facere de iure, cepit ipsum ad acquietandum se in die lune proxime futura de dicta calumpnia.

Thomas Smyth posuit se in voluntate balliuorum pro perturbacione ville.

Mauricius suerdsleper, calumpniatus de percussione

¹⁻¹ Scored through.

iniusta Willelmi Moden, et eciam de rebellione et inobediencia factis balliuis, posuit se in voluntate balliuorum de dicta calumpnia.

Item memorandum est quod fregit carcerem regis contra inihibicionem et defensionem balliuorum, testibus ad hoc vocatis per balliuos, videlicet, Simone Lamb, Johanne Ledale, Johanne Andree, Nicolao Ledale, Simone Banirman cum multis aliis.

Johannes Ledale deuenit plegius pro Willelmo Moden de indempnitate Mauricii suerdsleper pro se, vel pro sua impetracione, aliter quam exigit ordo iuris.

Robertus de Narn, Nicolaus Ledale, et Thomas de Paxtoun deueniunt plegii pro Mauricio suerdsleper de indempnitate Willelmi Moden et totius communitatis ville pro se, vel pro sua impetracione, aliter quam exigit ordo iuris. p. 109.

Johannes Sprunt deuenit plegius pro Willelmo Camera de key quod non spoliabit terram quam inhabitat, et eciam quod comparebit coram balliuis in pretorio proximo dei legali ad respondendum ad ea que Willelmus de Strade habet obicere contra eundem.

Item Willelmus de Camera, filius, deuenit plegius pro Johanne Landman, Johanne Clabar, Petro Trew, Colino Cok, Thoma atmede, Johanne Dey, et uno garcifero, Anglicis, eorum nauis, et bonis in ea contentis, quod non euadent aut recedent aliquo modo per se, vel cum nauis et bonis antedictis; quod, si fecerint, vel unus aut plures eorum fecerint, dictus Willelmus soluet balliuis ville, nomine communitatis eiusdem, pro quolibet euadente tantam summam ad quantam eorum redempcio secundum estimacionem discretorum, ville se extendere dinoscatur, presentibus tanquam testibus, Ada de Benyn, Aldirmanno, Johanne filio Andree, Johanne Ledale, Nicholao Ledale, Johanne scherar, Simone Lamb, Johanne Hervy, quatuor balliuis, et communi clerico. Anglici

Curia tenta per balliuos secundo die mensis Marcii anno quo supra, quo die curia affirmata.

De accione mota inter Schethok et Bricium Roberti de

una equa ita determinatum est quod, omnibus processibus et plegiis prescriptis dilatis usque ad tres septimanas immediate sequentes datum dicte curie, ¹et¹ dictis tribus septimanis elapsis, dicti Schethok et Bricius comparebunt coram balliuis, dictis processibus ¹tunc¹ in suo robore, ut nunc, remanentibus, ad recipiendum et dandum quod eis dictauerit ordo iuris. Similiter et Thomas scynner, plegius de aymald pro dicta equa ad dictum Bricium, eodem die comparebit ad warandizandum sibi dictam equam; pro quo Thoma sic intrando Willelmus Cryn deuenit plegius. Item Robertus Rauffsoun, plegius de aymald pro dicto Thoma Scynner de dicta equa, ibidem in plena curia inuenit Daud Banirman plegium ad intrandum, dictis tribus septimanis elapsis, coram balliuos ad warandizandum dictum Thomam et suum plegium ab omni calumpnia que ex dicta equa sequi poterit, vel de accione superius mota, ita, videlicet, quod ²si contingat² quod medio tempore alius finis de dicta accione inter ipsos mota de equa pre-dicta non ²contingat² habeatur.

p. 110.

Alexander Banirman
 Johnnes Ledale
 Nicolaus Ledale
 Ricardus Lownan
 Robertus Colini
 W. Borthwyk
 Johannes Hervy
 Johannes Jacobi
 Daud Tulch contradixit alios scriptos
 Matheus Balram
 Willelmus Thaynstoun
 Michael de Camera
 Bricius Roberti
 Willelmus Spaldyng

Stephanus Wode deuenit plegius pro Willelmo Camera de key ad intrandum ipsum coram balliuis responsurum

¹⁻¹ Interlined.

²⁻² Scored through.

calumpnie Willelmi de Strade, ut exigit ordo iuris, ad proximum diem legalem.

Willelmus de Strade calumpniauit Willelmum Camera de key de una summa ¹contenta¹ in curia legali prescripta. Qui quidem Willelmus de Camera concessit xxii s. de dicta summa. Willelmus de Strade antedictus, ibidem ostendens litteram regis compulsionis in debita forma et effectum, ¹et¹ petens tenorem dicte littere adimpleri, precipitur seriandis namare dictum Willelmum de camera pro dictis xxii s., secundum iuris exigenciam, et satisfacere dicto Willelmo de Strade de dicto debito concesso, ut littera regia precipit antedicta. De debito negato dictus W. de Camera peccit diem legalem et legitimam summonicionem tanquam vicinus ad vicinum.

Curia tenta per balliuos tercio die mensis Marci anno quo supra, quo die curia affirmata.

Wilkyne Webster in amerciamento quia non acquietauit se pro uxore sua, secundum quod sibi adiungebatur.

Curia legali tenta per balliuos octauo die mensis Marci p. 111. anno quo supra, quo die curia affirmata.

Johannes coupar posuit se in voluntate balliuorum pro perturbacione ville.

Dauid de Scrogis, secundo die vocatus ad sectam Roberti filii Colini, non comparuit. Precipitur Johanni Lucris, seriando, capere distraccionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad tercium diem huius processus.

Adiungitur Thome filio Henrici ad veniendum in octabis presentis curie cum sua probacione ad probandum quod Donaldus walkar tenet iniuste ab eo unam bipennem, vel unam securim, et ²quod² est sua ¹ut¹ probabit.

Willelmus Borthwik accedens [*ad barram*] obtulit se paratum ad respondendum plegio super ipsum inuento per Thomam Strang. Quo quidem Thoma legitime vocato et non comparente dictus Willelmus extendebat plegium quod quitus fuit a sua calumpnia.

¹⁻¹ Scored through.

²⁻² Added above the line.

Thomas Halt posuit se in voluntate balliuorum pro dolacione nemorum iniuste.

non
acquietauit

Adiungitur Rogero Sprunt ad veniendum in octauis presentis curie ad acquietandum se de perturbacione ville.

Adiungitur Johanni de Abernethy ad probandum cras quod equus quem Johannes Crab arrestauit est Willelmi Beset.

Thomas Johannis carnifex in tribus amerciamentis, primo quia rebellis fuit seriandis eorum officium exercentibus, secundo quia inobediens fuit balliuis, nolens intrare prisonam ad eorum preceptum, tercio quia exiuit prisonam sine eorum licencia.

Assisa leuata super cognicione panis et ceruisie comperum est quod bolla frumenti valet xlii d., et bolla brasii valet iii s.

p. 112.

Nicolaus Ledale deuenit plegius pro Willelmo de Strade de indempnitate Willelmi Camera de Key aliter quam exigit ordo iuris. Similiter et Johannes Crab deuenit plegius pro Willelmo de Camera de indempnitate Willelmi de Strade.

Memorandum de conuencione facta inter dictum Willelmum de Strade et Willelmum de Camera de key, videlicet, quod dictus Willelmus Camera de key soluet sine dolo et fraude, excepcione, vel aliquo strepitu iudicali, dicto Willelmo de Strade ante festum Pentecostes proxime futurum quatuor marcas, et quantum dictus Willelmus Camera spoliauit de edificio suo in quo manet in preiudicium dicti Willelmi de Strade restituet infra octo dies. Similiter quantum dictus Willelmus de Strade spoliauit de dicto edificio restituet infra prefixum tempus, et ambo obligantur quod ammodo dictum edificium nullatenus spoliabunt. Plegius pro Willelmo Camera de key magister Willelmus de camera obtulit deuenire. Willelmus vero de Strade refutauit recipere eundem magistrum Willelmum in dicto plegiagio. Propterea Walterus Rede deuenit plegius dicto Willelmo de Strade pro dicto Willelmo Camera de key ad dictam conuencionem in omnibus suis punctis et articulis perimplendam. Et dictus magister Willelmus de Camera in plana curia promisit custodire et conseruare dictum Walterum Rede indempnem de dicto plegiagio. Et Willel-

mus Camera de key ibidem obligavit omnes terras ad conseruandum dictum magistrum Willelmum de Camera indempnem de dicto plegiagio quod pro eodem erga dictum Walterum Rede incurrebat.

Curia tenta per balliuos decimo quinto die mensis Marci anno quo supra, quo die curia affirmata.

Alexander Banirman in tali amerciamento quale debeat perdere pro dolacione silue, et hoc est pro uno homine secum manente pro quo stetit balliuorum calumpnie respondendo.

Willelmus de Strade deuenit plegius pro Matheo Pynches de indempnitate quatuor seriandorum. Gilbertus Hervy deuenit plegius pro Mauricio filio Roberti. Willelmus Moden deuenit plegius pro Donaldo Ka. Johannes Loctoun deuenit plegius pro Johanne Lucris. Michael de Camera deuenit plegius pro Ferguseo filio Ade de indempnitate Mathei Pynches aliter quam exigit ordo iuris.

Donaldus milnar posuit se in voluntate balliuorum quia non facit ad officium suum molendinarii quod facere tenetur de iure, et specialiter quia male moliebat brasium Johannis Loctoun: et adiungitur sibi ad satisfaciendum dicto Johanni de dampno sibi illato de mala molicione dicti brasii secundum ordinacionem et determinacionem vicinorum ad hoc electorum.

Johannes filius Andree deuenit plegius pro Johanne clerico ad intrandum ipsum crastina die coram balliuis responsurum calumpnie Simonis de Benyn et ad recipiendum probacionem suam sibi iniunctam.

Rogerus Sprunt in amerciamento curie quia non venit ad acquietandum secundum quod iniunctum sibi fuit in curia precedente. p. 113.

Willelmus commorans cum Daud walkar posuit se in voluntate balliuorum pro se et duabus mulieribus pro dolacione silue.

Donaldus Walkar in amerciamento curie quia iniuste tenuit unam securim a Thoma filio Henrici.

In crastina die Symon de Benyn calumpniauit Johannem Clerk, dicens quod fuit mercator Willelmo Bischapman

et uxori sue de ix sarpellis lane et unum [*sic*] pok pellium, v dacris coriorum, et eciam quod fuit in parte cum dicto Willelmo, de quibus bonis nunquam dedit comptum. Quare dictus Symon peccit ab eo comptum de parte dictorum bonorum pertenencium uxori sue et pueris dicti Willelmi, que pars dictorum bonorum est due partes eorundem. Qua calumpnia facta et probacione dicto Simoni iniuncta cassata, et adnullata, ad compositionem processerunt. Que compositio fuit quod, ex quo dictus Johannes allegavit quod dedit comptum de dictis bonis Murthaco Scoule, executori dicti quondam Willelmi Bis-chapman; balliui cum consensu dicti Simonis dederunt sibi diem, videlicet, festum natiuitatis beati Johannis baptiste proxime futurum, ad monstrandum litteras quitas de dictis bonis, vel alias succumbet in causa; et ad hoc, quia plegium non habuit, iuravit magnum iuramentum ad hoc suplendum sine dolo et fraude.

Curia legali tenta per balliuos vicesimo secundo die mensis Marcii anno quo supra quo die curia affirmata et sectis vocatis etc.

Willelmus de Kyntor et Dunccanus de Marr, attornati Daud de Scroggis, ut patuit per litteram domini nostri regis ibidem lectam, obtulerunt se, nomine dicti Daud, paratos ad respondendum plegio inuento super dictum Daud per Robertum Colini. Quo quidem Roberto legitime vocato et non comparente Johannes Ledale, prelocutor dictorum Willelmi et Dunccani, nomine dicti Daud, extendebat plegium quod quitus fuit a calumpnia sua causa non comparencie; et dictus Robertus in amerciamiento curie.

Robertus baxter in amerciamiento curie quia non venit ad prosequendum plegium quod inuenit super Matildam de Frendracht, et dicta Matildis extendebat plegium quod quita fuit a calumpnia sua.

Adam walkar posuit se in voluntate balliuorum pro perturbacione ville cum Thoma Smyth.

Thomas Smyth in amerciamiento curie quia perturbauit villam cum dicto Adam [*sic*] Walkar.

Willelmus dravar Schetok, Willelmus Forglen, et unus vocatus Matheus. Willelmus Moden inuenit plegium super istos prescriptos quod iniuste capiunt focalia sua.

Willelmus Camera de key secundo die vocatus ad sectam Willelmi Strade non comparuit. Precipitur seriandis capere districcionem octo s., et dare ad plegium, et citare ipsum nouiter etc.

Eodem die Schethok accessit ad barram cum Willelmo p. 114. Forglen, Johanne filio Henrici, Matheo filio Andree, Johanne Forglen, et probauit legitime quod equa de qua agebatur inter ipsum et Bricium Roberti fuit sua.

Assisa leuata super cognicione panis et ceruisie comper-tum est quod bolla frumenti valet xl d. et bolla brasii valet iii s.

Iby Heich posuit se in voluntate balliuorum pro pane suo insufficiente.

Accio mota inter priorem fratrum Carmelitarum de Abirdene ex parte una et Robertum Faucuner, burgensem de Monros, ex parte altera submittitur ex consensu am-barum parcium ad ordinacionem et determinacionem istorum subscriptorum, videlicet, pro parte dicti prioris, Alexander Banirman et Simon Benyn eligitur [*sic*], ¹et¹ pro parte dicti Roberti Adam de Benyn, Andreas panter, vel Johannes de Stane, vel Willelmus Philippi, vel consimilis illis; et proxima dies curie capitalis, videlicet, dies lune proxime sequens dominicam qua cantatur quasi modo genitus est, eis assignatur ad comparendum apud Abirdene pro determinacione dicte cause sine quacunque impetracione dominorum et quoruncunque aliorum quam prescriptorum ad hoc, ut predicatur, electorum. Et si aliqua parcium predictarum in earum [*sic*] defectu non venit dicto die cum prescriptis compositoribus, illa pars que deficit succumbet in causa cum omnibus dampnis ¹legit-time probatis¹ et expensis. Et eciam dicti compositores iurabunt ad iuste determinandum dictam causam secundum discrecionem et scienciam eorundem. Et sicut Robertus predictus est obligatus ad consimiles in casu quod aliquis suorum compositorum deficiat, ita liceat dicto priori, in

¹⁻¹ Added above the line.

absencia compositorum suorum, vel unius eorum, dicta die ad comparandum, ad eligendum consimiles illis qui pro parte sua prescribuntur. Ulterius dictus Robertus traxit omnes carnes suas prius per balliuos arrestatas in plegiagio quod ipse veniet dicta die, ut prescribitur, ad habendum finalem determinacionem dicte cause, quousque inueniet sufficientes plegios ad comparandum dicta die, ut predicitur. Quos inuenit Willelmum de Crag et Thomam Scherar insolidos plegios omnia predicta modo pariter et effectu, ut prescribitur, sine dolo et fraude firmiter perimplere.

p. 115. Curia legali tenta per balliuos quinto die mensis Aprilis anno domini millesimo cccc^{mo}, quo die curie affirmata et sectis vocatis etc.

non
acquietauit
Adiungitur Magi, amite Henrici Lyntoris, ad veniendum in octauis presentis curie acquietando se de piscione laganarum.

Michael de camera in amerciamento tali quale debeat perdere pro iniusta inuencione plegii de recente deforciamiento super Mauricium suerdsleper.

Assisa leuata super cognicione panis et ceruisie compertum est quod bolla frumenti valet iii s. vi d. et bolla brasii iii s.

Curia tenta per balliuos duodecimo die mensis Aprilis anno quo supra, quo die curia affirmata.

Robertus baxter vocatus ad intrandum Willelmum Turnbull non comparuit, nec dictum Willelmum intrauit. Quare adiudicatus est in amerciamento curie.

Adiungitur ¹Thome¹ Johanni filio Thome ad probandum cras quod satisfecit Patricio Mawmond de uno equo precii vi s. viii d., ut ordo iuris requirit. Et similiter ad acquietandum se de perturbacione ville cum dicto Patricio.

Balliui inhibuerunt et absoluerunt Willelmum Boyl, baxter, ab officio suo pistoris per annum quia fregit obligationem suam factam dictis balliuis de vendicione panis.

¹⁻¹ Scored through.

Iby Heich	} Similiter omnes isti sunt ab-	} soluti ab officio suo eadem de	} causa.	} Isti com-	} muniter ven-	} dunt xiii	} panes pro	} duodecim
Johannes baxter								
Robertus Hesilhede								
Robertus baxter—panis obuli.								
Johannes filius Thome	} Isti fregerunt obligacionem	} suam in modico dantes frequens	} [?] panes [?] a ¹ .					
Willelmus baxter								
Patricius baxter								

Curia capitali tenta per balliuos die lune proxime post p. 116.
dominicam qua cantatur quasi modo geniti,² anno domini
millesimo quadringentesimo, quo die curia affirmata.

Nicolaus mercer in amerciamento curie quia non venit
ad prosequendum plegium quod inuenit super Henricum
Rothny.

Eodem die Robertus filius Daud, prelocutor Willelmi
Camera de key, extendebat plegium quod, ex quo acciones
et cause mote inter dictum Willelmum et Willelmum de
Strade pre hiis temporibus posite fuerunt cum utriusque
partis consensu ad amicabilem compositionem proborum
hominum electorum ad determinandum dictas acciones,
et dicte acciones et cause per dictos compositores adhuc
non sint attemptate nec determinate, nullus processus
per dictum Willelmum de Strade ductus medio tempore
contra Willelmum Camera de key ullius valoris est aut
momenti; quod plegium Willelmus de Strade recon-
trariauit. Unde warda differtur ad proximum diem
legalem propter debilitatem curie.

Willelmus de Strade et } Ambo in amerciamentis prop-
Willelmus Camera de key } ter perturbacionem curie.

Curia tenta per balliuos ultimo die mensis Aprilis anno
domini millesimo ecce^{mo}, quo die curia affirmata.

Andreas filius Roberti venit cum Johanne Hervy et
Johanne ³Logy³, tanquam taynt probacione, ad probandum
quod Thomas ⁴Halt⁴ conuencionem fecit secum ad soluen-

¹ Incomplete.

² Monday, 26 April.

³⁻³ Written over *Loctoun*.

⁴⁻⁴ Added above the line.

dum sibi vel dicto Johanni Hervy, suo deputato ad hoc, xiii s. iiii d. ante festum Epiphanie Domini ultime elapsam. Johannes Lambyntoun, procurator dicti Thome Halt, extendebat plegium quod dicta probacio non fuit sufficiens, primo quia Johannes Hervy ibidem ductus tanquam unus testis fecit se partem etc. Dictus Andreas dictum plegium recontrariauit.

Curia tenta per balliuos in vigilia Pentecostes¹ anno quo supra, quo die curia affirmata.

Robertus Gwelp adiudicatus est in xlvi li. pro conelacione firme ²sue² erga regem una cum amerciamento curie.

p. 117.

Willelmus dravar Willelmus Forglen Alexander Forglen Matheus Schipart Johannes, filius Donaldi Johannes Yhung	}	Robertus, gener Johannis Donaldi Alexander, filius Patricii Quilibet istorum in amercia- mento quia non comparuerunt coram balliuis.
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p. 120.

Curia tenta per balliuos antepenultimo die mensis Maii anno quo supra, quo die curia affirmata.

Matheus Balram in amerciamento curie quia perturbauit villam cum Johanne Forglen.

Johannes Forglen in amerciamento curie quia iniuste tenuit a Matheo Balram unam bipennem.

Thomas smyth in amerciamento curie quia iniuste verberauit ³Anny³ Rauff; et Johannes Mungwale deuenit plegius pro dicto Thoma ad satisfaciendum dicte Anny de dicta iniuria quam ei malefecit.

Curia tente per balliuos penultimo die mensis Maii anno quo supra, quo die curia affirmata.

Thomas de Paris in amerciamento curie quia non intrauit Thomam smyth ad calumpniam balliuorum, prout deuenit plegius pro eodem.

¹⁻¹ Saturday, 5 June.

²⁻² Added above the line.

²⁻³ Substituted for *Cyffi*, which has been scored through.

Johannes Ledale in amerciamento curie quia non intrauit Nicolaum ¹Mercer¹ ad calumpniam balliuorum.

Similiter Johannes Scherar et Willelmus Scherol, vocati ad intrandum Anny Blak, non comparuerunt, nec ipsa comparuit. Quare quilibet eorum adiudicatur in amerciamento curie.

Johannes Scherar et Willelmus Scherol deuenunt plegii pro Anny Blak ad intrandum ipsam coram balliuis die lune proxime futura.

Curia tenta per balliuos ultimo die mensis Maii anno quo [L]une supra, quo die curia affirmata.

Thomas Paxtoun in amerciamento quia iniuste tenuit dimidium bolle ordei a Willelmo Scherole pro quo ordeo traxit Daud Thome in plegiagio.

Ricardus filius Donaldi in amerciamento curie quia non venit cum sua probacione contra Thomam Paxtoun secundum quod sibi adiungebatur.

Thomas Johannis, carnifex, in amerciamento curie quia non acquietauit se cum taynt acquietancia secundum quod sibi adiungebatur: et hoc wardatum fuit in curia.

Johannes Nory in amerciamento curie quia non acquietauit se contra Walterum Patricii secundum quod sibi adiungebatur: et precipitur sibi ad satisfaciendum dicto Waltero de dampnis sibi per ipsum illatis secundum quod dictus Walterus probare poterit iuridice contra ipsum.

Willelmus Andree deuenit plegius pro Willelmo Boyl, p. 121. baxter, quod, postquam Joneta de Dunbarr deliberauerit dicto Willelmo Boyle plumbum suum, dictus Willelmus infra octo dies sequentes affiget dictum plumbum sufficienter in loco in quo prius stetit, et reparabit fenestras et parietes quos deteriorauit secundum quod prius fuerunt reparati.

Cristinus Walkar in amerciamento quia defecit in probacione sibi iniuncta per arbitros contra Johannem Mungwale, et idem Johannes quitus a sua calumpnia, et tenetur restituere dicto Johanni octo s. viii d. et duodenam caponum.

¹⁻¹ Substituted for *Ledale*, which has been scored through.

Matildis Benche in amerciamento curie quia vendit laganas, quod inhibitum est in iure.¹

Stephanus Willelmi posuit se in voluntate balliuorum pro iniusta percussione Bricii Dunccani.

Repertum est et ordinatum per assisam quod Elena Scotcok est releganda per centum annos et diem, et si iterum ad villam veniat ferrum ferlote affigetur in gena sua. Et Cyffy, si unquam imposterum delinquat, eadem pena et eodem modo punietur.

Henricus sclatar in amerciamento quia non venit ad recipiendum probacionem Simonis de Benyn.

Idem in alio amerciamento quia non venit cum sua acquietancia, secundum quod sibi adiungebatur.

Curia tenta per balliuos nono die mensis Junii anno quo supra, quo die curia affirmata.

Nicholaus Ledale in amerciamento curie quia non intravit Andream Ballyndach ad sectam Willelmi de Strade, secundum quod deuenit plegius: et prima dies huius processus.

Willelmus de Crag deunit plegius pro Nicholao Ledale de indemnitatem Willelmi de Strade pro se vel pro sua impetracione aliter quam per viam iuris. Et Willelmus Cryn deuenit plegius pro Willelmo de Strade de indemnitatem Nicolay Ledale pro se vel sua impetracione nisi per viam iuris.

Curia tenta per balliuos xiiii die mensis Junii anno quo supra, quo die curia affirmata.

Nicolaus Ledale, secundo die vocatus ad intrandum Andream Ballyndach ad sectam Willelmi de Strade, non comparuit. Precipitur seriandis capere districcionem a Nicolao Ledale, et citare ipsum ad intrandum dictam [*sic*] Andream crastina die etc.

p. 122.

Curia tenta per balliuos xv die mensis Junii anno quo supra, quo die curia affirmata.

Nicolaus Ledale, tercio die vocatus ad intrandum

¹ Cf. *supra*, p. 92, note.

Andream Ballyndach ad sectam Willelmi de Strade, non comparuit, nec intrauit dictum Andream. Precipitur seriandis capere districcionem a dicto Nicolao, et citare ipsum ad intrandum dictum Andream crastino die tanquam ad quartum diem huius processus.

Curia tenta per balliuos xvi die mensis Junii anno quo supra, quo die curia affirmata.

Nicolaus Ledale, vocatus tanquam quarto die et peremptorie ad intrandum Andream Ballyndach ad sectam Willelmi de Strade, non comparuit, nec dictum Andream intrauit. Dictus Wilhelmus, prosequens in causa, suam recitans calumpniam, videlicet, quod idem Andreas ab eo iniuste tenet xxvi s. viii d. argenti et vi bollas farine, precii xviii s., peciit sibi fieri iuris complementum, affirmans per inuencionem plegii quod, ex quo dictus Andreas vocatus fuit ad quartum diem et peremptorie, et non comparuit, ad suam peruenit calumpniam causa non defensa, et peciit super hoc iudicium sibi dari. Quod quidem iudicium respectuatur per balliuos usque ad diem lune proxime futurum propter debilitatem curie. Et protestabatur pro costagiis suis et expensis etc. medio tempore propter dictam causam sustentis. Istud iudicium fuit datum quinto die mensis Julii anno quo supra.

Curia tenta per balliuos penultimo die mensis Junii, videlicet, in vigilia apostolorum Petri et Pauli, anno quo supra, quo die curia affirmata.

Stephanus filius Philippi est in amerciamento quia iniuste tenuit a Patricio baxter ix s. vi d. Fergusus Ade plegius pro amerciamento.

Johannes Malvyn, vocatus legitime ad prosequendum plegium quod inuenit super Robertum baxter, non comparuit. Dictus Robertus extendebat plegium quod quitus fuit a sua calumpnia. Et Johannes Man in amerciamento quia fuit plegius pro dicto Johanne ad intrandum ipsum, quod non fecit.

[In] amerciamento

Adiungitur Petro Giliis ad veniendum die Mercurii

proxime futura ad probandum quod Andreas filius Gilberti iniuste ab eo tenet viii s.

p. 123.

Willelmus Crag deuenit plegius pro Matheo Balram pro se et sua impetracione de indempnitate Willelmi Moden. Et Andreas Petri simili modo deuenit plegius pro Willelmo Moden de indempnitate dicti Mathei.

Willelmus Crab deuenit plegius pro Simone Lamb de indempnitate Roberti sadillar pro se et sua impetracione aliter quam exigit ordo iuris. Similiter Johannes Thome deuenit plegius pro dicto Roberto eodem modo quo supra.

Veniens ad barram Johannes Yhule cum sua probacione, prout ordinatum fuit per arbitros, super causam motam inter ipsum et Willelmum Ayr, producendo secum ad probandum Willelmum Foty, Daud Thome, Thomam Yhung, Johannem Gilberti, carnificem, ¹Johannem Thome¹. Produxit eciam alios, si necesse fuerat, videlicet, ²Patricium Crane², carnificem, Laurencium Camsy, Jac de troup, et Willelmum Ade, ex quibus quidem, ut idem Johannes dixit, fuit probacio de taynt. Postmodum Johannes Crab, prelocutor Willelmi Ayr, extendebat per plegium, ex parte dicti Willelmi, quod dicta probacio non erat legitima. Johannes Scherar, prelocutor Johannis Yhule, ex parte ipsius Johannis, dictum plegium recontrariauit, dicens quod illa probacio erat legitima quia nulla causa expressa fuit in contrarium, protestando idem Johannes pro racionibus suis tempore et loco producendis.

Curia legali tenta per balliuos quinto die mensis Julii anno quo supra, quo die curia affirmata etc.

Adiungitur Johanni Lambyntoun ad veniendum in octauis presentis curie probando quod cacabus³ quem inuenit cum garcifero Mathei Balram est suus.

Adam Walteri primo die vocatus ad sectam Johannis Lambyntoun non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

¹⁻¹ Interlined, in substitution for *Patricium Crane*, scored through.

²⁻² Substituted for *Johannem Thome*, scored through.

³ Cooking-pot.

Accio mota inter Walterum Patricii et magistrum et mercatorem nauis de Spruys submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis.

Similiter accio mota inter Willelmum de Camera, patrem, et Johannem Bricii submittitur ad ¹amicabilem¹ compositionem et determinacionem communis consilii, et ubi defectus reperietur presentabitur balliuis.

Thomas taillour inuenit Michaellem de Camera plegium et Andreas Johannis inuenit Johannem Crab plegium quod accio inter ipsos mota de barella butiri ammodo non veniet coram balliuis sub pena octo solidorum sine remissione.

Walterus Rede calumpniavit Johannem Bricii quod p. 124. iniuste ab eo tenet []². Dictus Johannes peciit diem legalem tanquam vicinus ad vicinum.

Mergareta Strathekyn veniet in octauis presentis curie quod nichil habet iniuste de bonis Johannis filii Bricii.

Michael de Camera calumpniavit Mergaretam Halt quod iniuste interfecit unum porcum qui suus erat. Dicta Mergareta peciit diem legalem tanquam vicinus ad vicinum.

Simon de Camera, vocatus tanquam secundo die ad sectam Ade filii Thome, non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum etc.

Eodem die Willelmus walkar de ly hole, vocatus peremptorie ad sectam magistri Willelmi de Camera, non comparuit. Dictus magister Willelmus, prosequens in causa et suam recitans calumpniam, videlicet, quod idem Willelmus walkar quod ab eo iniuste tenet unum bouem, precii octo solidorum, affirmans per inuencionem plegii quod, ex quo dictus Willelmus fuit peremptorie vocatus et non comparuit, ad suam peruenit calumpniam causa non defensa, et peciit super hoc iudicium sibi dari. Unde curia decreuit et datum fuit pro iudicio ex ore Willelmi Croket, iudicatoris curie, quod dictus magister Willelmus ad suam peruenit calumpniam causa non defensa, et dictus Willelmus walkar tenetur restituere dictum bouem dicto magistro Willelmo

¹⁻¹ Scored through.

² Blank in MS.

cum dampnis et expensis que dictus magister Willelmus medio tempore sustinuit causa dicti bouis.

Eodem die magister Willelmus de Camera accedens ad barram peciit Willelmum Camera de le key exonerare ipsum de plegiagio quatuor marcarum in quo ipsum traxit. Qui quidem Willelmus Camera de le key obligauit dicto magistro Willelmo tenementum suum in quo manet ad exonerandum ipsum de dicto plegiagio erga Willelmum de Strade, quod tenementum dicto magistro Willelmo deliberatur per balliuos. Idem magister Willelmus obtulit quibuscumque volentibus ipsum habere pro dictis quatuor marcis tanquam primo die huius processus.

Johannes Ledale, tercio die vocatus ad intrandum Johannem Frertoun ad sectam Johannis Bell, sutoris, non comparuit nec dictum Johannem intrauit. Precipitur seriandis capere districtionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad quartum diem huius processus.

p. 125.

Adiungitur Thome Johannis, carnifici, ad veniendum die lune proxime futura ad acquietandum se quod non perturbauit villam cum Johanne Forglen.

Curia tenta per balliuos duodecimo die mensis Julii anno quo supra, quo die curia affirmata etc.

Johannes Lambyntoun accedens ad barram cum sua probacione, ut iniunctum fuit sibi in curia precedente, peciit cacabum predictum sibi monstrari, ut postea cum sua probacione procederet. Matheus Balram respondens pro dicto cacabo dixit quod non fuit iniunctum sibi presentare in curia dictum cacabum. Dictus Johannes extendebat plegium quod dictus cacabus debuit presentari antequam procederet ulterius cum sua probacione. Dictus Matheus dictum plegium recontrariauit. Et sic ad wardam curie, et differtur ad proximum diem legalem.

Acquietancia Mergarete Strethekyn et socie sue differtur ad diem lune proxime futurum cum consensu partis ad instanciam iudicis.

Curia legali tenta per balliuos decimo nono die mensis Julii anno quo supra, quo die curia affirmata.

Johannes de Buchania calumpniavit Alexandrum Forglen quod iniuste ab eo duxit sex futhris petarum. Alexander predictus concessit abductionem unius futhir iniuste. Propterea est in amerciamento curie.

Et adiungitur dicto Johanni ad veniendum in octavis .: presentis ¹curie¹ ad probandum tantum quantum dictus Alexander ab eo duxit de focalibus iniuste. Non probavit

Item predictus Johannes posuit se in voluntate balliuorum pro iniusta verberacione de ly schethok comorante in scethokisley.

Adiungitur Thome taillour ad veniendum in octavis .: presentis curie cum sua probacione ad probandum quod fuit in defectu Andree filii Johannis quod accio inter ipsos mota et posita ad amicabilem compositionem non fuit determinata Andreas in defectu. probavit

Eodem die Magister Willelmus de Camera ad barram recitavit formam et effectum processus sui precedentis in ultima curia legali, asserendo et ²prosequendo² hodie secundum diem dicti processus.

Eodem die duo homines de Foty pecierunt licenciam a p. 126. balliuis ad componendum inter se de accione inter ipsos mota sic quod defectus eisdem balliuis presentetur.

Dunccanus Moderoch in amerciamento curie quia iniuste recontrariauit plegium inuentum per Willelmum Crag.

Item Johannes Bell, sutar, in amerciamento curie quia iniuste recontrariauit plegium inuentum per Johannem Crab, prelocutorem Johannis Frertoun.

Accio mota in [*sic*] Adam filium Thome et ³Simonem³ de Camera submittitur ad amicabilem compositionem determinanda et ubi defectus reperietur presentabitur balliuis, quolibet plegio pro se ipso quod amplius non veniet coram balliuis in eorum defectu.

Similiter accio mota inter Johannem Bell et Johannem Frertoun submittitur ad amicabilem compositionem eodem modo quo supra.

Johannes Voket primo die vocatus ad sectam Thome

¹⁻¹ Interlined.

²⁻² Substituted for *protestando*, which has been scored through.

²⁻³ Substituted above the line for *Michaelem*, scored through.

Lownan non comparuit. Precipitur seriandis capere districtionem octo solidorum, et dare ad plegium, et citare ipsum nouiter etc.

∴
non
acquietauit
Patricius baxter veniet in octauis presentis curie ad acquietandum se legittime quod non procurauit, per se vel per alium, dominum contra Johannem Andree, vicinum suum.

Idem Patricius posuit se in voluntate balliuorum pro perturbacione ville cum Johanne filio Andree. Similiter et Johannes filius Andree in amerciamento pro perturbacione ville cum dicto Patricio.

non
acquietauit
Adiungitur Johanni Lambyntoun ad veniendum in octauis presentis curie acquietando se quod non perturbauit curiam maledicendo et inepta verba proferendo Matheo de Balram. Non acquietauit se.

Warda dependens inter Matheum Balram et Johannem Lambyntoun differtur ad proximum diem legalem.

Assisa leuata super cognicione panis, ceruisie, compertum est quod bolla frumenti valet iiii s., et bolla brasii iiii s.

p. 127.
Curia tenta per balliuos vicesimo quarto die mensis Julii anno quo supra, quo die curia affirmata.

Probauerunt
Johannes Scherar et Matheus Balram calumpniauerunt Johannem Ingrame, magistrum cuiusdem nauis, quod iniuste ab eis tenuit quinquaginta celdras salis, precio celdre xxvi s. Dicitus Johannes Ingrame negauit omnimodam iniustam tencionem. Adiungitur propterea dictis Johanni et Matheo ad probandum die lune proxime futura iuridice dictam calumpniam fore veram, cum dampnis et expensis illis inde emergentibus.

Curia tenta per balliuos vicesimo sexto die mensis predicti anno quo supra, quo die curia affirmata.

Dauid Walkar, calumpniatus de obstruccione aquarum a molendinis regiis, posuit se in voluntate balliuorum, et sic in amerciamento curie.

Eodem die Thomas Ysac accedens ad barram calumpniauit Johannem Wormot quod venit [*sic*] plegius pro octo marcis sibi soluendis pro vino quod vendidit Johanni

Brechyn. Johannes Wormot negando dictam calumpniam asseruit se satisfacisse dictam summam. Adiungitur dicto Thome ad veniendum in octabis presentis curie cum probacione legitima ad probandum dictam calumpniam fore veram. Ista causa posita est ad determinacionem communis consilii vel quatuor vicinorum.

Johannes Yhule	} quilibet in amerciamento pro perturbatione ville brigando adinuicis.
Andreas Walkar	
Simon Logy	

Patricius Rede in amerciamento quia non acquietauit se de dicta perturbatione, ut sibi iniunctum fuit.

Adiungitur Johanni filio Bricii ad veniendum in octauis presentis curie cum legali probacione probando quantas et quas res Mergareta de Strathekyn iniuste ab eo tenet.

Curia legali tenta per balliuos secundo die mensis Augusti anno quo supra, quo die curia affirmata et sectis vocatis etc.

Magister Willelmus de Camera recitauit ad barram formam et effectum processus sui precedentis proseguendo dictum processum hodie tanquam tercio die eiusdem.

Eodem die Johannes Voket secundo die vocatus ad sectam Thome Lownan non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad tercium diem huius processus.

Eodem die Matheus Balram accedens ad barram peciit p. 128. wardam que dependet de accione mota inter ipsum et Johannem Lambyntoun sibi dari. Quo Johanne legitime vocato ad audiendum determinacionem dicte warde et non comparente, dictus Matheus extendebat plegium quod quitus fuit a calumpnia dicti Johannis de dicta accione.

Eodem die Philippus filius Johannis primo die vocatus ad sectam Thome filii Willelmi non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Eodem die Willelmus de Camera, pater, primo die

vocatus ad intrandum Nicolaum filium Johannis Andree cum uno sore¹ equo ad sectam Johannis Hervy, non comparuit nec dictum Nicolaum cum dicto equo intrauit. Precipitur Donaldo Ka, seriando, capere ab ipso districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad crastinum diem tanquam ad secundum diem huius processus.

Eodem die Stephanus de Foresta, primo die vocatus ad sectam Simonis de camera, non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Eodem die comparuerunt Thomas Ysac et Johannes Wormot coram balliuis ad barram, et submiserunt accionem inter eos motam ad determinacionem quatuor vicinorum ²vel² superiorem ad eorum eleccionem [*sic*] in casu quod dicti quatuor non concordarent: et ad hoc dederunt fidem corporalem et plegia inuenerunt balliuis quod amplius dicta accio non veniet coram balliuis in eorum defectu.

Curia tenta per balliuos tercio die mensis Augusti anno quo supra, quo die curia affirmata.

Willelmus de Camera, pater, secundo die vocatus ad intrandum Nicolaum filium Johannis Andree cum uno sore equo ad sectam Johannis Hervy, non comparuit. Precipitur Donaldo Ka capere ab ipso districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad crastinum diem etc.

Curia tenta per balliuos quarto die mensis Augusti anno quo supra, quo die curia affirmata.

Willelmus de Camera, pater, tercio die vocatus ad intrandum Nicolaum filium Johannis Andree cum uno sore equo ad sectam Johannis Hervy, non comparuit. Precipitur Donaldo Ka capere ab ipso districcionem octo solidorum, et dare ad plegium, et citare ipsum ad crastinum diem etc.

¹ sorrel.

²⁻² Scored through and then underpointed.

Videndum est de seruicio ecclesie,
secundo de mare,
tercio de littera mittenda apud Edynburgh de Willelmo
Calabre.

Ther air thai the quilk is ordanit to mak hankaris in
the hawyn for commune profyt—

¹Adam de Benyn } 1 hankyr
Johannes Allani }

W. de Camera, pater } 1 hankyr¹
W. de Camera, filius }

Adam de Benyn 1 hankyr

W. de Camera, pater 1 hankyr

Robertus Daud 1 hankyr

Laurencius de Letht 1 hankyr

Johannes Andree 1 hankyr

Johannes Strang ii part of ane kankir

W. de Inuerory iii part of ane hankyr

Daud de Scrogis } 1 hankyr
et W. de Kyntor }

Patricius pistor } 1 hankyr
et Thomas de Lounane pro posse }

Johannes de Logtoun cum propriis hankyris suis

Willelmus de Stradee 1 hankyr

Willelmus Blyndesel } 1 hankyr
et Johannes Uscher }

Alexander Banirman } 1 hankyr
et Thomas Lamb }

Bricius Duncani } 1 hankyr
et Andreas Gybson }

Matheus Hulk 1 hankyr

Willelmus Glenny } 1 hankyr
et Johannes Glenny }

Adam Thomson } 1 hankyr
et Willelmus de Thayneston }

Willelmus Jacson } 1 hankyr
et Thomas Scherer }

¹⁻¹ This paragraph is scored through.

Richardus de Lounane et Johannes Jamisoun	}	1 hankyr
Wilelmus filius Andree		
Andreas Petri et Johannes de Aynecroft	}	1 hankyr
Henricus Sclater		
Johannes Awel	}	1 hankyr
Adam de Stradechyne		
Patricius Alexandri	}	ii part de 1 hankyr
Johannes de Lambytoun		
Thomas Daud et Jone of Mongewell	}	1 hankyr
Willelmus de Borthwyke		
Duncannus de Marr et Andreas Johannis	}	1 hankyr
¹ Mathew de Balram ¹		
¹ Bricius Roberti ¹		
¹ Johannes Fychet et Sym ¹		
Mathew of Balram	}	1 hankyr
Johannes Fychet et Jone Scherar		

p. 131.

Curia tenta per balliuos quinto die mensis Augusti anno quo supra, quo die curia affirmata.

Willelmus de Camera pater quarto die vocatus et peremptorie ad intrandum Nicolaum filium Johannis Andree cum uno sore equo ad sectam Johannis Hervy, non comparuit. Dictus Johannes prosequens in causa et suam recitans calumpniam, videlicet, quod dictus Nicolaus ab eo iniuste tenet dictum sore equum precii duodecim solidorum, affirmans per plegium quod, ex quo dictus Willelmus fuit peremptorie vocatus ad comparendum dictum Nicolaum cum dicto sore equo et non comparuit, ad suam peruenit calumpniam causa non defensa, et peccit super hoc iudicium sibi dari. Quod iudicium fuit dilatatum ad proximum diem lune propter debilitatem curie.

Curia tenta per balliuos sexto die mensis Augusti anno quo supra, quo die curia affirmata.

¹⁻¹ Scored through

Johannes Wormot calumpniauit Johannem Petyndrech quod iniuste ab eo tenet duodecim petras casei et tres ulnas canubii, precii xiii s. vi d. Dictus Johannes Petyndrech concessit quod fuit plegius, set negauit debitum. Adiungitur Johanni Wormot ad veniendum crastina die cum legitima probacione ad probandum dictam calumpniam esse veram.

Curia tenta per balliuos septimo die mensis Augusti anno quo supra, quo die curia affirmata.

Johannes Wormot accedens ad barram cum sua probacione, prout iniunctum fuit in curia precedente, probauit quod Johannes Petyndrech deuenit sibi plegius et debitor de xii petris casei et tribus ulnis canubii precii ut predicitur. Et sic dictus Johannes remanet in amerciamiento curie, plegio Roberto Daudid tam pro satisfaccione ad partem quam pro amerciamiento.

Curia tenta per balliuos nono die mensis Augusti anno quo supra, quo die curia affirmata.

Johannes Hervy accedens ad barram peciit wardam pendentem inter ipsum et Willelmum de Camera, patrem, sibi dari. Que warda adhuc propter debilitatem curie differtur ad proximum diem legalem.

Curia tenta per balliuos undecimo die mensis Augusti anno quo supra, quo die curia affirmata.

Ricardus de Lownan calumpniauit Henricum Scharpe quod mutuatus fuit unum arcum ab ipso, quem arcum iniuste tenet, ut asseruit, ab eodem. Dictus Henricus Probauit negauit omnem iniustam tencionem. Adiungitur ergo dicto Ricardo ad probandum crastina die legitime dictam calumpniam fore veram, plegio pro dicto Henrico ad recipiendum dictam probacionem Johanne Spens.

Henricus Scharpe posuit se in voluntate balliuorum pro p. 132. perturbacione ville cum Roberto Lownan.

Johannes filius Thome calumpniatus ex parte regis de perturbacione ville negauit omnem perturbacionem. Adiungitur sibi ad acquietandum se die lune proxime

futura de dicta perturbacione, secundum quod exigit ordo iuris.

Laurencius de Buchania posuit se in voluntate balliuorum pro perturbacione ville cum Johanne filio Thome, carnifice.

Curia legali tenta per balliuos decimo sexto die mensis Augusti anno quo supra, quo die curia affirmata et sectis vocatis etc.

Eodem die Willelmus filius Andree, capellanus, legitimus actornatus magistri Willelmi de camera, ex parte magistri Willelmi peciit Willelmum Camera de key exonerare ipsum de plegiagio in quo ipsum traxit erga Willelmum de Strade ad valorem quatuor marcarum, tanquam quarto die et peremptorie. Quo Willelmo legitime vocato et non comparente nec aliquis [*sic*] actornatus [*sic*] nomine suo, idem dominus Willelmus, nomine dicti magistri Willelmi, obtulit tenementum dicto magistro Willelmo deliberatum per balliuos pro exoneracione dicti plegiagii quibuscunque volentibus ipsum habere pro quatuor marcis, et potissime propinquioribus amicis siue consanguineis dicti Willelmi camera de key, tanquam quarto die et peremptorie. Unde hora diei legitime expectata, et dicto Willelmo iterum ex habundanti sepe sepius et sepiissime vocato et non comparente ad exonerandum dictum magistrum Willelmum de dicto plegiagio, petitum fuit a curia quid inde esset dicto magistro Willelmo faciendum. Unde curia bene auisata decreuit quod dictus magister Willelmus ad suam peruenit calumpniam et usufructum dicti tenementi pro quatuor marcis causa non defensa. Et hoc datum fuit pro iudicio per os iudicatoris teste curia.

Andreas filius Petri secundo die vocatus ad intrandum Philippum filium Johannis ad sectam Thome filii Willelmi non intrauit dictum Philippum. Precipitur seriandis capere a dicto Andrea distraccionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad tercium diem huius processus.

Eodem die Johannes Voket tercio die vocatus ad sectam Thome Lownan non comparuit. Precipitur seriandis capere

districcionem octo solidorum a dicto Johanne, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Eodem die Johannes filius Bricii primo die vocatus ad sectam Simonis de Camera non comparuit. Precipitur seriandis capere ab ipso Johanne districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter etc.

Judicium pendens inter Willelmum de camera, patrem, et Johannem Hervy differtur ad proximum diem legalem propter debilitatem curie.

Simon Lamb deuenit plegius pro Andrea Sevas de indempnitate Walteri filii Patricii pro se vel pro sua imetracione aliter quam per viam iuris. Eodem modo Johannes Hervy deuenit plegius pro dicto Waltero de indempnitate dicti Andree.

Johannes Yhule in amerciamento curie quia non venit ad prosequendum plegium quod inuenit super Thomam Smyth.

Assisa leuata super cognicione panis et ceruisie comperitum est quod bolla frumenti valet xlii d. et bolla brasii valet tantum.

Eodem die Stephanus de foresta secundo die vocatus ad sectam Simonis de Camera non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Curia tenta per balliuos decimo octauo die mensis Augusti anno quo supra, quo die curia affirmata.

Stephanus filius Willelmi calumpniatus de perturbacione ville cum Roberto Mare posuit se in voluntate balliuorum de dicta perturbacione. Unde adiudicatur in amerciamento curie. Et acquietabit se die lune proxime futura, ut ius exigit, quod non fuit rebellis vel inobediens balliuis.

Idem in amerciamento quia percussit et wlnerauit iniuste quemdam famulum fratrum Carmelitarum.

Willelmus filius Andree deuenit plegius pro Stephano filio suo ad satisfaciendum omni parti cui malefecit, et

eciam quod inhabitantes villam erunt indempnes ammodo de dicto Stephano.

p. 134. Robertus Mare in amerciamento curie pro perturbacione ville cum Stephano Willelmi. Johannes Ledale deuenit plegius pro Roberto Mare de indempnitate Stephani Willelmi aliter quam exigit ordo iuris. Willelmus Andree simili modo deuenit plegius pro Stephano, filio suo.

Curia tenta per balliuos vicesimo die mensis Augusti anno quo supra, quo die curia affirmata.

Johannes Ingrame	} posuerunt se in voluntate balliuorum } pro perturbacione ville adinuicis } brigando.
Johannes Hervy	

Johannes Ayncroft, filius, deuenit plegius ad intrandum Johannem Ingrame ad sectam Johannis Hervy die lune proxime futura in casu quod non component inter se.

Michael de Camera posuit se in voluntate balliuorum pro perturbacione vigilie cum Laurencio Wricht.

Alanus Jacobi deuenit plegius pro Michaele de Camera de indempnitate Laurencii Wricht pro se et sua impe-
tracione aliter quam exigit ordo iuris. Eodem modo Ferguseus filius Ade deuenit plegius pro dicto Laurencio de indempnitate dicti Michaelis.

Curia tenta per balliuos vicesimo quinto die mensis Augusti anno quo supra, que die curia affirmata.

Dominus Robertus, monachus de Derre, calumpniauit Matheum Hulk quod iniuste ab eo tenuit xx s. Dictus Matheus negauit omnem iniustam tencionem. Adiungitur dicto domino Roberto ad probandum crastina die dictam calumpniam fore veram. Et dictus dominus Robertus protestabatur pro suis sumptibus et expensis.

Willelmus Fichet, vocatus legitime ad prosequendum plegium quod inuenit super Symonem sadillar, non comparuit. Dictus Simon extendebat plegium quod quitus fuit a calumpnia sua, et dictus Willelmus adiudicatur in amerciamento curie.

Johannes Fynk in amerciamento curie quia cecidit a

plegio quod inuenit penes accionem motam inter ipsum et Willelmum Kyntor et Bricium Dunccani.

Willelmus Kyntor et Bricius Dunccani calumpniauerunt p. 135. Johannem Fynk quod emerunt ab ipso quatuor barellas farine, de quibus non deliberauit eis nisi duas et sic alie due iniuste ab eis tenentur.

Curia tenta per balliuos vicesimo septimo die mensis Augusti anno quo supra, quo die curia affirmata.

Andreas filius Petri, primo die vocatus ad intrandum Walterum filium Ricardi ¹ad sectam Alexandri Banirman¹ non comparuit, nec dictum Walterum intrauit. Precipitur seriandis capere districcionem viii s. a dicto Andrea, et citare ipsum ad intrandum dictum Walterum crastina die ad sectam dicti Alexandri etc.

In crastino curia affirmata et tenta per balliuos predictus Andreas, secundo die vocatus ad intrandum Walterum Ricardi ad sectam Alexandri Banirman, non comparuit, nec dictum Walterum intrauit. Precipitur etc.

Curia legali tenta per balliuos penultimo die mensis Augusti anno quo supra, quo die curia affirmata et sectis vocatis etc.

Johannes filius Bricii, legitime vocatus ad prosequendum plegium quod inuenit super Laurencium de Foty, non comparuit. Dictus Laurencius extendebat plegium quod quitus fuit a sua calumpnia, et dictus Johannes adiudicatur in amerciamento curie.

Laurencius Campsy adiudicatur in amerciamento curie quia iniuste tenet a Johanne Laurencii iii s.

Accio mota inter Laurencium Campsy et uxorem Johannis Laurencii submittitur ad amicabilem compositionem proborum hominum sic quod defectus presentetur balliuus.

Andreas Petri, tercio die vocatus ad intrandum Walterum filium Ricardi ad sectam Alexandri Banirman, non comparuit, nec dictum Walterum intrauit. Precipitur seriandis capere districcionem etc.

¹⁻¹ Added above the line.

¹Johannes Hulk primo die vocatus ad sectam Thome Strang non comparuit. Precipitur seriandis capere districcionem octo s. a dicto Johanne, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem¹.

Andreas filius Gilberti, primo die vocatus ad intrandum Johannem Hulk ad sectam Thome Strang, non comparuit, nec dictum Johannem intrauit. Precipitur seriandis capere districcionem octo solidorum a dicto Andrea, et citare ipsum ad intrandum dictum Johannem ad proximum diem legalem tanquam ad secundum diem huius processus.

p. 186.

Andreas filius Petri, tercio die vocatus ad intrandum Philippum filium Johannis ²ad sectam Thome Willelmi², non comparuit, nec dictum Philippum intrauit. Precipitur seriandis capere districcionem octo solidorum a dicto Andrea, et dare ad plegium, et citare ipsum nouiter et [*sic*] intrandum dictum Philippum ad proximum diem legalem etc.

Johannes filius Bricii secundo die vocatus ad sectam Simonis de camera non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem etc.

Stephanus de foresta tercio die vocatus ad sectam Simonis de Camera non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium etc.

Eodem die Michael de Camera adiudicatur in amerciamiento curie quia iniuste inuenit plegium super Mergaretam Halt de interfeccione unius porci.

Robertus baxter primo die vocatus ad sectam Johannis Logy non comparuit. Precipitur seriandis capere districcionem octo s., et dare ad plegium, et citare ipsum nouiter etc.

Johannes Voket, quarto die et peremptorie vocatus ad sectam Thome Lownan, non comparuit. Dictus Thomas, prosequens in causa et suam recitans calumpniam, videlicet, quod idem Johannes iniuste ab eo tenet xxviii d. pro uno cacabo, affirmans per inuencionem plegii quod, ex quo dictus Johannes fuit peremptorie vocatus et non comparuit,

¹⁻¹ This entry has been scored through.

²⁻² Added above the line.

ad suam peruenit calumpniam causa non defensa, et peccit super hoc iudicium sibi dari. Unde curia decreuit, et datum fuit pro iudicio ex ore Willelmi Croket, iudicatoris curie, quod dictus Thomas ad suam peruenit calumpniam causa non defensa, et dictus Johannes remanet in amerciamento curie.

Assisa leuata super cognicione panis et ceruisie comperitum est quod bolla frumenti valet iiii s., et bolla brasii valet xl d.

Thomas Johannis	} quilibet in amerciamento quia non faciunt ad officium suum quod tenentur.
Johannes Gilberti	
Johannes Walteri	
Willelmus Ade	} quilibet in amerciamento causa non apparencie.
¹ Johannes Thome ¹	
Dunceanus Hervy	
Willelmus Roberti	

Andreas filius ¹Johannis¹ Petri vocatus ad intrandum Walterum Ricardi ad sectam Alexandri Banirman non comparuit. Precipitur seriandis capere districcionem etc.

Curia tenta per balliuos ultimo die mensis Augusti p. 137. anno quo supra, quo die curia affirmata.

Walterus filius Ricardi, quarto die et peremptorie vocatus ad sectam Alexandri Banirman, non comparuit. Dictus Alexander prosequens in causa et suam recitans calumpniam, videlicet, quod idem Walterus iniuste ab eo tenet unam domum, precii viii s., quam debebat edificasse, affirmans per inuencionem plegii quod, ex quo dictus Walterus fuit peremptorie vocatus et non comparuit, ad suam peruenit calumpniam causa non defensa, et peccit super hoc iudicium curie sibi dari. Quod iudicium fuit datum per decretum curie ex ore iudicatoris curie, et dictus Walterus remanet in amerciamento curie. Et dictus Alexander protestabatur pro sumptibus suis et expensis.

Curia tenta per balliuos secundo die mensis Septembris anno quo supra, quo die curia affirmata.

¹⁻¹ Scored through.

Dauid Walkar in amerciamento curie quia iniuste recontrariauit plegium inuentum super ipsum per Matheum de Balram de replegiacione dicti Dauid a curia balliuorum. Et accio inter ipsos mota submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis.

Johannes filius Alani faberi [*sic*] in amerciamento curie pro perturbacione ¹ville¹ vigilie, pulsando campanam Sancti Fotini.

Willelmus baxter Mykil in amerciamento curie pro perturbacione ville, percutiendo unum puerum Hankyn cucuner.

Curia tenta per balliuos quarto die mensis Septembris anno quo supra, quo die curia affirmata.

non acquie-
tauerunt.

Adiungitur Johanni Bruysur ad veniendum in die lune proxime futura acquietando se, ut ius exigit, quod non perturbauit villam cum Bricio Roberti.

Similiter dictus Bricius acquietabit se dicta die lune quod non perturbauit dictum Johannem.

ad c[amer-
arium]²

Et dictus Bricius inuenit Ricardum Fichet plegium quod ipse intrabit ad calumpniam camerarii in proximo itinere cum balliui ipsum fecerint summoniri, et eciam quod dictus Johannes Bruysur erit indempnis pro se et sua impetracione aliter quam exigit ordo iuris.

Simon Lamb deuenit plegius pro Thoma Yhung de indempnitate Fergusii Ade pro se et sua impetracione aliter quam exigit ordo iuris. Simili modo Willelmus Moden deuenit plegius pro dicto Ferguseo. Et Thomas Yhung in amerciamento pro perturbacione curie.

p. 138.

Adam Strathekyn deuenit plegius pro Johanne Wormot de indempnitate Bricii Roberti pro se et sua impetracione aliter quam exigit ordo iuris. Simili modo Ricardus Fichet deuenit plegius pro dicto Bricio de indempnitate dicti Johannis etc.

Curia tenta per balliuos sexto die mensis Augusti [? *Septembris*] anno quo supra, quo die curia affirmata.

¹⁻¹ Scored through.

² In right margin, cut off by edge of page.

Adiungitur Willelmo Jacsoun ad veniendum ¹in octauis presentis¹ crastina die ad probandum quod Johannes Walteri, carnifex, noluit vendere sibi carnes secundum quod appreciabantur. [Pro]-²
bault

Curia legali tenta per balliuos decimo tercio die mensis Septembris anno quo supra, quo die curia affirmata.

Accio mota inter Simonem de Camera et Stephanum de foresta submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis, se ipsis plegiis ¹de¹ pro presentacione defectus, et quod amplius in eorum defectu non veniet coram lege.

Willelmus filius Patricii in amerciamento curie quia non venit ad recipiendum acquietanciam Thome taillour de Rass, secundum quod debuit, et ut preceptum sibi fuit per balliuos.

Accio mota inter Johannem Stoyle et uxorem Willelmi Blakburn submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis, plegiis pro presentacione defectus dicto Johanne Stoyle et Roberto Narne.

Accio mota inter Johannem Bricii et filium suum et Johannem scynner submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis: et Robertus Narne deuenit plegius pro dicto Johanne Scynner de indempnitate dicti Johannis Bricii, et Andreas Petri deuenit plegius pro dicto Johanne Bricii de indempnitate dicti Johannis scynner aliter quam exigit ordo iuris.

Accio mota inter Thomam filium Willelmi et Philippum p. 189. Johannis submittitur ad amicabilem compositionem proborum hominum ad hoc electorum: et ubi defectus reperitur presentabitur balliuis, plegio pro presentacione defectus dicto Thoma pro parte sua et Johanne Andree plegio pro Philippo.

Andreas filius Gilberti secundo die vocatus ad intrandum Johannem Hulk ad sectam Thome Strang non comparuit,

¹⁻¹ Scored through.

² Cut off by edge of page.

nec dictum Johannem intrauit. Precipitur seriandis capere districcionem octo solidorum a dicto Andrea, et dare ad plegium, et citare ipsum nouiter ad intrandum dictum Johannem ad proximum diem legalem etc.

Johannes filius Bricii tercio die vocatus ad sectam Simonis de Camera non comparuit. Precipitur seriandis capere districcionem octo solidorum, et dare ad plegium, et citare ipsum nouiter ad proximum diem legalem tanquam ad quartum diem huius processus.

Thomas Johannis faberi [*sic*] in amerciamento curie quia inepte locutus fuit in presencia balliuorum Johanni Yhule.

Adiungitur Johanni Yhule ad veniendum in octauis presentis curie ad probandum quod Thomas Johannis, faberi [*sic*] iniuste ab eo tenet firmam unius domus de dimidio anno sex septimanis minus, firma dimidii anni fuit xxi d., non presentando dicto Johanni clauem dicte domus nec dictam firmam.

Assisa leuata super cognicione panis et ceruisie comperum est quod bolla frumenti valet xl d. et bolla brasii xxxii d.

Gilbertus Hervy Willelmus Ade Johannes Gilberti Thomas Johannis Johannes Thome Willelmus Roberti	}	soluerunt se in voluntate balliuorum quia non faciunt ad officium suum quod de iure facere tenentur.
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p. 140.

Curia tenta per balliuos decimo octauo die mensis Septembris anno quo supra, quo die curia affirmata.

Accio mota inter Alexandrum de Keth et Johannem Fell ex consensu utriusque partis submittitur ad amicabilem compositionem proborum hominum.

Curia tenta per balliuos vicesimo quinto die mensis Septembris anno quo supra, quo die curia affirmata.

¹Adiungitur Matheo¹ Accio mota inter Matheum Balram et Dauid Walkar submittitur ad amicabilem compositionem

¹⁻¹ Scored through.

proborum hominum ad hoc electorum determinanda in die lune proxime futura ante duodecimam horam : et, si dicta accio propter defectum alicuius predictorum dicta die non terminetur, pars deficiens soluit alteri parti principalem calumpniam cum dampnis et expensis que inde sequi poterunt probacionem [*sic*], secundum exigenciam iuris, nullo domino procurato.

Curia legali tenta per balliuos vicesimo septimo die mensis Septembris anno quo supra, quo die curia affirmata.

Johannes Hulk accedens ad barram obtulit se paratum ad respondendum ad plegium quod Thomas Strang inuenit super ipsum et omnibus processibus dicti Thome contra ipsum factis. Quo quidem Thoma legitime vocato ad prosequendum dictum plegium et non comparente, dictus Johannes extendebat plegium quod quitus fuit a sua calumpnia quousque nouiter attachietur.

Gilbertus Hervy deuenit plegius pro Ricardo Nachtysoun de indempnitate Johannis ¹Wormot¹ Lucris aliter quam exigit ordo iuris, et Willelmus Moden simili modo deuenit plegius pro dicto Johanne de indempnitate dicti Ricardi.

Johannes Abel, calumpniatus de verberacione cuiusdam mulieris et de perturbacione ville cum eadem, negauit acquietauit. omnimodam perturbacionem, Adiungitur sibi ad acquietandum se in octauis presentis curie de dicta perturbacione, ut exigit ordo iuris.

Donaldus walkar in amerciamento curie pro verberacione p. 141. cuiusdam mulieris, videlicet, la cardar.

Eodem die Simon de Camera promisit fideliter per dacionem fidei sue quod satisfaceret Willelmo de Strade ante festum Sancti Martini proxime, primo vi s. et viii d., item ix s. de firma ouium, item xii gymeris et dymmondis², testibus Simone de Benyn, Thoma Willelmi, et Ferguseo Ade ac Mauricio Roberti.

Patricius Crane inuenit Patricium Club plegium de indempnitate Johannis Mane, et Alanus Jacobi deuenit

¹⁻¹ Scored through.

² These two vernacular words mean, respectively, a ewe between one and two years old, and a wether between one and two years old.

plegius pro dicto Johanne de indemnitatem dicti Patricii aliter quam exigit ordo iuris.

Probavit

Adiungitur Henrico scelatar ad veniendum in octauis presentis curie cum sua probacione, videlicet, probando quod Johannes filius Bricii debet sibi iiii s. et viii d. pro quibus Ferguseus filius Ade est sibi plegius et debitor, et dictus Johannes in amerciamento.

Thomas filius Johannis in amerciamento curie pro fractione precii carniuum, et in octauis presentis curie acquietabit se de dispersionacione prepositi et balliuorum.

non
acquietauit

In prima tenta primo die mensis Octobris anno quo supra adiungebatur Willelmo Walkar de hole ad acquietandum se in octauis presentis prime, se decimo tercio, quod non procurauit dominum contra vicinos suos.

acquietauit

In crastina die adiungebatur Girkyno Webster ad veniendum in die sabbati proxime sequente ¹ad¹ acquietando se, se decimotercio, quod non locutus fuit aliqua verba enormia contra balliuos, vel in despectu eorum vel legis.

non
acquietauit

Similiter Wilkyn Webster acquietabit se proximo die Sabbati, ut ius exigit, quod non procurauit Andream Stewart, nec sibi queremonium fecit, ad finem quod malefaceret Johanni filio Thome balliuo, nec quod dictum Johannem deforciauit vel ipsum percutere intendebat.

Et Thomas Johannis, carnifex, acquietabit se die sabbati proxime futuro quod non procurauit nec fecit procurari dominum de Fentoun contra prepositum vel alios officarios ville. Ista acquietancia prorogatur usque aduentum prepositi, plegio Laurencio Leth.

p. 142.

Curia tenta per balliuos nono die mensis Octobris anno quo supra, quo die curia affirmata.

Dauid milner posuit se in voluntate balliuorum pro iniusta tencione unius bipennis a consanguineo Mauricii Suerdsleper. Similiter Robertus baxter et frater suos eadem de causa adiudicati sunt in amerciamento curie quilibet.

Eodem die Wilkyn webster legitime vocatus ad venien-

¹⁻¹ Scored through.

dum cum acquietancia sua, secundum quod sibi in ultima curia adiungebatur, non comparuit. Propterea adiudicatur per os Willelmi Croket, iudicatoris curie, quod conuictus est in causa illa et in omnibus punctis in quibus calumpniatus fuit.

Curia tenta per balliuos xi die predicti mensis anno suprascripto, quo die curia affirmata, Patricius baxter, vocatus legitime ad prosequendum plegium quod inuenit super Thomam Wode, non comparuit. Johannes Ledale, prelocutor dicti Thome, extendebat plegium quod quitus fuit a calumpnia sua quousque nouiter fuerit attachiatus, et dictus Patricius in amerciamento soluit.

Robertus baxter in amerciamento quia iniuste tenuit a ¹Thoma¹ Malville ii s.

Johannes Dunccani commorans cum Cragy in amerciamento quia iniuste cepit animalia magistri sui a quodam vocato Johanne Walteri.

Cristiane Jose in ²tribus² amerciamentis quia non intrauit ²tres² nautas suas [*sic*] ad calumpniam balliuorum.

Copyn Alane ad acquietanciam	} plegio aldirmanno. Adiungitur omnibus istis ad veniendum crastina die acquietando se quod non vendiderunt aliqua bona de naue sua, parua custuma non soluta, ³ plegio Willelmo Andree ³ .	} [P] ⁴ legio Willelmo Andree
Hankyn ad acquietanciam		
Henrik ad acquietanciam		
Johannes Bowmele ad acquietanciam		
Cristiane Jose ad acquietanciam		
Johannes Petri ad acquietanciam		
Willelmus Petri ad acquietanciam		

Dunccanus Marr est plegius pro Johanne Ayncroft et Johanne Wodman, et Johannes Fichet est plegius pro Thoma Lamb etc.

Primus processus unius mulieris et Johannis Andree in p. 143. die Martis.

¹⁻¹ Added above the line, substituted for *Johanne*.

²⁻² Added above the line.

²⁻³ Scored through.

⁴ Cut off by edge of page.

Johannes Andree in amerciamento quia non venit ad prosequendum plegium quod inuenit super quamdam mulierem pro qua Willelmus Jacsoun fuit plegius. Johannes Andree comparuit et est secunda dies Mercurii.

¹Johannes Henrici in amerciamento quia non venit ad prosequendum plegium quod inuenit super Copyn Purs. Similiter dictus Copyn in amerciamento quia non comparuit ad calumpniam¹. Eodem modo est processus de Johanne Henrici et Copyn Puris.

Accio mota inter Thomam Daud et Stephanum de Capronstoun.

p. 144.

Assedacio reddituum burgi de Abirdene facta in pretorio eiusdem per Willelmum Blyndcele, Simonem de Benyn, Johannem Wormot, et Johannem filium Thome, balliuos, die Veneris decimo quinto die mensis Nouembris de anno domini millesimo trecentesimo nonagesimo nono.

Le garne

Assedatur Johanni filio Andree pro termino et annis contentis in communi libro de anno etc. nonagesimo sexto, quolibet anno pro sex libris.

Schetokisley

Assedatur Alexandro Banirman et Willelmo filio Andree, ut patet in dicto libro de eodem anno, quolibet anno pro tribus libris.

Tollis ferlote

Assedantur Andree Petri, Johanni Lambyntoun, et Daud Thome pro termino unius anni pro viginti marcis, plegio altero alterius.

Redditus perticarum

Assedantur Willelmo Moden et Matheo Pynches pro uno anno pro quatuor libris, plegio altero alterius.

Stallancia cum parua tolonia

Assedantur Johanni Mungwale et Daud de Tulch pro termino unius anni pro quatuor libris, plegio altero alterius.

¹⁻¹ Scored through.

Villa de Rubislaw cum reddito perticarum eiusdem

Assedatur Willelmo de camera, patri, pro termino trium annorum, quolibet anno pro tribus libris : et communitas habebit animalia sua cum communi pastore super bundas eiusdem, ac eciam equos et boues suos in suis laboribus laborando, set nullus habebit ibidem animalia sua in speciali aliter quam predicatur, plegio Willelmo filio suo.

Foresta

Assedatur Matheo Pynches et Willelmo Spaldyng pro termino unius anni, set ante exitum anni dicti assedacio fuit annullata, et post adnullacionem Johannes Lucris et Donaldus Ka, tunc seriandi, fuerunt limitati custodes dicte foreste pro residuo dicti anni.

Molendina

Assedantur Johanni filio Andree et Johanni filio Alani p. 145. pro termino unius anni pro sexdecim libris cum consuetudinibus et iuribus debitis et consuetis, plegio altero alterius. Et memorandum quod ligna mouencia, lapides, et ferrum molendini inferioris, videlicet, la gangand tymmyr, peiorantur ad valorem xvi denariorum, et la gangand tymmyr molendini superioris peiorantur xii d.

Stellis

Assedantur Willelmo de Camera, filio, Johanni Loctoun et Ricardo Fichet pro termino unius anni pro sex libris, plegio pro Johanne Loctoun Johanne Ledale, plegiis pro Ricardo Fichet Willelmo Crag et Johanne Scherar, plegio pro Willelmo de Camera predicto patre suo.

Le Rake

Assedatur predictis Willelmo, Johanni et Ricardo pro termino unius anni, quodlibet rete pro undecim marcis, predictis plegiis remanentibus—sunt quinque retia et dimidium.

Midchingil

Assedatur eisdem Willelmo, Johanni et Ricardo pro uno anno, quodlibet rete pro quatuor marcis, predictis plegiis remanentibus—sunt sex retia.

Le Pot

Assedatur eisdem Willelmo, Johanni et Ricardo pro uno anno, quodlibet rete pro quinque marcis, sub predictis plegiis—sunt sex retia.

Le Furdis

Assedatur eisdem Willelmo, Johanni et Ricardo pro uno anno, quodlibet rete pro quinque marcis, predictis plegiis remanentibus—sunt septem retia et dimidium retis.

Le Croys

Assedatur Alexandro Banirman, Thome Lamb, et Willelmo Thaynstoun pro termino duorum annorum pro viginti una libris, dimidietas, videlicet, dicto Alexandro, et alia medietas dictis Thome et Willelmo, plegio altero alterius, ut patet in libro communi de anno precedente.

¹Hesilhede¹

Fogagium communitatis dicti burgi a cruce Bernardi usque ad mare

Assedatur Matheo Balram.

Aqua borealis

Assedatur Daud de Scroggis
decima sexta pars retis pro
xxvii s. vi d.

Assedatur Johanni Fichet
decima sexta pars retis pro
xxvii s. vi d.

Assedatur Willelmo de Kyntor
decima sexta pars retis pro
xxvii s. vi d.

Assedatur Duncano de Marr
decima sexta pars retis pro
xxvii s. vi d.

} 1 quar-
terium

¹ Scored through.

Assedatur Roberto Daudid octaua pars retis pro lv s.	} dimidium quarterium	} unum rete [<i>cum quarterio precedente</i>]		
Assedatur Thome Daudid tre- cesima secunda pars retis pro xiii s. ix d.				
Assedatur Willelmo filio eius trecesima secunda pars retis pro xiii s. ix d.	} dimidium quarterium			
Assedatur Johanni de Bucha- nia trecesima secunda pars retis pro xiii s. ix d.				
Assedatur Roberto de Glander- stoun trecesima secunda pars retis pro xiii s. ix d.	} unum rete [<i>cum quarterio precedente</i>]			
Assedatur Willelmo de Strade decima sexta pars retis pro xxvii s. vi d.				
Assedatur Johanni Strang de- cima sexta pars retis pro xxvii s. vi d.			} 1 quar- terium	
Assedatur Andree Gilberti decima sexta pars retis pro xxvii s. vi d.				
Assedatur Johanni Jacobi decima sexta pars retis pro xxvii s. vi d.			} unum rete [<i>cum quarterio precedente</i>]	
Assedatur Willelmo Borthwik decima sexta pars retis pro xxvii s. vi d.				
Assedatur Johanni Ayncroft, filio, decima sexta pars retis pro xxvii s. vi d.				} 1 quar- terium
Assedatur Ade filio Thome decima sexta pars retis pro xxvii s. vi d.				
Assedatur Thome Willelmi decima sexta pars retis pro xxvii s. vi d.		} unum rete [<i>cum quarterio precedente</i>]		

Assedatur Johanni Hervy trecesima secunda pars retis pro xiii s. ix d.

Assedatur Johanni Uscher trecesima secunda pars retis pro xiii s. ix d.

Assedatur Willelmo Dayntre trecesima secunda pars retis pro xiii s. ix d.

Assedatur Willelmo Inuerory trecesima secunda pars retis pro xiii s. ix d.

Assedatur Ade de Strathekyn decima sexta pars retis pro xxvii s. vi d.

Assedatur Matheo Hulk decima sexta pars retis pro xxvii s. vi d.

Assedatur Bricio Duncanni decima sexta pars retis pro xxvii s. vi d.

Assedatur Patricio baxter decima sexta pars retis pro xxvii s. vi d.

Assedatur Ricardo de Lownan decima sexta pars retis pro xxvii s. vi d.

Assedatur Johanni Glennysoun decima sexta pars retis pro xxvii s. vi d.

Assedatur Willelmo Jaesoun decima sexta pars retis pro xxvii s. vi d.

Assedatur Thome Amfray trecesima secunda pars retis pro xiii s. ix d.

Assedatur Patricio Alexandri trecesima secunda pars retis pro xiii s. ix d.

dimidium
quarterium

unum
quarterium

unum
quarterium

Assedatur Henrico Celty trecesima secunda pars retis pro xiii s. ix d.	}	dimidium quarterium	} unum rete [<i>cum quarteriis precedentibus</i>]
Assedatur Gilberto Hervy trecesima secunda pars retis pro xiii s. ix d.			
Assedatur Ricardo Inchemethen trecesima secunda pars retis pro xiii s. ix d.	}	dimidium quarterium	
Assedatur Alano filio Ricardi trecesima secunda pars retis pro xiii s. ix d.			
Assedatur Johanni Crab trecesima secunda pars retis pro xiii s. ix d.	}	dimidium quarterium	
Assedatur Johanni Ruthirford trecesima secunda pars retis pro xiii s. ix d.			
Assedatur Thome Scherar trecesima secunda pars retis pro xiii s. ix d.	}	dimidium quarterium	
Assedatur Thome Lownan trecesima secunda pars retis pro xiii s. ix d.			
Assedatur Johanni Wode decima sexta pars retis pro xxvii s. vi d.	}	dimidium quarterium	
Assedatur Johanni Abel trecesima secunda pars retis pro ¹ xiii s. ix d. ¹			
Assedatur Ade Forster trecesima secunda pars retis pro xiii s. ix d.			

Tercium rete aque borealis dabatur Willelmo de Camera, patri, pro debito et arragio quod ei communitas debebat. Et communitas ordinavit balliuis decem libras de parua

¹⁻¹ Substituted for *xxvii s., vi d.*, which has been scored through.

[*cus*]¹st¹[*tum*]¹a ad suplendum eorum rentale pro defectu
tercii retis supradicti pro isto anno.

p. 148. Memorandum quod decimo quinto die mensis Julii anno
domini millesimo quadringentesimo primo in pretorio
burgi de Abirden Daud Scrogis, tunc Aldirmannus dicti
burgi, pccit unam cartam copiari uno sigillo sigillatam,
sculptum cum ymagine beate Marie cum alia ymagine
genueflectente ad mocionem sacerdotis, cuius tenor sequitur
et est talis : Omnibus sancte Matris ecclesie filiis ad quos
presentes littere peruenerint Walterus dictus de Maleville,
burgensis de Abirden, salutem in domino sempiterno.
Nouerit uniuersitas uestra me, cum consensu et assensu
Sibille, sponse mee, caritatis intuitu et pro salute anime mee
et dicte ²Sibille², sponse mee, antecessorum et heredum
meorum, dedisse, concessisse et in mea bona memoria hac
presenti carta mea confirmasse ministro et fratribus ordinis
domus sancte Trinitatis et captiuorum de Abirden omnes
et singulas terras cum earum redditibus quas emi de
Martino, aurifabro de Abirden, tam infra villam de Abir-
den, quam extra, tenendas et habendas dictas terras et
redditus earundem predictis ministro et fratribus in per-
petuum ita libere, plenarie, pacifice, et quiete, sicut ego
predictas terras aliquo tempore liberius et quietius tenui
vel possedi, saluo forinseco seruicio domini regis et aliorum
dominorum quantum ad illas dictas terras pertinet, prout
in carta dicti Martini, aurifabri, mihi super dictis terris
confecta, et predictis ministro et fratribus per me deliberata,
plenius continetur. Dedi eciam et concessi fratribus
memoratis et eorum successoribus annualem redditum
duorum solidorum argenti percipiendorum de illa terra
iacente in vico de Foty, quam Mariota, sponsa quondam
Willelmi pistoris, tunc tenuit. Ita tamen quod minister et
fratres predicti pro anima mea et predictae sponse mee,
antecessorum et heredum meorum inuenient unum capel-
lanum ydoneum, honestum, secularem, perpetuo cele-
brantem in ecclesia sancti Nicholai de Abirdene ad mag-
num altarem, et soluent singulis annis luminaribus beate

¹ MS. stained.

² Substituted for *Ysabelle*, which has been scored through.

Marie et sancte Crucis in dicta ecclesia dimidiam marcam sterlingorum, videlicet, medietatem ad Pentecostem et aliam medietatem ad festum Sancti Martini in hyeme, de redditibus predictarum terrarum: Subiciens me et heredes meos iurisdictioni sedis apostolice et domini episcopi Abirdonensis et eius officialis, qui pro tempore fuerit, quod possint me de die in die et heredes meos excommunicare, si ego, vel heredes mei, quod absit, contra hanc donacionem et concessionem meam venire siue contradicere presumpserimus. Insuper et, si contingat me, vel aliquem heredum meorum, contra hanc donacionem meam in aliquo contrauenire vel contradicere, quod absit, volo et concedo quod dominus papa, vel sedes apostolica, si vacauerit, de omnibus aliis terris meis adquisitis penes heredem meum, vel heredes meos, remanentibus possit, vel possint, pro sue voluntatis arbitrio, libere disponere in subsidium terre sancte conuertendo seu pauperibus erogando. Preterea obligo me et heredes meos, in pena centum marcarum sterlingorum fabrice ecclesie beate Marie de Abirdon persoluendarum, si contigerit me vel ipsos vel aliquem per nos vel pro nobis tenorem presentis scripti in aliquo articulo, quod absit, infringere, ita quod dictus dominus episcopus, vel sui ordinarii, qui pro tempore fuerint, tam me quam heredes meos tam ad solucionem dicte pene quam ad omnia alia in hoc scripto contenta fideliter obseruanda licite possit, vel possint, compellere et cohercere, renunciando in hac parte, pro me et heredibus meis, omnibus excepcionibus, cauillationibus, regis prohibitionibus, et cuiuslibet iuris remedio canonici et ciuilibus que nobis contra has litteras poterunt valere seu competere ad defensionem. In cuius rei testimonium sigillum meum, una cum sigillo dicte Sibille, sponse mee, et cum sigillo officialitatis Abirdonensis, et sigillo thesaurarii ecclesie cathedralis Abirdonensis, et sigillo domini Johannis de Anand, perpetui vicarii de Obeyn, quondam capellani domini regis, presentibus est appensum testibus, Matheo Gretheuide, Reginaldo de Maleville, fratre predicti Walteri, Malcolmmo de Polgoueny, Duncanno Chapman, Willelmo Spurncurtays, Alano clerico, Willelmo de Dunsir, capel-

lano, scriptore presentis carte, et multis aliis, testibus Willelmo de Camera, patre, Willelmo de Camera, filio, Roberto Daud, Thoma Spring, Johanne Andree, Matheo Balram, Thoma Willelmi, Johanne Alani, tunc balliuis, in plana curia prima.

p. 149.

Extenta itineris camerarii

Primo regi xx marce. Item ii marce episcopo. Item Camerario pro panno v marce. Item eidem pro expensis suis v l. Item clericis suis et aliis officariis xl s. Item pro expensis Willelmi de Camera et Thome Spryng ad quoddam concilium xl s. Item pro expensis Johannis Wormot et Johannis Alani vi s. viii d. Item camerario dantur in vino viii s. Summa xxvii ¹[l. xiiii s. viii d.]¹

De absentibus ²xliiii s.² De balliuis xl s. De seriandis iiii s. Appreciatores carniū viii s. Gustatores ceruisie ³xv s.³ De carnificibus ⁴xxxv s. viii d.⁴ De pistoribus xxviii s. et v s. iiii d. De tinctore vi s. viii d. De textoribus xii ¹[. . .]¹. De fullonibus vi s. viii d. Henricus Stephani ⁵xl d.⁵ De braciatoribus x li. xv s. De piscatoribus alborum piscium xvi s. De tabernatoribus vini xx d. De regrataris xxvi s. viii d. Molendinarii xi d. De sutoribus ¹[. . .]¹. De tannatoribus ⁶iiii s.⁶ Journale continet ⁷xlv s.⁷ Communes rebelles iii s. duo pikaris ii s. Habentes porcos ¹[. . . .]¹. Facientes sterquilinia xxxvii s. Venditores laganarum xxiiii s. Foristallatores lane et victualium ⁸xxv s.⁸

Extenta itineris camerarii

Primo regi v marc. Item Willelmo de Camera x li. Item episcopo ii marc. Item pro expensis suis vii li. x s. Item clerico camerarii ii marc.

¹ Edge of page torn.²⁻² Added above the line.³⁻³ Substituted above the line for *iii s.*⁴⁻⁴ Substituted above the line for *ali s. ii d.*⁵⁻⁵ Scored through.⁶⁻⁶ Substituted, above the line, for *vi s.*, which has been scored through.⁷⁻⁷ Substituted for a sum scored through, probably *xlvi s. viii d.*⁸⁻⁸ Substituted for *xxviii s. iiii d.*, which has been scored through.

Isti appreciauerunt bona deliberata camerario p. 150.

Johannes filius Jacobi, Bricius Dunccani, Gilbertus Hervy, Patricius baxter, Michael de camera, Alanus Ricardi.

In primis a Johanne Spront a fethir bede & a bolster, iiii s. Item a barell of porpas, x s. Item half a net, xl d. Item a lade sadil, xxxii d. Item fra Thom of Marr a lede, xx s. Item fra Davy Tomsoun a sadil & ii schete of net, iiii s. iiii d. Item fra Thom of Paxtoun a cofir, ii s. Item fra Sym Bayard a par of crelis, xvi d. Item a cart sadil & 1^c peris, viii d. Item a lade sadil, ii s. Item fra Robert Dunccansoun xx akyn treys, xiii s. iiii d. Item fra Willam Glenysoun viii ulne of grene clath & blew, xii s. vi d. Item fra Will of Foty a basyn & a lawar, xxvii d. Item ab Andrea baxter pro accione Ricardi Fichet a brysyn pot v s.

Summa iiii li. iiii s. v d.

Memorandum quod Thomas Amfray deforciauuit balliuos de namis suis captis pro amerciamento Pauli Crab iudicato in ultimo itinere Camerarii, qui Thomas asseruit quod nichil tunc temporis debuit dicto Paulo.

Similiter Robertus Daudid idem fecit, videlicet, deforciano dictos balliuos, asserens quod satisfecit Waltero de Tulach de summa ab ipso petita per balliuos.

Simon de Benyn debet iii s. xi d.	} summa istorum debitorum xxxviii s. ¹
de itinere Camerarii	
Willelmus Blyndcele debet iiii s. viii d.	
Johannes Thome debet xvii s. iiii d.	
Johannes Wormot debet xiii s. i d.	

Summa totalis debita camerario et Johanni Alani, x li. v s. iiii d., de quibus soluitur in namis Willelmo Burnet, iiii li. iiii s., v d. et iiii s. pro pare caligarum, et pro uxore Johannis Lambyntoun iiii s., et pro croco xl d. Item Johanni Alani pro Andrea Langnes xii d. Item Willelmus Blyndcele soluit ii s. in argento et peciis argenti

¹ This sum should be xxxviii s.

pro v s. Item Johannes Thome soluit lvi s. viii d. Item Simon Benyn soluit in argento xv s. et pro deforciamiento v s. Item Johannes Wormot soluit xx s. in argento et per aldirmannum v s. Item x s. in argento—et sic eque.

Summa debita Burnet et Johanni Alani—v li. ix s. vi d.

p. 151.

Pistores laganarum

[¹*Uxor*]¹ Walteri Rede ad acquietanciam.

²[*Fil*]²ia Johannis Ayncroft.

²[*Ma*]²gy Fulane, communis, ad acquietanciam, de omnibus conuicta.

Uxor Willelmi Blakberd ad acquietanciam.

Uxor Duncanni Mernys.

Dauid de Tulch, communis, conuictus de vendicione farine.

Uxor Willelmi Moden inuenit plegium ³[. .]³ tercium per assisam.

qt. Magy Corbrand conuicta de vendicione laganarum remittitur.

qt. Meg Walchop ad acquietanciam.

Mauld Benche conuicta.

qt. Uxor Walteri taillour ad acquietanciam.

qt. Uxor flechar ad acquietanciam.

Mauld Hulk ad acquietanciam.

Uxor Symonis Bayard conuicta.

qt. Cristiana Walas ad acquietanciam.

Malkyn ³[. . .]³ ad acquietanciam.

Uxor Lau³[.]³ ad acquietanciam.

[³

.

.]³

Pikaris

Cristiane Walas

Alisoun Wily

Meg Strathekyn

Anny Gentok

¹⁻¹ Illegible owing to stain, 'uxor' supplied from *supra*, p. 93.

²⁻² Illegible, supplied from *supra*, p. 96.

³⁻³ Page much torn and stained.

Ordinati ad taxandum pro contribucione Johannes Andree—Willelmus Andree, Simon Benyn, Adam Th¹[ome]¹

Foristallatores dati vicecomiti in scriptis

Johannes Wilkysoun apud Ulny ad vicecomitem.

²[. . . .]² Sutar in Cremond ad vicecomitem.

Johannes Thome cum Ada Thome.

Preposito

Henricus cum Johanne Jacobi.

Willelmus filius Walteri cum Johanne Thome.

Thomas Dalton.

³Preposito³

Thoma Brig, plegio Roberto Daud.

Preposito

Ion Angusoun in Morauia ad vicecomitem.

Thomas Henrici ad vicecomitem.

Jacobus Kyng ad vicecomitem.

Johannes Wilkyson apud Dere ad vicecomitem.

³Andreas³ Johannes Jacsoun apud Ordmidyl ad ³prepositum³, ³plegio Simone Benyn³.

Simon Sutar apud Dere ³ad vicecomitem³ preposito plegio ³Ad vicecomitem³
Simone Benyn

³Johannes Bell³.

Walterus Rede.

Daud Tulch.

Alexander Hall.

Matheus Hulk.

²[.]²

Willelmus Pleth.

²[. . .]² vel Willelmus Kytisoun.

Willelmus Crawmond.

Alexander Voket.

Robertus Glandstoun.

Johannes Lamb ad vicecomitem.

⁴[.]⁴dus Hay ad vicecomitem.

⁴[.]⁴cius Russal ad vicecomitem.

W⁴[. . . .]⁴ Dayntre.

⁴[.]⁴ Scherar.

} Preposito

Preposito

¹⁻¹ Edge of page torn away.

²⁻² Illegible owing to stain.

³⁻³ Scored through.

⁴⁻⁴ MS. stained and torn.

¹[.]¹ Ricardi.

¹[.]¹ Sutar in Tolykery finiit xld., plegio Thoma Scherar.

¹[.]¹ Harpar.

¹[.]¹ More.

¹[.] Thoma Lownan in Clat ad vicecomitem.

¹[.]¹ filius Johannis More in Marr ad vicecomitem.

Johannes filius Willelmi in Cromarr ad vicecomitem.

Johannes filius Cristini in Marr ad vicecomitem.

Ion ¹[. .]¹ cum Andrea Petri in Werdris ad vicecomitem.

Johannes filius Martin in Marr cum Willelmo Andree ad vicecomitem.

Johannes Ayncroft.

Johannes Lambart.

Johannes Wodman.

Willelmus Yhu¹[. .]¹ commorans in Inuernys ²ad vicecomitem² ¹[. . .]¹.

Ingrame Masoun }
Johannes Garntuly } in Kynedward ad vicecomitem.

Ady Joffrasoun ²ad vicecomitem² preposito.

Alanus Chapman ad vicecomitem.

Simon More.

Meg Cambroun ad vicecomitem.

Johannes Bell ²ad vicecomitem².

Preposito

p. 152.

Frater Trinitatis testis de terra Fergusei Ade W. Spaldyng ³[. . .]³ et Duthacus Carnegy de al³[.]³ de eadem terra Morgounn Malvile ³[.]³ Joh. Sprunt. Idem ⁴sunt⁴ testes de terra que fuit Laurencii Crag tanquam ³[.]³ scilicet lune post epiphanie ³[.]³.

Le halch de Gilcomstoun, quod habuit Willelmus Scherol, assedatur Matheo Pynches pro terminis quos habuit Willelmus filius Andree de residuo de Gilcomstoun, quolibet anno pro viii s., plegio Willelmo de Camera, patre.

Isti subscripti electi sunt per episcopum et commune

¹⁻¹ MS. stained and torn.

²⁻² Scored through.

³⁻³ MS. stained.

⁴⁻⁴ Added above the line.

consilium ad discooperiendum et narrandum omnes discordias quas sciunt inter vicinos ville, similiter et easdem discordias pro suo posse mitigandas et cessandas: ac eciam, si aliqua discordia, riota, vel briga inposterum accidat inter vicinos ville vel quoscunque alios infra villam, isti subscripti iurati sunt et obligati in presencia domini episcopi ad manutenendum et supportandum balliuos et alios officarios suum officium contra dictos brigatores facientes in casu quod tales dictis officiariis noluerint obedire.

Adam de Benyn, Willelmus de Camera, pater, vel filius in eius absentia, Alexander Banirman, Willelmus Andree, Johannes Andree, Hugo Aberbothnot, Daudid Scrogis, Robertus Daudid, Willelmus Blyndcele, Johannes Ledale, Willelmus Borthwik, Johannes Strang, Ricardus Lownan, Thomas Spryng, Johannes Wormot—Isti iurati sunt ad omnia precedencia et quatuor primi specialiter ¹[...]¹ ad eleccionem sequencium ad predicta omnia perimplenda.

In prima tenta xviii die mensis Marcii anno millesimo quadringentesimo ¹[.....]¹ quod nullus manens infra burgum emat farinam ad usum ¹[.....]¹, propinet farinam, aut vendat laganas: eciam vendicio lagan-¹[arum ...]¹ villam habitantibus prohibetur. Item nullus emat brasium ¹[.....]¹, set in foro, et si parcitas aut carestia fuerit de brasio ¹[.....]¹diuidere farinam et brasium empta vicinis ville ac eciam ali¹[.....]¹-tibus siue pauperibus secundum quantitatem rei empte ¹[.....]¹ est viii s. sine remissione.

Item ordinatum est quod nullus scindat ven¹[.....]¹ antequam presentetur ad forum sub pena amissionis piscis.

Item si aliquis emat vel habeat brasium vel farinam in patria, ²et³ non vendat in villa nisi in foro sub pena octo s.

Item nullus manens in burgo recipiat brasium vel farinam ³ruralium³ [*sed*] presentatur foro et ¹[...]¹ in domibus suis ad expectandum quod postea carius possint vendi sub dicta pena.

¹⁻¹ MS. torn.

²⁻² Scored through.

³⁻³ Added above the line.

Item nullus frangat pisces cuiuscunque generis sint nisi super stabellis sub pena a¹[missionis]¹ eorumdem.

Memorandum quod nono die mensis Maij ordinatum fuit per maiorem partem de co¹[mmunitatis . . .]¹ qui debent aliquas pecunias ecclesie quacunque de causa namentur per prepositum ¹[.]¹ si noluerint soluere, et illi nami vendantur incontinerter pro dicta pecunia et ¹[.]¹ hoc fecit. Communitas supportabit dictum officiarium ad faciendum predicta secundum quod pre²[. . .]².

p. 153.

Pistores laganarum

³In viride, ⁴Johannes⁴ uxor Johannis Crispini, uxor David Thome, uxor Johannis Lambyntoun, uxor ⁵[. . .]⁵ Authchisonne, uxor Blaukburne. Item seruus Johannis Auil.

[In] vico ecclesie, Anny, soror Andree Caulfude, uxor Ricardi Cissor, item the seruand of ⁵[-]⁵alwelvohk, uxor Simonis Bayhart, Elisot Mudy, uxor Frecobii, Magy Corbrand, Joneta ⁵[Os]⁵tuler. In Futy, Mariota Hayne croftis, Joneta Marky, Mariota Balyart, Elyn, uxor Morissii, Elyn Brwyswr, Mault Benge, uxor Johannis Gylberti. [In] ⁶Gaulugate⁶, Item uxor David de Tulch, Edy Kok, Cristiana Forster, uxor Johannis cissoris, Esot, Mergreta Kok, uxor Henrici Bysset.

Omnes regratarii peyorant forum, inde petunt remedium.³

Barcatores

Andreas Cauldfutis, Willelmus Blakburne, Thomas iunioris sutoris, Johannes Gylberti, filius Gylberti de Kynros, Willelmus Johannis de Hesilhede, Johannes Bel sutor.

Inquisicio de foristallatoribus

Willelmus Blyndcele deuenit plegius pro Thoma Andree quod comparebit coram preposito xviii die mensis Julii sub pena x marcarum sue calumpnie responsurus.

¹⁻¹ MS. torn.

²⁻² MS. stained and torn.

³⁻³ These entries are in a different hand.

⁴⁻⁴ Scored through.

⁴⁻⁵ MS. stained.

⁶⁻⁶ Added above the line.

Johannes Yhu¹[*ng*]¹.

Thomas Scherar.

²[. .]² Buchane.

²[. .]² Uscher.

²[. .]² Thaynston.

Dauid Lamb.

Walterus Rede.

Willelmus Jacsoun.

²[. .]² Ayneroft .

²[. .]² Uscher.

²[.]

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.....]2

²[. . . .]²asoun.

²[. .]²ot de Fyvy. Communis.

³[*Johannes filius*]³ Donaldi. Finiuit.

²[. . .]² Wilkysoun.

²[.]

.....]²

²[. . . .]² Crab

³[*Alexander*]³ Voket concessit tres petras.

Willelmus Harpar.

Andreas harpar.

Thomas Henrici.

⁴Walterus Rede⁴.

⁵[. .]⁵or filius Gilberti Kynros.

Dominus Thomas Lyel.

qt. ⁴Johannes Uschere⁴.

¹⁻¹ MS. stained and rubbed.

²⁻² MS. torn.

³⁻³ Supplied from *infra*, pp. 183-184.

⁴⁻⁴ Scored through.

⁴⁻⁵ Illegible.

qt. ¹Thomas Lamb¹ nisi de recepcione.

qt. ¹Willelmus Jacsoun¹.

qt. ¹Thomas Scherar¹.

²[. . .]² Alanus cum Alano Jacobi, frater uxoris Thome Strang.

²[. . .]² Johannes B²[. . .]².

²[.]².

²[.]² cum Johanne Thome.

Willelmus Yhung.

²[. . .]² Adam cum Willelmo Strade cum socio suo.

Willelmus Hugonis cum rectore de Turray.

¹Patricius cum Willelmo Kyntor¹.

Ricardus Hay.

Thomas Andree in Rechy.

¹Johannes Wilkysoun¹.

Jacobus Kyng.

Johannes Thome de Badfothale.

Johannes Lamb.

¹Simon More¹.

Robertus Glanderstoun.

Thomas Daltoun.

Walterus Ricardi. Conuictus.

Alanus Chapman.

Johannes Henrici Angusoun.

Ingrame Masoun.

Thomas Brig.

qt. ¹Dauid Tulch¹.

Johannes Buchan pro Mauricio famulo suo.

Thomas Andree, Willelmo Blyndceele plegio ³[. . . .]³.

Filius Johannis Newburg pro pellibus.

Thomas faldynter pro pellibus et coriis.

Famuli Willelmi Blyndceele pro pellibus.

Patricius Alexandri.

Cristinus cum Johanne Andree.

Johannes Halt in Curechy.

Robertus frater vicarii de Bothelny.

¹⁻¹ Scored through.

²⁻² MS. torn.

²⁻² Illegible.

qt. ¹Willelmus Glenysoun¹.

Jacobus Voket.

qt. ¹Johannes Glenysoun¹.

qt. ¹Johannes Buchania et¹ Andreas Johannis commorans
in sceuas emit sibi lanam in quantitate.

¹Simon Stil¹.

Johannes Carsane.

Johannes Gilberti.

Rogerus Sprunt. Conuictus.

Johannes Qwite.

Robertus, gener Willelmi Strade.

Michael Chapman apud Wodland.

Ferguseus de Rauff.

Johannes Thome cum Adam Thome.

Alexander Yhule.

Johannes Henrici, taillour.

Willelmus Ayncroft.

Thomas cum Johanne Uscher pro pellibus.

Johannes Qwitbrw cum Johanne Ayncroft pro pellibus.

Mury cum Johanne Buchain pro pellibus.

Patricius cum Willelmo Kyntor.

Alexander Clyntre communis emptor pellium.

Omnes transiuntes in patria foristallauerunt pelles.

Andreas Wodman pro pellibus.

Duo garciferi Willelmi Jacsoun.

Foristallatores finientes post conuiccionem Assise
cum preposito

p. 154.

Johannes filius Donaldi finiuit cum preposito pro vi s. viii d.,
et si frequentet partes Moraue soluet xx s.

Thomas Vryng inuenit Robertum Daud plegium ad stan-
dum et comparendum calumpnie prepositi.

¹Rogerus Sprunt conuictus fuit per assisam de foristalla-
cione, et finiuit xl d.¹

Walterus Ricardi occupat libertatem burgi et finiuit pro
ii s., plegio Andrea Petri.

Johannes Inuerory foristallauit in Kynedward, et finiuit
xl d.

¹⁻¹ Scored through.

Alexander Voket concessit quod foristallauit tres petras lane.

Andreas filius Johannis, gener Ade Forster, concessit foristallacionem quinque petrarum et dimidie, et finiuit xii d.

Alanus, frater uxoris Thome Strang, posuit se in voluntate prepositi de regratacione denariatorum, plegio Wilhelmo ¹[. . .]¹, finiuit xii d. Et de residuo erit ad assisam.

²Johannes flechar tannator est².

²Willelmus Blakburn tannator est².

Non habentes terras

Galfridus Ramfru	xl d.
Willelmus Forster	xl d.
Dunccanus filius Ade	xl d.
Walterus filius Andree	xl d.
Willelmus Gray	xl d.
Thomas Strang.	
² Johannes Laurencii, kerd ²	xl d.
² Johannes Newburgh ²	xl d.
² Ricardus Nachtysoun ²	xl d.
Walterus Patricii	xl d.
² Henricus Ratheny ²	xl d.
² Dunccanus de Mernys ²	xl d.
Willelmus Burnet	xl d.
Johannes Thome, baxter.	
² Robertus Glanderstoun ² .	
² Willelmus Spaldyng ² .	
Willelmus Walkar de hole.	
Johannes Crab	xl d.
Thomas Johannis, carnifex	xl d.
Willelmus harpar	xl d.
Duthacus Lownan.	
Johannes Lany.	

Bolla aque

Assedatur Wilhelmo filio Andree a nono die mensis May

¹⁻¹ Concealed by repair of MS.

²⁻² Scored through.

usque ad festum sancti ¹Martini¹ immediate sequentem pro xxiiii s., se ipso plegio.

xxii die mensis Junii de anno etc. cccc primo controuersia mota inter Thomam Willelmi et Johannem Bullok de una terra iacente in vico furcarum etc. fuit, ex consensu par²[cium]², posita ad determinacionem et ordinacionem Johannis Ledale, Nicholay Ledale, Johannis Wormot, Willelmi Moden, Johannis R³[u]³thirfork, Petri Paxtoun, qui, exeuntes in domo consilii burgi de Abirdene pro determinacione dicte cause, et, ipsa ventulata inter ipsos, venerunt in pretorio coram preposito, Matheo Balram, balliuo, Ricardo Lownan, Simone de Benyn et Alano Jacobi, et fecerunt vocari coram ipsis dictum Johannem et Thomam ac ipsos iurare magno sacramento quod starent ordinacioni et determinacioni ⁴inter⁴ per ipsos factis. Quo facto Petrus de Paxtoun antedictus, unus de dictis determinator²[ibus]², recitauit nomine aliorum suam determinacionem, que fuit talis, quod prepositus et balliu proxima die ¹prime¹ sequente datum presentis instrumenti vocarent coram se vicinos ville et de famosioribus, fidelioribus et antiquioribus eorundem leuari facerent unam assisam neutri parti suspectam, et, sicut dicta assisa determinet, dicti Thomas et Johannes stabunt eidem determinacioni.

Dicto die Willelmus Bullok notum fecit in pretorio dicti burgi coram preposito et aliis prescriptis quod de terra predicta cepit statum et sasinam hereditariam tempore patris, et hoc iurauit per magnum iuramentum, et quod omne ius suum de dicta terra vendidit dicto Thome, et promisit warandizare dictam terram secundum quod exigit ius dicto Thome.

Finientes cum preposito, Dauid Scrogis

p. 156.

Simon More—finiuit pro vi s., viii d., plegio Thoma Amfray.

¹⁻¹ Added above the line.

²⁻² Cut off at edge of page.

³⁻³ Stain.

⁴⁻⁴ Scored through.

Rogerus Sprunt ¹finiuit¹ pro forstallacione et occupacione libertatis pro [*sic*] finiuit iiii s.

Andreas Mirden posuit se in voluntate prepositi pro tannacione, et inuenit Johannem Alani plegium ad finiendum cum preposito proxima die prime. Et finiuit—ii s., plegio Johanne filio Alani pro solucione.

¹Thomas Andree de Rechy inuenit Willelmum Blyndcele simili modo plegium¹.

Ypotecarius qui vocatur Segir finiuit cum preposito pro v s.

Adam filius Walteri ii s.

Waldy Sutar viii d.

Andreas Coustland xii d.

Willelmus Blakburn xii d.

qt. clerico

Andreas filius Andy differtur ad proximam primam, plegio Johannis [*sic*] Andree. Finiuit . . . xii d.

¹Johannes Clayhillis¹.

Alanus Urry xii d.

Henricus Stephani—comparebit in proxima prima, plegio

Roberto Dauid xl d.

Johannes Wodman xl d.

Willelmus Wily vi d.

Andreas cum Willelmo filio Andree occupat libertatem emendo victualia.

Willelmus Salchop qui fuit cum Ricardo Fichet.

Ricardus Dere cum Willelmo Andree.

Johannes Willelmi cum Johanne Thome.

Cristy cum Johanne Andree.

Adam }
Robertus } cum Willelmo Strade.

¹Andreas filius Gilberti Kinros¹.

¹Jacobus Voket cum Willelmo Blyndcele¹.

Willelmus Slech finiuit ii s.

Willelmus Cramond cum Matheo Hulk finiuit iiii s.

Stephanus cum Johanne Yhule.

Johannes Andree cum Bricio Duncani.

Thomas filius Donaldi.

Patricius qui fuit cum Thoma de Lownan.

¹⁻¹ Scored through.

Willelmus filius Roberti	ii s.
Johannes filius Thome cum Adam Thome	xl d.
Thomas Willelmi	viii d.
Alexander Alves	vi d.
Thomas Scynner	viii d.
Andreas Bryame	viii d.
Joneta Cummyrn	xii d.
Henricus lorymar	xii d.
Johannes Bond	vi d.
Edy Murgress	viii d.
Johannes filius Alani faberi [<i>sic</i>].	xii d.
Mariot Wricht	viii d.
Siffy	xii d.
Edy	viii d.
Alison	iiii d.
Thomas filius Henrici	iiii d.
Thomas Smyth, clericus	viii d.
Uxor Cristini Clunes	iiii d.
Simon Archas	viii d.
Adam litstar	viii d.
Thomas Smyth	xii d.
Andreas Coupar	viii d.
Thomas turnour	xii d.
Hugo plumbar	xii d.
Girkyn webster	ii s.
Robertus coupar	viii d.
Thomas Wod	iiii d.
Memorandum de parua custuma	v marc.
Willelmus Yhung de Inuer ¹ [<i>nys</i>] ¹	xl d.
Moris h ¹ [. .] ¹ ar de Tulykerr, plegio Thoma Scherar	ii s. p. 157.
Laurencius de Buchania	viii d.
Andreas Nase	xii d.
Johannes Rede, taillour	xii d.
Ivy Heich	xii d.
Magy Fulane	xii d.
Willy of Furvy	viii d.
Uxor Johannis taillour	xii d.
² Willelmus Foty ²	

1-1 Stained.

2-2 Scored through.

¹ Simon baxter							iiii d. ¹
Cristiana Walas							vi d.
Muriel drosser							iiii d.
Ricardus taillour							viii d.
Cristinus Crusank							vi d.
Johannes lorymor							iiii d.
Johannes Walterson							vi d.
Fynlaus taillour							xii d.
¹ Henricus Stephani ¹							
Thomas Halt							xii d.
Henricus Masoun							
¹ Johannes [. . .] ¹							
Famulus Andree Gilberti							xl d.
Johannes Carsane							xl d.
Robertus Hervy	} Stabelli						
Willelmus filius Ade							
Thomas Johannis							
Johannes Thome							
Johannes Gilberti							
¹ Johannes Walteri ¹							
² [.] ² fidelmouth						² [. .] ² iii s. iii d.	
² [.							
.] ²							
² [. . .] ²							xxiiii s.
Mauld Benche							xii d.
Johannes filius Alani							viii d.
Cristy Campsy							viii d.
Mariota Fethes							vi d.
Elisot							iiii d.
Johannes filius Simonis, artocreator							xii d.
Siffy Rauff							viii d.
Aly de Forglen							vi d.
Alexander lepar							xii d.
Aly Porky							vi d.
Willelmus Lambirton							xii d.
Magy Dog							vii d.

¹⁻¹ Scored through.²⁻² MS. torn.

Anny de Marr	iiii d.
Adam coupar	vi d.
Johannes Patricii	xii d.
Thomas hukar	vi d.
Willelmus Marchel	vi d.
Meg hukar	vi d.
¹ Johannes filius Patricii	xii d ¹
¹ Willelmus Wily ¹	
Andreas Johannis	vi d.
Johannes taillour	vi d.
Laurencius Campsy	xii d.
Andreas filius Donaldi	viii d. scherar
Henricus taillour	vi d.
Betinus Walkar	vi d.

L. de l.

p. 158.

Johannes Lamb finiuit pro foristallacione pro xiii s. iiii d. qt. ad soluendum ante medietatem quadragesime, et Thomas clerico Lamb, frater suus, est plegius quod ammodo faciet vicinitatem lotando et scotando cum vicinis suis sub pena quatuor marcarum. Eciam frater suus Thomas est plegius pro dicto finicione ad soluendum, ut prescribitur.

Finientes cum preposito. l. de l.

p. 159.

- J. Lambert, burgensis et frater gilde nous—v s. iii ob.—qt frater gilde.
- S. More—vi s. viii d., Thoma Amfray plegio—clerico. qts
- Robertus Sprunt—taxatus per communitatem—x s. clerico soluit quinque, set clerico.
- Adam Walteri—finiuit ii s.
- J. Wodman—frater gilde est et soluit—v s. iii ob.—frater clerico qt gilde.
- Henricus Cury—finiuit ii s., Johanne Alani plegio, soluit clerico qt clerico.
- Nicholaus Ade—xl d.
- Henricus cum Thoma Daid—Robertus Daid plegius taxatus—xl d.
- ¹J. Carsane¹.

¹⁻¹ Scored through.

- clerico Philippus Johannis frater gilde est et soluit—v s. iii ob.—
frater gilde.
Alexander Benyn.
Johannes Andree—ii s., inde xii d. clerico.
- clerico Johannes Hervy—ii s.
- clerico J. Inuerory—xl d. Willelmo Inuerory plegio.
J. Seres.
- qt. T. Lawsoun—ii s.—clerico.
Alexander Clyntre—xl d.
W. Marr—differtur.
1[. .]¹ Borthwik—ii s.
1[. .]¹ Andree.
R. Lownan.
Johannes Banirman—xxx d. clerico.
Duncannus cum Johanne ²[Andree]².
1[. .]¹ Olfane—²[Johanne]² Strang plegio.
1[. .]¹ ³Buchania taxatus est—x s.³
1[. . .]¹ [S]utar frater 1[. . .]¹ iiii s. Thome Scherar
plegio.
1[.]¹ v s.
1[.]¹
1[.]¹ clerico—fratres gilde.
1[.]¹
1[.]¹
1[.]¹ cum summa Johannis Lamb ex alia parte folii.
1[.]¹ prescripta et deliberata clerico per eundem
deliberantur preposito et depositoribus exceptis Rogero
1[.]¹ Inuerory quorum summas cepit in partem
solucionis feodi sui.

p. 160. Assedacio reddituum burgi de Abirdene facta in pretorio
eiusdem per Willelmum de Crag, Matheum de Balram,
Thomam Willelmi et Johannem filium Alani, balliuos, die
Veneris duodecimo die mensis Nouembris de anno domini
millessimo quadringentesimo.

Tollis ferlote

Assedantur Andree filio Petri et Daud Thome pro

¹⁻¹ MS. torn.

²⁻² MS. torn, supplied from the earlier transcript. ³⁻³ Scored through.

termino unius anni pro viginti duabus marcis, plegio altero alterius et insolido.

Redditus perticarum

Assedantur Ricardo Fichet pro termino unius anni pro v li. plegio Willelmo de Ca¹[*mera*]¹.

Parua custuma

Assedatur Willelmo de Camera, filio, Roberto Daud et Johanni Scherar pro termino unius anni pro quatuordecim libris sex solidis et octo denariis, plegio altero alterius, et sic remanent preposito iii li. xiii s. iiii d. de¹[*bent*]¹
x li. x¹[*iiis*.
iiid.]¹

Stallancia cum una tollonia

²Assedantur Willelmo Glenysoun pro termino unius ¹[*anni*]¹ pro quatuor libris, plegio Johanne Yhule².

Assedantur Johanni Wricht pro termino unius anni pro quatuor libris, plegio sua pensione.

Le garne

Assedatur Johanni filio Andree pro terminis et annis contentis in libro de ³[*anno &c. nonagesimo sexto*]³, quolibet anno pro sex libris, cum condicionibus ibidem scriptis.

Schetokisley

Assedatur Willelmo filio Andree et Alexandro Banirman, ut patet in dicto libro de dicto anno, pro tribus libris.

Villa de Rubislaw cum redditu perticarum eiu⁴[*sdem*]⁴

Assedatur Willelmo de Camera, patri, pro termino duorum annorum, quolibet anno pro ⁴[*tribus libris*]⁴ cum condicionibus scriptis in libro communi de anno immediate precedente.

¹⁻¹ MS torn.

²⁻² Scored through.

³⁻³ MS. torn ; supplied from *supra*, p. 166.

⁴⁻⁴ MS. torn. See *supra*, p. 167.

Foresta committitur custodie Seriandorum istius anni.

p. 161

Croys

Una medietas assedatur Alexandro Banirman et una medietas Thome Lamb et Willelmo Thaynstoun, ut patet in libro communi de anno etc. nonagesimo octauo, quolibet anno pro viginti una libris cum condicionibus ibidem scriptis, plegio altero alterius.

Stellis assedantur

Matheo Hulk pro termino unius anni pro decem marcis, plegio Ricardo Fichet.

Rake

Per cedulam. xliiii li.

Assedatur Willelmo de Strade tercia pars retis pro liii s. iiii d.	}	unum rete
Assedatur Thome Scherar tercia pars retis pro liii s. iiii d.		
Assedatur Alano Ricardi tercia pars retis pro liii s. iiii d.		
Assedatur Henrico Celty quarta pars retis pro xl s.	}	unum rete
Assedatur Willelmo Inuerory quarta pars retis pro xl s.		
Assedatur Petro Paxtoun quarta pars retis pro xl s.		
Assedatur Ricardo Inchemethen quarta pars retis pro xl s.	}	unum rete
Assedatur Gilberto Kynros quarta pars retis pro xl s.		
Assedatur Johanni Crab quarta pars retis pro xl s.		
Assedatur Roberto Daudid quarta pars retis pro xl s.		
Assedatur Johanni Lambyntoun quarta pars retis pro xl s.		

- | | | |
|--|---|---------------|
| Assedatur Willelmo Walkar sexta pars retis
pro xxvi s. viii d. | } | unum rete |
| Assedatur Thome Daid sexta pars retis
pro xxvi s. viii d. | | |
| ¹ [Assedatur] ¹ Johanni Voket sexta pars
retis pro xxvi s. viii d. | | |
| ¹ [Assedatur] ¹ Thome Strang sexta pars retis
pro xxvi s. viii d. | | |
| ¹ [Assedatur] ¹ Johanni de Buchania sexta
pars retis pro xxvi s. viii d. | | |
| ² [Assedatur Johanni] ² Abel sexta pars retis
pro xx ¹ [vi s. v] ¹ iii d. | | |
| ² [Assedatur Patri] ² cio Alexandri sexta pars
retis pro ¹ [xxvi s.] ¹ viii d. | | |
| ² [Assedatur Gi] ² lberto Hervy sexta pars
retis ¹ [pro xxvi] ¹ s. viii d. | | |
| ¹ [Assedatur] ¹ Rothny sexta pars
r ¹ [etis pro xx] ¹ vi s. viii d. | | |
| ² [Assedatur Lan] ² dirstoun sexta ¹ [pars
retis pro] ¹ xxvi s. viii d. | | |
| ¹ [Assedatur] ¹ Willelmo Ta ¹ [. . . .] ¹ ¹ [duo-
decima pars] ¹ retis pro xiii s. iiiii d. | | |
| ¹ [Assedatur] ¹ Daid de ho ¹ [. . .] ¹ duo-
decima ¹ [pars retis] ¹ pro xiii s. iiiii d. | | |
| ¹ [Assedatur] ¹ Hankyn Cucuner duodecima
pars ¹ [r] ¹ etis pro xiii s. iiiii d. | | |
| ¹ [Assedatur] ¹ Wilkyn Webster duodecima
pars re ¹ [tis] ¹ pro xiii s. iiiii d. | | |
| ¹ [Assedatur] ¹ Gilberto filio Ade dimidium
quarterii retis pro xx s. | | |
| ¹ [Assedatur] ¹ Thome Lamb de Foty dimi-
dium quarterii retis pro xx s. | | |
| ¹ [Assedatur] ¹ Johanni filio Gilberti dimi-
dium quarterii retis pro xx s. | | |
| ¹ [Assedatur] ¹ Johanni Garnoch dimidium
quarterii retis pro xx s. | | |
| | } | dimidium rete |

¹⁻¹ MS. torn.²⁻² MS. torn, name supplied from an early transcript in the Register House.

p. 162.

Midchingill

Assedatur Johanni Fichet unum rete pro termino unius anni pro quatuor marcis, plegio Willelmo Borthwik.

xvi li.

Assedatur Johanni Ayncroft, filio, et Willelmo Dayntre unum rete pro quatuor marcis, plegio Willelmo Blyndcele.

Assedatur Bricio Roberti et Simoni Stil unum rete pro quatuor marcis, plegio altero alterius.

Assedatur Willelmo de Kyntor unum rete pro quatuor marcis, plegio Johanne Strang.

Assedatur Johanni Strang unum rete pro quatuor marcis, plegio Willelmo de Kyntor.

Assedatur Willelmo de Camera, filio, et Thome Amfra-soun unum rete pro quatuor marcis, plegio altero alterius.

Pot

Assedatur Johanni Yhule et Johanni filio Jacobi unum rete pro sex marcis, plegio pro Johanne Yhule Adam Strathekyn, et plegio pro Johanne Jacobi Willelmo Jacsoun.

Assedatur Ade de Strathekyn dimidium retis et sexta pars retis pro liii s. iiii d.

Assedatur Willelmo Jacsoun dimidium retis et sexta pars retis pro liii s. iiii d.

xxiii li.

Assedatur Bricio Dunccani dimidium retis et sexta pars retis pro liii s. iiii d.

Assedatur Andree filio Gilberti dimidium retis pro xl s.

Assedatur Ricardo Lownan dimidium retis pro xl s., plegio Adam Thome.

Assedatur Ade filio Thome dimidium retis et sexta pars retis pro liii s. iiii d.

Assedatur Daud de Scrogis et Dunccano Marr unum rete pro sex marcis, plegio altero alterius.

Assedatur Andree baxter sexta pars retis pro xiii s. iiii d.

Assedatur Willelmo Johannis, taillour, sexta pars retis pro xiii s. iiii d.

Furdis

Assedatur Johanni Wormot dimidium retis pro xl s., plegio Johanne fichet.

Assedatur Johanni Ruthirfurd et Willelmo Borthwik unum rete pro sex marcis, plegio altero ¹[*alterius*]¹.

Assedatur Patricio baxter unum rete pro sex ¹[*marcis*]¹, plegio Simone Lamb.

Assedatur Willelmo Blyndcele et Johanni Uschere ¹[*unum re*]¹te pro sex marcis, plegio altero ¹[*alterius*]¹.

Assedatur Johanni Hervy dimidium retis pro x¹[*l s.*, *plegio*]¹ Willelmo Cryne.

Assedatur Galfrido Ramfrw quarta pars re¹[*tis pro xx*]¹ s.

Assedatur Patricio Club quarta pars retis pro ¹[*xx s.*]¹.

Assedatur Daud Tulch quarta pars retis pro ¹[*xx s.*]¹.

vii retia et
¹[*dimidium*]

Assedatur Mauricio Suerdsleper octaua pars ¹[*retis pro x s.*]¹.

Assedatur Willelmo filio Ade octaua pars re¹[*tis pro x*]¹ s.

Assedatur Johanni scherar et Willelmo Spront dimidium retis pro xl s.

Assedatur Thome Lyntoun et Hankyn Broy¹[*...*]¹ dimidium retis pro xl s.

Assedatur Thome Lownan et Henrico selater dimidium retis pro xl s.

Assedatur Laurencio Bell quarta pars retis pro xx s.

Assedatur Duthaco Lownan quarta pars retis pro xx s.

Assedatur Roberto Colini et Nicolao Mercer quarta pars retis pro xx s.

Assedatur Johanni Mungwale et Waltero Rede quarta pars retis pro xx s.

Aqua borealis

Assedatur Ade de Benyn, Johanni filio Alani et Johanni filio Henrici pro termino unius anni, quodlibet rete ²pro septem libris², quolibet plegio pro alio, pro septemdecim libris.

LIBER COMMUNITATIS BURGI DE ABIRDEN EST iste qui p. 163. incipit die lune proxime post festum beati Michaelis Archangeli de anno domini millesimo quadingentesimo. Quo die Adam de Benyn cum consensu tocuis communitatis electus fuit in officium Aldirmanni. Et Willelmus

¹⁻¹ MS. torn.

²⁻² Scored through.

Crag, Matheus Balram, Johannes filius Alani, et Thomas filius Willelmi electi sunt in officium balliuorum. Et Mauricius filius Roberti, Donaldus Ka, Johannes de Lucris et Fergusius filius Ade electi sunt in officium seriandorum.

Eodem die electi sunt in communes consiliarios dicti burgi Willelmus de Camera, pater, Laurencius de Leth, Willelmus de Camera, filius, Alexander Banirman, Thomas Spryng, Willelmus filius Andree, Johannes filius Andree, Daud Scrogis, Johannes Scherar, Robertus Daud, Simon de Benyn, Johannes filius Thome, Willelmus Blyndcele, Johannes Ruthirford, Johannes Wormot, Simon Lamb, et Ricardus Lownan, Johannes Ledale, Willelmus Borthwyk, Johannes Strang, Hugo Aberbothnot.

LINIATORES

Johannes de Tulach
Willelmus Spront
Johannes Spront
Adam Strathekyn
Johannes Lambyntoun
Willelmus Spaldyng
Willelmus baxter Mykil
Mauricius Suerdsleper
Magister Johannes Wricht

GUSTATORES CERUISIE

¹Johannes filius Roberti¹
W. Walkar de hole
²[Jo]²hannes Lawsoun kerd
²[.]²ir ²[.]² Wricht

APPRECIATORES CARNIUM

Thomas de Lownan
Matheus Pynches
Robertus de Narne
Alanus filius Jacobi

GUSTATORES VINI

Johannes filius Thome
Johannes Ruthirford

MAGISTRI ECCLESIE

¹Adam Thome¹
¹Gilbertus Kynros¹
Johannes Spront

DEPOSITORES

Memorandum quod Johannes Scherar, Patricius Club et Johannes Sprunt sunt ordinati ad colligendum pecunias debitas ecclesie beati Nicolai, et ordinacio est talis : quod dicti Johannes, Patricius et Johannes semel petent dicta debita a debitoribus eiusdem, et secundo pro eisdem debitis

¹⁻¹ Scored through.

²⁻² MS. torn.

namabunt, et, si aliquis impediatur eos namare vel noluerit soluere, prepositus, balliui, et commune consilium dictos debitores namabunt et persolui facient dicta debita indilate.¹

In prima tenta in pretorio xvii die mensis Septembris p.164.
de anno istius libri ordinatum fuit cum communi consilio et totali consensu maioris partis communitatis ibidem congregate quod quicumque burgensis vel alius qui voluerit habere puerum sepultum in ecclesia parochiali, si sit infra etatem septem annorum, soluet quinque solidos, et, si sit inter septem annos et quindecim annos, soluet sex solidos et octo denarios, et, si excedat quindecim annos, soluet x solidos, secundum quod faciunt omnes alii qui dictam etatem excedunt. Et, si aliquis puer habeat bona propria, cuiuscunque etatis fuerit, soluet x s.

Copia jurnalnis itineris Camerarii.

Iter camerarii iudicatum in dicto itinere ad soluendum per balliuos ²[. .]².

Willelmus Strade erit satisfactus per Simonem de Camera de xii ouibus et ix s.

Dauid Fadilmonth soluet eidem Willelmo viii s.

Petrus Paxtoun soluet dicto Willelmo quartam partem legitime probari contra eundem de tempore illo quo fuerunt balliui dicti burgi.

Appreciatores carniū sunt conuicti.

Carnifices sunt conuicti.

Robertus de Narn fatebatur camerario quod debebat sibi xix s. de quibus suplebit voluntatem suam.

Walterus Patricii plegius pro Emy Westland.

Ricardus Lownan plegius pro Aly Strange.

Robertus Duncani satisfaciet Johanni Ayncroft de xiii s. iiii d.

Robertus Duncani satisfaciet Laurencio filio Johannis de xvi s.

Aly[*Emy*] Westland } conuicti pro receptacione furium
Aly Strange } et pikaris.

¹ But see the note, *supra*, p. 101.

²⁻² MS. stained.

[et pikaris] {plegius pro prima Walterus Patricii.
plegius pro secunda Ricardus Lownan.

Joneta Cumyn conuicta pro rebellione plegio Alano Jacobi.

Johannes Bullok in amerciamento curie quia iniuste occupauit caudam unius terre Thome Willelmi, ut repertum fuit per assisam.

Walterus Patricii faciet Daudid Tulch satisfieri de x¹[i]¹ s. propter hominem quem ¹[*arrest . .*]¹.

Robertus Daudid } conuicti pro foristallacione.
Matheus Hulk }

Johannes filius Roberti Marr in amerciamento quia non intrauit Robertum Jacsoun, foristallatorem.

Johannes Lucris in amerciamento quia non fecit officium suum quod facere tenetur in arrestacione Johannis ²[. .]².

Joneta osteler conuicta.

Thomas Daudid adiudicatum in tali amerciamento quale debeat perdere pro deforciamto quod fecit ²[.]² marc.

Accio mota inter Willelmu[m] Strade et Daudid ¹[*Fidil*]¹-month ¹[*submittitur*]¹ ad ²[*amic*]²abilem comp²[*osicionem*]² et presentabunt defectum Camerario.

Daudid Fidilmonth satisfaciet Willelmo ³[*de Strade*]³ de ⁴octo s.⁴ pro plegiagio quod non ²[. .]².

Simon de Camera soluet xii oues ³[*et ix s. Willelmo de Strade*]³.

Thoms Willelmi in amerciamento curie quia iniuste ²[*reco*]².

Balliui in amerciamento pro comite Moraui ²[.]².

Nicolaus Mercer calumpniauit Laurencium de Leth per cedula[m] quod iniuste ab eo tenet v^c burdis, 1^c boro stauis. Unde assisa acquietauit dictum Laurencium de dicta calumpnia.

p. 165.

¹⁻¹ MS. stained; supplied from the early transcript in the Register House.

²⁻² MS. torn.

³⁻³ MS. torn; supplied from the early transcript.

⁴⁻⁴ Substituted above the line for an illegible word scored through.

Matheus Hulk satisfaciet Johanni de Ayncroft, filio, de viii s.

Andreas baxter faciet Johannem Man solui de duobus bobus, precii ii marcarum, et dimidie celdre farine secundum quod deuenit plegius.

Laurencius de Leth traxit omnes terras suas et possessiones infra burgum in plegio quod Willelmus de Camera, pater, et sui erunt indempnes pro se et suis aliter quam exigit ordo iuris. Simili modo dictus Willelmus est obligatus pro se et ¹[suis]¹.

Willelmus sutar in amerciamento quia non soluit Johanni sellar, famulo domini de Keth, xiii futhiris petarum.

Johannes Buchane satisfaciet Galfrido Ramfrw v li. et xxiii s. vi d.

Dominus Andreas Crag, Matheus Balram et Johannes Hervy, ²tutores altaris Sancti Johannis Baptiste², calumpniauerunt Johannem Scrogis, filium et unum heredum quondam Dauid Scrogis, burgensis de Abirden, dicentes quod, ubi namauerunt unam terram iacentem in vico nauium, in qua Thomas Scherar inhabitat, pro uno annuo redditu x s. et viii denariorum, debito altari beati Johannis Baptiste, dictus Johannes dictum namum de manibus suis accepit, quare deforciauuit ipsos, ut ipsi dixerunt. ²Dixit [sic] Johannes negauit etc.² Que accio posita est ad assisam. Que assisa bene consulta et auisata, dictum Johannem de dicto deforciamiento quitum fecerunt.

Ricardus Lownan in amerciamento curie quia iniuste tenuit ab Andrea Scrogis firmam unius domus sibi debitam, que firma quanta sit dictus Andreas probabit die lune proxime futuro, qua probata dictus Ricardus eandem firmam soluet, que detinetur pro tanto tempore quanto dictam terram occupauit. Hec est determinacio assise.

In plena curia Walterus de Tulach peciit a Roberto de Narn xix s. quos sibi debebat, ut asseruit.

Dictus Robertus ibidem promisit sue satisfacere voluntati.

Item in plena curia Thomas de Paris sursum reddidit et donauit Waltero de Tulach totum ius et iuris clameum

¹⁻¹ MS. stained; supplied from the early transcript.

²⁻² Added above the line.

quod habuit in illa terra iacente in vico furcarum ex parte occidentali ¹[*eiusdem*]¹, in vico qui dicitur Smythy¹[*rau*]¹ iacente inter terram Willelmi de Camera ex parte australi et terram Roberti Lithardwod ex parte boreali.

W. Dayntre	} conuicti propter foristalla-
Robertus Glanderston	
W. Burnet	

Camerarius pre²[*cepit*]² Johanni Lucris quod arestaret hominem vocatum Schelpe propter foristallacionem victualium, et, si non potest ²[*are*]²stare personam suam, arestet bona sua que possunt queri infra bundas ³[. . . .]³ quibus dictus ²[*Johan*]²nes habet potestatem arestandi sic quod communitas sit satisfacta de dampno ³[. . . .]³ illato ²[*propter*]² foristallacionem dictorum victualium.

³[. *acce*]³dens ad barram obtulit se paratum ad respondendum plegio quod Gilbertus Kyn³[*ros*]³ dicto Gilberto legitime vocato in itinere Camerarii et non comparente tanquam ³[.]³ dictus ³[. . .]³ extendebat plegium quod quitus fuit a sua calumpnia ³[*quousque nouiter atta*]³chietur; et dictus Gilbertus in amerciamento curie.

p. 166.

Noui Burgenses

Dauid Fidilmonth finiuit pro xiii s. iiii d., medietate soluenda ad festum Pasche et alia medietate ante exitum prepositi de officio suo, plegio Thome ³[*Am*]³frasoun.

Memorandum quod die Martis proxime post festum beati Michaelis anno domini m³[.]³ de Keth ex parte fratris Willelmi Coker tunc prioris fratrum Carmelitarum ³[.]³plegium in manibus Mauricii filii Roberti, seriandi, super Robertum Faucuner, videlicet, quod dictus ³[.]³ tenetur satisfacere dicto ⁴fratri Willelmo⁴ de dampnis et expensis que et quas sust³[. . .]³ causa ³[. . . .]³ accione inter ipsos mota, cuius accionis nunc determinate dictus Robertus repertus fuit in defectu

¹⁻¹ MS. stained; supplied from the early transcript.

²⁻² MS. torn; supplied from the early transcript.

³⁻³ MS. torn.

⁴⁻⁴ Added above the line; *priori* scored through.

et sic tenetur satisfacere debitum principale ita et dictas expensas legitime probatas. Qui Robertus per dictum seriandum attachiatus et arrestatus inuenit Willelmum de ¹[]¹ plegium ad comparendum calumpnie dicti ²Willelmi Coker², prioris. Unde dies fuit sibi assignata ad proximum ¹[diem]¹ legalem.

Summa costagiorum et expensarum predictorum xl. s. x d.

PROCESSUS CURIARUM TENTARUM PER BALLIUOS SUNT p. 167. isti qui incipiunt die lune proxime post festum beati Michaelis Archangeli anno domini millesimo quadringentesimo. Quo die curia affirmata Adam de Benyn electus fuit in officium aldirmanni, et Willelmus de Crag, Matheus Balram, Johannes filius Alani, et Thomas Willelmi electi fuerunt in officium balliuorum etc., ut superius scribitur de ceteris officariis.³

¹⁻¹ MS. torn.

²⁻² Added above the line.

³ Cf. *supra*, pp. 195-196.

EXTRACTS FROM THE RECORDS
OF THE BURGH OF ABERDEEN
1401-1407

17 January 1400/1401

Curia tenta per balliuos decimo septimo die mensis p. 174.
Januarii anno quo supra, quo die curia affirmata.

Johannes filius Cristini
Willelmus Blyndcele, yhung
et Johannes Uscher

posuerunt se in voluntate balliuorum pro perturbacione
ville cum Henrico filio Stephani.

Willelmus Blyndcele, senior
Willelmus de Crag
et Johannes Uscher

calumpniati a balliuis quod, ubi Thomas filius Willelmi,
unus balliuorum, duxit Henricum Stephani per se arrestan-
dum et plegios legales inueniendum pro perturbacione ville
cum Willelmo yhung Blyndcele, ipsi in vituperium,
scandalum, et pudorem regis et legis ex diliberata inten-
cione dictum ballium perturbauerunt, dictum Henricum
percutientes, vel volentes percutere, bipennes eleuando et
cultellos extrahendo. Unde predicti sic calumpniati
pecierunt ausare. Qui ausati negabant quod ex de-
liberata intencione aliquid faciebant in scandalum vel
pudorem regis, legis, vel balliui supradicti, et de hoc
ceperunt se ad suas acquietancias in die lune proxime
futuro, ut exigit ordo iuris. Set de perturbacione ville
posuerunt se in voluntate balliuorum.

24 January 1400/1401

Eodem die Thomas Spryng inuenit plegium super p. 175.
Willelmum Foty quod iniuste ab eo tenet x solidos pro
firma unius opelle. Dictus Willelmus non negauit wrang
et unlaw, set dixit quod fuit quedam specialis conuencio
inter ipsos de firmacione dicte opelle, et cupiebat ponere
dictam accionem ad amicabilem composicionem. Dictus
Thomas dixit quod dictum responsum non fuit legitimum.
Unde extendebat plegium quod uenit ad suam calumpniam

causa non defensa. Dictus Willelmus dictum plegium recontrariauit. Curia decreuit quod plegium ¹quod¹ extendebat dictus Thomas fuit valoris et contrarium nullius valoris: et hoc datum fuit pro iudicio ex ore Willelmi Croket iudicatoris curie.

Eodem die Willelmus Crag, Willelmus Blyndcele, et Johannes Uscher acquietabant se secundum quod in curia precedente eisdem adiungebatur.

7 March 1400/1401

p. 17

Eodem die accedens ad barram Johannes Bullok asseruit quod dictum fuit sibi per fidedignos quod quoddam iudicium fuit contra eum datum, ipso non existente in regno, set extra regnum in guerris domini nostri regis Scocie, de quadam terra iacente in vico nauium. Unde coram balliuis et in plana curia obtulit decem solidos et octo denarios debitos ministro domus Trinitatis de eadem terra de temporibus transactis; et, si maior summa dicto fratri, ministro dicte domus, vel cuicumque alteri, de dicta terra debeatur, illam summam eciam obtulit soluendam tunc in pretorio coram balliuis, cum tempus adhuc est sibi oportunum ad solucionem dictarum summarum, ut ipse dixit, eo quod fuit extra regnum; et eadem de causa dictum iudicium annullatur.

20 June 1401

p. 185.

Quia deputatus camerarii in exitu ultimi itineris sui tenti infra burgum de Abirden dedit balliuis in mandatis quod leurent assisam fidedignorum dicti burgi sui ad determinandum causam et accionem motam inter Willelmum de Strade et Petrum de Paxtoun, dictus Willelmus accedens ad barram peccit illud mandatum supleri, et ad hoc extendebat plegium, et ulterius extendebat plegium quod dictus Petrus tenetur comparere ad quodlibet iter camerarii responsurus iuri et periturus, asserendo ulterius et dicendo quod dictus Petrus fuit fugitiuus in quatuor itineribus camerarii ultimo tentis infra dictum burgum. Dictus Petrus incontinenter accedens ad barram et audita

¹⁻¹ Added above the line.

per eum recitatione dicti Willelmi ac plenius intellecta obtulit se promptum et paratam coram preposito, balliuis, et plena curia ad ponendum omnes causas, acciones, et controuersias motas inter ipsum et dictum Willelmum ad determinacionem vicinorum insuspectorum ad hoc ex utraque parte electorum, et de hoc peccit testimonium ab omnibus circumsedentibus, scilicet, preposito, balliuis et plena curia.

1 July 1401

Alexander de Mernys accedens ad barram calumpniauit p. 185. Mauricium filium Andree, asserens quod conduxit ipsum et nauem suam a partibus Ross usque ad portum de Abirden vel ad australem ferth, cum xx barellis de porpas et coriis, et promisit pro nauo cuiusdam barelle viii d. et pro qualibet dacra coriorum viii d., qui Mauricius, ut ipse dixit, nauigauit ipsum et nauem suam cum predictis bonis ad partes Orcadie contra voluntatem suam, et ibidem perdidit octo de dictis barellis de porpas omnino cum dampnis et expensis suis in defectu dicti Mauricii. Dictus Mauricius negauit dictam calumpniam. Quare adiungebatur dicto Alexandro ad veniendum in tempore quod exigit ordo iuris ad probandum dictam calumpniam fore veram.

2 July 1401

Alexander de Mernys venit ad barram cum probacione p. 185. sua secundum quod sibi adiungebatur in curia precedente, dicens quod dicta probacio fuit legittima et sufficiens ad probandum calumpniam suam quam fecit dicto Mauricio in curia precedente fore veram, quia calumpnia sua, ut asseruit, quam habuit probare non fuit nisi xls. pro dampnis suis et expensis, et residuum calumpnie fuit probatum in se. Prelocutor dicti Mauricii extendebat plegium quod dicta probacio non fuit sufficiens nec legittima ad probandum primam calumpniam fore veram, protestando de racionibus suis quas habuit dicere tempore oportuno. Prelocutor dicti Alexandri dictum plegium recontrariauit cum racionibus suis oportuno tempore ostendendis. Ista warda differtur ad proximum diem legalem propter debilitatem curie.

4 July 1401

p. 186. Accio mota inter Alexandrum de Mernys et Mauricium Andree submittitur ad amicabilem compositionem proborum hominum, et ubi defectus reperitur presentabitur balliuis, plegio pro Alexandro Willelmo Andree, plegio pro Mauricio Waltero Patricii.

3 October 1401

p. 209. INCIPIT LIBER COMMUNITATIS BURGI DE ABIRDEN die lune proxime post festum beati Michaelis Archangeli de anno domini millesimo quadringentesimo primo. Quo die Laurencius de Leth cum consensu et assensu tocius communitatis electus fuit in officium aldirmanni. Et Simon de Benyn, Matheus de Balram, Adam filius Thome, et Johannes filius Jacobi electi fuerunt in officium balliuorum. Et Mauricius filius Roberti, Donaldus Ka, Ferguseus filius Ade, et Walterus filius Patricii electi fuerunt in officium seriandorum.

Communes consiliarii

Willelmus de Camera, pater	Johannes Ruthirford
Willelmus de Camera, filius	Simon Lamb
Alexander Banirman	Hugo Aberbothnot
Willelmus filius Andree	Johannes Wormot
Johannes filius Andree	Ricardus Lownan
Robertus Daud	Willelmus Borthwik
Willelmus de Crag	Johannes filius Thome
Daud Scroggis	Thomas filius Willelmi
Thomas Spryng	Johannes filius Alani
Willelmus Blyndcele	
Johannes Ledale	
Johannes Scherar	

Appreciatores carniū

Thomas Lyntoun
Henricus sclatar
Andreas baxter
Daud de Tulch

Gustatores ceruisii

¹[Alanus]¹ Smyth
Robertus Wricht
¹J¹ohannes Lawsoun
¹[W]¹illelmus filius Ade

¹⁻¹ MS. stained.

Gustatores vini

Andreas filius Johannis
Robertus Hervy

Depositores

Willelmus filius Andree
Johannes Ruthirford

Liniatores

Johannes Tulach	Mauricius suerdsleper
Willelmus Spront	Gilbertus Kynros
Ricardus Fichet	Johannes Spront
Adam Strathekyn	Michael de Camera
Johannes Lambyntoun	Alanus Ricardi
Willelmus Spaldyn	Willelmus Johannis Garnoch
Willelmus baxter mykil	

8 November 1401

Balliui calumpniauerunt Johannem Sprunt quod iniuste p. 213. maledixit et preuaricauit omnes illos ¹[qui]¹ taxabant Thomam Sprunt penes amerciammentum suum in quo incidit, dicentes quod per prepositum ¹[et]¹ commune consilium dictus Thomas fuit taxatus, et taxauerunt dampna et vilipensiones dictorum ¹[taxa]¹torum per dictum Johanem facta et illata ad valorem x librarum cum amerciammento curie. Dictus Johannes ²[pecit]² auisari, et, ipso auisato, fatebatur quod taliter maledixit, set acquie-tauit se quod nesciebat ³[quod]³ prepositus, balliui et com-mune consilium fuerunt dicti taxatores. Quare adiudi-catus fuit in a¹[merciammento]¹ de dictis dampnis taxatis. Posuit se in voluntate balliuorum—viii s. pro sequenti deforciammento.

12 November 1401

Focagium a cruce Bernardi ad mare assedatur Willelmo p. 201. Andree pro termino unius anni pro xiii s. iiii d. ¹[. . .]¹ videlicet, quod nullus tenebit commune hirscl medio tempore super dictum focagium.

12 November 1401

Absentes a curia capitali post festum beati Michaelis p. 206.

¹⁻¹ MS. torn.

²⁻² MS. torn; supplied from the transcript in the Register House.

³⁻³ Omitted.

—summa ¹xv s. ii d.¹ deliberata depositoribus [*sic*] in argento—vii s. x d. Item deliberata eisdem de absentibus a prima iiiii s.

Item deliberata eisdem depositoribus de amerciamentis—iiii s. iiiii d.

Et de Maliseo Garnock—de amerciamentis—xii d. scilicet de curia capitali [*et*] prima.

Et de Johanne Ayncroft—iiii d. de curia capitali.

Item deliberata depositoribus per clericum de amerciamentis—xi s. viii d. Johanni Jacobi.

Summa absencium a curia capitali tenta post festum beati Michaelis—xv s. ii d.

Summa absencium a prima tenta immediate post—v s. iiiii d.

Summa secunde prime tente quarto die Nouembris—xxviii d. cum ly defors Johannis Henrici et in namis—que summa deliberata depositoribus, videlicet xx d. clericus recepit.

1401²

p. 216.

Reuerence and honour, likit yhu to wit that the lord of Keth arestit yhur wyn and yhur oxin and for gude cause, as he lete us wit, and for yhur sakis we made hym request that he suld frely delyuer thaim, for the quilk request he has delyuerit thaim frely at this tym, for we ar thai at wald at gud acord war betwex yhu and hym, and wil do our besynes to bryng it thar to at our power, at the quilk acord he sayis he wald be gladly, and sal nocht leve in his defaute. Qwarfor, der lord, it is our consale, and we requir yhu that, for esse of the contre and quiet of our place, yhe wald asith, gif yhe ocht aw hym, sa that hym nedit nocht in tyme to cum til mak sic pundyng and namly in our town, for he says it is previt dete that yhe aw hym, and of lang tyme by gane; and gif yhe will adress yhu to be at any day with hym for the knowlege of the forsaid thyngis, sendis us word and we sal late hym wit, and gif it langis ansuer we sal ger send it yhu, for we

¹⁻¹ Scored through.

² This entry, written across the page, falls between the record of the court of 19 November 1401 and that of the court of 28 November 1401.

ar richt mykil haldyn to yhu and als til hym. God kepe yhur estate as we desire.

2 December 1401

In prima tenta secundo die mensis Decembris anno etc. p. 197. cccc^{mo} primo ordinatum fuit per maiorem partem communitatis ibidem congregatam quod quicumque receptat alios venientes de partibus australibus ubi mortalitas est, aut fuit, aut eorum bona soluet sine remissione viii s. ¹toiciens quociens tales receptat¹ prima vice qua tales receptat, et secunda vice tales receptatores bannientur de villa.

16 December 1401

In prima tenta in die Veneris immediate post festum p. 196. beate Lucie Virginis ordinatum fuit per totam communitatem quod, si templarii et ipsi de regalitate pinsant laganas ammodo vel pessimant forum in empicione farine, tota farina et lagane reperte in eorum domibus errogabuntur pauperibus per officarios ville cum adiutorio communitatis.

22 February 1401/1402

Robertus Duncani calumpniauit Johannem taillour de p. 227. Brechyne dicens quod iniuste ab eo cepit unam ferdellam panni lanosi, precii x li., sine licencia alicuius iudicis et sine quocunque iudiciali. Willelmus de Camera, prelocutor dicti Johannis, ex ²[parte]² dicti Johannis, dixit quod contractus fuit factus ubi dicte res fuerunt capte, et allegauit ad standum ibidem ad dictamen ordinis iuris in curia domini sui ex quo ibidem, ut predicatur, contractus fuit factus, et super hoc obtulit inuenire plegium sufficientem. Ulterius allegando quod est statutum approbatum quod petens curiam domini sui in tali casu debet eam habere, idem per plegium affirmauit; quod plegium dictus Robertus recontrariauit cum suis dicendis etc. ad wardam curie. Que warda differtur ad crastinum diem propter debilitatem curie. De ista accione concordati sunt et amerciamentum fuit remissum dicto Johanni.

¹⁻¹ Scored through.

²⁻² Omitted in MS.

6 March 1401/1402

p. 229.	Laurencius Campsy ad acquie- tandum xii d.	} die lune proxime futuro quod non emunt pisces nisi in foro. Non venerunt cum ac- quietancia, qua- propter quilibet in amerciamiento.
	W. Ade ad acquietandum ii s.	
	Johannes Gilberti ad acquie- tandum viii d.	
	Thomas Johannis ad acquie- tandum iiiii s.	
	W. Roberti ad acquietandum ii s.	
	W. Calman ad acquietandum xii d.	
	Johannes Walteri ad acquietandum nisi ultra acquietanciam	
	Gilbertus Hervy Dunccanus Hervy—non venit et differtur—iiii s.	

12 June 1402

p. 233 Thomas Willelmi probauit cum Willelmo Blyndcele et Johanne Hervy tamquam taynt quod Dedrik Herbolt vendidit sibi v pokis farine cum libris sequentibus, et dictus Dedrik in amerciamiento.

Matheus Balram et Simon Lamb deuenerunt plegii pro Johanne Swetsoun et suis quod villa non dampnabitur per Anglicos qui sunt in sua custodia, et quod non erunt in talibus domibus quod possint videre secreta ville nec statum et conuersacionem burgensium. Item quod parua custuma, si debeatur de suis piscibus et aliis bonis in nauibus contentis, soluent dictam custumam costumario.

7 January 1404/1405

p. 268. Curia capitali tenta per balliuos die lune proxime post festum Epiphanie Domini de anno domini millesimo quadringentesimo quarto, quo die curia affirmata et sectis vocatis, absentes patent in rotulis.

Quo die Adam filius Thome, tutor et custos altaris beati Johannis Baptiste situati in ecclesia beati Nicolay de Abirdene, protestabatur pro quodam annuo reddito xiiii s. dicto altari debito, et a longis temporibus non solutis [*sic*], de quadam terra iacente in vico qui dicitur

ly Nethirkirkgate ex australi parte eiusdem inter terram nunc Willelmi Blakburn ex parte orientali et terram quondam Philippi Haket ex parte occidentali, ad quam terram veniens nichil reperit¹[*it*]¹ distringibile pro dicto annuo redditu preter terram et lapides, quos presentavit in curia coram balliis tanquam primo die huius processus, testibus Alano Jacobi et Johanne Jacobi.

Eodem die Johannes scherar, accedens ad barram, protestabatur pro quodam annuo redditu triginta denariorum sibi debito de quadam terra iacente in vico viridi super ly scole hill ex occidentali parte pontis superioris vici ecclesie inter terram suam propriam ex parte orientali et terram Alexandri de Setoun ex parte occidentali, ad quam terram veniens nichil reperit distringibile preter terram et lapides quos presentavit in curia tanquam tercio die huius processus, testibus Johanne Lambart et Willelmo Dayntre.

Eodem die frater Johannes de Brechyn, minister domus sancte Trinitatis de Abirdene, protestabatur pro quodam annuo redditu quadraginta denariorum sibi debito de terra iacente in vico furcarum ex orientali parte eiusdem inter terram Duthaci de Lownan ex parte australi et terram quondam Willelmi de Camera de key ex parte boreali et a longis temporibus non solutis [*sic*], ad quam terram veniens nichil reperit distringibile preter terram et lapides pro dicto annuo redditu, quos presentavit in curia coram balliis tanquam primo die huius processus, testibus Thoma de Lownan et Alexandro Voket.

Eodem die Johannes scherar, nomine et ex parte tutoris et custodis altaris Sancte Trinitatis in ecclesia beati Nicolay de Abirdene, protestabatur pro quodam annuo redditu xiii s. et iiii d. dicto altari annuatim debito de quadam terra iacente in vico furcarum ex parte occidentali eiusdem inter terram Thome Trayle ex parte australi et terram Johannis de Benyn ex parte boreali, ad quam terram veniens nichil reperit distringibile preter terram et lapides, quos presentavit in curia coram balliis tanquam tercio die huius processus, testibus. p. 269.

Eodem die Thomas Spryng protestabatur pro quodam

¹⁻¹ MS. torn.

annuo reddito viginti sex solidorum sibi debito annuatim de quadam terra iacente in vico furcarum ex parte orientali eiusdem inter terram nunc Thome Daltoun ex parte boreali et terram de ly Daynars gabile ex parte australi, ad quam terram veniens nichil reperit distringibile pro dicto annuo reddito preter terram et lapides, quos presentavit in curia tanquam tercio die huius processus, testibus.

Eodem die Johannes filius Walteri in plena curia fecit, constituit et ordinavit discretos viros, magistrum Willelmum de Camera, Willelmum de Camera, patrem, et Thomam Amfray, suos attornatos et deputatos speciales et eorum quemlibet insolidum, ita quod non sit melior condicio ocupantis, ad prosequendum unum breve de recto per ipsum balliuis presentatum ad faciendum sibi plenum rectum de uno tenemento iacente in vico viridi, prout in dicto brevi continetur, et ad faciendum, gerendum et exercendum omnia et singula que ad prosecucionem dicte brevis pertinere dinoscuntur, si presens et personaliter interesset, promittens se habere ratum, gratum, et firmum, habentem et habiturum etc.

Eodem die, accedens ad barram, Johannes filius Walteri cum prelocutore suo, Willelmo de Camera patre, peciit fratrem Willelmum Henrici vocari ad respondendum sibi de brevi de recto alias per ipsum presentato balliuis dicti burgi secundum quod summonitus fuit per seriandos. Quo Willelmo vocato, et seriandis asserentibus se probaturos summonicionem, et non comparente nec aliquem legitimum attornatum pro se mittente, hora diei legitime expectata, preceptum fuit Ferguseo Ade, seriando, ad summoniendum dictum fratrem Willelmum dicto brevi responsurum xxvi die huius mensis Januarii tanquam secundo die.

Eodem die accedens ad barram Laurencius de Leth, tutor et custos altaris beati Niniani situati in ecclesia beati Nicolay de Abirden, protestabatur pro quodam annuo reddito quinque solidorum dicto altari debito de una terra iacente in vico de Foty inter terram Johannis Yhule ex parte australi et terram Roberti Wricht ex parte boreali, ad quam terram veniens nichil reperit distringibile preter

terram et lapides pro dicto annuo reddito, quos presentavit in curia coram balliuis tanquam primo die huius processus, testibus.

8 *March* 1404/1405

Eodem die Ricardus de Lownan et Simon de Benyn, p. 273. attornati et deputati Johannis filii Walteri, nomine dicti Johannis, obtulerunt quamdam terram jacentem in vico viridi, que fuit quondam Thome Redehede, nunc dicto Johanni Walteri de iure pertinentem, propinquioribus, consanguineis, et amicis eiusdem Johannis vendendam tanquam secundo die. Et sciendum quod de primo die peccit instrumentum dictus Johannes Walteri in propria persona in ultimo die itineris Camerarii de sua protestacione, videlicet, quod obtulit dictam terram propinquioribus, consanguineis et amicis suis etc.

22 *March* 1404/1405

Eodem die Ricardus de Lownan, attornatus et deputatus p. 274. in hac parte Johannis filii Walteri, nomine eiusdem recitavit formam et effectum sui processus precedentis, proseguendo suum processum hodie tanquam tercio die eiusdem.

5 *October* 1405

PROCESSUS CURIARUM tentarum per balliuos burgi de p. 268 Abirdene incipientes die lune proxime post festum beati Michaelis Archangeli de anno domini m^o cccc^{mo} quinto, quo die Robertus filius Daud electus est in officium Aldirmani, Andreas Giffart, Thomas Roule, Andreas Johannis et Ricardus Fichet electi sunt in officium balliuorum, Ferguseus filius Ade, Johannes Trayle, Johannes de Lucris, et Daud Fidilmonth electi sunt in officium seriandorum.

16 *October* 1405

Prima tenta per prepositum decimo sexto die mensis p. 261. Octobris,¹ ubi cum consensu et assensu maioris partis de communitate ibidem congregata ordinatum fuit pro communi utilitate ville et commorantium in eadem:—

¹ This court would be held on a Friday, and therefore the year must have been 1405 (see Introduction, p. cxi, note 7).

Tenet In primis quod summoniti personaliter ad curias seu ad primas prepositi et non comparentes ante ultimam vocacionem sectarum, nisi legitimum habeant essonium, soluent iiii d. sine remissione.

Tenet Et eodem modo et eandem penam soluent absentes a curia balliuorum in diebus legalibus.

Tenet Item de pistoribus, brasiatoribus, et carnificibus capiendum est pro primo forisfacto xii d., pro secundo ii s., pro tercio iii s., et pro quarto forisfacto suspendantur ab officiis suis per annum.

Tenet Item si aliquis infra burgum percusserit aliquem cum gladio, bipenni, cultello, vel baculo soluet octo solidos. Et si cum pugno percusserit, quatuor solidos. Et si aliquis maledixerit aliquem infra burgum, ipsum menciendo, vel tangendo bonam famam suam, soluet duos solidos.

Tenet Item si aliquis vicinus ville voluntarie detineat aliquod debitum ab alio vicino, permittendo ipsum procedere coram balliuis usque ad quartum diem processus, et super hoc conuictus fuerit iuridice, vel concedendo, soluet octo solidos sine remissione.

Tenet Item si aliquis dispersionauerit, maledixerit, vel inobediens fuerit aliquibus officariis ville suum officium exercentibus, soluet octo solidos sine remissione, et hoc intelligitur de burgensibus.

Tenet Item si aliquis maledixerit aliquem in primis prepositi vel curiis balliuorum soluet octo solidos.

¹Item si aliquis alte loquatur in primis prepositi, vel curiis balliuorum, unde predictae curie inquietantur, nisi sit cum licencia petita et obtenta et legitime loquantur [*sic*], soluet xii d.

²Item ³[*si*]³ aliqua regrataria emat aliquid antequam veniat ad forum et crucem burgi et post pulsacionem campane soluet ⁴xii d.^{4 2}

Item si aliquis emat brasium vel farinam in domibus antequam veniat ad forum et crucem burgi, et ibidem stet usque pulsacionem campane, soluet ⁵ii s.⁵

¹ From here to the foot of the page the margin is torn away.

²⁻³ Scored through.

³⁻⁵ Omitted in MS.

⁴⁻⁴ Substituted for *ii s.*, scored through.

⁵⁻⁵ Substituted for *xii d.*, scored through.

Item in curiis balliuorum nulla probacio acceptabitur nisi taynt probacio et littera sigillata, residuum vero ponetur ad assisam.

¹Item quod quilibet foristallator conuictus de foristallacione lane, coriorum, vel pellium soluet quinque marcas sine remissione¹.

Item quilibet burgensis receptans vel celans foristallatores vel eorum bona in preiudicium libertatis burgi vel communis utilitatis eiusdem soluet xl s.

¹Item quicumque habuerit aliquem pannum cuiuscunque non liberi infra burgum ad tinguendum, vel quecunque alia bona ultra mare, vel eciam burgensis forishabitantis non lotantis neque scotantis etc. soluet xl s. et pannus et alia bona erunt eschaeta¹.

Item quicumque diebus dominicis infra villam emerint vel vendiderint aliquas mercandizas soluent decem solidos sine remissione.

Ordinatum est quod quicumque maledixerit preposito, balliuis, vel cuicumque officiaro regis pro primo ²[tran]²s-gressu osculabitur stillicigium, pro secundo transgressu ponetur super stillicigium et vili¹[p]²endetur cum ouis, fimo, luto, et huiusmodi, et pro tercio transgressu exulabitur de villa ²[per]² annum et diem. Et hoc intelligitur si non fuerint burgenses.

Commune Concilium

p. 262.

Willelmus de Camera, pater, Willelmus de Camera, filius, Laurencius de Leth, Johannes Lydale, Thomas Spryng, Johannes Fichet, Willelmus de Borthwike, Hugo Aberbothnot, Johannes scherar, Johannes Wormot, Ricardus de Lownane, Johannes filius Henrici, Johannes Jacobi, Johannes Alani, Dunceanus de Marr, Willelmus de Kyntor, Willelmus Jacsoun, Adam Thome, W. Glenysoun, Simon de Benyn.

Depositores

Johannes filius Henrici

Adam filius Thome

¹⁻¹ Scored through.

²⁻² MS. torn.

Liniatores

Thomas Daud
 Simon Wricht
 W. Harper
 Johannes Lambynton
 Thomas Trayle
 Simon de Camera
 Matheus Pynchast
 Jacobus Browne
 Johannes Lambert
 Simon de Lamb
 Willelmus de Spalding.

Appreciatores carnum

Matheus Pynches
 Willelmus Harpar
 Johannes Mungwale
 Thomas Trayle.

Prepositus, Andreas Giffart, W. Blyndsele, W. Borthwik, Johannes Jacobi, Alexander Willelmi, Robertus Glanderstoun, W. Strade, Ricardus Inchemethen, W. Coll, Duncanus de Marr, Johannes Yhule, Johannes Henrici, Johannes Alani, Andreas Johannis, Andreas Gilberti, Johannes Banirman, Robertus Gray, Adam Gleny, R. Borthwic, Johannes Voket, yhung, Thomas Crudam, Johannes Cristini de Durris, Thomas Andree, Johannes Uscher, Johannes Smythsoun, Patricius Nicholay, Johannes Carsane, W. Jacsoun, W. Trayle, Andreas Johannis, W. Thome, Johannes Sprunt, Walterus Roberti, Johannes Gilberti, W. Dayntre, Johannes Wodman, Johannes Andree, Philippus Johannis, Ricardus Lownan, Johannes Wormot, Johannes Thome de Echt, Alexander Stane, Johannes Fichet.

Et memorandum quod quilibet est liber ad emendum infra Marr pro quocunque precio pro quo voluerit, et ly Marr con¹[*tinēt*]¹ a Monymusk et Kege et Forbes australiter downe the water of Donne til Abirden apon the su¹[*ith*]¹ of that ilke water.

¹⁻¹ MS. torn.

And thir arr the sortis that arr outetane the lord of Marr, Sir W. of Keth, the Bischap of ¹[]¹, the Abbot of Dere, the Lord the Hay, Malcolm Marchel, Sir Jon of Nevy, Andre of Keth, Pat²[*on Re . . .*]², Sir Henre Prestoun, Thomas Brisbane, Alexander Fraser of Porcok.

And qwasa brekis this ordenance, he sal pay xl s. als oft tymys as he brekis it, hw ²[*mykle*]² or hw lytil that euer he byis within a sek of woll, and giff ony excedis byand ²[*mar*]² than a sect of woll agayn this ordenance, hw oftymys he dois he sal pay iiii ¹[*s.*]¹.

18 October 1405

Curia legali tenta per balliuos decimo octauo³ die mensis p. 263. Octobris, quo die curia affirmata et sectis vocatis, absentes sequenter—

⁴ Andreas Gilberti—iiii d. ⁴	⁴ Laurencius de Leth ⁴ —iiii d.	
⁴ Johannes Voket —iiii d. ⁴	⁴ Johannes Wodman	} ⁵ Nichil quia prius defectus est. ⁵
⁴ Johannes Mungwale ⁴	⁴ Johannes Garnok	
⁴ Johannes Bell, sutar— iiii d. ⁴		

Garcifer Thome de Morauia inuenit eundem Thomam p. 264. plegium ad faciendum ad opus commune valorem de octo solidos pro brigacione sua.

5 April 1406

Adiungitur Henrico de Buchania ad veniendum proximo p. 275. die legali cum litera testimoniali Daudis Banirman, et duobus testibus tayntis de recorda posita ad dictum Daud de accione mota inter ipsum Henricum et Stephanum Andree.

Eodem die Ricardus de Lownane, attornatus et deputatus in hac parte Johannis filii Walteri, nomine eiusdem Johannis recitauit formam et effectum sui processus precedentis, prosequendo suum processum tanquam quarto die eiusdem processus.

¹⁻¹ MS. torn.

²⁻² MS. torn; supplied from the transcript in the Register House.

³ This date should presumably be *decimo nono*: the *curia legalis* would be held on a Monday; and the 18 October 1405 fell on a Sunday.

⁴⁻⁴ Scored through.

⁵⁻⁵ Added in right-hand margin.

19 April 1406

- p. 275. Curia capitalis incepta per vocacionem sectarum die lune proxime post dominicam qua cantatur quasimodo geniti differtur ad quindenam propter causam certam et legitimam.

5 July 1406

- p. 278. Curia capitalis que debebat teneri die lune proxime post dominicam qua cantatur quasimodo geniti, de anno huius libri differebatur ad quintam diem mensis Julii de predicto anno, eo quod medio tempore fuit quoddam consilium generale tentum apud Perth, ubi oportebat, inter cetera ibidem determinanda, videri quomodo curie debebant infra regnum affirmari post mortem nobilissimi principis domini Roberti, illustris regis Scocie. Quo die curia affirmata ex parte domini Roberti, ducis Albanie, generalis gubernatoris regni Scocie, prepositi et balliuorum burgi de Abirdene etc. et sectis vocatis, absentes patent in rotulis.

2 August 1406

- p. 282. Eodem die Simon wricht, quarto die et peremptorie vocatus ad sectam Galfridi Bra, non comparuit. Dictus Galfridus, prosequens in causa et suam recitans calumpniam, videlicet, quod dictus Simon iniuste ab eo tenet xiiii s. pro firma unius domus, peciit iuris et iusticie complementum. Unde eodem Simone sepe, sepius, et sepiissime vocato, et hora diei legitime expectata, et non comparente nec aliquem legitimum attornatum pro se mittente [*dictus Galfridus*] extendebat plegium quod ad suam peruenit calumpniam causa non defensa. Et hoc datum fuit pro iudicio per os iudicatoris curie, videlicet, Johannis Laurencii, teste curia.
- viii s.

18 September 1406

- p. 281. Memorandum quod prepositus recepit de amerciamentis xviii die mensis Septembris :

In primis a nopesech pro	iiii s.
Item a tribus hominibus Petri Purs	xii s.

Item ab homine Willelmi Jacsoun	ii s.
A Willelmo Roberti	ii s.
A Laurencio fleschar	ii s.
Ab Henrico Ewynsoun	ii s.
A Thoma clerk smyth	ii s.
Item a Laurencio Johannis	xii d.
Stephanus ostler	xii d.
Simon baxter	xii d.
Thomas Johannis	xii d.
Fynlaus taillour	xii d.
Robertus Gray	ii s.
Item a Galfrido Inuernochty—a gowne pro—iiii s.	} ¹ xix s. ¹ } Omnia ista sunt deliberata Johanni Yhule pro xxxvii s. vi d.
Item a Patricio Garntuly, a par of leg harnys—iiii s.	
Item a Johanne Andree, a baysyn pro—ii s.	
Item a Stephano ostler—ii pottis —v s.	
Item a Thoma Halt, a pot—ii s.	
Item Philippus Johannis, a pot— iiii s.	
Item ab Adam Walteri, iii cacabi ² et unum bukler pro—viii s.	
Item an Alexandro Voket, a ketil —ii s.	
Item a Willelmo Calman, a ronde basyn, a pan, a pot, pro vii s.	
Item a Thoma Sayme, ii hamerys pro ii s.	
³ [Item] ³ a Johanne Roberti baxter, a lyttl pot—pro xii d.	} Ista sunt de- liberata ad ly hukar pro vii s., pro equo suo.
³ [Item] ³ a Meg Halt, a posnet—xii d.	
³ [Item] ³ ab Alexandro Litstar, a brysyn pot maste of the thre—ii s.	
³ [Item a] ³ Johanne Simonis, a syff, a klok and a hude, pro—xii d.	

¹⁻¹ Scored through.² Cooking vessels.²⁻³ MS. torn.

4 October 1406

p. 286. INCIPIT INTROMISSIO Roberti filii Dauid, Aldirmanni de secundo anno.

Foristallatores secundi anni Roberti Dauid

p. 287. Thomas cum Alexandro Ruthirford respectuatur ad proximam primam.

Alexander Clyntre conuictus pro empcione pellium extra villam—vi s. viii d.

Willelmus harper conuictus pro empcione pellium extra villam—vi s. viii d.

Henricus Celty conuictus pro empcione pellium extra villam—vi s. viii d.

Ingeramus cum Alexandro Clyntre conuictus pro pellibus et regratacione—x s. ad soluendum ad festum Purificacionis beate Marie, ipso Alexandro plegio pro pena et quod amplius non foristallabit sub pena quinque marcarum.

Patoun cum Willelmo Jacsoun conuictus pro pellibus et regratacione, ipso Willelmo plegio—x s.

Eliseus cum Dunccano de Marr conuictus pro regratacione, ipso Dunccano plegio—xl d.

Willelmus Crag conuictus pro pellibus et regratacione, Willelmo Blyndsele plegio—x s.

Johannes Smale conuictus pro regratacione solummodo, Ricardo Lownan plegio—xl d.

Robertus Fraser conuictus pro pellibus et regratacione—v marc.

Johannes Browne conuictus pro regratacione, Willelmo Thaynstoun plegio—xl d.

Robertus de Echt conuictus pro regratacione solummodo, ipso plegio.

Johannes Nesbit posuit se in voluntate prepositi pro foristallacione lane, coriorum, pellium, et pro ocupacione libertatis cum bonis et mercandisis suis nauigando, Jacobo Browne plegio.

Thomas Ricardi conuictus pro regratacione solummodo—xl d., Alexandro Ruthirford plegio pro toto, videlicet, et quod amplius.

Adam de Rate concessit empcionem pellium, quare incidit v marcas, et pro regratacione xl d., Thoma ¹[. . .]¹ plegio pro pena predicta et eciam quod amplius etc.

Dauid Willelmi conuictus pro pellibus et regratacione— p. 288.
v marc.

Johannes Wodman de Strabolgy conuictus pro regratacione—xl d.

Patricius Farley conuictus pro regratacione—xl d.

Johannes Harw conuictus pro lana—v marc.

Dauid
Johannes Scherar } conuicti pro regratacione—vi s. viii d.

Garcifer Thome scherar conuictus pro regratacione—
xl d. Cristinus
Willelmi.

Johannes Fyff conuictus pro regratacione—xl d.

Gilbertus filius sororis Galfridi Bra conuictus pro regratacione.

Tres garciferi Johannis Fichet conuicti pro regratacione.

Garcifer cum rubea tunica conuictus pro regratacione.

Ricardus barkar conuictus pro regratacione.

Isti comparuerunt ad primam:—Johannes Henrici, Johannes Andree, Philippus Johannis, [*Johannes*] Lambyntoun, Johannes uscher, Andreas baxter, Henricus de Buchania, Patricius Nicolay, R. Lichardwod, Thomas de Marr, Andreas Bryame, Johannes Gilberti, W. Col, Johannes Lambert, Thomas Col, W. taillour, R. Glanderstoun, W. Jacsoun, Walterus Roberti.

Garcifer Thome Andree conuictus pro regratacione.

Robertus Browne cum Roberto Lichardwod conuictus pro regratacione.

Duthacus barkar conuictus pro regratacione.

Thomas Blyndsele conuictus pro regratacione in villa.

Johannes Patounsoun conuictus pro pellibus et regratacione—v marc.

Andreas Girk conuictus pro regratacione.

Johannes de Murray conuictus pro regratacione, Johanne Voket plegio.

Johannes pak by the fire conuictus pro pellibus et regratacione.

¹⁻¹ Interlined, illegible.

Willelmus Redisdale conuictus pro regratacione—xl d.,
Dauid de Tulch plegio.

Johannes filius Michaelis cum Philippo Johannis conuictus pro pellibus et regratacione, ipso Philippo plegio.

Alexander Spryng conuictus pro pellibus et regratacione,
Laurencio de Leth plegio pro dicto Alexandro ad intrandum
ipsum crastina die ad prepositum, vel alias soluet penam
in quam incidit.

qt. Johannes Andree conuictus per assisam pro pellibus,
coriis et regratacione, ¹xvi s. viii d.¹ soluit latamo.

Willelmus Thome conuictus pro pellibus et regratacione
—x s. Adam Thome plegio.

Willelmus Nachtysoun conuictus pro pelli-
bus et regratacione—x s. } W. Jacsoun
Andreas Johannis conuictus pro regrata- } plegio.
cione—xl d. }

qt. Johannes Watsoun conuictus pro regratacione—xl d.

Robertus } conuicti pro regratacione—vi s. viii d.
Betty }

Memorandum de lana

p. 289. Andreas Gilberti conuictus pro lana etc.—xl s.

Alexander Voket—xl s.

Henricus de Buchania—xl s.

qt. ²Thomas de Crwdane² } differuntur ad proximam primam.
²Henricus Celty d² }

Thomas Lamb emit lanam a quodam iuvene homine
nouiter desponsato, commorante in terra domini de Haya,
que vocatur Bellach, ad signum quod dedit sibi unum
rubeum par caligarum ad ix petras lane.

qt. ²Willelmus Thaynstoun dedit cuidam homini vocato
Michaeli, commoranti in Rothisbrisanne, dimidium ferlot
salis ad tantam lanam quantam ab eo emit.²

Patricius taillour cum Johanne Henrici maximus fori-
stallator ad signum quod habet duas sarpellarias lane
paccatas infra hospicium Johannis Henrici.

qt. ²Unus filius de Tulchonys cum eodem Johanne Henrici
est maximus foristallator.²

¹⁻¹ Interlined in substituiton for x s.

²⁻² Scored through.

Memorandum de Willelmo, filio de Tulchonys, qui commorabatur cum Alexandro Benyn.

Willelmus filius Michaelis.

Gener Andree filii Johannis est foristallator pellium ad signum quod vendidit ii^c pelles infra villam Willelmo filio Johannis, vel fratribus de vocatis [*sic*], vel Thome Col. Conuictus pro pellibus et regratacione—x s., Andrea Johannis plegio.

¹Mariota de Marr fregit precium lane ad signum quod habuit a notis² Roberti Fraser xii petras lane, quelibet petra pro iii s. vi d.¹

Willelmus de Kyntor emit lanam domini Willelmi Lang. Differtur

¹Robertus et Betty } cum Henrico Celty¹.

Andreas Martysoun { —conuictus pro regratacione—xl d.
cum Simone Stil.

³[. .]³ Martysoun { —conuictus pro regratacione—xl d.

³[. .]³ homo, pro quo Willelmus Jacsoun deuenit plegius ad intrandum ipsum preposito in proxima prima, ³[. .]³ homo vocatus Philippus Body conuicti pro pellibus et regratacione—x s.

Willelmus Cunnyngname cum Willelmo de Kyntor—xl d.

Willelmus Robertus [*sic*]
cum Johanne Wodman } —ad proximam primam. Differtur
Et Robertus cum Andrea }
Wodman }

W. Dayntre plegio ad proximam primam.

¹Johannes Butlaw cum Thome Molsane¹.

Adam Willelmi } —conuictus pro regratacione
solum—xl d.

³[. . .]³ Thome Home } cum Thoma Lamb—conuictus
pro regratacione—xl d.

Robertus Makysoun } —pro pellibus et regratacione—
v marc. et xl d.

Johannes Qwitbrow } cum Thoma Daltoun
—pro pellibus et regratacione—
v marc. et xl d.

¹⁻¹ Scored through.

² This word is used in a like sense on p. 226.

³⁻³ MS. torn.

¹Patricius Alexandri fregit precium ad signum quod¹.

¹Mariota de Kyngorn fregit precium et fatebatur in curia¹.

p. 290. Willelmus de Kyntor est plegius pro quodam cognominato Barkar ad intrandum ipsum preposito pro empcione pellium cum ipso repertorum.

Qui vocatur Ricardus Barkar conuictus per assissam pro regratacione—xl d.

qt. ¹Willelmus harper fregit precium lane, et est communis fractor, ad signum quod omnes note² Thome Dalton venerunt sibi cum lana sua quia noluit dare plus quam iiii s.¹

¹Morgrundus cum Alexandro Ruthirford¹.

Andreas Wodman conuictus pro pellibus et regratacione—x s. Andrea Senn plegio.

Thomas Clerksoun debet de anno preterito v marcas, Dunccano More plegio pro medietate, et prepositus cepit iuramentum suum de introitu suo ad proximam primam pro alia medietate.

Johannes pypar est foristallator.

Johannes filius Henrici deuenit plegius pro Patricio taillour, homine suo, ad intrandum omnia bona sua habita secum in Flandria ad prepositum post redditum suum ad standum calumpnie prepositi pro foristallacione.

p. 291.

Electi ad transeundum contra kethranos

Simon Lamb	Johannes ¹ homo ¹ pro Thome
Dunccanus Hervy	¹ Lamb ¹ Moden
Thomas Henrici	W. Turyn
Thomas Trayle	Gib Meignes
Galfridus taillour	Dauid Galrygyn
W. Jacsoun	Johannes Tulach
Thomas de Tulch	¹ Henricus Celty ¹
¹ Johannes Crusank ¹	¹ Johannes Hulk ¹ .
Adam cum Andrea Gilberti	¹ Andreas Giffard ¹ .
Finlaus Johannis	¹ Willelmus Andree ¹ .
Willelmus Johannis	¹ et homo dicti balliui ¹
Thomas Roule ¹ cum homine ¹	¹ Alexander Benyn ¹

¹⁻¹ Scored through.

² Cf. the use of this word on p. 225.

Simon Benyn cum homine	Duthacus Lownan
¹ Johannes Rede, taillour ¹	Johannes Yhule
Walterus bowar	cum homine
Johannes Moden	¹ Finlaus cum Thoma Am-
Henricus Leche	fray ¹
Henricus Stephani	Andreas Guthry
Nicolaus plummar	Fynlaus Montagu
Willelmus Gilruth	Johannes pypar
Thomas thekar	Johannes Atkynsoun
Johannes Roule	Alexander Benyn cum
Jacobus Lask	homine

Foristallatores et tannatores de primo anno
Roberti Daud

p. 292.

Moricus sutar de Ratry foristallator et tannator
pessimus.

Alexander de Spens foristallator maximus—conuictus ad
per assisam pro foristallacione. vicecomitem

Simon sutar de Dere foristallator et tannator. ad
vicecomitem

Adam Colini foristallator maximus. non
comparuit

Johannes Scot de Fyvy foristallator est maximus. Pre- non
cipitur maris ad arrestandum bona sua. comparuit

Thomas Clerksoun de Aldane maximus.

Thomas Home at the grange of Inuerogy foristallator ad
et tannator. Conuictus pro foristallacione pellium. vicecomitem

Thomas Imlach apud Bogaluss foristal-
lator et tannator }
Johannes filius Ade apud Ordley tan- } ad vicecomitem.
nator }

Willelmus sutar apud Drumdola fori-
stallator et tannator }
Robertus Browne apud Frenndracht foristallator. Et ad
Gyb Bowman. Isti duo maximi foristallatores ad Morauiam. vicecomitem

Alexander Spryng foristallator est m[aximus].

Robertus de Garviach apud Achmacludy tannator—ad
conuictus pro foristallacione. vicecomitem

Johannes Watsoun, filius Walteri Johannis foristallator.

¹⁻¹ Scored through.

¹[ad]¹
assisam non
comparuit. Rogarsoun apud Kirkton de Philorth foristallator ad
prepositum, Johanne Hulk plegio.

Filius Andree de Marr, commorans cum patre suo,
foristallator.

Filius Thome Home cum Thoma Lamb foristallator.

Girk cum Ricardo Inchemethen foristallator est
maximus.

Willelmus filius Nicolay de Kyninmond tannator ad
signum quod fecit sutorem de Derre facere sibi ocreas et
sotulares quos vendit ad nundinas.

ad
vicecomitem Johannes filius Colini apud Ester Tyry tannator.

Jac Joffraysoun foristallator est. Emit coria post
fincionem.

non
comparuit Johannes cum Willelmo Dayntre foristallator. ad pre-
positum.

Duncane Rollane foristallator est.

non
comparuit Johannes Smale foristallator est—ad prepositum.

non
comparuit Johannes Hulk.

Adam filius Willelmi cum Thoma Lamb foristallator.

Johannes Perysoun foristallator est.

Mury Dunny.

non
comparuit Filius Thome Yhung de Dursblar venit ad domum
Thome Lamb cum quodam rurali.

W. Thayn-
stoun
respondebit Duncanus, pater suus, commoratur apud Kyntor et
venit ad domum Willelmi Thaynstoun.

Johannes Lamb habet garciferos. Nomina nesciuntur.

Simon More receptat foristallatores.

Thomas Halt similiter.

H. Aber-
bothnot
respondebit, Johannes flechar tannatore [*sic*] et foristallator post
Irwyn fincionem de coriis per day[*ker*]².

Johannes Fynnyson apud Crechmond tannator.

Michael sutar de Kynmanydy tannator.

Ad
vicecomitem Johannes oute with the sword apud Dere tannator est
—conuictus pro foristallacione.

Ad
vicecomitem Rayny de Pethynsoth apud Quiltis de Fedra tannator.

Non
comparuit Johannes Horn apud Furby tannator.

Precipitur maris ad arrestandum bona ³[*sua*]³.

¹⁻¹ Cut off at margin.

² MS. *daj*.

³⁻³ MS. torn.

Mury sutar apud Scotistoun tannator.	Nichil
Thomas Hugonis ¹ in ly ¹ apud Rathyn tannator.	Ad vicecomitem
Johannes filius Thome apud molendinum de Alden tannator.	Prescribitur
Johannes Letgate foristallator conuersatur cum Jacobo Walkar de Dere.	Prescribitur
Dunccanus, paruus garcio qui fuit cum Johanne Tulach laborat in ² [. .] ² er set habet plegium ² [. . .] ² Johannes Wichtman est ² [. .] ² .	Non comparuit
Willelmus Hugonis foristallator maximus.	Ad vicecomitem
Walterus Fayrhare foristallator.	Non comparuit
¹ Johannes filius Nicholay Lethe foristallator.	Ad vicecomitem ¹ Non comparuit ¹
Michael sutar de Inuerory tannator, Thoma Rede plegio.	Respondebit
Andreas Wodman foristallator maximus. Ad prepositum.	Non comparuit
Nicolaus sutar de Obeyn tannator	} respondebunt.
Johannes filius eius apud Obeyn tannator	
Mar { Thomas Fynlay cum Dunccano de Marr Morice cum Dunccano de Marr	} Foristallatores.
Johannes de Strathekyn cum eodem.	
Robertus Alani.	} Ad prepositum.
Morgoun de Foresta foristallator.	
Robert Watsoun at the furd haluff of Kyntor tannator.	} Kyntor Ad vicecomitem
Andreas Mathysoun apud Balbuchane tannator.	
¹ Buklar iuxta Kyntor tannator ¹ , Johanne Lamb plegio, ad iter camerarii.	p. 293. Non comparuit
Ady Lawsoun de Strabolgy tannator.	Frendracht
Willelmus Sutar apud Kyntor. Ad assisam.	Non comparuit
Willelmus Blakburn ibidem. Ad assisam.	Non comparuit
Johannes Wilkysoun. Pater suus commoratur apud Achynstyuk. Venit ad Willelmum de Thaynstoun. Foristallator est. Ad assisam.	Non comparuit
Alanus de Meldrum apud Meldrum tannator. Conuictus.	Ad vicecomitem

¹⁻¹ Scored through.²⁻² MS. defaced and torn.

Ad vicecomitem	Thomas apud Seyves tannator. Conuictus.	
Non comparuit	Simon Curst, foristallator. Ad assisam.	
Ad vicecomitem	Lytill Will apud Fovern tannator.	
	Jamy Lawsoun tenet opellam et foristallat animalia.	
Frendracht	Johannes de Camera de Cumesty foristallat lanam valde.	
	Johannes Qwitbrow. foristallator.	
Marr	Robertus sutar de Petynkery, tannator	} Respondebunt.
	Ragy Malcolmsoun apud Corthil, tannator	
	Adam sutar apud ly Brynthall de Kyntor	} Tannatores.
Ad vicecomitem	Johannes Inglis de Balbuchane	
¹ Ad vicecomitem	¹ Ricardus buklar ¹ de Athirwike est in amerciamento	
	Johannes Atkynson	} de Inuerory.
	Johannes Andree	
	Meg Cambrawne de Monymusk	
² [. . .] ²	Anny Lowask apud Kyngudy.	
	Willelmus Daudid de Cluny.	
	Thomas Makysoun apud Newburgh, tannator, et foristallator ad Lychtoun.	
	² [. . .] ² Andree apud Clyntre, foristallator.	
	² [. . .] ² ¹ filius Thome Yhung de Drusblar ¹ .	
	² [. . .] ² filius Patricii Mawriand.	
	² [. . .] ² apud ecclesiam de Inche maximus pellium.	
	² [. . .] ² ¹ filius Duncani duelland ¹ in Kynmonydy flwgys mach. ³	
	² [. . .] ² s filius Hugonis.	
	² [. . .] ² andlayne in pagis duelland in Fyntre.	
	² [. . .] ² ¹ Richartson apud Eloun ¹ .	
	² [. . . t] ² aillour of Ratry.	
	² [. . .] ² ¹ the gresse soun schere the wyndis falow ⁴ apud kynglasser ¹ .	
	² [An] ² drow Andysonis sonn with Willam of Strade.	

¹⁻¹ Scored through. ²⁻² MS. torn. ³ ? *maich, mach*, son-in-law.

⁴ Presumably a nickname, like 'oute with the sword' (*supra*, p. 228).

Secatores panni

Donaldus Gray apud Drumblate.

Jacobus Walkar de Dere.

Johannes walkar de Armakar.

Thomas walkar de Carnbulg.

Johannes Rede apud Crechmond.

Simon smale apud Elon.

Ricardus walkar quondam apud Straloch.

Thomas walkar apud Cragydarge. m

Johannes walkar in parochia de Kynerny. m

The walkar of Rothy Brisbane.

Thomas walkar de Migmar.

Donaldus walkar apud Beldy.

Unus walkar de Arqwhorsk.

Fratres gilde et burgenses facti 2° anno Roberti

p. 294.

Dauid, Aldirmanni

Johannes Slynk, frater gilde. Communitas libere concessit sibi libertatem illam pro suo seruicio eisdem facto.

Andreas Scot burgensis solummodo pro xiii s. iiii [*d.*]. Soluendis ad festum natiuitatis domini, Adam Thome plegio. Et illa summa allocabitur in gilda sua, si postea velit esse frater gilde.

Johannes sellar burgensis solummodo pro xiii s. iiii d. soluendis ad festum natiuitatis domini, Johanne filio Cristini plegio, cum condicione prescripta super Andream Scot.

Andreas de Crag burgensis solummodo—pro xiii s. iiii d. soluendis ad festum pasche, Johanne scherar plegio.

Dunccanus de Hervy frater gilde pro v s. iii. ob. qt.

Johannes de Petsur frater gilde. Et datur sibi libertas sua ad instanciam Andree Senn pro illis quinque marcis quas communitas promisit dicto Andree pro parietibus de paradise. Et Willelmus Dayntre deuenit plegius pro dicto ¹Johanne¹ quod infra annum habebit terram dstringibilem ad faciendum vicinitatem et pro vino gilde.

Johannes Qwite frater gilde pro xl s. soluendis medietatem ad festum carnispriuii et aliam medietatem ad festum pentecostes, plegio Ricardo Lownan pro summa

¹⁻¹ Substituted for *Andrea*, which has been scored through.

prescripta et eciam quod habebit terram distringibilem infra unum annum.

Adam Glenysoun frater gilde pro xl s. et vi s. viii d. pro pellibus, preposito plegio. Et exonerabitur ab aquis per unum annum a festo beati Michaelis de anno futuro.

Johannes Smale frater gilde—xl s. soluendis medietatem ad festum sancte crucis et aliam medietatem ante exitum nundinarum, plegiis Willelmo Blyndsele et Johanne uscher. Et exonerabitur ab aquis per unum annum.

Johannes Sperk burgensis solummodo pro xiii s. iiii d.

Robertus Johannis de Narn frater gilde pro xl s. soluendis xx s. in manibus ¹[et]¹ xx s. ad festum pentecostes proxime futurum, preposito plegio.

Willelmus Andree—v s. iii. ob. Et exonerabitur ab aquis per duos annos pro ¹[xime futuros]¹.

Patricius Johannis frater gilde pro xl s. soluendis medietatem in manibus et aliam me¹[dietaem]¹ ad festum natiuitatis domini, Johanne scherar et Adam Thome plegiis pro ultimis ¹[xx s.]¹. Et exonerabitur ab aquis per tres annos proxime futuros.

Thomas hukar burgensis solummodo pro xiii s. iiii d. soluendis medietatem ¹[. . .]¹ et aliam medietatem ad festum beati Martini, plegiis Adam Thome et Johanne filio Thome. Et exonerabitur ab aquis per unum annum proxime futurum.

p. 295.

Eodem die Fergusus Ade, Johannes Trayle, et Dauid Fidilmonth, seriandi, summoniuerunt Willelmum Crab, tanquam tercio die, ad respondendum Paulo Crab, fratri suo, de uno breui de conuencione coram Johanne de Buchania, Roberto Glanderstoun, Alexandro Clyntre, Johanne Atkynsoun, Thoma sayme smyth, Simone de camera et Johanne sellar.

18 October 1406

p. 295.

Curia legali tenta per balliuos.

Isti comparuerunt ad curiam tanquam sectatores:—Johannes scherar, Johannes Henrici, Simon Lamb, Johannes Andree, Duthacus Lownan, Johannes Mungwale, W. Strade,

¹⁻¹ MS. torn.

W. harper, Johannes Watsoun, Johannes Atkynsoun, Johannes Carsane.

16 November 1406

In die immediate sequente balliui calumpniauerunt p. 248. Thomam Spryng quod iniuste perturbauit curiam eo quod dispersonauit ballium, ¹Ricardum Fichet¹, sedentem pro iudice: ad quam calumpniam respondebat, dicens quod non perturbauit dictum ballium, et hoc extendebat per plegium, dicendo quod non fuit sibi ballius quia non fuit electus per totam et integram communitatem, et ipse fuit presens in eleccione et contradixit, et eciam plures alii contradixerunt secundum quod ipse, ¹ut asseruit¹. Unde curia consulta et partibus remotis differebant [*sic*] dictum plegium ad proximam diem legalem propter debilitatem curie, testibus Johanne Alani, Johanne Yhule, Johanne Atkynsoun, Johanne Benyn, Johanne Smythsoun, Thoma clerk Smyth, Thoma Halt, Alexandro Voket, Ferguseo Ade, et Johanne Crayle, et dictus Thomas protestabitur pro pluribus rationibus quando et ubi oportebit.

30 November 1406

Curia legali tenta per balliuos ultimo die mensis Nouem- p. 297. bris anno quo supra, quo die, curia affirmata, et sectis vocatis, absentes patent in rotulis.

Thomas Clerk Smyth in amerciamento curie quia non venit cum legitima ²acquietancia², prout iniunctum fuit sibi, contra regem—ii s.

Item in alio amerciamento quia iniuste inuenit plegium quod dicta acquietancia, si acquietancia dici debeat, fuit legitima—ii s.

Controuersia mota inter Ricardum Fichet et Thomam Spryng submittitur ad commune consilium.

Thomas Willelmi Halt in amerciamento curie quia iniuste inuenit plegium super filium Thome Dicsoun, ut repertum fuit per assisam—ii s.

Accedens in plena curia Willelmus de Camera, pater,

¹⁻¹ Added above the line.

²⁻² Added above the line for *probacione*, which has been scored through.

obtulit se ad determinacionem communis consilii, vel vicinorum non suspectorum, ad declarandum utrum dictus Willelmus debet tenere crofta quondam Johannis Lydale pro isto anno vel non.

13 December 1406

p. 297. Curia legali tenta per balliuos xiii die mensis Decembris anno quo supra, quo die, curia affirmata, et sectis vocatis, presentes in curia, quia pauci fuerunt, subscribantur.

I¹[*sti comparue*]¹runt ad diem legalem:—Thomas Spring, Simon Lamb, ²Thomas² Simon Benyn, Alexander Benyn, Daud Tulch, Galfridus Bra, Johannes Thome, R. Lichardwod, W. baxter, Simon de Camera, W. Blakburn, Andreas Scot, Walterus Roberti, Laurencius Johannis.

p. 303.

10 January 1406/1407

ii s. Willelmus Jacsoun } quilibet in amerciamento pro per-
iiii s. Philippus Johannis } turbacione ville et extraxione cultel-
lorum, set considerandus est Willelmus Jacsoun eo quod licitum est vim vi repellere.

21 February 1406/1407

p. 319. Thomas Wod in amerciamento curie pro percussione Andree Gandy usque ad sanguinem et bla—viii s.

ii s. Andreas de Kynros } quilibet in amerciamento quia
ii s. Willelmus Newburgh } iniuste inuenerunt plegium de
legittima summonicione habenda, quod plegium Robertus Dunccani recontrariauit, et wardatum fuit pro recontrariacione.

*ii s. Robertus Dunccani² } quilibet in amerciamento quia
ii s. Alanus Boyde } posuerunt plus in navi Willelmi
ii s. Andreas Kynros } Murysoun quam fraccionem. Prop-
ii s. Willelmus Newburgh } ter quod proiecerunt bona sua.
Johannes Jacobi plegius pro dicto Willelmo et Andrea,
Alexander Litstar plegius pro dicto Alano.

¹⁻¹ MS. rubbed, supplied from the transcript in the Register House.

²⁻² Scored through.

28 February 1406/1407

Memorandum quod ultimo die mensis Februarii anno p. 319. quo supra Patricius Rede, accedens in pretorio coram balliuis, dixit se habere quoddam croftum jacens ad finem vici furcarum inter croftum Ricardi Fichet ex parte australi et ly lonyn, tendens ad ly Crukismyre ex parte boreali, et pertinens sibi iure hereditario, quod quidem croftum nullo assedauit, dedit, vendidit, vel inpignorauit, quare protestabatur et inhibuit quod ullus in dicto crofto intromitteret, nisi cum consensu suo et voluntate.

7 March 1406/1407

Copie obligacionum factarum Clays Browar per vicinos p. 320. ville penes alleces.

Dunccanus de Marr	xxiiii li. grossorum.
Ricardus de Lownane	xi li. grossorum.
Willelmus Blyndsele	xv li. grossorum.
Johannes filius Cristini, balliuis	iii li. grossorum.
Johannes filius Jacobi	xxiiii li. grossorum.
Willelmus Jacsoun	x li. grossorum.
Adam de Turyn	iiii li. grossorum.

Andrea Scroggis plegio.

Thomas Lamb	xii li. grossorum.
Willelmus Dayntre	iii li. grossorum.
Robertus Daud	vii li. xvi s. grossorum.
Jacobus Purs	vi li. grossorum.

Testes huius : Johannes filius Henrici, Hugo Aberbothnot, Johannes Wormot, pater, Simon Lamb, Johannes Andree, Johannes Atkynsoun, Johannes Lucris, Johannes Trayle, Philippus Johannis, quatuor balliui.

1 April 1407

Memorandum quod Johannes Yhule accedens ad barram p. 321. in die Veneris proxime post festum Pasche nomine et ex parte heredis Willelmi Glenysoun, fratris sui, protestacionem fecit quod, quia sibi dabatur intelligi quod sigillum dicti Willelmi, fratris sui, adhuc remanet non fractum, quod hoc dicto heredi, vel cuicumque alteri cui interest, nullatenus cedat in preiudicium.

16 April 1407

p. 322. Memorandum quod decimo sexto die mensis Aprilis
 1407 anno etc. cccc^{mo} septimo quedam discordia accidebat inter
¹Robertus dominum Waltherum de Lyndesay ex parte una et dominum
 David Alexandrum de Forbes ex altera parte Super mitigacione
 Aldirman- cuius discordie prepositus et balliui ceperunt plegium et
 nus¹ securitatem de ambabus partibus predictis quod nulla
 parcium predictarum dampnabit aliam nisi per viam iuris
 super premunitione octo dierum, plegiis pro domino
 Waltero Roberto Daud, Aldirmanno, et Laurencio de
 Leth et Simone de Benyn, plegiis pro domino Alexandro
 Johanne Alani, Johanne Henrici et Andrea Johannis.

p. 323. Eodem die perlectis tribus processibus ductis per
 Thomam Spryng super recuperacione possessionis et pro-
 prietatis illius terre iacentis in vico furcarum ex orientali
 parte eiusdem inter terram Thome de Daltoun ex parte
 boreali et terram que vocatur Daynardisgavile ex parte
 australi pro defectu solucionis viginti sex solidorum sibi
 debitorum de eadem terra et a longis temporibus non
 solutorum, unde dictus Thomas peciit a balliuis iuris et
 iusticie complementum secundum formam sui processus
 precedentis et potissime quia tot dilaciones sibi date
 fuerunt a tempore quo tres processus prescripti fuerunt
 per eundem Thomam legitime prosecuti. Tunc ipso
 Thoma remoto, et hora diei legitime expectata, ²ac² curia
 diligenter ausata et ad plenum deliberata decreuit quod
 dictus Thomas proprietatem dicte terre legitime recu-
 peravit per defectum solucionis viginti sex solidorum pre-
 notatorum. Et hoc datum fuit pro iudicio per os Johannis
 filii Laurencii, iudicatoris curie, teste curia.

18 April 1407

p. 324. Curia legali tenta per balliuos decimo octauo die mensis
 Aprilis anno etc. cccc^{mo} septimo, quo die curia affirmata,
 et sectis vocatis, absentes patent in rotulis.

Isti fuerunt presentes :—Johannes Henrici, Johannes

¹⁻¹ Added in margin in a later hand.

²⁻² Interlined.

Fichet, W. Strade, Laurencius Buchane, Robertus Glanderstoun, W. Trayle, W. Dayntre, W. harper, Willelmus Johannis, taillour, Johannes Simonis, Fynlaus taillour, Johannes Roberti, Johannes Mungwale, Andreas Andisoun, Johannes Andree, Johannes Jacobi, Dunccanus de Marr, Paulus Crab, W. baxter, W. Blakburn, Johannes Yhule, Robertus Dunccani, W. Jacsoun, R. Lichardwod.

Isti sunt testes quando Willelmus Crab fuit citatus per seriandos ad respondendum Paulo fratri suo de breui de conuencione: Thomas Daudid, Thomas taillour, Thomas de Lownan, Fynlaus tallour, W. Blakburn, Thomas Lambyntoun. Ista summonicio fuit facta sex septimanis elapsis ab isto die. Et precipitur seriandis ad summoniendum dictum Willelmum ad proximam diem legalem ad respondendum dicto Paulo, fratri suo, et dicto breui de conuencione.

Laurencius de Buchania obtulit in plena curia coram balliuis ad faciendum marwschip et vicinitatem de tanta parte retis quantam sibi accidebat cum Ricardo de Lownan, et dictam partem retis sibi contingentem cum omnibus pertinenciis suis portauit ad aquam coram testibus. Et dictus Ricardus refutauit capere partem suam coram balliuis in curia sedentibus, et tota curia.

R. Vaus	} Isti acquietarunt Moricium Johannis	
Johannes Law		quod nichil sciuit de capcione nauis
Galfridus Brown		sue de Orcadia.

4 May 1407

[*Ordinatum est per commune consilium*]

¹[*Item si ali*]¹iquis non liber homo utatur officio burgensis solummodo soluet vi s. viii d., et si utatur ¹[. . .]²ne vel pertinente ad gildam soluet xiii s. et iiii d., et hoc ita sepe sicut deliquit.

¹[*Item si*]¹ aliquis delinquens vel amerciatus in curia prepositi vel balliuorum facit aliquem dominum vel ¹[*nobi*]¹lem vel quemcunque alium facere pro eo requestam in contrarium communis ordinacionis vel libertatis ¹[. . .]¹ soluet ²centum solidos² xl s. xiii s. iiii d.

p. 326.

¹⁻¹ MS. torn.

²⁻² Scored through.

Item si aliqui extranei indigeant curias de die in diem et summoniti ad illas curias per seriandos et non uenientes ad pretorium soluent ¹ii s.¹ xii d., nisi legitimum habeant essionium—x s.

Ordinatum est quod quicquid regratarii emant extra forum, vel infra ante nonam horam, et antequam burgen-sibus ville seruiatur, quod emerint capiatur pro eschaeta, et quid emerint hora debita, emant in foro et non in alio loco sub pena eschaete, ut predicatur, xiii s. iiii d.

¹2[. . .]² pretorio ordinatum est quod quelibet perticata terre soluet in anno xvi d., hoc est in quarterio anni ²[. . q]²uelibet iiii d. Et manentes in eisdem terris, siue easdem occupantes, soluent proporcionaliter sicut ²[. . .]² terre, et hoc est ordinatum ita bene de terris regalitatis et tempilli et baronie sicut de regalibus.¹

Pretorium

¹2[. .]²quilibet manens infra villam dabit dietam ad pretorium vel iiii d. quousque pretorium ²[com]²mpleatur, circumeundo villam viciscitudinaliter sicut consueti moris fuit.¹

²[. .]² Item bolla aque, parua custuma, redditus de Rubislaw, amerciamenta et defectus contingentes ²[in]² curiis prepositi et balliuorum dabuntur ad faccionem pretorii.

Key

Extraneus intus veniens soluet de celdra, quodcunque bonum fuerit, iiii d., et de ²[. . . .]² vel sacca farine, i d. de centum mensuris iiii d. de qualibet centena de bow ²[.]²d., de quolibet dolio, quodcunque fuerit infra iiii d., de centum rape onoignys ²[.]²libet pak, iiii d., de quolibet centum salmonum forishabitorum iiii d., et ²[.]² bonis proporcionaliter secundum predictam.

²[.]² quod nullus ³[navigabit]³ ultra mare nisi fuerit burgensis.

¹⁻¹ Scored through.

²⁻² MS. torn.

²⁻³ MS. defaced; supplied from the transcript in the Register House.

29 August 1407

¹[*Compotum*]¹ Andree Giffard, Thome Roule, Ricardi p. 253. Fichet et Andree Johannis, Balliuorum ¹[*burgi de Aberden redditum in*]¹ pretorio eiusdem coram communi consilio antepenultimo die mensis Augusti anno ¹[*m^o cccc^o*]¹ septimo.

¹[*Item*]¹ onerant se de xi^{xx} xviii li. et v s. receptis de firmis dicti burgi.

¹[*Expense*]¹ eorundem in primis computant se soluisse domino nostro regi ii^c xiii li. ¹[*vi s.*]¹ viii d. Item episcopo Sancti Andree xx s. Item ministro Trinitatis x s. Item ¹[*....*]¹ Johannis Tulch xiii s. iiii d. Item domino Willelmo Calabre iiii li. Item pro firma ¹[*.....*]¹ xl s. Item clerico iiii li. Item iudicatori xiii s. iiii d. Item ostiario ¹[*domus*]¹ scaccarii—iiii s. Item balliuis pro expensis suis ad scaccarium xl s. Item pro ¹[*..... com*]¹ missionem diuersis vicibus factam pro vicinis et stallingiatoribus ville xxx s. iiii d. ¹[*.....*]¹ eisdem xiii s. vi d. quod perdidit in itinere camerarii ratione officii sui. ¹[*Item pro*]¹ emendacione de ly cukstule iiii s. Item pro emendacione molendinorum ¹[*.....*]¹ iiii d. Item preposito ex causa xvi d.

Summa huius expense ii^c xxx li. xv s. x d.²

Et sic debent vii li. viii s. ii d. Item allocatur eis pro exitu itineris camerarii irrecuperabili ³xlvi s. ³ii d. Et sic debent de claro v li x s.

¹⁻¹ MS. torn.

² This total should be ii^c xxx li. xvi s. x d.

³ Substituted for *xxviii*, which has been scored through: the final figure should then read *v li*.

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Wily (Wyly). *See* Alison (Alicia); Willelmus.

Wod (Wode, Wood). *See* Stephanus; Thomas.

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Wyly. *See* Wily.

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Wynk. *See* Johannes.

Wytleyir. *See* Alexander.

YHULE (Yhul). *See* Alexander; Johannes.

Ysabella Pingle. *See* Isabella.

Ysot. *See* Isota.

REPORT OF THE SIXTY-EIGHTH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE SIXTY-EIGHTH ANNUAL MEETING OF THE SOCIETY was held in the Rooms of the Royal Society, George Street, Edinburgh, on Saturday, 11th December 1954, at 3 P.M.

At the commencement of the meeting Mr R. C. Reid, Chairman of the Council, occupied the Chair.

The Report of the Council was as follows :—

An Account of the Proceedings of the Estates in Scotland, 1689-1690, Volume I, was issued to members at the end of October as the volume for 1951-52. Covering the period March 14th to September 3rd, 1689, it contains news of the action of the Estates in deposing James VII and placing William and Mary on the throne, the siege of Edinburgh Castle, the disestablishment of episcopacy and the abolition of the Lords of the Articles, and the rising of Viscount Dundee. It is hoped that the second volume, which will be that for 1952-53 and which reports events up to October 18th, 1690, will be ready for issue in the spring of 1955. This is already in corrected page proof but awaits completion of the index, which will be to both volumes.

For 1953-54 the volume of *Scottish Supplications to Rome*, as previously intimated, is being edited by Dr. Annie I. Dunlop and presented to the Society in memory of her husband.

The Council hope next to issue *Aberdeen Burgh Court Records*, edited by Professor W. Croft Dickinson. The Introduction to this volume, which will be of exceptional

size, will be a valuable contribution to the constitutional history of Scotland.

Additional material for the next Miscellany Volume accepted by the Council since the last Annual Report includes *Diary of Sir James Hope*, to be edited by Mr. P. Marshall, and *Account of the Proceedings from Prince Charlie's Landing to Prestonpans*, to be edited by Mr. Donald Nicholas. The Council have also accepted the offer of Mr. R. C. Reid to edit a volume of Wigtownshire charters.

Professor J. D. Mackie, having completed four years in office as President of the Society, is now due to retire. The Council would take the opportunity to express appreciation of his services in that capacity, particularly of his addresses at the Annual Meetings.

As successor to Professor Mackie the Council have pleasure in proposing the Right Hon. Thomas Johnston, C.H., LL.D. Mr. Johnston's public services and his interest in Scottish history are well known to all members of the Society.

Members of Council, due to retire in rotation at this time are Professor W. L. Lorimer, Dr. D. E. Easson and Dr. C. A. Malcolm. The Council recommend the re-election of Professor Lorimer and Dr. Malcolm and the election of Professor Mackie in place of Dr. Easson, who finds himself unable to attend their meetings.

During the year 11 members have died and 8 have resigned. 26 new members have joined. The total membership, including 152 libraries, is now 406, as against 399 a year ago.

An abstract of the Accounts for 1953-54, as audited, is appended.

In moving the adoption of the Report and Accounts,

the Chairman referred to the volumes mentioned in it and also to the recently published *The Earlier Tudors* by Professor J. D. Mackie. He appealed for more members, to enable the work of the Society to be carried on.

Professor W. Croft Dickinson, in seconding, explained the contents of the latest volume of the Society, *Proceedings of the Estates, Volume I*, and expressed gratitude to Mr. E. S. de Beer for drawing the attention of the Council to it.

The Chairman then proposed the election of the Right Honourable Thomas Johnston, C.H., LL.D., as President of the Society, referring to his services to the country both as Secretary of State and subsequently.

In seconding, Mr. R. L. Mackie spoke of Mr. Johnston's work for the Scots Ancestry Research Council.

The President then took the Chair and after expressing thanks for his election delivered his address :—

Into our Register House, he said, the old Adam building which dominates the east end of Princes Street in Edinburgh, had been collected a vast unindexed and uncatalogued treasure trove of historical MSS., awaiting not so much attention from a team of palaeographers and research students as an indignant public opinion over a state of affairs wherein more than 6000 manuscript volumes, many of them with a possible important content to our history, remain unindexed.

The Standing Commission on Museums and Galleries in August 1944 reported that at Register House there were 'huge arrears of indexing the public records amounting to over six thousand volumes' and added the brief but inadequate comment that these arrears 'cannot be reduced as things are at present.' This appalling figure included the Court of Session Acts and Decrees and

Processes from 1501 to 1809—three hundred important years—and 3309 volumes—all unindexed. Since that year about 170 volumes of the Great Seal had been indexed. Nevertheless the total of unindexed volumes remained at well over 6000, and half of them still the Acts and Decrees of the Court of Session.

One year's collection of these Court of Session Cases had been examined by Mr. James Shearer and a selection of them published with splendid indexing and explanatory footnotes by the Stair Society. (*Acta Dominorum Concilii et Sessionis*. Selected Cases, 1951.) The year chosen, the year of the inception of the Court of Session, was from May 1532 to July 1533 and even to a lay mind there was much of interest and historical importance in the selected cases. Here were pre-Reformation church dignitaries and hierarchs disputing over their respective shares of the 'fruit' of the church incomes. Here were actions at law by tenants against both prosecutors and defendants among the church litigants. Here was a reminder from the Register of the Privy Seal that Archbishop Beaton of St. Andrews was said to be 'the richest man in Scotland'. Here was an appointment of an *Advocatus Pauperum*—or rather there were two such appointments, so that all poor 'indigent' people who were litigants in times coming might be represented and assisted; nor were the two appointees second rate lawyers, for one of them, Thomas Marjorybanks of Ratho, was later made a Lord of Session.

From this Stair Society Collection for 1532-33 we learn that protracted litigation is ordained against 'sua that justice may be hastily ministrat betwix the said partyes becaus of their povertie.'

And as a note of contrast with present-day prices, the daily profits of the 'coalpot' at Brokincrap amounted to

10s. ; a friar was attacked and abducted on the shore of Leith ; coal mining was noted as concerning the ' commoun weill of the realm,' and there was an action against a saleman of ' rotten and insufficient fish.'

The Diligence Registers prior to 1780, the Exchequer Rolls from 1601 to 1708, and the Treasurer's Accounts from 1567 to 1685 also awaited an adequate key.

The Stationery Office limits, he believed, typing and microfilm printing of these records to one volume per annum, and the Register House Keepers had 12 volumes waiting in the queue for printing.

Two additional typists would enable an extra volume to be produced every year, but even at two volumes it would take, at the present rate of indifference, over 1500 years to catch up with the historical data already in possession at the Register House. When would all that be indexed and made available for students ? Nobody present to-day, he was afraid, would live to witness the time unless there was a general public stir up on the subject, and he had frequently suggested that at least one method of arousing a renewed and widespread interest in the realities of the past would be to parade under proper supervision some of these treasures around the larger centres of population in Scotland, with the Professors of History explaining and exhibiting, for example, the Declaration of Arbroath or the last signature of Robert Burns. The priceless Breckbannock of St. Columba and other historic and art treasures could be sent across to the Glasgow Art Galleries on loan there by the keeper of the Museum of Antiquities, the Council of the Society, and the Board of Trustees of the National Galleries of Scotland, to the wonder and reverence of multitudes. Why not the Arbroath Declaration ?

It was not a comforting reflection that Scots History was now a degraded subject in our University pass credentials, and it might be interesting to know if there was any other European country where the native record and inspiration was similarly derated. The remedy could begin here in the Capital with a campaign for indexing our records and exhibiting our historical inspirations.

The Register House too was a vast storehouse for our unexplored economic history.

Professor Croft Dickinson, Professor Henry Hamilton, Dr. Meikle, and others, were now working at various aspects of our economic history, that history which had been unduly smothered under Mary Queen of Scots and Bonnie Prince Charlie, and one was glad to hear that a research student is at work upon a factual history of coal mining in Scotland—a history one hoped which would clearly show how the race apart of the old serfdom days when the collier folk were bound to the pits, still had to some extent its weight in our social affairs in the mid-twentieth century. He was sure that the Scottish Miners Union would be keenly interested.

He also thought there should be more study given to the economic history of the western islands. He quoted from the Asloan Chronicle, the Records of the Irish Privy Council, Dean Munro Tytler and other authorities in refutation of commonly accepted theories, and said that Inverness fourteen years before the Battle of Largs could build ships for French noblemen going to the Crusades. Barra too could build large ocean-going galleys. In 1545 the Lord of the Isles could sail to Ireland with a force of 4000 men, 'very tall men, clothed for the most part in habergeons of mail.' Dean Munro in mid-sixteenth century visited 197 islands, half of them inhabited, many of them

fruitful and fertile in corns. Nowhere does he infer scarcity. It would be interesting also to know what effect trestarig, the three times distillation from oats, had upon the deterioration into abject poverty which had so shocked Pennant during his visit.

He urged too that more attention should be given to burghal history, and he thought the Library Association and the Convention of Burghs should collaborate there. A number of burghs still had no written history ; so far at any rate as he could see from the Library Catalogues there was nothing about, for example, Ballater, Cowdenbeath, Grangemouth, Darvel, Denny or Alloa, to name only a few at random.

A vote of thanks was accorded to the President on the motion of Professor J. D. Mackie.

ABSTRACT ACCOUNT of CHARGE and DISCHARGE
of the INTROMISSIONS of the HONORARY
TREASURER for the year from 1st November
1953 to 31st October 1954.

I. GENERAL ACCOUNT.

CHARGE.

I. Cash in Bank at 1st November 1953 :—		
1. Sum at credit of Savings Account with Bank of Scotland	£460 3 7	
2. Sum at credit of Current Account with Bank of Scotland	13 0 7	
3. Cash in hands of Bank of Scotland to meet postages	0 3 11½	
	£473 8 1½	
II. Subscriptions received	422 2 2	
III. Past Publications sold (including postages recovered from purchasers)	7 10 7	
IV. Interest on Savings Account with Bank of Scotland	8 8 7	
V. Refund of Income Tax	61 16 0	
VI. Sums drawn from Bank Current Account	£598 6 11	
VII. Sums drawn from Bank Savings Account	£100 0 0	
		£973 5 5½

DISCHARGE.

I. Cost of Publications during year . . .	£527	13	9
Cost of printing Annual Report, Receipt Forms and Printers' postages, etc. . .		28	5 7
		<hr/>	
	£555	19	4
II. Miscellaneous Payments		42	2 10
III. Sums lodged in Bank Current Account	£591	8	9
	<hr/>		
IV. Sums lodged in Bank Savings Account	£8	8	7
	<hr/>		
V. Funds at close of this Account :—			
1. Balance at credit of Savings Account with Bank of Scotland	£368	12	2
2. Balance at credit of Current Account with Bank of Scotland		6	2 5
3. Cash in hands of Bank of Scotland to meet current postages		0	8 8½
		<hr/>	
		375	3 3½
		<hr/>	
	£973	5	5½
	<hr/>		

II. DR. ANNIE I. DUNLOP SPECIAL FUND ACCOUNT.

CHARGE.

I. Balance at credit of Savings Account with Bank of Scotland at 1st November 1953	£190 12 11
II. Second payment received under Deed of Covenant dated 16th January 1953	100 0 0
III. Interest on Savings Account with Bank of Scotland	2 14 0
IV. Refund of Income Tax	81 16 4
	£375 3 3

DISCHARGE.

I. Sums lodged in Bank Sav- ings Account	£184 10 4
II. Fund at close of this Account :—	
Balance at credit of Savings Account with Bank of Scotland	£375 3 3
	£375 3 3

EDINBURGH, 9th November 1954.—I have examined the General Account and Dr. Annie I. Dunlop Special Fund Account of the Honorary Treasurer of the Scottish History Society for the year from 1st November 1953 to 31st October 1954, and I find the same to be correctly stated and sufficiently vouched.

HENRY M. PATON,
Auditor.

Scottish History Society

THE EXECUTIVE

1954-1955

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RULES

1. THE object of the Society is the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland. The Society will also undertake, in exceptional cases, to issue translations of printed works of a similar nature which have not hitherto been accessible in English.

2. The affairs of the Society shall be managed by a Council, consisting of a Chairman, Treasurer, Secretary, and twelve elected Members, five to make a quorum. Three of the twelve elected Members shall retire annually by ballot, but they shall be eligible for re-election.

3. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

4. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

5. The Society normally issues one volume each year.

6. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

7. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

8. Editors shall receive 20 copies of each volume they edit for the Society.

9. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

10. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

11. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.