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THE ROLL OF THE BURGH COURTS OF ABERDEEN, AUGUST–OCTOBER 1317

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INTRODUCTION

In 1591, Thomas Mollisone, the town clerk of Aberdeen, prepared an inventory of surviving records of the burgh. He commented that no *volumes* of record survived that could be dated earlier than 1380. Nonetheless, there did survive some earlier materials:¹

Befoir this, scrowis on parchment, contening sum Courtis of the Brught of Abirdene, writin in Latyne all, and for ilk year ane skrow: na mater of importance or weycht extant or registrat thairin, nather yit ony ordinance or statut sett downn, onlie suitis and actionis, or processus for annuellis, euil to be red, be resoun of the antquitie of the wreit, and forme of the letter or charecter, weray schortlie and compendiouslie wretin, quhilk is not now vsit: and skairslie gif ony man can reid the samyn.

What exactly became of all of these “scrowis” is unclear; but it seems likely that, as the late Athol Murray has put it, “no effort to preserve them” was made in the early modern period.² In 1852, it was reported that two such rolls had been “lately recovered out of masses of useless papers which were decaying in a garret of the Town House”.³ Only one of these seems to have survived into the twentieth century.⁴ Originally created between August and October 1317,⁵ it records meetings of various burgh courts of Aberdeen between those months. Its historical importance will be discussed in more detail shortly, but two points can be made to establish this at the

* The authors are very grateful to Dr Alice Taylor for her comments on the translation of the 1317 roll published here, and to Alison Simpson for her comments on one aspect of the translation. Any errors remain the present authors' own.

1 John Stuart, “Preface”, in John Stuart (ed.), *The Miscellany of the Spalding Club*, v (Aberdeen, 1852), p. 9.

2 Athol Murray, “Whatever happened to the Scottish burgh records?”, in Jackson Armstrong and Andrew Mackillop (eds), “Scottish urban archives and histories: context and a legal historical perspective”, special issue of *Journal of Irish and Scottish Studies* (2018), 10–28, at 23.

3 Stuart (ed.), “Preface”, in *Miscellany of the Spalding Club*, v, p. 9.

4 The present writers are grateful to the current City Archivist, Phil Astley, for discussing this with them.

5 The date of the roll will be discussed further below.

outset. First, it seems to be the earliest surviving example of a roll recording disputes that was produced by the courts of a Scottish burgh. Second, it seems to be the only such roll of the burgh courts produced during the course of the fourteenth century that survives to the present day.⁶ Therefore, as a source of evidence concerning actual legal *practice* in fourteenth-century Scotland, it merits serious attention from scholars. Of course, some writers have recognised its importance in the past,⁷ and Hector MacQueen in particular has demonstrated many ways in which it can shed light on the Scottish common law in the reign of Robert I (r. 1306–29).⁸ Nonetheless, the evidence of the roll can now be reconsidered in light of the texts of medieval Scots law recently edited by Alice Taylor and published by the Stair Society.⁹ Some of those texts might profitably be read alongside the 1317 roll. For example, the Ayr Miscellany considers legal procedures that were apparently applicable in the burghs. Given that Taylor regards this text as “key evidence for understanding law and legal development before the 1318 legislation” that was promulgated by Robert I, one might hope to learn much from comparing the Ayr Miscellany and the 1317 roll.¹⁰

It therefore seemed timely to the present writers to republish the text of the 1317 roll, together with a translation. The text is almost entirely in Latin, and for many modern students of Scottish legal history – whose numbers are, happily, increasing in the Scottish universities – this presents a barrier to working with the text. Of course, the text of the 1317 roll has been published before, but only in Latin. Shortly after it was discovered, what were described as “selections” were published in Aberdeen by

6 See the discussions in Hector L. MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh, 2016), pp. 84–5; Iain Flett and Judith Cripps, “Documentary sources”, in Michael Lynch, Michael Spearman and Geoffrey Stell (eds), *The Medieval Scottish Town* (Edinburgh, 1988), pp. 18–41, at 24–8. Earlier rolls, which may be characterised as court rolls, do survive, including the parliamentary rolls of 1293. These, of course, deal with legal disputes; see *Records of the Parliaments of Scotland* <<https://www.rps.ac.uk>> (accessed 21 February 2020) (hereafter *RPS*), 1293/2/1–1293/8/8. On John Balliol’s parliaments generally, see Alison A. B. MacQueen, “Parliament, the Guardians and John Balliol, 1284–1296”, in Keith M. Brown and Roland K. Tanner (eds), *The History of the Scottish Parliament Volume I: Parliament and Politics in Scotland 1235–1560* (Edinburgh, 2004), pp. 29–49 (the rolls in question are discussed at pp. 38–43). On earlier (lost) rolls, and enrolment in thirteenth-century Scotland, see Alice Taylor, *The Shape of the State in Medieval Scotland* (Oxford, 2016), pp. 399–417. The point that the bailies of each burgh seem to have been *expected* to keep a roll of their courts and assizes by the reign of Robert I (r. 1306–29) at the latest will be discussed further below.

7 See, for example, P. Chalmers, “Remarks on the law of burghs concerning delivery of lands within burgh”, in the “Appendix to the Preface” found in Stuart, *Miscellany of the Spalding Club*, v, pp. 49–55; William Croft Dickinson, *Early Records of the Burgh of Aberdeen 1317, 1398–1407* (Edinburgh, 1957). Reference is also made to the 1317 roll in Andrew R. C. Simpson, “Earth and stone: history, law and land through the lens of sasine”, in Malcolm M. Combe, Jayne Glass and Annie Tindley (eds), *Land Reform in Scotland: History, Law and Policy* (Edinburgh, 2020), pp. 113–53, at 113–17.

8 See, for example, MacQueen, *Common Law*, pp. 84–5, 105–6, 188–9; and Hector L. MacQueen and William J. Windram, “Laws and courts in the burghs”, in Michael Lynch, Michael Spearman and Geoffrey Stell (eds), *The Scottish Medieval Town* (Edinburgh, 1988), pp. 208–27, particularly at 216–18; see also in particular Hector L. MacQueen, “Some notes on wrang and unlaw”, in Hector L. MacQueen (ed.), *Miscellany Five*, Stair Society vol. 52 (Edinburgh, 2005), pp. 13–26.

9 Alice Taylor (ed.), *The Laws of Medieval Scotland: Legal compilations from the thirteenth and fourteenth centuries*, Stair Society vol. 66 (Edinburgh, 2019).

10 *Ibid.*, pp. 265–80 (the passage quoted is at p. 268).

the Spalding Club in 1852.¹¹ Over a century later, the surviving roll was transcribed and printed again, this time in full and with corrections, by the Scottish History Society. The text appeared in William Croft Dickinson's *Early Records of the Burgh of Aberdeen 1317, 1398–1407* (1957);¹² the transcription itself, as Croft Dickinson notes, was carried out by Margaret Moore.¹³ The present contribution offers a translation of Margaret Moore's text.¹⁴

This introduction to the translation will not attempt to discuss the full historical significance of the 1317 roll. A short book might be written on that subject. Rather, the introduction will begin by saying a few words about the condition of the roll itself. Next, it will proceed to discuss a few elements of the legal context in which the roll was produced; this is intended to facilitate subsequent analysis of the actual disputes in the roll elsewhere. The conclusion will mention ongoing work in relation to the analysis of the roll, and the sorts of questions that seem to arise from it.¹⁵

One final aim of the present introduction may be stated. Essentially, it augments earlier work on the records of the medieval burgh courts and council meetings of Aberdeen. These records survive in a near-continuous run from 1398, with the only significant gap running between 1414 and 1434. The first eight volumes of those records, which extend to over 1.5 million words, run from 1398 to 1511, and were recently transcribed and published online by the “Law in the Aberdeen Council Registers” project, as the *Aberdeen Registers Online, 1398–1511* (hereafter *ARO*).¹⁶ The present writers participated in that project, and hope that the present translation and introduction will draw further attention to the historical importance of those medieval records. When compared with the post-1398 records, the 1317 roll only provides a “snapshot” of the practice and operation of the burgh courts in an earlier period. Nonetheless, it is possible to draw attention to what *may* be differences in the practice of the burgh courts in the early fourteenth century, on the one hand, and the fifteenth century, on the other. Given the nature of the surviving evidence, in particular from the earlier period, such differences may be more apparent than real. Nonetheless, if further work can demonstrate them to be real, then reading those differences in light of the other fragmentary evidence of legal practice in fourteenth- and fifteenth-century Scotland may suggest trends of development, and possibly even change.

11 Stuart, “Preface”, in Stuart (ed.), *Miscellany of the Spalding Club*, v, p. 9; “Extracts from the registers of the burgh of Aberdeen”, in *ibid.*, v, pp. 1–13.

12 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. 3–17.

13 *Ibid.*, p. ix.

14 The original text is found in Aberdeen City Archives, reference ACA/5/6. The present authors are investigating what might be required for the digitisation of the 1317 roll in the hope that it can be easily compared with the present Latin and English text in the future.

15 See, for example, Andrew R. C. Simpson, “Procedures of the Scottish common law in a medieval town: a fresh look at the Aberdeen Burgh Court Roll of 1317”, in Andrew R. C. Simpson and Jørn Øyrehaugen Sunde (eds), *Law, Trade and the Sea: Fresh Perspectives on Norwegian and Scottish Relations, ca.1100–ca.1800* (forthcoming).

16 See Edda Frankot, Anna Havinga, Claire Hawes, William Hepburn, Wim Peters, Jackson Armstrong, Phil Astley, Andrew Mackillop, Andrew Simpson and Adam Wyner (eds), *Aberdeen Registers Online: 1398–1511* (Aberdeen, 2019) <<https://www.abdn.ac.uk/aro>> (accessed 21 February 2020).

THE 1317 ROLL: CONDITION AND DATE

The 1317 roll itself is now preserved in the section of Aberdeen City Archives located in the Town House.¹⁷ The description of the roll prepared by Croft Dickinson largely suffices for present purposes:¹⁸

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 ... are written on the dorse of membranes 3 and 4.

To this one should add two points. First, sewn into the second membrane of the roll is a brieve of right issued by the king's chapel in July 1317. This strip of parchment measures "7½ cm × 23 cm", as stated by Margaret Moore.¹⁹ As will be seen, this brieve is of some importance in dating the roll as a whole. Second, it should be noted that the roll is quite badly damaged in sections, and this is reflected in the fragmentary nature of some parts of the transcription and the translation. For example, in some places the document is badly stained, obscuring the text; in other places the manuscript is torn, sometimes leaving the reader to make educated guesses about what a section of text may have meant. The translation included below indicates when it offers an educated guess as to what the original text may have said, either by including suggested readings in square brackets or through the use of footnotes.

The date of the roll also requires some comment. The earlier conclusion that the roll can be firmly dated to 1317 is sound, but the point does not ever seem to have been argued in full before.²⁰ This seems necessary here, because only once is a full date given in the course of the roll, and this occurs in the course of the brieve of right, which was, of course, produced independently of the roll itself. Four pieces of evidence should be mentioned. First, the opening membrane of the roll discusses a dispute heard "*anno gracie millesimo ccc^{mo} decimo*", and immediately after the word "*decimo*" the manuscript is torn.²¹ Therefore, this provides reasonably strong evidence that the roll concerns disputes heard at some point between 1310 and 1319. Of course, this evidence alone does leave open the possibility that only the *first* dispute recorded in the roll was heard in that period.

Second, the roll reads as if it is dealing with a continuous series of matters and disputes, heard over a continuous period, which occurred *within the course of a single year*. It begins with a matter that was resolved in the days immediately preceding the feast of St Laurence the Martyr (10 August), and continues to discuss meetings of the courts of the burgh around about the feasts of the assumption of the blessed virgin Mary (15 August), the nativity of the blessed virgin Mary (8 September), the exaltation of the holy cross (14 September), Michaelmas (29 September), the blessed Dionysius (9 October) and the feast of St Luke the

17 ACA/5/6.

18 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. vii.

19 *Ibid.*, p. 7.

20 See, for example, Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. v–ix.

21 See below, p. 70.

Evangelist (18 October).²² The chronological order breaks down only once, at the end of the roll; a dispute is recorded as having taken place on 17 October, and this is followed by a dispute that took place on 15 October.²³ Furthermore, the roll presents several procedural stages in particular disputes, and, on each occasion, one reads in the first place of the initial citation of the parties to appear in court, followed by the second and third citations of the parties to “compear”. A good example relates to the dispute involving the brieve of right mentioned already. In the course of the second membrane of the roll, a record was made to the effect that Emma, daughter of Brice of Cragy, had been cited to appear before one of the courts of the burgh for the first time; this record was made on the Monday immediately before 10 August, the feast of St Laurence. Then, in the third membrane of the roll, one finds a record of her having been cited to appear for the second time on the Monday immediately before 8 September, the feast of the nativity of the blessed virgin Mary. Subsequently, also in the course of the third membrane of the roll, one finds a record that Emma had been cited to appear for the third time on the Monday immediately after the 14 September, the feast of the exaltation of the holy cross. Finally, in the course of the fourth membrane, one finds a record of Emma actually appearing to answer the brieve of right in the head court of the burgh that first met on the Monday immediately following 29 September, that is to say Michaelmas.²⁴ In other words, the procedural sequence of the disputes largely themselves dictated the order of the surviving record. The only exception seems to have been the rather odd break in this pattern at the end of the roll, when a record of a court sitting on 17 October was placed before the record of a court sitting on 15 October. This may mean that the roll was produced after the courts sat, on the basis of notes taken during the sittings. Nonetheless, the basic pattern is clear; when one reads the surviving roll, one seems to be reading a near-continuous account of disputes and other matters considered between a particular month of August and a particular month of October; in other words, one is reading a continuous account of the activities of the burgh courts *over the course of one single year*. That tallies with Mollison’s comment, to the effect that each of the surviving “scrowis” that he examined dealt with an individual year. Consequently, one can conclude that the roll deals with disputes heard between August and October in one of the ten years between 1310 and 1319 inclusive.

Third, the brieve of right sewn into bears the clause “*Teste me ipso apud Abirden xxxviii^o die Julii anno regni nostro duodecimo*”.²⁵ Robert I was crowned on 25 March 1306,²⁶ and so 28 July in the twelfth year of his reign was 28 July 1317. Reference is made in the second and third membranes of the roll to this brieve “*que rotulo suta est*”, and therefore the scribe writing the record was clearly aware that the brieve of

22 See below. For the dates of the feasts, see C. R. Cheney and Michael Jones (eds), *A Handbook of Dates for Students of British History*, rev. edn (Cambridge, 2000), pp. 63–87. Based on the conclusion that the roll is to be dated to 1317, this list of saints’ days, together with the information that Easter fell on 3 April 1317 (see Cheney and Jones (eds), *Handbook of Dates*, p. 229), has been used in conjunction with the table at pp. 180–1 of that work to establish the dates given in the translation of the roll below; the table at pp. 180–1 provides the complete calendar for any year in which Easter fell on 3 April.

23 See below, p. 92.

24 See below, p. 88.

25 See below, p. 78.

26 Geoffrey Barrow, *Robert Bruce*, 4th edn (Edinburgh, 2005), pp. 195–7.

that date had already been sewn into the roll at the time when he was writing.²⁷ That demonstrates that those sections of the roll were written *after* the brieve was issued, and therefore *after* 28 July 1317. Coupled with the observations that at least part of the roll was undoubtedly written during the 1310s, and that the roll deals with a near-continuous series of matters considered *in a single year* during that period, it follows that the roll must have been produced between 28 July 1317 and the end of 1319. In other words, it can be confidently dated to 1317, 1318 or 1319.

Two final pieces of evidence help to establish the date of the roll more firmly. As already stated, the brieve of 28 July 1317 was presented in one of the burgh courts on the Monday “*proxime ante festum Sancti Laurentii*” – in other words, on the Monday before the feast of St Laurence. As already stated, the feast itself was celebrated on 10 August. The record of the presentation of the brieve appears in the course of the second membrane of the roll. It is reasonably clear that this was the first occasion on which the brieve was presented to the bailies, so as to compel Emma, daughter of Brice of Cragy, to attend the relevant court. While this is suggested by the fact that the brieve was physically sewn into the roll to sit alongside this section of the record, there is firmer evidence to establish the point. On a subsequent occasion that the brieve was mentioned, in the third membrane of the roll, it was said that Emma, daughter of Brice of Cragy, had by that point been cited to appear in court for the *second* time. This indicates that the first citation to appear – and, therefore, the first occasion on which the brieve was presented – had indeed occurred on the Monday immediately prior to 10 August.²⁸ Given what has been said already, this leaves one with the possibility that the litigants first presented the brieve on the Monday immediately prior to 10 August in 1317 – which would have been 8 August 1317, eleven days after the brieve was issued – or on the Monday immediately prior to 10 August in 1318, or on the same Monday in 1319. Given these possibilities, it seems safe to assume that the litigants who presented the brieve in court for the first time were doing so on 8 August 1317, only days after it had been issued, on 28 July 1317 – and it must be remembered that there would have been no delay in the brieve actually reaching the litigants, because it was issued *in Aberdeen*. It seems wholly implausible to suggest that the brieve was issued in July 1317, and that the litigants waited until August 1318 – or August 1319 – to bring it before the bailies and officers of the burgh. The only sensible conclusion seems to be that it is correct to date the surviving roll to 1317, and hereafter it will be assumed that this is so. This seems to be further supported by the fact that one of the burgh courts is said in the roll to have met “on the Monday in the vigil of Saint Luke the Evangelist”.²⁹ The feast was on 18 October, and so the vigil would have been on 17 October; this date fell on a Monday in 1317, but not in 1318 or 1319.³⁰ As will be seen shortly, there is in fact yet another reason to date the roll to 1317, but this is best explored in the next section, which considers some aspects of the legal context in which the roll was produced.

27 See below, pp. 76, 84. The practice of sewing written documents presented to courts into court rolls is attested elsewhere in near-contemporary Scotland; consider, for example, *RPS* 1293/2/5; *RPS* 1293/2/7.

28 See below, p. 82. This is slightly complicated by the fragmentary reference to the dispute on p. 80; this may have been a record that the first citation had been made and that the second was to be made. The argument advanced here does not seem to be affected by this point.

29 See below, p. 92.

30 Cheney and Jones (eds), *Handbook of Dates*, pp. 180–1, 190–1, 220–1.

THE 1317 ROLL: SOME ASPECTS OF THE LEGAL CONTEXT

The next section of this introduction aims to introduce readers to *aspects* of the legal context in which the roll was written; it does not purport to provide anything like an exhaustive account of that context. It is written primarily to help readers make sense of some of the institutions mentioned in the roll itself, and so limits itself to considering a few matters. It will focus its attention on the courts mentioned in the roll and the officers who presided over those courts.

The leading figures of the royal burgh were, of course, known as the “burgesses”, who possessed various trading and jurisdictional privileges; and these privileges were conferred by royal charters.³¹ Aberdeen had received charters concerning its privileges from William I (r. 1165–1214), and it would receive another such charter from Robert I (r. 1306–29) in 1319.³² The fact that the privileges of the burgesses included jurisdictional privileges draws attention to the existence of the burgh *courts*. As regards those courts, Croft Dickinson gives a very good impression of their importance in the following terms:³³

This court ... 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 ... 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. The court gave to the burgh a unity.

Of course, as Croft Dickinson went on to explain, the 1317 roll does not record the meetings of a *single* burgh court, but rather meetings of the burgh *courts*. One of these courts was the head court of the burgh; and the 1317 roll confirms that all burgesses were expected to attend this assembly.³⁴ The head courts “met three times a year, at Michaelmas, Yule and Easter (Pasch)”;³⁵ the 1317 roll records a meeting of the Michaelmas head court on the first Monday after the feast day.³⁶ It seems that certain matters were only dealt with in the head courts. Consider, for example, the practice relating to annualrents. Annualrents were feudal burdens on lands to the effect that certain debts were owed *from the lands themselves*. If the debt due from the land was not forthcoming, then the procedure that was followed was that the creditor had to declare at three head courts of the burgh that he had inspected the lands, and found nothing there to satisfy the debt except for earth and stones. Once that had been done, the lands could be transferred to the creditor in satisfaction for the debt.³⁷

31 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. xxiv–xl. On the community of the town more generally in the fourteenth-century Scottish burgh, see Elizabeth Ewan, *Townlife in Fourteenth-Century Scotland* (Edinburgh, 1990), pp. 136–60.

32 E. Patricia Dennison, David Ditchburn and Michael Lynch (eds), *Aberdeen Before 1800: A New History* (East Linton, 2002), pp. 6, 206–7.

33 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. xl.

34 See below, p. 86.

35 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. cxvii–cxviii.

36 See below, p. 86.

37 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. cxx; for annualrents, see also MacQueen, *Common Law*, pp. 226–7. The operation of annualrents in Aberdeen in the fifteenth century is also discussed in Andrew R. C. Simpson, “Men of law in the Aberdeen council register? A preliminary

Yet, if some matters could only be dealt with at the head courts, others could be dealt with at meetings of other burgh courts. As Croft Dickinson observes, the roll does seem to show that there was a meeting of a burgh court “*a quindena in quindenam*” – which meant in practice once a fortnight. Again, this accorded with a general precept found in a text purporting to represent the law of the medieval Scottish burghs, which came to be known as the *Leges Burgorum*; one witness to the text which is roughly contemporary with the 1317 roll reads: “*Sciendum est quod a quindeno in quindenam [sic] currunt per annum placita in burgo tam de terris quam de mobilibus.*” This can be translated: “it must be understood that pleas in the burgh concerning both lands and moveables run throughout the year, from quindene to quindene” (i.e. fortnightly).³⁸ A century later, other burgh courts had emerged, these being the *curia legalis tenta per ballivos* and the *curia tenta per ballivos*. Making reference to the evidence of when these courts sat, Croft Dickinson suggests that the *curia legalis* was the fortnightly meeting of the court that had been required by the *Leges Burgorum*, whilst the *curia tenta per ballivos* had been established to provide an additional forum for the administration of justice as the work of the burgh courts had increased.³⁹

The meeting of one other court is referenced in the 1317 roll, this being the chamberlain’s court. Among other things, the chamberlain had oversight of the administration of justice in the Scottish burghs, and he exercised this oversight on his “ayre”, which was notionally structured so that he would visit each burgh every year.⁴⁰ Two chamberlains are mentioned in the roll – Stephen of Dunideer, who was active as chamberlain in 1309;⁴¹ and William of Lindsay, rector of Ayr, who was active as chamberlain between c.1309 and 1319.⁴² It should be noted that there survives a near-contemporary text regarding exactly into which matters the chamberlain was supposed to make inquiry during the course of his ayre; this is entitled “*De articulis*

study, circa 1450–1460”, *Juridical Review* (2019), 136–59; see also the *erratum* published in connection with this article at the end of the third issue of *Juridical Review* (2019) (no page reference present).

38 See Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. cxx–cxxi. This provision is attested in manuscripts of the *Leges Burgorum* (or the *Leges Quatuor Burgorum*) produced either before or about the same time as the 1317 roll. The Berne MS of 1267 × 1272 provides the following witness to the text, embedded within the *Leges Quatuor Burgorum*: “*Sciendum est quod a quindena in quindenam [sur]runt placita in burgo tam de terris q[uam mobil]ibus*” (NRS Ref. PA5/1, f. 63v; the square brackets indicate where the manuscript is torn, and the readings are suggested based on the Ayr MS reading). The Ayr MS (the relevant section of which can be dated to 1323 × 1329) provides the following reading within the *Leges Burgorum*: “*Sciendum est quod a quindeno in quindenam [sic] currunt per annum placita in burgo tam de terris quam de mobilibus*” (NRS Ref. PA5/2, f. 58r). For the date of the Berne MS, and a description of the manuscript, see Taylor, *Laws of Medieval Scotland*, pp. 33–8. The Ayr MS can be dated to 1323 × 1343, including an original core volume which includes the *Leges Burgorum* material and which can be dated to 1323 × 1329 – see Taylor, *Laws of Medieval Scotland*, pp. 39–48.

39 See Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. cxxi–cxxiv; see also Edda Frankot, *Of Laws of Ships and Shipmen* (Edinburgh, 2012), p. 56.

40 On the chamberlain’s ayre in the thirteenth century, see Taylor, *Shape of the State*, pp. 259–62.

41 See below, p. 86. For Dunideer (whose name is given as “Donydouer” by A. A. M. Duncan), see A. A. M. Duncan (ed.), *The Acts of Robert I King of Scots 1306–1329* (Edinburgh, 1988), p. 206.

42 See below, pp. 70–6. For Lindsay, see Duncan, *Acts of Robert I*, p. 206.

inquirendis in burgo in itinere Camerarie secundum usum Scocie”, and it is preserved in the Ayr Manuscript.⁴³

There is some intriguing evidence that the matters recorded in the 1317 roll may commence shortly after the conclusion of a chamberlain’s ayre. To explain, Duncan observed that the brieve sewn into the 1317 roll contains the clause “*teste me ipso*” – indicating that the brieve, granted in the name of Robert I, had been witnessed by the king himself. However, it is unlikely that it actually was witnessed by the king, as on the date the brieve was issued at Aberdeen – 28 July 1317 – he was probably in Melrose, at the other end of the kingdom. Duncan then argued that the best explanation for this is that the great seal of the king – under which briefes passed when they were issued – was in Aberdeen in July 1317, rather than the king himself. Next, Duncan suggested that the best explanation for the presence of the great seal in Aberdeen in that month was that it had been taken there by one of the chamberlain’s clerks as part of the chamberlain’s ayre.⁴⁴ What Duncan does not seem to have noted is that the chamberlain himself was definitely in Aberdeen in early August 1317; he was a party to the first process recorded in the 1317 roll.⁴⁵ In addition, in the course of the record of the process, it was said of the chamberlain that part of the proceedings had been carried out “*in curia sua*” – that is to say, in his court.⁴⁶ Taken together, this all points quite firmly to the conclusion that the chamberlain’s ayre visited Aberdeen in the summer of 1317.

The point that the 1317 roll records meetings of burgh courts must be coupled with the observation that it does not *necessarily* record all business that was transacted within those courts. For example, it is generally thought that the burgh officers – the *ballivi* and the *prepositi*, of whom more will be said shortly – were usually elected annually from among the burgh community at the head court immediately following Michaelmas, together with the council of the burgh. That certainly tallies with later medieval practice, and it is also consistent with the chapter of the *Leges Burgorum* entitled *De Electione Prepositi*, at least as it is witnessed in the Ayr Manuscript, although it should be noted in passing that the Ayr Manuscript makes reference to the election of *prepositi*, and not both *prepositi* and *ballivi*, in the chapter concerning the election of burgh officers and the burgh council.⁴⁷ The 1317 roll makes reference to the head court immediately following Michaelmas – and yet, as Croft Dickinson notes, “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”.⁴⁸ Subsequently, he expands on this claim that the 1317 roll was “purely a court roll”. Recalling Mollisone’s comments, to the effect that the “scrowis” or burgh court rolls that survived in 1591 recorded “na mater of importance or weycht

43 See Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. cxvi n. 5, where he notes the potential significance of this provision for rules governing what had to be recorded by the burgh courts. The text is discussed in Taylor, *Laws of Medieval Scotland*, pp. 44–5, and can be found in PA 5/2 ff. 15v–18v; as Taylor notes (at p. 44), the text can be found in *APS*, i, 680–2.

44 Duncan, *Acts of Robert I*, pp. 141, 262.

45 See below, pp. 70–6. See also Simpson, “Procedures of the Scottish common law in a medieval town” (forthcoming).

46 See below, p. 76.

47 See PA5/2, f. 62r; see also Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. lxxx–lxxxi.

48 See Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. lxxxi n. 2.

extant or registrat thairin, nather yit ony ordinance or statut sett downn, onlie suitis and actionis, or processus for annuellis”, Croft Dickinson argues:⁴⁹

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”. It is a roll of the burgh court – distinct and separate as such ...

Assuming that Croft Dickinson is correct, and that Aberdeen did indeed elect its officers at the first head court after Michaelmas, then it is necessary to consider exactly how material was selected for inclusion in the 1317 roll. Croft Dickinson suggests that this can in part be explained by the recognition that some business pertained to the burgh *courts*, and some business pertained to the burgh *council*, which – on the evidence of the 1317 roll – was elected by one of the head courts – and this may perhaps help to explain why “neither ordinance nor statute” was recorded in the 1317 roll, assuming any were made at this time.⁵⁰ Yet it is perhaps still odd that the elections – which were undoubtedly the business of the head court – were not recorded in the roll (again, assuming they actually happened at Michaelmas 1317). One partial explanation may come from the text mentioned earlier, which is entitled “*De articulis inquirendis in burgo in itinere Camerarie secundum usum Scocie*”, which is preserved in the Ayr Manuscript.⁵¹ As was explained, the text records the matters concerning which the chamberlain was supposed to make inquiry during the course of his ayre; and it states that the chamberlain was expected to confirm “*si balliui fecerint illotulare curias suas et assisas*” – that is to say, “if the bailies should have made enrolment of their courts and assizes”.⁵² It may be that this was understood in terms of an injunction to record “onlie suittis and actionis or processus for annuellis”, as Mollisone put it. Furthermore, if the Aberdonians had not been following the injunction in the chamberlain’s “articles of inquiry” as he expected, then at the very least he seems to have had just the opportunity to put them right in the summer of 1317. While the matter probably should be considered further in light of a wider contextual reading, the extent of the surviving evidence – being only one roll – makes it difficult to establish with any certainty why some proceedings of the courts were apparently included in it, and why some were – apparently – excluded.

As regards the question of *where* the burgh courts met, the 1317 roll makes it clear that the burgh courts sometimes met *in tolloneo*, that is to say the place where the burgh tolls were collected;⁵³ but they also could and did meet elsewhere, as on one occasion when they met “in the house of Andrew Bissap in the

49 Ibid., p. cxvi.

50 Ibid., pp. xc–cxvii. To some extent, this oversimplifies Croft Dickinson’s sophisticated argument concerning the relationship between the burgh courts and the council (see, in particular, the comments at pp. cxv–cxvi); this relationship should be explored in more detail elsewhere, but there are obvious problems with doing this in relation to the early fourteenth century, a period when the surviving evidence is fairly meagre.

51 See comments in n. 43 above.

52 *APS*, i, 682; PA 5/2, f. 17r (the present writers have followed the reading of the text given in *APS*, although the word “*illotulare*” might read “*illoculare*” in PA 5/2, f. 17r); for the translation of the passage quoted in essentially the same way, see Robert Renwick, *Ancient Laws and Customs of the Burghs of Scotland, Volume I, AD 1124–1424* (Edinburgh, 1868), p. 122.

53 See below, p. 92.

vicinity of the castle”.⁵⁴ The exact location of the burgh *tolloneum* in 1317 is unclear; but it is possible that it was found in the Shiprow, near the modern harbour.⁵⁵

Turning attention from the courts to those who presided over them, a few words should also be said about the *ballivi* and the *prepositi* here.⁵⁶ It has been noted that these officers were usually elected from the community of the burgesses at one of the head courts, together with the burgh council. Later practice indicates that other officers were also elected at the same time,⁵⁷ including the burgh sergeands, who were responsible for citing individuals to attend court,⁵⁸ and the burgh liners, who were responsible for determining and upholding boundaries within the burghs.⁵⁹ The burgh officers were fundamentally the king’s officers; this is clear from the terms of the brieve sewn into the 1317 roll itself, in the course of which Robert I addresses the brieve “*prepositis et ballivis burgi de Abirden, fidelibus suis*”.⁶⁰ Was someone addressed among these individuals the *prepositus*, “alderman” or “provost” attested in later records? Certainly, there is evidence from Aberdeen, dating to 1281, that the word “*aldirmanus*” could “be used for the head of the burgh and *prepositi* for the bailies of the burgh”.⁶¹ The 1317 roll itself does not seem to mention such a figure, but of course that is not evidence that he did not exist.

54 See below, p. 80.

55 See E. Patricia Dennison, Anne T. Simpson and Grant G. Simpson, “The growth of two towns”, in Dennison et al. (eds), *Aberdeen Before 1800*, p. 19; the writers also make reference to the licence granted in 1393 by Robert III (r. 1390–1406) to construct the later tolbooth, which was located on the Castlegait. These writers distinguish the *tolloneum* from the later *pretorium*, translated as “tolbooth”. See also Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. cxxiv–cxxv.

56 On the burgh administration more generally in the fourteenth century, see Ewan, *Townlife*, pp. 40–63. The responsibility of the *ballivi* for the administration of justice is well attested by the 1317 roll itself and by the Ayr Manuscript (although it does speak of the work of the *prepositi*, as well as the *ballivi*, in this regard); see PA 5/2, f. 62r, chapter “*De Electione Prepositi*”. PA 5/2, f. 15v, containing some of the articles of inquiry to be considered by the chamberlain, speaks of the chamberlain’s duty to oversee the work of the *ballivi* in administering justice. At one point, Croft Dickinson suggests that there was a sharp distinction between the work of the *prepositi* and the *ballivi*, with the *prepositus* presiding in council and the *ballivi* presiding in the burgh courts (see Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. cxv). Yet elsewhere (at p. cii n. 11) Croft Dickinson makes it clear that there was no sharp terminological distinction drawn between the word *prepositus* and the word *ballivus* in the thirteenth century – he says they were “virtually synonymous in the second half of the thirteenth century”; and arguably this is correct as regards the early fourteenth-century position as well. Aside from the obvious point that the brieve of 1317 sewn into the burgh roll is addressed “*prepositis et ballivis burgi de Abirden*” – which might, admittedly, preserve the ways in which these terms were used at an early period – the near-contemporary Ayr Manuscript speaks of the election of *prepositi* – and not *ballivi* – to administer justice (see PA5/2, f. 62r). The distinction between the two words may indeed have been understood as Croft Dickinson suggests (at p. cxv) by the fifteenth century; but perhaps it had not crystallised in the early fourteenth century, and more closely resembled the position outlined by Croft Dickinson elsewhere in his extremely erudite introduction to the burgh records of Aberdeen (at p. cii n. 11).

57 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. cxviii–cxix.

58 *Ibid.*, p. cxix n. 1; see also the references to sergeands on pp. 76 and 82 below (for example).

59 On the liners, see Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. xli n. 3, and Taylor, *Shape of the State*, pp. 260–1.

60 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. lxxxi–lxxxii.

61 *Ibid.*, pp. cii–ciii n. 11.

As already stated, the *prepositi* and the *ballivi* were elected from the burgh community, which was made up of merchants and traders,⁶² and those presiding in the courts were not possessed of legal training. Presumably they acquired knowledge of the procedures followed within the burgh courts of Aberdeen by long experience; but there is no evidence that they received any formal education in this regard.⁶³ It must always be remembered too, as Croft Dickinson states, that “while these officers presided over the burgh court and possessed executive power, the judgements of the court were made by its members – the burgesses”.⁶⁴ In support of this point, it can be noted that the matters and disputes recorded in the 1317 roll at least reveal several examples of situations in which “worthy” and “faithful” men of the burgh community were indeed appointed to act on “assizes” so as to make the decisions of the burgh courts.⁶⁵

CONCLUSION

The aim of this introduction is not to provide an exhaustive account of the legal context of the 1317 roll. Nonetheless, it is hoped that the points that have been made will help those readers who are approaching materials taken from the burgh courts for the first time to understand some of the basic institutions referenced in the course of the roll itself. By way of conclusion, it seems fitting to draw attention briefly to a few questions which seem to arise from reading the roll in its broader context. For example, there is a growing body of literature concerning the extent to which it is appropriate to speak of a medieval Scottish “common law”.⁶⁶ Can the 1317 roll shed light on that?

There is good reason to think that the answer is in the affirmative. Obviously, the 1317 roll is only evidence of the law as applied in the burghs, and it is well known that

62 Croft Dickinson suggests that the elections were increasingly controlled by the merchant guild of Aberdeen by the early fifteenth century, but of course it is difficult to speculate as to the position in the early fourteenth century. See Croft Dickinson, *Early Records of the Burgh of Aberdeen*, pp. xc–cix, particularly at p. cv. On the guild of fifteenth-century Aberdeen, see the introduction to Elizabeth Gemmill, *Aberdeen Guild Court Records 1437–1468* (Edinburgh, 2005).

63 For a discussion of the evidence relating to the mid-fifteenth century, see Simpson, “Men of law”; for a brief introduction to the work of trusted representatives in court and men of law more generally in medieval Scotland, see Andrew R. C. Simpson and Adelyn L. M. Wilson, *Scottish Legal History Volume One: 1000–1707* (Edinburgh, 2017), pp. 56–9. For a detailed study of the extent to which one can speak of active legal *professionals*, and the existence of a legal *profession* in Scotland prior to the Reformation, see John Finlay, *Men of Law in Pre-Reformation Scotland* (Edinburgh, 2000).

64 Croft Dickinson, *Early Records of the Burgh of Aberdeen*, p. lxxxiii.

65 See below, pp. 74, 84, 86. See also Ewan, *Townlife*, pp. 136–60; and Claire Hawes, “The urban community in fifteenth-century Scotland: language, law and political practice”, in Jackson Armstrong and Andrew Mackillop (eds), *Communities, courts and Scottish towns*, special section of *Urban History* 44 (2017), 365–80.

66 See, for example, MacQueen, *Common Law*; David Carpenter, “Scottish royal government in the thirteenth century from an English perspective”, in Matthew Hammond (ed.), *New Perspectives on Medieval Scotland* (Woodbridge, 2013), pp. 117–59; Simpson, “Foreword: common law and feudal society in scholarship since 1993”, in MacQueen, *Common Law*, pp. xxix–lxi; Taylor, *Shape of the State* (in particular pp. 266–348, 438–55); Hector MacQueen, “Review of Alice Taylor, *The Shape of the State in Medieval Scotland, 1124–1290*”, *Edinburgh Law Review* 21 (2017), 310–15; John Ford, “Review of Alice Taylor, *The Shape of the State in Medieval Scotland, 1124–1290*”, *Modern Law Review* 80 (2017), 555–9.

there were differences between those laws, on the one hand, and the laws applied in the landward areas, on the other. Nonetheless, MacQueen and Windram argued some time ago that there is significant overlap between those different bodies of law,⁶⁷ and consequently understanding the extent to which there was a “common law” within the burgh courts may shed light on the extent to which there was – or could be – a “common law” in other jurisdictions in medieval Scotland. There are references in the roll to the apparent expectation that the “laws of the burghs of Scotland” were to be followed in Aberdeen in 1317; what did that mean? Were these direct references to particular texts of burgh laws, like the collections found in the Berne Manuscript and the Ayr Manuscript?⁶⁸ Or were the courts referring to something else? Work is currently ongoing in relation to this question, and some preliminary thoughts on the subject will be published elsewhere in the near future.⁶⁹

The 1317 roll may also shed light on representation in court. There are several references to those who acted as *procuratores*, *attornati* and *praelocutores* on behalf of others. How were those roles understood in 1317, when compared with the situation that prevailed in the better-documented fifteenth century? If read in light of the wider context of surviving, if fragmentary, records of other contemporary courts, can the references to these representatives in the 1317 roll help to advance discussions concerning the extent to which such individuals may have been skilled in technical rules of pleading? MacQueen has drawn attention to the regularity with which the “ubiquitous” Alexander Whitleir appeared on behalf of others in the court roll of 1317; what, if anything, is to be made of that “ubiquity”?⁷⁰ Again, work is ongoing on this subject, and it is hoped that some preliminary conclusions will be presented in the longer term.⁷¹

Finally, as already stated, the evidence of legal practice in the Aberdeen burgh courts in 1317 merits detailed comparison with the practice of the burgh courts as attested in other near-contemporary texts, such as the Ayr Miscellany⁷² and the text *De articulis inquirendis in burgo in itinere Camerarie secundum usum Scocie*,⁷³ mentioned above. It is hoped that the fact that the text is now presented here in translation will facilitate further work on and interest in the 1317 roll, in particular by students seeking a better understanding of the laws actually applied in at least one burgh in the reign of Robert I.

67 MacQueen and Windram, “Laws and courts in the burghs”.

68 PA 5/1, fos 62r–63v; PA 5/2, fos 49v–67v; for brief descriptions of these collections, see Taylor, *Laws of Medieval Scotland*, pp. 37–8, 48.

69 Simpson, “Procedures of the Scottish common law in a medieval town”.

70 MacQueen, “Some notes on wrang and unlaw”, p. 21.

71 One of the writers of this introduction (Simpson) has begun to address this subject; to that end, he presented a paper on 27 February 2020 entitled “Changing cultures of law in the burgh records, ca. 1310–ca. 1460? Perspectives on the representative work of Alexander Whitleir, Andrew Alanson and Master John Cadiou” at a seminar entitled “Types of Lordship in Comparison”; the seminar was held between 26 and 28 February 2020 at the Johannes Gutenberg University, Mainz, under the leadership of Professor Jörg Rogge.

72 See Taylor, *Laws of Medieval Scotland*, pp. 445–81.

73 See n. 43 above for where this text can be found, and Taylor’s discussion of it.

THE ROLL OF THE BURGH COURTS OF ABERDEEN, AUGUST–OCTOBER 1317

LATIN TEXT

The authors and the Stair Society have been unable to establish the identity of the present copyright-owners of Margaret Moore's transcription of ACA/5/6, as published in William Croft Dickinson (ed.), *Early Records of the Burgh of Aberdeen 1317, 1398–1407*, Scottish History Society (Edinburgh, 1957). As stated in the introduction, the Latin text presented below is taken from Moore's transcription. The correspondence of the current trustees of the Scottish History Society concerning this matter is gratefully acknowledged. The authors and the Stair Society will be pleased to acknowledge the copyright-owners of the transcription in any future publication.

[MEMBRANE 1]

[...*manuscript torn*...] Henric [...*manuscript torn*...] d quod dictus Adam [...*manuscript torn*...] unde [...*manuscript torn*...] quater quadraginta dies [...*manuscript torn*...] proximo sequens ad produced [...*manuscript torn*...]

[*Die lune?*] proxime ante festum Sancti Laurentii martiris anno gracie millesimo ccc^{mo} decimo [...*manuscript torn*...] de Abirdene in plena curia dicti burgi Ada filia et heres Rogeri de Hauw[od...*manuscript torn*...] de Polgoueny fi[...*illegible due to stain*...] et heredis Malcolmi de Polgoueny [...*manuscript torn*...] constituens Duncanum Kunedy et Dauid filium Laurentii suos prolocutores ad [...*manuscript torn*...] coram balliuis in curia predicta, qui, optenta licencia, ex parte dicte Ade proposuerunt quod [...*manuscript torn*...]s Malcolmi de Polgoueny vestitus fuit [...*hole in manuscript*...] de quadam pecia terre, cum pertinenciis [...*manuscript torn*...] edificii in eis constructis, iacente [...*hole in manuscript*...]parte vici furcarum inter terras [...*manuscript torn*...]quondam predicti Malcolmi versus Austrum et boream [...*hole in manuscript*...] 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 sua [*the word "sua" is stained*] 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, inoportunitate gerre totam terram Scotie undique agrauante, et dicto magistro Roginaldo propter suam rebellionem contra pacem regni existente, dominus rex dictam terram ipsam, pro eskaeto per rebellionem predicti magistri Roginaldi contingentem contulit discreto viro, domino Willelmo de Lindesey, rectori ecclesie de Are, tunc camerario suo Scocie, qui per dictam concessionem regis eandem occupauit et tenuit de domino rege per annos et dies. Et cum [*the word "cum" is stained*] processu temporis magister Roginaldus predictus ad pacem domini regis venerat cum aliis incolis dicti regni, et gratiam gaudendi [*the words "graciam*

THE ROLL OF THE BURGH COURTS OF ABERDEEN, AUGUST–OCTOBER 1317

ENGLISH TRANSLATION

... Henry ... that the said Adam ... whence ... forty-four days ... next following for the purpose of producing ...

[8(?) August 1317] [On the Monday?] next before the feast of St Laurence the Martyr in the year of grace one thousand thirteen hundred and [seven]teen ... of Aberdeen in the full court of the said burgh, Ada, daughter and heir of Roger of Hauw ... of Polgoueny¹ ... and of the heir of Malcolm of Polgoueny ... constituting Duncan Kunedy and David son of Laurence her procurators ... in the presence of the bailies in the foresaid court, who, permission having been obtained, declared on the part of the said Ada that ... of Malcolm of Polgoueny was vest ... concerning a certain piece of land, with its pertinents ... [buildings?] constructed in these lands, lying ... on the side of the Gallowgate between the lands [formerly?] of the foresaid Malcolm against the south and the north ... on the side lying ... and the said land, with other lands of the said Malcolm in the lifetime of the said Malcolm, was burdened in favour of Master Roginald of Buchan for eighty merks sterling, for which the foresaid Roger of Hauwod was obliged to the foresaid Roginald. For this debt the said Malcolm, by his settled² obligatory letters concerning the said Master Roginald, was made pledge and principal debtor, with his said land remaining obliged for the foresaid debt, and with the foresaid Master Roginald having bodily institution³ in the foresaid land. The foresaid Malcolm having been put out from the same died. With him dead, and with the inopportune war aggravating everywhere the whole land of Scotland, the said Master Roginald was against the peace of the kingdom because of his rebellion. Master Roginald having been escheated by reason of his rebellion, the lord king conferred the said land itself on a discerning man, the lord⁴ William of Lindsay, Rector of the Church of Ayr, then his Chamberlain of Scotland. Lindsay, by the said grant of the king, occupied and held the same from the lord king for years and days. Subsequently, following the elapse of a period of time, the foresaid Master Roginald came into the peace of the lord king with other inhabitants of the said kingdom, and they obtained the right

- 1 Probably this refers to modern-day Balgownie, to the north of Old Aberdeen on the banks of the River Don.
- 2 The Latin word “*residentes*” is difficult to translate. Assuming it is the participle form of *resido*, meaning to sit or to settle in a place, it may indicate the force or “settled” nature of the obligatory letters, and this is the translation offered here. The present writers are grateful to Dr Alice Taylor for discussing this with them; ultimately, the proposed solution to the problem is their own.
- 3 These words translate “*institucionem ... corporalem*” in a deliberately literal way, to distinguish this from other terms such as “possession” and “sasine”.
- 4 The present writers are grateful to Dr Alice Taylor for giving them advice on the best way to translate “*dominus*” in this passage.

gaudendi” *are stained*] ecclesiasticis bonis et mundanis impetrauerat. Dicitur dominus Willelmus, ut pleniori iure dictam terram poteret [*sic*] occupare, per formam conuencionis inter ipsum et predictum magistrum Roginaldum confectae, sibi de predicto debito satisfecit, et dictam terram exsolutam de manu sua recuperauit, 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 [...*manuscript stained*...] et tandem extraneorum mercatorum et peregrinancium a remotis partibus insinuacione veridica [...*manuscript stained*...] laborante dicta Ada concipiens predictum Duncanum, awunculum suum, viam uniuerse carnis [...*manuscript stained*...], et statim cum patre suo apud Abirdene accessit, ius hereditatis in dicta terra se habere proclamando, et [...*manuscript stained*...] Willelmi in euidenti paupertatis statu constituta assequabatur gratiam suam, continue expectando¹ ut [...*manuscript stained*...] paupertate compatiens sibi aliquam porcionem pecunie, per quam sui status [...*manuscript stained*...], pro iure suo quod, tanquam heres predicti Duncani, clamabat se habere in predicta terra, conferre sibi voluerit graciose, quamvis ad hoc faciendum non tenebatur de iure. De statu, tamen,² dicte puelle compatiens, et dictam terram [...*manuscript stained*...] quam pleno iure nolens gaudere, quandam pecunie porcionem ad summam [...*blank*...] 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 [...*manuscript stained*...] 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*]

1 The prefix “*ex*” is added above the line.

2 The word “*tamen*” is added above the line.

to enjoy in goods – ecclesiastical and worldly.⁵ The said Lord William, so that he might be able to occupy the said land by a more complete right, made an agreement with the foresaid Roginald. The Lord William satisfied Master Roginald concerning the foresaid debt, and he recovered the said unburdened land from his hand, and, in the same way of institution by which the same Master Roginald detained the said land, the same Lord William remained until this day. Whence⁶ the aforesaid Ada, under the rod⁷ of her father and underage, and residing with her father in another part of the kingdom outside the burgh of Aberdeen, by the state and time⁸ of the foresaid Duncan, her uncle, the son and heir of the foresaid Malcolm, lived in those parts of the world, diligently and skilfully exploring, [and] desirous for greater strength in [her] inheritance of the said Malcolm of the said land by the death of the said Duncan, if it should happen, as the nearer and more apparent heir of blood of the said Duncan, heir [of the said Malcolm]⁹ ... and at length by the truthful account of foreign merchants and travellers from the remote parts of the kingdom ... with striving Ada, seeing the foresaid Duncan, her uncle, [about to go]¹⁰ the way of all flesh ... and immediately came to Aberdeen with her father, while proclaiming herself to have hereditary right in the said land, and ... to¹¹ William in a condition of evident poverty, was pursuing his favour, while continually expecting that ... compassion on poverty some portion of money to her, by which her condition ... by her right which, as much as the heir of foresaid Duncan, she claimed to have in the same land, she wished to transfer to him freely, even though she was not bound to do this by law. Having compassion, however, on the condition of the said girl, and the said land ... which [she did not]¹² wish to enjoy by full right, he paid to her a certain sum of money to the value of [*blank*] in satisfaction of debt for the whole right which the said girl, acting on behalf of herself and her heirs, claimed to have in the said land. In respect of this sum, the said girl held herself well contented and pacified. And in the time in which the said Ada reached agreement with the said lord William concerning the sale of the said land and the renunciation of her right concerning the said land, she offered herself, in the presence of the bailies and the court of the burgh, in describing her helpless state, and beseeching them that concerning ... she was born and nursed in Aberdeen, and that in the said town of Aberdeen the perfection of her age was able to be known and understood better than elsewhere, so that the bailies themselves, by the power of their office, by means of a

5 The present writers are grateful to Dr Alice Taylor for discussing this passage with them; the point that is presumably being made is that Roginald and the other *incolae* were given the right to hold property again because they were no longer the king's enemies.

6 "*Unda*" is treated here as a scribal error for "*Unde*".

7 "*Virga*" stands behind the translation "rod"; the meaning is presumably that Ada was in some sense under her father's authority, or in his power.

8 Presumably this means that she was in some sense required to be there by Duncan's state or condition.

9 Words supplied from the context. This complex section indicates that Ada was somehow constrained to live in another part of the kingdom while her uncle, Duncan, was still alive, but she was "desirous" that her claim to the family lands in the Gallowgate might be strengthened by his death.

10 Words supplied from the context.

11 The present writers are uncertain how to place the word "*constituta*" in this section; it may have something to do with the damaged portion of the text.

12 Words supplied from context.

ville, per quos sue etatis perfectio melius sciri potuit et inquiri, graui sacramento interueniente, se ad inuicem super sue etatis perfectione consulerent et eandem balliuis et curie predictae deponerent. 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, inpignorandi, vendendi, et alienandi terras et possessiones quasunque; [MEMBRANE 2] et sic matura etate dicte Ade per deposicionem 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 vulerint 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 venden- [... *hole in manuscript ... renunci*] -acionis et vendicionis comparuerunt in curia dominus Galfridus de Wellys, capellanus [...*hole in manuscript, followed by a stain...*] pelliparius, ostendentes quod ipsi proximiores erant heredes dicte terre [...*hole in manuscript, followed by a stain...*] mota fuit de Alicia, sponsa quondam Malcolmi de Polgoueny predicti et [...*manuscript stained...*] maritaggio cum predicto Malcolmo, et quod ipsi tanquam proximiores [...*manuscript stained ...*] hereditarie deberent gaudere computando hinc inde [...*manuscript stained...*] ad [...*manuscript stained...*] mulierem. Et super discussione sui iuris in dicta terra [...*manuscript stained...*] in bonam assisam proborum ville, que assisa iurata et [...*manuscript stained...*] pelliparium, ratione proximitatis sanguinis sui, in defectu predictae Ade filie [...*manuscript stained...*] si se ipsam fieri contigisset humanitus proximiorum et apparenciorum heredem [...*manuscript stained...*], pro parte dicti domini Galfridi deposuit ipsum nulla ratione sanguinis [...*manuscript stained...*] sponse quondam predicti Malcolmi de Polgoueny [...*manuscript stained...*], et sic dictus dominus Galfridus a clamio dicte terre fuit exclusus [...*manuscript stained...*] recusans³ iura sua que, ratione proximitatis sanguinis, vel alterius iuris, [...*manuscript stained...*] in dicta terra pure, perpetuo, et simpliciter renunciauit in manus dicti domini Willelmi de Lindesey in plena curia dicti burgi de Abirdene, qua renunciacione facta, nemine alio de sanguine venditoris predictae dictam vendicionem et alienacionem ad tres oblaciones premissas in tribus placitis burgi predictis inpugnante nec contradicente, dicta Ada supplicauit balliuis dicti burgi ut ipsi cartam infeodacionis sue, per quam vendidit dictam terram et dictum dominum Willelmum infeodauit in

3 The word "recusans" is added above the line.

good and sufficient assize of the leading men of the burgh, through whom the perfection of her age could be known and investigated – with the great oath being sworn – might deliberate among themselves concerning the perfection of her age, and declare the matter to the bailies and the foresaid court. Which assize of the leading men of the burgh having been raised, sworn and consulted, declared in the strength of its own oath, with Mariota, the wet-nurse of the foresaid girl, having been entered and sworn with the foresaid assize, that the said Ada had reached her fifteenth birthday on the feast-day of St Martin in the year of our Lord 1314, and that then, following the laws of the burghs of Scotland, she was of perfect age for the purposes of making contracts, pledging, selling and alienating lands and possessions whatsoever. And thus the maturity of age of the said Ada was established and proven by the declaration of the said assize and the oaths of her said wet-nurse. [Then the said Ada]¹³ offered the said land [for sale]¹⁴ in full court of the burgh of Aberdeen at three head courts of the burgh according to use and wont and through the laws of the burghs of Scotland, to the closest of her kin of her blood, who might wish to buy the lands for the same, or for a similar, sum of money to pay off the debt for her. She offered the land [for sale]¹⁵ for a first time, a second time and a third time, through her attorney Richard son of Randulph, who was constituted attorney by means of a brieve issued by the king's chapel ... in renunciations and sales there appeared in court lord Geoffrey of Wellys, chaplain ... skinner, declaring that they themselves were closer heirs of the said land ... was moved concerning Alice, sometime wife of the foresaid Malcolm of Polgoueny and ... with the right of marriage with the foresaid Malcolm, and that they themselves as much as closer ... of the heritage¹⁶ they ought to enjoy in the reckoning on the one side and on the other ... towards ... the woman. And concerning the discussion of his right in the said land ... in a good assize of the men of probity of the town, in which assize having been sworn and ... the skinner, by reason of the proximity of his blood, in default of the foresaid Ada daughter ... in the event of [his]¹⁷ death, that she herself had been made the closer and more apparent heir ... on the part of the said lord Geoffrey, deponed himself by no reason of blood ... of the wife of the late foresaid Malcolm of Polgoueny ... and thus the said lord Geoffrey was excluded from the claim of the said land ... pleading in defence his rights which, by reason of proximity of blood, or of the right of another ... in the said land plainly, perpetually and simply renounced into the hands of the said lord William of Lindsay in the full court of the said burgh of Aberdeen. With which renunciation having been made, with no-one else of the blood of the foresaid seller impugning or contradicting the said sale and alienation at the three opportunities permitted in three head courts of the foresaid burgh, the said Ada supplicated to the bailies of the said burgh that they should read out her charter of infeudation, through which she had sold the said land and infett the said

13 Words supplied from context.

14 There is a hole in the manuscript obscuring a word beginning "*venden*" – this probably refers to sale.

15 There is a hole in the manuscript obscuring a word beginning "*venden*" – this probably refers to sale. The reference to offering for sale occurs only once; the present writers have repeated the passage to make the translation flow more easily in English.

16 This word may be in the genitive or in the ablative in the original.

17 Word suggested from the context.

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 predictae. Et sic ad instanciam 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 Abirdene tunc temporis, solutis, eidem domino Willelmo saysinam dicte terre [...*manuscript stained*...] ibidem congregata⁴ testante. Et in tradicionem dicte saysine predicta Ada cartam infeodacionis sue de predicta terra confectam dicto domino Willelmo per manus suas deliberavit, et [...*manuscript stained*...] processum litis⁵ predictum per illam legem burgorum per quam dicitur, cum cartis et clamore fiat tradicio terrarum in burgis.

Et⁶ idem dominus Willelmus, postquam dicta assysa deposuerat pro dicto Johanne pro proximiore [...*manuscript stained*...] sanguinis predictae Ade, ad vendicandum ius in predicta terra optulit in plena curia ad [...*manuscript stained*...] omnes conuenciones inter ipsum et dictam Adam confectas super empcione et vendicione dicte terre, per quod ipse Johannes omnem pecuniam, quam idem soluit Ade predictae 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 post ante⁷ festum Sancti Laurentii Johannes filius Laurentii, carnifex, et Marioria, sponsa dicti Johannis et filia quondam Bricii de Cragy, presentauerunt litteram de capella domini regis d[ire]cto⁸ prepositis burgi de Abirdene, que rotulo suta est, qua perlecta prepositi dederunt in mandatis [...*manuscript torn*... *Thome*] Ernach, sergenti dicti burgi, ad citandum Emmam, filiam quondam Bricii de Cragy, in diem [...*manuscript torn*...] quindenam ad respondendum dicto die contra predictos Johannem et Marioriam super tenore littere de [...*manuscript torn*...]

4 The words "*ibidem congregata*" have been added above the line.

5 The word "*litis*" has been added above the line.

6 The word "*Et*" has been added above the line.

7 The word "*ante*" has been added above the line.

8 The manuscript is torn here.

lord William in it in his court. [She also supplicated that,]¹⁸ according to the tenor of the same [charter],¹⁹ thence they should deliver sasine to the said lord William, through the intermediary person of the bailie between the parties at the head and entrance of the foresaid land. And thus, at the instance of the said girl, the bailies and the court rose, and coming to the head of the said land with the *denarius de intoll* and the *denarius de uttoll*²⁰ from both the parties, the buyer and the seller, [paid into]²¹ in the hand of Thomas son of Roginald, then one of the bailies of Aberdeen for the time, to the same lord William [made]²² sasine of the said land ... with those who had been gathered witnessing at that very place. And in the act of handing over the said sasine, the foresaid Ada delivered her completed charter of infeudation to the said lord William with her own hands, and ... legal process foresaid²³ through that law of the burghs, through which it is said, delivery of lands in burghs ought to be made with charters and with acclamation. And the same William, after the said assize, deposited for the said John for the closer ... of blood of the said Ada, in order to buy the right in the foresaid land, offered in full court ... all agreements made between himself and the said Ada concerning the purchase and sale of the said land. Whereby John himself should have paid all money in full within one year immediately following, which the same²⁴ paid to the foresaid Ada for the purchase of the said land, and concerning which he satisfied the foresaid Roginald of Buchan for the debt of Malcolm of Polgoueny foresaid.

[8 August 1317] On the Monday next before the feast of St Laurence, John son of Laurence, flesher, and Marjory, spouse of the said John and daughter of the deceased Brice of Cragy, presented a letter of the chapel of the lord king, [directed]²⁵ to the officers of the burgh of Aberdeen, which is sewn in the roll. Which letter having been read, the officers²⁶ gave [it] into the care of [Thomas]²⁷ Ernach, sergeand of the said burgh, for the purpose of citing Emma, daughter of the deceased Brice of Cragy, for a day ... quindene²⁸ in order to respond on the said day against the foresaid John and Marjory, concerning the tenor of the letter of ...

18 Words repeated to assist the flow of the English translation.

19 Word supplied from context.

20 The payments of these two pennies were clearly made to facilitate entry to burgh property. See <https://dsl.ac.uk> (accessed 2 March 2020, using the search terms “*intoll*” and “*uttoll*”); the terms are discussed in Joanna Kopaczyk, *The Legal Language of Scottish Burghs: Standardization and Lexical Bundles 1380–1560* (Oxford, 2013), pp. 130–1. See also Simpson, “Earth and stone”, p. 114.

21 It has been assumed here that “*solutis*” is referring back to the payments of the *denarius de intoll* and the *denarius de uttoll*.

22 Word supplied from context; the manuscript is torn where one would expect the relevant verb.

23 These words are in the accusative.

24 Who is meant by the “same” here is difficult to establish; it might be William, and it might be John. Exactly what John’s involvement was in this transaction cannot be established due to the fact that the court roll is damaged. One possibility is that John was a procurator for William of Lindsay, that he had paid Ada and Roginald of Buchan on his behalf, and that the final record was of William of Lindsay repaying John for the sums expended in the matter. Perhaps, too, William was depositing some other sum with John to deal with any disputes arising from those who were nearer in blood to Ada.

25 Manuscript torn.

26 Given the case endings of “*prepositi*” and “*prepositis*” in the Latin, the translators have rendered this word as the nominative plural, and avoided the specific term “provost” or “alderman”.

27 Manuscript torn.

28 This literally means “within fifteen days” – i.e. within a fortnight. This is discussed further above in the introduction; see p. 64.

Robertus dei gracia rex Scotorum prepositis et balliuis burgi de Abirden, fidelibus suis, salutem. Mandamus vobis et precipimus quatinus Johanni filio Laurencii et Mariorie filie quondam Bricii de Cragy, sponse sue, plenum rectum teneri faciatis, ratione dicte sponse,⁹ de una perticata terre cum pertinenciis jacente infra dictum 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 clamauit 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, tantum¹⁰ 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 [*die ...manuscript torn...*] primo citatus contra Willelmum Duncan et non comparuit. In misericordia.

Eodem [*die ...manuscript torn...*] per Alexandrum Wytleyir, prelocutorem suum inculpauit Adam fullonem quod idem Adam [*...manuscript torn...*] sua defamauerat, vocando ipsum falsum hominem, et cum cultello euaginato [*...manuscript torn...*] nlaw, et ponendo ad dampna sua xx s., et hoc optulit se verificare per [*illegible*] gentem burgi qui [*...manuscript torn...*] et audiuit. Alter per os Roberti iuuenis, sui prelocutoris constituti, negauit wrang et unlaw et peciit [*...manuscript torn...*] consilium; qui de consilio suo rediens negauit W[*rang*] et unlaw prius, non tamen negauit se aliqua verba [*...manuscript torn...*] que non debuit, et hoc voluit emendare iuxta ordinacionem 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.

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

⁹ The words "*ratione dicte sponse*" have been added above the line.

¹⁰ The manuscript is stained at the word "*tantum*".

Robert by the grace of God king of Scots to his faithful officers and bailies of the burgh of Aberdeen, greetings. We command and ordain you that you cause John, son of Laurence, and Marjory, daughter of the late Brice of Cragy, his wife, to have full right by reason of the said wife of a perticate of land with the pertinents lying within the said burgh of Aberdeen on the eastern side of the street known as Gallowgate, between the land which belonged to the late William Ficchet on the southern side at one end, and the land on the northern side which belonged to the late Reginald of Grendoun at the other, which perticate of land with the pertinents he claims to hold of us heritably by reason of his said wife, rendering annually therefor to us and our heirs six silver pennies in this way, three pennies at the feast of Whitsun and three pennies at Martinmas in winter, also rendering to the brothers of the order of the Trinity in Aberdeen six shillings and eight silver pennies each year, in this way, half at the foresaid feast of Whitsun and the other half at the foresaid feast of Martinmas in winter, of which perticate of land with the pertinents Emma, daughter of the foresaid late Brice of Cragy, has unjustly deforced them, so they say, acting thereupon so that we shall not again hear any just complaint for want of right therein. Having been witnessed by me myself at Aberdeen, on the 28th day of July in the twelfth year of our reign.²⁹

On the same [day]³⁰ ... having been cited for the first time against William Duncan and did not compear. [He]³¹ is in the mercy of the court.

On the same [day]³² ... through Alexander Wytleyir, his forespeaker, he accused Adam the Fuller that the same Adam ... defamed his [*something that in Latin was feminine*], in calling him a false man, and with his unsheathed knife ... unlaw, and in estimating his loss at twenty shillings, and he offered to verify this through the sergeand of the burgh who ... and heard.³³ The defender, through the mouth of Robert Young, having been constituted his forespeaker, denied wrang and unlaw and sought ... advice; who, returning from his advising, denied W[rang] and unlaw first, however did not deny himself ... some words ... which he ought not, and this he wished to correct according to the decree of those who were present. Whence, by the consideration of the court, they have a day to reach agreement in love by Wednesday next following, saving the penalty in which the same Adam remained by reason of his confession of his wrongdoing having been made in full court. Memorandum that Thomas the Apothecary compeared in the court of the burgh for three days of pleas, declaring that he is bound in a certain annual rent of thirteen shillings and fourteen pence concerning that land lying on the western part of *Cukystoll*³⁴ between the land of Roger Bower towards the north at one end, and the land which belonged to Duncan Apwart towards the south at the other end. Concerning those lands, he

29 The translation of this brieve largely follows that found in Hector L. MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh, 2016), p. 189.

30 Manuscript torn.

31 The gender of the individual placed into the mercy of the court is unclear.

32 Manuscript torn.

33 This probably read "saw and heard".

34 This may perhaps be identified with the place named the "Cukstulepule" mentioned in the *ARO*; see, for instance, ARO-5-0211-07.

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 Marie¹¹ virginis.

Eodem die Johannes Halt per Alexandrum Wytleyir [...*manuscript stained* ...] inculpauit¹² [...*manuscript stained*...] Tidemannum Breme et Elisot, sponsam suam, quod idem Tydemannus et Elisot

Eodem die [...*manuscript torn*...] in littera regia de recto prepositis burgi directa [...*manuscript torn*...] ¹³ Cragy p[...*manuscript stained*...] quod ipsa in villa de Abirdene personaliter ne[...*manuscript torn and stained*...] nem b[...*manuscript stained*...] contra Johannem filium Laurencii [...*manuscript torn and stained*...] fuit qua licet pluries exp[*ectata*...*manuscript torn and stained*...] dictum tenementum fuit per ipsum fact[...*manuscript torn and stained*...] eandum p[...*manuscript stained*...] illato [...*manuscript torn and stained*...] dicto Andree, et preceptum est eidem Thome¹⁴ ad citandum dictam Emmam [...*manuscript stained*...] die lune [...*manuscript torn and stained*...]

Eodem die Adam Baxy *tercio* tribus vicibus¹⁵ citatus contra Willelmum de [...*manuscript defaced*...].

Eodem die Walterus Thokis primo citatus contra Dauid Cryn [...*manuscript defaced*...] non comparuit [...*manuscript defaced*...]

Eodem die Philippus de Gaitown citatus contra Willelmum Duncani [...*manuscript defaced*...]. In misericordia.

[MEMBRANE 3]

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 peciit vicinos predictos. Unde habent diem in diem dominicam proxime sequentem recepturi verificacionem facti prout vicini recordauerint, conuicto remanente in misericordia.

11 The word "*Marie*" is stained in the manuscript.

12 The word "*inculpauit*" has been added above the line.

13 The words "*in littera regia de recto prepositis burgi directa*" have been added above the line in the torn section of the manuscript.

14 The word "*Thome*" has been added above the line.

15 The words "*tribus vicibus*" have been added above the line.

recalled that they had been completely deserted for two terms, that is to say, of the past two terms of St Martin's and Pentecost, with no payment [made]. This sum he had ready in his hand, and offered himself ready to pay whomsoever had both right in the said annual rent and also the power to recover it legally.

[22 August 1317] On the Monday in the octave³⁵ of the assumption of the blessed virgin Mary.

On the same day John Halt through Alexander Wytleyir ... accused ... Tydeman Breme and Elisot, his wife, that the same Tydeman and Elisot

On the same day ... in royal letters of right directed to the officers of the burgh ... Cragy p... that she herself personally in the burgh of Aberdeen ... against John son of Laurence ... is permitted many ... the said tenement was by himself ... the same ... to the said Andrew, and the said Thomas is commanded ... for the purpose of citing the said Emma ... on Monday ...³⁶

On the same day Adam Baxy having been cited on three occasions against William of ...

On the same day Walter Thokis having been cited for the first time against David Cryn ... did not compear ...

On the same day Philip of Gaytoun having been cited against William of Duncan ... He is in the mercy of the court.

[5 September 1317] The court held on Monday next before the feast of the Nativity of the blessed virgin Mary in the house of Andrew Bissap in the vicinity of the castle.

On the same day Richard Leadbetter accused John Lene, husband and tutor of Beatrice, his wife, that on the Thursday last bypast the said Beatrice defamed and beat him with wrang and unlaw in the house of James Ferwr in the neighbourhood of Fittie, and estimating his damages at twenty shillings offered to prove this through the neighbours of the said neighbourhood. The defender, through the mouth of Alexander Witleyir, her forespeaker, denied W[rang]³⁷ and unlaw, defamation and beating, and concerning this sought the [testimony]³⁸ of the foresaid neighbours. Whence they have a day in the Sunday next following to ascertain the truth of the affair just as the neighbours should remember, with the convicted person remaining in the mercy of the court.

35 This literally means "within eight days" – i.e. within a week.

36 There are certain words in this paragraph which, as can be seen from the Latin text, cannot be translated due to lack of context. These have not been reproduced in the translation.

37 Word supplied from context.

38 Word supplied from context.

Eodem die Emma filia quondam Bricii de Cragy, burgensis de Abirdene, secundo citata per Thomam Ernach, sergentem burgi, contra Johannem filium Laurentii et Marioriam filiam predicti Bricii, sponse eiusdem Johannis, ad respondendum eisdem Johanni et Mariorie super tenore littere regie de recto [...*bole in manuscript...prepo*] sitis dicti burgi directe, qua Emma licet pluries vocata et diucius expectata nullo modo comparuit, et idem Thomas Ernach, sergens, dictam citacionem ~~eidem Emme~~ 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 ratione cuiusdam plegii in manibus Simonis Gelchach et Thome filii Reginaldi, balliuorum burgi, per ipsum inuenti de proseguendo 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 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 Willelmo de Abirnethy¹⁶ pro termino unius anni, reddendo sibi pro firma unius anni xx s. sterlingorum, quam domum, iacentem in vico furcarum cum pertinentiis 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 Abirnethy, ne in dicta terra sibi assedata pacifice morari posset, perturbauit, per quod dictus Willelmus Duncani fi[*rmam ...manuscript torn...*] suam sibi conuencionatam penitus amisit, item dicendo et non solum illo anno, verum eciam quincque annis [...*manuscript torn...*] sequentibus, dictus Philippus eodem modo penes ipsum et tenentes suos quibus dictam domum assedauerat [...*manuscript torn...*] imposuit impedimentum, item dicendo quod cum ipse, Willelmus Duncani, die martis sex septimanis e[*lipsis ...manuscript torn...*] in terra sua eidem domui adiacente lutum fecisset fodiri et equum suum ad carandum dictum lutum [...*manuscript torn...*] idem Philippus dictum equum iniuste detinuit et modo violente arestauit, estimando wrang et unla[*w ...manuscript torn...*], et ponendo ad dampna sua xl s., exceptis vi li. de principali de firmis dicte domus sex annorum preteritorum, et super hoc peciit iudicium curie, ex quo esset dies suus peremptorius, qualiter deberet recedere. Unde propter debilitatem curie balliui continuauerunt diem illum in diem lune in quindenam¹⁷ proxime sequentem. Et idem balliui dederunt in mandatis Thome Ernach, sergenti, ad citandum dictum Philippum dicto die iudicium recepturum.

16 The words "*Willelmo de Abirnethy*" have been added above the line.

17 The words "*in quindenam*" have been added above the line.

On the same day Emma, daughter of the deceased Brice of Cragy, burgess of Aberdeen, having been cited for the second time by Thomas Ernach, sergeand of the burgh, against John, son of Laurence and Marjory daughter of the foresaid Brice, spouse of the same John, so as to respond to the same John and Marjory concerning the tenor of the letter of right of the king directed to the [officers] of the said burgh. The said Emma, although often called and awaited for a long period, in no way appeared, and the same Thomas Ernach, the sergeand, [declared]³⁹ that he personally had legitimately made the said citation ~~to the said Emma~~ concerning the tenement specified in the said royal letter, which is sewn into the roll. He offered himself ready to prove this by the testimony of Thomas Mareschall of Fintreth and Adam Prony, butchers.

On the same day, that is to say, the fourth day, William of Duncan compeared in court by reason of a certain pledge in the hands of Simon Gelchach and Thomas son of Reginald, bailies of the burgh, found by him in order to pursue a claim against Philip of Gaydouna, for injuries done to him by the said Philip, as he was claiming. William of Duncan waited for the appearance of his opponent for a long time, albeit the said party [was] often called and failed to appear, and the sergeands of the burgh – that is to say, Thomas Ernach and Robert Reid – said that the previous citations had lawfully been served on the same Philip. William of Duncan recited his challenge, saying that, six years had elapsed since he had granted a certain stone house of his, for rent, to William of Abernethy for term of one year. This [agreement]⁴⁰ rendered to him a rent of 20 shillings sterling each year. This house, lying with its pertinents in the Gallowgate, William of Duncan bought from Geoffrey of Gaytouna, father of the said Philip. William of Duncan was vest and saised in the same long before the death of the said Geoffrey. The same Philip disturbed the said William of Abernethy – lest he should be able to remain peacefully in the said land rented to him. Due to this, the said William of Duncan completely lost the agreed rent due to him, and not only in that year, but also the five years following, the said Philip in the same way inflicted hindrance on him and his tenants in the leased house. Likewise, six weeks having elapsed, on a Tuesday, William of Duncan said that he caused soil to be dug in his land lying adjacent to the same house, and, in order to transport the soil, his horse ... the same Philip unjustly detained and violently seized the said horse, amounting to wrang and unlaw, and amounting to damage of forty shillings, in addition to six pounds of the principal of the rent of the said house from the six years already mentioned. And upon this he asked judgement of the court, from which [point]⁴¹ the day of peremptory judgement should be [established],⁴² as it ought to be reduced. On account of debility the bailies of the court continued the case to the Monday in the next quindene. And the bailies mandated Thomas Ernach, the sergeand, to cite the said Philip to receive judgement on the said day.

39 Word supplied from context.

40 Word supplied from context.

41 Word supplied from context.

42 Word supplied from context.

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 procuratorem 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 peciit 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 peciit 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, tempestiue 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,

On the same day Reginald, son-in-law of Walter Purniel, was first cited against Andrew Pernum and did not compear. He is in the mercy of the court.

Memorandum that John Tanner, son of Adam Tailor, having been constituted in full court, constituted Roger, son of Stephen, tailor, his attorney and procurator for arrangement of his rents and lands in the burgh of Aberdeen, and to defend him at law in all quarrels moved and fitting to be moved concerning the said rents and lands, or those touching his person.

[19 September 1317] The court held on Monday next following the feast of the exaltation of the holy cross.

On the same day, [it was noted that]⁴³ Emma, daughter of the deceased Brice of Cragy, burgess of Aberdeen, had been cited for the third time by Thomas Ernach, sergeand of the burgh, against John son of Laurence and Marjory, daughter of the foresaid Brice, and spouse of the said John, to respond to the same John and Marjory concerning the tenor of the king's letter of right directed to the officers of the said burgh. Albeit that she was often called, and her appearance was long-awaited, she did not compear in any way. The same Thomas Ernach took the citation to the tenement specified in the said royal letter, which is stitched in the roll. He offered himself ready to prove that he did this legitimately, in person, by the testimony of John of Menteth, shoemaker, and Adam Scot. The fourth citation is to be peremptory.

On the same day, William of Duncan compeared in full court with Alexander Witleyir, his procurator, on the one part, and on the other part there compeared Philip of Gaytouna, who constituted John of Gardropa as his procurator. Whence the said William of Duncan asked for the [section of the]⁴⁴ roll produced in the burgh court last held to be read out, [in so far as it]⁴⁵ concerned the process of law moved by him against the said Philip. The roll was inspected and read out in court, and the said William asked the court to return judgement to him following the tenor of the foresaid roll. To this John of Gardropa, on behalf of the said Philip, said that before judgement was returned or process of law begun, it should have been reversed in favour of the said Philip in some earlier judgement; in that way Philip might have compeared [in court] at the right time. This was especially because the principal ground of this claim touches Philip's heritage, and therefore by right he cannot be obliged to respond without a letter from the king's chapel. To this, the said William said that the land, with its pertinents, of which the same Philip made mention, was his free heritage, which he had bought faithfully from Geoffrey of Gaytouna, sometime father of the said Philip. William also maintained that he was peacefully saised of the said land without hindrance from anyone, and that he had not been lawfully ejected from the said sasine at any time. To this, the said John of Gardropa responded that in the claim concerning these complaints and articles previously, as

43 Words supplied from context.

44 Word supplied from context.

45 Word supplied from context.

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 discutiendo, 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 preced[...*manuscript torn...*] erat inter ipsos dictum Galfridum, patrem dicti Philippi, et ipsum Phillipum, set nuncquam de suo consensu vel assensu. Ad quod dictus Johannes de Gardropa dixit quod et eciam ipso Willelmo Duncani in curia presente, assencie, 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

[MEMBRANE 4]

Curia capitali tenta die lune proxime post festum beati Michaelis archangeli primo vocati fuerunt ruremanentes, absentibus remanentibus in admerciamentis.

Eodem die de precepto balliuorum leuata fuit bona et 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 assisa que precedebat tempore magistri Stephani de Donidouer, tunc camerarii Scocie, erat inter Galfridum de Gaytouna, patrem dicti Philippi, et ipsum Phillipum et non inter ipsos Willelmum

now, maintained between William and Philip, there was raised in the said tolbooth, before a discreet man, Master Stephen of Dunideer, then chamberlain of Scotland, a good and sufficient assize of worthy and faithful men of the burgh fitting to determine the rights of the two parties according to law. The assize having been sworn, it deponed that the said land pertained to Philip,⁴⁶ with Philip himself indeed remaining vest of the same. To this the said William said that, if any assize had been . . . it was between the said Geoffrey, father of Philip, and Philip himself, but never with his own consent or assent. To this, John of Gardropa said that [everything he alleged had taken place],⁴⁷ and that indeed [it had all taken place]⁴⁸ with William of Duncan himself present in court, assenting, and in no way contradicting [the proceedings].⁴⁹ And as regards [the truth of]⁵⁰ this, the said John of Gardropa, on the part of Philip, found pledge in the hands of the bailies, and for verification of the same asked for an assize. Wherefore, the bailies asked of the said William of Duncan if, in response, he should wish to find a pledge [to support his claim].⁵¹ William, having had many altercations, sought licence to take counsel. Having taken advice, at length he found a pledge in the form asked by the bailies. Thereupon the bailies appointed a certain day for both parties to compear and to be ready to receive the assize, that day being the Monday next after Michaelmas.

On the same day, Richard Rere was cited for the first against Peter Armurer and he did not compear. He is in the mercy of the court.

On the same day Roginald, son-in-law of Walter Purniel, was cited for the second time against Andrew Pernum and he did not compear. He is in the mercy of the court.

On the same day [*blank*]

[3 October 1317] The head court held on the Monday next after the feast of Michaelmas; those remaining in the country were called for the first time, with those remaining absent being in the mercy of the court.

On the same day, by the command of the bailies, there was raised a good and sufficient assize of faithful men of the burgh sworn – with the uttering of the great oath – of whom their names are written below, for the purpose of speaking the truth of the matter between William of Duncan and Philip of Gaytouna, according to the form of the pledges found in the hands of the said bailies by the said William and Philip, as is more fully contained in the enrolment made about it. Which assizers, having been sworn, say that the assize which was proceeding in the time of Master Stephen of Dunnideer, then chamberlain of Scotland, was between Geoffrey of Gaytouna, father of the said Philip, and Philip himself, and not between William of Duncan

46 Literally, this reads that the land was “of Philip”.

47 Words supplied from context.

48 Words supplied from context.

49 Words supplied from context.

50 Words supplied from context.

51 Words supplied from context.

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, iacentis in vico furcarum,¹⁸ que se extendit in latitudine a lingno posito in muro in singnum tempore construcionis 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 edificiis 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 Kyrctat, quam domum Willelmus filius Gartaneti, pistior, 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 Dauid Cryn et Alexandrum Wytleyir suos prolocutores, et Emma filia predicti Bricii, rea ex altera, petens, tancquam orphana et puella infra etatem, a balliuis prolocutorem pro causa sua defendenda 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 predicte, conuocatis eorum amicis et adunatis, probare deberent infra quatuordecem dies proxime sequentes, si per aliquam viam compositionis conuenire possent in amore, et, si aliquo modo infra dictum tempus non poterint concordare, partes predicte sine aliqua premunione 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 lite remoto [*sic*],¹⁹ et electis duodecem viris burgi fidedingnis et non suspectis cum duobus superioribus, videlicet Rogero clerico et Ricardo de Elgyn, magno sacramento grauter 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 tancquam iudicium redditum

18 The words "*iacentis in vico furcarum*" have been added above the line.

19 The words "*lite remoto*" have been added above the line.

and Philip themselves. Nonetheless, William himself was then present, and did not say anything against [what was done].⁵² Likewise, the assizers said that the assize found, and that they themselves [now]⁵³ find, that a certain part of the said land, lying in the Gallowgate, which extends in length from a piece of wood[?]⁵⁴ placed in a wall as a marker at the time of building the stone house in the said land, towards the south, and the house of the late Thomas Slech to the north, was given to Geoffrey of Gaytouna in free marriage with Mariota Slech, spouse of the said Geoffrey, late mother of the said Philip. And thus they find that the said part of land, with the buildings built in the said land, pertains to the said Philip by reason of hereditary right of his mother.

On the same day, Walter son of Ralph protested that he was unable to recover his feu of six shillings and eight pence of possible annual rent from a certain house with furnace lying in the vicinity of the kirkgate – which house William son of Gartanet, baker, holds of him at feu farm for two terms last bypast – on account of insufficiency of the tenement.

On the same day, that is to say in the fourth day, there compeared in court John son of Laurence, flesher, and Marjory, spouse of the said John, daughter of the late Brice of Cragy, actors on the one part, who constituted David Cryn and Alexander Wytleyir their procurators. There also compeared Emma, daughter of the said Brice, on the other part. As she was an orphan and an underage girl, she asked the bailies to appoint a forespeaker in order to defend her cause. Whereupon, the king's letter having been read in full court, and with many disputes having taken place between the two parties, at length through [the efforts of] the friends of both parties an interlocutory judgement was made concerning an agreement fitting to be made between the parties. With the consent of the parties, and the permission of the bailies, [the agreement]⁵⁵ is to be formed as follows. That is to say, the foresaid parties – their friends and confederates having been gathered together – ought to establish, within fourteen days next following, whether or not they may be able to come together in love, by reaching another agreement. And if they shall not be able to reach such an agreement within the said period of time, the said parties, not being permitted any forewarning or citation, should appear in person before the bailies, in the said tolbooth on Monday in quindene, that is to say Monday in the vigil of St Luke the evangelist. On the said day, their dispute having been at that instant set aside, twelve faithful and non-suspect men of the burgh are to be elected, with two superiors, that is Roger the clerk and Richard of Elgin. With the great oath being declared, they are to swear upon the rights of both parties in the said lands specified in the king's letter, which is stitched to the roll. And whatever will have been found by those sworn persons in the first instance – and given as judgement rendered in the

52 Words supplied from context.

53 Word supplied from context.

54 This is difficult to translate; it probably refers to the process of "lining", whereby boundaries were determined in the burghs; for this process, see Taylor, *Shape of the State*, pp. 260–1.

55 Words supplied from context (and repeated from earlier in the passage).

proparte ius in dicta terra habente pure permaneret, parte vero non habente ex tunc in illo casu nunquam exaudienda, et etiam 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 [...*manuscript cut off at end of membrane ...*].

[MEMBRANE 3 DORSUM]

Burgenses rure manentes

Roginaldus filius Alani

Robertus de Fingask

Magister Walterus Blakwater

Jacobus de Culletenachy

Johannes filius Alexandri

Johannes de Gardropa del Mernis

Willelmus de Melgedrum

Ricardus Mugref.

Johannes Mal[...*manuscript illegible owing to stain...*]

[...*manuscript illegible owing to stain...*] Nicolay de Salchop

Heres domini²⁰ Johannis Flemyng militis

Nigelius filius Petri

[...*manuscript illegible owing to stain...*] de Der

Patricius de Achynlevyn

Adam de Rane Roginaldus de Rane

Dominus Alexander Fraser

Robertus More

Dominus Walterus Berceley.

Johannes filius Hugonis.

Simon Fraser

Magister Stephanus

Johannes de Fyngask

Ricardus de Rossnyet

Johannes Bolgenach

Hugo Berceley

Bethius filius Constantini

Johannes filius Henrici

Johannes Brwning

[...*manuscript illegible owing to stain...*]

Philippus clericus

Thomas de Sancto Claro

20 The word “domini” has been added above the line.

case – should endure [as]⁵⁶ right for the party holding freely in the said lands. And in truth the party not holding [freely]⁵⁷ from that point onwards shall not be heard in that case. And also between the foresaid parties it was agreed and contracted in full court that if it should come to pass that either of the two parties – whether the pursuer or the defender – are absent on the said Monday, or if they contradict or repudiate some of the points that have been conceded in court, that party shall incur the pain of the loss of the said tenement forever. And so that all these unshakeable things shall be more firmly observed, both parties in the hands of Thomas son of Roginald bailie ...⁵⁸

Burgesses remaining in the countryside

Roginald son of Alan,
 Robert of Fingask,
 Master Walter Blakwater,
 James of Culletenachy,
 John son of Alexander,
 ... John of Gardropa of the Mearns,
 William of Melgedrum,
 Richard Mugref,
 John Mal...,
 ... Nicholas of Salchop,
 the heir of Lord John Flemyng, knight,
 Nigel son of Peter,
 ... of Der,
 Patrick of Achynlevyn,
 Adam of Rayne,
 Roginald of Rayne,
 Lord Alexander Fraser,
 Robert More,
 Lord Walter Barclay,
 John son of Hugh,
 Simon Fraser,
 Master Stephen,
 John of Fyngask,
 Richard of Rosnyet,
 John Bolgenach,
 Hugh Barclay,
 Beth son of Constantine,
 John son of Henry,
 John Brwning,
 [...],
 Philip the clerk,
 Thomas of Sinclair,

56 Word supplied from context.

57 Word supplied from context.

58 This person is to be identified with the Thomas, son of Reginald, identified above.

Thomas Camerlie
 Adam Story
 Willelmus de Berwico
 Macolmus de Hadingtouna
 Johannes filius Malcolmi Bolgy

[MEMBRANE 4 DORSUM]

Die martis proxime post festum beati Michaelis archangeli ex continuacione diei precedentis Ricardus Rere secundo citatus contra Petrum Armurer, et non comparuit. In misericordia.

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 racione 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 ~~secundo~~ primo²¹ 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 racione 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*...]

21 The word "*primo*" has been added above the line.

Thomas Camerlie,
 Adam Story,
 William of Berwick,
 Malcolm of Haddington,
 John son of Malcolm Bolgy.

[4 October 1317] On the Tuesday next after the feast of Michaelmas, from continuation of days preceding, Richard Rere was cited for the second time against Peter Armurer, and he did not compear. He is in the mercy of the court.

On the same day, Roginald Flesher of Perth, having been cited for the first time against Henry Eliot, did not compear. He is in the mercy of the court.

[12 October 1317] On the Wednesday next after the Feast of the Blessed Dionysius, Roginald of Rayne, son of Adam of Rayne, compearing in court recognosced himself [of]⁵⁹ all the rents, lands and possessions touching himself by hereditary right by reason of the late Alice his mother, daughter of Utting Casterball, spouse of the foresaid Adam, lying within the burgh of Aberdeen, concerning the resignation of those rents, lands, or possessions were made to him by the said Adam of Rayne, his father; [and]⁶⁰ he displayed a certain letter patent sealed with the seal of the said Adam of Rayne, which was inspected and read in court.

[17 October 1317] The court held on the Monday in the vigil of Saint Luke the Evangelist.

On the same day, William of Montrose, having been cited for the first time against Tydemann Breme, did not compear. He is in the mercy of the court.

On the same day, Richard Rer, having been cited for the third time against Peter Wapinmaker, did not compear. He is in the mercy of the court.

On the same day, Emma of Schremerstouna, having been cited for the first time against Richard Schalend, did not compear. She is in the mercy of the court.

[15 October 1317] On the Saturday next before the feast of Saint Luke the Evangelist, there compeared in the tolbooth in the presence of the bailies John of Tolidef, son-in-law of Adam of Rayne, saying that, as he understood [it],⁶¹ Roginald of Rayne, son of the foresaid Adam of Rayne, had recognosced himself in the said tolbooth, by writ in the time elapsed, to certain rents, lands and possessions lying in divers streets and places in the burgh of Aberdeen and pertaining to him by hereditary right by reason of the late Alice, his mother, spouse of the said Adam of Rayne, as he said, in which the same Roginald had no right or claim, but John himself ...

59 Word supplied from context.

60 Word supplied from context.

61 Word supplied from context.