

**DIPLOMATARIUM
ORCADENSE
ET HIALTLANDENSE**

I.



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DIPLOMATARIUM ORCADENSE ET HIALTLANDENSE

**FORNBRÉFASAFN ORKNEYINGA OG
HJALTLENDINGA**

**ORKNEY AND SHETLAND
RECORDS**

COLLECTED AND EDITED BY

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With Introduction and Index by

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PREFACE.

DOCUMENTS Nos. 26-51 were collected and edited by professor Absalon Taranger, and placed at the disposal of the Society by the Norwegian Government. Nos. 1-51 were translated by dr. Jón Stefánsson. No. 74 was translated by dr. Jón Stefánsson and mr. A. W. Johnston. The remaining Latin documents were translated by the rev. Henry Paton, by whom documents Nos. 52-109 were transcribed and edited.

It is most important that the documents should be corrected in accordance with the *errata* before they are consulted.

In the final revision of the Introduction, advantage has been taken of many valuable suggestions and criticisms which have been received from professor Absalon Taranger, professor Alexander Bugge, dr. Jakob Jakobsen, professor Allen Mawer, mr. Gilbert Goudie, dr. John Gunn, mr. John Marshall, mr. J. Storer Clouston (by whom some of the documents were collected), mr. P. Sutherland-Græme, mr. A. Francis Steuart, etc.

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INTRODUCTION.

THE first volume of *Orkney and Shetland Records* was originally intended to consist of documents taken from *Diplomatarium Norvegicum*. But the twenty-fifth document, of the year 1299, had only been reached when a tempting offer was made by the Norwegian Government to allow the Society to print a series of documents, ranging from 1422 to 1597 (which had been collected by professor Absalon Taranger), on condition that this was done at once, an offer which was gladly accepted. The original intention having thus been thwarted, it was decided to complete the volume with later documents from the Register House, Edinburgh, and from private collections. The first volume, on this account, has, therefore, considerable gaps.

The purpose of the collection is to bring together material for compiling the history of Orkney and Shetland, a history which has not yet been accomplished. So far it has been all uncertainty, with big gaps, and what has been written has been only partially derived from authentic documents, which are the one safe source. But this uncertainty, confusion, and lack of data give the study of the subject a particular fascination and charm.

The Introduction to the first volume of this series is, therefore, not the place in which it is possible to give a complete review of the history of the islands, seeing also that many of the documents which are to be printed, have not yet been transcribed or consulted, and that many more will doubtless come to light from unknown quarters as the work proceeds.

Personal names will be referred to throughout in their old Norse form, omitting the nominative termination, and nicknames will not be translated. The two letters

þ, ð might, with advantage, be revived in English, as they represent two different sounds of *th*, þ = *th* in *thorn*, and ð = *th* in *mother*, *this*.

The literature dealing with the pre-Norse, aboriginal and Pictish occupation has been sufficiently dealt with elsewhere. Neither need there be any discussion as to the location of Ultima Thule, nor as to the origin of the name Pomona for the Mainland of Orkney.

The pre-Norse inhabitants, the Picts, judging by their language which has come down to us in place-names, appear to have been a branch of the Old Welsh, or a people speaking their tongue. They were converted to Christianity, *circa* 565, by St. Columba's missionaries, and have left numerous ecclesiastical remains and dedications of churches.

It has been shown by professor Alexander Bugge and dr. Jakob Jakobsen that the Norse colonisation of the islands must have begun as early as, if not earlier than 700, to account for the primitive forms of Norse place-names and institutions which are to be found there and not in the later colonies in Iceland and elsewhere.¹ The place-names of Orkney and Shetland seem to indicate that the colonists came from western Norway. On the assumption that the óðal succession of Gulathing-Law was in force at that time, we have, however, historical proof in the sagas that Orkney was colonised, at the latest, in 664. When king Harald hárfagri fined the bóendr of Orkney, shortly after 893 (say 895), they were unable to pay him, whereupon earl Einar paid the fine on condition that the bóendr gave him their óðul,² entailed estates, until they were able to redeem them. We have here these facts: (1) Orkney was in the possession of óðalmen, and óðal law was in full force with its *lausn*, right of redemption; (2) it took five generations of continuous

¹ *Vesterlandenes Inflydelse paa Nordboernes*, A. Bugge. *Shetlandsøernes Stednavne*, J. Jakobsen.

² *óðal*, pl. *óðul*, property held in allodial tenure.

ownership of land to make it óðal; consequently (3) the youngest óðal family must have dated from the year 730 (*i.e.*, 895, less five generations of 33 years each). It is incredible that all these families began possession in the same year and exactly five generations before 895. We shall, therefore, be safe in allowing a minimum addition of two generations, or sixty-six years, to allow for the colonisation of the islands, which would thus have begun at the latest in 664.¹ The later colonisation of Iceland was effected in some fifty years, but this settlement arose from a definite political cause in the lifetime of one man, Harald hárfagri.

According to the accepted chronology, the Norsemen made their first appearance in England in 787, and in the west of Scotland and Ireland in 795. Orkney and Shetland, being the nearest western land to Norway, would be first visited. From 565, the time when Orkney and Shetland were Christianised, three generations, or ninety-nine years, would be ample time to account for the Pictish ecclesiastical monuments of which the remains have been found. It was only some fifty years after the Norsemen in Orkney were converted themselves that their earl built a cathedral and made a pilgrimage to Rome.

It has been contended that the first Norse settlers found the islands without inhabitants, because the sagas make no mention of any having been found there. But the sagas only commence with the history of the islands at the time the earldom was founded in 872, nearly two centuries after their colonisation which is not referred to at all. It is incredible that the Pictish ecclesiastical buildings, of which the remains have been found, could have been erected, utilised and abandoned and the islands deserted in the short space of a hundred years or even less.

The total absence of any record or tradition regarding the first arrival of the Norsemen in Orkney, and the

¹ The colonisation of Shetland has been already dated, 620 (Ud. N.H., ii., 10).

continued presence of the Picts, as is shown by the survival of their place-names and church dedications, appear to indicate that the first colonisation by the vikings was gradual and peaceful, that they intermarried with the Picts, as they did later on with the Irish in Ireland, and that perhaps Christianity never entirely died out in the islands. The latter supposition, if correct, may account for the ease with which the vikings ultimately became Christians.

Although no anthropological survey has yet been made in the islands, it would not be surprising if such a survey should reveal Pictish features coinciding, even after all these twelve centuries, with the districts preserving Pictish place-names, presumably the inland and inaccessible places, as is the case in the Isle of Man.

The comparatively small number of Pictish place-names in the islands must be accounted for by the predominance of the Norsemen, whose language would have been consequently adopted by the Picts. Many so-called Norse place-names may be unrecognisable glosses of Pictish names. The name Orkney itself is a gloss of a Pictish name, and so also probably is Shetland. If the names of the two groups themselves are not of Norse origin, and only clothed in Norse garments, what may not be the names of the lesser islands and places?

The persistency of Norse, as compared with Pictish place-names is well illustrated in the Hebrides, where the population, during the Norse period and until their cession to Scotland in 1266, was probably bilingual, the Gaels and the Norse each speaking their own language. Since the cession to Scotland, after which the rulers were no longer appointed by or under Norway, political influences very quickly made the Norsemen adopt the Gaelic language. And yet after all these centuries, since the extinction of the Norse language, Norse place-names still flourish with but a very slight Gaelic tinge. Moreover, there are many Norse loan-

words in Gaelic, whereas there are very few Gaelic loan-words in Scandinavian.

The second migration from Norway to Orkney took place after king Harald hárfagri began to consolidate Norway into one kingdom, 860-933; during which period Iceland was colonised. He conquered Orkney and Shetland, and erected them into an earldom in 872. The first colonists no doubt took their Norwegian laws and form of government with them, and these would naturally have been conformed to Harald's new Norwegian constitution, when he founded the earldom.

It is stated in *Heimskringla* that Iceland and Faroe were discovered and peopled during Harald's reign, and that there was also much faring of Northmen to Shetland, and further, that many mighty men of Norway fled as outlaws and fell to warring in the west, spending the winter in the Hebrides and Orkney, and the summer in raiding Norway. It is also stated that before Harald's time, Orkney had been the haunt of vikings (*vikingsabœli*). The special reference to the faring of Norwegians to Shetland and not to Orkney, in Harald's reign, appears to indicate that Shetland had not been previously so fully colonised as Orkney. This surmise appears to be supported by the researches of dr. Jakobsen, who has found older forms of place-names in Orkney than in Shetland.

The earliest Scandinavian literature consists of runic inscriptions. Writing began in Norway in the middle of the eleventh century, with the taking down of the hitherto oral code of laws, known as *Grágás*, a work now lost. In Iceland the laws were taken down in 1118, which was followed by the recording of the oral sagas. The oral Edda lays are supposed to have been taken down in the twelfth century.

There can be little doubt that the adoption of Christianity by the Norse, *circa* 1000, with its written scriptures and missals, set the fashion of writing; not to forget the great and uncongenial burden it would have

been on the lawsayingmen to be suddenly called upon to add to their memory the voluminous new laws dealing with the establishment of Christianity.

As regards Orkney and Shetland we may therefore assume that their laws were written down at the same time as they were in Norway, and also at the instigation of king St. Olaf, the great apostle of Christianity in the north; if indeed his code itself was not actually adopted by or imposed upon the islands, which seems more probable.

From the middle of the twelfth century we find the Orkney earl St. Rögnvald, and, after him, the Orkney bishop Biarni, the skald, both expert poets, busy at work with Icelandic skalds, and we have some of their literature preserved. It was during this period that the Edda lays are supposed to have been taken down, and, as some of them have a local setting, it is not improbable that some, at least, may have been rescued from the mouths of Orkneymen and Shetlanders. It is significant that many Edda poetic words are now alone in use, as seanames, in Shetland.¹ Professor Sophus Bugge was of opinion that the lays were composed in the British Isles, in proximity to Christian influence.² Such of these lays as may have been composed in Britain *before* 787-795, when the Norsemen *first* appeared in the west of Scotland, Ireland and England, could only have been composed in Orkney, where, it has been shown, the Norse arrived *circa* 664, and lived among the Christian Picts.

In common with other Norse places, Orkney and Shetland had their sagas and poems. There are the sagas of the earls, 872-1206, which were taken down in writing and brought up to date in 1206. The following list of works is compiled from *Orkneyinga Saga*, unless where otherwise stated:—*Fundinn Noregr*, mythical. *Jarla-sögur*, made up of what must have been separate sagas of individual earls. *Rögnvaldsdrápa*, and *Þorfinnsdrápa*, by Arnórr jarlaskáld, partly in saga

¹ Scot. Hist. Rev. IX., 148. ² *The Home of the Eddic Poems*, London, 1899.

and partly in Snorra Edda, 1046-1064.¹ *Þáttr Magnús jarls*. *Hákon Pálssons drápa*, mentioned. *Vísar* about Hákon Pálsson and Magnús Erlendsson, mentioned. *Þáttr Pálss jarls*. *Jarteina bók*. *Þáttr Rögnvalds jarls*, which may also be called *Sveins saga*. *Háttalykill*, by earl Rögnvald, mentioned, but preserved in Stockholm. *Jómsvíkingadrápa* and *Málsháttakvæði*, by bishop Biarni, not mentioned in the saga, but preserved in Codex Regius of Snorra Edda (see *Corpus Poeticum Boreale*). *Magnús saga helga* or *Magnús saga eyja-jarls*: (1) *Magnús saga hin lengri*, (2) *Magnús saga hin skamma*, (3) *Legenda de sancto Magno* (six pieces).

The difference between Icelandic and Orkney saga is that the former describes personal and family feuds and litigations, whereas the latter is almost solely concerned with genuine viking life. Iceland was too detached for viking cruises, but Orkney was an ideal striking point for sea-rovers. As a matter of fact the best saga of the Orkney collection is that which treats of Svein of Gairsey, the last of the vikings. He kept a bodyguard of eighty *húskarlar*. Each year, after seed time, he went on a *vár*, spring, viking, and then returned for harvest, after which he went on a *haust*, autumn, viking, and returned home to spend the winter on his spoils. On one occasion he captured two English keels off Dublin, laden with English cloth. On his return journey he sewed some of the captured cloth on his sails, so that they appeared as though they were entirely made of that material, and hence this viking was called *skrúðviking*; *skrúð* is used in old Norse for finery, and, in this instance, has been translated *broadcloth* by sir George Dasent, but, in accordance with Fritzner, it should be, *pragtfuldt vikingetog*, gorgeous viking expedition.² As an instance of

¹ Arnórr was an Icelander, resident in Orkney, where he composed these poems on the two earls, and hence he was nicknamed *jarlasháld*.

² In Goudie's translation of the saga this meaning has also been correctly given.

Svein's fine feeling and generosity may be mentioned the capture of earl Rögnvald's ships by earl Erlend and Svein, when Svein claimed, as his share of the spoil, all earl Rögnvald's treasures, which he straightway sent back to earl Rögnvald. Earl Rögnvald had only just returned from his famous pilgrimage to the Holy Land. He afterwards became one of earl Rögnvald's *hirðmenn* or bodyguard, and in the end fell, ambushed, in his last viking, in Ireland. The saga fittingly ends with the following tribute to Svein: "There now is an end of telling about Svein; and it is the talk of men that he hath been most of a man for his own sake in the western lands, both of yore and now-a-days, of those men who had no higher titles of honour¹ than he." Svein set the splendid example of continuing one's life's work to the end in harness.

At the time of the conclusion of the Orkney saga, *circa* 1206, the male line of the Norse earls, already half Scottish, came to an end, having lasted only some three centuries; and was succeeded, in the female line, by four lines of Scottish earls, the Athole, Angus, Strathearn and St. Clair families, 1206-1470.

The Norwegian crown passed through a female to a Swedish line of kings, which reigned from 1319 to 1387; and then, after the treaty of Kalmar, when Norway, Denmark and Sweden were united in one kingdom, the crown passed to a Danish line, which was reigning in 1468-9, when Orkney and Shetland were wadset or pawned to Scotland, in security for the dowry of the queen of king James III. of Scotland.

The succession of the Scottish earls in the thirteenth century, and of the Swedish and Danish kings in the fourteenth century, with their foreign influence, must account for the complete break in the insular literature, which was thereafter confined to complaints about Scottish and other interference in insular affairs.

¹ON. *tignar-nafn*, name and rank which raised one above the common bóndi. Perhaps *rank* is meant in this passage; otherwise what was Svein's title?

The residence of the crown in Denmark, with the influx of Danish officials and place-men in Norway, very quickly established the Danish language in Norway, so that, by 1450, Norwegian as a national language came to an end,¹ and, *circa* 1530, the Norwegian laws had to be translated into Danish. In Norway this resulted in the complete disappearance of Norwegian literature, which is only represented by charters.

After the transference of Orkney and Shetland to Scotland, in 1468, the Scottish crown acquired the earldom (*i.e.*, the earl's rule, the public revenues and the earldom landed estate), from the last Norse earl, William St. Clair, and thereafter appointed its own Scottish rulers. In 1472, the bishopric of Orkney and Shetland was transferred, by Papal bull, from the metropolitan see of Trondhjem to the newly created metropolitan see of St. Andrews in Scotland. In 1486, Kirkwall was erected into a Scottish royal burgh. In 1490 the bishopric was erected into a Scottish regality, with Scottish civil courts and officers. In 1602 we have the last mention of a judicial reference to the Norse law-book of the islands,² since when Scottish law has prevailed.

The succession of the Scottish earls, with their Scottish kin and retainers, transformed the islands into a sanctuary for Scottish fugitives and adventurers. Scottish fashions, habits and language soon took a hold on Orkney, the seat of government, which was also nearer to Scotland than Shetland was.

The latest known Norse charter in Orkney is dated 1329,³ and the latest Norse document *circa* 1426,⁴ a complaint to the king of Denmark against a Scotsman who was then ruler of the islands. In Shetland, Norse charters occur as late as the seventeenth century, and towards the end of the sixteenth century it is related

¹ *Norges Historie*, IV.

² Mackenzie's *Grievances of O. and S.*, 6-7.

³ D.N., ii., 144.

⁴ D.N., ii., 514.

that a Shetland clergyman went to Norway to learn [or rather to perfect himself in] Norwegian, as the Shetlanders knew no other language, and he so acquired the nickname of "Norsk."¹ We have Orkney charters in Scottish in 1433 (p. 246), and after, and in 1438 the lawman of Orkney gave his testimony in Scottish (p. 44).

If the insular literature is mainly confined to complaints during the rule of the Scoto-Norse earls, it is still more so after the transference of the islands to Scotland, when the position became one of "out of the frying pan into the fire." This was accentuated by the strenuous efforts, made by the Scottish government, to render the redemption of the islands by Norway as difficult as possible. The outstanding document in the literature of this period is the report of the royal commission, appointed in 1576, to take evidence regarding the alleged oppressions of the Scottish ruler, lord Robert Stewart,² an illegitimate son of king James V. He was, however, afterwards made earl of Orkney, contrary to the act of Scottish parliament, by which the title of earl of Orkney was annexed to the crown, not to be conferred on anyone but a legitimate son of the sovereign.

The survival of Norse words and legal terms in Orkney deeds indicates a state of corruption which renders some of them almost unrecognisable.

Norse, as the language of the earl's court in Orkney, probably terminated with the succession of the St. Clair line in 1379, if not already with the termination of the Angus line in 1320, as the last known Norse deed in Orkney, in 1329,³ is that of the countess of the last earl of that line. As a dialect Norse, called Norn, continued in corners of the islands until the eighteenth century.

One unfortunate result of the change of language from Norse to Scottish has been the extinction of Norse

¹ *Fasti Ecclesiæ Scotticane*, iii., 441.

² Opp. O.Z.

³ D.N., ii., 144.

ballad and music, one going with the other. A few relics have been preserved, and it has been noted that the "Arrow Lay," Gray's "Fatal Sisters," was recited in Norse in Orkney as late as the eighteenth century.¹ Norse dialect words survive by the thousand. Dr. Jakob Jakobsen has made a large collection of Shetland words, and is now engaged in rescuing what survive in Orkney; after which he will extend his researches to Caithness.

Orkney and Shetland literature of the Scottish period began in the seventeenth century, with topographical and historical descriptions of the islands. From that time to this, with perhaps one or two exceptions, the names of all the authors are of outland origin. The study of records began in the eighteenth century, when the landowners, with an eye to business, attempted to have some of their grievances remedied, and the work of hunting up and elucidating the records was done by Mr. A. Mackenzie.² In 1820, Mr. Alexander Peterkin edited a volume of rentals of the earldom and bishopric of Orkney. Amongst the names of subsequent editors of records may be mentioned those of Colonel David Balfour, of Balfour, Mr. George Petrie, Mr. Gilbert Goudie, Mr. F. J. Grant, and the venerable archdeacon J. B. Craven. The most important collection of documents is that contained in *Diplomatarium Norvegicum*. Mr. J. Storer Clouston has already completed his edition of a volume of Orkney charters for the Scottish History Society, which will shortly be issued, but it has not been available for this Introduction. His will be the first instance of an editor bearing an Orkney name. It now remains to fill in a few details of the foregoing very brief historical outline. At the most we can only indicate the uncertainties which remain to be cleared up when the necessary documents are found.

¹ *Memoirs of the Life of Sir Walter Scott*, 1837, iii., 190.

² Mackenzie's *Grievances of O. and S.*

LAND-TAKE : LAND-NAM.

The original colonisation of Orkney and Shetland may have been effected in the same way as it was later in Iceland. Chiefs and their followers would peg out their claims as they arrived. The word *hérað*, district, still survives in Orkney and Shetland. In Orkney it occurs in the name of a defined district, *Byrgishérað*. This place is now divided into two parishes, Birsa and Harra, the latter was called Hurray Brugh, and also Brugh, in 1500.¹ The O.N. term *byrgi*, an entrenchment or mound, may have been applied to this *hérað*, or district, on account of the exceptional number of mounds, covering the foundations of Pictish round towers, which are to be found in Harra; or the name of the *hérað* may have been taken from a possible name of the tidal island, now called the Brough of Birsay, **Byrgisey* (which may be represented by the modern name Birsa), and probably so-called on account of its mound-like appearance. The original *þinghár*, þing-districts, into which the islands were divided, would each be probably of the size of Byrgishérað. The colonists must have settled on the enclosed townships of the Picts,² whose chapels would have been utilised as *hof*, temples. That the Picts became thralls of the Norse seems probable. Dr. Jakobsen calls attention to the Shetland word *tralfangi-nn* (O.N. **þræl-fangi*), applied to a short, square-built person, as suggestive of the aboriginal race who became thralls.

The original colony in Orkney was augmented by the discontented chiefs and their followers, when Harald hárfagri formed the united kingdom of Norway. When Harald conquered Orkney and Shetland, in 872, he drove out the leading vikings, who had been making reprisals on Norway, and of course would have confiscated their landed estates as well as those of other chiefs

¹ P.R. No. 1.

² For a description of these, see *Proceeds*. S.A. Scot., 1884, 254.

in the islands. These estates would form the *lén*¹ or fief of the earl. It is notable that the earl's landed estate lay scattered throughout the islands, which appears to confirm the above conjecture that the forfeited estates of the Orkney vikings formed the earldom estate; these were in Birsá, Orphir, Kirkwall, Burrey, South Ronaldsey, Hoy, Westrey, Sandey and Stronsey. This supposition is strengthened by the fact that the earldom estate included a great part of the north isles, which would have been ideal viking stations.

Each þinghá would have had its *hof*, temple, for which a Pictish church would have done service. When Christianity was adopted, the þinghá would become the parish, and its hof the parish church. With the exception of Byrgishérað, there is no indication in the saga of the districts into which the islands were divided. That the parochial þing was the unit of government in the islands appears to be proved by the termination þing in the names of a number of Shetland parishes, e.g., Delting, Sandsting, etc., some of which are mentioned as early as 1321-1355.²

CHURCH HISTORY: KRISTNI SAGA.

The ecclesiastical history of Orkney and Shetland is particularly complicated.

The Pictish church would of course be under Iona. Adam of Bremen (1067-1076) stated that Orkney was formerly ruled by bishops appointed by the Scots (Iona) and English (York). In 605, Pope Gregory wrote to St. Augustine that, after the latter's death, there should be two primates of England, one in London and one in York. It was maintained by the archbishop of Canterbury, in 1119, that "Britanniæ," in Gregory's letter, included Scotland and Ireland. Meanwhile Orkney was colonised by the Norse, 664-872. In 822, Rheims was made metropolitan of the North,

¹ Borrowed from mid. low German, the feudal system in Norway being of foreign origin. The true O.N., *lán*, has the simpler meaning 'loan.'

² D.N., ix., 110; iii., 234.

and in 831, Bremen was made metropolitan of the three Scandinavian kingdoms¹; but there were no Christians in Norway. In 934, Hákon (son of king Harald hárfagri and fosterson of Athelstan of England, by whom he was converted) vainly attempted to Christianise Norway. He asked for bishops from England. In 961, king Harald gráfeldr, who had been baptised in England, succeeded to the Norwegian throne. In 995, king Olaf Tryggvason, who had been converted in England, formally introduced Christianity into Norway and Orkney and Shetland, assisted by English bishops and priests. Henry, called "the fat" (the treasurer of Knút, king of England, 1014, 1016-1035, and of Norway 1028-1035), was appointed bishop of Orkney, probably by York, when Knút was king of Norway, 1028-1035. Knút appointed one other Norwegian bishop.

The early Christian kings of Norway repudiated Bremen as their metropolitan, and looked to England for bishops. It was only during the early part of the reign of Knút, when he claimed Norway, that Norway turned to Bremen rather than England.

In 1050-56, Bremen appointed a bishop of Orkney, probably at the request of Þorfinn, the earl who built the first cathedral in Orkney, after he had visited Bremen and Rome. This bishop was ousted, in 1085, by a bishop who had been appointed by York in 1073. The latter York bishop had been probably appointed on the strength of the Papal bull which assigned the primacy of Scotland to York in 1072. After this we have double bishops of Orkney, appointed by Bremen and York. These double bishops were probably run by the rival earls, each having his own prelate. The Pope upheld the York bishops. The dispute was finally settled in 1152, when Nidaros, now Trondhjem, was made the metropolitan see of Norway, including Orkney. Hitherto the bishops had been missionary bishops

¹ D.N., xvii. B, 177, 178.

without chapters, whereas now they were assigned cathedrals, with properly constituted chapters. Bishop William, the old, of Orkney (who would have been appointed by Bremen if his appointment took place in 1102, or by Lund, which was made metropolitan of Norway in 1104, if, as is thought by some, his appointment took place in 1112), was the sole bishop in possession when Nidaros was made metropolitan of Orkney. During his episcopate the cathedral was transferred from Birsa to Kirkwall. As bishop William was the first constitutional bishop of Orkney with a chapter, he is accordingly described in the saga as "the first bishop of Orkney." In 1472 the bishopric of Orkney was transferred from the see of Trondhjem to the newly erected metropolitan see of St. Andrews in Scotland.

Another cause of confusion arose during the great Papal schism in 1378-1429, when double bishops of Orkney were appointed by the Popes and anti-Popes. Norway, which was in possession of Orkney, acknowledged the Papal bishops, so that they were alone in actual possession of the bishopric. Scotland, which acknowledged the anti-Popes until 1417, had certain Scottish clergy appointed as titular bishops of Orkney, but they had permission to retain their Scottish livings, in which they resided.

The payment of tithe, *tiund*, was probably imposed on Orkney and Shetland early in the twelfth century, at the same time as it was laid on Norway, by king Sigurð jórsalafari (Jerusalem-farer or crusader), who had been earl of Orkney until his father's death in 1103.

The bishop and his retinue exercised great influence in the islands. The nature of the civil jurisdiction of the church over the clergy and over the occupiers of church lands remains to be more fully explained. We are informed, in 1369,¹ that the bishop had juris-

¹ D.N., I., 308.

diction of holy church, lay and learned, without let or hindrance from the earl's and king's representatives. In 1490, the Scottish government erected the bishopric into a regality, with civil courts and officers of its own, having civil jurisdiction over all occupiers of church land,¹ which probably merely confirmed the powers previously exercised by the bishop under the Norwegian government.

CODES: LÖG-BÆKR.

The early oral laws of Norway were recited by the law-speaker. On the foundation of Norway, as a united kingdom, by Harald hárfagri, in 872, new laws were framed. Further new laws were framed by king Hákon góði (the good), 935-961, and by king Olaf hinn helgi (the holy), 1015-1030, including church and canon law. During the reign of king Magnús hinn góði (the good), 1035-1047, "St. Olaf's Law" was taken down in writing in *Grágás* (Greygoose), a record which is now lost. Old Gulathing Law was taken down about 1100, and New Gulathing Law was adopted in 1275, while various amendments and ordinances were effected after that.

Undoubtedly the Orkney vikings took their Norwegian oral laws, *lög*, and law-speaker, *lögsögumaðr*, with them to the islands. In the period from the colonisation down till the enactment of New Gulathing Law, in 1275, the islands may have exercised a measure of legislative independence; although it is hard to believe that at the foundation of the earldom, in 872, Harald did not have his new laws adopted there also. Likewise the new Christian laws of St. Olaf must also have been adopted in the islands.

Although the Norwegian parliament, *lög-þing*, had legislative power, such power was mainly confined to the adoption of new laws and amendments, framed and proposed by the king or his council—a nominal power, not unlike in nature to that possessed to-day by cathedral chapters in the election of bishops, in which

¹ P.R., App.

there is no alternative but to elect the king's nominee, notwithstanding the *congé d'élire*.

The references in the saga to legislation in Orkney are as follows. It is related, in 1048, that earl Þorfinn turned his mind to ruling the people and land and to law-giving: *á laga-setning*. This was shortly after the compilation of *Grágás*, 1035-1047, and may merely refer to the amendments introduced at that time, if not to the written code itself, which may have been transmitted to the earl of Orkney for adoption by his lawthing. In 1116, earl Hákon set up new laws in Orkney, which pleased the bóendr better than the old ones. This, again, coincides with the recording of Old Gulathing Law, *circa* 1100, which may have been sent to Orkney for adoption.

In 1137, earl Rögnvald was advised to bring in a new law, *færa lög*, that the earls had taken all óðul in inheritance after men, and that the heirs should redeem the lands. This was proposed in order to raise money for the completion of St. Magnús' cathedral, and was naturally considered hard. Then the earl called a þing and offered the bóendr to allow them to buy, *kaupa*, their óðul, so that there would be no need to redeem, *leysa*, them, which was agreed to.¹ A mark had to be paid for every ploughland. As a plógsland is estimated by Vigfússon at one acre, and in Snorra Edda as equivalent to what four oxen could plough in a day and night, and as a markland in Orkney averages a little more than an acre,² possibly we have here the origin of this land denomination.³ Did the Shetlanders also have to buy their óðul?

During the union of Norway, Denmark and Sweden,

¹ This was only a temporary financial arrangement for raising money.

² *Proceed.*, S. A. Scot, 1884, 274.

³ If the mark of land in the Hebrides is of the same origin as that in Orkney and Shetland, it would appear to make the above supposition improbable. Moreover, a ploughland was of uniform area, whereas the mark of land, representing its purchase value, varied considerably in extent.

1389-1523, New Gulathing Law, together with subsequent amendments of the thirteenth and fourteenth centuries, were the principal source of law, viz., "St. Olaf's law and the good old customs," which the kings swore to maintain in Norway.¹

That the Orkney and Shetland law-book, *lög-bók*, was an edition of New Gulathing Law seems clear from the following references. In 1420 the feoffee, *lénsmaðr*, of the earldom undertook to rule Orkney according to the Norwegian law-book and old customs.² In 1425 the Orkneyingers petitioned the crown to uphold king Olaf's law and subsequent ordinances,³ precisely as in the royal oath above quoted. In 1538, a district court, *rét*, in Shetland gave its decision in accordance with Gulathing Law, which decision was attested as sound by the king's council in Bergen (p. 70). While in the seventeenth and eighteenth centuries it was the tradition in the islands that their laws were received from St. Olaf.⁴ One Scottish bishop was so at sea in the matter that he explained that one Udillaus was sent by the king of Norway to divide the land in Orkney into pennylands, hence *udal land*.⁵ He had turned *Ulaus* into *Udillaus*, by way of folk-etymology. Moreover, the little we do know of insular law corresponds with New Gulathing Law, e.g., (1) the daughter only inherited half as much as a son, whereas by Old G.L. she inherited nothing; (2) the eldest son had the first choice of the head house, whereas Old G.L. has no ordinance on the subject.

The old customs, *for* or *gamall siðvenia*, or consuetudinary law, referred to in the royal oath, would include immemorial rights of foreshore, common pasturage, etc.; and in certain cases fishing rights, which, in some cases flowed from royal grants; these were the emoluments, *lunnendi*, of óðal deeds.

¹ Ud. N.H., i., 69.

² D.N., ii., 489.

³ D.N., vi., 449.

⁴ Gifford's *Zetland* (reprint), 47, 48; Brand's *Description* (reprint), 41; Hibbert's *Shetland*, 193, 275; Sibbald's *Description*, 81.

⁵ P.R. No. iii., 18, 20.

LEGISLATURE, LAWS, LAW COURTS :

ÞING (*afterwards* LÖG-ÞING), LÖG, LÖGRÉTTA.

The original Norwegian þing appears to have been a primary assembly of freeholders, *óðalmenn* or *hauldar*. By the time of Old Gulathing Law the general assembly was called the law-thing, *lög-þing*, and consisted of paid representatives from the various districts, nominated by the king's deputies; the king was represented by his deputies, *lendirmenn* and *ármenn*, barons and stewards, and the church by the bishops and priests. In 1164, the compulsory presence of the priests was limited to two from each fylki, who were nominated by their bishops. The representative system arose from the enlargement of the þing-districts and the growth of the royal power.

From among these nominated men the king's deputies nominated a smaller selection, called the lögrétta, which inquired into and arranged the cases before the decision of the þing was given. These lögréttumenn were also representative of districts, and were paid.

It will thus be apparent that the Norwegian parliament of historic times was, like the contemporary Saxon assembly,¹ purely a body of royal nominees and churchmen without a vestige of democratic election.

There is not the slightest indication that the earl of Orkney had, like the earls in Norway, *lendirmenn*, under him, ruling the islands. The only appearance in the saga of a local þing is a *laun-þing*, or secret meeting, held in Westrey. We can only assume that the earldom was, as in Norway, divided into districts with district assemblies, the predecessors of the bailie courts. In Shetland we find notices of parish courts and officials and also of a "varding," *várþing* a spring court.²

¹ *The National Assembly in the Anglo-Saxon Period*, by Professor F. Liebermann, pp. 38 seqq. ² Opp. O.Z., 71.

From evidence given below it will be seen that the Orkney lawthing remained a primary assembly. The representative nature of the persons serving in the Orkney lögrétta has been shown by mr. J. Storer Clouston in the *Saga-Book*, VII., 100.

The references in the saga to the þing and laws are as follows. In the ninth century sheep-stealing was punished by outlawry; a fine was exacted from the whole community for the slaughter of the king's son at the instigation of the earl; land was held in óðal, with the right of redeeming alienated óðal. In the eleventh century earl Einar held þing in spring with the bóendr; earl Einar's slaughter was atoned for as for three lendirmenn. In 1106, earl Hákon killed the king's sýslumaðr, steward, who was looking after Magnús' share of the earldom. In 1116, the two ruling earls met at the þingstaðr in Hrossey (Mainland), and came to terms and bound their agreement with oaths and handsal. Earl St. Magnús stated that it was siðr ok lög, custom and law, of men of old that the executioner should have the clothes of the person executed. In 1128, earl Pál is described as a man of few words, and no speaker at the þing. In 1137, Svein was outlawed and his estates forfeited for the slaughter of the earl's hirðmaðr, one of his bodyguard; a launþing, a secret þing, was held in Westrey; a þing was held in Hrossey (Mainland) at which there were present rikismenn, mighty men, bóendr, njósna, spies, and a skald; earl Rögnvald constantly held þing with the bóendr, because he had to do with mighty men, stormenn, who were against him; he held one þing in Kirkwall. In 1151, earl Rögnvald called a full þing in spring, in Hrossey, which was attended by all the höfðingjar, chiefs. In 1152, earl Erlend and Svein summoned a þing of the bóendr in Kirkwall, to which they came from all the isles; at this þing the king's brief was read, which gave earl Erlend earl Harald's half of the earldom, to which the bóendr promised obedience. Harald

had got his half of the earldom from Rögnvald by private arrangement and not as a *lén*, fief, from the king. In 1154, earl Rögnvald held a *húsping* (a house-thing, summoned by trumpet, in cases of emergency, a war council), regarding the invasion by earl Erlend and Svein. A *sáttar-fundr*, peace meeting, was held between Svein and the earls, at which it was agreed that Svein should make peace by the payment of a mark of gold to each of the two earls, lose half of his lands and his good longship. In 1155, another *sáttarfundr* was held in St. Magnús' cathedral, in which had been stored the sail of Svein's forfeited longship, and at which earl Rögnvald attended with a broad-axe.¹

In 1194, Shetland was forfeited to Norway (*skatt* and *skyld*—public taxes and the rents of the earldom landed estate), for the part the earl had in the rebellion against king Sverrir. The estates in Orkney and Shetland of the rebels who fell at Floruvøe were also forfeited, but were redeemable, within three years, by their kinsmen. Shetland was taken under the king's own control, as well as one-half of all the fines in Orkney. After this the *foguti* the king's bailiff, was appointed to Shetland.²

From the foregoing references we find that as late as 1152, a *þing* of the *bóendr* was held in Orkney, to which they came from all the isles; a primary assembly, which would have had its *lögrétta*. This was fifty years after the recording of Old Gulathing Law in Norway, where the lawthing of Gulathing was attended by nominated and paid delegates. As Orkney was such a comparatively small place it seems unlikely that provision would have been made for the appointment and payment of delegates, so that the assembly would remain primary.

¹ In accordance with old Gulapingslög, a *breiðöx* was one of the weapons which had to be borne in a levy by each *ármaðr* and *lendrmaðr*—*breiðöx* or *sverð* (sword), *spjót* (spear) and *skjöldr* (shield) – while each *bóndi* had to be provided with *tvennar tylftir örvar ok bogi einn*, two-twelves, i.e., 24, arrows and one bow.

² Sverr. S., 156, 157; Orkn., 231, 235.

During 1273-1299 Shetland was in the appanage of duke Hákon, who became king in the latter year.

The next notice we have is of a lögþing in Shetland in 1299¹ (twenty-four years after the adoption of New Gulathing Law), which was attended by the lögðingismenn. In 1307, the lawman, eleven men and all the lögréttumenn of Shetland held a court [lögrétta of the lögþing?] at Tingwall, at which the decision was given by the lawman, with the special advice, ráð, and consent of handgenginnmen [the eleven?] and lögréttumenn.² The handgenginnmen may have been in the service of the king or the lawman, as underfouds.

In 1379, Shetland was restored to the earl of Orkney. It has not yet been shown on what terms Shetland was handed back. In 1386, the king's steward, *dróttseti*, awarded certain lands in Shetland to the rightful owners, as they had been illegally taken possession of by Malis Sperra.³

The earl of Orkney died in 1404, and the next earl, his grandson, was invested in 1434. During this interregnum the earldom of Orkney and lordship of Shetland were given out in *lén*, fief, to various persons. In a grant of a part of Shetland, north of Mawed, in 1412, the grantee received skatt, landskyld and wesel (wattle), with all royal right except *þegnild*, weregild of a *þegn*, thane or freeman, and *friðkaup*, the price at which peace had to be bought from the king by one outlawed for manslaughter.⁴

In 1433, the burgesses of Kirkwall had to observe the statute of the country (p. 246). In the last *lén* of the earldom, in 1434,⁵ the earl, as in the *lén* of 1379, had to serve the king with one hundred men-at-arms out of Orkney, and had to be answerable for his faults to the king and council, in accordance with the law of Norway.

The first notice we have of an assembly [lawthing?]

¹ D.N., I., 81. ² D.N., I., 97. ³ D.N., I., 366. ⁴ D.N., II., 466.
⁵ N.G.L. (anden række), 137.

in Orkney since sagatime, is of one held before 1438 (either in 1434-1438 or 1404 or before), in the vestry of St. Magnús' cathedral, consisting of sundry goodmen of the country (p. 45). Before 1438 (1434-1438 or 1404 or earlier), a *hirðmannastefna* was held by the earl and the 'gentles' of the country regarding a land dispute which had been debated in the above mentioned meeting [lawthing], and which had been reported to the *hirðmannastefna*, meeting of the earl's bodyguard.

Orkney and Shetland were wadset by Norway to Scotland in 1468, in the following terms:—

Damus, concedimus, impignoramus ac sub firma hypotheca et pignore imponimus atque hypothecamus omnes et singulas terras nostras insularum Orcadensium cum omnibus et singulis juribus, serviciis ac justis suis pertinentiis nobis regali jure . . . tenendas et habendas totas et integras terras nostras insularum Orcadensium prædictarum unacum omnibus et singulis customis, profiscuis, libertatibus, commoditatibus ac aliis justis suis pertinentiis, quibuscunque, tam nominatis quam innominatis, etc.¹

(Translation.)

Give, grant, wadset, and under strict hypothec and pledge do set and hypothecate all and sundry our lands of the islands of Orkney, with all and sundry rights, services, and their just pertinents, belonging to us by royal right . . . to hold and to have all and whole our lands of the Orcadian isles aforesaid, together with all and sundry customs, profits, freedoms, commodities and their other just pertinents whatsoever, as well named as not named.

The wadset was redeemable on the payment of the principal sum of 50,000 florins of the Rhine (£20,833, Opp. O.Z., xii.), by the king of Norway or his successors. Shetland was wadset in the following year for 8,000 florins (Hvitfeldt, 921).

¹ P.R. app.; Torfæus' *Orcades*, 1697, 195.

The *hirðmannastefna*, which was held by the earl before 1438, consisted of his *hirð* or bodyguard, who were appropriately described as the 'gentles' of the country. We have notice of a *hirðmannastefna* held by lord Robert Stewart in 1574, when it is described as a 'sheriffcourt called the hermanstein,' and at which lands were escheated for theft. This latter court consisted of twenty-seven members, including some Shetland landowners. Lord Robert Stewart attempted to revive all the prerogatives of the old Norse régime, and naturally would wish to have his *hirð* or bodyguard, which actually included some Shetlanders, and was therefore not an exclusively Orkney court.

Lord Robert Stewart alleged "himself to be as free lord and heritor of Orkney and Zetland as the king of Scotland is in his own realm, or the queen of England, or the king of France in France, and makes his vante, that in case he be put at by the king's majesty's authority, to give the haill countrys into the king of Denmark's hands."¹

After 1468, we have the following notices of the lawthing in Orkney and Shetland.

In 1510, a court [*lögrétta* of the lawthing] was held at Tingwall, which carried out the decree of the [*lögrétta* of the] lawthing of Orkney; the lawman at this time being lawman of both Orkney and Shetland (p. 60). In 1538, a *rétta*, (district) court, was held in Shetland by the lawman, local lawright-men, *lögréttumenn*, and other good men, whose verdict was afterwards certified as correct by the king's court in Bergen (p. 73). In 1576, it was reported to the royal commission, who were taking evidence as to lord Robert Stewart's oppressions in the islands, that the lawthing of Shetland was the head court of the county in which the assize [*i.e.*, *lögrétta*] gave decreets and the members of the lawthing were all persons having land, heritage and great *taks*, leases, from the king.² The

¹ Opp. O.Z., 5.

² Ibid, 44, 58.

court book of Patrick Stewart, earl of Orkney, 1602-1604,¹ gives a detailed account of the circuit and head courts in Shetland. In 1538, a lawman of Shetland was appointed by Norway.² There can be little doubt that Norway used every opportunity of keeping alive her right of redeeming the islands, by making concurrent appointments to those made by Scotland and by encouraging insular references to the Norwegian courts.

The exact relationship between the insular and Norwegian king's council and law courts has to be cleared up. As has also been shown, the earl of Orkney was answerable to the king's council in Norway.

In Orkney, in 1509 and after, we have notices of several "ogangs" or courts of perambulation (p. 251) held by the lawman, the justice and the worthiest and best of the land, "landedmen roythmen," or "roythmen and roythmen's sons"; the lawmen gave the decree with the advice of the "doomsmen" and, in one instance, of the "roythmen." The lawthing was held in 1509 and after, the members of the court being described as above. After 1519, the members of the lawthing court, *lögrétta*, are merely described as the "assize," as they were later on in Shetland.

With regard to the terms "roythmen" and "roythmen's sons," the terms "royth" and "roythmen" were used in Orkney, in 1544³ and after, as meaning the right of redeeming óðal, and the person who had that right (p. 259). This is undoubtedly derived from O.N. *ráð*, rule, management, the *ráð* which the óðalmen exercised in alienating, as well as in redeeming, their óðul. The same meaning must be attached to the *roythmen* as members of the *lögrétta* of the lawthing, viz., a class of persons who were eligible for nomination as members of the *lögrétta*

¹ Peterkin's *Notes*, app. Original MS. in the Register House, Edinburgh.

² *Norske Rigsregistranter*, I., 57.

³ Reg. Gt. Seal, Scot.

or lawthing court, in virtue of their being óðalborinn. The obvious explanation is that the members of the lawthing court or assize, *lögrétta*, were *chosen* from the landed men, roythmen and their sons (p. 254), which was their property qualification; whereas their character qualification consisted in their being the worthiest, best, and good men. They had to be honest and respectable landowners or persons having the *ráð* or right to alienated estates, and their sons, who were óðalborinn. There is no indication that the term roythman was borrowed from the designation radman or raadman, O.N. *ráðmaðr*, used for a member of the *konungs ráð*, king's council, or the *bæjar ráð*, town council of Bergen. If such a use of the word had been copied from Norway, one would have expected Shetland to have also done so, considering its closer connexion with the mother country. It would be a contradiction in terms and an absurdity to require that one must be a councillor in order to be eligible for election as a councillor. Orkney may have been under *bjarkeyarréttr*, town law, and Kirkwall may have had a *bæjar ráð*, town council, of which the *ráðmenn*, town councillors, were represented in the lawthing and its *lögrétta*. But this would not explain the "roythman's son" designation. Technically the term *roythmen* was applicable to all óðalmen, and we find their sons on the assize, designated as 'younger' (p. 252).

The occurrence of the term lawrightman, *lögrétumaðr*, in Orkney, puts *ráðmaðr*, councillor, out of court. There is one instance of the "landedmen and roythmen," in an assize, being described as "at that time," a term applied to officials, whereas the term "present at that time" was applied to unofficial persons. This instance occurs in a bungled docket on the back of a doom of the assize of the lawthing in 1516: "The dome of the best landit men in [deleted] and royhtmen in Orkna at that *ty* [deleted] tyme"; in which doom it is stated that the doom was dempt before

the "justice of Orkney for the time" by 20 "worthy persons" (some of whom were "younger"), who collectively, as "doomsmen," gave their "doom." The docket can have one of three possible interpretations, viz. (1) *landedmen and roythmen, in Orkney at that time, i.e., present in Orkney at that time, "in Orkney"* being qualified by "at that time"; (2) *landedmen and roythmen (in Orkney) at that time*, which would mean that the landowners and roythmen were reckoned as officials, an explanation which would involve a number of absurdities; or (3) *landedmen and roythmen in Orkney, [doomsmen or assizemen] at that time*. The original document is in the Record Room, Sheriff Clerk's Office, Kirkwall. The terms "landedmen roythmen," "landedmen and roythmen," "roythmen and roythmen's sons," are all explicit definitions of the qualification of lögréttumenn: they had to be landowners *who were óðalmenn or their sons, i.e., óðalbóendr*, as opposed to bóendr in the possession of bought land, a distinction and qualification which disappeared, with the term *roythmen*, when the assize was packed with persons other than óðalmenn.

Besides the lawthing, ogangs and retts, there were also courts of arbiters and the bailie courts; which latter may have been the continuation of the district-þing. In Shetland the parish foud and bailie were synonymous terms.¹ The justice of Orkney and the foud, *foguti*, of Shetland, sometimes one and the same person, represented the executive, and were similar to the sýslumaðr of Norway. In Shetland the foud was also the receiver of the public taxes and of the rents of the earldom lands.

There were precisely similar officers in both Orkney and Shetland: lawman, justice or foud, underfouds (or bailies) and lawrightmen. The two latter terms are seldom used in Orkney. The Shetland lawrightman, in 1576 and before, is described as an officer in every

¹ Opp. O.Z., 58.

isle and parish, who was chosen by the common consent and election of the foud and commons, as their procurator and defender, to keep the weights and measures by which their taxes were paid, and to see that the taxes were justly measured. He was also specially chosen, for his discretion and judgment, to be chancellor of the assize in all courts, where he had to settle any legal questions and show the law, use and practice thereon, and to inform the assize and to pronounce decreets. For this service he was paid by the commons.¹ This payment may have been direct, or it may have been provided for in the skatt. The greater part of the skatt in Orkney and Shetland was undefined and was paid simply as butter-, malt-skatt, etc. Although *leiðangr*, war tax, is not specifically mentioned in the Orkney skatt, it, as the fundamental skatt, must of course be included in the general term skatt. One of the taxes paid in Orkney is called "forcop," *fararkaup*, travelling expenses, the term used in Gulathing Law for the wages paid to the levy. This term has hitherto been, incorrectly, explained as *þingfararkaup*, the Icelandic term for the travelling expenses paid to those attending a þing; whereas the Norwegian terms are *þingfararfé* in Frostathing, and *fé* in Gulathing.

As regards the "Lawbook" of Orkney and Shetland, nothing is known of its existence after the judicial reference to it in 1602.²

It has been shown that Orkney and Shetland, so far as evidence goes, were under the same code, corresponding to New Gulathing Law, which would have made it possible for the same man to act as lawman, or expounder of the law, in both groups, which we know was the case.

¹ Opp. O.Z., 18, 27.

² Mackenzie's *Grievances* of O. and S., 6-7. The earl of Orkney referred to it in 1611, as "the auld Dans lawis by which they were governed." Peterkin's *Notes*, App. 86. The bishop, in 1642, remarked that óðal succession was in accordance with "the law of Norroway," P.R., III., 20.

In 1611, after the downfall of Patrick Stewart, earl of Orkney, the Scottish privy council abrogated all foreign laws in Orkney and Shetland,¹ as well as certain specified laws, "whether they be established by acts and ordinances or received by custom and observation of the country,"² and declared that the islands were to be subject to the law of Scotland. A commission was issued to the bishop of Orkney and another to convocate and assemble the whole inhabitants to concur and assist them; to make, prescribe and set down acts, statutes and ordinances for keeping the inhabitants under his majesty's obedience, and to hold sheriff and justice courts.³ In 1615, the sheriffs depute held a court at which certain acts were passed by the sheriffs with advice and consent of the gentlemen suitors of court and commons, all with one advice, consent and assent.⁴

In 1623, acts were passed by the sheriffs with the advice and consent of the gentlemen and bailies of parishes and suitors of court.⁵ In 1628, acts were passed by the sheriffs depute with consent of the whole gentlemen and suitors of court and commonalty present for the time.⁶

These courts would naturally be constituted and conducted on the same lines as the lawthing, their immediate predecessor, which they replaced; a general assembly of the commons, a primary legislature, by whose consent acts were adopted, while legal decisions were given by an assize (*lögrétta*) chosen from the assembly.⁷

The office of lawrightman (*lögréttumaðr*) appears, latterly, to have been divided into two distinct offices, held by different persons, viz., that of (1) a parochial "lawrightman," who looked after the interest of the commons in his district, and (2) a member of the assize (*lögrétta*) of the lawthing, chosen at the lawthing.

¹ Peterkin's *Notes*, App. 64. ² *Ibid.* 69.

³ *Ibid.* 66.

⁴ Barry's *Orkney*, reprint, 1867, 412.

⁵ *Ibid.* 421.

⁶ *Ibid.* 424.

⁷ *Ibid.* 420.

Probably a fresh assize was chosen for each sitting of the court, or for each case.

The following questions remain to be answered : Was there one manuscript lawbook for both Orkney and Shetland, or had each its own copy ? Was the lawbook of 1602 in old Norse, Danish or English ? If it was in old Norse, had it marginal explanations in English ? The possibility of a translation having been made seems highly probable, especially in Orkney, where Norse became generally extinct at an early date. The rentals of the earldom were translated *circa* 1490, if not earlier, and several old Norse charters bear a contemporary note, "put this into Inglis" (p. 57). As the lawrightman in Shetland had to "show the law" to his parochial assize, it seems to be self-evident that each lawrightman must have had a copy of the Lawbook, in the same way as the later bailies had each to have a copy of the Acts of Bailliary (Barry's *Orkney*, 1808, 469, 482).

TAXATION : SKATT.

Skatt is assessed in Orkney and Shetland on the ounceland, *eyrisland*, which is subdivided into 18 pennylands, and each pennyland into 4 farthinglands. In Norway the *eyrir*, ounce, of money = 30-60 pennies = $\frac{1}{8}$ mark of silver. The English and Scottish mark = 13s. 4d., of which $\frac{1}{8}$ = 20 pence. The Orkney ounce of 18d. may be explained from the fact that a Shetland mark (paid in produce) was reckoned equal to 12 shillings, of which $\frac{1}{8}$ = 18d. The penny, *penningr*, in pennyland may represent the amount of the original tax, or otherwise that of the land rent. Skatt was only assessed on cultivated land, and it ceased so long as the land was not cultivated.

In 895, Orkney was fined 60 gold marks, as weregild for the slaughter of the king's son. It is not stated whether Shetland had to pay a share. This sum

apparently represented the purchase value of the whole estates in Orkney, or in Orkney and Shetland, as otherwise the óðalmenn would scarcely have given up their óðul as a *quid pro quo*. Sixty gold marks were equivalent to 480 silver marks = 3,840 silver eyrir. A very rough estimate of the eyrislands in Orkney, in 1500-1595, gives about 170, which is probably much too little. If the eyrir in eyrisland represents the rent value in 895, then the 170 eyrir \times $22\frac{1}{3}$ years' purchase would equal the amount of the fine paid to Harald. In Denmark, *circa* 1200, land was valued at 24 years' purchase.¹ Of course it is just possible that Harald's fine did not amount to the full purchase value of the estates, so that Shetland may have been included; but it seems unlikely that Shetland would have been fined for a crime committed in Orkney by Orkneymen.

It is not known how many eyrislands there are in Shetland. In 1628, there were 13,392 marks of land²; and one pennyland, or $\frac{1}{16}$ eyrisland, was valued at 8 marks in 1299.¹ On the assumption that the average value of a pennyland was four marks, as in Orkney, this would give 181 eyrislands in Shetland, or more than in Orkney. In the beginning of the 17th century the relative valuation of Orkney and Shetland was regarded as 2:1, for the purpose of assessing Scottish land tax³; in 1912 the ratio was 1.34:1; in 1881, 1.91:1; in 1861, 1.57:1.⁴ *Eyrisland* is explained in Fritzner's *Ordbog*, as land paying an eyrir of rent.

If, on the other hand, the eyrisland were a gold purchase-price valuation of Orkney and Shetland in 895, corresponding with the amount of Harald's fine, then the Orkney eyrislands *170 + the Shetland eyrislands *181 = 351, as compared with the 480 gold aurar of Harald's fine. On this supposition, and assuming that 129 eyrislands had gone astray, the difference

¹ *Orkney and Shetland Miscellany*, I., 118.

² Goudie's *Shetland*, 177.

³ Peterkin's *Notes*, 153.

⁴ Tudor's *Orkneys*, 202, 412.

between the gold valuation of 895 and the sterling silver mark valuation of *1137, is as 1 : 72; *i.e.*, 1 gold eyrisland = 1 silver mark in 895, whereas the average value of the eyrisland in sterling silver marks, in *1137, was 72 (eyrisland = 18 pennylands \times average 4 marks). The lowest silver valuation was 18 marks, and the highest 360. The burnt silver mark valuation of Orkney was the English mark of 13s. 4d. (D.N. II., 146; *Proceeds.* S.A.Scot., 1884, 273). In England, 20s. in 1329 = 66s. in present coins (see McCulloch's *Comm. Dict.*, s.v. *Coins*), so that the English mark of 1329 would be = 44s. in present coins. Dasent calculated that the Norse mark of the 10th century = 36 shillings sterling (*Burnt Njal*, II., 404). Assuming that the eyrisland valuation is that of the silver-rent in 872, then the rent of an eyrisland in 872 was one eyrir, or $\frac{1}{8}$ old Norse burnt mark silver = 4s. 6d. stg., as compared with 29s. 4d. sterling in 1500, in Orkney, *i.e.*, as 1 : 6.518, an increase which seems reasonable. The latter calculation is arrived at as follows: the eyrisland of 18d. lands was valued in 1500, on the average at 72 sterling marks silver (4 marks per d.) on which rent was charged, on the average, at the rate of 10d. Scots, and the ratio of Sterling to Scots, at that time was 1 : $3\frac{3}{8}$ ¹; so that 72 marks \times 10d. Scots = 720d. Scots = 200d. stg. = 29s. 4d. stg., in present coins, silver rent per eyrisland.

The eyrisland valuation must have been made in 872, for the assessment of the skatt which Harald imposed for the support of the government of his earl. The ounceland, or *tirung*, and pennyland of the Hebrides must be explained in the same way.

It can be proved by the rental of 1500 (P.R., I), that *kviar*, Orkn. *quoys*, folds or enclosures, in the commons, which presumably had been brought under cultivation after the original eyrisland valuation had

¹ *Proceeds.* S. A. Scot., 1884, p. 255. McCulloch's *Comm. Dict.*, s.v., *coins*.

been made, were also valued and included in the skatt-roll. It is obvious that such new land would not have been let off skatt-free in the early vigour of the Norse fiscal system. It may, therefore, be safely assumed that Harald's fine amounted to the price of the taxable land in Orkney in 895, and was calculated, on the basis of the existing eyrisland or rental valuation, at twenty-four years' purchase. This would give 160 eyrislands in Orkney, in 895, or about 10 less than in 1500, which seems a reasonable allowance for the subsequent increase of cultivated and taxable land.¹

The value of the marks of land in Orkney had evidently decreased considerably in value by 1500, when land, formerly worth a mark of 13s. 4d. stg. (the sterling mark of 1329 would be = 25s. stg. in 1500), was let for a payment of produce, worth 10d. and 12d. Scots, = 2 $\frac{7}{8}$ d. and 3 $\frac{1}{3}$ d. stg. Whereas in 1602, $\frac{1}{2}$ mark (6s. 8d. stg.) of land was sold for 43s. 4d. stg. (p. 272); and in 1603, 6 $\frac{1}{2}$ marks (£4 6s. 8d.) was sold for £20 stg. (p. 221). At this time sterling to Scots money was 1 : 12, and the sterling mark of 1329 = 41s. 4d. stg., so that the land was sold for about double its mark value.

The earl's acquisition of the óðul in Orkney in exchange for the fine which he paid for the óðalmenn placed them in the same position as the óðalmenn in Norway, where Harald appropriated all the óðul and

¹ Comparative value of Orkney in 895 and 1912 :—

A.D.	Rent.	Value at 24 years' purchase.
895.	£36.	£864.
1912.	£87,920.	£2,110,080, including Kirkwall and Stromness.
1912.	£65,254.	£1,566,096, excluding Kirkwall and Stromness, Banks and Bú of Orphir 9 $\frac{1}{2}$ d. land.
895.	£0 2s. 3 $\frac{3}{4}$ d.	£2 15s. 6d.
1906.	£85.	£2,040.

Including the towns, Orkney was 2,500, and excluding the towns, 1812 times more valuable in 1912 than 895; whereas the Bú of Orphir was only 735 times more valuable; but Orkney now includes an enormous area of new land.

the óðalmenn became his vassals and tenants. In both cases the óðul were ultimately restored to the óðalmenn, in order to gain their support. The *Heimskringla*, in one version, states that Harald himself took possession of the óðul in Orkney, and gave them to earl Einar as a *lén* or fief. Pennylands were, at a later date, valued at their purchase price in burnt silver marks of 13s. 4d. sterling each, and on this valuation land rent was charged in Orkney down till 1600. The eyrislands of Orkney are mentioned in 1263.¹ In Shetland the marks of land ceased to be used as the uniform basis of rent charge as early as the sixteenth century, when land was leased at so many pennies per mark, the penny representing the actual currency value of the rent paid in produce. This method continued in use in Shetland until the eighteenth century. The pennyland and eyrisland valuation of Shetland is now lost; there is only one record of a pennyland in Papey, in 1299, when its purchase price was valued at eight silver marks (= 1 gold mark), on which the rent was then charged, as in Orkney²).

The purchase value in marks of the pennylands in Orkney varies considerably. Land in the north isles had not increased so much in value as in the Mainland (Hrossey). This is undoubtedly accounted for by the fact that the north isles (excepting Rousey, Edey and Westrey), are flat and without heath or moorland, and consequently more easily cultivated. They would have been cultivated to their full capacity when the first valuation was made. Whereas the Mainland, with its heaths, hills, streams and alluvial soil, provided, as it still does, considerable scope for breaking in new land capable of improvement. In Sandey, as its name implies, sand drift formed a serious impediment to its cultivation. The relative value of Orphir (Mainland

¹ Hák. S., 365-366, where *eyrisland* is translated, *geldable land and crown estate*!

² p. 38; *Old-Lore Miscellany*, I., 117-119.

parish), to Sandey (north isle), is in pennylands, as 1 : 7, whereas the present rental ratio is 1 : 2. When the markland valuation was made (? 1137) the average value of a pennyland in Sandey was 1½ marks, and in Orphir 8 marks or over.

ÓÐAL LAW: ÓÐALSRÉTTR.

Five generations of continuous ownership of land converted the estate into an óðal, its owner into an óðalmaðr, and his son ódalborinn. The ódal could not be alienated without being first offered to the nearest heir, and, when alienated, it could be redeemed again.

Before 1275, óðul were inherited equally by the sons only; but, after that date, daughters inherited one-half of a son's share, and the eldest son had the first choice of the head house, *höfuðból*, *höfuðbæli*; and this was the law in Orkney and Shetland until the sixteenth century.

On the introduction of Christianity, the church speedily got rid of the inability of the óðalmenn to bequeath land and goods to the church, by the enactment of laws which permitted óðalmen to give a *höfuðtiund* and *ávaxtartiund*, a tithe of stock given once in one's lifetime (usually on the deathbed), and an annual tithe of income. Latterly the law allowed óðalmen to give away *tiundargjöf*, a tenth of inherited land and loose goods, and *fjórðungsgjöf*, a fourth of self-acquired land and loose goods, terms which appear in Orkney charters as "tiend penny and the ferd." These gifts could be left to anyone, and were redeemable in the usual way.

Upon the death of an óðalmaðr, a court was held on the seventh day afterwards, and accordingly called a *sjaund*, at which the property was divided.

As early as 1544, primogeniture crept into Orkney, fortified by crown charters,¹ and is now general.

¹ Gt. Seal Reg., Scot.

CURRENCY : VERÐAURAR.

In 1500, we have the last relic of butter currency in Orkney, when 21d. of butter=1 spann.¹ In Shetland, butter and cloth currency was in use until the seventeenth century; an ell of vaðmál being = 2d.-vaðmál, and 4 marks weight of butter=1d.-butter, and 1 lispund of butter=6d.-butter.² In 1575, 2d.-vaðmál=2s. Scots.³

WEIGHTS AND MEASURES: VÁG OK MÆLING.

The information on this subject is too meagre and uncertain to arrive at any safe conclusion at present. The only certainty is that the weights and measures were fixed in Orkney and Shetland in 1828, and they differ in amount.

The spann, butter measure, of 21d. butter, is mentioned in Orkney in 1500, as equivalent in current market value to 4 lispunds of butter; and 20 lispunds of butter as equivalent in value to a barrel of butter. The lispund, *lifspund*, *linspund*, and the setting, *séttungr*, are, contrary to Norwegian custom, each divided into 24 marks. As in Norway, 6 settings=1 meil (*mælir*).⁴

In Norway the bismarapund=24 marks; a subdivision which probably got transferred to the lispund and setting in Orkney and Shetland. But here we must leave the subject, which can only be elucidated by a large and systematic accumulation of facts, and by a thorough examination and study of the weights and measures of Norway and the Hebrides.

SOCIETY : FOLK.⁵

Classes.—In Gulapingslög, circa 1100, society was grouped into five main classes: (1) thralls, (2) freed

¹ P.R., No. I.

² MS. rental with Viking Society; Goudie's *Shetland*, 178.

³ Opp. O.Z., 27.

⁴ P.R., No. I.

⁵ N.G.L., see also Seebohm's *Tribal Custom in Anglo-Saxon Law*.

thralls, (3) free men and freeholders, (4) noblemen, feoffees of crown lands, (5) earls and king. These five classes were further divided into seven grades, *stig*, so far as the payment of wergild, *bót*, was concerned.

wergild
ratio.

1. unfree, *úfrjáls*: *þræll*, pl. *þrælar*, thrall.
2. freed-man: *leysingi*, pl. *leysingar*, freed thrall:—
 - (a) *leysingi* of the first four generations, who was still dependent on the original owner. 1
 - (b) *leysingssónr*, the fifth generation, when *þyrmsl*, dependence, on the original owner ceased. 2
3. *bóndi*, pl. *bóendr*:—
 - (a) a tenant of a farm, or the owner of *kaupajörð*, bought land, as opposed to *óðalsjörð*, freehold. 3
 - (b) freeholder, franklin, *hauldr*, *höldr*, pl. *hauldar*, *óðalsmaðr*, *óðalborinn maðr*; land became *óðal* when it was inherited from five forefathers, in the sixth generation. 6
4. nobleman, *lendborinn*, *lendrmaðr*, landed-man (formerly *hersir*), one holding a *lén*, fief, of the king. 12
5. highborn man, *tignarmaðr*:—
 - (a) *jarl*, earl, holding a *lén*, fief, of the king. 24
 - (b) *konungr*, king. 48

To the titled classes the *hertogi*, duke, was added later on. The titles of *barún* and *riddari*, baron and knight were conferred, in 1277, on the *lendirmen*, and the *skutilsveinn* in the king's *hirð*, bodyguard, who

were styled *herra*, lord. *Herra* was also applied to bishops, and *síra* to priests.

These distinctions of class and grade were applied to the dead as well as to the living. The churchyard was divided into four quarters for burial. Lendirmenn were buried east and south-east of the church, under the eaves if they had taken part in the building of the church, otherwise they were buried in the bóendr's quarter. Hauldar and their children were buried next to the lendirmenn, and the *þrælar*, thralls, next to the churchyard wall. Further than that, a hauldr had right to twice as much graveyard as the bóndi, and half as much as the lendrmaðr.

The following are the saga references to society, officials, personal appearance, etc., etc.

As regards personal appearance, special attention is always directed to dark and swarthy persons, who are sometimes described as unlucky looking, and to very fair persons with flaxen hair. The inference being that the average islander was brown-haired, and not a pure Scandinavian.

In 880, earl Hallad got weary of the earldom, and took up his *haulds rétt*, óðal right, and went back to Norway. When he resigned his *lén*, fief, of the earldom he was only a hauldr or óðalborinn, as there was nothing else for him, unless the king gave him another *lén* and made him a lendrmaðr in Norway.

Earl Torf-Einar, 880-900, the famous skald (whose name was given by Snorri to a metre called *Torf-Einars-hátt*), after he had an eagle carved on the back of Hálfðan, the son of Harald hárfagri, and sacrificed him to Óðin, sung a song in which he referred to the höldar who had warned him of the danger, *hætta*, he had incurred. The Orkney óðalmen or bóendr were therefore called hauldar.

For this crime king Harald, as already mentioned, exacted a payment, *gjald*, from the islands. Earl Torf-Einar paid the fine, in security for which the bóendr

gave him their óðul. The rich, *auðigr*, bóendr agreed, because they thought that they would be able to redeem them, while the poor, *snauðr*, bóendr had no money to pay the gjald.

We have here a clear statement that the bóendr of Orkney (and Shetland?) were hauldar or óðalborinn. The designation bóndi is applied, throughout the saga, to the óðalborinn or óðalmen of the islands. The Scottish höfðingi, Summerled, is called a höldr, in 1157. The bóendr of Shetland are called þegnar, thanes or freemen, in a verse.

Earl Einar took the earldom as a *lén*, or fief, from the king, and was not required to pay any skatt (as was paid by the earls in Norway), on account of the viking raids to which the islands were subject.

Throughout the existence of the Norse earldom, 872-1468, it was always held as a fief from the king of Norway, each earl being invested. The title was not strictly hereditary, as it was conferred, at will, by the king, on any member or connexion of the family, or on another family altogether. Earl Sigurð, *circa* 995, restored the óðul to the bóendr for services rendered to him in Scotland. He had a *hirð*, bodyguard, which numbered among its members, Helge and Grim Njálssons and Kari. He had also a *sýslumaðr*, steward, in Caithness and Stroma. The *bætr*, wergild, awarded by the king for the slaughter of earl Einar, in 1026, was fixed as for three lendirmen, instead of two as in the above list.

Earl Þorfinn, who ruled 1014-1064, was half a Scotsman, his mother being a daughter of the king of Scotland. He had the whole earldom to manage after 1028 and to own 1030-1035, the period of king Knút's reign over Norway. He had his *hirð*, bodyguard, and treated them and many other *ríkismen*, mighty men, exceptionally well, as he furnished them with meat and drink all the winter through, and not merely at Yule,

as was the custom of other earls and kings, so that no man needed to go to a *skytningr*, a guild or club.

Earl Rögnvald, 1045, brought certain matters before his *vinir* and *ráðgjafar*, friends and councillors. A *ráðgjafi* was one of the council of a king or princely person.

When earl Rögnvald burnt earl Þorfinn's bú, in 1046, the women and the *úfrjáls*, unfreemen, *i.e.*, thralls, were allowed to escape, but the *hirðmen* were burnt in the house, "as they would be no better to him alive than dead." However, the earl escaped in the dark.

Frequently a *sáttar-fundr*, peacemeeting, was held for the settlement of private disputes. During 1098-1102, Sigurð, the nine-year-old son of king Magnús, was made earl of Orkney, when the two ruling earls were banished to Norway. The king provided him with a *ráðuneyti*, council.

During king Magnús' expedition to Scotland and England, Magnús, afterwards earl and saint, acted in his *hirð* as *skutilsveinn*.

On the succession of Sigurð to the throne, the sons of the banished earls who had since died were made earls. Both of these earls were married to Scottish wives. Among the earl's men, in 1116, are mentioned his *merkismaðr*, standard bearer, and *steikari*, cook. The *merkismaðr* of the king ranked as a *lendrmaðr*. When earl Hákon's *merkismaðr* declined to execute St. Magnús, his *steikari* was ordered to do so. There is a distinction drawn between the *ríkismen* and *bóendr* who attended a thing in 1137; the difference may have been one of wealth, as previously mentioned, *auðigr* and *snauðr*. There were *njósnaermen* (news-men), spies, in those days. The bishop, on one occasion, acted as *meðalferðarmaðr*, intercessor, between the earls. There were two *gildirmenn*, great men, in 1128, Jón vængr (wing), at Uppland in Háey, and his brother Ríkarðr, at Brekka in Strjónsey.

In 1135, the earl had his *skutilsveinn* and *kertisveinn* page and torchbearer, at feasts. The *skutilsveinn* was was one of the *hirð*, bodyguard.

Two earls shared the earldom in 1139, and it was arranged that one should have *ráð*, rule, and that they should have only one *hirð* between them.

Earl Rögnvald, the saint and skald, took into his *hirð*, Hall, the Icelandic skald, and they collaborated in the composition of the famous "Háttalykill hinn forna," a key to metres, and used five *vísur*, strophes, to each *hátt*, metre, but the *kvæði*, song, was thought too long, and now two are sung to each *hátt*. Other Icelandic skalds were also taken into his *hirð*. This earl had his *sýslumaðr*, steward, in Caithness, to collect his revenues.

Svein, the last of the vikings, who was latterly a *hirðmaðr* of earl Rögnvald, had in his house a *heimakona*, housemaid, and *húskarlar*, menservants, followers or bodyguard. He had also a *landseti* or *húsbóndi*, a tenant of one of his farms. The earl's and Svein's *húskarlar* may have been their *hirð*, and not merely menservants; because this term is sometimes applied even to the king's *hirð*. When Svein and earl Erlend met unexpectedly, at a time when they happened to be at feud with each other, they endeavoured to settle their dispute on the spot. But as the earl was not accompanied by his *hirð* and *ráðneyti*, bodyguard and council, Svein offered the services of his own *fylgð*, followers or bodyguard, and *ráðneyti*.¹ This gives a good idea of the status of an Orkney *rikismaðr*, *göfugrmaðr* or *gæðingr*, of the period.

Other leading men, such as Þorbjörn klerk, had a *sveitungr* or *fylgðarmen*, a following of men.

The designation *gæðingr* denotes a man of *gæði*, wealth. In 1064, the earl's *gæðingar* are mentioned. Earl Rögnvald had the bishop and many of his *gæðingar* at his Yule feast. Svein's revenues in Caithness,

¹ The translation of Orkn. is bad here.

in 1126, are called his *gœði*. In 1153, the *gœðingar* went into two bands and took sides with the two earls. In 1128, it is remarked that there were many *göframen*, noblemen, in Orkney, of the stock of the earls, who were all *gœðingar of earl Pál*. In 1136, earl Pál summoned the *gœðingar* and asked council. He had a great feast with *his gœðingar*. The *earl's gœðingar* came to the earl when the danger beacons were lit. There is a reference in Fms. vi., 442, to the king's stallari and *other gœðingar*, and x, 303, to the king's *borð* and *gœðingar*. The conclusion seems inevitable that the term *gœðingar* was applied in Orkney to the earl's *hirðmen*, the "gentles" of a later period. At any rate they were the wealthy *óðalborinn*, and of the stock of the earls. A *gœðingr* was described in 1159, as of the earl's kin, and the *göfgastr maðr*, most worshipful by birth, in the earl's *lið*, troops. They are always called the *earl's gœðingar* and of *his kin*; possibly they had grants, during the earl's life, of portions of the earldom lands *at veizlu*, in return for which they would have to support him in battle and to entertain him when on circuit, corresponding with the king's *lendirmen*. As the earl only held the earldom for life, in fief from the king, he could only grant portions of it, *at veizlu*, during his tenure.

A Shetland *búandi* (= *bóndi*), in 1137, had a *leigu-maðr*, servant; and *man-frelsi*, giving a thrall his freedom, is mentioned.

An *ármaðr*, steward, also appears in the earl's service. A *bóndi* in Caithness was described as *göfugr*, noble.

In 1154, St. Magnús' cathedral was used as a sanctuary.

In 1171, Svein addressed earl Rögnvald as *herra*, a title only applied to kings and earls at that time. In 1277, knights and barons were created in Norway, to whom the title of *herra* was given.

The king's *foguti*, bailiff, appears in Shetland, when

it was annexed to Norway, in 1194, and the king sent his *befalingsmen*,¹ officers, to Orkney and Shetland in 1210.

In 1273-1299, Shetland was in the appanage of *hertogi*, duke, Hákon, afterwards king of Norway.

There were no *lendirmenn* in Orkney and Shetland, as the earl was sole feoffee, but their place in society and in the government of the earldom would be taken by the rich and leading *óðal-bóendr*,—the *ríkismenn*, *gæðingar*, etc., who probably represented the earls in their respective districts.

Besides the political divisions of classes, it will have been already observed that there were then, as now, a multiplicity of social distinctions, even in one class. It has already been mentioned that, as early as 895, the *bóendr* were divided into rich and poor, as well as the earls' kin, chiefs, great men and such like. For matrimonial purposes there would, undoubtedly, have been still further discrimination observed, having regard to family associations. The islands must have been a veritable storehouse of genealogical lore, seeing that five generations had to be traced back to claim *óðal* right, and four for a freed thrall family to claim to be freeborn. In Frostathinglaw, a family of thrall origin had to trace eight generations, in order to become *árborinn*. The law required these genealogies to be proved by witnesses in court.

As regards the *óðal-bóendr*, they were all, rich and poor, members of their primary lawthing, and eligible for nomination as members of the *lögrétta*—the humble owner working his own patch of ground, and the rich owner with his estate let out to tenants—and, as such, they were indiscriminately, rich and poor, described as *góðir-men*; good men, *i.e.*, good, honest and respectable men; whereas the rich, the well-born and leading

¹ Orkn. 236 : Peder Clausön Undals Danish translation of the lost *Böglunga sögur*; at this time (1210) the term *befalingsman* does not occur in Norway.

men, or rulers, who were members of the *hirðmannastefna*, were, as such, appropriately described as the "gentles" of the country. The *hirðmannastefna*, which originally was concerned with court ceremonial, latterly, in Orkney, acted as a judicial assembly, over which the earl presided.

The inborn faculty for genealogy was maintained in Shetland until the nineteenth century, when it is told that some families had oral genealogies going back for centuries, which had been handed down from generation to generation.

Living.—In the saga we have descriptions of homesteads—*skáli*, hall; *stofa*, parlour; *bakhús*, bakehouse; *bygghúsi*, bigghouse, barn; *brunnr*, well; *ljóri*, an opening in the roof for light and for the escape of smoke from the *langeldar*, longfires, in the centre of the hall floor; when the fires were not burning the *ljóri* was covered with a *skjá-vindauga*, skin window, formed of a *skjá-grind*, a frame, covered with *skjall*, a membrane or skin, to admit light; walls were hung with *tjald*, tapestry, with mythological subjects.

There were *skytningar*, clubs or guilds, and Kirkwall was a *kaupstaðr*, merchant town, in 1137. The earls wore *kyrtills* and gilded helmets and had underclothing of *lín-klæði*, linen.

Bread-breaking was performed as a peace token. Brewing took place before Yule, when feasts were held and solemn memorial toasts drunk out of horns, *kapp-drykkja*. Evening meals, with drinking after, were the fashion.

Earl Rögnvald indulged in harp-playing and in extemporising poetry. Among games mentioned are *mann-jöfnuð*, man-matching, comparing which is the better of two, frequently ending in bloodshed; *tafl*, draughts.

Among sports: otter (*otr*) hunting, hare (*héra*) hunting, grouse (*heiðar-hæna*) shooting, in 1154, in Orkney, and deer hunting in Caithness.

Ships.—In the mythical part of the saga we are told of a *stjórnfastr-skip*, a ship with the rudder fixed, a term used again in 1098, also *bakborði*, larboard, as opposed to *stjórnborði*, starboard, which is mentioned in 1152. The following notices are arranged chronologically:—

880: *stafnbúi*, forecastle men (*stafn*, stem, bow or stern—*framstafn*, the bow, *aptrstafn*, the stern). The term occurs again in 1136, with *frambyggvar*, bow-sitters. The gangway leading to the bow was called *frambyggja*.

1029: *langskip*, longship; *framan siglu*, before the mast; *sigla*, mast; *segl*, sail; *stafnlé*, a grappling hook (*lé*, a scythe); *ár*, oar; *lypting*, poop, a raised place (castle) on the poop.

1046: *bátr*, boat; *háls*, the bow or neck of a boat; *andæfa*, to paddle a boat against tide and wind to prevent drifting, modern dialect *ando*.

1047: *tvitug-sessur skip*, twenty-oared ship (*sess*, a seat).

1098: *fyrirrum*, the first cabin in the after part, next the *lypting*.

1136: *þiljur* (planks), the deck; *smá skip*, small ships; *sexæringr*, six-oared boat, modern Shetland *sixareen*; *veiðar-færi*, fishing tackle.

1137: *byrðingr*, a merchant ship, a ship of burden; *skúta*, a small craft, cutter.

1148: *skipstjórnamaðr*, ship steerer, captain, skipper; *þritogt at rúma-tali*, a ship with thirty rooms, seats or divisions, for sixty rowers; *búið skip*, ornamented ship; *hálf-fertugr at rúma-tali*, a ship with thirty-five rooms, for seventy rowers, and *gulli lagt allir enni-spænir ok veðrvitar ok víða annars-staðar búið*, gilded carved heads and weather-vane and many other parts ornamented; *dreki* (a dragon), a ship of war, with a dragon's head as beak, and *höfuðin ok krókar aptr mjök gullbúið*, the head and tail or coils aft much

gilded, and *hlyr-birt*, stained on the bows, and painted above the water line.

1152: *drómundr*, a warship, in the Mediterranean.

1154: *reiði*, tackle, including sails; *eptir-bátr*, after boat, a cock boat of a ship.

1158: *tjald*, a tent or awning on board ship.

Beliefs.—Torf-Einar slew a viking in the ninth century and gave him to the *troll*, trolls; he made an Orkneyman cut an *örn*, eagle, on the back of Hálfðan hálegg with a *sverð*, sword, and *skera*, cut, the *rif*, ribs, all from the *hrygg*, spine, and *draga*, draw, there out the *lungu*, lungs, and *gaf*, gave, him to Óðin for his *sigr*, victory; after which he let cast Hálfðan's *haug*, how, when he sung: "The Norns have ruled it rightly." A *spámaðr*, spaeman, *forneskjumaðr*, sorcerer, or *vísindamaðr*, wizard, was consulted by earl Hákon Pálsson, in 1090-94, about getting *hamingja*, good luck, and hearing his *forlög*, future fate, by *forneskja* or *fjölkyngi*, witchcraft. Heathen sacrifice, *blót*, is referred to.

Svein brjóstreip, a *hirðmaðr* of earl Pál, was *formjök*, versed in old lore or witchcraft, and had constantly *úti setið* and *sat úti um nóttina*, sat out at night as a wizard (at the cross-roads), which is described as *úbótaverk*, a crime, in N.G.L. Svein preferred witchcraft to attending midnight mass on Yule eve. The slaughter of Svein was welcomed by the bishop as *land hreinsan*, a cleansing of the land, a term used in Gulating Law for clearing the land of miscreants.

Society after Saga times.—The last Norse earls in the male line were already half Scottish in 1206; and numerous Scottish relatives and friends of theirs came to Orkney. As regards Scottish marriages, like rulers like people. After 1206, the Scottish earls ruled. From that time till 1400, and later, is more or less a blank, except certain misdeeds of the bishops, an elopement, rival claimants to the earldom, and clergy translated from Norway to Orkney and Shetland. In 1347, king

Magnús Eiríksson bequeathed, to St. Magnus' cathedral, a chasuble, dalmatic tunicle and a cope.¹ The king of England complained to Norway about the bishop of Moray, the excommunicated adherent of Robert the Bruce, being harboured in Orkney²; and later on, Robert the Bruce, who, tradition says, himself took refuge in Orkney, in turn complained about one of his fugitives being received there.³ An agreement, in Norse, drawn up in 1369, between the bishop and the representative of the king of Norway, during an interregnum in the earldom, gives some insight into the social condition of the islands at that time.⁴ It was agreed that the bishop and the *rikest men*, noblest men, in Orkney and Shetland, should be first and foremost in all *ráð*, councils, henceforth as regarded the king, church and people, according to the laws and *lands-siðir*, customs of the country, and that the bishop should have *godamen* (O.N. *góðir menn*), good, honest men, *inlenzka*, born in, Orkney and Shetland, *at þjóna*, to serve him, as the custom was with other bishops in Norway.

The islands were evidently, at this early period, suffering from Scottish adventurers. It is significant that of the twenty-four leading men who were present at the making of that agreement, many had Scottish names, including the archdeacon of Orkney, a canon, and several clergy. Only two had Norwegian names, Gudbrand Andresson and Olave Skutt, while Sigurd of Paplay may be the only native man among the lot.

The wardrobe and belongings of a Shetland gentleman of the late fifteenth and early sixteenth centuries, sir David Sinclair, great foud of Shetland, captain of the king's castle in Bergen, etc., are set forth in his will of 1506; *inter alia*:

¹ D.N., V., 149.

² D.N., XIX., 544.

³ D.N., V., 63. See also II., 98; XIX., 594.

⁴ D.N., I., 308.

Drinking vessels : two silver and one " mid " stoops, with thirty stopps (flagons and cups?)

Ships : " The Carvell " ; a little ship ; and the Inglis (English) ship.

Jewelry : gold chain, which he wore daily ; gold chain, called a " collar," given to him by the king of Denmark ; great silver belt ; signet.

Clothing : linen robe bought from the Flemings ; blue doublet, with breast set with precious stones ; hood, set with precious stones ; black doublet of velvet ; red hose ; short red velvet coat, without sleeves ; short black velvet coat ; doublet of cloth of gold ; grey satin gown ; three ostrich feathers ; black damask gown with silver buttons ; grey scarlet hose ; doublet of down cramese ; red velvet coat, left to the high altar of St. Magnús' Cathedral ; two-thirds of a black velvet coat, left to St. Magnús' church, Tingwall, and one-third to the Cross church of Dunrosnes ; green cloth, etc.

Harness : three saddles, etc.

Books : " The Book of Good Manners." "

Another Shetland gentleman, Magnus Leslie of Ayth, had purloined from him, *circa* 1576, by the foud of Shetland, besides, food, drink, cattle, etc., the following articles :—sixteen ells of " keltar " ; one pair double blankets ; a bed covering ; a doublet of cramese ; a black cowl, which cost a crown of the sun ; three crystal stones set in silver, of the Dutch fashion ; copper kettle ; a keg, with twelve pounds of soap ; tin cans and empty stoops ; honey ; cruses ; pigs (earthenware jars) ; " stalis " ; cups ; beakers ; together with all his servants' clothing, such as cassies, breeks, doublets.¹

Person-names.—Patronymics were in use in Shetland until early in the nineteenth century, when they became stereotyped. Some names in Shetland appear to have been taken from local place-names. In Orkney the last vestiges of patronymics occur in the sixteenth century. In Orkney, Scottish settlers were rife, and

¹ Opp. O.Z., 72.

it is probable that the immediate descendants of the first settlers, especially those without historic names, would conform to the prevailing fashion of patronymics, encouraged by local intermarriage; and, later, undoubtedly the Scottish set the fashion, and possibly began the adoption of place- as person-names (an advantage to fugitives). With the exception of Scotch and other outland names, nearly all other Orkney person-names are derived from local place-names. In the early stages of the adoption of place-surnames, and when the custom was in its full vigour, such Orkney place-names as may have replaced Scottish surnames would become permanent; whereas, in the final decay of the fashion in the 18th century, we find, as was to be expected, that the substituted place-surname was, frequently, only of a temporary nature. We also find, in Orkney, that persons readily changed their place-surname for that of a new abode. Taking all this into consideration, it would be difficult, if not impossible, to say which families are now of native Norse origin in the male line. Even Baikie and Halcro, which have hitherto been regarded as the most important Orkney-Norse surnames, are only represented by genuine place-names in Forfarshire and Caithness. Another Forfarshire place-name, Fotheringham, is also the surname of an old Orkney family.

Another factor to be considered is the changing of place-names for one or other of the following reasons: (1) the inclination to acquire a property with the same or a similar sounding name to that of the purchaser, and conforming one with the other; (2) the deliberate changing of the place-name to that of the surname of the owner, *e.g.*, the Caithness place-name *Halcro* was given to a place called Holland in South Ronaldsey, which belonged to the Halcro family, in the sixteenth century, and in recent times *Balfour* appears in Shapinsey, (3) personal association has introduced such foreign place-names as Inkerman, Balaclava, Ballarat, etc.,

while fables have converted Keeso into Kaesar, and Grikalty into Agricola.

We have known instances of the glossing of place-surnames, induced by a sensitiveness to fashion. In the ascendancy of Scottish influence, Rusland became Russell, Bugar: Burgess, etc., and conversely, in the full vigour of the Norse influence, Scottish surnames would have been conformed to Orkney forms.

Each Scottish place-man and notable settler would have been followed by a train of relatives, friends, dependents and other persons from the same district, as actually occurred in and after the sixteenth century, of which we have records.

Those persons in Orkney and Shetland who can prove their descent from the St. Clair earls (which includes all the descendants of bishop Graham) are of viking descent.

As an illustration of the readiness with which Scotsmen became naturalised in the islands, may be mentioned the case of the Scottish-born Scotsman, Lawrence Bruce of Cultmalindie. He was the principal agent in 1575 of the oppressor, lord Robert Stewart, and in 1592 numbered himself, together with seven other persons bearing Scottish names, among the "odallers," and as such supplicated the Scottish parliament against the oppressions of Patrick Stewart, earl of Orkney (the son of his erstwhile employer), and championed the "gwid subjectis, heritable possessoris of the udack (!) lands in Orkney and Zetland."¹

The bulk of the principal landowners in the islands have had Scottish names for centuries, including some leading óðal families, such as Irvine, Craigie, Cromarty, Sinclair, etc.

The ascendancy of the Scots is only natural, when we consider (1) the proximity of Orkney to Scotland, (2) the succession of the Scottish earls since 1206, (3) the acquisition of the islands by Scotland in 1468,

¹ Opp. O.Z., 101.

since when the clergy, officials, and their following have been Scots, and (4) the population, especially since the adoption of the English language, has been mainly recruited from Scotland, while considerable emigration of the viking element has been constantly in progress. If the male line of the earls died out in three centuries, as early as 1206, the same is to be expected of, at least, the ruling class as well. But there can be little doubt that there are few in the islands who do not descend, through the distaff side, from the old vikings, whose spirit of adventure and colonisation they have so well maintained in all the British colonies.

ALFRED W. JOHNSTON.

NOTE.

The space available for the Introduction has necessitated its being confined mainly to an original and suggestive review of some historical facts, without, in any way, touching invidiously on the opinions and researches of the host of other writers. The references are, therefore, confined to a selection of such reliable works as contain the facts brought under review.

Some tribute must be given here to the chief founders of modern historical research in Orkney and Shetland. In the forefront stands the late David Balfour, of Balfour and Trenaby (the head of a Scottish family which has given a place-name to Orkney), whose vigorous *Memorial for Orkney* is the political and partisan brief of an enthusiastic advocate on behalf of Orkney and Shetland, as against alleged Scottish oppressions. The sole authorities founded on are the documents to which the *Memorial* forms an Introduction, so that all else is merely intended as an approximate and tentative sketch of the political history of the islands, purposely overdrawn and incisive, founded on the slender material available at the time, and consequently never intended to be seriously quoted or criticised as conclusive.

The Venerable Archdeacon J. B. Craven has com-

piled an exhaustive monograph on *The History of the Church in Orkney*, founded on historical documents.

Gilbert Goudie has given the results of a lifelong scientific study of the old-lore of Shetland, in his *Celtic and Scandinavian Antiquities of Shetland*, and to him Orkney and Shetland owe the first translation of the *Orkneyinga Saga*.

To these three scholars, in grateful acknowledgment of their inspiration and leading, this Introduction is dedicated.

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Page references are to this volume.

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N.G.L.—Norges Gamle Love.

Orkn.—Orkneyinga Saga, Rolls Series of *Icelandic Sagas*, vols. I., III., text and translation. As the translation contains additional text, it is referred to by page; but the text is used as the authority, as the translation is imperfect. In the Introduction this saga is referred to as "the saga."

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- C. **1606, Jan. 31**, execution by the bailie of Orphir of the precept of the sheriff of Orkney as to the exchange of certain lands in Orphir and Harra. No. 103, p. 275.
- CI. **1607, Dec. 6**, conveyance of land in Orphir. No. 80, p. 232.
- CII. **1611, July 3**, discharge for the price of land sold in Stennes. No. 104, p. 276.
- CIII. **1612, Jan. 4**, conveyance of land in Stennes. No. 105, p. 276.
- CIV. **1613, April 15**, conveyance of land in Stennes. No. 106, p. 277.
- CV. **1613, April 21**, sasine of land in Stennes. No. 107, p. 278.
- CVI. **1615, July 3**, conveyance of church land in Orphir. No. 81, p. 235.
- CVII. **1615, July 3**, conveyance of church lands in Orphir. No. 82, p. 237.
- CVIII. **1616, March 21**, wadset of lands in Stennes. No. 84, p. 239.
1616, Nov. 20, sasine on above. No. 84, p. 243. **1621, May 21**, conveyance of liferent of above lands. No. 84, p. 242. **1625, Mar. 13**, redemption of wadset of above lands. No. 84, p. 243.
- CIX. **1616, April 10**, sasine of lands in Orphir. No. 83, p. 238.
- CX. **1616, May 27**, conveyance of land in Stennes. No. 108, p. 278.
- CXI. **1634, Feb. 6**, conveyance of land in Stennes. No. 109, p. 279.

ERRATA.

- p. xxvi., l. 6 from foot, read *gömul siðvenja*.
- p. xlix., l. 10, read *forni*.
- p. xlix., read *í áðuneyti*.
- p. l., l. 3, read *göfugirmenn*.

Diplomatarium Orcadense et Hialtlandense.

1. Extracts from Adam of Bremen referring to the Earliest Bishops of Orkney.

Adam. Brem. Gesta Hammaburgensis Ecclesiæ pontificum (written 1072-76). ed. Lappenberg in Pertz, Monum. Germ. Hist. Vol. VII.

Ch. 215 : Heinricus apud Orchadas ante fuit episcopus isque in Anglia sacellarius Chnud regis fuisse narratur. Cuius thesaurus in Daniam perferens luxuriose vitam exegit. De quo narrant etiam quod pestifera consuetudine delectatus inebriandi ventris tandem suffocatus crepuit.

(Translation.)

Heinrekr (Henry)¹ was formerly Bishop in the Orkneys and it is told he was the treasurer of King Knút (the Great ?) in England. He took the King's treasures to Denmark and led a dissolute life. It is also told of him that, delighting in the pestiferous habit of drunkenness and gluttony, he died at last through surfeit.

NOTE.—The same is told of this Bishop by Saxo, who adds :—

“Yet one word. What a shameful death, even had he been a bondi, much more for a Bishop, whose name is so disgraced by it that it will be the object of ridicule and laughter as long as the world exists ! Fie upon the glutton who in life dishonoured and in death obliterated the honourable name he bore and forfeits rightly, by his greediness for worldly cups, his part in the Lord's Sacrament ! Shame and dishonour got the clergy from him who was to honour and adorn their state, and certainly the disgraceful death he died was only a due reward for a man who led a dissolute life, though it was his duty to be an example of all virtues. Only it is hard that the people must share the derision whereto the manner of his death gives occasion, so that the chronicle of Denmark is compelled to blush at his memory.”

¹ Was appointed Bishop of Dalby, Scania, Denmark, by King Svein Ulfsson of Denmark (1044-1076) in 1060, and died on Aug. 21, but the year is not known. He seems to have been two years in Iceland before Isleif, 1053-54 (?), (*Islendingabók* ch. 8. *Hungvaka* ch. 3), and he must have been appointed to the See of Orkney by York. Adam in another place calls him the fat Henry. Adam was the secretary of Archbishop Adalbert, Primate of the North.

Ch. 142: Extremitates venerant (ad Adalbertum) Islani, Gronlani, et Orchardum¹ legati, petentes ut prædicatores illuc dirigeret, quod et fecit.

(Translation.)

From the remotest parts had come (to Adalbert) Icelanders, Greenlanders and delegates from the Orkneys, asking that he should send preachers thither, which he also did.

Ch. 243: Quarum primæ sunt Orchades insulæ quas barbari vocant Organas; ritu Cycladum illæ sunt dispersæ per oceanum. De quibus Romani auctores Martianus et Solinus ita scripsisse videntur: A tergo Britannia . . . Orchardæ sunt insulæ quarum 20 sunt desertæ, 16 coluntur. Orchades insulæ pæne 40 iunctæ. Igitur Orcades inter Nordmanniam et Britanniam et Hiberniam positæ frementis oceani ludibundæ minas derident. Ad quas a civitate Nortmannorum Trondemni per diem ferunt navigari posse. Itemque ab Orchardibus aiunt simile spatium viæ sive in Angliam dirigas sive in Scotiam flectere velis. Ad easdem insulas Orcadas quamvis prius ab Anglorum et Scothorum episcopis regerentur, noster primas iussu papæ ordinavit Torolfum² in civitatem Blasconam³ qui omnium curas ageret.

(Translation.)

First of these (islands) are the Orkney islands, which the barbarians call Organæ.⁴ Like the Cyclades they are scattered in the ocean. It seems the Roman authors Martian and Solinus wrote thus of them: Behind Britain are the Orkney islands, of which 20 are desert (isles), 16 inhabited. The Orkneys are nearly 40 together. Therefore the Orkneys, being situated between Nordmannia

¹ Some MSS. Orcadum.

² Thorulfum, Thorolphum, also MSS.

³ A misreading for Bir(g)sana (i.e., Birsay), a clerical error.

⁴ An attempt to render the Old Norse "Orkneyjar."

(Norway) and Britain and Ireland, laugh playfully at the threats of the roaring ocean. It is said you can sail in one day to them from the city of the Northmen (Norwegians) Thrandheim. And they say there is similar distance from the Orkneys whether you sail to England or Scotland.¹ Of these Orkney isles, though they were formerly ruled by the Bishops of the English and the Scotch,² our Primate, at the Pope's command, consecrated Thorolf (Bishop) to the city of Blascona,³ and he was to have care of all.

Ch. 206: Preterea Thorolfum quendam posuit (Adalbertus) ad Orchadas. Illuc etiam misit Johannem in Scotia ordinatum, et alium quemdam Adalbertum cognominem suum. [p. 176. ed. Pertz.]

(Translation.)

Also he (Adalbert) set one Thorolf over the Orkneys. He also sent there Jon,⁴ who was consecrated in Scotland, and one Adalbert,⁵ his own namesake.

NOTE.—Thorfinn, Earl of Orkney, 1014-1064, disliked York's supremacy over the isles, and on his journey to Rome, in the years 1048-50, he saw first king Svein of Denmark, then Archbishop Adalbert at Bremen, and then the Emperor Henry III. of Germany who lent him horses to ride to Rome. He got absolution from the Pope, probably Leo IX., and probably the permission to establish a Bishop's See at Birsay, under the supremacy of Bremen. He thus expiated the murder of Earl Rögnvald Brúsason, as Macbeth expiated that of King Duncan, at Easter, 1050, both of them at the same time in Rome. He built a Christ Church (Kristskirkja, i.e., Cathedral) at Birsay, on his return from Rome, and probably returned by way of Bremen, and again talked the matter over with Adalbert. The Thorolf sent to Orkney in 1050-1056 by Adalbert is identified by Munch with a Bishop of Oslo. He was then ousted by Radulf (Ralph), sent by York in 1085 (Ann. Barth.). Adalbert, Archbishop 1043-72, at the end of

¹ Scotland here means Ireland.

² English, i.e., appointed by York; Scotch, i.e., sent from Iona.

³ "Staðr i Birgishéraði," in Old Norse.

⁴ Jón írski (Hungvaka, ch. 3; Islendingabók, "a few years in Iceland") in Iceland 1049-53 (Munch). Adam calls Hibernia (Ireland) the land of the Scots.

⁵ Perhaps sent to Greenland, "illuc," thither, i.e., to the outlying islands.

his life intended to visit the Orkneys and Iceland (Adam). Earl Thorfinn himself thus was the "legatus" from Orkney who asked for a bishop.

Henry seems to have been the earliest of these missionary Bishops. Bishop Jon (Johannes) was, according to *Islendingabók*, ch. 8, and *Hungrvaka*, ch. 3 (in Iceland 1051-53 ?), sent to Iceland and also to Orkney. He died a martyr in Vindland (Mecklenburg) in 1066.

2. Extracts from Annals, etc., referring to the Earliest Bishops of Orkney.

- (a) *Annales Bartholiniani*, ed. Langebek.

A.D. 1056: Isleph fit episcopus Islandiæ Turolphus Orcadum.

- (b) ID. A.D. 1085: Radulphus fit Episcopus Orcadensis.

- (c) *Episcopi Septentrionis* ed. Langebek.

circa, A.D. 1060: Torolfus Episcopus Blasconensis. Blascona in insulis Orcadibus.

- (d) *Catalogus Pontificum Hamburgensium* ed. Langebek.

(Adalbert) Turolphum vero et Adalbertum præfecit Orcadibus.

(Translation.)

(a) A.D. 1056: Isleif is made Bishop of Iceland, Turolf of Orkney.

(b) A.D. 1085: Radulf (Ralph) is made Bishop of Orkney.

(c) About A.D. 1060: Torolf Bishop of Blascona.¹ Blascona in the Orkneys.

(d) But (Adalbert) set Turolf and Adalbert over the Orkneys.

Thomas, Archbishop of York, writes to Lanfranc, Archbishop of Canterbury, that Earl Paul has sent to him from Orkney a cleric whom the Earl has elected as Bishop, and asks to have consecrated, and Thomas asks that Lanfranc may send two Bishops to assist in the consecration at York on March 3.

¹ i.e., Birsay.

From MS. Cott. Vesp. E. IV. fol. 204 b. Printed in Haddan and Stubbs: Councils and Ecclesiastical Documents relating to Great Britain and Ireland, Oxford, 1869-78, 3 vols., vol. II. p. 162.

3. Before March, 3, 1073. York.

Piissimo et sanctissimo Cantuariorum Archiepiscopo, totius quoque Britanniae summo pastori, Lanfranco, Thomas, fidelis suus, et nisi præsumptuosum sanctitati suæ videatur, Eboracensis Ecclesiae Archiepiscopus, coeli portas Petri vice justis et injustis juste aperire et claudere. Ecce, pater sanctissime, filius tuus ad te clamat; sed magis, filia, Eboracensis videlicet Ecclesia, ad eam, cui dispositione Divina præsides, Ecclesiam, tanquam ad maternum recurrens sinum, pie postulat, ut abundantia maternarum reparetur inopia suarum se disserentium, immo longe et inter barbaras nationes positarum virium. Siquidem venit ad nos quidam clericus, quem misit Paulus Comes cum literis sigillatis de Orchardum partibus, significans in eis Episcopatum suæ terræ eidem clerico se concessisse. Ac ille antecessorum tuorum ordine custodito postulat a nobis Episcopum se consecrari. Cui, quod juste petit, injuste denegare non possumus. Precamur ergo, nobis duos Episcopos dirigat Paternitas vestra, quorum fulti orationibus et auxilio tantæ rei sacramentum canonice compleamus. Illa autem procul arceatur suspicio, quam nuperrime nobis noster frater et co-Episcopus subintulit. Remigius, me scilicet inposterum quæsiturum Dorcaces-trensis vel Wigornensis Episcopi hac de causa subjectionem: dico enim coram deo me nunquam hoc facturum. Si placet igitur sanctitati vestræ, juxta petitionem nostram nobis facere dignemini, locum Eboracum, tempus 5 nonas Martias, nobis immutabiliter constituimus, et vobis significamus. Ergo vivas et valeas et spiritualibus incrementis usque proficias.

(Translation.)

To the most pious and holy Archbishop of Canterbury, also Primate of all Britain, Lanfranc, Thomas, his

faithful (friend) and, unless it seem presumptuous to his Holiness, Archbishop of York, to open and close righteously, as Peter's substitute, the door of heaven to the just and unjust (sends greeting). See, most holy father, thy son calls to thee; but more (thy) daughter, the Church of York, returning to the Church over which you rule by the grace of God, as it were to her mother's bosom, claims piously that her lack of strength, being situate far away among barbarous nations, be repaired from the abundance of her mother's strength. There has come to us a cleric whom Earl Paul¹ has sent with sealed letters from the Orkneys, saying in these that he has given the episcopate of his country to this cleric. And after the custom of thy antecessors he asks us to consecrate him as Bishop. What he asks justly we cannot unjustly refuse him. We ask therefore, that you, Father, send us two Bishops, that, strengthened by their prayers and help, we may carry out canonically a Sacrament of such importance. But far be the suspicion which our brother and Co-Bishop, Remigius, has recently insinuated, that I would in future seek to subject myself to the Bishop of Dorchester or Worcester in this matter. For I say before God that I shall never do so. If it therefore pleases your Holiness that you deign to do as we petition you, we establish York as the place, without fail, the time March 3d, and make it known to you. May you live and be in good health and ever abound in all spiritual blessings.

Lanfranc, Archbishop of Canterbury, asks Wulstan, Bishop of Worcester, and Peter, Bishop of Chester, to go to York to assist Archbishop Thomas in consecrating a Bishop of the Orkneys.

MSS., etc., as last letter.

4. Before March, 1073. Canterbury.

Lanfrancus gratia Dei sanctæ Dorobernensis Ecclesiæ Archiepiscopus, venerabilibus Fratribus Wlstando Wigor-

¹ Earl Paul I., co-earl with Erlend, 1064-98.

nensi et Petro Cestrensi, Episcopis, Salutem. Insinuavit nobis venerabilis frater noster Thomas, Eboracensis Archiepiscopus, advenisse de Orchardum insulis ad se quendam clericum, quem in Episcopatum ipsius terræ, præcipiente et insinuante Paulo Comite, testatur esse electum. Et quia ex antiquo more sui juris est præfatarum insularum præsules consecrare, petit a me, ut mittam sibi de nostris suffraganeis duos, qui tantæ rei sacramentum cum eo valeant celebrare. Rogantes itaque præcipimus, et præcipientes rogamus, quatenus, omni excusatione summotâ, illuc eatis, ut ex nostro præcepto secum quod justum est in tanto rei mysterio compleatis. Non enim decet, ut qui sacrandus in hanc terram venit, et cum omni humilitate sacrari se postulat, inopia adjutorum a tanto regno non sacratus abscedat. Terminum hujus consecrationis lator vobis præsentium indicabit. Et ne forte solliciti sitis, putantes quod vel ipse vel successores ejus hac occasione super Ecclesias vestras jus prælationis quandoque conentur arripere, literas quas ipse mihi transmisit, fraternitati vestræ, sollicitudinem de futuro gerens, curavi transmittere. Quas, et has, quas vobis transmittito, in archivis Ecclesiarum vestrarum ob memoriam futurarum servatum iri præcipio.

(Translation.)

Lanfranc, by the grace of God Archbishop of Canterbury to the venerable brothers, Wlstan of Worcester and Peter of Chester, bishops, greeting. Our venerable brother Thomas, Archbishop of York, has told us that a cleric came to him from the Orkneys who, he declares, has been elected to the episcopate of the country at the bidding and asking of Earl Paul. And since of old it is his right to consecrate the bishops of the said isles he asks me to send him two of our Suffragans who may celebrate a sacrament of such importance with him. Bidding therefore we ask you, and asking bid you, that, with all excuses removed, you go there, and at our command execute with him what is right in such a mystery (Sacra-

ment). For it beseems not that one who comes to this country to be consecrated and asks in all humility to be consecrated, go unconsecrated from such a kingdom for want of helpers. The time of this consecration the bearer of these presents will tell you. And that you may not haply be filled with solicitude thinking that he or his successors will, when occasion arises, try to arrogate to themselves the right of pre-election over your Churches, I have had sent your Fraternity the letters he sent me, being solicitous about the future. I bid you keep them and the letters I send you in the archives of your Churches for future reference.

5. Extracts from Chronicles referring to the York bishops of Orkney.

Stubbs Act. Pont. Ebor. Haddan and Stubbs, II. 167.

Ipse [Gerardus Arch. Ebor.] etiam Rogerum Rodolfi successorem Orcadensium ordinavit Episcopum, accepta ab eo prius professione, quæ sic incipit, Ego Rogerus Orchardensis Ecclesiæ sanctæ nunc ordinandus Episcopus, etc. [Twysd. 1710.]

(Translation.)

He [Gerard Archbp. York] also consecrated Roger, the successor of Rodolf, Bishop of the Orkneyings, after hearing his profession which begins thus:—I Roger, now about to be ordained bishop of the holy Church of Orkney, etc.

A. S. Chron. Appendix. Year 1077.

Hoc quoque anno misit ei litteras Thomas archiepiscopus Eboracensis, in quibus rogavit ut sibi mitterentur duo episcopi ad consecrandum clericum quendam, qui ei litteras de Horgadis insulis detulit, ut ipsarum insularum episcopus consecraretur. Cujus petitioni Lanfrancus annuens, mandavit Wlstano Wigorniensi, et Petro Cestrensi episcopis, ut Eboracum irent et cum Thoma tantam rem complere satagerent.

(Translation.)

And this year Thomas Archbishop of York sent him letters in which he asked that two Bishops should be sent him to consecrate a cleric who brought him letters from the Orkneys (Horgades) that he was to be consecrated Bishop of the Islands. Lanfranc assented to this petition and asked Wlstan of Worcester and Peter of Chester, Bishops, to go to York and execute so great a function with Thomas.

Haddan and Stubbs, II. 190. Stubbs Act. Pont. Ebor.

Orchadensium etiam electum Rodolphum idem Archiepiscopus (Thomas I) sacravit, facta, lecta, et tradita professione quæ sic incipit, In aspectu Dei et hujus Ecclesiæ Ego Rudolphus, etc. [Twysd. 1709.]

(Translation.)

The same Archbishop also consecrated the Elect of the Orkneyings, Rudolf, after the profession was made, read and delivered, which begins thus: In the sight of God and of this Church I Rudolf, etc.

Contin. Flor. Wig. II. 89. Haddan and Stubbs, II. 212.

Radulphus quoniam nec principis terræ nec cleri nec plebis electione vel assensu fuerat ordinatus, ab omnibus refutatus et in loco pontificis a nemine susceptus est. Hic quia nullius Episcopus urbis erat, modo Eboracensi modo Dunhelmensi adhærens, ab eis sustentabatur et vicarius utriusque in Episcopalibus ministeriis habebatur.

(Translation.)

Radulf, as he had not been ordained through the election or assent of the Earl or the Clergy or the People, was refused by all and no one accepted him as Bishop. Since he was not a Bishop of any city he was attached sometimes to York, sometimes to Durham, and was kept by them and used as the Suffragan of either for episcopal work.

NOTE.—Lanfranc, Archbishop of Canterbury, and Thomas I., Archbishop of York (1070-1100) made a compact at the Council of Windsor, 1072, assigning to York the primacy over Scotland. This was based on Gregory the Great's letter to St. Augustine that after Augustine's death there should be two primates, one at London and the other at York, each with 12 Suffragans in their due shares.¹ Of the three York Orkney bishops, Ralph I., Roger, and Ralph II., Roger is the only one of whom we know that he went there (see Archbishop Anselm's letter to Earl Hacon below).

A Bishop Ralph of Orkney witnesses a letter by King David of Scotland, on the consecration of Bishop Robert of St. Andrews at York, 1128, and a charter of Archbishop Thurstin of York of the same year. Eadmer, Hist. Nov. iv. under A.D. 1108 speaks of Bishops from Scotland and Orkney being present at the consecration of Turgot to St. Andrews.

Anselm Archbishop of Canterbury tells Hacon Earl of Orkney to aid and be subject to the Bishop that has been sent him.

From Anselm. Epist. IV. 92. MS. Cott. Claud. A. XI. 1576. Haddan and Stubbs, II. 167.

6.

[1103 or 1108-9.]

Canterbury.

Anselmus gratia Dei Archiepiscopus Cantuariensis, Haconi Comiti Orcadensium, salutem et benedictionem Dei. Audio quia propter indigentiam doctorum, minus quam expedit, populus qui sub vestra potestate est, cognoscat et colat Christianam religionem. Sed gaudeo quia referente Episcopo quem nunc per gratiam Dei habetis, didici quia prudentia vestra libenter suscipit verbum Dei, et consilium quod pertinet ad salutem. Hac igitur fiducia mitto strenuitati vestræ litteras monitionis meas, quatenus se studiose committat prædicationi et doctrinæ ejusdem Episcopi; et quantum in vobis est studeatis ut populus vester hoc ipsum faciat. Nihil enim facere potestis unde magis remissionem peccatorum et vitæ æternæ gloriam adipisci valeatis, quam si populum vestrum ad cultum Christianæ religionis, monendo, et quibuscunque modis potestis, vobiscum attrahatis. Quod efficaciter, Deo dante, implere poteritis, si, quemadmodum

¹ The Archbishop of Canterbury writes to Calixtus II. in 1119 that "Britanniæ" in Gregory's letter "includes Scotland and Ireland."

supra dixi vobis, vos devota et sancta humilitate et pura voluntate Episcopo vestro subditis. Si vos consilio nostro et exhortationi, Deo inspirante, acquiescere volueritis, oro Deum omnipotentem, ut ipsa vos et totum populum vestrum Sua gratia dirigat et protegat, et Suam benedictionem et absolutionem et orationes humilitatis meæ et corde vobis mando, omnipotens Deus sic vos faciat vivere in hoc sæculo, ut in futuro jungamini beato angelorum consortio. Amen.

(Translation.)

Anselm,¹ by the grace of God Archbishop of Canterbury, to Hacon, Earl of the Orkneyings, greeting and God's benediction. I hear that for want of teachers the people that is under your rule knows and practices the Christian religion less than is desirable. But I am glad to have heard from the Bishop whom, through the grace of God you now have, that your wisdom willingly accepts the Word of God and the counsels of salvation. In this confidence I send your Strenuousness my letters of admonition that you attend diligently to the preaching and the doctrines of this Bishop, and, as far as you can, see that your people do so. You can do nothing through which you are more able to win the forgiveness of sins and the glory of eternal life than if you draw your people with you to the Christian religion, by admonition or by any means in your power. This you can do efficiently, God granting if, as I have told you before, you subject yourself to your Bishop with devoted and holy humility and pure goodwill. If, God inspiring you, you will take our counsel and exhortation I ask omnipotent God that his mercy direct and protect you and all your people and I grant you his benediction and absolution and the prayers of my humility with my heart. May omnipotent God make you live thus in this world

¹ Anselm was in exile A.D. 1103-1106, and this letter is written 1102-3 or 1107-1108. If, as seems probable, this letter was written 1108-9, Anselm apparently did not know that Magnus had become co-Earl with Hákon in 1108. Anselm died in April, 1109.

that in the future you may be united to the happy company of angels. Amen.

NOTE.—Hákon Pálsson, Earl of Orkney 1103-22. St. Magnus, co-Earl with him 1108-15, upheld Radulf of York as Bishop of Orkney, while Hákon upheld William 1102-68 (or 1112-68, Munch), who probably came from Melrose (see Chron. de Mailros). Laurentius, abbot of Melrose in 1175, had been abbot in Orkney (Chron. de Mailros). After Radulf's death William resided at Birsay, but he also lived in Egilsa, at least while building the church there, dedicated to St. Magnus, in 1135-38 (Orkneyinga Saga). The above explains why William for political reasons refused to have Earl Magnus canonized till Dec. 13, 1135. There seem to have been double Bishops of Sodor and Man also, appointed by York, and simultaneously by Bremen, and later, by Lund. If Munch is right in thinking that William became Bishop in 1112, and not in 1102, the numerals being mis-written, then he must have been consecrated by Archbishop Asser of Lund which became the Metropolitan See of the North in 1103. Both the Orkneyinga Saga and the Icelandic Annals call him the first Bishop of Orkney, and the lead plate from his tomb in St. Magnus reads: "primus episcopus." Thus the Orkney chapter and clergy acknowledged none of the missionary Bishops who preceded him.

Pope Calixtus II. tells the Bishops of Durham, Orkney, Glasgow and Scotland, Suffragans of York, to obey Thurstin¹ Archbishop of York as their Metropolitan.

From Reg. Alb. Ebor, p. I., fol. 51. Dugdale, Mon. V., 1187. No. LV. Haddan and Stubbs, II. 183.

7.

Nov. 20, 1119.

Beauvais.

Calixtus Episcopus servus servorum Dei, venerabilibus fratribus, R[adulfo] Dunelmensi, R[adulfo] Orcadensi, J[ohanni] Glesguensi, et universis per Scotiam Episcopis, Eboracensis Ecclesie suffraganeis, salutem et Apostolicam benedictionem. Ad hoc, disponente Deo, sedis Apostolice cura nobis commissa est, ut Ecclesiarum omnium sollicitudinem gerere debeamus. Eapropter Divine destinationi vestre metropolis Eborac. Ecclesie paterna benignitate compassi sumus; et venientem ad nos venerabilem fratrem T[urstinum] ipsius electum

¹ Turstin was consecrated to York by Pope Calixtus at Rheims, Oct. 19, 1119.

benigne suscepimus ; atque in Archiepiscopum, cooperante Domino, consecra[ui]mus. Pallei quoque insigne, pontificalis videlicet officii plenitudinem, secundum consuetudinem Apostolice sedis ei concessimus. Non enim fratribus nostris rationabile visum est, ut pro illa confratris nostri R[adulfi] Cantuariensis Archiepiscopi querimonia vacare diucius Eboracensis debeat Ecclesia ; precipue cum frater idem frequenter ab Apostolica sede commonitus nullam ei in causa hac voluerit reverentiam exhibere. Vestre igitur fraternitate presentium litterarum auctoritate precipimus, ut predictum fratrem nostrum T[urstinum] tanquam metropolitanum vestrum diligere et honorare attentius procuretis ; eique in posterum, omni occasione seposita, debitam obedientiam et reuerentiam deferatis. Datæ Belvacii XII. kalend. Decembris.

(Translation.)

Bishop Calixtus, servant of the servants of God, to the venerable brothers R[adulf] of Durham, R[adulf] of Orkney, J[ohn] of Glasgow and all Bishops in Scotland, Suffragans of the See of York, greeting and Apostolic benediction. For this, through the guidance of God, is the care of the Apostolic See committed to us that we should be solicitous about all Churches. Therefore we have taken compassion on the Church of York which through Divine destination is your Metropolis, with fatherly kindness, and have accepted benignantly the venerable brother T[urstin] its Elect who came to us, and with God's help have consecrated him Archbishop. We have granted him also the Pallium, viz., the plenitude of pontifical office, after the custom of the Apostolic See. For it seemed not rational to our brothers that the Church of York should be longer vacant because of the complaint of our brother R[adulf], Archbishop of Canterbury, especially as this brother, often admonished from the Apostolic See, would show it no reverence in this matter. We command your Fraternity by the authority of the present letter that you study to love and honour more

attentively our said brother T[urstin] as your Metropolitan and render him due obedience and reverence in future on all occasions. Given at Beauvais, Nov. 20.

Pope Calixtus II. exhorts Eystein and Sigurd, the Kings of Norway, to receive favourably the bishop (Radulf) of Orkney who has been canonically elected and consecrated in his Metropolis York, to defend him against wrong and let him dwell quietly in his bishopric.

Printed in Monasticum Anglicanum III. 145 (new edition VIII. 1186). Haddan and Stubbs Councils II., I., 196; Migne, Patrologia latina 163, 1142. Cp. Jaffe, Reg. Pont.² no. 6786. Reg. Norv. no. 39. D.N. XVII., p. 2.

8.

[1119.]

[Rome.]

Calixtus episcopus servus servorum Dei dilectis in Christo filiis Aistano et Siwardo Norvegiæ regibus salutem et apostolicam benedictionem.

Ab ipso fidei Christianæ principio ecclesiæ Dei per principum munificentiam in temporalibus excreverint, et Dominus quidem honorificantes se honorificabit, et eorum potentiam habundantius dilatabit. Ea propter, filii in Christo carissimi, dilectionem vestram literis apostolicis visitantes rogamus vos et admonemus in Domino ut filium nostrum Orcadensem episcopum, canonice ut accepimus electum, et in metropoli sua Eboraca ecclesia consecratum benigne suscipiatis, ab iniuria defendatis et in episcopatu suo manere quietius faciatis.

(Translation.)

Bishop Calixtus, servant of the servants of God, (sends) greeting and the Apostolic benediction to (his) beloved sons in Christ, Aistanus¹ and Siwardus,² Kings of Norway.

From the very beginnings of the Christian faith the

¹ Eystein, King of Norway, 1103-1122.

² Sigurd, King of Norway, 1103-1130.

Churches of God have increased through the munificence of princes in temporal matters, and the Lord will honour those who honour him and more abundantly extend their power. Because of this, most beloved sons in Christ, calling for your love through Apostolic letters, we ask you and admonish in the Lord that you receive kindly our son, the bishop of Orkney, elected canonically, as we hear, and consecrated in his Metropolis, the Church of York, that you defend him from injury and let him stay more quietly in his bishopric.

Pope Honorius II. declares that Archbishop Thomas of York has consecrated Radulf as Bishop of Orkney, but another has intruded (taken his place), and he therefore admonishes King Sigurd to reseate Radulf in his place, and have care not to incur the wrath of God.

Printed in Monasticum Anglicanum III. 144 (= VII., 1186), Migne Patr. lat. 166, 1241, Haddan and Stubbs Councils II., 1, 212. Cp. Jaffe, Reg. Pont.² no. 7224, Reg. Norv. no. 44. D.N. XVII., pp. 2-3.

9. Dec. 9, [1125]. Rome, the Lateran.

Honorius episcopus servus servorum Dei dilecto in Christo filio S. illustri Norvegiæ regi salutem et apostolicam benedictionem.

Auribus nostris intimatum est, quod venerabilis frater noster Thomas Eborum archiepiscopus Radulphum Orcheneia episcopum consecravit.

Postmodum vero, sicut accepimus, alius est ibidem intrusus. Cæterum episcopalem cathedram aut unus optinebit aut nullus. Ideoque per præsentia scripta nobilitati tuæ mandamus, quatinus prænominato Radulpho sedem episcopalem, Orcheneiam videlicet, cum parochia et cæteris pertinentiis suis, tanquam proprio illius loci episcopo et pastori restituas. Et de cætero sollicitudo custodiat, ne ob hoc iram Dei incurrat.

Datum Laterani V^o. idus Decembris.

(Translation.)

Bishop Honorius, servant of the servants of God, to his beloved son in Christ, S[igurd], the illustrious King of Norway, greeting, and the Apostolic benediction.

It has come to our ears that our venerable brother Thomas, Archbishop of York, has consecrated Radulf as bishop of Orkney. But later, as we hear, another has intruded himself there. For the rest either one or none shall have the episcopal see. And therefore, through these presents, we bid your Nobility (i.e., Majesty) give back to the forenamed Radulf the episcopal see, namely of Orkney, with parishes and other belongings, as if he were the proper bishop and clergyman of that place. And besides have care that you incur not the wrath of God through this.

Given at the Lateran, Dec. 9th.

10. Extracts from York Chronicles about Bishop Ralph of Orkney.

*History of the four Archbishops of York (Thomas I., Gerard, Thomas II., Thurstan) by Hugh the Chantor, written A.D. 1137-49, printed in Raine: *Historians of the Church of York and its Archbishops II.*, London, 1886, p. 127.*

Radulphum vero, urbis Eboracensis presbyterum, in ecclesia Sancti Petri ab Orcadensibus electum T(homas) Orcadum insularum ordinavit episcopum, cujus prædecessores ab archiepiscopis nostris ordinati fuerant, a Primo T(homa) Radulfus; a Girardo, Rogerus Witebiensis monasterii monachus.

(Translation.)

But Radulf (Ralph), a priest of the city of York, elected in the Church of St. Peter by the Orkneyings, T[homas] consecrated Bishop of the Orkneys. His predecessors had been consecrated by our Archbishops, Radulf by T[homas] the First, Roger, a monk of Whitby Monastery, by Girard (Gerard).

NOTE.—Thomas I., Archbishop of York, 1070-1100. Gerard, 1100-1108. Thomas II., 1109-1114. Thurstan, (Turstin in the Old Norse form, from Bayeux,) 1114-1140.

Haddan and Stubbs, II. 190 (Act. Pont. Ebor.) (Twysd. 1713).

Radulphum etiam urbis Eboracensis presbyterum in ecclesia S. Petri ab Orcadensibus electum idem Thomas Orcadum insularum ordinavit Episcopum qui ei professionem fecit et scriptam tradidit quæ sic incipit. Ego R., etc.

(Translation.)

The same Thomas also consecrated Ralph,¹ a priest of the city of York, elected in St. Peter's Church by the Orkneyings, Bishop of the Orkneys and he made his profession and delivered it in writing, which begins thus, I R. etc.

King David of Scotland commands the Earl of Orkney to protect the monks of Dornoch.

From Reg. de Dunferml. 14. Haddan and Stubbs II. 228.

11.

[Before 1153.]

Abernethy.

David Rex Scottorum Reinwaldo Comiti de Orchadia et Comiti et omnibus probis hominibus Cateneis et Orchadiæ, salutem. Mando vobis et præcipio, quod, sicut me diligitis, monachos et homines eorum et res,

¹ Ralph II. Nowel or Nuwel (Novellus) was present at the consecration of Bishop Robert of St. Andrews at York in 1128, Cont. Flor. Wig., and was sent by Archbishop Thurstin as his Suffragan to the army that fought the battle of the Standard at Northallerton, 22 Aug., A.D. 1138, in which King David of Scotland was defeated. He made a stirring speech on the eve of the battle. In 1143 he represented the Bishop of Durham at the Council of Winchester which assented to the election of William Fitzherbert to the See of York. There is no evidence that he ever went to Orkney.

According to the History of the four Archbishops of York, Radulf (Ralph) went with Turstin, Archbishop of York, to the Council at Rheims, France, A.D. 1119, and was kissed by Pope Calixtus II. All the English Bishops kept aloof from Turstin except Radulf, as Turstin was consecrated against the will of King Henry I. of England. R. was thus in disgrace with K. Henry. See Haddan and Stubbs. R. was consecrated on the recommendation of King Malcolm of Scotland.

habitantes ad Durnach¹ in Cateneis, diligatis; et ubicunque inter vos venerint, manuteneatis; non permittendo, quod aliquis eis injuriam vel contumeliam faciat, nec fieri permittat: testibus Cancellario et Herberto camerario: apud Abernithi.

(Translation.)

David King of Scots to Reinwald (Rögnvald) Earl of Orkney and Earl² and to all good men of Catenes and Orkney, greeting. I command and bid you that, as you love me, you shall love the monks that live at Dornoch in Caithness and their men and property; and whenever they come among you protect them; not permitting any to do them harm or disgrace, and not allowing it to take place: witnesses, the Chancellor and Herbert the Treasurer: at Abernethy.

Pope Anastasius IV. confirms through a letter to Archbishop Jon the establishment of the Archbishopric of Thrandheim which was made during the stay of the Legate, Cardinal Nicolaus, in Norway, and gives the Archbishop advice about his office.

From Arne Magnusson's copy, in MSS. Bartholin. T. IV. (E) p. 151-157, of a transcript of June 26, 1479. Printed in Norges gamle Love I. p. 439-41, Dipl. Island. I. p. 208-14 and elsewhere. Cp. P.A. Munch: Det norske Folks Historie III. p. 872-74. D.N. VIII., pp. 1-4.

12.

Nov. 30, 1154. Rome, the Lateran.

Privilegium metropolitane ecclesie Noricane.

Extract: et ei Asloensem, Hammarcopiensem, Bergenensem, Stawangriensem, insulas Orcades, insulas (Fareie) Suthraie, insulas Islandensium et Grenelandie episcopatus tanquam sue metropoli perpetuis temporibus constituit subiacere.

¹ Dornoch.

² Rögnvald, Earl of Orkney 1136-1158, ruled Caithness in the name of Harald Maddadh's son, his co-regent after 1139; therefore Caithness is omitted after "and Earl." Dornoch, the later seat of the Caithness bishops, was much exposed to feuds.

(Translation.)

The Privilege of the Metropolitan Church of Norway.

He (Nicolaus) laid for all time under the Metropolis (of Thrandheim) the Bishoprics of Oslo, Hamar, Bergen, Stavanger, the Orkney Isles, the Isles of (Færeie, Faero) Sodor (Suðr-eyjar, O.N., the Hebrides), the Isles of Iceland and Greenland.

NOTE.—Nicolas Breakspear, Cardinal of Albano, was of English birth, and became afterwards Pope Hadrian IV. (1154-59). He got Pope Anastasius on his death-bed¹ to confirm the establishment by Eugenius III. in 1148 of the Metropolitan See of Nidaros or Thrandheim. He consecrated Jón Byrgisson, bishop of Stafangr, Archbishop of Nidaros, invested him with the pallium and established Christ Church at Nidaros as his Metropolitan Church. The famous Icelandic poet Einar Skúlason recited to the Cardinal, the Archbishop and the three Kings, Ingi, Sigurd and Eystein, his poem *Gæisli* about St. Olaf in Christ Church. St. Olaf was so pleased with it that the Church was filled with fragrance.

Nicolas introduced Rúmaskatt or Peter's pence, and King Ingi's Saga says he always, during his Papacy, let Northmen get an audience of himself before others, even when engaged on important business.

Harald (Maddadh's son) Earl of Orkney grants an annual gift of one mark silver to the canons of St. Michael's Church at Scone for the souls of his ancestors, his own and that of his wife.

From the older Chartulary of Scone (written about A.D. 1300) in the Advocates' Library, Edinburgh (copied by Prof. P. A. Munch). D.N. II., p. 2.

13. No date (about A.D. 1190). No place.

Dilectissimis amicis suis et hominibus Haraldus Orcardensis (!) Hetlandensis et Catanesie comes salutem. Sciatis me dedisse et hac mea carta confirmasse deo et sancto Michaeli et canonicis manentibus in Scona singulis annis vnam marcam argenti ad pondus marce Scocie libratam. Quare volo vt singulis annis hec elemosina predicte domui reddatur a me et filio meo Turphino et heredibus meis in perpetuum pro animabus

¹ 30, Nov. while Anastasius died Dec. 3.

antecessorum meorum et pro anima mea et vxoris mee, videlicet. Testibus hiis Turfino filio meo. Laurencio cancellario et aliis.

(Translation.)

To his much beloved friends and men Harald, earl of Orkney, Hetland and Catanes, greeting. Know ye that I have given, and with this letter of mine confirmed it, to God and to St. Michael and to the canons that dwell in Scone annually one mark of silver, of the weight of a Scotch mark. I will therefore that this alms shall every year be paid to the said house by me and my son Turphin (Þorfinn) and my heirs, perpetually, for the souls of my ancestors, and for my soul and that of my wife, namely.¹ Witnesses to this my son Turfin, Laurencius the Chancellor and others.

List of the Bishoprics of the Norwegian Church, for the purpose of levying tribute for the Papal See.

From the Codex censualis, vellum, folio, the Papal Archives, Cenci Camerari Divers, 18, fol. 5 and 44. D.N. VIII. p. 5.

14.

1192.

[Rome.]

Incipit liber censuum Romane ecclesie a Cencio Camerario compositus secundum antiquorum patrum regesta et memorialia diuersa. Amo incarnationis dominice m.c. xc. ij. pontificatus Celestini pape iij. anno secundo.

Norwagia.

In archiepiscopatu Nidrosiensi.

In episcopatu Bergensi.

In episcopatu Stanuengrensi.

In episcopatu Hamarensi.

In episcopatu Asloensi.

In episcopatu Horchadensi.

In episcopatu Sudereiensi, alias Manensi.

¹ Her name, Hvarflöð, is omitted. Harald was Earl of Orkney, 1139-1206.

Ecclesia sancti Columbi de insula Hy. ii.
 Bisancios annuatim.
 In episcopatu Scalotensi in Islandia.
 In episcopatu Holensi in Islandia.
 In episcopatu Pharensi in Grotlandia.
 In episcopatu Gardensi in Grotlandia.
 Nota quod singule domus Norwagie singulos
 dant denarios monete ipsius terre.

(Translation.)

(Here) begins the Book of tribute due to the Roman Church, composed by the Apostolic Treasurer according to the writings and various memoranda of the old fathers. In the year from the Incarnation of Our Lord 1192, the second year of the Pontificate of Pope Celestinus III.

Norway.

In the Archbishopric of Nidaros.
 In the Bishopric of Bergen.
 In the Bishopric of Stauanger (MS. Stanuenger).
 In the Bishopric of Hamar.
 In the Bishopric of Aslo.¹
 In the Orcadian Bishopric.
 In the Bishopric of Sodor or Man.
 The Church of St. Columba of the Isle of Hy.
 2 bezants² annually.
 In the Bishopric of Scalot³ in Iceland.
 In the Bishopric of Holar in Iceland.
 In the Bishopric of Pharo⁴ in Grotland.⁵
 In the Bishopric of Gardar in Grotland.

Note that every Bishopric of Norway pays in the money coined in that part.

¹ Oslo.

² Bezant, a gold coin, originally from Byzantium (Constantinople); in England its place was taken by the noble, in the time of Edward II.; value from half a sovereign to a sovereign.

³ Skálholt.

⁴ Feroe Islands, being thus placed in Greenland!

⁵ Greenland.

Pope Innocentius III. orders the Bishops, (Biarne) of Orkney and (Reginald) of Ross, by means of ecclesiastical punishments to compel Bishop Jon of Katanes to cease his resistance to the payment of the Peter's pence established by Earl Harald in the time of Pope Alexander III.

From the original, in the Papal Archives, Reg. Innoc. III. T. I. fol. 55, ep. 213. cp. the copy in cod. chart. (15th cent.). Reg. In. III. an. 1. fol. 21. Printed in Baluze: Epist. Innoc. III. T. I. p. 117. D.N. VII, p. 2.

15. May 27, 1198. Rome, the Vatican.

Innocentius episcopus seruus seruorum dei uenerabilibus fratribus Orchadiensi et Rosmarchenensi episcopis salutem et apostolicam benedictionem. Dilectus filius nobilis uir H[araldus] Catenensis et Orcadiensis comes nobis significare curauit quod ipse pro redemptione peccatorum suorum a tempore felicitis memorie Alexandri pape predecessoris nostri denarium vnum de qualibet domo in comitatu Catenensi habitata annuatim statuit pro elemosina colligendum et ob reuerentiam beatorum apostolorum Petri et Pauli ad sedem apostolicam dirigere consuevit, quam uisitationem nomine elemosine annuatim ad opus Romane ecclesie colligende tam suo quam bone memorie A[ndree] olim Catenensis episcopi et aliorum nobilium illarum partium testimonio confirmauit. Cum autem postea, memorato A[ndrea] Catenensi episcopo uiam uniuerse carnis ingresso, venerabilis frater noster J[ohannes] in eandem ecclesiam fuisset in episcopum institutus, predictam elemosinam irritare presumens, eam ab his qui sunt in sua diocesi constituti auctoritate propria interdixit exsolui. Quocirca fratribus vestris (i.e. fraternitati uestre) per apostolica scripta mandamus quatenus si vobis constiterit de predictis, prefatum Catenensem episcopum si monitione premissa hoc facere neglexerit, ad satisfaciendum de elemosinis subtractis hucusque, et ne eas reddi de cetero interdicat sicut iustum fuerit auctoritate nostra sublato appellationis obstaculo per censuras ecclesiasticas compellatis. Quod si ambo his

exsequendis interesse non potueritis alter uestrum ea nichilominus exsequatur. Datum Rome apud Sanctum Petrum sexto Kalendas Junij pontificatus nostri anno primo.

(Translation.)

Bishop Innocentius, the servant of the servants of God, to his venerable brothers, the bishops of Orkney and Ross (Rosmarchia) greeting and the Apostolic benediction. [Our] beloved son, the highborn man H[arald] Earl of Catanes and Orkney, has let us know that, for the forgiveness of his own sins, he has ordered,—from the time of Pope Alexander, of happy memory, our predecessor,—that one penny shall be collected annually, as alms, from every inhabited house in the Earldom of Catanes and from reverence for the saintly apostles, Peter and Paul, he used to send it to the Apostolic See. This tribute, to be collected annually, under the name of alms, for the needs of the Roman Church he confirmed, according to his own testimony, and that of A[ndreas], late bishop of Catanes, of happy memory, and that of other noblemen of those parts. But when, later, the said A[ndreas], Bishop of Catanes, went the way of all flesh (died) and our venerable brother Jon was appointed Bishop of the same Church, he had the presumption to abrogate the foresaid alms and he forbade the payment of it by those who through him are appointed in his diocese. We therefore command you, brothers (i.e. your fraternity), through Apostolic Writ, if you find the above to be facts, then to compel the foresaid Bishop of Catanes, by means of ecclesiastical punishments, to give satisfaction as to the alms he has seized up till now—if he neglects to do this, after being admonished. And he shall not forbid their payment, otherwise, as is just. And by our authority we remove the obstacle of appeal (grant him no leave of appeal). If both of you cannot execute this one of you shall nevertheless do so. Given at Rome, at St. Peter's, May 27th, in the first year of Our Pontificate.

NOTE.—Biarne Kolbeinsson, Bishop 1188-1223, called the Skald.

Pope Innocentius III. prescribes to Bishop (Biarne) of Orkney the penance to be laid on Lumberd, a layman, because, under compulsion, he cut out the tongue of Bishop Jon of Katanes (Caithness), when Earl Harald took the castle (Skarabolstad).

From the original in the Vatican Reg. Inn. III. T. I. (l. 5, an. 5) fol. 23—ep. 79. Printed in Baluze: Epist. Innoc. III. I. p. 663 and in Raynaldi Annal. eccles. an. 1202 § 10. D.N. VII., p. 3.

16. [c. Sept. 1]¹ 1202.

Subiaco.

Innocentius episcopus s. s. d. venerabili fratri . . . Orchadensi episcopo salutem et apostolicam benedictionem. Ex litteris tue fraternitatis accepimus quod Lumberdus laicus lator presentium cum comite suo Catenesiam in expeditione perrexit, ubi castello ab exercitu comitis expugnato, et interfectis pene omnibus qui erant in ipso, captus est episcopus Catenesie, cuius ut linguam abscideret, a quibusdam ut dicit de exercitu comitis est cohactus. Quia uero grauis est et grandis excessus, nos ei secundum formam ecclesie absoluto, talem et ad satisfactionem suam et ad terrorem aliorum iniunximus penitentiam, ut cum festinatione reuertens in patriam, discalciatus et nudus preter bracas et laneum uestimentum curtum et sine manicis, lingua subtili funiculo religata, et paulisper extracta, ut promineat extra labia summitatibus eiusdem funiculi nexis in collo cum uirgis in manu, quindecim diebus continuis per terram suam unde ipse est oriundus, et terram illam unde erat episcopus mutilatus, ac circumpositam regionem, uidentibus uniuersis manifeste procedat, ueniensque ad ingressum ecclesie sed nequaquam ingrediens, prostratum in terram disciplinari se faciat, cum uirgis quas in manu gestabit, sicque in silentio et ieiunio usque post uesperam diem ducat et tunc ad sustentationem nature, pane tantum reficiatur et aqua. Illis uero quindecim diebus peractis preparet se ut infra

¹ No date, but the letter stands between a letter of Aug. 30 and one of Sept. 3, 1202.

mensem incipiat Ierosolimitanam prouinciam proficisci, ubi per triennium desudet in obsequio crucifixi, arma decetero contra Christianos minime assumpturus, et per undecim¹ annos omnibus sextis feriis in pane et aqua ieiunet, nisi forte per indulgentiam alicuius discreti pontificis, uel propter debilitatem corporis, uel propter feruorem estatis hec abstinencia temperetur. Tu ergo redeuntem hoc modo recipias, et iniunctam sibi penitentiam eum obseruare. Datum apud monasterium Sublacense.

(Translation.)

Bishop Innocentius, s. s. o. G., to his venerable brother . . . Bishop of Orkney greeting and the Apostolic benediction. From your brotherly letter we learn that Lumberd, a layman, the bearer of this (letter), proceeded on an expedition with his Earl to Catenes where a castle was taken by the Earl's army and nearly all who were in it killed, and the Bishop of Catenes was taken (prisoner), and he (Lumberd) was compelled by some men of the Earl's army, as he says, to cut out the Bishop's tongue.

Now, as this is a great and grave crime, we have given him absolution according to the forms of the Church and laid on him this penance, for his own satisfaction and for the terror of other men: that he shall go in haste back to his fatherland and walk, barefoot, and naked but for breeches and a woollen vestment, short and without sleeves, with his tongue tied with a fine string and gradually pulled out so that it protrudes from his lips. The ends of the string tied to his neck, with sticks in his hand, he shall walk for fifteen days without break through the land he came from and through the land whence the mutilated Bishop came and through the adjoining provinces, in such a manner that all may clearly see him, and at the entrance to a church, nowise entering, he shall throw himself down on the ground and let himself be punished (beaten) with the sticks he

¹ Baluze : duos.

carries in his hand, and thus shall he spend the day in silence and fasting till it is night, and then to sustain nature he shall only refresh himself on bread and water. But at the end of these fifteen days he shall prepare to start for Jerusalem within a month. There he shall sweat for three years in the service of the Cross, not at all taking arms against the Christians, and for eleven¹ years he shall fast on bread and water every sixth day (of the week) unless through the mercy of some discreet bishop or through weakness of body or through the heat of summer this fast be modified. But thou shalt receive the home coming (letter carrier) thus and make him obey the penance laid on him. Given at the monastery of Subiaco.

Pope Innocentius III., on the election of Archbishop Thórir, confirms the privileges of the Archbishopric of Nidaros given by preceding Popes.

From the original in the Papal Archives, Reg. Innoc. III., T. III. p. 66, an. VIII. ep. 214. D.N. VII., pp. 7-9.

17. Feb. 13, 1206. Rome, the Vatican.

Extract: et ei Asloensem, Amatripiensem, Bargensem, Stavangriensem, insulas Orcades, Insulas Fareie, Sutrhaie, et Islandensem et Grenelandie episcopatus tamquam sue metropoli perpetuis temporibus constituit subiacere.

(Translation.)

Extract: He (Cardinal Nicolaus) laid under the Metropolis [of Throndheim] for ever the Bishoprics of Oslo, Hamar, Bergen, Stavanger, Orkney Isles, Faroe Isles, Sodor Isles (Suðr-eyjar), Iceland, Greenland.

Bishop Biarne² (Kolbeinsson) of Orkney gives to Munklið Monastery, Bergen, Holand in Dalsfjord for the peace of the souls of his parents and his kinsmen, but Agnes shall have an annual grant therefrom during her lifetime.

¹ Baluze: two. ² The famous Poet Bishop, see the Old-Iove Miscellany, p. 43.

From a copy of 1427 in the Munkliþ Breviary, Univ. Lib. Copenhagen, Add No. 98, 4°, p. 83. Printed in P.A. Munch's edition of the Breviary. D.N. XII., p. 3.

18.

[Sept. 1223.]¹

[Bergen ?]

bref om Holand i Dalsfyrde vij

Biarne biscop i Orknøyom sendir Q. allum gudz vinom oc sinom er þetta bref sea edhir høyra g. oc sina. Ek uill idhir kunnykt göra at ek heui gefuit iord þa er Holand heitir i Dalsfirdhe til Munkliuis i Biorgwin gudhi till dyrdhar oc hinom helgha Michiæle firir salu fadhur mins oc modhur oc brødra oc frenda minna oc vina. medh þeim hætte at Agneis scall taka þar af viij manada mate huart haust ef at swa myklu biggiæst. en þo at minna gange af þo se her hennar skardh. en ef at dyrra byggizst þa take þat munkar. Nu sculu þeir hafua vardueizlu oc bygningh a þessare iordhu medh þenna hætte sem nw er mælt aa mædhan Agneis lifuir. En eftir hennar dagha skall stadharen eigha iordhena frialsa firir huaríom manne. En ef nakor madhir uill hona vndan stadhe ryfta þa se sa i gudz bannæ oc allra heilaghra manna valete.

(Translation.)

Letter about Holand in Dalsfjord VII.

Biarne Bishop of Orkney sends to all the friends of God and his own, who see or hear this letter, the greeting of God and of himself. I will make known to you that I have given the estate called Holand in Dalsfjord to Munkliþ in Biorgwin, for the glory of God and of St. Michael, for the souls of my father and mother and brothers and kinsmen and friends in this way that Agnes shall obtain from it viii. manada mat^a every autumn, if the rent is sufficiently large, but if it is less, she shall

¹ Probably 1223, the year of Bishop Biarne's death, and not during one of his earlier visits to Norway, 1195, 1210, 1218.

² *Manada mat*, originally food for a month; a certain amount of food, especially of butter and meal. The Gula-thing-law seems to make 2 manada mat equal to 3 bismar pounds.

be the loser, but if it is more, the monks shall have it. They shall keep this estate and let it out in the way here prescribed, while Agnes is alive. But after her day the monastery shall own the estate, free of any man. But if any man wants to take it from the monastery he shall be under the interdict of God and of all Holy Men. I bid you farewell.

Honorius III. orders Nicolaus, Archdeacon of Hetland (Ihatland) to pay the Duke of Norway (Sküli) who is preparing for a crusade, the twentieth part of all ecclesiastical revenues which according to the statute of the General Council is to be used as a subsidy for the Holy Land.

From a copy of the original in the Vatican (Hon. III. an XI. ep. 368). D.N. I, p. 8.

19. Nov. 3, 1226. Rome, the Lateran.

Honorius episcopus, etc. Nicolao archidiacono Ihatlandensi.

Cum dilectus filius nobilis vir [Skulo] dux Norwagie diuinitus inspiratus ardentem aspirans ad subsidium Terre sancte, ad id magnifice se accingat, daturus omnibus qui secum transfretare voluerint navigium sine naulo, sicut tam ipse quam venerabiles fratres nostri [Petrus] Nidrosiensis archiepiscopus et . . . eius suffraganei suis nobis litteris intimarunt, nos congruo volentes eum auxilio in tam pio proposito adiuvare vicesimam ecclesiasticorum proventuum per predictorum archiepiscopi et suffraganeorum dioceses. Terre sancte subsidio secundum statuta generalis concilii deputatam, eidem duci duximus concedendam. Quodcirca mandamus, quatinus vicesimam ipsam colligens diligenter predicto nobili fideliter assignes eandem. Contradictores, etc. Datum Laterani iii. Non. Novembris, anno xi.

(Translation.)

Honorius Bishop etc. to Nicolaus Archdeacon of Ihatland.

Since [our] beloved son, the noble chief, the Duke of Norway [Skúli] divinely inspired and ardently wishing to help the Holy Land, is preparing for this in a magnificent way and will give to all who want to go with him a free passage, as he himself and our venerable brothers, [Pétr] Archbishop of Niðarós and . . . his Suffragans have told us through their letters, We, wishing to give him support in so pious an undertaking, have determined to grant the same Duke one twentieth of the ecclesiastical revenues in the dioceses of the said Archbishop and (his) Suffragans, the which according to the statute of the General Council are to be used as subsidy for the Holy Land. We therefore command that you collect diligently this twentieth and hand it faithfully to the said Nobleman. Gainsayers etc. Given at the Lateran, November 3d, in (our) XI. year.

Pope Gregory IX. orders Archbishop (Sigurd) of Nidaros to persuade Jofreyr Bishop of Orkney (1223-1246), who for many years has been ill and bedridden, to resign, or, if he is not willing to resign, to give him an able substitute.

From the original in the Papal Archives, Bullar. Greg. IX. T. V. fol. 287. an. XI. ep. 75. D.N. VII., p. 13.

20.

May 11, 1237.

Yiterbo.

Gregorius episc. seru. s. d. venerabili fratri . . . archiepiscopo Nidrosiensi, salutem et apostolicam benedictionem. Quod nobis fraternitas (tua) intimavit, quod venerabilis frater noster Orcadensis episcopus suffraganeus tuus, non considerato prudenter, quod tanto periculosior est episcopatus retentio cum quis sollicitudini non sufficit pastorali, quanto efficacius per experientiam sue insufficientie didicit onera presulatus, cum ipse paralitico morbo laborans et continue infirmitatis lecto decumbens

per multos annos nequiuert pontificale officium exercere, penitus effectus inutilis ecclesie Orchadensis, nichilominus ipsam sub inutilis sponsi nomine detinet occupatam propter quod eadem ecclesia graue in spiritualibus et temporalibus patitur detrimentum, familiaribus eius clericis ad sedem apostolicam appellanti bus ne ad cessionem contra eum procederes, uel alias ipsi ecclesie provideres. Ne igitur sub umbra matrimonij diu portet uiduitatis onera ecclesia memorata, cum sit providendum non tam prelati s in ecclesiis quam ecclesiis in prelati s, mandamus quatinus, si premissis ueritas suffragatur, eundem moneas attentius et inducas, ut anime sue saluti providere consulens cedat episcopatu i, cui iam uidetur utilitate cessisse. Quod si cedere forte noluerit, non obstante frivole appellationis obiectu, eidem aliquem uirum circumspectum et providum coadiutorem studeas deputare. Contradictores cuiuscunque preeminentie dignitatis ordinis status uel conditionis existant etiam si pontificali uel alia profulgeant dignitate, auctoritate nostra appellatione postposita compellendo inuocato ad hoc si opus fuerit auxilio brachii secularis. Datum Viterbij V. Idus Maij. pontificatus nostri anno vndecimo.

In the margin: Archiepiscopo Nidrosiensis, super cessione . . . Horcadensis episcopi.

(Translation.)

Bishop Gregory, s. s. o. God, to the venerable brother Archbishop of Nidaros greeting and the Apostolic benediction. Your Fraternity has informed us about our venerable brother, the Bishop of Orkney, your Suffragan,—since, when one is unable to attend to the pastoral office, the retention of the episcopate is the more dangerous, the more clearly one has learnt the burdens of office through experience of one's own insufficiency,—since he suffers from paralysis and has continually lain on the bed of infirmity and for many years been unable to attend to the episcopal office and has (thus) become quite useless to the Orcadian Church, and yet continues to occupy (the episcopate) in the name of a useless promise, and

since the same Church suffers grave damage in spiritual and temporal (matters), (yet) imprudently his household clergymen appeal to the Apostolic See that you shall not proceed to dismiss him or otherwise provide for the Church. (Then) so that the said Church may not long bear the burden of widowhood, as it were in matrimonial darkness, and as one should rather provide the Churches with prelates than provide the prelates with Churches, we command, if the above be found to be true, that you shall admonish him carefully and persuade him that, looking to the salvation of his own soul, he resign the episcopate, since he is no longer of any use in it. And if perhaps he is not willing to resign, then in spite of the objections contained in a frivolous appeal, you shall depute some careful and circumspect person as his substitute.

Objectors to every high dignity, order and state exist, even though it be pontifical dignity or other. On our authority appeal shall be postponed and compulsion used, and the help of the secular arm invoked for this, if need be. Given at Viterbo, May 11, in the eleventh year of our Pontificate.

In the margin: To the Archbishop of Nidaros about the resignation . . . of the Bishop of Orkney.

Innocentius IV. gives dispensation to Henry, canon of Orkney and Bishop elect of Orkney, from the defects of his birth, because of the recommendation of the Papal Legate, of the Bishops and of the King of Norway.

From Marini's copy of the original in the Vatican (Inn. IV. ann. V. ep. 476). D.N. I. p. 32.

21.

Dec. 9, 1247.

Lyon.

Innocentius episcopus, etc.

Henrico canonico Orcadensi.

Ad hoc deus in apostolica sede constituit plenitudinem potestatis, ut Romanus pontifex, qui claves in beato Petro

potestatis et discretionis accepit, nunc rigorem exerceat, nunc mansuetudinem anteponat, et interdum exequatur iustitiam, prout in diversis casibus secundum merita petentium viderit dispensandum interdum vero gratiam largiatur. Cum igitur, sicut ex parte venerabilium fratrum nostrorum episcopi Sabinensis, apostolice sedis legati, et [Sigurdi] archiepiscopi Nidrosiensis, et suffraganeorum eius, nec non carissimi in Christo filii nostri regis Norwegie illustris, nobis pro te cum instantia supplicantium, fuit expositum coram nobis, ecclesia Orcadensi vacante, ab Orcadensi capitulo sis concorditer in episcopum postulatus, nos predictorum supplicationibus inclinati, tecum, ut non obstante defectu huiusmodi profectu redimas meritorum, episcopatum ipsum recipere libere valeas, auctoritate presentium dispensamus. Nulli ergo, etc., nostre dispensationis, etc. Datum Lugduni V. Idus Decembris, anno V.

(Translation.)

Innocentius Bishop etc. to Henry¹ Canon of Orkney.

For this purpose God established the fulness of power in the Apostolic See that the Roman Pontiff who has received St. Peter's keys of power and discernment, may, now exercise rigour, now prefer mercy, and sometimes justice shall be done as seems right in the various cases, according to the deserts of those who seek it, but sometimes mercy shall be granted. Forasmuch, as has been related to us by our venerable brothers, the bishop of Sabina, the Legate of the Apostolic See, [Sigurd] the Archbishop of Niðarós and his Suffragans, and by our dearest son in Christ the illustrious King of Norway, who sent us eager supplications on your behalf, the see of Orkney being vacant, you are asked for as Bishop unanimously by the Orkney chapter, we, yielding to the supplications of the aforementioned, give you dispensation by the authority of the present letter, that, in spite of the defect of your birth to which you are subject, your father being a priest, since you redeem this defect by your increasing

¹ Heinrehr, Henry I., Bishop of Orkney, 1248-69.

merits,—you may accept freely the bishopric. None etc. our dispensation etc. Given at Lugdunum (Lyon), 9. Dec., in (our) fifth year.

Treaty between King Magnus IV. of Norway and King Alexander III. of Scotland. Man and the Hebrides (Sodor isles) are ceded to Scotland (but remain under the See of Nidaros) for a sum of 4000 mark sterling and 100 mark sterling as an annual tribute. Certain relations between their subjects are arranged.

Entered in the Treaty of July 29th, 1426, in the Danish Archives (Skotland og Orknö No. 12; other copies Nos. 13, 14a, b, d, a copy of 1557.) Printed in Torfæi Orcades 199-202 cp. Historia Norvegiæ IV. 343-45. In Acts of the Parliament of Scotland I. p. 78. D.N. VIII., pp. 13-17.

22.

July 2, 1266.

Perth.

Extract: Exceptis jnsulis Orchadie et Hietlandie quas idem rex Norwegie cum dominijs homagijs redditibus seruicijs et omnibus juribus et pertinencijs suis infra easdem contiguis dominio suo specialiter reseruauit. . . . Dominus itaque Allexander rex Scocie . . . et heredes sui imperpetuum pro istis concessione resignatione et quieta clamacione . . . dabunt et reddent imperpetuum sepedicto domino regi Norwegie et heredibus suis et eorundem assignatis imperpetuum infra octauas natiuitatis sancti Johannis baptiste jn Orchardia terra scilicet domini regis Norwegie in ecclesia sancti Magni in manibus episcopi Orchardie seu balliui ipsius domini regis Norwegie ad hoc per ipsum specialiter deputati vel in eadem ecclesia deponent ad opus ipsius domini regis Norwegie sub custodia canonicorum eiusdem ecclesie si episcopus vel balliuus non inueniantur.

(Translation.)

Extract: (King Magnus cedes these islands) except the isles of Orkney and Hietland which islands

the same King of Norway, with all their demesnes and manorial rights, revenues, services and all their rights and appurtenances within their borders, has specially reserved for his dominion. . . . Therefore Lord Alexander, King of Scotland . . . and his heirs for all time, shall in return for this cession, transference and quitclaim . . . give and pay perpetually to the said Lord King of Norway and his heirs and their assignees, perpetually, within the octave of the Nativity of St. John the Baptist, (July 1st), in Orkney, the land of the King of Norway, in the Church of St. Magnus, into the hands of the Bishop of Orkney or the bailiff¹ of the King of Norway, deputed specially by himself for this, or deposit (the money) in the same church for the King of Norway, in the custody of the Canons of the same Church, if the bishop or the bailiff be not found there, who will give them letters of quitclaim and of payment made.

Peter Bishop of Orkney grants 40 days' absolution to those who on certain days, mentioned, visit or support St. Swithin's Church, Stavanger, which was burnt down.

From the original vellum, Dipl. Arn. Magn. fasc. 26. No. 6. Part of seal left. Printed in Thorkelin Dipl. II. 83-84. D.N. III. p. 14,

23.

Sept. 3, 1278.

Tunsberg.

Uniuersis Christi fidelibus presens scriptum uisuris uel audituris Petrus diuina permissione Orchadensis episcopus salutem in domino Jesu Christo. Cum loca sanctorum omnium pia deuocione a Christi fidelibus sunt ueneranda et humana deuocio prompto affectu debet honorare, ut quod possibilitas nostra non optinet, eorum nobis intercessionem donetur. Cum igitur ecclesia sancti Swithun^j cathedralis Stauangrensis dyocesis nouiter sit combusta, nos quidem cupientes ut ipsa ecclesia ampliori ueneracione, et elemosinarum largicione consoletur, et congruis

¹ *Sýslu-maðr, in Old Norse.*

honoribus frequentetur, omnibus uere penitentibus et confessis qui dictam ecclesiam in omnibus summis festiuitatibus, et in vtroque festo sancti Swithuni, et cotidie infra octauas, in die dedicacionis, et cotidie infra octauas, in quatuor festiuitatibus beate virginis, in festo sancti Michaelis, in festo sancti Andree apostoli, in festo sancti Olai, et sancti Nichulai, in festo sancti Vincentii, et sancti Asgarij, in festo sancti Marcij ewangeliste, et tribus rogacionum, in die cinerum, in dominica palmarum, et in die cene annuatim venerabiliter uisitauerint et deuote xl. dies de iniuncta sibi penetencia misericorditer relaxamus. In cuius rei testimonium sigillum nostrum presentibus duximus apponendum. Datum Tunsbergis anno domini m°. cc°. lxx°. viij°. iij° nonas Septembris. pontificatus nostri anno ix°.

(Translation.)

To all the faithful in Christ who see or hear this letter Peter¹ by the grace of God Bishop of Orkney (sends) greeting in the Lord Jesus Christ.

Since the places of all Saints are to be worshipped with pious devotion by the faithful in Christ and human devotion ought to honour them with ready love so that what is impossible for us to obtain may be given to us through their intercession. Since the church of St. Swithun, the cathedral of the diocese of Stavenger, has been lately burnt down, we, desiring that this church be comforted through greater veneration and larger alms and be visited with due honours, give to all who have truly repented and confessed and who have visited the said church on all the

¹ Pétr, Peter, Bishop of Orkney 1270-84. The Stavanger (Stafangr) Cathedral was burnt down in 1272. As Archdeacon of Heliand, Peter signed a treaty with England in 1269, as Plenipotentiary on behalf of Norway (Rymer Foedera). Again in 1281 he concluded a treaty with Scotland on behalf of Norway, on July 25, at Roxburgh. According to § 9 of this treaty Scotland was to have the Orkneys if Norway broke it, and Norway the Isle of Man if Scotland broke it, besides compensation.

The Chron. de Lanercost, under A.D. 1275, mentions a Bishop William of Orkney who at Hartlepool told strange news of the Norwegian Islands. York still apparently claimed the supremacy of Orkney, if William was not an impostor.

highest festival days, and on both the days of St. Swithun, and every day of the eight following the day of Dedication, and every day of the eight days following upon the four festal days of the Blessed Virgin, on the day of St. Michael, on the day of St. Andrew the Apostle, on St. Olaf's day, and St. Nicholas' day, on the day of St. Vincentius, and of St. Asgar, on the day of St. Mark, the Evangelist, on the three Rogation days, on Ash Wednesday, on Palm Sunday and on Maundy-Thursdai every year, with veneration and devotion,—we give them 40 days of the penance laid on them, of our mercy. In testimony of this we have set our seal on the present (letter). Given at Tunsberg in the year of the Lord 1278, Sept. 3d, the 9th year of our episcopate.

The Abbots of Utstein and Halsne and the Archdeacon of Hietland (Shetland) made known that Abbot Erik of Munkli monastery bought of Ingeleif Anbiarna-daughter, with the consent of her husband Thjostolf, 6 "manada-mat-bol" in Straumahuarf, 4 "manada-mat-leiga" in Vederas, and 3 in Sigridusæter for 30 mark silver.

From a copy of A.D. 1427 in the Munkli Book, University Library, Copenhagen Add. No. 98, 4° p. 143-144. Printed in P.A. Munch's ed. of the Book p. 143-144, and in Thorkelin: Dipl. Arn. Magn. II. p. 162. D. N. XII., p. 16.

24.

July 26, 1295.

[Bergen.]

Ollum gudz vinum oc sinum þeim sem þetta bref sia edhir hýyra senda Arnfin abote i Wtstein Jon abote i Hosno Sighurdir arkidiakn a Hietlande q. g. oc sina ver gerom ydhir kunnykt at a þi are er lidhit var fra burd vars herra m. vettra. cc. xc. oc fim vætir varom ver þar i hia oc marghir adrir godhe men at herra Eirikir abote at Munkliue i Biorgwinn kœpte af Ingeleifue Anbiarna dottir vi ma^{ta} boll i Straumahuarue. iii. ma^{ta} leigho i Vædhirase oc annarra iii i Sigridhusætre medh samþykkt Þiostolfs

bonda hennar firir xxx marka gangs sylfuirs er þa gengo firir vj merkir brendar scall hon gera abota iamheimola iordh sem han gerdhi henni aura medh ollum sinum lunnendum oc lausa eftir. aftir med sealfs sins paeninga Ok til sanz vitnisburdhar settom ver var incigle firir þetta bref jn crastino sancti Iacobi anno supradicto.

(Translation.)

Letter about Straumahuarf, Vederas and Sigridusæter.

To all Gods friends, and their own, who see or hear this letter, Arnfin, abbot of Utstein, Jon abbot of Hosna, Sigurd, archdeacon of Hietland, the greeting of God and of themselves. We make known to you that in the year when there had passed from the birth of Our Lord 1295 winters we were present, and many other good men, when "herra" Eirik, abbot of Munklift in Biorgwin bought of Ingeleif Anbiarna-daughter 6 mata bol¹ in Straumahuarf, 3 mata leiga in Vederas and other 3 in Sigridusæter, with the consent of her husband Thiostolf, for xxx marks of current silver, then equivalent to 6 burnt marks. She shall make over to the abbot the land as completely as he made over the money, with all its emoluments, and redeem it with her own money. And for true witness thereof we set our seals on this letter the day before St. James' in the said year.

The law-thing-men of Hialtland testify to the evidence, brought at the law-thing by Thorvald Thorisson about the words spoken to him by Ragnhild Simun's daughter, in the Duke's house in Papey, with regard to landskyld in the islands etc.

From the original on parchment in the Arnamagnæan Collection, Copenhagen, fasc. 100, no. 3 a. Of 7 Seals nos. 1, 6 and 7 remain. D.N.I., p. 81.

¹ Land for which the rent is 1 manadar mat, see note to No. 18.

25.

About May 15,¹ 1299.

Hialtland.

Allum þeim monnum sem þetta bref sia eða heyra senda allir logðingis menn af Hiatlandi Q. G. ok sina. Þat se yðr kunnikt at a þui are er liðit uar (fra) burd uars herra Jesu Christi. m°. cc°. xc°. ok ix°. uetr. let herra þorualldr þoris s. bera uitni fyr oss a logþingi. orð þau sem Ragnhilldr Simunar. dottir hafði talat. baro þeir sua uitni Juar bondi a Eiði ok Haralldr i Borgarfirði at þeir uoro hia þui i stofvni a hertogabœnum i Papey manadagenn i dymbildaga uiku er Ragnhilldr tok sua til orða at Breka sætr uar ecki i leigu með skat jorðu upi i husi ok hertogin skyldi taka fulla leigo þot Breka sætr uæri ecki með. en Þorualldr sagði, her hafa sua margir goðir menn um uellt sem var Þorkell i Nesi herra Eiríkr Sigurðr erkidiakn herra Eindriði. ok margir aðrir dugandi menn þeir er hafðu umboð mins herra hertogans huilika landskylld þeir toko honom til handa i Papey. fyr mer. Ragnhilldr suaraði. ek ænti ecki Eindriða ærum. er hann liop ustan or Noregi ok uissi alldri fagnat. en þer allir sem uissuð þa hafa suikit hertogan. en Sueinn prestr ok Halfdan a Bruar sætri baro sua at þeir uoro hia þui um morgonen eftir a tysdagenn ut i tuninu a fyrsagðum bæ er Ragnhilldr saði sua til herra Þorualldar at þu skallt ecki uera minn Iudas. þot þu ser hertogans ok þessi orð uitnaði herra Þorualldr a alla sem þa nær uoro. Profaz ok alldri meiri uerðavrar a allri Papey en sua sem iafnan hefir gengit at fyrnd. mork gullz brendri með uelltu iorðu huert penings land. en i landskylld halfs annars mælis uerð af huerri mork brendri ok er þa ij. salld a hueriv penings landi. Nu af þui at herra Þorvalldr ok þeir fleiri sem hon hafði til talat. uilia ganga logligri dul firir sialfum hertoganam. þa gafvm uer þetta rannzaks bref til uars virðulegs herra hertogans um fyr sogd malefni. ok þui at uer hoðum eigi logþinngis insigli þa settu þessir af uarum

¹King Magnússon, 1273, created Hakon Magnússon Highleg a Duke, and in his ducal appenage was included Shetland. He succeeded his brother King Erik on August 10, 1299.

kumpanum sin insigli fyr þetta bref til sannz uitnis burdar herra Eiríkr ungi. Gregorius Benedictzs. Juar sperra Magnus Hognas. Erlendr Geirmundars. Gunni a Gnipum. Erlendr alfetr.¹

(Translation.)

To all the men who see or hear this letter all the law-thing-men of Hiatland send the greeting of God and their own. Be it known to you that, in the year when 1299 winters had passed from the birth of our Lord Jesus Christ, herra Thorvald Thorisson let witnesses bear before us at the law-thing the words spoken by Ragnhild Simun's daughter. Iuar bondi of Eiði and Harald in Borgarfjörð bore witness that they were present in the living room of the Duke's house in Papey, the Monday in Passion Week, when Ragnhild spoke thus: that Breka sætr was not included in the skattland of the house and the Duke should take full rent though Breka sætr were not included. But Thorvald said: So many good men have taken this in hand such as Thorkel of Nes, herra Eirík, Sigurd archdeacon, herra Eindriði and many other able men who had full power from my lord the Duke as to how much landskyld they were to take for him in Papey formerly. Ragnhild answered: I gave no heed to the mad Eindriði who ran away from Norway hither and knew not where to lay his head, but you, all of you, who knew, have deceived the Duke. But Svein the priest and Halfdan of Bruar sætr bore witness that they were present in the morning of the following Tuesday out in the tún² of the aforesaid house when Ragnhild said to herra Thorvald: thou shalt not be my Judas, though thou be Judas to the Duke. Herra Thorvald called all those present as witnesses of these words. There will never be found higher dues from all Papey than there have always been from of old, a mark of burnt gold for arable land from every pening-land; and as land-

¹ Possibly, *alfetr*.

² *Tún*, homefield, the field adjoining the house.

*skyld*¹ one *mælr*² and a half from every mark burnt, and there are then 2 *sáld* [due] for every pening-land. Now as *herra Thorvald* and the others she had spoken to, wish to deny this lawfully before the Duke himself, we gave this letter of inquiry to our honourable Lord, the Duke, about the aforesaid matters, and as we have not the seal of the law-thing, the following of our companions set their seals on this letter for true witnessing: *Herra Eirík the Young. Gregorius Benedictsson. Iuar Sperra. Magnus Högnason. Erlend Geirmundsson. Gunni of Gnípar. Erlend Alfett*.³

¹ *Landskyld*, New Icelandic "landskuld," rent of land.

² *Mælr*, plural *mælar*, a measure, of corn and liquids, 6 of which went to a *sáld*. The size of the *mælr* varied in different parts of Norway. Land sown with one *mælr* of seed or grain was called one *mælr* land.

³ An eke-name, stiff neck, but possibly *Alfeitr*, very stout.

NOTE.—*Thorvald Thorisson* was probably the *Thorvaldus de Shetland*, mentioned in a Latin diploma of April 1st, 1289 (*Rymer Foedera*). This is the first occurrence known to the Editor of the form : *Shetland*.

Passport (viaticum) given by the Lawman of Orkney and Canons of the Chapter of St. Magnus Church, to James of Cragy, laird of Hupe, Hirðman of the King of Norway, married to Margaret, daughter of Elizabeth of Stratherne, the daughter of Malise of Stratherne, Earl of Orkney.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 257). Printed: Miscellany of the Spalding Club, V., p. 257. Six seals wanting.

26. Nov. 10, 1422. Kyrkwaw [Kirkwall.]

Universis Christi fidelibus ad quorum noticiam presentes litere peruenerint, Wilelmus filius Thurgyse legifer Orkadie, Nicholayus de A¹ Laurencius de Tvray, presbiteri canonici ecclesie Sancti Magni in dicta Orkadia, Iohannes filius Magni, Wylelmus de Erwyne, Petrus de Paplay et Walterus Andree, burgenses de Kyrkwaw, salutem in Domino sempiternam. Cum pium sit et meritorium testimonium perhibere veritati et maxime in casu quo veritatis occultatio preiudicium dedecus seu grauamen inferre poterit innocenti, hunc est quod nos predicti vnanimiter testificamur ac fidele testimonium perhibamus, quod Iacobus de Cragy, dominus de Hupe, lator presencium, est vir legitimus domini nostri regis Norvegie, ab eodem domino nostro rege personaliter manucaptus ac infra terras dicti domini nostri regis, videlicet in predicta Orkadia permanens, ac dispensatus cum Margareta ex legitimo thoro procreata filia honorabilis domine Elyzabet de Stratherne; que sequidem Elyzabet ex legitimo thoro procreata [erat filia] quondam reuerendi ac venerabilis domini, Domini Malisii de Stratherne quondam comitis supradicte Orkadie; que vero Margareta, sponsa dicti [Iacobi de Cragy], procreata ex legitimo thoro honorabilis ac potentis domini, Domini Henrici de Sancto Claro comitis quondam suprascripte Orkadie, cuius animam omnipotens [Deus]; quiquidem Iacobus ex

¹ *Mis. S. Club: Anynd.*

legitimo thoro procreatus est homo laudabilis et honeste conuersacionis bone fame nec in aliquo falso crimine irritus [.] ta ac legitima valeat admitti necnon in numero fidelium fidedignorumque digne ac laudabiliter numerari. Insuper et vniuersitati vestre per presentes [notificamus] quod dictus Iacobus supradicti domini nostri regis legum hucusque fidele et verus exstiterat observator, communitatis nostre assiduus coadiutor ac secundum su[um pos]se eorundem ac indeficiens supportator non inferius nec secundum, quod sua potestas pretendebat, illic nittens eidem communitati nostre da tamen propterea a vestre vniuersitatis noticia reminescat occultum, quod idem Iacobus erat fir[missimus] adiuuator reuerendo in Christo pa[tri Johanni¹ C]olchester, permissione diuina quondam episcopo nostro Orkadensi catholico et canonice instituto, [eidem] domino episcopo sueque ecclesie in multis aduersis uero que per aduersarios dicti episcopi quam plures iniustos labores multos, odia, molestias, dampna, inquietaciones ac iniurias sustinebat. Quapropter rum instantissime deprecamur, quatenus prememorato Iacobo tanquam viro legitimo dicti domini nostri regis in singulis amicales fauorabiles propiciabiles pes amore dicti domini nostri regis Norwegie nostro fideliter et firmiter existatis, non dampnum, molestiam, grauamen, inquietacionem siue iniuriam dicto Iacobo vel sibi herentibus in personis aut in rebus inferentes aut secundum vestrum posse illicito inferri quouismodo permittentes, prout cupitis eiusdem Iacobi amicos et nos vestratibus esse facturos sicubi aput nos² si contigerint euenire. In quorum omnium testimonium sigilla nostra singula diuisim presentibus sunt appensa aput Kyrkwaw, decimo die mensis Nouembris anno Domini millesimo quadringentesimo vicesimo secundo.

Endorsement: Ane testimoniall annentes the auld priuilege of the Cragys avisz har

¹D.N. XVII., No. 183.

²Mis. S. Club: sic ubi quod nos.

(Translation.)

To all the faithful in Christ to whose knowledge these presents may come, William, son of Thurgys [Thorgils], lawman of Orkney, Nicolaus of A¹ . . . , Laurence of Turay, the canons of the Church of St. Magnus in the said Orkney, Jon Magnusson, William of Erwin, Peter of Paplay and Walter Andresson, citizens of Kyrkwaw (Kirkwall), greeting in God everlasting. Since it is pious and meritorious to bear testimony to truth, and especially in a case where concealment of truth may cause prejudice, shame or hurt to an innocent man, hence it is that we, the abovenamed, unanimously testify and bear faithful testimony that James of Cragy, laird of Hupe, the bearer of these presents, is lawfully the man of our lord the King of Norway, personally handtaken² by our same lord the King, residing in the country of our said lord the King, namely in the abovenamed Orkney, and married to Margaret, the lawfully begotten daughter of the honourable lady, Elizabeth of Stratherne. Which Elizabeth, as regards herself, [was] the legitimate [daughter] of the late honourable and venerable Lord Malise of Stratherne, the late earl of the said Orkney; and Margaret, the wife of the said [James of Cragy], [was] lawfully begotten by the honourable and mighty Lord Henry of St. Clair, late earl of the said Orkney, whose soul almighty [God . . .]. As for James, he is lawfully begotten, a praiseworthy man, of honest dealing and good report, not concerned in any false crime [. . .] and he may be admitted and deservedly and worthily numbered with faithful and trustworthy men. We also notify (?) to you all by these presents that the said James has hitherto been a faithful and trusty observer of the laws of our said King, an assiduous helper in our community and [to his ability] an able supporter, not below but according to his ability. . . . though it may not be known to you all that the same James was the firmest supporter of the reverend father

¹ Mis. S. Club: Anynd.

² Manucaptus, handgenginn O.N., of one who became the hirðman of a king.

in Christ, John of Colchester, sometime by divine grace, catholically and canonically, the lord bishop of Orkney, and of his Church in great adversity and through the many adversaries of the said bishop he endured many unjust labours, hatred, molestation, losses, troubles and injuries. Therefore we most earnestly pray that to the said James as being the lawful man of our said lord the King, you be faithfully and firmly amiable, favourable and kind from love to our said lord the King of Norway, not causing hurt, molestation, harm, trouble or injury to the said James or to his, in person or in possessions, nor permitting such to be caused, unlawfully, in any manner, so far as you are able, if you wish to be the friends of this same James and that we be your friends, acting as if you were in their place. In witness of all which our seals are, each separately, appended to these presents at Kyrkwaw (Kirkwall), November 10, in the year of our Lord, 1422.

Attestation by Henry Randell, Lawman of Orkney and others, that Johne of Kirknes, Lawman of Orkney, had declared that it was not against his (Johne's) will that he had sealed the charter of the 12 penny-land of Tollop to Thomas Sinclere, for whose further security he (Johne) had handselled¹ the said Thomas in the said land.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 301). Printed: Miscellany of the Spalding Club, Vol. V. p. 391. Four seals all wanting.

27.

Jan. 20, 1438. Kirkwaw [Kirkwall.]

Til all and syndri lele folk in Cryste to quhais knowlagis thir present letteris sal to cum, Henry Randell, lawman of Orkney, Johne Haraldson, balye off Kirkwaw, and Jamis off Lask, greting in Gode ay lestand. Sen medefull and meritabill thing is to bere witesse to the

¹ *Handselsja*, an O.N. law term, to transfer any rights by the shaking of hands.

suthfastnes, and namly in the cassis quhar the hyding off suthfastnes ma genner scathe, schame or prejudice till ane innocent man, fra theyne it is that we, the forsaide, testifeis sekыр witnessis and for the schawing of suthfastnes til yowr universite makis kende that we, the forsaide, bystude, saw and onherde and for witnessis wes tane, quhen that John off Erwyne and Will Bernardson swore on the hirdman stein before owr lorde, the erle off Orknay, and the gentiless off the cuntre, that thai bystude, saw and onherde and for witnessis wes tane, quhen that Thomas Sinclere, the soun of quhilum Dauy Syncler, callit in the vestre in Sant Mawnus kirk, Johne of Kirknes, than lawman off Orknay, befor syndre gude men off the cuntre, and saide to the forsaide Johne off Kirknes, that it wes demit in the cuntre that he, the fornemmit Johne, saide that agayne his will he had selit the charteris off the xij penny lande off Tollop to the forsaide Thomas; quharfor the forsaide Thomas peroffrit to the said Johne his charter and the saide lande agayne, giff he the saide Johne walde giff til hyme, the forsaide Thomas, the golde that he the saide Thomas giff for the charteris off hyme the said Johne. And than the fornemmit Johne answerd and said playnly that it wes nocht agayne his will, and to the mare sikkirnesse off the saide lande to the saide Thomas, the saide Johne hanselde the saide Thomas off the fornemmit land for the forsaide golde that the fornemmyt Thomas craff, ande syne the saide Thomas hanselde Wat Fresell off the saide lande and the saide Johne confermit it thare and hanselde the saide Wat of the fornemmit land fra hyme the saide [Johne and his] ayris to the forsaide Thomas and Wat, bath as ane and ane as bath, and al thare ayris foreuer mare, with al fredomis and profytis, as the saide charter of [the saide lande beris]. And thar atowre the saide Johne grantit hyme fullely payt and content for the forsaide land be the fornemmit Thomas, the first and the last and al that betweyne. In wisse of the quhilk thing, we the forsaide has set owre sele to thir present letteris, at

Kirkwaw the xx day of the moneth of Januar, the yere off owre Lorde, mcccc^cxxxviiij yere.

NOTE.—By the above document, the 12d. land of Tollop was sold by John of Kirknes, lawman of Orkney, to Thomas Sinclere, son of deceased Davy Syncler, and then sold by Sinclere to Wat Fresell (Fraser). In 1519 (see No. 37), Alexander Frissell is mentioned as one of the inhabitants of Toep, or Thoep, adjoining Sebay, in St. Andrew's parish, Orkney. In 1502, Tohop, above the yard, 12d. land, of which 1d. purchased land belonging to the Earldom was in Sandie Fraser's hands as tenant. In 1595, 1d. of this land pertaining to the Fressiris is described as confiscated for skat-fall or non-payment of skat, and another 1d. of same land pertaining to Gilbert Irwing also confiscated for skat-fall (Peterkin's Rentals Nos. I. and II.) It is now called Toab. See also No. 42. A. W. J.

Deed of Conveyance from Henrik Soost to Guttorm and William Geordsson of Holugardh, 1 mark burnt, in Papey Stora, Shetland.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 329). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. II. Seal gone.

28.

Nov. 26, 1452.

Bendore.

Thes Kennest ek Henrik Soost medh thesso mino opno bref, at ek hæfuir selt Guttorm Geordzson ok Wilhelm Georsson Holwgardh j mordh¹ (*sic*) brend, sem lickir j Papey Stora² Thar medh ken[nest ek fo]rnemndir Henrik Soost, at ek hæf[uir op]borid than fyrsta peneng oc s[idsta o]c oll thar o mellom. Ok til sannenda her vm hengir ek mit jncigle for thetta bref, er giort var o Bendore sonudaghen nesta fir Andresmesso anno Domini miii^clii.

Endorsement: Henry Soost has sold to Guttorm.

(Translation.)

I, Henrik Soost, acknowledge with this my open letter that I have sold to Guttorm Geordsson and William Geordsson, Holugardh 1 mark burnt which lies in Papey

¹ *Deeds*: Holwyard j morch; it is possible that the right reading is Holwgard ij mordh (i.e., morch).

² *Deeds*: i Papa vestr thorat buditt (*sic*).

Stora. . . . Herewith I, the abovenamed Henrik Soost, acknowledge that I have received the first penny and the last and all those between. And in witness hereof I append my seal to this letter which was written at Bendore on the last Sunday before St. Andreas' Mass in the year of our Lord, 1452.

Deed of conveyance from Andres Willemsson to Symon Hognason, of 1 mark burnt in Walol for 6 gyllen of linen cloth.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 379 a). Facsimile in Scottish National MSS. II., No. 78. Printed: Deeds relating to Orkney and Zetland (Edinburgh, 1840) No. III. Saga-Book of the Viking Club, Vol. I., p. 317. D.N. II., p. 641. Two seals gone.

29. 1465. Anst [Unst, Shetland.]

Ollom monnom theim, sem thetta breff sæ ædher hōra, sendher Andres Willemson q[uedio] G[udz] ok sina, kunnikt giorandhe medh thesso mino vpno brefue, at jak hafwir seltt byskedhelik man Symon Hognason eina mark brenda j iordh, som ligher j Walol, vndhan mek ok minom ærfwinghiomondher fornemdhā Symon ok hans ærvinghia til æwerdeligar æighnar. Fframdhelis kennist iak, at ek hafwir vpborit hin fyrsta penningh ok hin sedhista ok alla thær j millom, saa at mek wel at nøgher, thet er at seghia vj gyllene j lerefthe for thesse mark. Ok for then skuld at ek hafde enktit¹ jnsigle siælfwom, tho hafwir iak bidhit beskedelighe men, som saa hethæ Magnus Clausson ok Olaf Arnason, hinghia thera jnsigle for min bōna stadh skuld for thetta bref, er giort var j Anst anno Dominj M^o cdlxv.

Endorsement: Charter of Andrew Williamson in which he has sold and granted to Symon Hognason one mark burnt [silver] in land that lies in Walol, 1465.

¹Original: enkt.

(Translation.)

To all men who see or hear this letter Andres Willemsson sends God's greeting and his own, making known by this my open letter that I have sold to an honest man, Symon Hognason, one mark burnt in land which lies in Walol, from me and my heirs to the abovenamed Symon and his heirs, to possess it for ever. Further I acknowledge that I have received the first penny and the last and all those between, so that I am well satisfied, that is to say, 6 gyllene in linen cloth for this mark. And for the cause that I had no seal myself I have asked the honest men, called Magnus Clausson and Olaf Arnason to append their seals at my request to this letter, which was written in Anst in the year of our Lord, 1465.

Confirmation by William (Tulloch), Bishop of Orkney and Shetland, of a lease granted by Bishop Thomas (Tulloch), July 12, 1455, to Thome of Cowpland, of the 3 pennyland of Stanbuster.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 391). Printed: Miscellany of the Spalding Club, V., p. 392. One seal gone.

30. March 21, 1465. Kyrkwaw [Kirkwall.]

Be it kend till all men be thir present lettres, ws Williame, be the mercy off God bischope off Orknay and Schetlande, till haiff seyn, rejde and deligentli to haiff studytt ane letter off assidatioun and tak off thre pennyland off Stanbuster, witht the pertinentis, maid to oure seruand and man, Thome of Cowpland, be oure predecessoure off gude mynde, Lorde Bischope Thomas, nocht rayssit nay yett schorne nay in ony part off it faulty, the forme off the quhilk fowless in this maner :

Bee it kende til all men, be their present lettres, ws Thomas, be the mercy off God, bischope off Orknay and off Schetland, till haff sett, ande be thir present lettres, witht the consent off oure chaptour, fully

settis till oure luffit seruand and man, Thome Cowpland, for all the days of his liff, thre penny lande lyande in Stanbuster, withtin the parochane off Sant Andross, witht all fredomys, propirteis ande lauchfull commoditeyss, the saide Thome payand yherli till ws and oure successoris, bischopis of Orknay, for the saide place, ane barele off butter ande foure mele of malt, batht for maill ande for tende, ande to bryng it fre till oure place off Kirkwaw. And we mak kende at the saide Thome has payit ws to gersome for the saide place ande tak aucht mark off siluer to the uphald off Sant Magnus werk, ande to be disponit be the will off ws the forsaid Lord Bischope Thomas. In the wittenesse off the quhilk thing we haff set oure sele to thir present letteris, togidder witht the seill of oure chaptoure, at Kirkwaw, the xij day off July, the yhere of God a m^occcc^o fiffity and fyiff yheris.

Ande we, the forsaid Bischop Williame, approvis, ratifeis ande fully confermys the tak ande settyn and writtin that oure predecessour sett to oure man, Thome of Cowpland, in all and sondry punctis, articulis and circumstans, in forme ande effyct forsaid, we conferme be thir present lettres. Gyffen onder oure seill autentik at Kyrkwaw, the twentyj day off the moneth off Marcht, the yhere off God ane thowsande foure hundretht sixty and fyiff yheris.

William, Bishop of Orkney and Shetland, presents Thomas Williamson to the vicarage of Ronaldsay, and charges Sir Magnus Nesbit to induct him into the real possession of the said benefice, with the attestation of the induction by the said Magnus Nesbit.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 404). Printed: Miscellany of the Spalding Club, V., p. 393. Two seals gone.

31. **June 3, 1467. Tyngvell, Shetland.**

Villiellmus Dei gratia Episcopus Orkadensis et Schetlandie discreto viro, Domino Magno Nysbit, seu

cuicunque alteri capellano ydoneo curato seu non curato infra diocesem nostram divina celebranti, salutem, cum benedictione divina. Quia vicariam de Ronaldsay de jure et de facto vacantem per dimissionem domini Recardii Holande, vltimi possessoris ejusdem, ad nostram collacionem pleno jure spectantem, discreto viro Domino Thome Villielmi, nostre diocesis capellano, diuine caritatis intuitu contulimus et conferimus per presentes ac ipsum Dominum Thomam Villielmi presentem et recipientem per annulj nostri tradicionem presencialiter de eadem investiuimus; vobis igitur et vestrum cuilibet in virtute sancte obediencie stricte precipiendo mandamus, quatenus Dominum Thomam Villielmi, vel procuratorem suum pro eo ad hoc legitime constitutum, in ipsius dicte vicarie realem, actualement et corporalem possessionem inducatis et constituatis, inductumque et institutum auctoritate nostra canonice defendatis ac sibi de fructibus redditibus, proventibus, juribus et obuencionibus vniuersis dicte vicarie facientes integre responderi, contradictores vero, si qui forsitan fuerint, auctoritate nostra per debitam censuram ecclesiasticam arcus compiscendo, et has litteras per vos debite executas earundem redditae latori, et vos, quum presens mandatum nostrum executi fueritis, in singnum executionis ejusdem per vos plenius facte sigillum vestrum post nostrum presentibus penes eundem Dominum Thomam Villielmi perpetuo remansurum apponatis. In quibus premissorum testimonium sigillum nostrum autenticum est appensum apud Tyngvell in Scetlandia tercio die mensis Junij anno Domini M^o cccc^o sexagesimo septimo.

¹ Et ego Dominus Magnus Nesbit nesb(sic) tanquam filius obediens predictum Dominum Thomam Villielmi induxi in realem, corporalem et actualement possessionem dicte vicarie de Ronaldsay secundum formam supra scriptam in ecclesia parochiali ejusdem, in signum cujus, quia sigillum proprium non habui presens, sigillum discreti viri Domini Hectori[s] de Tullach, canonici Orcadensis, cum

¹ *In another hand at the end.*

instantia procuravi dicto scripto appen[den]dum, in festo Sancte Anne anno Domini [cc]cc° lxxvij, coram his testibus, Dominis Patricio Bege, notario publico, Karolo Cant, Georgio Cambel, presbyteris, cum diversis aliis.

(Translation.)

William by God's grace bishop of Orkney and Shetland to a discreet man, Sir Magnus Nesbit, or to any other competent chaplain, whether in a cure or not, celebrating divine service in our diocese, greeting with the divine benediction. Whereas, actuated by divine grace, we have bestowed and by these presents do bestow the vicarage of Ronaldsay, vacant by law and in fact, through the demission of Sir Richard Holand, the last incumbent of the same, [and] being by full right within our gift, on a discreet man Sir Thomas Williamsson, chaplain of our diocese, and have invested therein the said Sir Thomas Williamsson, he being present and accepting the same, by the delivery [to him] in our presence of our ring; we therefore strictly command and ordain you, and each of you in virtue of your holy obedience, that you induct and place the said Sir Thomas Williamsson, or his attorney, lawfully appointed for this effect in his place, in real, actual and corporal possession of the said vicarage, and, when inducted and placed protect him canonically by our authority, causing him to be answered of the whole fruits, rents, revenues, rights and entire profits of the said vicarage; but if there are any gainsayers, they shall be severely reprimanded, by our authority, through due ecclesiastical censure; and these letters, duly executed by you, you shall return by the bearer thereof, and when you shall have carried out our present mandate, as a sign that you have fully executed the same, you shall append your seal after ours to these presents, which shall remain with the said Sir Thomas Williamsson for ever. In witness whereof our authentic seal is appended at Tyngvell in Shetland, June 3d, A.D., 1467.

And I Sir Magnus Nesbit, as an obedient son, have

inducted the said Sir Thomas Williamson into real, corporal and actual possession of the said vicarage of Ronaldsay, according to the above form, in the parish church thereof; in token of which, as I have not my own seal with me, I have requested and procured the seal of a discreet man, Sir Hector of Tullach, canon of Orkney, to be appended to the said letter, on the day of St. Ann, in the year 1467, in the presence of these witnesses, Sir Patrick Bege, notary public, Charles Cant, George Campbell, priests, with several others.

Deed of Conveyance from James Cragy, youngest son and one of the heirs of the deceased Johne Cragy, to his eldest brother William Cragy, Lawman of Orkney, of his part of the heritage in Orkney and Shetland, for £20 Scots.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 492 b). Three seals wanting; at the side of the place for seal No. 1 is written: "q Willms duche."

32. Jan. 31, 1480. Kirkwau [Kirkwall.]

Ihesus Maria

Be it kend till all men be this present letter, me, James Cragy, yongast sonne and ane lauchfull are of vmquhyle Ihone Cragy, till have saulde and analijt, and be this present letter with hand and hand band frely sellis and analiis to myne eldast brother germane, Williame Cragy, lawman of Orknay, all and sindry herytabill landis concernyng my part of herytage, wonnyn or for to be wonnyn within the bowndis of Orknay and Schetland, quhatsumevir or quaharesumeuer thai ar or salbe, for the sowme off twenty pundis of vsuale mone of Scotland payt me thankfully in myne neyd be the handis of my forsayd brother, the first penny and the last and all thir betuix, of the quhilk sowme of twenty pundis I, the said James, quitclamis the said Williame, his aris, executoris and assignais. The

saidis landis to be haldin and had fra me, the said James, myne aris, executoris and assignais, to the sayd Williame, his aris, executoris and assignais, with all and sindry fredomis, commoditeis, asyamentis and rychtwyse pertinentis that to the saidis landis has pertenis, pertenis or lauchfully may perteyne, be ony maner of way, in tyme to cum, honorably, quietly, wele and in pece, as ony landis is browkyt within the saidis landis of Orknay, throw tytill of setting, fra the heast stane of the hill to the lawast in the eb, alswele vnnemmit as nemmit, alswele vnder eird as abufe, the quhilkis is better to have than to forgay. And maratour, I the said James, myne aris, executouris and assignais, the saidis landis with ther pertinentis as said is, to the said Williame, his aris, executouris and assignais, agane all dedly, sall warand and defend for euer. In witness of the quhilk thing, I the said James has procurit with instance the selis of rycht honorabill and worschipful men, that is to say, Master James Kynnard, archidene of Orknay and persone of Cannasby, and Thomas Inglis, justice of the said land and fowde of Schetland, to be hungin to this present letter, at Kirkwau, the last day of Ianuare, before thir witnis, Schir Ihone Mcgy, persone of Ronaldsay, Schir David Tullach, vicare of Normaueth, Iohne Peyrsoune, Criste Cragy, Mawnus Flet, Sande Clerk, with other diuerse. And for the mare securite I the said James has appendit my sele to this present letter, before the witnes forsaidis, at day and place abufe writin, the yere of oure Lorde a thowsande foure hundreth and four score of yeris.

Charter of agreement between Jeppe Zeirsson, councillor in Bergen, as warrant for his wife, Marion Fonsdotter, and Thomas Engilsk, as warrant for his wife, Dyoneth Alexandersdotter, by which Jeppe and his wife, Marion, acquire the ownership of all the lands in Shetland which Thomas unlawfully had bought of Anders Skot, the fatherbrother of the said Marion.

Original on parchment in Wemyss Castle, Fife, from the Archives of the Earl of Roslyn, Dysart. Printed: James Mackenzie, The General Grievances and Oppressions of the Isles of Orkney and Shetland, reprinted Edinburgh, 1836. Appendix No. I. Eight seals, of which only a bit of No. 3 remains, of whose legend can be read, "... end."

33.

Augt. 8, 1485.

Bergen.

Ollom monnom theim, som thette breff see æder høræ, sender Sebiørn Guttormsson, Gulatings och Berwen lagman, Niels Willemsson, lagman i Hieltland, Erland Andersson Frak, Jon Sturkarsson, Mattis Jensson, Endridh Swensson Rostungh, Asmund Salmonsson, radmen ther samestadz, Villem Thomasson, lagrettes man i Hieltlandh q[uedio] G[udz] och sina, kunnikt gørendes, at mith worom i sacristiet i Kros kyrkkio liggendes i fornempd stad Berwene Manedaghen nest fore Sancti Laurencii dagh anno Dominj Mcdlxxx quinto soghom och hørdom aa, at their heldo handom saman aff enne halffwo beskedelig man Jeppe Zeirsson, radman i tratnempd stad, i fullo vmbode hwstrv Marion Jons dodder (*sic*) eighen kono sinne, en aff andro halffuonne Thomas Engilsk i fullo vmbode Dyoneth Alexanders dotter eighen kono sinnæ. Skildes thet i theira handerbande, at Jeppe tratnempder och hanss hwstrv Marion skulo fylgia och til ewinneligh egn [haffwa] swa manga jorder, som Thomas for[nemp]d olaglighæ køpt haffde aff Anders Skot, optnempd hwstrv Marions fadubroders, som ligger i Hieltland och her effter nempnes: primo i Liwngøyo i Hwalsøyosunde thio marker brenda viij penninga aff mark. Jtem i Iaale i Hedarokill vij marker nio penninga aff mark. Jtem Vlstadh i Iala sex marker sex penninga aff marken. Jtem i Hwle i Iala nyo marker sex penninga aff marken vndan tratnempd Thomas och hanss erffuingiæ och vnder op[tnemp]dom Jeppe hans hwstrv och theres erffuingiæ til ewinneligh egn och als forrædes jnnen gardz och vtthen til landz och fiærw i mindre lwth æder meiræ medh allo twi, som til liggher æder leiget hæffuer fra forno oc nyo oc jngo vndan skildo. Til

yter mere visso hengiæ wy wor jnsigle fore thette breff medh for[nemp]dom Thomas, som screffuet er dagh och aar, som før sægher.

Endorsement in a contemporary handwriting: This lettir in Nornn beres all the lanndis that Zoppinn Segarson aryt be his wif, Johne Scottis douchter, and alsua the lanndis quhilkis he wan fra Thom Jngliss that he claimit of Andro Scot at (*i.e.*, that) was his wifis fader bruder and the said Zoppynn sauld jt to Sir Dauid Sinclare: Jn primis jn Linga in Quhalissan Sound x merk at viij d. the merk, jtem in Herokle of Zale vii merk at ix d. the merk, jtem in Vlstaith in Zaill vi merk at vj d. the merk, jtem in Howle of Zaile ix merk at vj d. the merk. Aviss gif thir lanndis be in the rentale.

(*Translation.*)

To all men who see or hear this letter Sebiörn Guttormsson, lawman of Gulathing and Bergen, Niels Willemsson, lawman of Shetland, Erland Andersson Frak, Jon Sturkarsson, Mattis Jensson, Endridh Swensson Rostungh, Asmund Salmonsson, councillors in the same place [Bergen], Villem Thomasson, lawrightman in Shetland send the greeting of God and of themselves, making known that we were in the vestry of Cross church situate in the said town of Bergen the Monday next before St. Laurence day A.D. 1485, [and] saw and heard that they joined hands, on one side the honest man, Jeppe Zeirsson, councillor of the said town, as warrant for Mrs. Marion Jon's daughter, his wife, and on the other side Thomas Engilsk (the English), as warrant for Dyoneth, Alexander's daughter, his wife. It was agreed by their handshake that the said Jeppe and his wife Marion shall possess and have as an everlasting possession as many lands as the said Thomas had unlawfully bought of Anders Skot, the fatherbrother of the said Marion, which are in Shetland and are called as follows: 1^o, in Liwngöy in Hwalsöysund x mark burnt at viii pence the mark. Also in Iaale in Hedarokill vii mark

at ix pence the mark. Also [in] Vlstadh in lala vi mark at vi pence the mark. Also in Hule in lala ix mark at vi pence the mark, from the said Thomas and his heirs to the said Jeppe, his wife and their heirs, to possess and hold for ever, inside and outside the garth, on land and on foreshore, in less or more, with all that appertains or has appertained to it, of old and of new, nothing excepted. For greater certainty we append our seals to this letter, together with the above Thomas, and it is written on the day and in the year named before.

King John of Denmark and Norway grants to Sir David Sinclair for his life the rents and rights of the Crown over all the servants of the Church of Orkney, which Bishop William (Tulloch) was granted for his life.

Original on parchment in Wemyss Castle, Fife, from the Archives of the Earl of Roslyn, Dysart. Seal gone.

34.

Jan 13, 1491.

Helsingborg.

Wii Hanss meth Gudz nade Danmarckes, Norges, Vendes oc Gotes konningh, vduald till Suerige, hertug i Sleswiig oc hertug i Holtzsten Stormarn oc Ditmersken, greffue i Oldenborg oc Delmenhorst gøre alle vitherlict, at wii aff wor sønderlige gonst oc nade swa oc fore troskab oc villig thieneste, som thenne breffuisse[r] her Dauid Sincklar, ridder wor elskelige man oc thienere oc hanss arffwinge oss oc wort rige Norge maa oc skulle gøre her effther haffue vnth oc forlent oc meth thette wort obne breff vnne oc forlæne hanum siin liiffss thiid wor oc kronen rentte oc rettighed offuer alle the kircke thienere paa Orckennø, som biscop Villiem aff samme Orckennø haffde i siin liiffss thiid i forlæningh aff wor kære herre fader, konningh Cristiern, hwess siell Gud nade. Thii bede wii oc bywde ether alle forscreffne kirckethienere ati ware hanum hørig oc lydige oc antt-worde hanum all then koninglige renttæ oc rettigheed, som forscreffne biscop Villiem swa oppebar aff ether paa

wor kære herræ faders vegne i siin thiid, oc lader thet engenlunde vnder wort hyllest oc nade. Datum in castro nostro Helssingborg octaua epiphanie Domini anno eiusdem millesimo quadringentesimo nonagesimo primo, nostro regali sub secreto presentibus inferius appenso.

Foot note : Ad mandatum jpsius dominj regis.

Endorsement in contemporary handwriting : This letter in Northin of the King of Norway js of the scattis of Orknay vmquhil gevin to Bischof William Tullauch for his lyvetye and efter him gevin to Sir David Singkler for his lyvetime. Put this in Jnglis.

(Translation.)

We, John, by God's grace King of Denmark, Norway, of the Wends and Goths, elected King of Sweden, Duke of Slesvig, Holstein, Stormarn, Ditmarsken, Count of Oldenburg and Delmenhorst, make known to all that We, of our special grace and favour, also for faithful and ready service which the bearer of this letter, Sir David Sinclair, knight, our beloved man and servant, and his heirs, may and shall do hereafter, have granted and given and by this our open letter give and grant to him for his lifetime the revenues and rights of Ourselves and of the Crown over all the servants of the Church in Orkney, which Bishop William of the same Orkney had during his life as a grant from our dear lord father, King Christian, on whose soul God have mercy. Therefore we pray and command all you the said servants of the Church that you be obedient and obsequious to him and render him all the royal revenues and rights which the said Bishop William received from you on behalf of our dear lord father, in his time, and nowise fail to do it [on pain of losing] our favour. Given in our castle of Helsingborg on the octave of the Epiphany of our Lord, in the year 1491, under our royal seal, appended to these presents below.

Footnote : At the command of the lord king himself.

Deed of conveyance from Olaf Magnusson to Sir David Sinclair, Knight of Svinaborgh (Sumburgh) and Governor of Shetland, of 6 mark burnt in Houle, Unst, and of 16 mark of the same land as "vmbuthiskope" (agent's fee), because he won his right in the court of the King's Council of Norway in Bergen.

Original on parchment in Wemyss Castle, Fife, from the Archives of the Earl of Roslyn, Dysart. Three seals—No. 1, part of a mark; No. 2, a mark; No. 3, seal gone.

35. July 26, 1491. Borg [Sumburgh.]

Thes kennist iek Olave Magnusson medh thesso mino vpna breve, that iek havir selth till ein erligh herra David Sinclair, redare of Svinaborgh ok hotzman af Hietlande, vj merker brendar i iordh vnder Hovle i Onst vndan mik minom arffwm ok epterkomandum ok vnder myn herra hans arva ok epterkomande till avirdiligar eignar medh rodh ok radha skoda ok medh allo thi, som betira er adh hava en adh missa. Ok havir iek vpboridh fulla bitaling, so adh mik vel o nogher. Jtem her medh bikennist iek for^{de} Olavir, that ek havir fengith minom for^{da} herra xvj merker i iordh vnder for^{da} Hovle i vmbuthiskope, thi adh han havir vonnidh min reith i Bergin for rikins rodhe af Narighe. Thessa iordh havir ek ovdh fengith, som forscrivadh stoor, medh rodh ok radha skoda hovsum ok herberghium toptum ok tvnmolum ok medh allum theim lundendum ok frelse, som betir er adh hava en voon adh vera, so vel vnemps som nemps, ok so vel vnder iordh som ivir, medh allum pvntum ok articulum, som i odals breffwum eigher adh vera. Till sannenda ok vtarmere vissan her vm, for thi adh ek hafde ekki jnsigle af sials mins hus mik, tho havir iek bidhit thessa erliga dande men, som so heitta Pether Engilske, rodman i Bergin, Siordh Jvarson ok Villem Andresson, lagrettis men i Hietlande, vm theris jnsigle for myn bonastadh skvldh adh lada hengia nedhanfor thittu breff, er giorth var oo Borgh xxvj dagh Julius monathis anno Dominj M^o IIII : niotigi ok eit oor.

Endorsement in a contemporary handwriting : This letter in Northin js ane charter mad be Olave Mawinsson of xxij merk land of Houle j Onst to Sir David Sinclare and his aris.

(Translation.)

I, Olaf Magnusson, acknowledge by this my open letter that I have sold to an honourable gentleman, Sir David Sinclair,¹ knight of Svinaborgh and governor of Shetland, 6 mark burnt inland in Houle in Unst, from me, my heirs and successors to my lord, his heirs and successors, to possess for ever, with all its appurtenances,² and with all that which it is better to have than to miss. And I have received full payment so that I am well satisfied. Also I, the said Olaf, herewith acknowledge that I have given to my said master 16 marks in land in the said Houle as agent's fee, for he has won my right (i.e. law case) in Bergen before the King's Council of Norway. This land I have formerly acquired, which is mentioned above, with all appurtenances, houses and rooms, tofts and "tunmols"³, and with all the favours and freedom which it is better to have than to miss, whether named or not named, under as well as on the ground, with all points and articles which ought to be in odal deeds. For the truth and further certitude hereof, as I had no seal of my own with me, I have asked the honest good men called thus : Peter the

¹ Sir David Sinclair of Sumburgh was a son of William St. Clair, the last Norse earl of Orkney. He was great fowd of Shetland, as well as captain general of the fortress of Bergen in Norway. See Goudie's *Shetland, Miscellany of the Bannatyne Club, etc.*—A. W. J.

² Rodh ok radha skoda. The only Norse phrase that corresponds to this is : röðr ok reiðskjöta, rowing and conveyance. Röðr ok reiða is the oldest Swedish-Norwegian phrase for leiðangr, and röðr ok reiðskjöti may perhaps be a very old phrase for the right of conveyance which the odallers claimed from their tenants, corresponding to the Norse skydsfærd. It is for philologists to decide whether röðr ok reiðskjöta can become corrupted into rodh ok radha skoda in the Shetland dialect.—A. T.

³ In Orkney and Shetland, the plot of ground immediately in front of a house, which is always kept in grass, is variously called a tomel, tumel, tumult, tumall, and tunwall.—A. W. J.

English, councillor in Bergen, Siordh Ivarson and William Andresson, lawrightmen in Shetland, at my request to append their seals to this letter which was written at Borgh, 26 July, in the year of our Lord, 1491.

Charter of Restitution, by Nicol Haw, lawman of Shetland, etc., to John Adamson and his brother son of the lands of Hurre in St. Andrews (Orkney) which had been taken from him by the deceased Sir David Synclar, and in exchange for which he had received 4 merk of land in Myn in Burray, Shetland, which latter land William Flet had failed to "free" to him.

Original on paper in the Gen. Reg. House, Edinburgh (Charters, etc., No. 750). Printed: Miscellany of the Spalding Club, V., p. 394. Traces of the impression of two seals.

36.

July 23, 1510.

Tyngwell.

Be It kend till all men be thir present letters, me Nycoll Haw, lawman of Schetland and Orkna for the tyme, that thar comper[it] befor me and the vordeast in Orkna, apoun the Fwrisday,¹ off the lawting in Kyrkwall, Schir Wilyam Synclar off Warsetter, knycht, sytand for justice, Rychert Synclar, in the vmbyse of Ihon Adamson, one the tayne pairt, and Wilyam Flet in his awin² on the tother pairt³ the [place]⁴ callit Hurre lyand in Sanct Androis parochin, the quhilk land Schir Daid Synclar, quhom off God assolye, had tane fra the said Ihone, and gewyn hym therfor fowr merk off land lyand in Myn in Burray in Schetland, and this I and xiiij of the wordiast has dempt that the said Wilyam and Ihon sall compeir baith in Schetland, or the fest of All-hallomes, nixt efter the dait off this present writ, and gyff the said Wilyam can mak the said landis of Myn fre to the said Ihone, lik ase the condition wess betuix Schir Daid and the said Ihon, sua sall said Wilyam bruk

¹ i.e., Thursday, still called *Foorsday* in Orkney.—A. W. J.

² *Mis. S. Club*: umbyf.

³ *Ib.* as anent.

⁴ *Ib.* qui.

the place of Hwre, and gyf he aperis nocht and freyis nocht the land of Myn to the said Ihone, sua sall the said Ihone and his bruthir sone lawchfull gottyn enter to the [said] landis of Hwre, perpetuall for evyr maire, with all prophetis and vgan sen Schir Daid deit. And for caus [the said] Wilyam aperit nocht to war- and the said [land]is of Myn as wess dempt, I the said lawman¹ Hendyrson of Brocht hedfold of Schetland² Ihon off Qwendall, lawretman off Dinrosnes³ of Wawis, Brynyand⁴ lawretman of the samyn with vtheris gud wordy⁵ [ge]wis for dwym and decretis that the said Ihone [and hi]s bruther sown sall gang peciabil to the landis off Hwre, [witho]wt ony impediment for evyr maire. In wytnes off the quhilk thyng I the said lawman and foirsaid⁶ set to owre selis to the present writ, at Tyngwell the xxij day of July, the yere of God j^m v^c⁷ yeris.

Productum secundo Marcij . . . indictione v^c lxxvij^o
I. Bruce.

NOTE.—The lacuna is caused by part of the document being torn away.

Verdict of the Justice, Lawman, and Jury, that the neighbours of Thoeþ (Orkney), etc., have no rights of grazing on the lands of Sabay, nor of taking sea-weed from its shore.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 882). A part of the end of the parchment with the seal is cut away.

37.

Oct. 24, 1519.

Saba [Orkney].

On the xxiiij of October j^m v^c and nynteine yeiris ane ogang⁸ and doome dempt be me Schir William Sinclar of Walsetter, knicht, justice for the tyme, [and] with me

¹ *Mis. S. Club: Thorald.* ² *Ib. for the tym.*

³ *Ib. Ihone of Strom Magnus Bolt onderfold.*

⁴ *Ib. Anderson.*

⁵ *Ib. Men.*

⁶ *Ib. personis hef.*

⁷ *Ib. and x.*

⁸ *O.N. A-gangr, aggression; cf. the Scotch, ourgang.*

Nicoll Haw, lawman of Zetland and Orkney for the present, and with ws xxiiij of the wairdrest and best of landit men to athmen,¹ we the said judge and lawman with the xxiiij with us compeirit at the auld mairchstaine of Saba, that standis that standis (*sic*) in the south wast nvk of Messeger,² thair compeirit befor ws ane worschipfull man Johnne Irwing of Sabay, in his awin vmbouscht³ on the ane pairt, and Alexander Frissell in his awin ounbotht and in the laif⁴ of the nychtbouris of Toepis ounbotht on the other pairt, quha was all present with ws, the said Alexander Frissell; the said Johnne Irwyne offerit to proof that he susteniet great wrang of the nychtbouris of Toep, in pasturing of thair guidis⁵ on his ground, baith winter and symmer without his leiff, and eit baith his cornes, meills and girse, quhilk was provin befor ws, and sicklyk cam to his ground and bankis of Quhago, and tuik away his wair without leive or payment, as thay war wont to pay for to him yeirlie. Alexander Frissell and the haill nychtbouris of Toep being requyirit be wse, the judge and lawman, gif thay clamet ony richt ather to the ground of Quhago or to the wair, quha all in ane voyce befor ws said thay nather had nor clameis ony rycht, nather to the ground nor wair, bot that thay haid with leive and payment as wtheris did of befor. The said Alexander Frissell and the rest of the nychtbouris of Toep requyirit Johnne Irwing, befor ws, gif he was nocht thankfullie payit for his wair leif of thame of all yeris bygaine to that present yeir, quho confest the same, bot had nocht . . . with him for the laiff of thaise guidis. And als the said Johnne Irwing prудucit to pruff the auld mairchis betuixt Sabbay and Thoep and Tankernes, and allswa to . . . and to affirme

¹ O.N. *eið-menn*, oathmen.

² Also called *Messegate*, i.e., *Mass-gate*, *Church-road*.—A. W. J.

³ O.N. *Umboð*, charge, commission; i.e., acting as agent or procurator for himself.

⁴ Scotch, *lase*, the remainder.

⁵ Gudes, goods, i.e., live stock.

his evidentis and decreitis past of befoir sax famous and wordie discreit men off great aige, to wit Johne Skae, Daid Fubister, Iwer . . . (*sic*) of Fubister, Gawane Herre, Johnne Smyth, Ola Zitsitter, hes testificatioun on thair saull and conscience that thay knew perfytlie the mairchis betuixt Sabay and Thoep and Tankarnes, for quhen thay war xxj yeir auld thay red behind thair fatheris bak on a horse quhen thay red all the mairchis of the parochin, that the skatt dyk of Toep that passis fra the overmylne dame of Sabay pasand quhill it cum fornent the auld mairch staine of Sabay that standis in the south wast nuik of Messeger, is the just mairch betuixt Sabay and Thoep on that part, and fra the said dyk and staine to the schoir as quhar the wast point of Gruitquhoy becomes southwest to Wasteene¹ on the wast bankis, and that to mairch on the wther pairt betuixt Saba, Thoep and Tankarnes. And be ressoun that the nyne penny land of Saba and fredome thair of lyis within ane amis [aruis?] skopft² within it selff, and nather the nychtbouris of Thoep nor na wtheris lyis in curig nor rendell,³ girse pairk nor wair pairt, nor ony other pairting of fredomes within ony parsonis bot onlie within thame seluis, thairfor we the said lawman with the advyise of the judge and xxiiij persoune, and be the suyth of the law buik, findis that the nychtbouris of Thoep and all wtheris sall keip thair guides af the ground of Sabay, baith winter and somer, wnder the paine of making of the haill guidis donafieing, efter thay be thryise tymes biddin at kirk or court. And becaus it is notourlie knawin the ground and land of Quhaigo justlie appertenis to the airis of Saba, and thairfor doome giwis that the nychtbouris of Thoep nor na wtheris sall tak nather aird

¹ This has been identified by Mr. Magnus Spence as "Wast Stane," a standing stone alongside the road from the United Free Manse to the shore. It still forms the boundary between Tankerness and Toab, but the lands of Saeby do not now extend so far.—A. W. J.

² O.N. *Arfskipti*, division of inheritance?

³ Runrig or rendell, lands of different owners or tenants, intermixed.

nor stane nor wair nor ony wther thing af the ground of Saba, without leive askit and giwin, and gif thay do nocht, to pay a mark for everie laid or loading vnaskit leive or grantit thairto. And we the lawman and xxiiij with me hes in absens of our seillis hes requyrit the said judg to append his seill for him and ws to this our doome, day, yeir and place forsaid, etc.

Deed of Conveyance from Criste Yrrewing and Jhonne Yrrewing, sons and heirs of Jhonne Yrrewing of Sabbay, to their brother, James Yrrewing, of their interest in the half uris land of Sabay (given by their guddame, Edane of Paplaye, to their eldest brother, Criste Yrrewing), and their sister's part of the said land held by Wilyam Flett and his heirs.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 1097). Seal gone.

38. June 15, 1534. Linxness [Orkney].

Be it maid kend till all men be this present chartour, ws, Criste Yrrewing and Jhonne Yrrewing, souneis and lauchfull airris to our fader, Johnne Yrrewing of Sabbay, quhome God assolye, granttis ws wyth hand and handband,¹ be the tenor of this present chartour, to have ourgiffin, anelleit and ofhintit,² frelye and fullely, all and hail bayth rycht and rocht quhatsumevir that pertenis or that lauchfullye may pertain to ws the saiddis Criste and Jhonne, wythin the half wyris land of Sabbaye, woune and for to be woune, sik as land, landmaill, houssis, toftis and twmmellis, outpastour and inpastour, onder the erd and above, fra the hiest of the hylle to the lawest in the ebbe, wyth the myll of the samen, and with all rychtis of the teind penny and the ferde penny,³ gyffin be our

¹ O.N. *Handaband*, joining hands, a form of contract.

² O.N. *Afhenda*, to hand over.

³ *Teind penny and the ferde penny* = O.N. *tiundargjöf ok fjórðungsgjöf*. In accordance with Norwegian Law one could give away one-tenth of patrimonial goods and one-quarter of self-acquired goods without the consent of the heirs.

guddame,¹ Edane off Paplaye, to our eldest broder, Criste Yrrewing, quhome God assolye, the forsaid rycht and rocht, land and landmaill, wyne and for to be wyne, houssis, toftis and twmmellis, outpastour and inpastour, onder the erde and abone, fra the hiest of the hill to the lawest in the ebbe, wyth the said myll and our rychtis of the forsaid tenne penny and the feyrde, wyth all maner of pertinence that pertenis or rychtiusly may pertain to ws the saiddis Criste and Jhonne, that is present, byrwne or for to come, wythin the said half wyris lande of Sabbaye, we grant ws, as forsaid is, wyth hand and handbande, frely and fully to ourgiffin, enelleit and ofhintit the forsaid rycht and rocht, land and landmaill and all other maner of pertinence, as is abone vretin, fra ws the saiddis Criste and Jhonne, and all our airris, executorris and assignais, to our derest broder, James Yrrewing, and all his airris, executorris and assignaise, but revocacioune or ganecalling in tyme to come, be ws or ony of our airris or efter comearris for evirmaire. And for the quhilkis land, landmalle, rycht and rocht, we grantt ws thankfully content and payit thairfor be the handis of our forsaid bruder. And quhar that Wilyam Flett and his airris haldis fra ws ane sister pairt of the said landis of Sabbay, we grantt ws to haff sauld our rychtis thairoff to our forsaid bruder, James Yrrewing, as his chartour maid to hym thairapone proportis. And alsswa quhat landis our forsaid bruder, James, hass conquest or conquesis be gyft, bying, wodset or cossing or ony other maner of waye of conducione fra bruder or sister, sybe or freinde, wythin the bovdnis of Orknay, bye the said half wyrris land of Sabbaye, we, the saiddis Criste and Jhonne, for ws and our airris, byndis and oblissis ws, wyth hand and handbande and be the fayt of our bodeiss, that our forsaid bruder James, and his airris sal bruk that land wythout impediment of ws and our airris for evirmair. And inlikwise quhat landis we, the saiddis Criste and Jhonne, has conquest or conquesis in tyme to come be gyft, wedset,

¹ *Grandmother.*

bying or cossing fra bruder, sister, sybe or freinde, wythin the bovndis of Orknay, bye the said half vyrris lande of Sabbay, the forsaid James for hyme and his airris, byndis, oblesis hyme, be the fayth of hys bodye, that his forsaid breder sal bruk that land wythout impediment for evirmair. In witness of the quhilk thing, because we, the saiddis Criste and Jhonne, had nane sceillis propir present of our awne, we have procurit wyth instanse the sceill of ane honer[abill] and discreit man, James Sincler of Brekis, and justice of Orknay for the tyme, to be hungin to this present chartour, at Linxness the xv daye of Junij, the yeir of God j^m v^c and xxxiiij yeirris, befor thir vitnes, Schir James Stuill, Lavrence Sincler, Thomas Mowet and Gilbert Twlloch, wyth otheris diuersis.

Endorsement : Ihone Irwing his chartour of the nyne penny land of Saba, 1534.

Mutual Agreement between David, Mawnis, Niniane, and Anne Flet, (bairns or heirs) of the deceased Wyllem Flet, on the one part, and James Irvyng, son and heir of the deceased Jhone Irvyng of Sabay, on the other part, in the event of one party wishing to exchange, lease or dispose of their land in Sabay, that the other shall have the first offer of same.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 1102). Seal gone.

39.

Jan. 12, 1534-5.

Kirkwall.

Thir indentoris meyd at Kirkwall the xij day of Januer in the yeyr off God m^o v^{co} xxxiiij yeris contenis, proporttis and beris vitnes in itself in maner, forme and effec as efter folowis, that is to saye, at it is apyntat, accordyt and fynaly agreyt bettuixt Daid Flet, Mawnis Flet, Niniane Flet and Anne Flet, [bairnis]¹ vmquhyill to Wyllem Flet, quhome God assoyllye, on the taine pairt, and Iames Irvyng, son and ayr to vmquhyill Ihone Irvyng

¹Or airis?

of Sabay, on the tother pairt, that is to saye, that gyf sway beis at the sayd Daid, Mawnis, Niniane and Anne hapnis to scose¹ or chainge thar landdis and rychtis quhatsumever thai haf or may haf within the boundis of Sayba, than ar thaj bund and obliyst with hand and hand band and be the faytht and trewtht of thar bodeis, at the sayd Iames sall haf that land befor ony wthour, syb² or frend, he gyfand thame tharfor allse mekyll land and also mony merkis³ in ony pleyse quhayr the said James hase land, and lykkis to change with the sayd Daid, Mawnis, Niniane and Anne, within the bunddis of Orknay and nay vther pleyse. And gyf sawye hapnis the forsaid Daid, Magnus, Niniane and Anne to gyf be gyft or sell, wedset or set for melyng⁴ thar forsaid landis and rychtis of Sabay, than ar thaj bund and oblyist be the faytht of thar bodeis and thar rycht hand, at the sayd James sall haf that land and rychtis and nay wther maner of person, excep that any of the sayd brether hefis it off wther, the sayd James payand thaim tharfor as wisse⁵ wes and is in the cuntre, or than as thaj can agre. And in lykwayis gyf sway hapnis the sayd Iames to coss or change his landdis quhatsumever he hes or may hef within the bunddis of Sayba, than is he bunddyn and obliyst with hand and handband at the sayd Daid, Mawnis and Niniane and Anne sall hef that land befor ony wtheris syb or frend, thaj gyfand hyme tharfor also mekyll land and also mony merkis in ony pleyse quhayr thaj hef land, and lykkis to change with the sayd James. And gyfe swye hapnyse the sayd James to gyf or sell, wedset or sete for melyng his forsaid landdis, than is he bund and oblyist be the fayth of his body and his rycht hand at the sayd Daid, Magnus, Niniane and Anne sall hef that land befor any wtheris, the said Iames, his brethyr and brother barnis beand exsepyt, thai payand hyme tharfor as vse is in the cunthre, or than as thaj can agre. And the sayd pairteis ar bund and oblyist to change thar landdis with naye

¹ Cose, exchange.² Relation.³ i.e., merkis of land.⁴ Rent.⁵ Use.

land owt of the cuntre, nor vithin the cuntre, bot as is abune exspremyt, and this condicioun to stand perpetwall for thame and thar aris. And gyf thar hapnis ony debatabyll materis betuixt the sayd pairteis, than ar thaj bundyn, as sayd is, to tak nay maystermen¹ in thar defence or suple,² bot equhell men and the laow; and for the obeserwyng of this condicion, bonde and promese, all the sayddis pairteis ar bund and oblyist be the faytht and trowthyt of thar bodyis, the hely vangelyst tweichyt,³ and the gret aytht sworne, to stand and byde at and neuer to cum in contrary of any pynt at is abwyne vyrttyng, vndyr the payne of xx pwnddis eswell money of Scotland, and the tweching of thar eythis and the condicione to stand. And for the mayr sekyrnes, all the sayddis pairteis has procurit with instance the seyle of ane nobyll and potent man James Syncler of Brekkis and justice of Orknay, to be howng to this present band, befor thir vyttness, Schir James Stwyll, Schir Nicoll Wyschart, Ihone Harkcas, Weyllem Wyrk, George Monypeny, Sande Scot, Henry Blak and Gelis Scelpaye, with wther dyweris, day and yeyr abwne wyrtyng.

Deed of conveyance from Anna Olufsdotter to Mons Thomesson in Scatstadh, of Hamnawog in Lunnesting parish.

Original on parchment in the possession of Gilbert Goudie, Edinburgh. Printed: Goudie, Antiquities of Shetland, p. 113, with a contemporary Scottish translation, p. 114. Two seals gone.

40.

1537.

Bergen.

Alle men theim, som thette breff see eller høre, kennest jeg Anna Olufsdotter medh thette myt opne breff, ath jeg haffuer saalth ærligh ok fornompstoghen man Mons Thomessonne paa Scatstadh en gardh liggendis j Hietland, som Hamnawogh heither, i Lunnesting sogn ok presthegeldh vndan meg ok myne arffue ok efftherkom-

¹ Learned men.² Support.³ Touched.

mendhe ok wndher forscreffne Mons Thomesson ok hans arffinge ok efftherkommende friith ok frielst for meg ok hweriom manne medh latrom¹ ok lunnendom medh holthe ok haghe till fiels ok till fyere jnnen gardz ok wttan ok alth then deldh, som forscreffne gordh tilliggher eller liggith haffwe for [*i.e.*, fra] forno ok nyo, som bether er ath haffwe en mysse, jnthet wndan skilth. Ok kennest jeg forscreffne Anna wphaffwe borith mynstha penningh ok mestha ok alth ther mellom effther thy som i wort kop kom. Ok till ytthermeer wissa ok sannighen bedher thesse erlighe dannemen, som saa heithe² Jorghen Wynther ok Andres skredder³, fore thette breff, som screffwedh er i Berghen anno Dominj MDxxxvij.

(Translation.)

To all men who see or hear this letter, I, Anna Olaf's daughter, acknowledge by this my open letter that I have sold to an honourable and discreet man Mons Thomasson of Scatstadh, a farm lying in Shetland, called Hamnawogh, in Lunnesting parish and priest's district, from me and my heirs and successors to the above Mons Thomasson and his heirs and successors, free and independent of me and of any man, with sealing places and appurtenances, with hill and pasture, with fell and foreshore, within the garth and outside, and all that appertains to the said farm or has appertained of old and new, which it is better to have than to miss, nothing excepted. And I, the above Anna, acknowledge to have received the greatest and smallest penny, and all those between according to our contract. And for greater certitude and truth [I] ask these honourable good men called Jorghen Wynther and Andres, tailor, [to append their seals] to this letter which is written in Bergen, in the year of our Lord 1537.

¹ Látr, is the hunting place of seal (*sælvar*); the common form runs: medh lottom ok lunnendom.

² From here to the end written with another ink.

³ Here wants: at hengia therá insigle.

The King's Court in Bergen confirms a Doom of the Lawting of Shetland of July 1st, 1538, by which Gervald Williamsson acquires the lands which he had succeeded to after his father, and which Magnus Olsson had taken possession of against the will of the heir apparent.

Original on parchment in Gen. Register House, Edinburgh (Charters, etc., No. 1173). Thirteen seals, gone.

41.

July 6, 1538.

Bergen.

Vii effter^{ne} Tord Roed aff wabenn, hœffuitsmand paa Bergen huss, Anders Hanssøn borgmester, Gottorm Nielssønn Gulaghtings lagmand, Ionn Ellingsønn, Cristiernn Torbernessønn aff vaben, Ionn Thommessønn, Anders Sygenn, Oluff Persønn, Ionn Thomessønn, Søffrenn offueskere, Rasmus smidtt, Thomes Niellssønn oc Oluff Ormssønn, raadmend i Bergenn, gøre wiitterlight ffor alle mett thette wortt obnebreff, att aar effther Guds byrdt Mdxxxviiij lougerdagenn nesth effther Worffroe dagh visitationis kom for oss oc menige almwge, som thenn dag Bergens raadmans stue besøgtt haffde, erlig welfornumstig swend Geruolld Willumssønn mett eth vstwnngitt vskrabit oc j alle made vfforfalskit obet beseglt perments breff, szom Niels Thomessønn paa Eiide, laugman offuer Hieltland, for retth affsagdt oc besegldt haffuer, oc samme breff wij seet oc hørtt aaffue, lydendis paa Giærde vtj for^{de} Hieltland, ord ffra ord, som her effter føllger :

Alle mend oc besynderligenn, som thette breff see eller hører leses, kennes wii effterschreffne Niels Thomessøn, laugman offuer Hieltland, Willom Jonssøn laugrettisman vdj Jennst, Rolff Nesbet laugrettisman vdj Jalle, sidenn alle leffuerne sworne mett fullenn bogereydt oc [aff?] allom Willum Thomessøn, Magnus Sinchlar, Oluff Perssøn y Boenesse, Oluff Nederssøn, Sander Spenns,¹ Gottorm Einarssøn, Ionn paa Holland, Benedicht Perssøn, Einar Bendictssøn oc Swend Gottormssøn,

¹ Or : Spenniis ?

alle werindis oc boendis wdj samme land, witterlight gøre mett thette wortt obnebreff, att aar effter Guds byrd Mdxxxviii^o monedagen¹ nest effter Sancti Petrij et Paulj midsommersdag, kom for oss oc flere gode mend vtj rette i Giærd vdj Rødefjord sogenn y Ielle, offwerwerindis oc siddindis erlig welbyrdig mand Willum Melwin aff waben, paa høgborne furstis kongelige mayestettes, alles wor keriste naadigeste herre koning Jacobs wegne wtj Skottland, wdj erlig welbyrdig oc ridderis empne Eduarth Sinchlars oc Willum Sinchlars fra werelsse, beffallinssmend vdj for^{ne} Hieltland, aff enno halffwo Willum Lyussøn, fogedt oc beffallingsman y Ialle, settendis oc haffwindis beffalling aff Margrite Laurens dotter, hwess siell Gud naade ewindeligen, oc Magnus Olsson fick effter Willum Geffualdzøn, theris siell Gud tage; en aff annere halffuo Gerualdt Willumssøn om sind faders arff, iordegodts, penninge oc fæ, som Magnus Olsson jndsettis wdj forudthen nogen beffalling aff retten arffum, vthenn therris jaordt oc willie, oc omm syn liiffs tiid jngenn regenscap gyorde ffor therris jordegodtz, landskylld, oxeleye, koleye oc all annen agong. Tha effter tiiltall, giensuar, gammell skellige sworne proff, oc mett erlig lewindis bewysning, swornn bøger eidt, oc erlige dannemends breffues lydellse, som tha for oss j rette kom, mett leuendis røsth oc ffuld suorenn wittnisbyrd, ebland hwilche tesse beskeine dannemend wore: Thommes Nielssøn, Oluff Torstenssøn oc Geffuoldt Ellingsonn, som tiente for^{de} Willum Gerualdson thend tiid hand døde, sagde wii saa oc ffor ffuld dom for rette dømde oc tiilsagd haffue ffor^{ne} Gerualldt Willumsson xxj^o marcke brennde wdj jord xij hieltlenske skillinge j huer marck brende, wdj hieltlenske woog, oc mett thette wortt obne pergmentsbreff tiildømme oc tiillsagdt haffue, ffor einn ffuld oc retth alffuorlig dom, effther Gullatings laugdom, bør oc skall igenn haffue oc igen tage nyde brwghe oc beholde allt thett godts, som hand opspørrie kannnd her vdj Hieltland, hwor thett helst er eller were

¹July 1, 1538.

kand, som Magnus Oluffzon for^{de} fullde, oc for beuistes aff Suend Guttormsson, Einar Bendichttsson oc Magnus Martenssonn j Gerde, att for^{de} Magnus Oluffzon lyuste wdj syugdom oc kranckdom, tesliigiste hand begeride oc badh Gud offthe oc tiidt om, att the mathe leffue szaa lenge, the kunne gøre oc giiffue ffor^{de} Geruald Willumsson syne penninge, landskylld, oxseleye, koleye mett all anden agang oc rettigheidt ffor hans store skade oc forderff, som hand haffuer haffd vdi xx aar paa syn landskylld, oxseleye, koleye oc hesteleye; skall hand ther fore haffue bruge oc beholle ffor etth pant vii j (*i.e.*, 7½) marcke brennde liggendis vdi for^{de} Gerde j Ielle, jndtiill saa lenge ffor^{de} Magnus Oluffzonns neste arffuinge sielffue løsze samme syn jord igenn aff ffor^{de} Geruald Willomsson ffor saa mange marcke brende, som for^{ne} staar, thet er xxj mark brennde, huer marck brende xij hielte skiillinge, huerkenn tiill borgs ne lons aura eller penninge att tage aff noger mand, wdthann siellff siemis¹ om wendelsz (?).² Er thenn samme jord jcke jgenn løst aff for^{ne} Magnus Oluffzøns neste arffuinge jndenn iij winther, tha ligge wnder for^{ne} Geruald Willomsøn mett eygenn oc odale tiill euig tiid, mett lottum oc lundenom, som ther till ligger oc liggitt haffuer fra for^{ne} oc nye inden gards eller [wthen³] jngenn vndentagindis, huad thett helst er eller were kand. Tiill ydthermere wittnisbyrd bedtre stadfestellse oc fforuaring, att thette ffor^{ne} saa skeet er, schreffuit vdi Hieltland anno Dominj et die vt patet wnder waare jndsegler hengindes nedhenn ffor.

Hwiilkit breff wii for^{de} wdj alle syne puncter ord oc artickeler, szom thett jndeholler oc wdwiiser wiid fuldmacht stadfest oc dømtt haffuer vbrodteligen tiill euig tiid ffor fødde och vffødde j alle maade hollis skall. Till ydthermer wittnisbyrdt oc bedther bewiisning, att saa vdi sandhedt er, som forskreffuit staar, ladhe wii henge

¹ *i.e.*, *Sinns*.

² *The common form is : ok lāysi . . . med sialfs sins goz æi lent ne á lāne tekít. See D.N. II., No. 92.*

³ *Wanting in the original.*

wore jndsegler oc signeter nedhen fflore thette wortt obne breff, som schreffuitt er j for^{de} Bergenn aar och dagh, som forschreffuit staar.

(Translation.)

We, the following, Tord Roed, knight, commander of Bergenhus, Anders Hansson, burgomaster, Gottorm Nielsson, lawman of Gulathing, Jon Ellingson, Christian Torbernsson, knight, Jon Thommesson, Andres Sygenn, Olaf Personn, Jon Thomsson, Söffren, clothdresser, Rasmus, smith, Thomas Nielson and Olaf Ormsson, councillors in Bergen, make known to all by this our open letter that in the year after God's birth, 1538, on the Saturday next after the day of the Annunciation, there came before us and the common people who that day visited the Council room of Bergen, the honourable and able man Geruolld Willumsson, with an open vellum letter, with seals, with no cuttings, erasures or falsifications whatever, which Niels Thomasson of Eide, lawman of Shetland, has deemed right and appended seal to, and the same letter we have seen and heard at Gierde in the said Shetland, being word for word as hereafter follows :

Before all and sundry men who see or hear read this letter we the following, Niels Thomasson, lawman of Shetland, Willom Jonsson, lawrightman in Unst, Rolf Nesbit, lawrightman in Yell, all alive, swore a full oath on the holy book, and of the people : Willum Thomasson, Magnus Sinclair, Olaf Persson in Boeness, Olaf Nedersson, Sander Spens, Gottorm Einarsson, Jon of Holland, Benedict Persson, Einar Benedictsson, and Swend Gottormsson, all dwelling and residing in the same country, make known by this our open letter that in the year 1538 on the Monday next after Peter's and Paul's day, Midsummerday, there came before us and other good men in the court in Gierd in Rødefjord parish in Yell, present and sitting an honourable highborn man, Willum Melwin, knight, on behalf of the highborn prince, His Royal Majesty, the dearest and most gracious master of us all, King James of Scotland,—in the

absence of the honourable and highborn knights, Edward Sinclair and Willum Sinclair, governors of the said Shetland,—on one side Willum Lyusson, fowd and officer of Yell, sitting and acting for Margret Laurens' daughter to whose soul God be eternally merciful,—and Magnus Olsson got [the land] after Willum Geffualdson, may God save their souls; but on the other side Gervald Willumsson about his father's inheritance, lands, money and live stock which Magnus Olsson took possession of, without any leave from the right heirs, without their will and consent, and during his lifetime rendered no account of their land, landskyld (rent), ox rent, cow rent and all other profits.¹ Then after questions, answers, several pieces of old sworn evidence, evidence from honest living men, oaths taken on the holy book, and the tenour of letters from honest good men who then came before us in the court, with living voice and full, sworn evidence, among whom these discreet good men were: Thomas Nielsson, Olaf Torstensson and Geffuoldt Ellingsson who served the said Willum Gerualdson at the time he died; we said and by full and right judgment adjudged to the said Geruald Willumsson 21 mark burnt, in land, 12 Shetland shillings in every burnt mark, in Shetland weight, and by this our open letter on vellum we judge and have given a full and right serious judgment, according to the Gulathinglaw, [that he] ought to and shall have and take back, enjoy, use and hold all the land that he is able to find in Shetland, wherever it is or may be, which the said Magnus Olafsson had and of which it was proved by Suend Guttormsson, Einar Benedictsson and Magnus Martensson in Gerde that the said Magnus Olafsson declared in illness and ill health that he prayed and begged God often and frequently that he might live so long that he could give back to the said Geruald Willumsson his money, rent, ox rent, cow rent, with all other emoluments and rights, for his great loss and damage which he has

¹ Agong, probably from O.N. afgangr, which means—I, surplus, profit, 2, settlement of account. See Fritzner, Ordbog, s.v. afgangr.

had for 20 years, of rent, ox rent, cow rent and horse rent. He shall therefore have, use and hold as a mortgage 7½ mark burnt, situate in the said Gerde in Yell until the nearest heirs of the said Magnus Olafsson themselves redeem this their land from the said Geruald Willumsson for as many mark burnt, as is written above, that is 21 mark burnt, every mark burnt at 12 Shetland shillings, no ure or penny to be got by loan or borrowing from any man but . . .¹ If this same land is not redeemed by the said Magnus Olafsson's nearest heirs within 3 years, it shall belong to the said Geruald Willumsson, with ownership and odal, for ever, with lots and emoluments which to it appertain or have appertained, of old and new, within and without the garth, nothing excepted whatever it is or may be. For further witness, better confirmation and certitude that the above is thus [as described], written in Shetland in the year and on the day, shown above, with our seals appended.

Which letter we the abovenamed, in all its points, words and articles which it contains and exhibits, with full power have confirmed and judged to be held unchallengeable for all time, for born and unborn, in every way. For further evidence and better proof that the above written is true we let our seals and signets be appended to this our open letter, written in the said Bergen, the year and day written above.

Deed of Conveyance from Marrene Fressell and Cristene Frissell, daughters and heirs of the deceased Thomas Fressell, with the consent of their husbands, Barnat Coplane and Sande Deschentone, to Alexander Fressell, their brother german, three penny land of Hawall on the north side of Toep, for the land's price of the country, viz., for Marrene's part 1 "lyken" cow and 1 gillat of and 1 quey and for Cristene's part, 1 "lyken" cow, 16 shillings of silver and 1 quey.

¹Text corrupt.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 1287). One seal gone.

42.

April, 1542.

Be it kend tyl al and syndrj to quhawelay (sic) thir present vrit sel to cum, that ve, Marrene Fressell and Cristene Frissell to haue sellit and analeet, vyth consent and assent of owre howsbandis, Barnat Coplane and Sande Deschentone, fra wse and owre airis, al and haill twe sisteris pairtis, vyth rycht and roicht, of tre penne land callit Hawall, the quhilk ve, the saidis Merrene and Cristene, airt efter owre faderis Thomas Fressell, and be the tennour of thir present letteris, sellis and analiis the land foirnemmit to owre bruder germen, Alexander Fressell and to his airis, for landis price of the cantra, that is to say, extenden to the said Merrene part, ane lyken cow vyth ane gillat of ane quiok,¹ and to the said Cristene part, ane lyken cow and xvj scill. of syluer, vyth ane quiok, vyth all fredomis bayth onder the yeird and aboun, vyth howssis, profeittis, thowellmellis, commoditeis, as it lyis in lent and breid, one the north syd of Toep abone the yard, vyth fre wschia² and entrens, fra the heist of the hill to the lawest of the eb, vyth all rycht that owre faderis haid to the landis of Hawell, and all that pertenis tharto or lawfully ma pertein tharto, to owre bruder, Alexander Fressell, and to his airis and exeigneise (sic) and to be peschply josit and brukit be thame for now and evermair. Rycht sua ve, the saidis Merrene and Cristene, vyth consent of owre howsbondis, grantis vse veill content and pait of the soumiss and gudis foirsaid, be owre foirnement bruder germane. Mairtowr ve, the said Merrene and Cristen, vyth consent of owre howsbondis, as said is, quitclames and dischargiss the said Alexander, his aris, executouris and assignais, of the soumis and gudis foirsaid for now and evermair; alsua ve, the saidis Merrene and Cristene, byndis and oblisys vse be the

O.N. kviga, a young cow.

² *Sec. isch, issue exit.*

fayth and trowth in owre bodiis and arsoone,¹ neuer to
 cum incontra of this present vrit befor nay jug nore
 jugis sperituall or temporall in tyme to cum, onder the
 paine of all the geir and landis at ve haue or ma haue be
 ony just tytill of rycht. To the mair securite and strent
 heirop ve, the said Merrene and Cristene, vyth consent of
 owre hwsbandis Bernat Coplene and Sande Deschenton,
 has procurit vyth grit instans the saill of ane venerabill
 man, Schir James Fallusdell, viccar of Yell, to be hungin
 to this present chartour, because ve haid nay propir saill
 of owre awin, vyth [the sing] manuall and subscriptione
 of ane famouse notyr, Schir George Strang
 [Apry]ll in the yeir of God ane thowsand fyw hunderit
 xliij yeiris the befor thir vitnes, Schir
 Mawnis Strang, prebendar of Sant bert
 Vilyeme Edm, Johnne of Paplay, Johnne Tulloch, t,
 Mag Haw, Schir James Fallusdell, Vate Reid, vyth
 vther diuersis.

² Et ego Dominus Georgius Strang, auctoritate appo-
 tolica notarius, interfui eaque omnia et singula sciui
 vidi et audiui ac in notam recepi ideoque hanc presentem
 cartam manu mea fideliter scripsi, signoque meo nomine
 et cognomine meis solitis et consuetis singula rogatus
 et requisitus, in fidem, robur, testimonium omnium et
 singulorum premissorum.

Upon the back of the above deed the following is written :—

Insuper Crestene Fressell, vyth consent of hir husband
 Sande Deschentone, sellis hir part of the nyne reigis that
 lyeis one the same syd of Toop, callit Gryndland, to hyr
 bruder, Alexander Fressell, fra hyr and hyr airis to the said
 Alexander and his airis, for now and euermair, befor thir
 vitnes, Vate Reid, Barnat of Coplene, Merrene of Fressell,
 day and yeir retroscriptis, etc.

¹ Cf Jamieson's *aresound*. In accordance with No. 39, line 24, etc., the term here would be "and our right hand."—A. W. J.

² In margin under monogram "†" and a reversed "S": Georgius Strang notarius propria manu.

Endorsement with an older hand : Merren and Kirstane
Freseris tua sister partis of lande, sauld to ther brother
Alexander Freser, liand in Hawell.

*Deed of Conveyance from Barnerd Thomassoune and
Petir Olasoune to David Scot of Rafurd, 2 merk
land in Geartht in Yell.*

*Original on parchment in the General Register House, Edinburgh
(Charters, etc., No. 1760). Printed : Deeds relating to Orkney and
Zetland, Edinburgh, 1840, No. IX. Four seals, gone.*

43.

June 12, [15]88.

Fetler.

Be it kend till all menne be this present writ ws
Barnerd Thomassoune and Petir Olasoune, that quhair
we grant ws to hawe sauld and annalit and offhinttit,
and be the tenour heiroff sellis, annalis and offhinttis
tua merk land off owris lyand in Geartht in Yell to ane
honorabill manne, Daid Scot off Rafurd, fra ws and all
our aris, executouris and assingnais, and to the forsaid
Dauid, his aris, executouris and assingnais, for now and
ewir, with tofttis, tummellis, outpastour and inpastour, fra
the hyast off the hille to the louest off the eb, with all
rychtuisse pertenenntis that pertenis or that off just
tytill may pertain to the forsaid tua mark land, with fre
ische and entre, and granttis ws, the forsaid Barnerd and
Petir, weill content and peyit baytht off the eng¹ and
wthall off the forsaid tua merk land for now and ewir,
and dischargis and quetclemis the forsaid Dauid, his aris,
executouris and assingnais for now and ewir, and
oblesis and bindis ws the forsaidis Barnerd and
Petir, our aris, executouris and assingnais to warrand
and defend the forsaid Dauid, his aris, executouris and
assingnais in laboring, josing, bruiking and manuring
the forsaid landis for now and aye, without onye
reuocatioune or gaincalling, wndir the pain off all our
gayr and guidis, present and to cum, to be attrubit to the

¹ O.N. *eign*, possession.

said Daud, his aris, executouris and assingnais. And for mair warificatioune off the trewyth in the premissis, ve the forsaidis personis, because we hawe na selis nor singnettis off our awin, with grypt instance and procuratioune we hawe procurit the singnet off ane honorabill manne, Jamis Suddirland, ondirfold off Fetlar, togyddyr with the selis off honorabill menne, Jacob Eriksoone off Odstay, Laurance Arlaye, Mangnus Arnesoune, to be appendit to this present writ, togydder with our awin markis to be effixt. At Sant Bartillis kyrk off Fetlar, the first Sunday efftir the Trenite Sunday, anno lviiij yeris, affair thir vitnes, Jamis Sinclair, Mangnus Adamson and Jhonne Adamson off Still, with odir diuers.

Deed of Agreement between Margaret Tulloch, half sister (by the same father) of the deceased William Tulloch of Skee, and her husband, Lowrence Schowaldsone of Awik, on the one part, and Barbara Thomasdochter, widow of the said William, Androu Mowett and his wife, Essilla Tulloch, one of the heirs of the said William, and the said Androu as tutor for Johne Tulloch, son and one of the other heirs of the said William, on the other part, by which they, the heirs of the said William, renounced and gave over to the said Margaret and her husband the 2½ merk land in Howll in Sandvik, in the South parish of Yell, being her sister part of the land of her father, the deceased Androu Tulloch, which had been retained by the said deceased William, and not including her sister part of the land in which her mother, Elspee Tulloch, was liferented.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 1765). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. XIV. Two seals, gone.

44. Oct. 15, 1558. Olabere, Northtmaing [Shetland].

To all and sindrie quhais knowlege thir presentis sell to cum, ws Olaue Sinclair of Haweray, chalmerlane and

heyd fold of Zetland, and Schir George Strange, vicar of Nasting and official of Zetland. Sen meritour it is to beir leill, trew and suithfast witnessing vnto the verite, quharby that throw the conceling thair of the innocent may incur na hurt, dampnage nor skaitht, frathinfurth we mak it manifest, patent and knawin to your vniuersiteis, heiraris and searis of thir presentis, and to all vtheris quhom it efferis, that quhair upon the xv day of the moneth of October, the yeir of God j^m v^e fyfty and aucht yeiris, we beand convenit in Olabere within the parrochin of Northtmaving, with certane vtheris the honest men of the cuntre, that is to say, Arling of Bw, lawrychtman in Dunrosnes, Gilbert Coipland, Ringane Neving, Alexander Litster, David Dollase, Magnus Ormssone, Jone (?) Tullocht, with vther d'uerse, thair to mak ane rycht schonit¹ compt, raknyng and equaill devisioun of the landis, guidis and geir, movable and vnmowabill, perteing to vmquhile William Tullocht of Skee, quhom God assoilye, amangis the airis of the said vmquhile Williame; and in the meyntym compeirit afoir ws, Margaret Tullocht, half sister to the sayd vmquhile William, that is to say, fader barnis and nocht moder barnis, and Lowrence Schowaldsone of Awik, spous to the sayd Margaret, for his interes, and producit rycht honest and famose personis, Magnus Tullocht, David Tullocht, Peter of Flugagarth, and Ewir of Collafirth, quhilkis war suorne and admyttit with consent of Barbara Thomasdochter, the relict of the said vmquhile Williame, and Androu Mowett, for himself, and Essila Tullocht, his spous, ane of the said vmquhile Villiamis airis, and also with consent of the said Androu, as tutour, gydour² and governour to Johne Tullocht, sounne and ane of the vther airis of the said vmquhile Williame, in ane fensit court haldin be me, the said Olaue Sinclair, day, yeir and place forsaid; quhilkis personis being suorne the grypt aytht, the halie ewangelistis

¹ O.N. Sjaund, i.e., the seventh day after the death day, when the division of the inheritance had to take place.

² Guider, one who manages the affairs of another.

tuechit be thame, deponit opinlie in jugement, that the said vmquhile William Tullocht intromettit with the sister part of the landis quhilkis come and fell to the part of the said Margaret Tullocht, one the rycht schoneth day eftir the deceise of Androu Tullocht thair fader, quhom God assoilye, extending be just and guid estimatioune to the said Margaretis part to tua merk and ane half merk land, by¹ hir sister part of the landis quhilk Elspee Tullocht, hir moder, hes induring hir lyftyme, to be furthcumand to the said Margaret; and deponit also that scho never gat penny nor penny vorth fra the said vmquhile Villiam in his tym, in all nor in part, for hir sister part of her fader land forsaid. Quharfor the said Barbara Thomasdochter, spovse of the said vmquhile Williame, and his tua airis forsaid, with consent of the said Androu Movet, for exhoneratioune, releif and discharge of the saull and conscience of the said vmquhile William, and also for releif of thair awin conscience, renuncit and ourgaif simpliciter in fauouris and to the said Margaret and Lovrence, hir spous, and to thair airis, executouris and assignaise, all and haill, tua merk and ane half merk land, ix d. the merk, lyand in Howll in Sandvik, within the south parrochin of Yell, quhilk land the said Margaret and Lovrence, hir spous, accepit and resaut in full recompensatioune and compleit satisfactioun of hir sister part of land forsaid, reseruand to hir samekle land as suld cum to hir sister part of the land quhilk Elspet Tullocht, hir moder, possessis for hir lyftym, to be furthcumand to hir eftir hir deceise. Quhilk tua merk and ane half merk land the said vmquhile Williammis airis forsaid band and obleist tham, thair airis, executouris and assignaise to warrand, keip and defend to the said Margaret and Lovrence, thair airis, executouris and assignaise perpetually in all tymes cuming, and obleist tham neuer to be sene in jugement nor without jugement in the contrar heirof, vnder the pane of mensvering² and of all thair landis and guidis,

¹ *Excluding.*² *Sco. Mansweiring, perjury. O.N. meinsari.*

movabill and vnmovabill, present and to cum. In witnes and for securite of the quhilk the airis forsaide hes procurat with gret instance our propir sealis to be appensit heirto, togidder with the subscriptione of me, the said Schir George, and also the said Androu Movet hes subscriuit the same, day, yeir and place forsaide.

Signed: Alexander Litster with my hand; Androw Mowat, wyth my hand; Ringane Neving, with my hand; Georgius Strang, manu propria; Daid Dolless, with my hand.

Deed of Conveyance from Olaf Persson of Fedje, Norway, to David Sanderson, of his odal land Nesthus in Borgh, Qualsø, Shetland, for 56 Bergen gyllen.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 2090). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. IV. Six seals, of which only a fragment of No. 5 remains, but the impression is entirely gone.

45.

April 24, 1567.

Bergen.

Jegh Olaff Perszøn boendis paa Fedie wdj Norrige widt Bergen kiendis och for alle gjør witterlight medtt dette mit obne breff, at jeg y dagh aff welberaad raadtt haffuer soltt och medtt dette breffuis krafft selier skøder och affhender ein min odals jord j (*i.e.*, $\frac{1}{2}$) tredie marck brende, som heder Nesthus¹ paa Borgh y Qualsø y Hietland, skyldendis aarligen j lispundtt smør xvi marck smør och x alne watmaal, fraa migh och mine arffuinge och indtill erligen vys och velforstandigh mandtt Daidtt Sandersøn paa Refiord y Jelle sogen paa Hietland boendis och hans arffuinge till euige eyedom medtt all syn rette tilliggelsze baaden (*sic*) vden gierdis och inden gierdis ynthett vndertagendis y nogle maader. Och kiendis ieg megh att haffne anammit och opborit meste penninge och minste, som y vort kiøb kom, som vaar sex och femptie norske Bergen gyllene vdj gode redelige och nødactige penninge, saa att ieg honnom

¹ Not Westhus as in Deeds.

kierligen betacker y alle maader. Thi beplicker jeg migh och mine arffuinge ingen lod eller deld att haffue till eller vdi for^{ne} jord Nesthus effter denne dagh. Och beplycter ieg mig ocsaa och myne arffuinge at hiemle och fuldkommeligh till att staa for^{ne} jord Nesthus y alle maader frj och frelszelige for huer mand, som der paa tale kand medt rette. Och der som for^{ne} jord Nesthus vorder eller bliffuer, det Gudi forbiude, samme godt (*sic*) mandt David Sander søn eller hans arffuinge affuonden medt nogen rette gang eller ny paa fund, thaa forplijcter iegh migh eller mine arffuinge inden sex vegers dagh, strax effter hun fraa honnum er igen vunden, att vdlegge honnom ein lige saa goed jord aff rente, indkomst och tilligelsse, som denne for^{ne} Nesthus er y alle maader, eller saadane redelige penninge, som iegh aff honnom opborit haffuer, som er sex och femptie Bergen gyllene, vden all ydermere rette gang eller bekostningh y alle maader. Att saa y sandhedtt er, som forschriffuit staar, lader iegh sette mit mercke her neden vnder och kierligen tilbeder thisse gode mend her Mickil Jonszøn sogne prest till domkyrcke y Bergen, her Tommis Jenszøn sogne prest till Korskircke jbidem, her Matz Lauritzsøn, her Jon skolemester der samme steds, Clauus Grøn kongelig matts fogit paa Ferø och Nils Helgesøn skypper till Ferø att besegle dette mitt obne breff, som skriffuit wor y Bergen den 24 Aprilis anno Domini 1567.

Later endorsement: Charter of Olaf Persøn living in Fedie in Norway near Bergen, in which he has sold and afhented his odel land called Westhus (*vic*) in Qualsø, worth yearly 1 lispund butter, 16 marck butter and 10 ell wadmél to David Sandersøn in Refiord etc. and his heirs. Bergen Apr. 24 1567.

(*Translation.*)

I, Olaf Persson, residing at Fedie in Norway, near Bergen, acknowledge and make known to all by this my open letter that I have to-day after due consideration sold, and by power of this letter sell, convey and hand over

an odal estate of mine [worth] 2½ mark burnt, called Nesthus in Borgh in Qualsö in Shetland, yielding annually 1 lispund butter, 16 mark butter and 10 ells wadmál,¹ from me and my heirs to an honourable, wise and discreet man David Sanderson, residing in Refjord in Jelle parish in Shetland, and [to] his heirs, to possess for ever, with all its due appurtenances, both outside and inside the garth, nothing in any way being excepted. And I acknowledge that I have received and got the greatest and the smallest penny which was in our contract, which was 56 Norwegian Bergen gyllene in good, genuine and exact pennies (coins), so that I thank him in every way kindly. Therefore I bind me and my heirs to have no lot or part in or on the said land, Nesthus, after this day. And I also bind me and my heirs to give and grant wholly the title to the said land, Nesthus, in all ways free from righteous claims from any man. And if the said land Nesthus be, which God forbid, taken from the same good man David Sanderson or his heirs by any law-suit or new-invented claims, I bind me and my heirs, within six weeks from the time it has been taken from him, to provide him with an equally good land as to rent, revenues and appurtenances as the said Nesthus, in every way, or such ready money as I have received from him, which is 56 Bergen gyllene, without any further law-suit or cost in any way. That what is above written is true [in sign of that] I have put my mark here below and kindly ask these good men, Mr. Michael Jonsson, the parish priest of the Cathedral of Bergen, Mr. Thomas Jensson, parish priest of Cross Church, Bergen, Mr. Matz Lauritzson, Mr. Jon, schoolmaster in the same place, Claus Grön, His Majesty's fowd in Faroe, and Nils Helgeson, skipper, of Faroe, to put their seals to this my open letter which was written in Bergen 24 April, in the year of our Lord 1567.

¹ In Shetland rent was charged at the rate of 1½ mark weight of butter + ½ ell of wodmeil (cloth) per "penny" in the mark of land. The rent here stated is therefore that of 30 "pennies," or 12 "pennies" per mark of land. This agrees with the Rental of 1628, in which the marks of land in Nesthus are given as 12d. per mark, the highest rented mark land in Shetland.—A. W. J.

Deed of Conveyance from Niels Monson, a native of Shetland, to David Sanderson of Refjord, Shetland, of his odal land Gerde, Felle (Yell.)

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No, 2091). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. V. Four seals, No. 1 illegible fragment, No. 2 gone, No. 3 fragment of a mark, and between Nos. 1 and 2 a mark is inserted.

46.

April 27, 1567.

Bergen.

Iegh Nils Monsøn, fød paa Hietland, bekiendis och gjør witterligtt for alle medtt dette mitt obne breff att ieg y dag aff welberaad raad haffuer soltt och affhent och medtt dette mitt breffuis krafft selier skøder och affhender fraa megh och myne arffuinge och intill erlige viis och velforstandigh mand Daud Sandersøn paa Refiord y Hietland och till hans arffuinge till euige egen eydom ein myn odels jord, som heder Gerde, liggendis y S. Hans kyrckis sogen wdj Jelle prestegeld, skyldenis aarligen ij lispund smør och xij alne watmall och er fire marck brende, huilke fire marck myn salig broder Olaf Monsøn før haffuer och soltt for^{ne} Dauditt Sandersøn sin halfue partt, som breff der om wduiser &c. Och kiendes ieg meg att haffue anammit och opboritt meste penninge och minste, som y vortt kiøb kom, saa att ieg honnom for al god redelige och god nødactige betaling kierligen betacker y alle maader. Thi hiembler ieg och fulkommelige tilstaar for^{ne} Daud Sandersøn och hans arffuinge samme for^{ne} jord, Gerde heder, fire marck brende, frj och frelsseligen for huer mand, som der paa medtt rette kand tale. Och kendes ieg meg och mine arffuinge ingen lod eller deld att haffue till eller vdj samme for^{ne} fire marck brende y Gerde effter denne dagh y nogle maader. Skedde dett saa, dett Gud forbiude, for^{ne} jord Gerde vorder for^{ne} gode mand Daud Sandersøn eller hans arffuinge aff vondet medtt nogen rette gang eller ny paafund, tha forplicer ieg meg eller myne arffuinge att vdlegge for^{ne} Daud eller hans arffuinge lige saa god ein iord igen eller saa mange penninge, som

samme iord werd er. Att saa y sandhed er, som forschriffuit staar, lader ieg medtt vilge och widskaff sette mit mercke her neden fore och kierligen tilbeder disse gode mend Lauris Wog, Olaff Nylzsøn smitt, Christiern skriffuer och meister Tomas,¹ att the henger deris insigle nedenfor dette mitt obne breff, som schriffuit och giffuit vaar wdj Bergen den 27 dagh Aprilis anno Domini 1567.

Endorsement: Charter of Nils Monson native of Shetland, in which he has sold and affhented to David Sandersøn in Refjord in Shetland and his heirs his odel land of Gerde, in S. John's Kirk sogne and Ielle prestegeld, worth yearly 2 lispund butter, 12 ells wadmél &c. Bergen Apr. 17 1567.

(Translation.)

I, Nils Monson, born in Shetland, acknowledge and make known to all by this my open letter that I have to-day after due consideration sold and handed over and by power of this letter sell, convey and hand over from me and my heirs to an honourable, wise and worthy man David Sanderson in Refjord in Shetland and to his heirs, to possess for ever, an odal estate of mine called Gerde, situated in St. John's church parish in Jelle priest's district, yielding annually 2 lispund butter and 12 ells wadmál,² that is 4 mark burnt, of which 4 mark my late brother Olaf Monson formerly sold the said David Sanderson his own half, as seen in the deed about it, etc. And I acknowledge to have received and got the greatest and smallest penny within our contract so that I thank him in every way kindly for all good, honest and exact payment. Therefore I make out a full title for the said David Sanderson to the same said land, called Gerde, 4 mark burnt, free and quit of righteous claims from any man. And I acknowledge that I and my heirs have no lot or part in or on the same said

¹ Her Tommis Jenszøn in No. 45.

This is the rent of 36 "pennies," or 9 "pennies" per mark of land, as given in No. 47. See footnote to No. 45.—A. W. J.

4 mark burnt in Gerde from this day, in any way. Should it happen, which God forbid, that the said land, Gerde, be taken from the said good man, David Sanderson, or his heirs by any law-suit or new-invented claims, I bind me and my heirs to provide the said David or his heirs with an equally good land instead, or as much money as the same land is worth. That it be true which here is written [in sign of that] I have, with my own will and knowledge, put my mark here below and kindly ask these good men, Lauris Wog, Olaf Nilsson, smith, Christian, writer, and master Thomas,¹ that they hang their seals underneath this my open letter which was written and done in Bergen 27 April, in the year of our Lord, 1567.

Deed of Conveyance from Mareone Gearwoldtsdochter, heiress of Gearwold, to David Scot of Rafurd, 7½ mark land, 9d. the mark, in Gerth, Mid Yell, and parish of S. John (Shetland).

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 2385). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. XII. Three seals gone.

47. March 10, 1575. Rafurd [Shetland].

Be it kend till all men be this present cherter, me Mareone Gearwoldisdochter, the heretrix off the said Gearwold, that quhair I grant me in my vrgent nicesitie and extreme pouertie till hawe sauld, analit, offhint and away putt, and be the tenour off this present chertir, fre, heritable and perpetuallie sellis, analis and offhintis, sewin mark land with halff mark, ix d. the mark, in Gerth in Mid Yell, and parrochson off S. Jhonn, till ane honest and discreit man, Dauid Scot off Rafurd, samengna man² off the forsaid town off Gearth, fra me, the forsaid Mareone, and all my aris, executouris, assingnes and efftercumaris quhatsumewir, and to the said Dauid, his aris, executoris and efftircumaris quhatsumewir, with hows,

¹ Her Tommis Jensøn in No. 45.

² O. N. Sameignar-maðr, joint possessor.

herbir,¹ eng and owthell, ische and entress, within the dykis and without, fra the hiest off the hill to the lawest off the ebbe, also weill onnominat ase nominet, with all that better is to hawe nor to want, and grantis me, the said Mareone, weill content and peyit be the handis and delywerans off the said Dauid, and thairfor I the forsaid Mareon for me, my aris, executouris and assingneis, dischergis and quetclemis the said Dauid, his aris, executouris and assingnes, for now and ewir, oblesand and bindand me, the said Mareon till warrand, acquiet and defend the forsaidis sewin markis and halff mark landis to the forsaid Dauid, his aris, executouris and assingnes quhatsumewir, and nocht to molest, trowbill nor inwaid the said Dauid, his aris, executouris and assignes, wnder the paine off perjwre and defame, in peciabl browking, josing and manwring the saidis landis. And for observation and warificatione off the premissis, I, the said Mareone, with instance heis procurit the selis off honest and famus men Lawrence Sneldson,² off Awik, Jhone Fresell off Hascasay, and Robert Fresell off Wassesor, to be appendit to this present cherter, att Rafurd vpon the x day off Ma[r]che in the yeir of God 1575 yeris, befoir thir witnes, Donald Carnege, Michael Gregor[y] and Andro Mansone.

Deed of Conveyance from Marion Siursdotter, burgess of Bergen, to her kinsman David Sanderson Skot of Raefjord, of her and her sister's odalsland Serva and Bjella, Fetlar, Shetland.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 2367). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. VI. Four seals gone.

48.

Aug. 16, 1575.

Bergen.

Ieg Marion Siursdotter, salige Hanns Fossis efftherleffuerske och borgerske y Bergen, bekenndis och for alle gør witterligt met thette mit obne breff, at ieg aff well

¹ O. N. Herbergi, herbirgi, a room.

² Lawrence Schowaldsone of Awik, in No. 44.

beraat raad haffuer solt och nu met thette mit breffs krafft selger och affhennder och fraa skøder fraa meg och alle mine arffuinger, desligeste fraa min salige søsters arffuinger Ingerdt Siursdotter, som ieg och henne tilforn erffuede, och till min kierre frennde Daid Sandersønn Skot, boendes wdj Hietlandt paa Raefjordenn, och wnder hans arffuinge till euerdelige egne och odall denne min och min salige søsters odals iord, som heder Serua, och thuo marck y Bietla, liggendis y for^{ne} Hietland wdj S. Bertholomej¹ sogenn y Fetelaa, mett alle luther och lunder och rette tilligelse, fraa fiels och till fiere, met huuss gaard och marck jnthet wndertagendis y nogle maade, huilckenn jordt for^{ne} Serua och de thuo marck y Biella ere tilhope thie marck brennde thuo øre mindre, skylder aarligen y lanndskyldt iij lispundt smør och xvij alne watmaall. Och kenndis ieg meg at haffue opborit och anammet meste penning och minste och alle der emellom, som y wort køb kom, och mig wel at nøyes, som waar halffempte och tie daler, noch x daler och enn voxenn vxe. Oc offuer alt dette wort køb haffuer ieg anammet en godt tønne mioll y skotnings aure och odels køb. Derfor tilstaar ieg och fulkommeligenn hemle for^{ne} Daid och hans arffuinge for^{ne} jord och jordepart quit och frj for mig och mine arffuinge y alle maade. At dette saa y sandhed, som forskreffuit staar, tilbeder ieg kerligenn for meg at besigle disse gode menndt Christenn skriffuer, raadmand y Bergenn, her Peder Simonsonn, sogneprest till Phane, her Jens Christennssønn, lese mester y Bergenn, och Peder Jonssønn, borger der samme stedtz, som skreffuit waar y Bergenn denn² 16 Augustij anno 1575.

Endorsement: Charter of Marionn Siursdotter ane burgess of Bergenn, in which she has sold and affhented to Daid Sanderson Scot in Raefjord &c. who heirs her own and her umquhill sisters odal land called Serua and 3 mark in Biella in S. Barthol. Parish (Vicarage) in Shetland &c.

¹ *Deeds: S. Bengobomej!*

² *Here follows an erratum: tenn.*

(Translation.)

I, Marion Siur's daughter, widow of the late Hans Foss, and burgess of Bergen, acknowledge and make known to all with this my open letter that after due consideration I have sold and now by power of this my letter sell and hand over and convey from me and all my heirs, also from the heirs of my late sister, Ingerdt Siur's daughter,—since I formerly inherited her—to my dear kinsman David Sanderson Skot, residing in Shetland in Raefjord, and to his heirs, for everlasting possession and odal, this odal-land of mine and of my sister, called Serva, and two mark in Bietla, situated in the said Shetland in St. Bartholomew's parish in Fetlar, with all lots and parts and right appurtenances, from fell to foreshore, with house, garth and field, nothing in any way excepted, which land, the said Serva and the two mark in Biella altogether 10 mark burnt less two ure, yielding annually in rent (landskyld) 3 lispund butter and 18 ells of wadmál.¹ And I acknowledge that I have received and got the greatest penny and the smallest, and all those between, in our contract, and am well satisfied,—which was 24½ daler, likewise 10 daler and a fullgrown ox. And over and above this our contract I have got a barrel of good meal as a payment for the conveyance and as an odal bargain. Therefore I grant the title of the said land and piece of land completely to the said David and his heirs, free of all claim from me and my heirs in any way. That what is above written be true [in sign thereof] I ask kindly these good men, Christen the writer, councillor of Bergen, Mr. Peder Simonson, priest of Fane, Mr. Jens Christenson, teacher in Bergen and Peder Jonsson, burgess there, to append their seals for me. Written in Bergen Aug. 16, in the year 1575.

¹ This is the rent of 54 "pennies" which at 6 "pennies" in the mark of land gives 9 marks of land, and not 10 marks less 2 ure, or 9½ marks. See footnote to No. 45. The Rental of 1628 states that all lands in Fetlar were 6d. the mark.—A. W. J.

Deed of Conveyance from Anna Sandersdotter, widow of Hans Fønbo, living in Bergen to her brother David Sanderson Skot of her odalsland in Raefjord, which she had inherited after her mother Maritte Olufsdotter.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, etc., No. 2368). Printed: Deeds relating to Orkney and Zetland, Edinburgh, 1840, No. VII. Four seals gone.

49.

August 16, 1575.

Bergen.

Thet bekiendist ieg Anna Sandersdotter, salig Hans Fønbois efftherleffuerske, boendis vdj Bergenn, oc gjør alle witterligt med thette mit obne breff, at ieg aff welberaaid raaid oc saa vdj min store nød oc trang haffuer tilbiudet oc soldt, oc nu mett thette breffuis krafft oc magt selier oc affhender fra mig oc mine børnn oc arffuinge oc ind till min kiere broder Daud Sanderszønn Schott oc hans børnn oc arffuinge ald den odals gods vdj Raefjord, som ieg haffuer ther erffd effther min salig moder, Maritte Olufsdotter, y for^{ne} Raefjordt, som war halffempte march brende, for thretie daler vdj ware oc peninge; oc skall forⁿ 30 daler vdbetalis nu halff partenn y thette aar, som er till Ste Michels dag thie daler, oc fem daler till jull først komendis; men den anden halffue part till aaret igenn S. Oluffs tid, oc ther paa nu giffue mig ein god tønne miell vdj skiotnings oure. Therfore tilstaar ieg for^{ne} Anna oc fuldkommelig hiembler denne for^{ne} min broder Daud oc hans arffuinge quit oc frij att følie oc besidde denne forscreffne jorde partt, halffempte march brende, for mig oc mine arffuinge i alle maade, vdenn ald ydermere kraff oc paatald. Oc till ydermere vidnisbyrdt kierligen tilbeder ieg thesze efftherschreffne gode mendt Lauris Wog, Jens Morsing, raaidmend i Bergenn, her Peder Simenszønn, sogne prest till Phane, Daniell Olszønn aff Staffuanger oc Peder Jonszønn, borger i Bergenn, som hois oc offuer wore denne contract oc kiøb, at besegle for mig, som screffuet war vdj Bergenn denn 16 Augustj anno Domini 1575.

Endorsement: Charter of Anna Sanderdotter relict of umquhile Hans Fønbois, dwelling in Bergenn—in which

she has sold and affhented to her brother David Sander-sønn Scott & his bairns and heirs,—all the odal property which she inherited from her umquhill mother Maritte Oluffsdotter in Raefjord, for 30 dollars, to be paid by instalments, in wares and money—at Bergenn Aug. 18 (*sic*) 1575.

(Translation.)

I, Anna Sander's daughter, widow of the late Hans Fönbo, residing in Bergen, acknowledge and make known by this my open letter that, after due consideration and in my great need and want I have offered and sold and now by power of this letter sell and hand over, from me and my children and heirs and to my dear brother David Sanderson Skot and to his children and heirs all the odal land in Raefjord which I have inherited there after my late mother, Marit Olaf's daughter, in the said Raefjord which was 4½ mark burnt, for 30 daler in goods and in money; and the said 30 daler shall be paid, one half in this year, which means 10 daler on St. Michael's day and 5 daler at next Christmas, but the other half next year on St. Olaf's day, and thereto a barrel of good meal is to be given me now as a payment for the conveyance.¹ Therefore I, the said Anna, grant the full title to my brother David and his heirs, to have and hold the 'above land, 4½ mark burnt, quit and free of claim from me and my heirs in every way, without any further claim and query. And in further witness thereof I kindly ask the following good men, Lauris Wog, Jens Morsing, councillors in Bergen, Mr. Peder Simonsson, priest of Fane, Daniel Olsson of Stavanger and Peder Jonsson, burgess of Bergen, who were standing by and present at the making of this contract and sale, to append their seals for me. Written in Bergen Aug. 16, in the year of our Lord, 1575.

¹ Skiotnings oure, O.N. Sheytings aurar, that which is paid for the conveyance of the odal right.

Deed of Exchange, Lorawnce Bruce of Cultmaleyndeis to Waltir Smyth of Hamber, 4½ merks land (6d. the merk) in Westrous in Mowlay, Unst, for 4½ merks land (6d. the merk) in Neddir Houll, in Mowlay, Unst, Shetland.

Original on parchment in the Gen. Reg. House, Edinburgh (Charters, No. 3019), much damaged. Three seals gone.

50. July 30, 1589. Mownis [Shetland].

Be it kend till all men be this presentt charter, me Lorawnce Bruce off Cultmaleyndeis, with . . [re]nnown-sit and simplecettirle ourgewin and be the tennour, strenth and effeck of this presentt charttour, rennownsis and simplecettirle ourgeveis be way of inthirchange and excambeoun, to my gud freind Walter Symth of Hamber and his airs and asignayes and eftircommeris, all and haill the landis vndir wrettin pertening now heretabillie to me, that is to saye, four merkis land and ane half, sax pennis the merk, lyand in ane plaice callet Westrous in Mowlay, within the ill of Vnst and lordship of Zetland, and that in excambeowne of fowre merkis land and ane half, sax pennis the merk, lyand in Neddir Houll in Mowlay, within the said ill, perttening to the said Waltir, renownsitt and simplecettirle ourgewin be him to me and my airs and asignayes quhatsomevir, perpetuallie, for the landis abowne expremitt, to be haldin and haid, all and haill the said fowre merkis land and ane half sax pennis the merk, lyand in Vestrous in Mowlay, with engin, vthell, roycht, samy, engin and rewersiowne, houssis, bigginis, tovmnollis, freddomis, laissouris, inpas-tour and owtpastour, fre ischie and entre, fra the heast in the hill to the lawest in the eib, vndir the erd and abowne, als weill onenamet as nammitt, that bettir is to haue nor wantt, with all and syndrie commodities, asewmentis and rycheteows pertinents, perttening or justlie or rychtteouslie apertting to the said land, to be paiceabillie broukit, josit and . . . possessit be the said Waltir, his airs and asignayis, perpetuallie in al tymis

commyng. And I the said Lorawnce, with consentt of my airis, as said is, bynddis and oblesis me and my airis and asignayis and eftircommeris to warrand, aqwyt, kep and defend the said landis of Mowlaye, abowne speceffeitt, geven [be me in] excambeowne, as said is, to the said Waltir, his airis and asignayis, and that wndir the pain off als mekill as gud land, lyand als commodiowse to the said Waltir, all cawelatiowne, fraud and gywll secludit and awaye putt; and forddour oblis me and my airis and asignayis to renew this our charttour of excambeowne to the said Waltir, his airis and asignayis, geff neid beis, and mak thame suffecentt charttour and securattie one the said land as accordis of law, how oft and als swne we sailbe reqwyritt tharto. In witnis and [securat]tie quherof to this my present charttour I have sub[s]cryvet the samyne, and als hes afexit my seill heirto, and desyritt mast petteousle the seillis of James Suddirland and Necholl of Culzevo to be apenditt heirto. At Mownis the threty day off Julij in anno ane thowsand fyve hondertt fowre scoir and ix yeris, before thir wett-ness, Robert Yull, Hendre Warlaw and Jhone aboun the Kwck, yownger.

Signed: [L . . .] Bruce of Cultemalyndies.

Deed of Pawn or Wadset, from Anders Maath, of Houckeland in Shetland and his wife Else Trondsdaatter of Erisfiordt, to Effuart Sincklar, residing at Bollesetter in Shetland; in Wissdal parish, 12 mark burnt in Øffrebøster, 8 mark burnt in Skarpegierdt, 6 mark burnt in Degrand; in Daleting parish, 3 mark burnt in Kirckehuusz, for 300 Rigs Daler.

Original on paper in the possession of Gilbert Goudie, Edinburgh. Printed: Proceedings of the Society of Antiquaries of Scotland, 1893, p. 235: Goudie, Antiquities of Shetland. p. 117. Three seals.

51.

June 20, 1597.

Gierisuig.

Jeg Anders Maath tiil Houckeland i Hietlandt oc min kiere hustru erlig oc wlbyrdig fru Else Trondsdaatter

tiill Erisfordt beplichter os med waare sande arffuinger for alle medt dette wort obne breff, at wi aff ret witterligh gielddt skyldiigh ere erligh och welforstandiig mandt Effuart Sinckclair, boenndis wdi Hietlandt paa Bollesetter, summa tre hundrede rigs dalir, huilckie forbemelte penningie Euert os aff sin venliig laan laant haffuer, for huilckie summa pendingie, nemlicht tre^o rigs dalir wi med waaris fri wilie oc welberaadht hugh, sampt med allis waaris sande arffuingers widskap wilie och samtøckie, haffuer pandset forbemelte Effuart Sincklar, hans arffuinger oc effterkommere dette effterschreffne gods, some er min kiere hustruis rette odal, liggendis wdj Hietlandt, först wdi Wissdals sogn y Øffrebøster, tolff march brende, huer march otte pendingie, i Skarpegierdt otte march brende, huer march sex pendingie, noch Degrand i Wisdals sogn sex march brende, huer march otte pendingie, noch i Daletings sogn i for^{ne} Hietland paa ein gaard heder Kirckehuusz tre march brende, huer march sex pendingie. Dette forskreffne gods alt samen skall forbemelte Effuart Sincklar eller for^{ne} hans arffuinger haffue nyde bruge oc beholde tiill ein secher oc tryg wnderpant oc brugelig eiedom, med hues der tiil aff arilds tiid liggit haffuer, fraa høgiste fields tinne oc yderste fierre stein, med lottum oc lundom, intit wndertagendis wdi naagen naade, indtil forbemelte Effuart Sincklar eller hans arffuinger igien faar oc bekommer sin fyllist betaling meeste oc minste aff os eller waare sande arffuinger; oc naar wi dette gods igien løszir, skall deth skie i tre terminer, den første skall angaa om S. Hanszis tid, den anden om sancte Oluff der strax effter, oc denn tredie skal om sancte Hansz det aar der nest effterkommendis. Oc naar forskreffne summa pendingie fornøiet och betalit er, som faaresiiger, daa skal forskreffne gods følgie oss igien som tilforne: Och dess tiill sandingenn her om, att dette forskreffne saaledis fast och wryggeligenn holdis skall vdj ordt punchter oc artickler, daa haffuer ieg for^{ne} Andres Maat med min kiere hustru trycht waare signeter vnder dette

wort obne breff oc wnderschriffue medt egen handt, och till ydermere vidnisbyrd her om, daa haffuer wi wenligen ombedit wellerdt mandt her Rasmus Joensønn sogneprest her same steds med oss at besegle oc stadfetse. Actum Gierisuig denn 20 Junij Anno 1597.

Signed: A. Mowat off Howkland Else Ttruns daatter met egen handt. Her Rasmus Jonsønn minister manu propria.

Endorsement: Andro Movatts charthour and his wyff vpoun the landis of Veisdall.

(Translation.)

I, Anders Maath of Houckeland in Shetland and my dear wife, an honourable and highborn lady, Else Trond's daughter,¹ of Erisfiord, pledge ourselves and our true heirs, before all [men], by this our open letter, that we owe, as an acknowledged debt to an honourable and discreet man, Effuart Sincklar, residing at Bollesetter in Shetland, a sum of three hundred Rigs-daler which money foresaid Euert has lent us, as a friendly loan, for which sum of money, namely 300 Rigs-daler, we, of our free will and after due consideration and with the knowledge, will and consent of all our true heirs, have pawned to the said Effuart Sincklar, his heirs and successors, the following lands which are the right odal of my dear wife, situate in Shetland, first in Wissdal parish in Øffrebøster, 12 mark burnt, each mark at 8 pennies, in Skarpegierdt, 8 mark burnt, each mark at 6 pennies, also [in] Degrand in Wisdal parish, 6 mark burnt, each mark at 8 pennies, also in Daleting parish in the said Shetland in a farm called Kirkehus 3 mark burnt, each mark at 6 pennies. All the above lands the said Effuart Sincklar or his said heirs shall hold, enjoy, use and keep as a sure and safe pawn and usable possession, with all its appurtenances from of yore, from the highest mountain peak to the outmost foreshore stone, with lots and parts, nothing anywise excepted, until the said Effuart Sincklar or his heirs get back and receive their full payment, the

¹ Her sister Anna had been betrothed to the Earl of Bothwell.

most and the least, from us or our true heirs ; and when we redeem these lands it shall be done within three terms, the first by St. John's day, the second by the following St. Olaf's day and the third by St. John's day, in the next year. And when the above sum of money is satisfactorily paid, as prescribed, then the above lands shall return to us as of old. And in [witness of the] truth hereof that the above shall thus be kept sure and unbroken in words, points and articles, I the said Andres Maat, with my dear wife, have appended our seals to this our open letter and signed with our own hands, and in further witness hereof we have kindly asked the learned man, Mr. Rasmus Jonsson, priest of this parish, to seal and confirm it with us. Done at Gierisuig, 20, June, in the year 1597.

Signed : A. Mowat of Howkland, Else Trond's daughter, with my own hand, Mr. Rasmus Jonsson, minister, with my own hand.

Charter, William, Earl of Caithness, and others, to Sir David Sinclair, knight, Foud of Shetland, of the lands of Swinburgh, etc.

Paper transcript in Gen. Reg. House, Edinburgh (Charters, etc., No. 620). Printed: Notes on Orkney and Zetland. By A. Peterkin, Edinburgh, 1822. Appendix No. 1.

52.

Dec. 3, 1498.

Edinburgh.

Omnibus hanc chartam visuris vel audituris, Nos Willielmum, Comitem Cathenensem, Oliverum St. Clare de Rosline, militem, Magistrum Alexandrum Sinclair, Georgium Sinclair, Robertum Sinclair, Arthurum Sinclair, Elenoram Sinclair, Comitissam de Athole, Elizabetham Sinclair, Dominam de Houston, Margaretam Sinclair, Dominam de Buomoutuo [Balmuto], Catharinam Sinclair, Euphamiam Sinclair, Marjoriam Sinclair et Mariotam Sinclair, filios et filias legitimos quondam bonæ memoriæ Willielmi olim Comitis Orcadiæ et Cathenesiæ ac Domini de Sancto Claro, dedisse, concessisse,

alienasse, ac in perpetuum donasse et confirmasse, tenoreque presentium dare, concedere, alienare, ac in perpetuum confirmare carissimo fratri nostro Domino Davidi Sinclare, militi, et Foldo Zetlandiæ, pro fraterno amore et dilectione quam versus dictum fratrem nostrum habemus et gerimus, et pro aliis gratitudinibus nobis per ipsum impensis, omnes et singulas ac integras terras de Swinburgh cum pertinentiis et contingentibus, jacentes in Dominio Zetlandiæ, ac omnes et singulas alias terras nostras jacentes in dicto Dominio Zetlandiæ nobis pertinentes ratione decessus sive mortis dicti quondam Willielmi, patris nostri: Tenendas et habendas totas et integras predictas terras de Swinburgh cum earum pertinentiis et contingentibus, ac omnes et singulas alias terras nobis pertinentes et spectantes ratione decessus dicti patris nostri, a nobis, hæredibus et successoribus nostris præfato Davidi, militi, hæredibus suis et successoribus, cessionariis et assignatis, in hæreditate in perpetuum, per omnes suas rectas metas et divisas in longitudine et latitudine, ac cum omnibus aliis et singulis libertatibus et commoditatibus, proficuis, asiamentis, et pertinentiis suis quibuscunque ad præfatas omnes terras pertinentibus et spectantibus seu juste pertinere et spectare valentibus in futurum, juste, libere, honorifice, bene et in pace, sine aliquo obstaculo, contradictione aut impedimento quibuscunque; Concedentes et transferentes in eundem David, militem, fratrem nostrum, omne jus et jurisclameum hujusmodi omnium terrarum cum pertinentiis nobis seu alteri nostrum incumbens et pertinens ex decessu dicti quondam Willielmi, patris nostri, seu alio quovismodo: Obligantes et astringentes nos et nostrum quemlibet, hæredes, successores, cessionarios et executores nostros in contrarium presentis chartæ nostræ et contentorum in eadem in posterum qualitercunque devenire, sed quod nos, hæredes nostri, successores et cessionarii sunt ab eisdem terris ab omni jure et jurisclameo tam petitorio quam possessorio penitus et omnino exclusi. In cujus ei testimonium sigilla nostra propria presentibus sunt

appensa, apud oppidum Edinburgi die tertio mensis Decembris anno Domini millesimo quadringentesimo nonagesimo octavo, coram his testibus, Magistro Jacobo Hewison, burgense de Edinburgh, Domino Matheo Dwell, presbitero, Joanne Blair et Willielmo Keith, cum diversis aliis.

NOTE.—Swinburgh head is the most southerly point in Zetland, distant from the start of Sander in Orkney about eighteen leagues.

(Translation.)

To all who shall see or hear this Charter, We, William, Earl of Caithness, Oliver St. Clare of Roslin, knight, Mr. Alexander Sinclair, George Sinclair, Robert Sinclair, Arthur Sinclair, Elinor Sinclair, Countess of Athole, Elizabeth Sinclair, lady of Houston, Margaret Sinclair, lady of Balmuto, Catherine Sinclair, Euphemia Sinclair, Marjory Sinclair and Marion Sinclair, lawful sons and daughters of the deceased William, sometime Earl of Orkney and Caithness and Lord of St. Clare of good memory, have given, granted, alienated and in perpetuity disposed and confirmed, as by the tenor of these presents we do give, grant, alienate and in perpetuity dispoise and confirm, to our dearest brother Sir David Sinclair, knight, and fold of Shetland, for the fraternal love and affection which we have and bear to our said brother, and for other gratitudes rendered to us by him, all and sundry and whole the lands of Swinburgh with their pertinents and contingencies, lying in the lordship of Shetland, and all and sundry other lands lying in the said lordship of Shetland belonging to us through the decease or death of the said late William our father: To be had and held all and whole the foresaid lands of Swinburgh with their pertinents and contingencies and all and sundry the other lands pertaining and belonging to us by reason of the death of our said father, of us and our heirs and successors, to the aforesaid David, knight, and his heirs and successors, assignees and disponees, in heritage for ever, by all their right meaths and marches

in length and breadth and with all and sundry other liberties and commodities, profits, easements and pertinents thereof whatsoever pertaining and belonging to all the foresaid lands or that may justly be held to pertain and belong thereto in time coming, justly, freely, honourably, well and in peace, without any impediment, contradiction or opposition whatsoever; granting and transferring to the said David, knight, our brother, all right and claim of right to these whole lands with their pertinents which has devolved and belongs to us or any of us through the death of the said deceased William, our father, or in any other way whatsoever; obliging and binding ourselves and each of us and our heirs, successors, assignees and executors [never] to come against this our present charter and the contents thereof in any way whatsoever, but that we and our heirs, successors and assignees are altogether and entirely excluded from these lands and from all right and claim of right whether petitory or possessory thereto. In witness whereof our own seals are appended to these presents at the town of Edinburgh, the third day of December in the year of our Lord, one thousand four hundred and ninety-eight, before these witnesses, Mr. James Hewison, burges of Edinburgh, Sir Matthew Devell, priest, John Blair and William Keith with sundry others.

Charter, Effe Airlaund, widow of William of Haddell, and her sons, to William Flett, burges of Kirkwall, of a tenement there.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 801a). Attested by three seals: (1) wanting, with subscription of Fredrik Newfar, notary public; (2) nearly entire, of Gilbert Kenidy, burges of Kirkwall—quarterly: 1st and 2nd illegible; 3rd, two javelins crossed; 4th, a cross, crosslet, fitchee; (3) tag only remaining.

53.

May 10, 1513.

Kirkwall.

Be it kend till all men be this present charter, me, Effe Airlaunde, the spouse of vmquhile William of Haddell, douchter and ane lauchfull ayr till vmquhile Gib-

boun of Airlaunde quham God assoilze, and my spousit sonnis Johne Haddell, William Haddell and Gibboun Haddell, till haue sauld, analiit and ofhentit, and be this present chartir with hand and handbaunde fullely and freely sellis, analiis and ofhentis fra ws and all our ayris executouris and assignais till ane honorabill man William Flett, burgess of Kirkwall, and all his ayris, executouris and assignais, ane tenement liand in the burgh of Kirkwall, havand on the est part the tenement and bigging now pertenyng to the airis of Gilbert Masoun, and on the west part the tenement and bigging now pertenyng to the airis of Johne Masoun, with all maner of richtuise pertenentis that pertenis or that may pertene thareto be ony maner of way, with free ische and entree, as it liis in lintht and breid, strakand fra the sey on the northt part till the farrest partis that pertenis to the said tenement and fredom on the southt part, for the soome of ten markis the gude and vsuale mone of Scotlaunde thaunkfully pait to ws the saidis Effe, Johne, William, and Gibboun, be the haundis of the said William Flett in our vrgent necessitee and grete mistare, the fyrst penne and the last with all thare betuix, the fornemmit tenement with all commoditeis, asiamentis, freedomis, and all maner of richtuise pertenentis that perteins or may pertene thareto, vndir the erde and aboun, and all that is bettir till haue na forga: To be haldyn and hadd fra ws the saidis Effe, Johne, William, and Gibboun, and . . . executouris and assignais, to be perpetually possessit, joysit, and brukit be the said William Flett and all his airis, executouris, and assignais, for now and euirmaire, all fraude, gile, or frivellouse exceptioun away putt and secludit, na remeide of law ciuile nor cannoun to be allegiit nor proponit in contrar hereof in ony tyme to cum herefter. And for the mair verificatioun and sikkyrness we the saidis Effe, Johne, Williame, and Gibboun bindis and oblisys ws, our laundis, gudis mouabill and vnmouabill, present and to cum, in the stratast form that can be maid or deuisit, to war-

rand and defend the fornemmit tenement to the said William Flett and all his ayris, executouris, and assignais, fra all proclamoris and fra all that dee may, perpetually for now and euirmair. In wittness of the quhilk thing, because we the saidis Effe Airlaunde, Johne Haddell, William Haddell, and Gibboun Haddell, had na selis propir of our awne, we haue procurit with instans the selis of venerabill and discreit men, that are to say, Fredrik Newfar, notar public, and Gilbert Kenidy, burgesses of Kirkwall, for ws to be hungyn to this present chartir, and has requirit the said Fredrik to subscriue the samyn at Kirkwall, the tend day of the moneth of May, before thir wittness, Schir Vmfrid Clerk, Archiden of Orkynnay, Schir David Lochmyll, parsoun of Strounsay, and vicar of Ronnaldsay, Schir Johne Reid, vicar of Saunct Olaiuis kirk, James Beat (?) and James Murray, with vthir diuerse, the yeir of God ane thou-saund five hundreth and xij zeris.

Hec est vera carta inter supradictas personas con-fecta ad testor manu propria fide? commisso? . . .

F. N.

Charter, William and Henry Paulson to John Sinclair of Tolhoip, of their heritage.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 935). Two seals, wanting.

54.

March 17, 1522-23.

Kirkwall.

Ihesus Maria

Be it kend till all men be this present writt, ws, William Paulsoun and Henry Paulsoun, sonnis and lauchfull airis till vmquhile Mawnis Paulsoun and Cristiane Sinclair, quhais saulis God assoilze, grauntis ws till haue sauld analiit and ofhentit, and be the tenor of this present writt witth hand and handband fullely and freely sellis, analiis and ofhentis fra ws and all our airis, executouris and assignais, till ane honorabill and

worschipfull man, Johne Sinclair of Tollop, and to all his airis, executouris and assignais, all and haile our richtis and airschip that we arit eftir the deceise of the foirsaid Cristiane, our modir, quhilkis scho airit eftir the deceise of vmquhile Thom Sincler, hir fadir, and hir modir, Margaret Wilsoun, quhais saulis God assoilze, bath of feild laund and borowland lieand within Orkynay and Schetlaund, for ane sufficient soome of money and other gud gudis extending to the full worth and availe of all our sistir part of heretage pertenyng to the said Cristiane, our moder, forsaid, of the quhilkis sovme of money and gudis for our . . . partis we the saidis William and Henre grauntis ws weile content and pait, and thairfor for ws our airis, executouris, and assignais, we quitclame and dischargis the said Johne Sinclar and all his airis, executouris and assignais for euirmare the fornemmit richtis of all and haile our said moderis sister part of borowlaund and feild laund quhatsumeir withtin Orknay and Scheitlaund forsaid, with howssis, tofftis, tovmellis, commoditis, asiamentis, g, inpastur and outpastour, linx, cvnnin-gair, als weile vndir the erd as aboun, als weill nocht nemmit as nemmit, fra the hiest in the hill to the lawest in the ebe, togiddir with all rycht and roicht, and all maner of richtous pertinentis that pertenis or that lauchtfully ma pertene to our richtis and roicht of our said modris sistir part of heretage, borowlaund and feild laund forsaid; til be haldin and had fra ws, the said William and Henry, and all our airis, executouris and assignais, til be perpetually possessit, joysit, and brukit be the said Johne Sinclair and all his airis, executouris and assignais, bindand and oblissand ws, our airis, executouris, and assignais, till warrand and defend the foirenemmit feild laund and borowlaund to the said Johne Sinclar, his airis, executouris, and assignais, agane all mortale men and wemen, all fraud, gile and fruelous exceptioun secludit and away put for euir, na remeid of law ciuile nor canoun to be proponit in the contrar,

bot that this chartour haue full strentht in the stratast forme that can be maid and devisit and in forma speculatoris. In wittness of the quhilk thing, because we the saidis William and Henre had na proper selis of our awn, we haue procurit with instans the selis of venerabill and discreit men, that ar to to say, Schir Henry Peyr-soun, vicar of Halkyrk and Skenan, and Schir Nicoll Hacrow, persoun of Orphar, for ws to be hungyn to this present writt, before thir wittness, Schir Hew Hacrow, vicar of Wawis, Schir James Scay, Schir William Berclay, Schir George Huntar, cheplanis, and James Murray, with vthir diuerse ; At Kyrkwall the xvij day of Merche, the yer of God im fyvhundir twenty and twa zeris.

Charter, David Flet of Howbustir to William Wyrk, burgess of Kirkwall, of a tenement there.

Original on parchment in Gen. Reg. House, Edinburgh (Charters, etc., No. 989). Two seals, wanting.

55.

June 27, 1526.

Kirkwall.

Ihesus Maria

Be it kend till all men be this present writt, me, Dauid Flet of Howbustir, with the full consent and assent of my brethir, Mawnis, Rynzeane, and Anne my sistir, lauchfull airis till vmquhile William Flet of Howbustir, quham God assoilze, till haue sauld, analiit, and ofhentit, and be the tenour of this present chartir fully and frely sellis, analiis, and ofhenthis fra me and all myn airis, executouris, and assignais, till ane honorabill and worschipfull man, William Wyrk, burges of Kirkwall, and all his ayris, executouris, and assignais, ane biggin and tenement lyand in the burght of Kirkwall, havand on the est part the tenement pertenyng to Robert Mansoun, and on the west part the tenement pertenyng till the ayris of Johne Mansoun, witht all maner of rycht tuisie pertinentis that pertenis or ma pertene tharto ony maner of way, witht fre ische and entre, as it lyis in

lentht and breid, strakand fra the sey on the north part till the farrest part and fredome pertenant tharto on the south part, for the sovm of aucht pundis and ten schillingis vsuale money of Scotland thankfully pait to me the said Dauid be the handis of the said William in my gret neid and mystar, the fyrst penny and the last and all thair betuix; and tharof for me, myn airis, executouris, and assignais, I quitclame and discharge the said William, his airis, executouris and assignais for now and euirmair; the quhilk fornemmit tenement my said fadir bocht fra Effe Ayrlaund, as the chartir of selling maid to him thairapoun mair fullely proportis; the forsaid tenement witht all asiamentis [and] fredomis that pertenis tharto ony maner of way, vndir the erd and aboun, tilbe haldin fra me the said Dauid Flet and all myn airis to the said William and all his ayris; byndand and oblissand me, myn airis, myn and thair laundis, guidis movabill and vnmouabill, till war-rand and defend the fornemmit tenement fra all deidlyk men and wemen to the said William and all his ayris for euirmair, all fraud, gile and frewellouse exceptioun secludit and away putt, na remeid of law ciuile nor can-noun to be proponit in the contrar. In wittness of the quhilk thing, becaus I the forsaid Dauid Flett had na seill of my awne, I haue procurit witht instans the selis of discreit men, that ar to say, Schir Nicoll Hacrow, persoun of Orphar, and Thomas Tulloch of Ness, for me tilbe hungin to this present chartir, at Kirkwall, the xxvij day of Juny, before thir witness, Adame [Skaitwy?], bailze of Kirkwall, for the tyme, James Murray, Thomas Murray (?), Robert Foubister (?), and Gelis Scapay, burgessis in the said tovn, witht vthiris diuerse, the zere of God j^m fyvhundir twenti and sex yeris.

*Charter, Margaret Sinclair to John Sinclair, her son,
of her lands and heritage.*

*Original on parchment in Gen. Reg. House, Edinburgh, Register of
Charters, No. 1008. The lacunæ are caused by a large hole in the
parchment. All the seals are wanting.*

56.

May 20, 1527.

Kirkwall.

Ihesus Maria.

Be it kend till all men be this present writt, me,
Margaret Sinclair, ane douchtir and lauchfull air till
vmquhile Alexaundir Sinclair and Margaret Wilsoun,
quhais sawlis God assoilze, grauntis me till haue freely
resignit and ouregevin, and be the tenour of this present
writt witht hand and handband fullely and freely resignis
and ouregevis fra me and all myn airis, executouris,
and assignais, till my soun Johne Sinclair and to all
his airis, executouris, and assignais, all and haill my
sistir part of laundis and heretage baitht feild laund
and borowlaund, gudis movabill and vnmovabill, in
Orkna and Scheitlaund, quhatsumeuir, that I arit eftir
my fadir and modir, witht my benesoun, because my said
soun hes alltymes sen he was yeris of [. . . es]ioun
beyn to me ane gude and hertfull kynde soun, and hes
all tymes maid to me gude and thankfull service
accordand the ressoun and nature till do to
the modir: Heirfoir be this present writt I the fornemmit
Margret Sinclair witht haun[d and handbau]nd fullely
and freely resignis and ourgevis all and haile my forsaidis
landis and heretage in Orknay and in Scheitlaund fors
. . . . of richt and roicht pertenyng to the sammyn,
my gudis movabill and vnmouabill, present and to cum,
on this condicioun at my fornemmit soun
Johne Sincler sall vphald me honestly all the dais of my
lyv and to furniss and gif me stars accordand
me to haue of ressoun, and eftir my deceise to vphald
yerly myn derige¹ and saule [g?] for my
foirbearis sawlis and myn. The fornemmit giff of

¹ *Dirige*, Office for the dead.

heretage feild laund and borowlaund a
 in Orknay and Scheitlaund forsaide, with all commoditeis,
 asiamentis, and proffiteis, vndir the erd and abone, a[lse
 weill nocht ne]mmit as nemmit, als weile vndir the erd
 as aboun, fra the hiest in the hill to the lawest in the eb,
 [out past]ur, inpastour, lynx, cvnyngar,
 togidir witht toftis, tovmellis, howsis, and all maner of
 richtuise pertine[ntis pertenyng] or that lauchfull may
 pertene to my saidis sistir part of feild laund and borow-
 laund forsaide, tilbe hald [in ? perpet]ualy
 fra me the fornemmit Margret Sinclar and all myn airis,
 executouris, and assignais, tilbe possessit, joysit, and
 br[uiquit be the] said Johne Sinclar and all his airis,
 executouris, and assignais, also freely, quietly,
 honorabilly, weile, and in peis, [as any vthir (?)] feild
 laund and borowlaund ma be joysit and brukit within
 the boundis of Orknay and Scheitland be titill of fre
 giffit, . . . atiou and contradicioun of me the said
 Margret, myn airis, executouris, and assignais, na remeid
 of law ciuile nor ca[noun . . .]e allegiit nor pro-
 ponit na tymes heireftir in the contrar, all frawd, gyil,
 and fruellous exceptioun secludit and [awa]y put; and
 this my resignatioun and fre giffit to stand ferme and
 stabill to the said Johne Sinclar my soun forsaide in the
 stratast forme that can be maid and deuisit, and in forma
 speculatoris, for euirmair. In wittnes of the quhilk thing,
 because I the said Margret Sinclar had na propir seile of
 my awne, I haue procurit with instans the seilis of
 venerabill and discreit men, that ar to say, Schir Henry
 Peirsoun, deyne cristiane,¹ persoun of Strounsay, vicar
 of Halkyrk and Skenane, and Schir Nicoll Hacrow,
 persoun of Orphar, togiddir witht the seile of ane
 honorabill man Thomas Tulloch of Ness, for me tilbe
 hungyn to this present writt, at Kirkwall, the twenti day
 of the moneth of May, before thir wittnes: Maistir Johne

¹*i.e.* christian dean, dean of christianity, applied to the official
 known as rural dean.

Tyry, archiden and official of Orkynnay, Maistir Alexander Scot, persoun of Westra, Schir Mathow Farquhar, vicar of Saint Olaiviskirk, Schir William Bercla, Schir Mawnis Reid, and Schir Donald Mansoun, cheplanis, Thomas Cummyng, James Murra, and William Hardy, witth vthir diuerse, the yeir of God a thowsand fyvhundir twenti and sevin yeris.

Disposition by Helen, Marion and Katherine Clouston, daughters of the deceased Huchone Clouston, to John Sinclair, of 3 merks of land in Clouston, parish of Stenness, Orkney.

Original on vellum in possession of William Clouston, of Netherbigging.

57.

February 24, 1527-8.

Kirkwall.

Ihesus Maria.

Be it kend till all men be this present writt, ws Elene [Clouchston, Marioun Clouchston] and Katryne Clouchston, douchteris and lauchfull airis till umquhile Huchone Clouchston, with consent and assent of our fadir in law, Donald Scoocht (?), our lauchfull umb[outh]' man, grantis ws [till have sauld], analyit and ofhentit and be the tenor of this present writt with hand and handband fullely and friely sellis, annaliis and ofhentis fra ws and all our airis, executouris and assignais till ane [honerabill and] worschipfull man Johne Sinclair, soun and lauchfull air till umquhile M[agnus] Sinclair, thre markis of land liand in Clouchstan, in the Corse parasoun of Stannes, for the soume of sax pundis usuale mone of Scotland, of the quhilk fornammitt soume of sax pundis usuale mone aboun expremitt, we the forsaidis Elene, Marioun and Katrine grauntis ws thankfully [contentit and] pait in our grete neyd and mestare be the handis of the forsaid Johne, the first penny and the last and all thair betuix, and thair of for ws our airis

¹ Umbouthman, O.N. umboðsmaðr, a procurator or agent.

executouris and assignais we quitclame and discharge the said Johne, his airis, executouris and assignais for evir of the fornemmit thre markis of [land with all the] commoditeis, asiamentis and fredomys, howsis, toftis, towmellis, infredome and outfredome, with all maner of rychtyis pertinentis that pertenis or lauchfully may pertene tyll the said thre markis of land, alswele nocht nemmyt as nemmyt, als weile undir the eird as aboun, fra the hiest stane in the hill till the lawest stane in the ebe, togidder with all rycht and roicht of the samyn: To be haldyn and haid fra ws the forsaidis Elene, Marioun and Katryne and all our airis [executouris and assignis] till the forsaid John Sinclar and all his airis, executouris and assignis, byndand and oblisand [ws our] airis, executouris and assignis till warrand and defend the forsaid thre markis of land to the said Johne Synclair and all his ayris, executouris and assignis for now and euirmare. In witnes of the quhilk, because we the forsaidis Elene, Marioun and Katryne had no selis of our awin, we have procurit with instans the seil of ane venerabill channoun, Schir Nicoll Hacro, parsoun of Ornhir, for us to be hungyn to this present chartour, att Kirkwall the xxiiij day of Februar, befor thir wittnes, Maister Walter Auchtirlony, Adame Sclater, Thomas Cummyn, Alexander Cummyn, James Murra and Sande Grot with uthir diverse, the yere of God j^m v^c xxvij yeris.

Crown Charter of Feufarm, in favour of James Sinclair of Sanda, Knight, and Barbara Stewart, his spouse.

Registrum Magni Sigilli, Lib. xxv. No. 200.

58.

June 20, 1535.

Edinburgh.

Carta feodifirme Jacobi Sinclare de Sanda, militis, et Barbare Stewart, euis conjugis. Jacobus Dei gracia rex Scotorum omnibus probis hominibus totius terre sue

clericis et laicis, salutem. Sciatis quia post dissolutionem per quondam nobilissimum patrem nostrum Jacobum Quartum bone memorie, cuius anime propicietur Deus, cum auisamento et consensu trium regni sui statuum in parlamento suo factam super annexacionibus terrarum corone sue pro earundem in feodifirma et hereditate assedatione in augmentationem sui rentalis et proficuum patrimonii corone sue ac pro policia et edificationibus infra regnum suum habendis cum auisamento et consensu compotorum nostrorum rotulatoris dedimus, concessimus et ad feodifirmam dimisimus et hac presenti carta nostra damus concedimus et ad feodifirmam hereditarie dimittimus dilectis nostris Jacobo Sincler de Sanda, militi, et Barbare Stewart, euis coniugi, et eorum alteri diutius viuenti in coniuncta infeodacione et heredibus suis subscriptis, onnes et singulas terras nostras et insulam de Sanda et Stronsay cum le holmis earundem, Rymtsay, Papay et Owszare nuncupatis, et suis pertinentiis, jacentes in dominio et comitatu nostro de Orknay, extendentes annuatim nostro in rentali in omnibus proficuis ad summam centum librarum monete regni nostri: Tenendas et habendas omnes et singulas prefatas terras et insulam de Sanda et Stronsay cum le holmis earundem, Rymtsay, Papay et Owszare nuncupatis, et suis pertinentiis, dictis Jacobo Sincler et Barbare Stewart eius coniugi et eorum alteri diutius viuenti in coniuncta infeodacione et heredibus masculis inter ipsos legitime procreatis seu procreandis, quibus deficientibus seniori heredum suarum feminarum absque divisione predictarum terrarum quibus deficientibus legitimis et propinquiioribus heredibus masculis dicti Jacobi, quibus deficientibus seniori heredum suarum feminarum cuicunque absque divisione predictarum terrarum, de nobis tanquam Comite et Domino de Orknay et successoribus nostris, in feodifirma et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in boscis, planis, moris, marresiis, viis, semitis,

aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, lignis, lapidibus, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earum exitibus, herezeldis et mulierum merchetis, cum communi pastura, libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficiis et asiamentis, ac iustis pertinenciis suis quibuscunque, tam non nominatis [quam nominatis], tam sub terram quam supra terram, procul et prope, ad predictas terras et insulam cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua reuocatione aut contradictione quacunque : SOLUENDO inde annuatim dicti Jacobus Sincler et Barbara Stewart, eius coniux, et eorum alter diutius vivens et heredes sui suprascripti nobis et nostris successoribus comitibus ac dominis de Orknay summam ducentarum mercarum monete predictae ad duos anni terminos, festa, viz. : Penthecostes et Sancti Martini in hieme per equales portiones nomine feodifirme in augmentationem rentalis nostri annuatim in omnibus proficiis ad summam quinquaginta mercarum, ac etiam heredes suprascripti prefatorum Jacobi et Barbare duplicando dictam feodifirmam primo anno eorum introitus ad predictas terras et insulam prout vsus feodifirme, necnon prefati Jacobus et Barbara, eius coniux, et heredes sui suprascripti edificando et sustentando super predictis terris et insula sufficientem mansionem cum aula, camera, coquina, horres, boscari, columbariis, ortis, pomeriis, sepibus et aliis edificationibus et poleciis necessariis solo correspondentibus. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precipimus, Testibus (ut in carta immediate precedenti). Apud Edinburgh vigesimo die mensis Iunii, anno Domini millesimo quingentesimo trigesimo quinto et regni nostri vicesimo secundo.

(Translation.)

Crown charter of feufarm in favour of James Sinclair of Sanda, knight, and Barbara Stewart, his spouse. James, by the grace of God, King of Scots, to all good men of his whole realm, cleric and laic, greeting. Know ye that whereas after the dissolution made by our late most noble father James the Fourth of good memory, to whose soul may God be propitious, with the advice and consent of the three estates of his kingdom in his parliament respecting the annexations of the lands of his crown for having the same feued and set in heritable tack to the increase of the rental thereof, the advantage of the patrimony of his crown and for policy and building within his kingdom, we with advice and consent of our comptroller have given and granted and in feu farm disposed likeas by this our present charter we do give and grant and in feu farm heritably dispone to our beloved James Sinclair of Sanda, knight, and Barbara Stewart, his spouse, and the survivor of them and their heirs underwritten, all and sundry our lands and island of Sanda and Stronsay with the holms thereof called Rymtsay, Papay, and Owskaire and their pertinents lying in our lordship and earldom of Orkney, extending annually in our rental in all payments to the sum of one hundred pounds money of this kingdom: To be had and held all and sundry the foresaid lands and island of Sanda and Stronsay, with the holms thereof called Rymtsay, Papay, and Owskaire, and their pertinents by the said James Sinclair and Barbara Stewart, his spouse, and the survivor of them in conjunct infetment, and the heirs male lawfully procreated or to be procreated between them, whom failing, the eldest of their heirs female, without division of the aforesaid lands, whom failing the lawful and nearest heirs male of the said James, whom failing, his eldest heir female whomsoever without division of the aforesaid lands, of us as earl and lord of Orkney and our successors in feu farm and heritage for ever, by

all their right meiths ancient and divided as they lie in length and breadth in woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, huntings, fishings, peataries, turferies, coal-heuchs, firewood, stone quarries, stone and lime, smithies, maltkilns, brewhouses and brooms, with courts and their exits, herezelds and markets of women, with common pasturage and free ish and entry, and with all and sundry other liberties, commodities, profits and easements and their just pertinents whatsoever, as well not named [as named], both under the earth and above the earth, near and remote, belonging to the foresaid lands and island with their pertinents or which may justly be held to belong thereto by any manner of way in time coming, freely, quietly, fully, entirely, honourably, well and in peace without any revocation or contradiction whatsoever: Paying therefor yearly the said James Sinclair and Barbara Stewart, his spouse, and the survivor of them and their heirs above-written to us and our successors, earls and lords of Orkney the sum of two hundred merks money foresaid at the two annual feasts of Whit-Sunday and Martinmas in winter by equal portions in name of feufarm for the increase of our rental yearly in all payments in the sum of fifty merks; as also the before mentioned heirs of the aforesaid James and Barbara doubling the said feufarm in the first year of their entry to the foresaid lands and island as the custom of feufarm is, likewise the foresaid James and Barbara, his wife, and their heirs above-written building and maintaining upon the foresaid lands and island a sufficient mansion-house, with hall, chamber, kitchen, barn, byre, dovecots, gardens, orchards, fences and other erections and policy necessary and suitable to the place. In witness whereof to this our present charter we have ordained our great seal to be appended, witnesses (as in the immediately preceding charter.¹) At

¹ i.e. in the Register of the Great Seal.

Edinburgh, the twentieth day of June in the year of our Lord one thousand five hundred and thirty-five and of our reign the twenty-second year.

Respite from King James the Fifth in favour of Magnus Cromate and others for nineteen years, in reference to the slaughter of John, Earl of Caithness, and all other crimes.

Original on parchment in the Gen. Reg. House, Edinburgh (Register of Charters, No. 1176). The seal is wanting.

59.

September 19, 1538.

Stirling.

James, be the grace of God King of Scottis, to all and sindry oure justices, wardanis, lieutenantis, justice clerkis, schireffis, stewartis, crovnaris, provestis, aldirmen, and baillies of oure borowis, and all vthir oure officiaris present and to cum, and thar deputis, liegis, and subdittis, quhome efferis, quhais knowlege thir oure lettres sal cum, greting. Wit ye ws of oure speciale grace to haif respett, supersedit, and delayit, and be thir oure lettres in the law and by the law specially respittis, supersedis, and delayis Magnus Cromate, Johne Cromate, Magnus Garioch, and Edward Byrsto, and generally to all and syndry vtheris personis, kynnismen, freindis, seruandis, and assistaris, adherentes, pairt takkaris and complices with the saidis personis, duelland within the ylis of Orknay and Zetland, being with thame in cumpany at the committing of ony crymes and art and part with thame thairintill in ony tyme bygane befor the day of the dait of thir presentis, for art and part of the conuocatioun and gathiring of our liegis in arrayit battell aganis vmquhile Johne, Erle of Catnes, and for art and part of the slauchter of the said vmquhile Erle and his freindis, servandis, and part takaris being with him in cumpany at that tyme, and for all vther slauchteris and mutelationis, oppressionis, reiffis, forthocht fellonis, tresonis, crymes, transgressionis, and offenssis quhatsumeuir, committit and doun be thame or ony of thame at ony

vther part or place within our realm in ony tymes bygane befor the day of the dait heiroyf, tresoun in our awne propir persoun allanerly exceptit; for the space of nynetene yeris nixttocum eftir the day of the dayt of thir presentis to indure, but ony reuocatioun, obstakle, impediment, or aganecalling quhatsumeuer. Attour we will, grantis, and ordanis that this our speciale respekt, supersedere, and delay salbe of als gret strenth, avale, force, and effect to the personis that ar nemmit and comprehendit in the samin, being with the saidis personis and ther complices at the committing of the saidis crymes, and art and part with thame tharintill, as if ther names and surnames was speciallie particularly nemmit therintill. Quhairfor we charge you straitlie and comandis you all and sindry our officiaris, liegis, and subdittis forsaidis, that nane of you tak upone hand to call, journey, atech, arest, acuse, molest, trouble, follow, or persew the saidis personis, kynnismen, freyndis, seruandis, assistaris, adherentis, parttakkaris, and complices, or ony of thame within the saidis boundis for the saidis crymes bygane, or to do or attempt anything incontrar violatioun or breking of this our speciale respekt, supersedere, and delay in ony wise during all the tyme and space abone-writtin, vnder all the hiest pane and charge that efter may follow; dischargeing you and ilkane of you of your offices in that part in the menetye be thir our letters, gevin vnder our priue seile at Striueling, the nynetene day of September, and of our regne the xxvj yeir.

Per signaturam manu S. D. N. Regis subscriptam.

Respectuatio Magni Cromate et trium aliorum, etc.

*Gift to Barbara Stewart, widow of Sir James Sinclair
of Sanda, of his escheat as having committed suicide.*

Registrum Secreti Sigilli, Lib. xiii., fol. 12.

60.

April 18, 1539.

Stirling.

Ane letter maid to Barbara Stewart, relict of vmquhill James Sinclare of Sanda, knyght, hir airis and assignais,

of the gift of all gudis, movabill and vnmovabill, etc., quhilkis pertenit to the said vmquhill James and now pertenyng to our souerane lord be resoun of eschete, becaus the said vmquhill James wilfully slew himself, etc. At Stirling the xvij day of Aprile the yere forsaid [1539]. Per signaturam.

Respite to Edward Sinclair of Strome and others for the slaughter of the Earl of Caithness and other crimes.

Registrum Secreti Sigilli, Lib. xiii., fol. 28. Printed: Barry's History of Orkney, app.; Saint Clairs of the Isles, app.

61. September 19, 1539. Stirling.

Ane respict maid to Eduerd Sincler of Strome, Magnus Sincler of Wersetter, Johne Sinclare of Tollop, Williame Sincler of House, Olyver Sincler of Helwra, Magnus Sincler, Lawrence Sincler, James Sincler, James Cragy of Burgh, Johne Rendale, Adam Sclater, Johne Burness, Johne Cromate, Magnus Cromate, Robert Hercas, Johne Hercas, George Hercas, William Peirson, Johne Jamezing, William Herdy, Gilbert Cragy, William Zorstone, Walter Forester, Christe Jame, Magnus Midhous, Johne Lowtit, Johne Papplay, Magnus Gariach, William Cragy, Johne Cragy of Bankis, and Eduerd Birsten, and generalie to all and sindry vtheris personis kynnismen, freyndis, seruandis, assistaris, adherentis, parttakeris and complices with the said Eduerd and personis abone writtin duelland within the ilis of Orknay and Zetland being with thame in cumpany at the committing of ony crymes and art and part with thame thairintill in ony tyme bigane befor the day of the dait heirof, for art and part of convocation and gadering of our souerane lordis liegis in arrayt batell againis vmquhill Johne, Erle of Cathness, and for art and part of the slauchter of the said vmquhill Johne his freyndis, seruandis, and parttakeris being with thame in cumpany at that tyme; and for all vtheris slauchteris,

mutilatiounis, oppressiounis, reffis, forthocht felonys, tresounis, crymes, transgressiounis and offenssis, etc., tresoun in our souerane lordis awne propir persoun allanerlie except; and for the spaice of xix yeris to indure, etc. At Stirling the xix day of September the yere forsaid [1539]. Per signaturam.

Instrument of Sasine, in favour of Katherine Dunbrek, widow of David Pearson, and her children, in lands of Weland in Shapinsay, and Ourquy in Evie.

Original on paper in Gen. Reg. House, Edinburgh (Register of Charters, No. 1430).

62. March 7, 1547-8. Shapinsey and Evie.

In Dei nomine amen, Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno incarnationis Dominice millesimo quingentesimo quadragesimo septimo, die vero mensis instantis Martii septimo, indictione sexta pontificatus sanctissimi in Christo patris et domini Domini Pauli, diuina prouidentia Pape Tertii, anno xiii^o in mei notarii publici et testium subscriptorum presentiis personaliter constituta honesta mulier Katrina Dunbrek, sponsa quondam honorabilis viri Daudis Peirsounde defuncti, personaliter comparuit in insula de Schawpynsaye apud locum vocatum Welande in eadem, quondam venerabili et egregio viro, Domino Henrico Peirsounde, vicario de Halkirk et Skenen, pertinentem, et nunc post ejus decessum dicte Katrine Dunbrek et heredibus suis procreatis inter eam et dictum Daudis Peirsounde defunctum, ejus sponsum, jure hereditario, secundum tenorem cujusdam charte desuper confecte confirmate per vnum decretum arbitrale datum et factum per reuerendum in Christo patrem, Robertum, miseratione diuina Orchadensem episcopum; Olauum Sinclere de Haweray, ly fold Zetlandie; Magistrum Malcolmum Hawcro, prepositum Orchadensem, et per

alios, quamplurimos homines fidedignos et honestos, ut in eisdem charte et arbitrarij decreto ad plenum continetur spectantem; et ibidem in terris ejusdem loci de Welande in Schawpinsay recepit possessionem hereditariam in forma pro ut in vulgari sequitur. The quhilk day Katrine Dunbrek, spous to vmquhill Dauide Peirsounde, come to the Ile of Schawpinsaye to ane plais callit Welande, with hire tua officiaris direkit to hir be Alexander Innes, schiref deput of Orknay, vnder the Quenis graice and my Lord Huntlie, havand ane precep of the said schireffis with thame, maid and gevin eftir the tenor ande strenth of the said chartour confermit be the decreit foirsaide, quhilk chartoure wes maide be vmquhill Schire Henry Peirsounde forsaide to vmquhill Dauid Peirsound, his cusing, his said spouse, Katrine Dunbrek, the langest levir of thame tua, and to thar airis mel and fameill procreat and gottin of thame, as is at mair lenth contenit in the said chartoure; and thaire be vertu of the sammyne the said officieris conform to thaire precept, requirit be the said Katrine Dunbrek in hir awin behalf and hir bairnis, airis to vmquhill Dauid Peirsound, hir husbande, to execut thair office, the said officiaris declinand to the sammyne conforme to thair said precep pat than instantlie the said Katrine Dunbrek ande hire bairnis in reall, actuall, and corporale possessioun heretabillie of the said plais of Weland in Schawpinsay, gevin be stane and muyld eftir the vse, consuetud, and rite of the cuntre, the fyir scloknyt, dischargeand all wtheris fra forder entres thairwith without the said Katrinis licens and hir bairnis, and kendillit agane in hir and hir bairnis name. And heireftire in likwyse one the nyxt day followinge, the auch day of Marche, yeir of God foirsaid, Jhone Dunbrek, kynnisman ande seruande to the said Katrine Dunbrek, havand hir full powar and commissioun of hir and hir bairnis to the sammyne effect, past in thair name and behalf with ane officiar of the said schireffis to the parochin of Ewe, to ane plais callit Ourquy and

in the sammyn maner foirsaid with all clausses thairoffe
 tuik possessioun thairof as of the wthir plais. Super
 quibus omnibus et singulis dicta Katrena Dunbrek in
 insula de Schawpinsaye apud Weland in eadem, et
 Johannes Dunbrek, nomine dicte Katrine et suarum
 prolium in parochia de Ewe apud Ourquy, a me notario
 publico subscripto eiis fieri et tradi petierunt vnum seu
 plura publicum seu publica instrumentum seu instrumenta.
 Acta erant hec in insula de Schawpinsaye et parochia de
 Ewe in locis supranominatis, horis quasi nona et decima
 ante merediem, et horis tertia et quarta post merediem,
 aut eocirca, sub anno, die, mense, indictione, et pontificatu
 quibus supra; presentibus ibidem honestis viris, in insula
 de Schawpindsay, Daud Pettecro, Alexandro Banx, Nile
 Work, Hugone Smyth, Johanne Symondson, Gylberto
 Clerk; in parochia de Ewe, Gilberto Cordiner, Johanne
 Yrland, Hugone Rendell, Magno Rendell, et Willielmo
 Kuncass, cum diuersis aliis. Et ego Dominus Henricus
 Murray, presbyter Orchadensis dioceseos, oriundus sacra
 apostolica auctoritate notarius publicus, dum sic ut pre-
 mittitur, agerentur, dicerentur, et fierent, vna cum
 prenominatis testibus presens personaliter interfui, eaque
 omnia et singula sic fieri, vidi, sciui, et audiui, ac in notam
 cepi, ideoque hoc presens publicum instrumentum, manu
 mea propria fideliter scriptum, exinde confeci subscripsi,
 et in hanc formam publici instrumenti redigi, signoque
 nomine et cognomine meis solitis et consuetis signaui et
 roborau, in fidem omnium et singulorum premissorum.
 Dominus Henricus Murray, notarius publicus, manu sua.

(Translation.)

*In the name of God, Amen. Be it known to all men
 by this present public instrument that on the seventh day
 of this instant March, in the year of our Lord one
 thousand five hundred and forty-seven, in the sixth indic-
 tion and thirteenth year of the pontificate of the most
 holy father and lord in Christ Lord Paul the Third, by*

divine providence, Pope, there personally compeared in presence of me the notary public and of the witnesses underwritten, an honourable woman, Katherine Dunbrek, sometime wife of an honourable man, the deceased David Peirsounde, in the island of Schawpynsaye at the place called Welande therein, which formerly belonged to the venerable and distinguished man, Sir Henry Peirsounde, Vicar of Halkirk and Skenen, and now after his death belongs to the said Katherine Dunbrek and her heirs, procreated between her and the said deceased David Peirsounde, her spouse, by hereditary right, conform to the tenor of a certain charter made thereupon and confirmed by a decreet arbitral given and pronounced by the reverend father in Christ, Robert, by divine mercy, Bishop of Orkney; Olave Sinclere of Haweray, fold of Shetland; Mr. Malcolm Halcro, provost of Orkney; and by many other honest and worthy men as in the said charter and decreet arbitral is fully set forth; and there on the lands of the said place of Welande in Shapinshay she received heritable possession in form as follows in the common tongue¹ Upon all and sundry whereof the said Katherine Dunbrek in the island of Shapinshay, at Welande in the same, and John Dunbrek in name of the said Katherine and her children in the parish of Ewe at Ourquy required me, the notary public under-written, to make and give to them one or more public instruments. These things were done in the island of Shapinshay and parish of Ewe at the places above-mentioned about nine and ten o'clock in the forenoon, year, day, month, indiction and pontificate aforesaid, there being present these honest men in the island of Shapinshay, David Petticrew, Alexander Banks, Neil Work, Hugh Smith, John Symondson, and Gilbert Clerk, and in the parish of Ewe, Gilbert Cordiner, John Ireland, Hugh Rendell, Magnus Rendell, and William Kuncass with several others.

¹ See text *ante*.

And I, Sir Henry Murray, priest of the diocese of Orkney and born therein, and notary public by sacred apostolic authority, whereas I was personally present together with the above-mentioned witnesses while thus these things were acted, spoken and done as is aforesaid and I saw, knew and heard all and sundry the same thus done and made a note thereof, therefore I have made thereupon this present public instrument, faithfully written with my own hand, and rendered it in this form of public instrument and have signed and confirmed the same with my usual and customary sign name and surname in testimony of the truth of all and sundry the premises. (Signed), Sir Henry Murray, notary public, with my hand.

Charter, Adam, Bishop of Orkney, to John Culayne and Agnes Balfour, his wife, of the lands of Papdaill, in St. Olaf parish.

Transcript in Volume of Miscellaneous Charters, 1499-1586, in Gen. Reg. House, Edinburgh, fol. 142.

63.

June 30, 1560.

Kirkwall.

Omnibus hanc cartam visuris vel audituris, Adam, Dei et Apostolice sedis gratia Orchadenses et Zetlandie Episcopus, salutem cum benedictione diuina, Quia regni Scotie retro principes diuersi suis in parliamentis super republica ejusdem mutuo deseptantes terras Regis et aliorum prelatorum, dominorum temporalium, comitum, baronum, ceterorumque quorumcunque hominum terras hereditarie possidentium in feudifirmam seu emphiteosim absque suorum rentalium et commoditatum diminutione, vt cum tenentibus conuenire poterint, per diuersa parliamentorum statuta et acta que nobis Scotis pro legibus sunt obseruanda assedandas fore, decreuerunt, opinantes exinde commoda non modica vt policea (?), honesta edificia, terras, terrarum nouas culturas, steriliū meliora-

tiones, arborum plantationes, piscium in aquis retentibus et per stagna nutritiones, columbariorum, hortorum, viridarium et cuniculariorum constructiones, ac tenentium et possessorum hujusmodi terrarum sic in feodifirmam locatarum in rebus mobilibus dicationes, et armorum et rerum bellicarum prouisiones pro Regis et regni contra veteres et alios quosunque inuasores defensione, ex firma spe remanendi cum terris suis et illis per se et heredes suos perpetuo gaudendi regi regnoque et reipublice saluti apprime proficere, Nos igitur opiniones statuta et leges prescriptorum principum veterumque majorum nostrorum opinantes et firmiter scientes toti regno et incolis ejusdem maxime esse peritiles easdem nedum sed et (?) sacros canones qui de terris ecclesiasticis perpetuam permittunt emphiteosim sequentes terras nostras suadentibus premissis in feodifirmam locare statuimus; Noueritis igitur nos et capitulum nostrum ecclesie cathedralis Orchardensis vnanimi consensu et assensu capitulariter congregatum, vtilitate et comodo nostra et nostrorum successorum vndique preuisis et consideratis diligentibus tractatibus et maturis deliberationibus desuper prehabitis, in euidentem vtilitatem dicte nostre ecclesie cathedralis et augmentationem rentalis ejusdem extendentem annuatim ad summam quatuor solidorum vsualis monete Scotie plusquam vnquam terre subscribe nobis et predecessoribus nostris prius persoluerunt aut dederunt, necnon pro quadam certa summa pecunie monete vsualis antedictae nobis premanibus plenarie et integre in pecunia numerata persoluta, de quaquidem pecunie summa subscriptas personas exonoramus, necnon pro diuersis auxiliis et benemeritis nobis per Joannem Culayne multipliciter prestitis et impensis, dedisse, concessisse, assedasse, arrendasse, locasse et ad feodifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare prefato Joanni Culayne et Agneti Balfour, ejus sponse, heredibusque inter ipsos legitime procreatis seu

procreandis et assignatis eorundem quibuscunque totas et integras terras nostras, viz.: nouem denariatas terrarum vocatas Papdaill cum molendino ejusdem multuris et sequelis, vulgariter vocatis suckin, cum vniuersis suis pendiculis et pertinentiis, cum domibus, edificiis, boscis, toftis, croftis earundem, jacentes intra parochiam Sancti Olau; quas terras dicti Joannes et Agnes, ejus sponsa, de presenti per se et suos subtenentes occupant aut saltem partem earundem: TENENDAS ET HABENDAS prefatas terras nostras de Papdaill de nobis et nostris successoribus, qui pro tempore fuerint prefato Joanni et ejus sponse heredibusque et eorum assignatis antedictis in feodifirma, emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riolis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, tubariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brueriis, genestis, siluis, nemoribus, lignis, lapicideis, lapide et calce, cum communi pastura, libero introitu et exitu, et cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis et justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terram quam supra terram, procul et prope, ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum; libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali: REDDENDO inde annuatim dicti Joannes Culayne et Agnes Balfour, ejus sponsa, sui heredes et assignati, nobis et nostris successoribus mensuram et impletionem duarum barellarum buteri sine lignis, et pro molendino sex melas farine auenatice sufficientis, cum dicta summa quatuor solidorum in augmentationem nostri rentalis, ad duos anni terminos

consuetos festa, viz.: Penthecostes et Sancti Martini in hieme, per equales portiones; necnon prestando tres sectas ad tria nostra placita capitalia apud nostrum palatium de Kirkwaill aut alibi vbi tenentur; insuper heredes dictorum Johannis et Agnetis duplicando feodifirmam in introitu earundem ad prefatas terras cum pertinentiis nomine feodifirme tantum pro omni alio onere, exactione, questione, demanda seu servitio seculari que de dictis terris cum pertinentiis per quoscunque juste exigi poterit quomodolibet vel requiri: Prouiso tamen quod si contigerit, quod absit, prefatum Johannem et suam sponsam eorum heredes et assignatos deficere in solutione dicte feodifirme per tres terminos continuos ita quod duo termini transeant in tertium, nulla solutione facta, tunc et eo casu volumus quod hec presens infeodatio deinceps sit nullius roboris aut efficacie sed in se penitus nulla et annullata, et presens infeodatio non egebit alia reductione nisi declaratione in antedicta nostre curia. Et nos vero prefatus Adam et dictum nostrum capitulum, capitulariter congregatum, et nostri successores omnes et singulas prefatas terras nostras de Papdaill cum molendino et singulis suis pertinentiis prefato Johanni et ejus sponse, heredibus et eorum assignatis antedictis, libere, quiete in omnibus antedictis, varantizabimus, acquietabimus et in perpetuum defendemus. In cujus rei testimonium sigillum nostrum rotundum, vnacum sigillo dicti nostri capituli, huic presenti carte nostre, nostris manualibus subscriptionibus, est appensum apud capitulum ecclesie nostre cathedralis Orchadensis, die vltimo mensis Junij anno Domini millesimo quingentesimo sexagesimo, coram hiis testibus, Gilberto Balfour, constapulario, Johanne Brown, burgense de Kirkwaill, Magistro Wilelmo Mwdy de Schabuster, et Magistro Gilberto Fulse, nostro secretario, cum diuersis aliis.

(Translation.)

To all who shall see or hear this charter Adam, by the grace of God and the Apostolic see Bishop of Orkney and

Shetland, greeting with the divine benediction. Whereas in old times certain of the magnates of the kingdom of Scotland in their parliaments determined for the weal of the state that the lands of the crown, and of other prelates, temporal lords, earls, barons, and other persons whomsoever possessing the same heritably, should be made open and set in feufarm or for rent without diminution of their rental and revenues, so that they might be furnished with tenants, as sundry statutes and acts of parliament which are to be observed by us as laws, judging that thereby no small benefit will result by comely policy, buildings, lands, new culture of lands, reclamation of barren parts, planting of trees, fostering of fishes in lochs and pools, construction of dovecots, gardens, lawns and rabbit-warrens, and placing of tenants and occupiers of these lands thus to be leased and stocked with the provision of men armed and furnished with means for the defence of king and country against our old and any other invaders whatsoever, who having the sure hope of retaining and enjoying their lands by themselves and their heirs in perpetuity will make it their foremost aim to protect their country and their king, we, therefore, approving the views and the statutes and laws above-mentioned of our princes and ancient magnates and well knowing that the same will be exceedingly beneficial to the whole kingdom and inhabitants thereof, and that this is also agreeable to the sacred canons which permit church lands to be leased in perpetuity for rent, swayed by these reasons have resolved to lease our lands following in feufarm. Know ye therefore that we and the chapter of our cathedral church of Orkney with one consent and assent, being chapterly convened, the utility and benefit of ourselves and our successors in every respect having been foreseen and considered with careful and mature deliberations, for the manifest advantage of our cathedral church foresaid and the increase of its rental to the extent of four shillings Scots yearly more

than ever the under-written lands formerly paid or yielded to us and our predecessors, as also for a certain sum of money usual aforesaid paid fully and entirely into our hands in counted down money, of which sum of money we discharge the persons under-written, as also for sundry services rendered and good deeds done to us many times by John Culayne, have given and granted, set in tack and lease and in heritable feufarm or for rent have dimitted and by this our present charter have confirmed to the foresaid John Culayne and Agnes Balfour, his spouse and the heirs lawfully procreated or to be procreated between them and their assignees whomsoever all and whole our lands as follows:—the ninepenny lands called Papdaill with the mill thereof, and multures and sequels commonly called suckin, with their whole pendicles and pertinents, with houses, buildings, woods, tofts and crofts thereof, lying within the parish of St. Olave; which lands or at least part thereof are presently occupied by the said John and Agnes, his spouse, personally and their sub-tenants. TO BE HAD AND HELD our foresaid lands of Papdaill of us and our successors who shall be for the time by the aforesaid John and his spouse and their heirs and their assignees aforesaid in feufarm, for rent and in heritage for ever by all their right meiths ancient and divided as they lie in length and breadth, in houses, buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and sequels thereof, fowlings, huntings, fishings, peataries, turferies, coals, coalheuchs, rabbits, rabbit-warrens, doves, dovecots, smithies, brewhouses, brooms, woods, groves, brushwood, stone-quarries, stone and lime, with common pasturage and free ingoing and outgoing, and with all and sundry other liberties, commodities, profits, and easements and their just pertinents whatsoever, as well as not named as named, both under the earth and above the earth, near and remote, belonging to the foresaid lands with their pertinents or which by any manner of

way may be held to pertain thereto in time coming; freely, quietly, fully, entirely, honourably, well and in peace without any impediment, revocation, contradiction or hindrance whatsoever: PAYING therefore yearly the said John Culayne and Agnes Balfour, his spouse, their heirs and assignees, to us and our successors the measure and filling up of two barrels of butter without the wood, and for the mill six meles of sufficient oatmeal with the said sum of four shillings in augmentation of our rental, at the two customary annual terms, viz., Whitsunday and Martinmas in winter by equal portions, also rendering three suits at our three head pleas at our palace of Kirkwall or elsewhere as they may be held, and besides the heirs of the said John and Agnes doubling the feu duty at their entry to the foresaid lands with pertinents, and that in name of feu duty only for all other burden, exaction, question, demand or secular service which by any manner of way could be justly asked or required from the said lands with pertinents by any whomsoever. Provided, however, that if it shall happen, which God forbid, that the foresaid John and his spouse and their heirs and assignees should fail in payment of the said feu duty for three terms running, so that two terms shall run into a third without any payment having been made, then and in that case we will that this present infeftment shall be of no more strength force and validity, but shall become altogether in itself null and expired, and there shall be no need of any other reduction of this present infeftment than a declaration in our foresaid court. And we, the foresaid Adam and our said chapter, chapterly assembled, and our successors shall warrand, acquit and for ever defend all and sundry our foresaid lands of Papdaill with the mill and their several pertinents to the foresaid John and his spouse and their heirs and their assignees foresaid freely and quietly in all things as is above written. In witness whereof to this our present charter, subscribed with our hands, our round seal

together with the seal of our said chapter is appended at the chapter house of our said cathedral church of Orkney on the last day of June, 1560, before these witnesses, Gilbert Balfour, constable, John Brown, burgess of Kirkwall, Mr. William Mudy of Schabuster, and Mr. Gilbert Foulis, our secretary, with sundry others.

*Charter, Mr. John Tyrry, Archdeacon of Orkney, to
Walter Tyrry, of the Isle of Damsey, lands of
Feauldquoy, and others.*

Transcript in volume of Miscellaneous Charters, 1499-1586, in Gen. Reg. House, Edinburgh, fol. 47.

64. September 23, 1560. Kirkwall.

Omnibus hanc cartam visuris vel auditoris, Magister Johannes Tyry, archidiaconus Orchadensis, ac capellanus perpetuus capellanie et altaris Sancti Andree in insula ejusdem infra cathedralem ecclesiam Orchadensem situata, salutem in Domino sempiternam. Noueritis nos cum consensu et assensu reuerendi in Christo patris et domini, Adami, miseratione diuina Episcopi Orchadensis, ac capituli dicte ecclesie ad hoc capitulariter congregati, vtilitate nostra et successorum nostrorum vndique preuisa, pensata et considerata, diligentibus tractatibus et maturis deliberationibus prehabitis, in evidentem vtilitatem nostram et prefatorum successorum nostrorum, necnon ad decorem et policiam reipublice regni Scotie, et contemplationem statutorum parlamenti desuper editorum, dedisse, concessisse, assedasse, arrendasse, locasse, et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra pro perpetuo confirmasse, necnon dare, concedere, assedare, arrendare, locare, et ad feodi-firmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra pro perpetuo confirmare, dilecto consanguineo nostro, Waltero Tyry, et heredibus de corpore suo legitime procreatis seu procreandis,

quibus forte deficientibus, heredibus masculis et propinquiioribus ipsius Walteri cognominis Tyry quibuscunque, et eorum assignatis, totam et integram insulam nostram de Damsay, cum suis pertinentiis, jacentem infra parochiam de Firth, vicecomitatum Orchadensem, et regalitatem dicti reuerendi patris, occupatam per Willielmum Robertsoun tempore date presentium; vnacum lie Archedeins Qwy, jacente in parochia Sancti Olaui, prope pratum de Skawpey, infra prefatos vicecomitatum et regalitatem: Necnon totas et integras terras de Feauldqwy, cum suis pertinentiis, jacentes in parochia de Eve, infra vicecomitatum Orchadensem, et regalitatem prefati reuerendi patris, Episcopi Orchadensis, tempore date presentium occupatas per Magnum Feauldqwy alias Angussone: Tenedas et habendas totas et integras predictas terras insule de Damsay, cum suis pertinentiis, vnacum predicto lie Archedensis Qwy, et suis pertinentiis, necnon totas et integras terras de Feauldqwy, cum suis pendiculis et pertinentiis, de nobis et successoribus nostris in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, cum domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riolis, pratis, pascuis, et pasturis, molen'dinis, multuris ac eorum sequelis, aucupationibus, piscationibus, venationibus, petariis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus, virgultis, lignis, lapicidiis, lapide et calce, cum communi pastura, libero introitu et exitu, cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione, aut

obstaculo aliquali; reseruato ipsi reuerendo patri predicto et suis successoribus, Orchardensibus Episcopis, et eorum balliuis, retentione curie et alia omnimoda jurisdictione in predictis terris et tenentibus earundem: Reddendo inde annuatim dictus Walterus et sui heredes prefati et assignati, nobis et successoribus nostris, archidiaconis Orchardensibus, capellanisque capellanie et altaris predicte insule Sanctiandree, pro insula et terris de Damsay vnam barrellam butiri sufficientis marcimonii, tanquam pro firmis dicte insule nobis et predecessoribus nostris solui solitis et consuetis, et vnum arietem crassum, vulgariter ane fat wedder, in augmentationem nostri rentalis vltroque occupatores dicte insule nobis aut predecessoribus nostris vnquam persoluerunt, annuatim in festo Omnium Sanctorum; necnon pro lie Archedensis Qwy vnam petram butiri, annuatim in dicto festo Omnium Sanctorum; et pro terris de Feauldqwy sex melas brasei sufficientis mercimonii, inter festa Omnium Sanctorum et Beltane annuatim, et vnam lie fourte penny martum in festo Omnium Sanctorum, annuatim, pro firmis dictarum terrarum nobis et predecessoribus nostris solui solitis et consuetis, et in augmentationem nostri rentalis dictarum terrarum vnam libram cere albe ad dicti altaris [usum] plusquam occupatores dictarum [terrarum] unquam persoluerunt nobis aut predecessoribus nostri, vnacum lie skat, viz., tribus melis brasei, vna petra siue leschepund butiri, duobus solidis et nouem denariis argenti regi et suis camerariis solui debitis et consuetis de dictis terris de Feauldqwy, vnacum seruitiis nobis et successoribus nostris solui solitis et consuetis tantum pro omni alio onere, exactione, questione seu demanda seculari que de dictis terris a nobis et successoribus nostris predictis exigi quomodolibet poterit vel requiri; Et hoc pro gratuito seruitio nobis per dictum consanguineum nostrum nobis prestito continue per nouemdecem annos preteritos, et certa summa pecunie vsualis monete regni Scotie nobis

gratanter et integre persoluta in pecunia numerata, de quaquidem pecunie summa fatemur nos per presentes bene et plenarie solutos, exonerantes prefatum Walterum, nostrum consanguineum, suosque heredes, executores et assignatos, de eadem imperpetuum. Prouiso tamen quod heredes dicti Walteri pro introitu cujuslibet eorum in et ad predictas terras persoluent nobis et successoribus nostris predictis duplum dicte feodifirme, prout moris est in omni emphyteosi; Necnon si contigerit dictum Walterum, suos heredes prefatos et assignatos, deficere in solutione dicte feodifirme per tres terminos continuos, sicque duo termini currant in tertium, nulla solutione facta, tunc et in illo casu presens nostra feodifirme locatio nullius erit roboris, efficacitæ aut effectus, sed expirabit in se et non egebit alia reductione nisi declaratione predicti reuerendi patris et suorum successorum in curia sua. Et nos vero prefatus Magister Johannes Tyry et nostri successores, archidiaconi et capellani predicti, omnes et singulas predictas terras insule de Damsay, Archedenis Qwy, et Feauldqw, cum earum pertinentiis et pendiculis vniuersis, dicto Waltero, nostro consanguineo, et suis heredibus predictis et assignatis, adeo libere et quiete in omnibus et per omnia forma pariter et effectu vt premissum est contra omnes mortales warantizabimus, acquietabimus, et imperpetuum defendemus. In cujus rei testimonium huic carte presenti sigillum procuratum, vnacum sigillis predicti patris et conventuum [cotuum] dicti capituli, ac nostris subscriptionibus manualibus, sunt appensa, apud ciuitatem Kirkwallensem, die vicesimo tertio mensis Septembris, anno Domini millesimo quingentesimo sexagesimo, coram hiis testibus, Gilberto Balfour, constabulario dicti reuerendi patris, Magistro Gilberto Foulsey, secretario ejusdem, et Jacobo King, cum diuersis aliis.

(Translation.)

To all who shall see or hear this charter Mr. John Tyrie, archdeacon of Orkney and perpetual chaplain of the

chaplaincy and altar of Saint Andrew in the aisle thereof situated within the cathedral church of Orkney, greeting in the Lord everlasting. Know ye that we, with consent and assent of the reverend father and lord in Christ, Adam, by the mercy of God, Bishop of Orkney, and of the chapter of the said church for this chapterly assembled, the utility of us and of our successors being with careful and mature discussion and deliberation on all sides foreseen, weighed and considered, for the manifest benefit of us and our successors foresaid as also for the beautifying and policy of the commonwealth of the kingdom of Scotland and obtempering of the statutes of parliament published thereupon, have given and granted, set in tack and leased, and in feufarm and for rent have demitted heritably, and by this our present charter have for ever confirmed, like as we do give and grant, set in tack and lease, in feufarm and for rent heritably demit and by this our present charter do for ever confirm to our beloved cousin Walter Tyrie and the heirs of his body lawfully procreated or to be procreated, whom haply failing to the [lawful] and nearest heirs male of the said Walter bearing the surname of Tyrie whomsoever and their assignees, all and whole our island of Damsay with the pertinents thereof, lying within the parish of Firth, sherifffdom of Orkney and regality of the said reverend father and occupied by William Robertson at the date of these presents; together with the Archdean's Quoy lying in the parish of Saint Olave near the meadow of Skawpey within the foresaid sherifffdom and regality; as also all and whole the lands of Feauldqwy with their pertinents lying in the parish of Evie within the sherifffdom of Orkney and regality of the aforesaid reverend father, the Bishop of Orkney, occupied at the date of these presents by Magnus Feauldqwy otherwise Angusson: TO BE HAD AND HELD all and whole the foresaid lands of the island of Damsay with the pertinents thereof, together with the foresaid

Archdean's Quoy and its pertinents, also all and whole the lands of Feauldqwy, with their pendicles and pertinents of us and our successors in fee and heritage for ever by all their right meiths ancient and divided, as they lie in length and breadth, with houses, buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, fishings, huntings, peataries, turferies, coals, coalheuchs, rabbits, rabbit-warrens, doves, dovecots, smithies, malt-kilns, brew-houses and brooms, plantations, groves, brushwood, fire-wood, stone-quarries, stone and lime, with common pasture and free ingoing and outgoing, and all and sundry other liberties, commodities, profits, easements and their just pertinents whatsoever as well not named as named, both under the earth and above the earth, near and remote, belonging to the aforesaid lands or which may justly be held to belong thereto by any manner of way in time coming, freely, quietly, fully, entirely, honourably, well and in peace, without any impediment, revocatione, gain-saying or hindrance whatsoever, reserving to the said reverend father aforesaid and his successors, Bishops of Orkney, and their bailies the retention of the court and other jurisdiction whatsoever within the foresaid lands and over the tenants thereof: PAYING therefor yearly the said Walter and his foresaid heirs and assignees, to us and our successors, the archdeacons of Orkney and chaplains of the chaplinry and altar of the foresaid aisle of Saint Andrew, for the island and lands of Damsay one barrel of sufficient market butter as for the farms of the said island in use and wont to be paid to us and our predecessors, and a fat wedder, in augmentation of our rental and in addition to what the occupiers of the said island ever paid to us or our predecessors, yearly at the feast of All Saints; and for the Archdean's Quoy, one stone of butter annually, on the said feast of All Saints; and for the lands of Feauldqwoy

six meles of sufficient market malt between the feasts of All Saints and Beltane yearly, and one forty penny mart at the feast of All Saints yearly for the duties of the said lands in use and wont to be paid to us and our predecessors, and in augmentation of our rental of the said lands one pound of white wax for the use of the said altar more than the occupiers of the said lands ever paid to us or our predecessors; together with the skat, viz., three meles of malt, one stone or lesepund of butter and two shillings and ninepence in money in use and wont to be paid to the king and his chamberlains from the said lands of Feauldquoy, together with the services in use and wont to be rendered to us and our successors; and this for all other burden, exaction, question, demand or secular [service] which by any manner of way can be asked or required from the said lands by us or our successors aforesaid; and this for the thankful services continuously rendered to us by our said cousin for the past nineteen years, and a certain sum of money, usual coins of this realm of Scotland, thankfully and entirely paid to us in counted-down money, of which sum we acknowledge by these presents that we have been well and fully paid, discharging the foresaid Walter, our cousin, and his heirs, executors and assignees of the same for ever; provided, nevertheless, that the heirs of the said Walter for the entry of each of them to the foresaid lands shall pay to us and our successors the double of the said feu duty as is the custom in all feus; as also that if it shall happen the said Walter or his foresaid heirs and assignees to fail in the payment of the said feu duty for three continuous terms so that two terms run into a third without any payment having been made then and in that case our present feufarm lease shall be of no more force, validity or effect but shall ipso facto expire and no other reduction shall be necessary than a declaration by the foresaid reverend father and his successors in their court. And

we, the foresaid Mr. John Tyrie and our successors, archdeacons and chaplains foresaid, shall warrand, acquit and for ever defend all and sundry the foresaid lands of the island of Damsay, Archdean's Quoy, and Feauldquoy with their whole pertinents and pendicles, to the foresaid Walter, our cousin, and his heirs aforesaid and assignees as freely and quietly in all and by all, in form likewise and effect as is aforesaid against all deadly. In witness whereof to this present charter the seals of the foresaid father and of the said chapter with our signatures are appended at the city of Kirkwall the 23rd of September, the year of our Lord 1560 before these witnesses, Gilbert Balfour, constable of the said reverend father, Mr. Gilbert Foulsey, his secretary and James King, with several others.

Charter, Mr. Magnus Halcro of Burgh, Precentor of Orkney, to Patrick Bellenden, brother of Sir John Bellenden of Auchnoull, and Katherine Kennedy, his wife, of the lands of Stenhouse, and others, in the parish of Stenness.

Transcript in volume of Miscellaneous Charters, 1499-1586, Gen. Reg. House, Edinburgh, fol. 114.

65.

July 12, 1563.

Kirkwall.

Omnibus hanc cartam visuris vel audituris, Magister Magnus Halcro de Burgh, precentor ecclesie cathedralis Orchadensis, salutem in Domino sempiternam. Noueritis me cum consensu et assensu reuerendi in Christo patris, Adami, miseratione diuina Episcopi Orchadensis, et capituli dicte ecclesie cathedralis ad hoc capitulariter congregati, vtilitate mea et successorum meorum, dicte ecclesie precentorum, vndique preuisa et diligenter considerata, longo tractatu et matura deliberatione prehabitis, ac ad decorem ac politiam reipublice regni Scotie, et contemplationem statutorum parliamenti desuper

editorum et in augmentationem rentalis mei annuatim ad summam sex solidorum et octo denariarum vsualis monete regni Scotie et vnus obesi arietis plusquam vnquam terre subscripte prius nobis aut prediceoribus nostris persoluerunt, ac etiam pro perimptione vnus partis cuiusdam contractus, initi et confecti inter me ex vna parte, et honorabilem virum, Patricium Bellenden, fratrem egregii viri Johannis Bellenden de Auchinoull, militis, ab altera parte, de data apud . . . die . . . mensis . . . anno Domini millesimo quingentesimo sexagesimo secundo, dedisse, concessisse, assedasse, arendasse, locasse et ad feudifirmam seu emphiteosim perpetuam hereditarie dimisisse, et hac presenti carta mea confirmasse, necnon dare, concedere, assedare, arrendare, locare et ad feudifirmam seu emphiteosim hereditarie imperpetuum dimittere et hac presenti carta mea confirmare, prefato Patricio Bellenden et Katherine Kennedy, ejus conjugi, ac eorum alteri diutius viuenti, in conjuncta infeodatione, ac heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, predicto Johanni Bellenden de Auchnoull, militi, ejus fratri, et heredibus ipsius quibuscunque, totas et integras terras meas de Stenhous, extendentes ad sex denariatas terrarum, continentes tot lie quoyes, viz., Vsquoye, Mekilquoye, Anderswik, Duascarth, Broagar, computantem glebam spectantem manse nostre tanquam vnam portionem illarum sex denariatarum terrarum de Stenhous, cum prato de Biggiswall, vnacum vniuersis et singulis aliis lie quoylandis et outbrekis, et aliis terris certas denominationes in meo rentalis de Stenhous non habentibus, et infra eandem parochiam jacentibus, vnacum molendino ibidem constructo et existente, ac etiam cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, omnium et singularum terrarum eisdem semper vnitis cum terris molendinariis, multuris et sequelis earundem, cum singulis suis pertinentiis, jacentes infra parochiam de Stenhous, regalitatem dicti

reuerendi patris, et vicecomitatum de Orknay; quas sex denariatas terrarum nunc occupant Johannes Bogre, Georgius Troquhane, Alexander Mekilquoye, Johannes Dowaskarth et Johannes Broager tempore date presentium; reseruata tamen mihi et successoribus meis, precentoribus Orchardensibus, integra mansa, domibus et structuris ejusdem, cum sex acris terrarum occupata vltime et inhabitata per curatum ejusdem parochie, cum horto et ceteris pertinentiis: Quequidem terre et molendinum, cum suis pendiculis et pertinentiis, prius in feudifirma ad Ninianum Halcro, fratrem nostrum, pertinuerunt, et quas idem in manibus meis tanquam domini superioris earundem ad perpetuam remanentiam resignauit et renunciavit, vnacum omni juris titulo, interesse, jurisclameo, proprietate et possessione, que seu quas in eisdem habuit, seu quouismodo in futurum habere poterit: Tenendas et habendas omnes et singulas prefatas terras et molendinum, cum prato de Biggiswall, superius particulariter et expresse nominatas, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, prefato Patricio et Katherine ejus coniugi, eorumque alteri diutius viuenti, in conjuncta infeodatione, et heredibus eorum superscriptis, quibus forte deficientibus, dicto Johanni et heredibus ipsius antedictis, de me et successoribus meis, dicte ecclesie precentoribus, in feudifirma seu emphiteosi et hereditarie imperpetuum, per omnes suas rectas metas antiquas et diuisas, prout jacent in longitudine et latitudine, cum domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis, pasturis, molendinis, multuris et earum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, genestis, siluis, nemoribus, virgultis, lignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, amerciamentis, herezeldis,

bludewitis, cum communi pastura, libero introitu et exitu, ad predictas terras spectantibus, ac cum omnibus et singulis aliis libertatibus, commoditatibus, asiamentis et justis suis pertinentiis quibuscunque, tam nominatis quam non nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum molendino et prato de Biggiswall spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti Patricius Bellenden, et Katherina Kenedy ejus conjux, eorum alter diutius viuens, et heredes inter ipsos suprascripti, quibus deficientibus, dictus Johannes Bellenden, ejus frater, et ipsius heredes quicunque, mihi et successoribus meis, precentoribus Orchadensibus, barillas butteri subscriptas, vel summam trium librarum monete Scotie pro vnaquaque barilla, viz., pro terris manse et principalis domus de Stenhous vnam barillam butteri vel tres liberas monete prescripte; et pro terris de lie quoye de Vsquoye dimidiam barillam butteri vel triginta solidos; pro dictis terris de Mekilquoye dimidiam barillam butteri vel triginta solidos; pro dictis terris de Anderswik dimidiam barillam butteri vel triginta solidos; pro dictis terris de Broagar dimidiam barillam butteri vel triginta solidos; et pro dictis terris de Duascarth et prato de Biggiswall quatuor petras siue leschpondos butteri vel pro vnaquaque petra seu leschpond dictarum quatuor petrarum seu leschpondorum butteri quinque solidos monete predicte, tanquam pro firmis dictarum sex denariatarum terrarum de Stenhous et prati de Biggiswall mihi et predicesoribus meis ante presentem infeodationem solui solitis et consuetis; ac pro dicto molendino sex melas de lie coist tanquam pro firmis dicti molendini solui solitis et consuetis vel pro vnaquaque mela sex melarum predictarum sex solidos octo denarios vsualis monete, et pro vnaquaque mela decimarum garbalium predictarum [terrarum] sex solidos

octo denarios monete predicte vel ipsas decimas garbales ; ac in augmentationem mei rentalis terrarum, molendini et prati prescriptarum, sex solidos octo denarios monete Scotie ac vnum obesum arietum plusquam vnquam terre prescripte mihi aut predicesoribus meis persoluerunt aut dederunt, ad terminos solitos et consuetos ; necnon cum aliis seruitiis solitis et consuetis : Prouiso tamen quod heredes dictorum Patricii et Katherine, quibus deficientibus, dictus Johannes et ipsius heredes prescripti, duplicent dictam feudifirmam primo anno ipsorum introitus ad dictas terras, molendinum, pratum et decimas prescriptas, prout vsus est feudifirme ; necnon si contigerit dictum Patricium, Katherinam et heredes ipsorum predictos, quibus deficientibus, dictum Johannem et ipsius heredes, deficere in solutione dicte feudifirme vel summe pecuniarum per quatuor terminos continuos, ita quod quatuor termini in quintum transeant, nulla annua solutione facta, eo casu nobis et successoribus nostris ipso facto reuertentur dicte terre, molendinum et pratum, cum singulis suis pertinentiis, et de cetero presentis nostre feudifirme locatio nullius erit roboris, efficacie aut effectus, premitus tamen obtenta declaratoria secundum consuetudinem regni et patrie ; ac etiam prestando per se ipsos, saltem tenentes ipsorum nomine, tres sectas ad tria placita capitalia apud palatium de Zardis annuatim tenenda, tantum pro omni alio onere, exactione, questione, demanda seu seruitio seculari que de predictis terris cum molendino, prata de Biggiswall et decimis garbalibus, cum ceteris pertinentiis, per quoscunque juste exigí poterit quomodolibet vel requiri. Et ego vero dictus Magister Magnus, et successores mei, precentores Orchardenses, omnes et singulas sex denariatas terre nostre de Stenhous, cum prato de Biggiswall, vnacum molendino, ac etiam domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus omnium et singularum terrarum cum terris molendinariis, multuris et sequelis earundem, cum vniuersis suis pendiculis et pertinentiis, dictis Patricio et

Katherine eorumque heredibus prescriptis, quibus deficientibus, dicto Johanni et ipsius heredibus prenominationis, adeo libere et quiete in omnibus et per omnia forma pariter et effectu ut premissum est, contra omnes mortales warrantizabimus et imperpetuum defendemus. Insuper dilectis meis, Willielmo Halcro de Acris . . . et eorum cuilibet conjunctim et diuisim, balliuis meis in hac parte specialiter constitutis, salutem. Vobis precipio et mando quatenus, visis presentibus, indilate prefatis Patricio Bellenden et Katherine Kennedy, ejus conjugii, eorumque alteri diutius viuenti, in conjuncta infeodatione, suisue certis actornatis presentium latoribus, statum, saisinam hereditariam pariter et possessionem actuale et realem omnium et singularum sex denariatarum terrarum de Stenhous, prati de Biggiswall et molendini superius particulariter et expresse nominatarum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et earum sequelis ac singulis suis pertinentiis, per terre et lapidis fundi earundem, ut moris est, traditionem, secundum tenorem carte nostre prescripte, juste habere faciatis, tradatis et deliberetis, et hoc nullo modo omittatis, ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim balliuis meis in hac parte antedictis meam plenariam et omnimodam tenore presentium committimus potestatem. In quorum omnium fidem, robur et testimonium, presenti carte, preceptum sasine in se continentem, sigillum meum est appensum, vnacum sigillis dicti reuerendi patris et capituli, ac nostris manualibus subscriptionibus, in signum mei et ipsorum consensus ac ratificationis et approbationis ejusdem, apud Kirkwall, duodecimo die mensis Julij, anno Domini millesimo quingentesimo sexagesimo tertio, coram his testibus, Gilberto Balfour de Wastray, Hugone Gordone in Drummoy, Willielmo Halcro de Acris, Johanne Giffart, Willielmo Hendersone, cum diuersis aliis.

(Translation.)

To all who shall see or hear this charter Mr. Magnus Halcro of Burgh, precentor of the cathedral church of Orkney, greeting in the Lord everlasting. Know ye that I, with consent and assent of the reverend father in Christ, Adam, by divine mercy, Bishop of Orkney, and of the chapter of the said cathedral church for this end chapterly assembled, the utility of me and my successors, precentors of the said church having been with lengthy discussion and mature deliberation carefully foreseen and considered in all respects, and for the beautifying and policy of the commonwealth of the kingdom of Scotland and obtempering of the statutes of Parliament thereupon promulgated, as also in augmentation of my rental yearly by the sum of six shillings and eight pence usual money of Scotland yearly and one fat ram more than ever the underwritten lands formerly paid to us or our predecessors, as also for the fulfilment of one part of a certain contract begun and ended between me, on the one part, and an honourable man, Patrick Bellenden, brother of the distinguished man, John Bellenden of Auchnoull, knight, on the other part, dated at . . . 1562, have given and granted, set in tack and leased, in feufarm or for perpetual rent have heritably demitted, and by this my present charter have confirmed, as also I do give and grant, set in tack and lease in feufarm or for rent in perpetuity heritably demit, and by this my present charter do confirm to the foresaid Patrick Bellenden and Katherine Kennedy, his spouse, and the survivor of them in conjunct fee, and the heirs lawfully procreated or to be procreated between them, whom haply failing, the foresaid John Bellenden of Auchnoull, knight, his brother, and his heirs whomsoever, all and whole my lands of Stenhouse extending to a sixpenny land, containing so many quoyes, viz.: Vsquoy, Mekilquoy, Anderswik, Duascarth, Broagar, reckoning the glebe belonging to our manse as one portion of those six-

penny lands of Stenhouse, with the meadow of Biggiswall, together with all and sundry the other quoy-lands and outbreaks and other lands not having certain denominations in my rental of Stenhouse and lying within the said parish, together with the mill built and standing there, as also with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves of all and sundry lands always united to the same, with the mill lands, multures and sequels thereof and their several pertinents lying within the parish of Stenhouse, regality of the said reverend father and sherifdom of Orkney; which sixpenny lands are now occupied by John Bogre, George Troquhane, Alexander Mekilquoye, John Dowaskarth and John Broager at the time of the granting of the presents; reserving, however, to me and my successors, precentors of Orkney, the entire manse, houses and erections thereof with six acres of land last occupied and inhabited by the curate of the said parish, with the garden and other pertinents; which lands and mill with their pendicles and pertinents, belonged formerly in feufarm to Ninian Halcro, our brother, but which he resigned and surrendered in my hands as overlord of the same to remain perpetually therein, with all title of right, interest, claim of right, property and possession which he had in the same or by any manner of way could have in time coming: TO BE HAD AND HELD all and sundry the foresaid lands and mill with the meadow of Biggiswall above particularly and expressly named, with houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves, mill lands, multures and their sequels and their several pertinents to the foresaid Patrick and Katherine, his spouse, and the survivor of them in conjunct fee, and their heirs above-written, whom haply failing, the said John and his heirs aforesaid, of me and my successors, precentors of the said church in feufarm and for rent heritably for ever, by all their right meiths ancient and divided, as they lie in length and breadth, with houses,

buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures, pasturages, mills, multures and their sequels, fowlings, huntings, fishings, peatawies, turferies, coals, coalheuchs, rabbits, rabbit-warrens, doves, dovecots, smithies, brooms, plantings, groves, brushwood, firewood, stone quarries, stone and lime, with courts and their exils, fines, herezelds, bloodwits, with common pasture and free ingoing and outgoing, belonging to the foresaid lands, and with all and sundry other liberties, commodities, easements and their just pertinents whatsoever as well not named, both under the earth and above the earth, near and remote belonging to the aforesaid lands with the mill and meadow of Biggiswall or which may justly be held to belong thereto by any manner of way in time coming, freely, quietly, fully, honourably, well and in peace without any impediment, contradiction, revocation or hindrance whatsoever: Paying therefore yearly the said Patrick Bellenden and Katherine Kennedy, his spouse, and the survivor of them, and their heirs above-written, whom failing, the said John Bellenden, his brother and his heirs whomsoever to me and my successors, precentors of Orkney, the barrels of butter under-written or the sum of £3 money Scots for each barrel, that is to say—for the lands of the manse and principal house of Stenhouse one barrel of butter or £3 money foresaid; and for the lands of the quoy of Vsquoye half a barrel of butter or thirty shillings; for the said lands of Mekilquoy, half a barrel of butter or thirty shillings; for the said lands of Anderswik half a barrel of butter or thirty shillings; for the said lands of Broagar, half a barrel of butter or thirty shillings; and for the said lands of Duascarth and the meadow of Biggiswall four stones or leseponds of butter, or for each stone or lesepond of the said four stones or leseponds of butter five shillings money foresaid, as for the duties of the said sixpenny lands of Stenhouse and meadow of

Biggiswall in use and wont to be paid to me and my predecessors before this present infeftment; and for the said mill six meles of coist as for the duties of the said mill in use and wont to be paid or for each mele of the six meles foresaid six shillings and eightpence money usual; and for each mele of the teind sheaves of the foresaid [lands] 6s. 8d. money foresaid or the teind sheaves themselves; and in augmentation of my rental of the lands, mill and meadow before-written 6s. 8d. money Scots and one fat ram more than ever the foresaid lands paid or yielded to me or my predecessors, at the usual and customary terms; as also with the other services used and wont: Provided, however, that the heirs of the said Patrick and Katharine, whom failing, the said John and his heirs aforesaid double the said feu duty in the first year of their entry to the said lands, mill, meadow and teinds foresaid as the manner of feufarm is; likewise that if it shall happen the said Patrick and Katharine and their heirs aforesaid, whom failing, the said John and his heirs to fail in payment of the said feu duty or sums of money for four terms continuously so that the fourth term shall run into the fifth without any yearly payment being made, in that case the said lands, mill and meadow with their whole pertinents shall ipso facto revert to us and our successors and from thenceforth this our present lease of feufarm shall be of no more strength, force nor effect, a declaration, however, having first been obtained according to the custom of the kingdom and country; as also giving by themselves, or at least by their tenants in their names three suits at the three head pleas to be held annually at the palace of Yairds; and this for all other burden, exaction, question, demand or secular service which can justly be asked or required by any whomsoever in any manner of way from the aforesaid lands and mill, meadow of Biggiswall and teind sheaves with their other pertinents. And I, the said Mr. Magnus, and my successors, precentors of Orkney, shall warrand and for

ever defend all and sundry the sixpenny lands of our land of Stenhouse with the meadow of Biggiswall, together with the mill, as also the houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves of all and sundry the lands with the mill lands, multures and their sequels and their whole pendicles and pertinents to the said Patrick and Katharine and their heirs aforesaid, whom failing, the said John and his heirs before-named, as freely and quietly in all and by all, in form likewise and effect as is above-written against all deadly. Moreover to my lovit William Halcro of Acris . . . and each of you, jointly and severally my bailies specially appointed in that behalf, greeting. To you I command and ordain that immediately upon sight of these presents ye justly give and deliver to the foresaid Patrick Bellenden and Katharine Kennedy, his spouse, and the survivor of them in joint infeftment, or to their certain attornies, bearers of these presents state, heritable sasine and likewise real, actual and corporal possession of all and sundry the sixpenny lands of Stenhouse, meadow of Biggiswall and mill above particularly and expressly named with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and their sequels and their several pertinents by delivery of earth and stone of the ground thereof, conform to the tenor of our charter before-written; and this on no wise ye omit, the which to do I commit to you jointly and severally my bailies in that part aforesaid by the tenor of these presents my full and plenary power. In witness and confirmation of all which to this present charter, containing precept of sasine therein, my seal is appended together with the seals of the said reverend father and chapter, and our signatures in token of mine and their consent, and ratification and approbation of the same, at Kirkwall, 12th July, 1563, before these witnesses, Gilbert Balfour of Wastray, Hugh Gordon in Drummoy, William Halcro of Acris, John Giffart, William Henderson and sundry others.

Charter, Adam, Bishop of Orkney, to Sir John Bellenden of Auchnoule, Justice Clerk, of the lands of Birsay, Mervik, Salsister, and others.

Transcript in volume of Miscellaneous Charters, 1499-1586, Gen. Reg. House, Edinburgh, fol. 20.

66.

October 16, 1564.

Kirkwall.

"Omnibus hanc cartam visuris vel audituris, Adamus, miseratione divina Orcadensis et Zetlandie Episcopus, superiorque terrarum subscriptarum, salutem in omnium Salvatore. Noueritis nos, adhibito expressis consensu et assensu capituli ecclesie nostre cathedralis Orcadensis, dedisse, concessisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, et hac presenti carta nostra confirmare, charissimo nostro consanguineo, Johanni Bellenden de Auchnule, militi, Clerico Justicie Supreme Domine nostre Regine, suisque heredibus et assignatis, omnes et singulas terras et molendinum subscriptas, videlicet, totas et integras terras australis lateris seu partis de Birsay, extendentes ad octuaginta denariatas terrarum, vnacum vniuersis et singulis lie quoylandis et outbrekis et aliis terris certas denominationes in nostro rentali de Birsay non habentibus, et infra eandem parochiam jacentes, vnacum molendino ibidem constructo et existente; necnon vniuersas et singulas terras borealis partis et lateris de Birsay, extendentes ad quinquaginta quinque denariatas terrarum, vnacum vniuersis aliis terris, quyland et outbrekland, in dicto nostro rentali certas denominationes non habentibus, in dicta boreali parte de Birsay jacentes; necnon vniuersas et singulas terras de Birsay supra montem, vulgariter vocatas Birsay abone the hill, extendentes ad octodecim denariatas terrarum, ibidem jacentes; necnon omnes et singulas terras de Skalden, Fea et Hundland, in dicta parochia de Birsay jacentes; necnon dimedium barrelli butiri pro lie scat de Twat; necnon vniuersas et singulas terras de Salsister, extendentes ad tres denariatas terre,

et vulgariter ane fardin land in Isbister, et vnum obulatum terre jacentem in Sabister; Necnon vniuersas et singulas terras de Mervik, extendentes ad quinquaginta quinque denariatas terrarum, vnacum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus omnium et singularum prefatarum terrarum, eisdem semper vnitis, cum terris molendinariis, multuris et sequelis earundem, cum singulis suis pertinentiis jacentes intra regalitatem nostram et vicecomitatum de Orkney: Quequidem terre et molendinum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, fuerunt Gilberti Balfoure, burgensis de Edinburgh, et Margarete Boithuile, sue sponse, perprie in feudifirma hereditate, et quas ipse Gilbertus et Margareta, ejus sponsa, per fustum et baculum, per procuratores suos legitimos et literas suas patentes, in manibus nostris tanquam in manibus domini sui superioris earundem, apud Perth, sursum reddiderunt, pureque et simpliciter resignarunt, ac totum jus et clameum, proprietatem et possessionem, que in eisdem habuerunt, habent, seu quouismodo poterunt, pro se, heredibus suis ac assignatis, omnino quiete clamauerunt imperpetuum. Insuper pro nonnullis pecuniarum summis, diuersisque auxiliis, consiliis, fauoribus et benemeritis nobis per dictum Johannem Bellenden persolutis et multipliciter impensis, de nouo dedimus et concessimus, ac pro nobis et successoribus nostris quibuscunque disponimus et confirmamus prefato Johanni Bellenden, suis heredibus et assignatis, omnes et singulas prenominate terras et molendinum superius particulariter expressatas, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris, et sequelis earundem, ac totum jus et clameum tam petitorium quam possessorium que nos, predecessores aut successores nostri quicunque habuerunt, habuimus, habemus, seu quouismodo habere

poterimus, aut poterint, in et ad omnes et singulas terras et molendinum particulariter superius expressatas, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris, et sequelis earundem, ac omnibus suis pertinentiis, aut aliquam partem earundem, firmas, proficua, et deuorias quascunque earundem elapsa et futura, ratione non solutionis canonis tempore debito, non introitus, eschaete, forisfacture, disclamationis, reuersionis parti de retrouendendo, recognitionis, purpresture, seu ob quamcunque aliam causam vel occasionem preteritam, seu quocunque jure renunciando eisdem, pro nobis et successoribus nostris, prefato Johanni Bellenden, suis heredibus et assignatis, cum supplemento etiam omnium defectuum tam non nominatorum quam nominatorum, quas tanquam pro expressis in hac presenti carta nostra habere volumus, cum pacto de non petendo: Ac etiam prefatum Johannem per presentes de nouo infeodamus et inuestimus in emphiteosi et feudifirma hereditarie, de omnibus et singulis terris et molendino superius contentis, cum domibus, terris molendinariis, multuris et sequelis earundem, necnon cum lacubus, piscariis, hortis, toftis, croftis, outbrekis, quylandis et decimis garbalibus earundem, perpetuo vnitis, et ceteris singulis suis pertinentiis quibuscunque; Ac etiam vnimus, creamus, et incorporamus omnes et singulas prefatas terras et molendinum particulariter et expresse nominatas, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem ac singulis suis pertinentiis, in vnam integram et liberam tenandriam, tenandriam de Birsay omni tempore affuturo nuncupandam; volumusque et concedimus, ac pro nobis et successoribus nostris decernimus et ordinamus, quod vnica sasina nunc per prefatum Johannem Bellenden, et omni tempore affuturo per suos heredes aut assignatos, super dictis terris de Birsay capienda, stabit et sufficiens erit sasina pro

omnibus et singulis prenomatis terris et molendinis superius particulariter expressatis, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, non obstante quod insimul et contigue non jacent: Tenendas et habendas omnes et singulas prefatas terras et molendinum superius particulariter et expresse nominatas, cum domibus edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, nunc per nos in vnam integram et liberam tenandriam vt premittitur vnitas, creatas et incorporatas, prefato Johanni Bellenden, heredibus suis et assignatis, de nobis et successoribus nostris in feudifirma et hereditate imperpetuum, per omnes rectas [metas] suas antiquas et diuisas, prout jacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cum wrak, waith, haifwraik, wattell, chettrie et skattis, necnon mineris auri, argenti et plumbi, stanni aliorumque metallorum, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis et genistis, siluis, nemoribus et virgultis, lignis, lapicidiis, lapide et calce, fabrilibus, cum curiis et earum exitibus, herezeldis, amerchiamentis, bludewitis et mulierum merchetis, cum cummuni pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras et molendinum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis predictis, spectantibus seu juste spectare valentibus quomodolibet

in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione, aut obstaculo quocunque: Reddendo inde annuatim dictus Johannes Bellenden, heredes sui et assignati, nobis et successoribus nostris qui pro tempore fuerint, pro qualibet lasta viginti lastarum, quatuor mellarum et quatuor settinarum carnis, triginta sex solidos vsualis monete regni Scotie, extendentes in pecunia ad triginta sex librarum, septem solidorum dicte monete, tanquam pro antiquis firmis carnuum de vniuersis et singulis terris et molendino predictis et partibus ejusdem, et suis decimis garbalibus earundem inclusis et singulis suis pertinentiis, ante infeodationem prefati Gilberti et Margarete, ejus sponse, desuper confectam, annuatim solui solitis et consuetis; necnon pro qualibet lasta duodecim lastarum, vnus mille, quatuor settinarum et sexdecim marcarum victualium, vulgo coist nuncupatarum, et vnus laste farine auenatice vulgo twyiss scheilit meill vocate, sex libras monete predictae, extendentes in pecunia ad summam septuaginta octo librarum, octo solidarum et vndecim denariorum predictae monete, tanquam pro antiquis firmis victualium, lie coist et farine, de vniuersis et singulis terris et molendino predictis et partibus ejusdem, cum suis decimis garbalibus earundem inclusis, et singulis suis pertinentiis, ante dictam infeodationem annuatim solui solitis et consuetis; necnon pro qualibet aue de quinquaginta tredecim auibus, vulgariter tuentie-five scoir threttene kane foulis nuncupatis, duos denarios monete predictae, extendentes in pecunia ad summam quatuor librarum, quinque solidorum, et sex denariorum prefate monete, tanquam pro antiquis firmis anum, lie kane foulis, de vniuersis et singulis terris et molendino predictis et partibus ejusdem, cum singulis suis pertinentiis, ante dictam infeodationem annuatim solui solitis et consuetis; necnon pro qualibet lie faddome de octodecim lie faddomes petarum, vulgo aughtene faddomes peittis appellatas, sex solidos dicte monete,

extendentes in pecunia ad summam quinque librarum et octo solidorum monete prefate, tanquam pro vniuersis lie peittis de vniuersis et singulis prefatis terris et molendino et partibus ejusdem, et singulis suis pertinentiis, ante dictam infeodationem annuatim solui solitis et consuetis; necnon quadraginta septem solidos, octo nummos, lie skat siluer, de vniuersis et singulis prefatis terris et molendino, et partibus ejusdem, et singulis suis pertinentiis, ante dictam infeodationem annuatim solui solitis et consuetis; necnon pro qualibet barella septemdecim barellarum, cum dimedio butiri, tres libras monete predicte, extendentes in pecunia ad summam quinquaginta duarum librarum et decem solidorum dicte monete, tanquam pro antiquis firmis butiri de vniuersis et singulis terris et molendino prescriptis et partibus ejusdem, cum suis decimis garbalibus earundem inclusis, et singulis suis pertinentiis, ante dictam infeodationem annuatim solui solitis et consuetis; et sic computando antiquas firmas et skattis in pecunia extendentes ad summam centum septuaginta nouem librarum, septem solidorum, et vnius denarii monete sepefate; necnon in augmentationem nostri rentalis, ut prefatum est, quinquaginta duos solidos, vndecim denarios; et sic in integro extendendo ad summam centum et octoginta duarum librarum monete regni Scotie, ad duos anni terminos, festa videlicet Omnium Sanctorum et Inventionis Sancte Crucis, per equales portiones; necnon prestando tres sectas curie ad nostra tria placita capitalia, apud nostrum palatium de Kirkwall vel alibi annuatim tenenda, defendendoque nos, nostrum locum, ecclesiam et clerum, pro posse; insuper heredes dicti Johannis duplicando dictam feudifirmam vnius anni primo eorum introitu ad prenomintas terras et molendinum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, prout vsus est, nomine feodifirme; prouiso tamen quod si contigerit

prefatum Johannem et heredes suos et assignatos prescriptos in solutione dicte summe pecuniarum per quatuor terminos continuos deficere, ita quod quatuor termini in quintum transeant, nulla annua solutione facta, eo casu nobis et successoribus nostris ipso facto reuertentur dicte terre et molendinum, cum singulis suis pertinentiis, et de cetero presentis nostre feodifirme locatio nullius erit roboris, efficacie et effectus; tantum pro omni alio onere, exactione, questione, demanda seu seruitio seculari que de predictis terris et molendino superius particulariter et expresse nominatis, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, per quoscunque juste exigi poterunt quomodolibet vel requiri. Et nos vero prefatus Adam, et successores nostri, qui pro tempore fuerint, omnes et singulas prenominate terras de Birsay, Mervik, Skalden, Fea, Hundland, Twat, Solsister, Isbister, Sabuster, et dimedium barelli butiri skat de Twat, cum dicto molendino predictarum terrarum, terris molendinariis, multuris et sequelis earundem, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus omnium et singularum prefatarum terrarum inclusis earundem, et singulis suis pertinentiis, prefato Johanni Bellenden, suis heredibus et assignatis, adeo libere et quiete in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis nostris Willielmo Boithuill de Quholpsyde et . . . de Bonnentoun, ac eorum cuilibet, conjunctim et diuisim, balliuis nostris in hac parte specialiter constitutis, vobis precipimus et mandamus quatenus visis presentibus indilate statum et sasinam hereditariam, pariter et possessionem corporalem, actuaalem, et realem omnium et singularum terrarum et molendini superius particulariter et expresse nominatarum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis

garbalibus, molendinis, multuris et eorum sequelis, ac singulis suis pertinentiis, prefato Johanni Bellenden, vel suo certo actornato, latori presentium, secundum tenorem presentis carte nostre juste haberi faciatis et deliberetis, sine delatione, saluo jure cujuslibet; et hoc nullo modo omittatis; ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim, balliuis nostris antedictis, nostram plenariam et omnimodam tenore presentium committimus potestatem. In cujus rei testimonium sigillum nostrum rotundum, vnacum sigillo communi dicti nostri capituli, huic presenti carte nostre, manibus nostris subscriptis, est appensum, apud capitulum ecclesie nostre cathedralis Orchadensis, decimo sexto die mensis Octobris, anno Domini millesimo quingentesimo sexagesimo quarto, et nostre consecrationis in Domino anno sexto, coram hiis testibus, Gilberto Balfour de Westray, Willielmo Boithuile de Quholpsyde, Jacobo Alexander, Georgio Boithuile, cum diuersis aliis."

(Translation.)

To all who shall see or hear this charter Adam, by the mercy of God Bishop of Orkney and Shetland and superior of the lands underwritten, greeting in the Saviour of all. Know ye that we, with the express consent and assent of the chapter of our Cathedral Church of Orkney, have given and granted and by this our present charter have confirmed, likeas we do give and grant and by this our present charter confirm to our dearest cousin, John Bellenden of Auchnoule, knight, Justice Clerk to our sovereign lady, the Queen, and his heirs and assignees all and sundry the lands and mill underwritten, viz., all and whole the lands of the south side or part of Birsay extending to an eightpenny land with all and sundry the quoylands and outbreaks and other lands not having certain denominations in our rental of Birsay and lying within the parish thereof, together with the mill built and standing there; as also all and sundry the lands of the

north part and side of Birsay extending to a fifty-five penny land with the whole other lands, quoyland and outbrekland, not having certain denominations in our said rental lying in the said north part of Birsay; as also all and sundry the lands of Birsay, commonly called Birsay above the Hill, extending to an eighteen penny land lying there; likewise all and sundry the lands of Skalden, Fea and Hundland, lying in the said parish of Birsay; as also half a barrel of butter for the scat of Twat; likewise all and sundry the lands of Salsister extending to a three penny land, and (in the common tongue) a farthing land in Isbister and a halfpenny land lying in Sabister; as also all and sundry the lands of Mervik extending to a fifty-five penny land, together with the houses, buildings, lochs, fishings, gardens, tofts, crofts and the teind sheaves of all and sundry the foresaid lands, which have always been united thereto, with the mill lands, multures and sequels thereof and their several pertinents, lying within our regality and sheriffdom of Orkney: Which lands and mill, with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and their sequels, and their several pertinents, formerly belonged in feu-farm heritage to Gilbert Balfour, burgess of Edinburgh, and Margaret Bothwell, his spouse, and were by the said Gilbert and Margaret, his spouse, by their lawful procurators and letters patent, surrendered by staff and baton and purely and simply resigned in our hands as in the hands of the overlord thereof, at Perth, with all right and claim, property and possession which they had, have or by any manner of way could have, all which they for themselves and their heirs and assignees utterly renounced for ever. Moreover we for certain sums of money paid to us and for sundry assistance, counsels, favours and good deeds many times rendered to us by the said John Bellenden, do of new give and grant and for us and our successors whomsoever dispoone and confirm to the foresaid John Bellenden

and his heirs and assignees all and sundry the before-mentioned lands and mill above particularly expressed with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof, and all right and claim both petitory and possessory which we or our predecessors and successors whomsoever had, have, or by any manner of way could have in and to all and sundry the lands and mill particularly above expressed with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof and their whole pertinents or any part thereof, rents, profits and duties whatsoever of the same bygone and to come by reason of the non-payment of the kairn at the due time, non-entry, escheat, forfeiture, disclamation, reversion to a person having right thereto, recognition, purpresture, whether on account of any cause or occasion whatsoever bygone or any right of renunciation of the same for ourselves and our successors, to the foresaid John Bellenden and his heirs and assignees, with supplement likewise of all defects whether named or not named, which we will to be held as if they had been particularly set forth in this our present charter, and promise that we shall not seek the same: As also we do of new infeft and invest by these presents the aforesaid John heritably in feufarm and for payment of rent in all and sundry the lands and mill above contained with the houses, mill-lands, multures and their sequels, as also with the lochs, fishings, gardens, tofts, crofts, outbreaks, quoylands and teind sheaves of the same, always united thereto, and whole other pertinents whatsoever; likeas we unite, create and incorporate all and sundry the foresaid lands and mill particularly and expressly named, with the houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves, mill-lands, multures and sequels thereof and their several pertinents in one entire and free tenandry to be called in all time coming the TENANDRY of

BIRSAY; and we will and grant, and for ourselves and our successors decern and ordain that a single sasine to be taken now by the foresaid John Bellenden and in time coming by his heirs and assignees upon the said lands of Birsay shall be a valid and sufficient sasine for all and sundry the before-mentioned lands and mill above particularly expressed, with houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves, mill-lands, multures and sequels thereof, and their several pertinents, notwithstanding that these do not lie contiguous and together: TO HAVE AND TO HOLD all and sundry the aforesaid lands and mill above particularly and expressly named, with houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves, mill-lands, multures and sequels thereof and their several pertinents, now united, erected and incorporated by us into one entire and free tenandry as aforesaid, to the foresaid John Bellenden and his heirs and assignees of us and our successors in feu-farm and heritage for ever, by all their right meithes ancient and divided as they lie in length and breadth, in houses, buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and sequels thereof, fowlings, huntings, fishings, peateries, turferies, coals, coalheuchs, with wrak, waith, haifwraik, wattell, chetrie and scats, also mines of gold, silver, lead, tin and other metals, rabbits, rabbit warrens, doves, dove-cotes, smithies, maltkilns, brewhouses and brooms, woods, groves and brushwood, firewood, stone quarries, stone and lime, smithies, with courts and their exits, herezelds, fines, bloodwits and markets of women, with common pasture, free ingoing and outgoing and with all and sundry other liberties, commodities, profits, easements and their just pertinents whatsoever, as well not named as named, both under the earth and above the earth, near and remote belonging to the foresaid lands and mill with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind

sheaves, mill-lands, multures, and sequels thereof and their several pertinents aforesaid, or which by any manner of way may justly be held to belong thereto in time coming, freely, quietly, fully, entirely, honourably, well and in peace, without any impediment, revocation, contradiction, or hindrance whatsoever: PAYING yearly therefore the said John Bellenden and his heirs and assignees to us and our successors who may be for the time, for each last of twenty lasts four meles and four settings of flesh, 36s. usual money of Scotland, extending in money to £36, 7s. of the said money as for the old farms of flesh of all and sundry the lands and mill foresaid and parts thereof and the teind sheaves of the same included with their several pertinents which was in use to be paid yearly before the making of this infeftment to the foresaid Gilbert and Margaret, his spouse, thereupon; as also for each last of twelve lasts one mele, four settings and sixteen merks of victual, commonly called coist, and one last of oatmeal, commonly called twice sheilled meal, £6 of money foresaid, extending in money to the sum of £78, 8s. 11d. money foresaid, as for the ancient farms of victual, coist and meal of all and sundry the lands and mill foresaid and parts thereof with their teind sheaves of the same included and their several pertinents in use and wont to be paid yearly prior to the said infeftment; as also for each fowl of sixty-three fowls, or in the common tongue, twenty-five score and thirteen kane fowls, two pence money foresaid, extending in money to the sum of four pounds five shillings and sixpence money foresaid, as for the ancient farms of kane fowls of all and sundry the lands and mill foresaid and parts thereof with their several pertinents in use and wont to be paid yearly prior to the said infeftment; as also for each fathom of eighteen fathoms of peats six shillings money foresaid, extending to the sum of £5, 8s. money foresaid as for the whole peats of all and sundry the foresaid lands and mills and parts thereof and their

several pertinents in use and wont to be paid yearly before the said infeftment; as also of 47s. 8d. of skat silver of all and sundry the foresaid lands and mill and parts thereof and their several pertinents in use and wont to be paid yearly prior to the said infeftment; as also for each barrel of seventeen and a half barrels of butter £3 money foresaid, extending to the sum of £52, 10s. money foresaid as for the old farms of butter of all and sundry the lands and mill above-written and parts thereof, with their teind sheaves thereof included and their several pertinents in use and wont to be paid yearly prior to the said infeftment; and thus reckoning up the old farms and skats in money extending to the sum of £179, 7s. 1d. money foresaid; and, further, in augmentation of our rental as aforesaid of 52s. 11d.; and so extending in whole to the sum of £182 money Scots, and that at the two yearly terms of All Saints' Day and the Invention of the Holy Cross, by equal portions; rendering also three suits of court at our three head pleas to be held at our palace of Kirkwall or elsewhere yearly, and defending us and our place, church and clergy to their power; and, further, the heirs of the said John doubling the said feu-duty of one year in the first year of their entry to the before-mentioned lands and mill, with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and their sequels, with their several pertinents, in name of feu-farm, as the custom is: Provided, however, that if it shall happen the foresaid John and his heirs and assignees above-written to fail in payment of the sum of money aforesaid for four terms running so that the fourth term is passing into the fifth without any annual payment having been made, in that case the said lands and mill, with their several pertinents, shall ipso facto revert to us and our successors, and thenceforth this our present lease in feu-farm shall be of no more strength, efficacy nor effect; and this for all other burden, exaction, question, demand or secular service

which can be justly asked or required by any whomsoever by any manner of way from the foresaid lands and mill particularly and expressly above-named with houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves, mill lands, multures and sequels thereof and their several pertinents. And we, the foresaid Adam and our successors who shall be for the time, shall warrand, acquit and for ever defend all and sundry the before-named lands of Birsay, Mervik, Skalden, Fea, Hundland, Twat, Solsister, Isbister, Sabuster, and half barrel of butter skat of Twat, with the said mill of the aforesaid lands, mill lands, multures and their sequels, with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves of all and sundry the foresaid lands included therewith and their sundry pertinents, to the foresaid John Bellenden and his heirs and assignees as freely and quietly in all and by all, in form likewise and effect as is aforesaid against all deadly. Moreover, to our lovit William Bothwell of Whelpside and . . . of Bonnentoun, and either of them, jointly or severally, our bailies specially appointed in that behalf, to you we command and ordain that upon sight of these presents ye forthwith and without delay give and deliver state and heritable sasine and likewise real, corporal and actual possession of all and sundry the lands and mill above particularly and expressly named, with houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mills, multures and their sequels and their several pertinents to the foresaid John Bellenden or to his certain attorney, bearer of these presents, conform to the tenor of our present charter, saving the right of any whomsoever, and this on no wise ye omit, the which to do we commit to you and each of you jointly and severally our bailies aforesaid by the tenor of these presents our full and plenary power. In witness whereof to this our present charter subscribed with our hands our round seal, together with the common seal of our said chapter, is appended at the chapter house

of our Cathedral Church of Orkney on the 16th day of October in the year of our Lord, 1564, and of our consecration in the Lord the sixth year, before these witnesses, Gilbert Balfour of Westray, William Bothwell of Whelpside, and George Bothwell, with several others.

Summons by the Sheriff of Orkney and Shetland at the instance of Willam Urwin, son and one of the heirs of the deceased James Urwin of Sabay, against John Atkin, his tenant, for not removing from his lands.

Original on paper in the possession of J. W. Cursiter, Kirkwall.

87.

Nov. 4, 1567.

Kirkwall.

Robert Stewart of Strathdown, knyht, fewar of the landis and lordschip of Orknay and Zet[land] and sherif principall of the samyn to our louittis . . . our officiaris in that part coniunctlie and seuerallie specialie constitute greting. Forsamekile as it is humblie menit and schawin to ws be Williame Vrwin, sone and ane of the airis of vmquhile James Vrwin of Sabay, that quhair the said Williame hes succedit heritablie be deceiss of his said vmquhile fader in and to the landis of Horrie with the quoyis callit Quoykay and Horssak with thair pertinents lyand within the parochin of Sanct Andrews and sherifdome of Orknay, and to the effect that the said Williame suld haue na impediment in broukin of the samyn peceable, his said vmquhile fader befoir his deceiss wrait to Gilbert Balfour, than sherif for the tyme, desyring him to direct furth his precept to enter and possess the said Williame heritablie in and to the saidis landis and quoyis with thair pertinents, at quhais desyer the said sherif directit furth his precept to the effect foirsaid quhilk wes put to dew executioun be Andro Daudsoun, officiar, and the said Williame enterit and possessit con-

forme to the tenoar thairof, as the indorsatioun thairof beiris; Neuirtheless Johne Atkin, occupyar of the saidis landis of Horrie as subtennent to the said vmquhile James, will nocht remoif himself, his guidis and geir, of the saidis grund and landis, bot, by ony just titill of richt, intendis to sit violentlie and occupy the samyn, and vpon wrangus informatioun hes obtenit our vther precept to keip him in possessioun of the samyn, albeit the samyn is ewill giffin *tanta et suppressa veritate* as is allegeit. Heirfoir we charge yow, this our precept sein, ye pass, summond, warne and charge the said Johne Atkin to compeir befor ws and our deputis the third day of this instant Lawting, thair to ansuer at the instance of the said Williame in the said mater bringing with him our vther precept impetrat be him as said is to be sein and considerit be ws and to heir and se the samyn suspendit simpliciter and the said Johne decernit to remove fra the saidis landis with the pertinentis, and to leif the samyn red and voyd to the said Williame to be broukit and josit be the said Williame in tyme cuming, conforme to his heritable titill, or ellis to schaw ane ressonable causs quhy the samyn suld nocht be done; with certificatioun to the said Johne that quhidder he compeir or nocht the saidis day and place we will proceid and minister justice in the said mater in sa fer as we may of law, conforme to the ordour and practik of the cuntrie; and this on nawys ye leif vndone as ye will ansuer to ws thairupoun. Subscrivit with our handis and vnder our signet at Kirk-wall the fourt day of November, 1567. [Signed] Robert Stewart.

Endorsement.—At Horrie the fourt day of November in the yeir of God 1^m V^c saxtie vii yeirs, I, Andro Dawysone, hes put this precept to exicutioun conforme to the charge contenit [thair]intill, befor thir witnes, Johne Abrek, Jhon Tailyeour, Johne ¹ with vtheris dyuers.

¹ Name illegible.

Endorsement.—Quinto Novembrio Anno, etc., lxvii. This atioune reffairit till arbitouris and the pairteis bund and obleist to stand at the desatioun of the persons vnderwritten, thay ar to say, Mr. Magnus Halcro, Thomas Mudie, Johne Crummartie, Thomas Tullo, for the pairt of the airis of James Irrewine; Williame Sclatter, Robert Sinclair, Mr. John Dischingtoun and Alexander Robertsoun¹ for the pairt of Johne Akin; and Henrie Halcro overman in caice of wareance, and to decyd thairintill betuix the dait herof and Settirday nyxt to cum inclusive.

And in absence of any of the personis foirsaidis vtheris to be chosin in thair place.²

Wm. Irrvyne with my hand. Johne Akin and Henrie Akin with our handis at the pene becaus we culd nocht wreit ourselfis, led be the shireff clerk vnder wrettin.
[Signed] Walter Bruice.

Charter, Sir John Bellenden of Auchnoull, Justice Clerk, to Dame Jean Kennedy, spouse to Sir Robert Stewart, and Marie Stewart, their daughter, of the south side of Birsay, &c., and mill.

Original on parchment in Gen. Reg. House, Edinburgh, Register of Charters, No. 2129. Sir John Bellenden's seal is attached, nearly entire, but a bad impression.

68.

Sept. 18, 1568.

Edinburgh.

Omnibus hanc cartam visuris vel audituris, Johannes Bellenden de Auchinnoull, eques auratus, Clericus Justicie supremi Domini nostri Regis, et feudifirmarius terrarum subscriptarum infra partes Orchadenses, salutem in Domino sempiternam. Noueritis me pro perimpe-

¹ Robertson added in different ink.

² In different ink.

tione cujusdam contractus inter me ab vna et nobilem et potentem dominum Dominum Robertum Stewart, feuditarium omnium et singularum terrarum et insularum Orchadie et Zeitlandie, pro seipso et nominibus ac super eum onus acceptans pro Domina Johanna Kennedy, ejus sponsa, domina vitalis redditus seu liberitenementi terrarum de Abbottisgrange subscriptarum, ac pro Maria Stewart, filia dictorum Domini Roberti et Johanne, ac feudifirmaria hereditaria ejusmodi terrarum vocatarum Abbottis grange, partibus ab altera, initi et confecti, de data apud Edinburgh decimo septimo die mensis Septembris anno Domini millesimo quingentesimo sexagesimo octauo, vendidisse, tituloque pure venditionis alienasse, et hac presenti carta mea confirmasse, necnon vendere, alienare, et hac presenti carta mea confirmare, prefate Domine Johanne Kennedie, sponse dicti nobilis Domini, in libero tenemento ac vitali redditu pro omnibus sue vite diebus, necnon prefate Marie Stewart, eorum filie, heredibusque suis subscriptis et assignatis hereditarie, omnes et singulas terras meas et molendinum subscriptas, viz., totas et integras terras meas australis lateris seu partis de Birsay, extendentes ad octuaginta denariatas terrarum, vnacum vniuersis et singulis lie quylandis et owtbrekis et aliis terris certas denominationes in rentali episcopatus Orchadensis non habentibus, et infra parrochiam de Birsay jacentibus, vnacum molendino ibidem constructo et existente; necnon vniuersas et singulas terras borealis partis et lateris de Birsay, ad quinquaginta quinque denariatas terrarum extendentes, vnacum vniuersis aliis terris queyland et owtbrekland, in dicto rentali certas denominationes non habentibus, in dicta boreali parte de Birsay jacentibus; necnon vniuersas et singulas terras de Birsay supra montem vulgariter vocatas Birsay abone the Hill, extendentes ad octodecim denariatas terrarum, ibidem jacentes; necnon omnes et singulas terras de Skelden, Phea, et Hundland, in dicta parrochia de Birsay jacentes; necnon dimedium

barrelli butiri pro lie scat de Twat; necnon vniuersas et singulas terras de Salsister, extendentes ad tres denariatas terre et vulgariter ane fardin land in Isbister, et vnum obulatum terre jacentes in Sabister; necnon vniuersas et singulas terras de Merwik, extendentes ad quinquaginta quinque denariatas terrarum; vnacum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus omnium et singularum prefatarum terrarum eisdem semper vnitis, cum terris molendinariis, multuris et sequelis earundem, cum singulis suis pertinentiis, jacentibus infra regalitatem dicti episcopi, et vicecomitatum de Orknay, per reuerendissimum in Christo patrem Adamum, miseratione diuina Orchardensem et Zetlandie Episcopum, et capitulum ecclesie cathedralis Orchardensis, in vnam tenandriam de Birsay vocatam prius vnitas, annexatas et incorporatas, prout in ipsorum infeodatione mihi desuper confecto plenius continetur; hoc in excambium et permutationem terrarum subscriptarum, viz., omnium et singularum terrarum vocatarum Abbattis grange, terrarum de Newbiggingis et Ponderlandis, terrarum de Lowhous, terrarum de Luderis aikeris, et terrarum de Cowperland *alias* Coilhewchtburn nuncupatarum, cum mansione earundem, pratis, ortis, pomeriis, domibus, edificiis, annexis, connexis, vnacum decimis garbalibus earundem inclusis, et vniuersis et singulis suis pertinentiis, jacentium in baronia de Kerse, regalitate Sancte Crucis, et intra vicecomitatum de Striuiling, olim prefatis Domine Johanne Kennedie in libero tenemento et vitali reddito durante toto tempore vite sue, necnon Marie Stewart in feudifirma hereditarie spectantium, et nunc per eas, cum consensu dicti nobilis et potentis Domini Robert Stewart, sponsi dicte Johanne, et patris dicte Marie legitimique tutoris et gubernatoris ipsius, pro suo interesse, mihi in libero tenemento pro omnibus vite mee diebus, et Ludouico Bellenden, meo filio et heredi apparenti, hereditarie alienatarum intuitu presentium confectionis: Tenendas et habendas omnes et

singulas prefatas terras et molendinum superius particulariter et expresse nominatas de Birsay, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis, et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, sic vt premittitur vnitas, annexatas et incorporatas, ac in excambium pro aliis terris superius specificatis prefate Domine Johanne Kennedie in libero tenemento ac vitali reddito pro omnibus sue vite diebus, necnon dicte Marie Stewart, filie dicti nobilis Domini, hereditarie heredibusque suis masculis de corpore suo legitime procreandis, quibus deficientibus, Henrico Stewart, filio dicti nobilis Domini, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus, Thome Stewart, fratri germano dicti Henrici, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus, heredibus masculis dicti nobilis domini, Domini Roberti Stewart, de corpore suo legitime procreatis seu procreandis, quibus deficientibus, Roberto Stewart, filio naturali dicte nobilis Domini, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus, Jacobo Stewart, etiam filio naturali dicti nobilis Domini, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus, nobili et potenti domini, Jacobi, Moraue Comiti, Domino Abirnethie, supremi Domini nostri Regis regnique et liegiorum suorum Regenti, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus, Domino Francisco Stewart, filio et heredi quondam Johannis, Domini Dernling, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus Roberto Stewart, fratri naturali dicti nobilis Domini Roberti, et heredibus suis masculis de corpore suo legitime procreandis, quibus omnibus (quod absit) deficientibus, heredibus seu assignatis dicte Marie Stewart quibuscunque, a me meisque heredibus de dicto reuerendissimo patre, Episcopo Orchadensi, et suis successoribus, in

feudifirma et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cum wrak, waith, haif wrak, wattell, chettrie et skatis, necnon mineris auri, argenti et plumbi, stanni aliorumque metallorum, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et uirgultis, lignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, herezeldis, amerchiamensis, bludewitis et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficiis, asiamensis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras et molendinum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis predictis, spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo quocunque: Reddendo inde annuatim dicta Johanna Kennedie durante uita sua, et post ejus decessum dicta Maria, heredes sui masculi prescripti, dicto reuerendissimo patri, Episcopo Orchadensi, et successoribus suis qui pro tempore fuerint, pro qualibet lasta viginti lastarum quatuor melarum et quatuor settinarum carnis, triginta sex solidos vsualis monete regni Scotie, extendentes in pecunia ad triginta sex libras septem solidos dicte monete; necnon pro qualibet lasta duodecim lastarum vnus mille quatuor settinarum et sexdecim mercarum victualium vulgo cost nuncupatarum, et vnus laste farine auenatice vulgo twyise scheillit meill vocate, sex libras monete predictae, extendentes in pecunia

ad summam septuaginta octo librarum octo solidorum et vndecim denariorum prefate monete; necnon pro qualibet ane de quinquaginta tredecim anibus vulgariter twentie-fyve scoir threttene kane fowlis nuncupatis, duos denarios monete predictæ, extendentes in integro ad summam quatuor librarum quinque solidorum et sex denariorum prefate monete; necnon pro qualibet lie faddome de octodecim lie faddomes petarum vulgo aughtene faddomes peittis appellatas, sex solidos dicte monete, extendentes in pecunia ad summam quinque librarum et octo solidorum prefate monete; necnon quadraginta septem solidos octo nummis lie skatt siluer; necnon pro qualibet barella septemdecim barellarum cum dimedio butiri, tres libras monete predictæ, extendentes in pecunia ad summam quinquaginta duarum librarum et decem solidorum dicte monete, tanquam pro antiquis firmis carniū, victualium, lie cost et farine, anium lie kane fowlis, butiri, et vniuersis lie peittis, et lie scatt siluer, de vniuersis et singulis terris et molendino predictis et partibus ejusdem, et suis decimis garbalibus earundem inclusis, ac singulis suis pertinentiis, ante infeodationem Gilberto Balfour et Margarete Boithwele, sue sponse, meis predecessoribus earundem terrarum, desuper confectam annuatim solui solitis et consuetis; et sic computando antiquas firmas et skattas in pecunia extendentes ad summam centum septuaginta nouem librarum septem solidorum et vnius denarii monete sepefate; necnon in augmentationem rentalis earundem quinquaginta duos solidos vndecim denarios; et sic in integro extendendo ad summam centum et octoginta duarum librarum monete regni Scotie, ad duos anni terminos, festa, viz., omnium sanctorum et inuentionis sancte crucis, per equales portiones: Necnon prestando tres sectas curie ad tria placita capitalia dicti Episcopi apud suum palatium de Kirkwall vel alibi annuatim tenenda; defendendoque dictum Episcopum, suum locum, ecclesiam et clerum pro posse; insuper heredes prescripti duplicando dictam

feudifirmam vnus anni primo eorum introitu ad prenomintas terras et molendinum, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, prout vsus est, nomine feudifirme: Prouiso tamen quod si contigerit dictam Johannam Kennedy durante vita sua, et post ejus decessum dictam Mariam Stewart, heredes suos masculos et assignatos prescriptos, in solutione dicte summe pecuniarum per quatuor terminos continuos deficere, ita quod quator termini in quintum transeant, nullæ annua solutione facta, eo casu dicto Episcopo et successoribus suis ipso facto reuertentur dicte terre et molendinum, cum singulis suis pertinentiis, et decetero presentis mee feodifirme locatio nullius erit roboris efficacie et effectus; tantum pro omni alio onere, exactione, questione, demanda seu seruitio seculari que de predictis terris et molendino superius particulariter et expresse nominatis, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, per quoscunque juste exigì poterint quomodolibet vel requiri. Et ego uero prefatus Johannes Bellenden et heredes mei omnes et singulas prefatas terras et molendinum superius particulariter et expresse nominatas de Birsay, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, sic vt premittitur vnitas, annexatas, et incorporatas, ac in excambium pro aliis terris superius specificatis, prefate Domine Johanne Kennedie in libere tenemento ac vitali redditu, pro omnibus sue vite diebus, necnon dicte Marie Stewart, heredibus suis masculis prescriptis et assignatis, hereditarie, adeo libere et quiete in omnibus et per omnia forma pariter et effectum, vt premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis meis Waltero Bruce ac

eorum cuilibet conjunctim et diuisim balliuis meis in hac parte specialiter constitutis, salutem. Uobis precipio et firmiter mando, quatenus visis presentibus, indelate sasinam, statum et possessionem corporalem omnium et singularum prefatarum terrarum et molendini superius particulariter et expresse nominatarum de Birsay, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, sic vt premittitur vnitarum, annexatarum et incorporatarum ac in excambium pro aliis terris suprascriptis, prefate Domine Johanne Kennedie in libero tenemento ac vitali redditu pro omnibus sue vite diebus, necnon sasinam, statum et possessionem hereditariam hujusmodi prefate Marie Stewart hereditarie, vel eorum certis actornatis latoribus seu latori presentium, secundum tenorem presentis carte mee juste deliberetis et habere faciatis, sine dilatione: Prouiso tamen quod non obstante hoc presenti infeofamento terrarum prescriptarum dicte Marie Stewart, heredibus suis et personis respectiue, vt premissum est, concesso, quandocunque et quam cito contigerit dictum nobilem Dominum Robertum Stewart, heredes suos masculos vel assignatos, satisfacere et persolvere dicte Marie Stewart et heredibus de corpore suo legitime procreandis, ve persone vel personis quibuscunque hereditariis possessoribus predictarum terrarum in eisdem jure hereditario vt supra succedentibus, vno die infra solis ortum et occasum, centum aureos solares infra ecclesiam

. . super vna mensa vel sedili inibi situatis, tunc et eo casu prefata Maria Stewart et heredes de corpore suo legitime procreandi, vel persone suprascripte juridice in dictis terris succedentes, tenebuntur resignare, renuntiare, et extradonare dicto nobili domino, Domino Roberto Stewart, heredibus suis masculis et assignatis, omnes et singulas prefatas terras et molendinum superius et expresse nominatas de Birsay, cum domibus, edificiis, lacubus, piscariis, hortis, toftis, croftis et decimis

garbalibus, terris molendinariis, multuris et sequelis earundem, ac singulis suis pertinentiis, sic vt premittitur vnitas, annexatas et incorporatas, vnacum cartis, sasinarum instrumentis et omnibus aliis euidentiis desuper confectis seu conficiendis, et cum omni jure, titulo, interesse et juris clameo, proprietate et possessione que et quas in seu ad predictas terras cum suis pertinentiis predictis habuit, habet, aut quouismodo in futurum habere poterit omnino quieteclamando imperpetuum, prout dicta Maria astringebatur in suo infeofamento de Abottis grange prius sibi desuper concessio; et hoc nullo modo omittatis; ad quod faciendo vobis et vestrum cuilibet cunctim et diuisim, balliuis meis in hac parte antedictis, meam plenariam et irreuocabilem per presentes committo protestatem. In cujus rei testimonium sigillum meum huic presenti carte mee, preceptum sasine in se continenti, manu mea subscripto, est appensum, apud Edinburgum, decimo octauo die mensis Septembris, anno Domini millesimo quingentesimo sexagesimo octauo, coram hiis testibus, Johanne Towris, filio et herede apparenti Georgii Towris de Innerleith, Johanne Grahame, rectore de Sanday, Jacobo Monteith de Eister Saltcoittis, Jacobo Myllar, et Jacobo Logane, notariis publicis, cum diuersis aliis. (Signed) Sr. Jhone Bellenden wyth my hand."

(Translation.)

To all who shall see or hear this charter John Bellenden of Auchinnoul, knight, Justice Clerk to our sovereign lord the King, and feuar of the lands underwritten within the parts of Orkney, greeting in the Lord everlasting. Know ye that I, for fulfilment of a certain contract begun and ended between me, on the one part, and the noble and potent lord, Lord Robert Stewart, feuar of all and sundry the lands and islands of Orkney and Shetland for himself and in name of and taking burden upon him for Lady Jean Kennedy, his spouse, lady of the liferent

or frank tenement of the lands of Abbotsgrange underwritten, and for Mary Stewart, daughter of the said Lord Robert and Jean and heritable feu farmer of the said lands called Abbotsgrange, on the other part, dated at Edinburgh, 17th September in the year of our Lord one thousand five hundred and sixty-eight, have sold and by title of pure vendition have alienated and by this my present charter have confirmed, likeas I sell, alienate and by this my present charter confirm to the foresaid Lady Jean Kennedy, spouse of the said noble lord, in frank tenement and liferent, for all the days of her life, as also to the foresaid Mary Stewart, their daughter, and her heirs and assignees underwritten heritably, all and sundry my lands and mill after-mentioned, that is to say—all and whole my lands on the south side or part of Birsay extending to eighty pennies of land, together with all and sundry the quoylands and outbreks and other lands not having certain denominations in the rental of the bishopric of Orkney and lying within the parish of Birsay, together with the mill there built and standing; as also all and sundry lands of the north part and side of Birsay extending to fifty-five pennies of land, together with the whole other lands, quoyland, and outbrekland not having certain denominations in the said rental lying in the said north part of Birsay; as also all and sundry lands of Birsay, commonly called Birsay above the Hill, extending to eighteen pennies of land, lying there; likewise all and sundry the lands of Skelden, Phea and Hundland, lying in the said parish of Birsay; as also the half of a barrel of butter for the scat of Twat; also all and sundry the lands of Salsister, extending to three pennies of land, and, in the common tongue, ane fardin land in Isbister, and one half-penny of land lying in Sabister; as also all and sundry the lands of Merwik extending to fifty-five pennies of land, together with the houses, buildings, lochs, fishings, gardens, tofts, crofts, and teind sheaves of all and sundry the foresaid lands,

which were always united to them, with the mill lands, multures and sequels thereof, and their whole pertinents lying within the regality of the said bishop and sherifffdom of Orkney, formerly united, annexed, and incorporated into one tenandry, called the tenandry of Birsay, by the most reverend father in Christ Adam by the mercy of God, Bishop of Orkney and Shetland and the chapter of the cathedral church of Orkney, as in their infestment thereof made to me is more fully contained; and this in excambion and exchange for the following lands, namely, all and sundry the lands called Abbotsgrange, the lands of Newbiggings and Ponderlands, the lands of Lowhous, the lands of Luderis Acres and the lands of Cowperland otherwise called Coilhewchtburn, with the mansion thereof, meadows, gardens, orchards, houses, buildings, annexes, connexes, and with the teind sheaves thereof included, and all and sundry their pertinents lying in the barony of Kerse, regality of Holy Rood, and within the sherifffdom of Stirling, which formerly belonged to the foresaid Lady Jean Kennedy in frank tenement and liferent during all the days of her life, and to the said Mary Stewart heritably in feu-farm, and are now by them with consent of the said noble and potent Lord Robert Stewart, spouse of the said Jean and father of the said Mary and her lawful tutor and administrator, for his interest, in respect of the making of these presents, disposed to me in liferent for all the days of my life, and to Ludovick Bellenden, my son and heir apparent, heritably: TO BE HAD and HELD all and sundry the foresaid lands above particularly and expressly named of Birsay, with the houses, buildings, locks, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof, and their several pertinents united, annexed and incorporated as above mentioned, and in exchange for the other lands above specified, to the foresaid Lady Jean Kennedy in frank tenement and liferent for all the days of her life,

and to the said Mary Stewart, daughter of the said noble lord, heritably, and the heirs male of her body lawfully to be procreated, whom failing, Henry Stewart, son of the said noble lord and his heirs male lawfully to be procreated of his body, whom failing, Thomas Stewart, brother german of the said Henry, and his heirs male lawfully to be procreated of his body, whom failing, the heirs male of the said noble lord, Lord Robert Stewart, lawfully procreated or to be procreated of his body, whom failing Robert Stewart, natural son of the said noble lord, and his heirs male lawfully to be procreated of his body, whom failing, James Stewart, also natural son of the said noble lord, and his heirs male lawfully to be procreated of his body, whom failing, to the noble and potent lord, James, Earl of Moray, Lord Abernethy, Regent to our sovereign lord the King, his kingdom and lieges, and his heirs male, lawfully procreated or to be procreated of his body, whom failing, Sir Francis Stewart, son and heir of the deceased John, Lord Darnley, and his heirs male lawfully to be procreated of his body, whom failing, Robert Stewart, natural brother of the said noble Lord Robert and the heirs male lawfully to be procreated of his body, whom all failing, which God forbid, to the heirs or assignees of the said Mary Stewart whomsoever, of me and my heirs from the said most reverend father, the Bishop of Orkney and his successors, in feufarm and heritage for ever, by all their right meiths ancient and divided as they lie in length [and breadth] in houses, buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, huntings, fishings, peataries, turteries, coals, coalheuchs, with wrak, waith, haif wrak, wattell, chetttrie and scats, likewise mines of gold, silver, lead, tin and other metals, rabbits and rabbit warrens, doves and dovecots, smithies, malkilns, brewhouses and brooms, plantings, groves and brushwood, firewood, stone

quarries, stone and lime, with courts and their exits, herezelds, amercements, bloodwits, and markets of women, with common pasturage and free ingress and egress, and with all and sundry other liberties, commodities, profits, easements and their just pertinents whatsoever, as well not named as named, both under the earth and above the earth, near and remote, belonging to the foresaid lands and mill, with the houses, buildings, locks, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof and their several pertinents aforesaid, or which may justly be held to pertain thereto by whatsoever manner of way in time coming, freely, quietly, fully, entirely, honourably, well and in peace without any hindrance, revocation, contradiction, or impediment whatsoever: PAYING therefore yearly the said Jean Kennedy during her life, and after her death the said Mary and her heirs male aforesaid to the said most reverend father, the Bishop of Orkney, and his successors who shall be for the time, for each last of twenty lasts four meilings and four settings of flesh thirty-six shillings usual money of the kingdom of Scotland, extending in money to thirty-six pounds and seven shillings of the said money; as also for each last of twelve lasts one meiling four settings and sixteen merks of victual commonly called cost and one last of oat meal called twice "sheillit" meal, six pounds money foresaid, extending in money to the sum of seventy-eight pounds eight shillings and elevenpence money foresaid; likewise for each of twenty-five score and thirteen kain fowls, twopence money foresaid, extending in all to the sum of four pounds five shillings and sixpence money foresaid, and for each fathom of eighteen fathoms of peat, six shillings money foresaid, extending in money to the sum of five pounds and eight shillings money foresaid; likewise forty-seven shillings and eightpence of scat silver; and for each barrel of seventeen and a half barrels of butter, three pounds money foresaid, extending in money

to the sum of fifty-two pounds and ten shillings of the said money, as for the ancient duties of flesh victual, the cost and meal, kane fowls, butter, the whole peats and scat silver of all and sundry the lands and mill foresaid and parts thereof, their teind sheaves of the same included and their several pertinents, in use and wont to be paid annually, before the infeftment of the said lands made thereupon to Gilbert Balfour and Margaret Bothwell, his spouse, my predecessors; and so reckoning up the old duties and skats in money they extend to the sum of one hundred and seventy-nine pounds seven shillings and one penny money above-mentioned; as also in augmentation of the rental thereof of fifty-two shillings elevenpence and so in all extending to the sum of one hundred and eighty-two pounds money of the kingdom of Scotland, at two terms in the year, namely, the feasts of All Saints' and the Invention of the Holy Cross, by equal portions; likewise rendering three suits of court at the three head pleas of the said bishop to be held in his palace of Kirkwall or elsewhere yearly, and defending the said bishop and his place, church and clergy to their power; and further the heirs aforesaid doubling the said feu-farm of one year in the first year of their entry to the above-mentioned lands and mill, with the houses, buildings, locks, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof and their several pertinents, as the custom is, in name of feu-farm; Provided, nevertheless, that if it shall happen that the said Jean Kennedy during her lifetime, and after her decease the said Mary Stewart and her heirs male and assignees before-written fail in payment of the said sum of money for four terms running so that the four terms shall have run into the fifth, and no annual payment made, in that case, the said lands and mill with their several pertinents shall ipso facto revert to the said bishop and his successors, and from thenceforth this my present feu grant shall be of no strength, force, nor validity; and

this for all other burden, exaction, question, demand or secular service which can justly be asked or required by any persons in any manner of way from the foresaid lands and mill particularly and expressly named above, with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof and their several pertinents. And I, the foresaid John Bellenden and my heirs shall warrand, acquit, and for ever defend all and sundry the foresaid lands and mill particularly and expressly above designed of Birsay with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and their sequels and their several pertinents thus united, annexed, and incorporated as is above stated, and in exchange for the other lands above specified, to the foresaid Lady Jean Kennedy in frank tenement and liferent for all the days of her life, and to the said Mary Stewart and her heirs male aforesaid and assignees heritably as freely and quietly in all and by all in form likewise and effect as is aforesaid against all deadly. Moreover to my lovit Walter Bruce and each of them jointly and severally specially appointed my bailies in that part, greeting. To you I command and firmly ordain that upon sight of these presents ye forthwith and without delay give and deliver sasine, state and corporal possession of all and sundry the aforesaid lands and mill above particularly and expressly denominated of Birsay, with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and sequels thereof and their several pertinents thus as aforesaid united, annexed and incorporated, and in exchange for the other lands above-written, to the foresaid Lady Jean Kennedy in frank tenement and liferent for all the days of her life, and likewise sasine, state and heritable possession of the same to the foresaid Mary Stewart, heritably, or to their certain attornies, the bearer or bearers of these presents, conform to the tenor of this my present charter, provided,

however, that notwithstanding this present infeftment of the lands above-written granted to the said Mary Stewart and the persons respectively as is aforesaid, whensoever and how soon it shall happen that the said noble Lord Robert Stewart, his heirs male or assignees shall satisfy and pay to the said Mary Stewart and the heirs of her body lawfully to be procreated, or the person or persons whatsoever, heritable possessors of the foresaid lands, succeeding therein as above by heritable right on one day between sunrise and sunset one hundred gold crowns of the sum within the church of upon a table or seat situated therein, then and in that case the foresaid Mary Stewart and the heirs of her body lawfully to be procreated, or the persons above-written, lawfully succeeding in the said lands, shall be bound to resign, renounce, and surrender to the said noble lord, Lord Robert Stewart, his heirs male and assignees, all and sundry the foresaid lands and mill above [particularly] and expressly denominated of Birsay, with the houses, buildings, lochs, fishings, gardens, tofts, crofts and teind sheaves, mill lands, multures and their sequels and their several pertinents thus, as aforesaid, united, annexed and incorporated, together with the charters, instruments of sasine, and all other evidents thereanent made or to be made, and with all right, title, interest and claim of right, property and possession which she had, has in or any way can have in time coming in or to the foresaid lands with their pertinents, discharging the same completely for ever, in like manner as the said Mary is bound to do in her infeftment of Abbotsgrange formerly granted to her; and this in no wise ye omit, the which to do I commit to you and each of you jointly and severally, my bailies in that part aforesaid by these presents my full and irrevocable power. In witness whereof to this my present charter, containing therein precept of Sasine and subscribed with my hand my seal is appended at Edinburgh the eighteenth day of September in the year of our

Lord one thousand five hundred and sixty-eight, before these witnesses, John Touris, son and heir-apparent of George Touris of Inverleith, John Grahame, rector of Sanday, James Menteith of Easter Saltcoats, James Millar and James Logane, notaries public, with several others. (Signed) Sir John Bellenden with my hand.

Feu-Charter, Adam, bishop of Orkney and Zetland, to Lord Robert Stewart, in liferent, and Henry Stewart, his eldest son, in fee, and his heirs, of the tenandry of Grymbusta.

From the Original on parchment in the General Register House, Edinburgh, Register of Charters, No. 2254. The bishop's seal is gone; the chapter seal is nearly entire, but a bad impression.

69. July 17 & Sept., 1572. Leith & Kirkwall.

Omnibus hanc cartam visuris vel audituris, Adamus, miseratione diuina Orchadensis et Zeitlandie episcopus, salutem in Domino sempiternam. Quum ex vtriusque juris sanctione et serenissimorum principum statutis, in reipublice et regni commodum editis, tantum existit, et terras et possessiones tam ecclesiasticarum quam secularum ejusdem in feodifirmam seu emphiteosim hereditarie concedendas et locandas fore, quo per prudentium virorum curam, sedulitatem, et laborem, colantur, meliorentur, et ad vberiore fertilitatis cultum producantur; noueritis igitur nos, intuitu premissorum, et pro quibusdam magnis pecuniarum summis nobis persolutis et in vsum sedis nostri Episcopatus conuersis, aliisque obsequiis, gratitudinibus, et benemeritis, multipliciter impensis, necnon in augmentationem nostri rentalis adhibitis, expressis consensu et assensu capituli ecclesie nostre cathedralis Orchadensis, dedisse, concessisse, assedasse, arrendasse, locasse, et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon tenore

presentium dare, concedere, assedare, arrendare, locare, et ad feudifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare, nobili et potenti domino, Domino Roberto Stewart, feoditario comitatus terrarum Orchadensis et Zeitlandie antedictarum, in vitali reddito pro omnibus vite sue diebus, et Henrico Stewart, ejus filio legitimo primogenito, hereditarie, eorumque heredibus masculis infrascriptis, omnes et singulas terras subsequentes, dicto nostro episcopatu in proprietate et patrimonio pertinentes, extendentes in nostro rentali prout respectiue subscribitur, viz., centum et duodecim marcas terrarum jacentium infra parrochium de Dunrosnes, viginti duas marcas cum dimedio marcate terrarum jacentium in Insula de Burray, quatuordecim marcas terrarum vocatarum Grymbusta in Goldberuik, quindecim marcas et dimedium marcate terrarum jacentium in Insula de Brassay, sedecim marcas terrarum jacentium in parrochia de Tingwell, Quhytnes, et Wesdail, triginta nouem marcas cum sex lie vris terrarum jacentium in parrochia de Nesting et Lunasting, vndecim marcas cum sex lie vris terrarum jacentium in insula de Quhalsay, et in insululis vulgo vocatis Holmes eidem adjacentibus, octuaginta nouem marcas terrarum jacentium in insula de Fetlare, centum triginta duas cum dimedio marcas terrarum jacentium in insula de Vnst, octuaginta quatuor marcas terrarum jacentium in insula de Yell, octuaginta nouem marcas terrarum jacentium in parrochia de Northmavin, triginta tres marcas terrarum jacentium in parrochia de Delting, quinquaginta quinque marcas terrarum cum dimedio marcate terre jacentium in parrochia de Vaus [Walls], quinquaginta quinque marcas cum dimedio marcate terrarum jacentium in parrochia de Sandsting et Aythsting, et nouem marcas terrarum jacentium in insula de Fairyle; ac etiam omnes et singulas alias terras nostras

ecclesiasticas seu (vt vulgo nuncupatur) kirkumbotthis de Zeitland, nostro episcopatu quouis jure vel titulo pertinentes, ac vniuersas et singulas lie quoylandis, outbrekis, towmales, toftis, croftis, et alias terras certas denominationes in nostro rentali non habentes, vnacum domibus, edificiis, lacubus, piscariis, et hortis, omnium et singularum prefatarum terrarum, cum singulis suis pertinentiis, jacentes infra regalitatem nostram, et vicecomitatum seu foudrie de Zeitland: Ac etiam vnimus, creamus, et incorporamus omnes et singulas prefatas terras, cum pertinentiis antedictis, in vnā integram et liberam tenandriam, Tenandriam de Grymbusta omni tempore affuturo nuncupandam; volumusque et concedimus, ac pro nobis et successoribus nostris decernimus et ordinamus, quod vnica sasina nunc per prefatum nobilem Dominum Robertum in vitali redditu et Henricum Stewart ejus filium hereditarie, eorumque heredes masculos infrascriptos, omni tempore affuturo apud principale messuagium de Grymbusta capienda, stabit et sufficiens erit saisina pro omnibus et singulis prememoratis terris, cum domibus, edificiis, lacubus, piscariis, et hortis earundem, ac singulis suis pertinentiis, non obstante quod insimul et contigue non jacent, penes quod per presentes dispensamus: **TENENDAS ET HABENDAS** omnes et singulas prefatas terras, cum singulis earundem pertinentiis antedictis, nunc per nos in vnā integram et liberam tenandriam vt premittitur vnitas, creatas, incorporatas, prefato Domino Roberto Stewart, in vitali redditu pro omnibus sue vite diebus, et dicto Henrico Stewart ejus filio antedicto, hereditarie, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus Patricio Stewart, fratri germano dicti Henrici, et heredibus suis masculis de corpore suo legitime procreandis, quibus deficientibus dicto Domino Roberto et aliis [heredibus] suis masculis de corpore suo legitime procreatis seu procreandis, quibus

deficientibus Roberto Stewart, filio naturali dicti Domini Roberti, et heredibus suis masculis de corpore suo legittime procreandis, quibus deficientibus Jacobo Stewart, similiter filio naturali dicti Domini Roberti, et heredibus suis masculis de corpore suo legittime procreandis, quibus deficientibus heredibus masculis quondam Jacobi, Moraue Comitis, Domini Abirnethy, etc., de corpore suo legittime procreatis, quibus deficientibus Domino Francisco Stewart, Commendatorio Mo[naste]rii de Kelso, et heredibus suis masculis de corpore suo legittime procreandis, quibus deficientibus Roberto Stewart, fratri naturali dicti Domini Roberti, et heredibus suis masculis de corpore suo legittime procreatis seu procreandis, quibus omnibus deficientibus (quod absit), heredibus masculis quibuscunque dicti Domini Roberti Stewart cognomen et arma de Stewart gerentibus, absque diuisione—de nobis et successoribus nostris in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas, prout jacent in longitudine et latitudine, a summo cacumine montium ad infimum maris fluxum, respectiue, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis, et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cum wrak, waith, half wrak, wattill, cheitrie, et scattis, necnon mineris auri, argenti, plumbi et stanni, aliorumque metallorum, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis, et genestis, siluis, nemoribus, et virgultis, lignis, lapicediis, lapide, et calce, cum curiis et earum exitibus, amerchiamentis, bludewitis, herezeldis, et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, et asiamentis, ac justis pertinentiis suis quibuscunque, tam non

nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum suis pertinentiis antedictis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione, aut obstaculo quocunque. REDDENDO inde annuatim dictus Dominus Robertus, durante vita sua, et post ejus decessum dictus Henricus, heredes sui masculi superscripti, nobis et successoribus nostris, Orchadensibus et Zeitlandie episcopis, qui pro tempore fuerint, pro firmis et debitis predictarum terrarum, nouemdecim libras et decem solidos solutionis Zeitlandie, viz., binam partem earundem in panno lanio, Norice vocato wadmell, et tertiam partem in butiro, more solutionis firmarum et debitorum terrarum Zeitlandie, extendentes in panno lanio seu wadmelo ad viginti sex fasciculos seu lie pakkis de wadmell, et in butiro ad quatuordecim barrellas et octo petras seu lespondas butiri, vel pro quolibet fasciculo seu pak de wadmell viginti solidos vsualis monete regni Scotie [et pro qualibet] barrella butiri tres libras monete antedictae, vtrum horum melius dictis Domino Roberto et Henrico eorumque heredibus antedictis soluere placuerit, et sic computando antiquas firmas supradictarum terrarum [cum suis] pertinentiis in moneta regni Scotie extendentes ad summam sexaginta nouem librarum, sex solidorum et octo denariorum, tanquam pro antiquis firmis et debitis omnium et singularum terrarum antedictarum [cum quo]ylendis, outbrekkis, towmalis, toftis, croftis, et aliis terris certas denominatas in nostro rentali non habentibus, vnacum domibus, edificiis, lacubus, piscariis, et hortis earundem, et singulis suis pertinentiis antedictis, ante dictam infeodationem annuatim solui solitis et consuetis; necnon in augmentationem nostri rentalis, vt dictum est, summam sex librarum tredecim solidorum et quatuor denariorum

monete regni Scotie, et in integro sic extendentes ad summam septuaginta sex librarum vsualis monete regni Scotie, ad duos anni terminos, festa, viz., Omnium Sanctorum et Inuentionis Sancte Crucis, per equales portiones; necnon prestando tres sectas curie ad nostra tria placita capitalia apud Grymbusta vel alibi annuatim tenenda, defendendoque nos et nostrum clerum pro posse; insuper heredes dictorum Domini Roberti et Henrici, ejus filii suprascripti, duplicando dictam feudifirmam vnus anni primo eorum introitu ad prenomintas terras cum singulis suis pertinentiis predictis, prout vsus est, nomine feudifirme: Prouiso tamen si contigerit dictum Dominum Robertum durante vita sua, et Henricum Stewart ejus filium, eorumque heredes suprascripti, in solutione dicte summe pecuniarum seu panni et butiri superius specificatorum per tres terminos continuos deficere, ita quod tres termini in quartum transeant, nulla annua solutione facta, eo casu nobis et successoribus nostris ipso facto reuertentur dicte terre cum singulis suis pertinentiis antedictis, et decetero presentis nostre feodifirme locatio nullius erit roboris efficacie et effectus, tantum pro omni alio onere, exactione, questione, demanda, seu seruicio seculari, que de predictis terris et singulis suis pertinentiis per quoscunque juste exigi poterint quomodolibet vel requiri. Et nos vero prefatus Adamus et successores nostri qui pro tempore fuerint, omnes et singulas prefatas terras, cum quoylandis, outbrekis, towmalis, toftis, croftis, et aliis terris certas denominationes in nostro rentali non habentes, vnacum domibus, edificiis, lacubus, piscariis, et hortis earundem, ac singulis suis pertinentiis, in vnam integram et liberam tenandriam nunc per nos vt premittitur vnitas, creatas, et incorporatas, prefato Domino Roberto Stewart durante vita sua, et Henrico Stewart ejus filio hereditarie, eorumque heredibus masculis suprascriptis, adeo libere et quiete in omnibus

et per omnia forma pariter et effectu vt premissum est contra omnes mortales warrantizabimus, acquietabimus, et imperpetuum defendemus. Insuper dilectis nostris Jacobo Menteith de Saltcottis, et eorum cuilibet, conjunctim et diuisim balliuis nostris in hac parte specialiter constitutis, salutem. Vobis precipimus et mandamus quatenus visis presentibus indilate statum, saisinam hereditariam pariter et possessionem corporalem, actuaalem, et realem, omnium et singularum prenominarum terrarum particulariter et expresse suprascriptarum, cum quoylandis, outbrekis, towmales, toftis, croftis, et aliis terris certas denominationes in nostro rentali non habentibus, vnacum domibus, edificiis, lacubus, piscariis, hortis earundem, et singulis suis pertinentiis, prefato Domino Roberto Stewart in vitali redditu pro omnibus sue vite diebus, et dicto Henrico ejus filio hereditarie, vel suis certis actornatis presentium latoribus, per terre et lapidis fundi terrarum de Grymbusta apud maneriam ejusdem deliberationem vt moris est, secundum tenorem presentis carte nostre, juste haberi faciatis et deliberetis, sine dilatione, et hoc nullo modo omittatis, ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim balliuis nostris in hac parte antedictis, nostram plenariam et omnimodam tenore presentium committimus potestatem. In cujus rei testimonium huic presenti carte nostre, preceptum saisine in se continenti, manu nostra subscripte, sigillum nostrum proprium, vnacum sigillo communi capituli dicte nostre ecclesie cathedralis Orchadensis, et subscriptionibus manualibus dictorum canonicorum ejusdem, in signum eorum consensus et assensus ad premissa, est appensum apud Leyth, decimo septimo die mensis Julij, et apud Kirkwall, . . . die mensis Septembris, anno Domini millesimo quingentesimo septuagesimo secundo, coram hiis testibus, Domino Johanne Bellenden de Auchinnoull, milite, clerico justiciarie S. D. N. Regis, Magistro

Johanne Scharp, aduocato, Oliuero Kennedy, filio legitimo Johannis Kennedy de Drummellane, Roberto Gourlaw, Waltero Callender, Alexandro Kincaid, nostris seruatoribus, Magistro Alexandro Chalmer, vicario de Barray, Willielmo Elphingstoun, fratre germano Roberti, Domini Elphingstoun, Willielmo Henresoun, Dingwell signifero, et Alexandro Law-soun, notario publico, cum diuersis aliis. (Signed) Adamus, Episcopus Orchaden., ac Commendatarius perpetuus monasterii S. Crucis prope Edr.; Mgr. Alexr. Dyck, prepositus Orchaden.; M. Jacobus Annand, cancellarius; M. Gilbertus Foulse, archidiaconus; Mr. William Peirson, rector Sancte Crucis in Sanday; Magister Joannes Houstone, prebendarius Sancti Petri; Daud Scollou, prebendarius Sancti Augustini; Franciscu[s] Bothuell, thesaurarius.

(Translation.)

To all who shall see or hear this charter Adam, by the mercy of God, bishop of Orkney and Shetland, greeting in the Lord everlasting. Whereas, by the sanction of either law and the statutes of the most exalted princes, promulgated for the welfare of the commonwealth and kingdom, as far as possible the lands and possessions both ecclesiastical and secular thereof are to be granted heritably and set in feufarm or for rent so that by the care, diligence, and labour of skilful men they may be tilled, improved, and brought to a more productive fertility, know ye therefore that we in view of the premises and for certain great sums of money paid to us and converted to the use of our episcopal see and for other services, gratitudes and good deeds, rendered in many ways, as also for the augmentation of our rental, with the express consent and assent of the chapter of our cathedral church of Orkney, have given and granted, disposed, set in tack, leased, and in feufarm or for rent heritably dimitted.

and by this our present charter have confirmed, likewise by the tenor of these presents we do give and grant, dispoⁿe, set in tack, lease and heritably in feufarm or for rent dimit and by this our present charter confirm to the noble and potent lord, Lord Robert Stewart, fiar of the lands of the earldom of Orkney and Shetland before-written in liferent for all the days of his life, and Henry Stewart, his eldest lawful son heritably and their heirs male within-written, all and sundry the following lands belonging to our said bishopric in property and patrimony, and extending in our rental as is respectively under-written, that is to say, one hundred and twelve merks of land lying within the parish of Dunrosnes, twenty-two and a half merks of land lying in the isle of Burray, fourteen merks of land called Grymbusta in Gulberwick, fifteen and a half merks of land lying in the isle of Bressay, sixteen merks of land lying in the parish of Tingwall, Whiteness and Weisdale, thirty-nine merks and six ures of land lying in the parish of Nesting and Lunasting, eleven merks and six ures of land lying in the isle of Whalsey and in the islets commonly called Holmes adjoining the same, eighty-nine merks of land lying in the isle of Fetlar, an hundred and thirty-two and a half merks of land lying in the isle of Unst, eighty-four merks of land lying in the isle of Yell, eighty-nine merks of land lying in the parish of North Mavor, thirty-three merks of land lying in the parish of Delting, fifty-five and a half merks of land lying in the parish of Walls, fifty-five and a half merks of land lying in the parish of Sandsting and Aithsting, and nine merks of land lying in the isle of Fair Isle, as also all and sundry our other church lands or, as they are commonly styled, kirkumboths of Shetland, belonging by whatsoever right or title to our bishopric, and all and sundry the quoylands, outbrecks, towmales, tofts, crofts, and other lands in our rental not having

certain denominations, together with the houses, buildings, lochs, fishings and gardens of all and sundry the foresaid lands with their whole pertinents lying within our regality and sherifffdom or foudrie of Shetland: As also we unite, create, and incorporate all and sundry the foresaid lands with the pertinents aforesaid into one entire and free tenandry to be called in all time coming the Tenandry of Grymbusta; and we will and grant and for us and our successors decern and ordain that one sasine now to be taken by the foresaid noble Lord Robert in liferent and Henry Stewart, his son, heritably, and by their heirs male within-written in all time coming at the principal messuage of Grymbusta, shall stand and be a sufficient sasine for all and sundry the before-mentioned lands, with the houses, buildings, lochs, fishings, and gardens thereof, and their several pertinents notwithstanding that they lie apart and disconnected, concerning which we dispense by these presents: TO BE HAD and HELD all and sundry the foresaid lands with their several pertinents aforesaid now united, created, and incorporated by us into one entire and free tenandry as aforesaid to the foresaid Lord Robert Stewart, in liferent for all the days of his life, and to the said Henry, his son before-mentioned heritably and his heirs male to be lawfully procreated of his body, whom failing, to Patrick Stewart, brother german of the said Henry, and his heirs male to be lawfully procreated of his body, whom failing to the said Lord Robert and his other heirs male lawfully procreated or to be procreated of his body, whom failing to Robert Stewart, natural son of the said Lord Robert and his heirs male lawfully to be procreated of his body, whom failing to James Stewart, likewise natural son of the said Lord Robert, and his heirs male lawfully to be procreated of his body, whom failing, the heirs male of the deceased James Earl of Moray, Lord Abernethy, etc., lawfully procreated of his body, whom failing to

Sir Francis Stewart, Commendator of the Monastery of Kelso, and his heirs male lawfully to be procreated of his body, whom failing to Robert Stewart, natural brother of the said Lord Robert and his heirs male lawfully procreated or to be procreated of his body, whom all failing (which God forbid) to the heirs male whomsoever of the said Lord Robert Stewart, bearing the surname and arms of Stewart without division, of us and our successors in feufarm or for rent and in heritage for ever, by all their right meiths, ancient and divided, as they lie in length and breadth, from the highest peak of the hills to the lowest ebb of the sea respectively, in houses, buildings, woods, plains, muirs, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, huntings, fishings, peateries, turferies, coals, coalheuchs, with wrak, waith, half-wrak,¹ wattill, cheitrie and scatts, also mines of gold, silver, lead and tin and other metals, rabbits, rabbit-warrens, doves, dovecots, smithies, malt-kilns, brew-houses and brooms, plantations, groves and brushwood, firewood, stone quarries, stone and lime, with courts and their exits, fines, boodwits, herezelds and markets of women, with common pasturage and free ingoing and outgoing, and with all other and sundry liberties, commodities, profits and easements and their just pertinents whatsoever, as well not named as named, both under the earth and above the earth, near and remote, belonging to the aforesaid lands with their pertinents before-mentioned, or which may justly by any manner of way be held to belong thereto in time coming, freely, quietly, fully, entirely, honourably, well and in peace, without any hindrance, revocation, contradiction, or impediment whatsoever: PAYING therefore yearly the said Lord Robert, during his life,

¹O.N. *rek*, *veiðr*, *haf-rek*, *jetsam*, fishing and hunting, *flotsam*.—A. W. J.

and after his death the said Henry and his heirs male above-mentioned, to us and our successors the bishops of Orkney and Shetland who may be for the time, for the rents and duties of the aforesaid lands, nineteen pounds and ten shillings of Shetland payment, that is to say, two parts thereof in woollen cloth, called in Norse, wadmell, and the third part in butter, after the manner of the payment of the rents and duties of the lands of Shetland, extending in woollen cloth or wadmell to twenty-six packs¹ of wadmell and in butter

¹ Pak of wadmell = 60 cuttells = 10 shillings Shetland currency. In 1628 the price of a pak was £12 Scots, and a barrel of butter £28 16s. Scots, an enormous increase since the date of this charter. In Shetland currency, in 1628, one penny butter = 4 merks weight of butter, and 6d. butter = 1 lispund of butter of 24 merks weight. At this time 12 lispunds were counted to a barrel of butter, which consequently in Shetland currency was 6 shillings butter. It will be found, on examination, that in this charter 18 lispunds are reckoned to one barrel of butter. This bears out the contention that the weight of the lispund was fraudulently increased in after years by Lord Robert Stewart, since we find that in 1628 only 12 lispunds were reckoned to the barrel. The sum of £19 10s. of "Shetland payment" mentioned in this charter is made up as shown in the following table, in which its value in Scotch and sterling money in 1628 is given for comparison. As regards the payment of skat and other duties, the value of cloth and butter in Scotch money in 1628 has become permanent, and is now paid instead of the actual butter and cloth. Consequently "Shetland payment," butter and cloth have now entirely gone out of reckoning.

Table of £19 10s. "Shetland Payment" for Grimbuster, 1572.

Duties.	Shetland Payment.	Value 1572.			Value 1628.		
		Scotch.		Sterling.	Scotch.		Sterling.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	
3rds in cloth, viz., 26 paks.	13 0 0 (at 10s. per pak.)	26 0 0 (at £1 per pak.)	2 3 4		312 0 0 (at £12 per pak.)	26 0 0	
1rd in butter, viz., 14 barrels, 8 lispunds. = 260 lispunds at 18 per barrel.	6 10 0 (at 6d. per lispund.)	63 6 8 (at 3s. 4d. per lispund)	3 12 2½		624 0 0 (at 48s. per lispund.)	52 0 0	
26 paks cloth. 260 lispunds butter.	19 10 0	69 6 8	5 15 6½		936 0 0	78 0 0	

Land rent in Shetland was also paid in butter and cloth, in the same proportion, viz., 3rds in cloth and 1rd in butter.—A. W. J.

of fourteen barrels and eight stones or lesepounds of butter, or for each pack of wadmell twenty shillings usual money of the kingdom of Scotland, and for each barrel of butter three pounds money foresaid, whichever of these it shall better please the said Lord Robert and Henry and their heirs aforesaid to pay, and so reckoning the old rents of the aforesaid lands with their pertinents in money of the kingdom of Scotland, extending to the sum of sixty-nine pounds six shillings and eightpence as for the old rents and duties of all and sundry the lands above-written, with the quoylands, outbreks, towmales, tofts, crofts and other lands not having certain denominations in our rental, together with the houses, buildings, lochs, fishings, and gardens thereof, and their several pertinents aforesaid used and wont to be paid annually before the said infestment; as also in augmentation of our rental, as said is, the sum of six pounds thirteen shillings and fourpence money of the kingdom of Scotland, and so amounting in all to the sum of seventy-six pounds usual money of the kingdom of Scotland, at the two yearly terms, namely, the feasts of All Saints and the Invention of the Holy Cross, by equal portions; As also rendering three suits of court at our three chief pleas to be held yearly at Grymbusta or elsewhere and defending us and our clergy to their power; as also the heirs of the said Lord Robert and Henry, his son above-written, duplicating the said feufarm of one year in the first [year] of their entry to the before-mentioned lands with their several pertinents aforesaid in name of feu-duty as the custom is; provided, however, that if it shall happen the said Lord Robert, during his life, and Henry Stewart, his son, and their heirs above-written, to fail in payment of the said sum of money or cloth and butter above specified for three terms continuously so that three terms run into the fourth, no annual payment having been made, in that case the said lands with their

several pertinents aforesaid shall ipso facto revert to us and our successors, and thenceforth this our present grant of feufarm shall be of no more validity, strength nor effect. And this for all other burden, exaction, question, demand or secular service which can be justly asked or required from the aforesaid lands and their several pertinents in any manner of way by any person whatsoever. And we, the foresaid Adam and our successors who may be for the time, shall warrand, acquit, and for ever defend all and sundry the aforesaid lands, with quoylands, outbreks, towmales, tofts, crofts, and other lands not having certain denominations in our rental, together with the houses, buildings, lochs, fishings, and gardens of the same, and their several pertinents, united, erected, and incorporated now by us into one entire and free tenandry, to the foresaid Lord Robert Stewart, during his life, and Henry Stewart, his son, heritably, and their heirs male above-written, as freely and quietly in all and by all in form likewise and effect as is above-written against all deadly. MOREOVER to our beloved James Menteith of Saltcottis, and each of them jointly and severally our bailies, specially appointed in that part, greeting. To you we command and ordain that upon sight of these presents you forthwith and without delay give and deliver state, heritable sasine and likewise real, actual, and corporal possession of all and sundry the before-mentioned lands particularly and expressly above-written, with quoylands, outbreks, towmales, tofts, crofts and other lands not having certain denominations in our rental, together with the houses, buildings, lochs, fishings and gardens thereof and their several pertinents to the foresaid Lord Robert Stewart in liferent for all the days of his life, and to the said Henry, his son, heritably, or their certain attornies, bearers of these presents, by delivery of earth and stone of the ground of the lands of Grymbusta at the manor-place thereof as the custom is, con-

form to the terms of this our present charter, and this on no wise ye omit, the which to do we commit to you and each of you jointly and severally our bailies in that part aforesaid by the tenor of these presents our full and plenary power. In witness whereof to this our present charter containing therein a precept of sasine, and subscribed with our hand, our own seal, together with the common seal of the chapter of our said cathedral church of Orkney and the subscriptions manual of the said canons thereof in token of their consent and assent, is appended to the foregoing at Leith the seventeenth day of July and at Kirkwall the . . . day of September in the year of our Lord one thousand five hundred and seventy-two in presence of these witnesses, Sir John Bellenden of Auchinnoull, knight, justice clerk to our sovereign lord the king; Mr. John Sharp, advocate; Oliver Kennedy, lawful son of John Kennedy of Drummellane, Robert Gourlaw, Walter Callender, Alexander Kincaid, our servitors; Mr. Alexander Chalmer, vicar of Barray, William Ephinstone, brother german of Robert, Lord Elphinstone; William Henryson, Dingwall pursuivant; and Alexander Lawson, notary public, with sundry others. (Signed) Adam, Bishop of Orkney and perpetual commendator of the Monastery of Holyrood near Edinburgh; Mr. Alexander Dyck, provost of Orkney; Mr. James Annand, chancellor; Mr. Gilbert Foulis, archdeacon; Mr. William Peirson, rector of Holyrood in Sanday; Mr. John Houston, prebendary of St. Peter; David Scollay, prebendary of St. Augustine; Francis Bothwell, treasurer.

Charter by Lord Robert Stewart, feuar of Orkney, in favour of Magnus Clouston, of one merkland in Grimeston in Haray, and the three merkland in Kirbuster in Orphir.

Original on parchment in the possession of Dr. T. S. Clouston. One seal illegible.

70.

April [1-3] 1574.

Kirkwall.

Be it kend till all men be this present chartour me Lord Robert Stewart, fewar of Orknay and Zetland, off favour and grace and als for ane certane sowme of mone tauld down and delyverit to me be my lovit Magnus Cloustane, lawfull sone of Williame Cloustoone, to have giffin, grantit and heritable confermit and be this present chartour giffis, grantis, and heritable confirmis to the said Magnus Cloustane, his airis and assignais, all and haill ane merkland lyand in the toun of Grymstane in Haray, and thre merkland lyand in Kirkbustare, within the parochin of Orphair, Magne-land¹ of Orknay and sherefdome of the samyn, quhilk landis pertenis sumtyme to the said Williame Cloustane in heritage, and now pertenis to me and are cummyng in my handis be ressoun of eschet for certaine crymes of thift committit be the said Williame Cloustane quhair of he wes convict in ane shereff court callit the hermanstein² haldin be me and my deuttis on the twentie day off Jule in the yeir of God I^m V^o lx threttene yeiris as the process ordourlie led and deducit therupoun at mair lenth proportis. To be haldin and had the foirsaidis fouer merklandis with the pertinentis to the said Magnus Cloustane his airis and assignais of me my airis and assignais heritable for euir as the samyn lyes in lenth and breid be all richt marchis auld and divisit, with houses, biggynis, towmales, toftis, croftis, mossis, moris, medois, boundis, feildis,

¹ Now Mainland, O.N. Meginland.

² O.N. Hirðmanna-stefna, a hustings of king's men.

pastouris, lesuris, with commoun pastour, frie ische, and entrie, and with all and sindrie vtheris commoditeis, fredomes, proffittis, asimentis, and richtvous pertinentis thairto pertene and or that richtuouslie may pertene frellie, quietlie, weile and in peax, but ony revocatioun, obstacle or impediment quhatsumeir. Payand therfor yeirlie the said Magnus Cloustane his airis and assignais to me my airis and assignais the scattis, dewittis, and dew service of the saidis landis, usit and wount as the said Williame Cloustane payit of befor to king and bischop allanerlie. And I forsuth the said Lord Robert Stewart and my airis all and hale the saidis fouer merkis of land with thair pertinentis to the said Magnus Cloustane, his airis and assignais, in all and be all thingis, as is aboue-written, aganis all deidlie as the law will, sall warrand, acquyet and defend, but fraude or gyle. Attour to my lovittis . . . my ballies in that part conjunctlie and severalie greting, I charge yow this my precept sene ye pass [and] gif stait and sesing, actuale, reale, and corporale possessioun of all and hail the said four merklandis, with the pertinentis, to the said Magnus Cloustane, be delyverance of erth and stane of the grund theroff as use is eftir the forme and tennour of the chartour aboue-written, the quhilk to do I commit to yow and ilk ane of yow conjunctlie and severalie my full power be thir presentis. In witness of the quhilk thing to this my chartour, subscrivrit with my hand, my seale is to hung at Kirkwall, the . . . day of Apryll, the yeir of God 1^m V^o lx fourtene yeiris, befor their witnesses. (Signed) Robert Stewart.

Endorsement.—Wpoun the fourt day of Apryll, 1574, Magnus Ingseter, bailye deput of Orpher, put this precepe to dew executioun in all puntis as is within contenit and delyverit Magnus Cloustane stait and possession off thre merk land lyand within the toun off Kirbister and parochane of Orpher, and this I did befor

thir witnes, Jhone Hauschonsone and Jhone Kirbister, with wtheris dyveris. (Signed) Magnus Ingseter wt my hand.

The third day of May, anno lxxiiij yeiris, I, Williame Sclatter, bailye of Haray, past at the command and tenour of the said precept within writtin to the merkland liand in Haray, in the toune of Grymstone, and gaif Mawnis Cloustone possessione thair of conform to the precept within wrettin in all pointis, befoir Androw Flet, James Flet, [J]ames . . . foirsaid.

Charter of Sale, Lord Robert Stewart, feuar of Orkney and Zetland, to Walter Donaldson, alias Smyth, of a merkland in Hammer in Isle of Unst.

From the original on paper in the General Register House, Edinburgh, Register of Charters, No. 2317. Wafer seal remains. A small part of the writ is torn away.

71.

June, 1574.

Yell.

Be it kend till all men be this present chartour, me, Lord Robert Stewart, fewar of Orknay and Zetland, to haue sauld, annaliit, and ofhintit, and be this present chartour sellis, annaliis, and ofhintis to my louit Waltir Donaldsoun, *alias* Smyth, his airis and assignais, all and haill ane markland, sax penneis the mark, lyand in Hammer, within the Yle of Unst, and fowdrie of Zetland (quhilk pertenit to Olaw Androissoun in heritage, and now pertening to me be ressoun of [his] escheit as falling in my handis, becaus the said Olaw hes depairtit out of this cuntrie of Zetland to the pairtis of Noroway and hes remanit thair thir dyuerse yeiris bypast but licence of me or ony utheris his superiouris, he beand ane heritour within this cuntrie), and that for ane certane sowme of monie tauld down and delyuerit to me be the said Walter, quhairof I hald me weill [content] and payit, and for me my airis, executouris,

and assignais, quytcla[m]es] and dischargeis [the] said Waltir, his airis, executouris, and assignais thair of, for now and [euir]. To be haldin [and] had the said mark of land with the pertinentis to the said Waltir, his airis and assignais, of me my airis and assignais heritable for ever, as the samyn lyis in lenth and breid, be all richt marchis auld and diuisit, with houses, biggynis, towmales, toftis, croftis, mosis, muris, bou[ndi]s, feildis, pastouris, lesouris, with commoun pastour, fre ische and entrie, and with all and sindrie vtheris commoditeis, fredomes, proffittis, asiamentis, and richtuous pertinentis quhatsumeir. And I forsuyth the said Lord Robert Stewart and my airis all and haill the said . . . with thair pertinentis to the said Waltir Donaldsoun, *alias* Smyth, his airis and assig[nais, . . .] and be all things as is aboue written aganis all deidlie as law will . . . acquyet and defend, but fraude or gyle. In witness of the quhilk thing, to th . . . subscrivit with my hand, my signet is affixt, at Zell in Zetland, the . . . of June, the yeir of God j^m v^c threscoir and fourtein yeiris, befoir [thir witnesses], Laurence Bruce of Cultemalindie, Robert Sinclair of Ness, and Williame H . . . , and Cuthbert Hendersoun, not . . . [pub]lic, with vtheris dyuerse. (Signed) Robert . . .

Instrument of Resignation and Sasine, Magnus Sinclair in Skaill in favour of John Sinclair, his eldest son, and Mary Stewart, his spouse, of Tohoip and Brabester.

From the original on parchment in the General Register House, Edinburgh, Register of Charters, No. 2550. Compared with a scroll on paper in the possession of J. W. Cursiter, Kirkwall.

72.

May 17, 1580.

Kirkwall.

Vpoun the sevintene day off May, the yeir off God j^m v^c fourscoir yeiris, and of the regne of our soverane

lord King James the Sext the xiiij yeir, Quhilk day in presens of me notter publict and witnes vnder writtin comperit personale Magnus Sinclair in Skaill, within the Close of the Yairdis in the toun of Kirkuall, and for observing and fulfilling of the heidis of ane contract of mariege maid betuix Johne Sinclair, eldest sone to the said Magnus, and Marie Stewartt, brother dochter to ane nobill and potent Lord Robertt Stewartt, fewar of Orknay and Zetland, and maid resignatioun purele and simple to the said nobill Lord, as superior off all and haill his heretabill landis alsueill conquist as pertening to him of auld heretage ather in Orknay or in Zetland, be staff and bastoun conforme to the ordour of resignatioun, and that in favouris of the said Johne Sinclair and Marie Stewartt his spous foirsaid; quhilk resignatioun being maid the said nobill Lord dimittit the samin our agane in the handis of the said John Sinclair and Marie Stewartt his spous foirsaid to be bruikit, josit, occupeit, sett, vsit, and disponit vpone be tham and the langest levand of thame twa in conjunct infestment, and efter thar deceis to the airis laufulle gottin betuix thame, quhilkis failyeing to the said Johnis narrest and lawfull airis and assignais quhatsumeuer, in heretage for euer; as the saidis landis lyis in lenth and breid, from the hiest of the hill to the lawest of the eb, with houses, bigginis, prevelegis, and all pertenents therof vsit and wont or that sall be knawin to appertene tharto, alsweill nocht nemmit as nemmit, and vnder the yird as aboue, for yeirle payment to the king and kirk of scatt and teind as vse is, etc. And tharfor at command of the said nobill Lord, as also be vertew of his lordschippis precept directit to Johnn Langskaill and Williame Aitkin, baillies in that pairt respectiue, chairgeing thame or ony ane of thame to gif the said Johnn Sinclair and Marie Stewartt his spouse, and the langest levand of thame tua, in conjunct infestment, heretabill

stait, sasing, and possessioun of the foirnemmit landis and thair pertenentis, and eftir thair deceis to cum to thair airis and assignais as said is. At command of the quhilk the said Johnn Langskaill as baille foirsaid past unto the ground of the landis of Tohop, lyand in Sanct Androis parrochin, and William Aitkin the vther baille aboue writtin immediate thereafter past vnto the ground of the landis of Brabester, within the parochin of Deirnes, baith liand within the Maneland and schirefdome of Orkney, and thair be vertue of the foirsaid precept, and of the office of bailyearie tharin contenit, tuik the stane and mold of the ground of the saidis landis of Tohop, the quoyis of Grind, towmelis, outbrekis, and pertenentis tharof, as also of the saidis landis of Brabester and thar pertenentis, and deliuerit the samin in the handis of the said Johne Sinclair, personale present, for himselff, as also to him in name and behalf of the said Marie Stewartt his spouse foirsaid as actornay and procutour for hir be hir letters of procuratioun and commissioun maid theranent, producit, and therby placit and putt thame ilkane of thame respectiue, and the langest levand of thame twa in conjunct infestment, heretable, in the actuall, reall and corporall possessioun of the saidis landis of Tohop, the quoyis of Grind of the saidis landis of Brabester, with the housses, toftis, croftis, outbrekis, and all pertinentis thairof, as said is, be deliuerence to thame of the said stane and mold¹ as vse is, and efter thair deceisses to be fourthcumand and bruikeit heretable be thair aris *in perpetuum* as is aboue writtin, conforme to the said resignatioun and precept following thairupoun in all pointis. Vpoun the quhilkis haill premisses the said Johne Sinclair for himselff and in name and behalf of his said spouse tuik instrument, at x houris and xij houris afoir none respectiue, day, yeir, and

¹ The scroll copy adds : *skloking out of the tenents' fyr thairon, and handling of the said Jhone and his spous wsd.*

regne foirsaidis, befoir thir witnesses, Magnus Tailyeour, Magnus Smyth, Nyniane Smyth, Henre Smyth,¹ Magnus Prence, and Magnus Paplay. Et ego vero Willielmus Fermoir, notarius publicus per Dominos Consilii secundum tenorem acti Parliamenti admissus, quia coram dictis testibus presens interfui, omnia predicta vidi, sciui, audiui, ac in notam cepi, ideo hoc presens publicum instrumentum, manu mea propria fideliter scriptum, exinde confeci, et in hanc publicam instrumenti formam redegei signoque nomine et cognomine meis solitis et consuetis signavi, in fidem, robur, et testimonium omnium et singularum veritatis premissorum rogatus et requisitus. (*Notary's sign*), WF., Wilms Fermoir notarius publicus manu propria ass[ero].

Noted in another hand.—Product[um] in iudicio apud Kirkwall xxij^o. mensis Januarii anno, etc., 1595, admitt, ratefeit and appreivit be the juge and assise. (*Signed*) W. Bruce.

Sasine, Dame Jean Kennedy, spouse of Robert, Earl of Orkney, and Patrick Stewart their son, in 4d. lands in Akernes in Westrey, and others there, and 7d. lands of Newbigin, in parish of St. Ola.

From the original on parchment in the General Register House, Edinburgh, Register of Charters, No. 2618.

73.

Jan. 10, 1581-2.

St. Ola.

In Dei nomine, Amen, Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum, quod anno incarnationis Dominice millesimo quingentesimo octuagesimo primo, mensis vero Januarij, die decimo, et regni illustrissimi Domini nostri Jacobi Sexti, Scotorum Regis, anno decimo

¹ *The scroll copy ends here.*

quinto, in mei notarii publici et testium subscriptorum presentia, personaliter constitutus Magister Johannes Dischingtoun, actornatus et eo nomine nobilis Domine Jeanne Kennydie ac Patricii Stewart ejus filii, legitime inter illam et nobilem Dominum Robertum, Orchadie Comitem, suum sponsum, procreati, habens et tenens in suis manibus quandam chartam feodifirme, preceptum sasine in se continentem, per Magistrum Jacobum Maxwell, prebendarium prebende Sancte Crucis ac capellanum capellanie Sancte Katherine infra ecclesiam cathedralem Orchardensem situate, cum consensu et assensu prefati nobilis Domini, Roberti, Comitis Orchadie, patroni indubitati predictarum prebende et capellanie, et capituli dicte ecclesie cathedralis Orchardensis, prefate Domine Jeanne Kennydie in vitali reddito pro omnibus vite sue diebus, et Patricio Stewart ejus filio, heredibus suis masculis et assignatis quibuscunque, hereditarie, factam, subscriptam, et sigillatam, vt infra specificatur, de totis et integris quatuor denariatis terrarum, cum obulato terre, jacentibus in Akernes, infra insulam de Westray, et tribus denariatis terrarum jacentibus in Rakwyk, in eadem insula, infra parochiam Diue Virginis, et regalita[te]m Orchardensem, dicte sue prebende Sancte Crucis spectantibus et pertinentibus; ac etiam de totis et integris septem denariatis terrarum de Newbigin, cum lie quoy ejusdem, jacentibus in parochia Sancti Olai, infra regalitatem predictam, predictae sue capellanie Sancte Katherine spectantibus et pertinentibus; vnacum decimis garbalibus earundem, et singulis suis pertinentiis, cujus precepti tenor sequitur: Insuper dilectis meis Willielmo Vrwing et Willielmo Fergusson et eorum cuilibet conjunctim et diuisim balliuis meis in hac parte specialiter constitutis, salutem. Vobis precipio et firmiter mando quatenus visis presentibus, dictis Jeanne in vitali reddito, pro omnibus vite sue diebus, et Patricio hereditarie, vel

eorum certis actornatis presentium latoribus, statum, sasinam hereditariam pariterque possessionem realem, actualement et corporalem omnium et singularum prefatarum terrarum, vnacum decimis garbalibus earundem et pertinentiis antedictis, super solum dictarum terrarum, vt moris est, per terre et lapidis fundi earundem traditionem iuste haberi faciatis, secundum tenorem suprascripte charte mee; ad quod faciendum vobis tenore presentium committo potestatem. In cuius rei testimonium, presentibus manu mea subscriptis, sigillum meum est appensum, vnacum sigillis dictarum nobilis domini et capituli, ac eorum subscriptionibus, in signum eorum consensus ad premissa, apud Kirkwall, nono die mensis Septembris, anno Domini millesimo quingentesimo septuagesimo. Et ego predictus Jacobus Maxwell fateor me recipisse in mea vrgenta necessitate magnas pecuniarum summas a prefato nobili domino, patre dicti Patricii, nomine sui filii, pro infeodatione dicti Patricii in prenominatis terris, quequidem summe conuerse sunt in vtilitatem meam, predictumque dominum et ejus filium antedictum per presentes exonero acquietos inde clamo. (Sic subscribitur) Magister Jacobus Maxwell, manu mea propria; Robertus Stewart, Magister Alexander Dick, prepositus Orchadenses, Magister Robertus Foulsee, archidiaconus Orchadenses, Maister Hierome Tullocht, subchauntour, Maister Frances Bothwell, thesaurare, Magister Williellmus Peirsoun, rector Sancte Crucis in Sanday, Maister Johne Houstoun, prebendare of Sanct Peter. Post cuiusquidem charte et precepti perlectionem et publicationem, prefatus Williellmus Vrrwing, balliuus antedictus, virtute et vigore sui officii balliuatus in hac parte commissi, statum, sasinam hereditariam pariter et possessionem realem, actualement et corporalem omnium et singularum prefatarum terrarum, vnacum decimis garbalibus earundem et pertinentiis antedictis, prefato Magistro

Joanni Dischingtoun, actornato et eo nomine quo supra, per terre et lapidis fundi earundem traditionem, vt moris est, secundum tenorem prefate charte et precepti, dedit, tradidit et deliberauit; super quibus omnibus et singulis prefatus Magister Johannes Dischingtoun, actornatus et eo nomine quo supra, a me, notario publico subscripto, sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta. Acta erant hec super fundo terrarum de Newbiggin, horam circiter nonam ante meridiem, sub anno, die, mense et regno quibus supra, presentibus ibidem, Dauide Spence in Scapa, Jacobo Lenay, sarjando, et Jacobo Harpair, testibus ad premissa vocatis pariter et requisitis. Et ego vero Cuthbertus Hendersoun, clericus Sancti Andree diocesis, notarius publicus per Dominos Consilii secundum acta Parliamenti admissus, quia premissis omnibus dum sic vt premittitur, dicerentur, agerentur et fierent, vnacum prenomminatis testibus presens personaliter interfui, eaque omnia et singula sic fieri et dici, vidi, sciui et audiui, ac in notam cepi, ideo hoc presens publicum instrumentum, manu mea fideliter scriptum, exinde confeci et in hanc publicam instrumenti formam redegi, signoque, nomine et cognomine meis solitis et con[suetis] signaui et subscripsi in fidem et testimonium veritatis omnium et singulorum premissorum, rogatus et requisitus. (*Notary's sign*), C. H. (*monogram*). Cuthbertus Hendersoun, notarius publicus.

(*Translation.*)

In the name of God, Amen. Be it known to all men by this present public instrument that on the tenth day of January in the year of our Lord's incarnation, one thousand five hundred and eighty-one, and the fifteenth year of the reign of our illustrious lord, James the Sixth, King of Scots, there personally compeared in presence of me, the notary public, and of the witnesses

underwritten, Mr. John Dishington as attorney for and in name of a noble lady, Jean Kennedy, and Patrick Stewart, her son, lawfully begotten between her and the noble lord, Robert, Earl of Orkney, her husband, having and holding in his hands a certain charter of feufarm, containing therein a precept of sasine granted, subscribed and sealed, as under-noted, by Mr. James Maxwell, prebendary of the prebend of Holyrood, and chaplain of the chaplainry of St. Katharine, situated within the cathedral church of Orkney, with consent and assent of the aforesaid noble lord, Robert, Earl of Orkney, undoubted patron of the foresaid prebend and chaplainry, and of the chapter of the said cathedral church of Orkney, to the foresaid Lady Jean Kennedy in liferent, for all the days of her life, and to Patrick Stewart, her son, and his heirs male and assignees, heritably, of all and whole the fourpenny lands and halfpenny land lying in Akerness within the island of Westrey, and the threepenny lands lying in Rackwick in the same island within the parish of the Divine Virgin and regality of Orkney pertaining and belonging to his said prebend of Holyrood; as also of all and whole the seven penny lands of Newbigging with the quoy thereof lying in the parish of St. Olave within the regality foresaid, pertaining and belonging to his foresaid chaplainry of St. Katharine, together with the teind sheaves of the same and their several pertinents, of which precept the tenor follows:—Moreover, to my beloved William Urwing and William Ferguson and either of them, jointly and severally my bailies specially appointed in that part, greeting. To you I command and firmly ordain that upon sight of these presents you give to the said Jean in liferent for all the days of her life, and to Patrick, heritably, or to their certain attornies, bearers of these presents, state, heritable sasine and likewise real, actual and corporal possession of all and sundry the aforesaid lands with the teind

sheaves thereof and pertinents above-mentioned upon the ground of the said lands, as the custom is, by delivery of earth and stone of the ground thereof, conform to the tenor of my above-written charter, the which to do I commit to you my authority by the tenor of these presents. In witness whereof to these presents, subscribed with my hand, my seal is appended, together with the seals of the said noble lord and of the chapter, also their subscriptions, in token of their consent to the premises, at Kirkwall, the ninth day of September in the year of our Lord one thousand five hundred and seventy. And I, the foresaid James Maxwell, acknowledge that I have received in my urgent necessity, great sums of money from the aforesaid noble lord, father of the said Patrick, in name of his son, for infesting the said Patrick in the above-mentioned lands, which sums have been converted to my use, and of which I by these presents discharge and acquit the foresaid lord and his son above-mentioned. (Signed) Mr. James Maxwell, with my own hand; Robert Stewart; Mr. Alexander Dick, provost of Orkney; Mr. Robert Foulis, archdeacon of Orkney; Mr. Jerome Tulloch, subchantor; Mr. Francis Bothwell, treasurer; Mr. William Peirson, rector of Holy Cross in Sanday; Mr. John Houston, prebendary of St. Peter. After the reading and publication of which charter and precept the foresaid William Urwing, bailie above-mentioned, by virtue of the office of bailiary in that part committed to him, gave, bestowed and delivered state, heritable sasine, and likewise real, actual and corporal possession of all and sundry the aforesaid lands, together with the teind sheaves thereof and pertinents aforesaid, to the before-mentioned Mr. John Dishington as attorney and in name of as above-stated by delivery of earth and stone of the ground thereof, as the custom is, conform to the tenor of the foresaid charter and precept; upon all and sundry whereof the foresaid Mr. John Dishington,

attorney and in name of, as above expressed, required me, the notary subscribing, to make to him this present public instrument or more public instruments. These things were done upon the ground of the lands of Newbigging about nine o'clock of the forenoon, year, day, month and reign above specified, there being present David Spence in Scapa, James Lenay, sergeant, and James Harper, witnesses called and required to the premises. And I, forsooth, Cuthbert Henderson, clerk of the diocese of St. Andrews, and notary public admitted by the Lords of Council in terms of the Act of Parliament, whereas I, together with the above-named witnesses, was personally present while all the foregoing, as is above-written, were spoken, acted and done, and I saw, knew, and heard all and sundry the above thus done and spoken, and I took a note thereof, therefore I have made this present public instrument thereupon, faithfully written with my own hand, rendering it in this public form of an instrument, and have signed and subscribed it with my usual and customary sign, name and surname in token and testimony of the truth of all and sundry the premises, being thereto asked and required. (Signed) Cuthbert Henderson, notary public.

Agreement between Oswald and Gilbert Scott in Gerdie, Reafirth, Yell, and their stepfather, James Nisbit, regarding his intromissions with their affairs from the time he married their mother, Catherine Mathew's daughter.

From P. A. Munch's transcript of the original which was in the collection of Lord Neaves, Edinburgh, printed in Munch's Samlade Afhandlingar III. p. 152, Christiania 1875, Annaler for Nord. Oldkyndighed, 1857, pp. 344-345, and in Mémoires de la Société Royale des Antiquaires du Nord, Copenhagen, 1850-1860, p. 96. Four Seals

gone. The following Anglicisms occur in the text: sergenn, serjeant; cont, count; minister, clergyman; insigle aff theris egitt, seal of their own.

74.

Dec. 4, 1586.

Gerdie, Reafirth.

Anno 1586 paa thenn fierde dag December wore wy effther skriffne y Gerde y Redeførd sogenn thet er att sige Willom Monssønn till Gerde laurettis mand y Ønyst och wmbos-mand for efttherskriffne brødre Aassi och Gilbert Skott och medt honnom Salamon Schott och Lauffrens Schott fornemde Aassi och Gylberts Brøder paa faderside och medt them Peder Nysbitt til Kirkebusted och Jamis Burgar sergenn y Jella och Mons Nysbitt till Congnesaatther giøre witterligt for alle att oppaa forskriffne dag hørde wy och soge ein wenligh forligelse ymellom Aassi Schott och Gylbert Schott paa then enne side och Jamis Nysbitt theris støffader paa then andre side om cont och regenskab them y mellom y fraa thenn thime som fornemde Jamis Nysbitt giffte for^{ne} Aassi och Gilberts moder witt naffn Kathrina Mathisdaatter baade om landskyld och al andenn thingh som wor them ymellom och wor thette theris forligelse at forskriffne Aassi wnder mette och opbaar baade sinn egenn partt och sin broders Gylberts Scott paartt y fraa for^{ne} Jamis Nysbitt och effther thy att for^{ne} Jamis haffde byct en ny stoffue och andre huus huor ingen wor till forne, for^{ne} Aassi och Gilbert till gode Daa funne wy forskriffne mend ymellom gud och oss at for^{ne} Jamis haffde giørtt well och haffde mere wdlagt och kostidt paa forskriffne huus en hand them skyldigh wor menn efftherthy att the wenlige forligthis medt hand och mund, wilde fornemde Jamis icke recne thett dyriste menn att huert skulde stande paa andit hussene som hand haffde byct och skyldem [sic!] som hand them wor skyldigh men för kornitt som for^{ne} Jamis wnder mette witt och opbaar medt theris moder och for^{ne} Aassi och Gilbert medt theris syster Besi Scott wore søde paa Daa funne vy for^{ne} mend saa att y

huart aar heller stund att for^{ne} Jamis Nysbitt afflötther theris jord y forskriffne Gierde daa skall for^{ne} Jamis vd winne thett helle tuun medt sitt egitt korn, folck och redskab och sidenn giffue for^{ne} Aassi och Gilbert och Besi then enne halffue part af kornitt och then andre halffue till sigh siellff. Att saa er y sandhedt her wnder woris handskrifter och insigler och mercker och efftherdi att for^{ne} Aassi och Gilbert Scott aager icke insigle aff theris egitt haffuer the beger[t] hederlige mand och gode wenn att besegle thette breff for thenn [sic!] som er h. Mons Norsko, minister y Jella aar och dag som forre siger. [Signed] Jegh Laurensz Skott, metth min handtt.

(Translation.)*

Anno 1586, on the fourth day of December we, the underwritten, were in Gerdie in Reafirth parish, that is to say, William Manson of Gerdie, lawrightman (lögrétu-maðr) in Unst and attorney (umboðs-maðr) for the underwritten brothers Oswald (Aassi¹) and Gilbert Scott, and with him Solomon Scott and Lawrence Scott, father-brothers of the before-named Oswald and Gilbert, and with them Peter Nisbit of Kirkabuster² and James Bugar, serjeant in Yell, and Magnus Nisbit of Cunningssetter,³ [we] make known to all that upon the said day we heard and saw a friendly agreement between Oswald Scott and Gilbert Scott on the one side and James Nisbit, their stepfather, on the other side, about count and reckoning between them from the time when the said James Nisbit married the mother of the said Oswald and Gilbert, Catherine Mathew's daughter by name, both as regards rent (landskyld) and all other matters outstanding

¹Aassie (Oswald) now represented in Shetland by Hosea in the surname Hoseason, pronounced Ozieson.

²In the Rental of 1716, there is mentioned a Henry Nisbit in Kirkabuster in Reafirth scattald, Yell.

³Cunningssetter in the Rentals of 1628 and 1716, now Cunnister in Sandwick, Yell.

* Translated by Jón Stefánsson and A. W. Johnston.

between them, and this was their agreement; that the said Oswald [should] receive and enjoy both his own part and his brother Gilbert Scott's part, from the said James Nisbit; and since the said James had built a new dwelling-house (stofa'), and other houses, where none were before, for the use of the said Oswald and Gilbert, hence we, the above-named, judged before God and ourselves, that the said James had done well and had outlaid and spent more upon the said house than he was indebted to them, but since they made a friendly agreement with hand and mouth, the said James would not reckon the highest price [for the house], but that each should stand against the other, the houses which he had built and the rent which he owed them, but as for the corn which the said James received and enjoyed with their mother, and which the said Oswald and Gilbert, with their sister, Bessie Scott, were brought up on, we, the above-named, judged that in whatever year or time the said James Nisbit shall flit from their land in the said Gerdie,² then the said James shall work (vinna, Eng. win) the whole homefield (tún) with his own corn, folk, and implements, and thereupon give to the said Oswald and Gilbert and Bessie one-half part of the corn and the other half to himself. That this be true [in sign thereof] here under [are appended] our signatures and seals and marks, and whereas the said Oswald and Gilbert Scott have no seal of their own, they have asked an honourable gentleman and good friend to seal this letter on their behalf, that is, Mr. Magnus Norsk,³ minister in Yell, year and day as stated above. Signed: I, Lawrence Scott, with my hand.

¹ Literally a stove-house, bath-house or fire-house. Many houses in Orkney and Shetland are called Stove or Stoif.

² In the Rental of 1716 there is mentioned a David Scot in Gerdie, Reafvrth scattald, Yell.

³ Magnus Norsk, i.e., Magnus the Norwegian, he having gone to Norway to learn the Norsk language in order to qualify himself for preaching to the Shetlanders. He was minister of Unst in 1593, and died 1632. *Fasti. Eccl. Scot.*

Charter, Robert, Earl of Orkney, to Magnus Cursetter, in that ilk, and Agnes Stewart, his spouse, of the lands of Wasdeall, Seatter, Bingascart, Cursetter, and meadows of Rosamyre in the parish of Firth, Orkney.

Original on parchment in the possession of J. W. Cursiter, Kirkwall. Printed extract in Alexander Peterkin's Notes on Orkney and Zetland, p. 128.

75.

May 30, 1587.

Kirkwall.

Be it kend till all men be thir presentis chartour we Robert, Earle of Orknay, lord of Yetland, heretabill properitour of the landis underwrittin, respecting the laudabill lawis constit[ut]iounes mead anent the setting of fewes for beiting of housses and bigging thairof, planting of yeardis for polisching and decoratioun of the contrie and common weall thairof and for profeit to us and our airis, in ackmentatioun of rentall, and for soumes of money payed and delyvered to us at the making heiroyf be Magnus Cursetter in that ilk in neame of few gearsome, quhairoyf we hould us weill contentit, satisfied and payed, and thairfor exoners, quytcleames and dischairges the said Magnus Cursetter, his aires, executouris and assignayes thairof for ever; and on respect that the said Magnus Cursetter and his predecesores is and has bein in peacobill possessioun of the landis wnderwrittin past memorie of man, and we nowayes willing to put him thairfra bot rather to confirme his right and keip him in the possessioun thairof, thairfor to hawe givin, grantit, seatis and disponit and be the tenour heiroyf in perpetual few and herieteage for ever gives, grantis, seattis, and disponis to the said Magnus Cursetter, Agnus Stewart, his spous, the langest leivand of thame twa, and efter thair disceases to James Cursetter in Wasdeall, sone and air to umquhile Androw Cursetter thair, brother jearman to the said Magnus, his aires and assignayes quhatsomever, all and heall the four merk land vdall

being ane pennyland called Wasdeall, all and heall ane vther four merk land vdall being ane pennyland called Setter, all and heall thrie merk land vdall lying in the toun of Bingascart, all and heall the thrie penny land of kinges land called Cursetter, extending in the heall to fyve penny and thrie merk land, and all and heall the meddewes of Rosmyre, togidder with the teind and teind sheaves thairof includit with the stock, with pairtis, pendicoles and pertinentes thairof lyand within the parichone of Firth, Mainland and sheriffdome of Orkney : TO BE HALLDIN and to be had all and heall the forsaid four merk land vdall being ane pennyland called Wasdeall, all and heall ane vther four merk land vdall being ane pennyland called Seatter, all and heall the thrie merk land vdall lyand in the town of Bingascart, all and heall the thrie penny land of Kinges land called Cursetter extending in the heall to fyve penny thrie merk land, and all and heall the meddewes of Rosmyre, togidder with the teind and teind sheaves thairof includit with the stok, with pairtis, pendicoles and pertenentes thairof, lyand as said is, to the said Magnus Cursetter, Agnus Stewart, his spous, the langest leivand of thame twa, and after thair deceases to the said James Cursetter his aires and assignayes quhatsomever, be all right marches auld and dewyded as the samin lyes in lenth and breid from the highest of the hilles to the lowest of the eabe, with housses, bigginges, yeardis, toftis, croftis, tummalles, quoyes, quoylandis, annexes, conexes, outbreakes, onsettes, mosses, meures, meddewes, peates, peat mosses, gress, halking, hunting, foulling, fishing in fresh watter and salt, dows, doucotes, steane or steane quarrel, sleat or sleat hewes, coll or coll hewes, lyme or lyme killes, lough[h]es, burnes, waters, strypes, wreak, weath, inpastour, outpastour, frie eschew and entrie, from the highest of the hilles to the lowest of the eab, with all and sindrie vther freidomes, previledges, easments and rightieus

pertinances perteining or knowin to aperteine thairto, as weill vnnominat as nominat, vnder the erth as above, far as near, with power to thame to mak quoyes, faldis, outbreakes, labour, manure, flit, remove dykes, housses, big housses, dowcotis, miles or any vther thing quhatsomever the said Magnus Cursetter, Agnus Stewart, his spous, or the said James Cursetter his aires or assignayes or ather of thame shall think expedient to do within the proper boundis of the saids landis or any pairt thairof, queyetlie, weill, and in peace, but ony rewocatioun, trubill, or impediment, gaine calling quhatsomever; sawand and reservand furth out of this present chartour to Thomas Cursetter and Jennet Stewart, his spous, the just and equall halff of the said thrie penny land of kinges land called Cursetter, and that for all the yeires and termes that are vnrun of the nynteine yeiris tak seat be me to the said Magnus and Thomas Cursetters and to Agnus and Jennet Stewartes, thair spousis, thair aires, equallie betuix thame, and that accordingly as they presentlay possess it conforme to the principall tak, quhilk tak is of the deat at Kirkwall the threttine day of August, j^m v^c thrie scoar nynteine yeires; allwayes the said Thomas Cursetter, Jennet Stewart, his spous, thair aires, paying the dewtie accordingle as it is mentionat in the said tak and that yeirlie till the samin be outrun and thairafter the same to returne to the said Magnus Cursetter, Agnus Stewart, his spous, and after thair deceasses to the said James Cursetter and his forsaidis; and the said yearlie dewtie of the just eqwall halff of the said thrie penny land that the said Thomas possessis is to be allowit to the said Magnus Cursetter, Agnus Stewart, his spous, the said James and his forsaidis; and that in the first end of the dewtie and vtheris vnder-writtin be ws our airis, successouris, factouris, and chalmerlandes, in our names during the not expyryng of the said tak and thair lying out of possessioun thairof: PAYING

thairfor yearlie the said Magnus Cursetter, Agnus Stewart, his spous, the langest leavand of thame twa, and after thair deceases the said James Cursetter, his airis and asignayes above-writtin to ws, our aires and successouris, our factouris and chalmerlandes in our names for the said four merk land udall, being one pennyland called Wasdeall, in scat aught merk butter, twelff pennyes silver, four settinges malt in teind, four settinges malt twa settinges meill; for the four merk land vdall being ane pennyland called Seatter in scat aught merk butter, twelff pennyes silver, four settinges malt in teind fyve settinges, aught merk malt twa settinges sexteine merk meill¹; for the thrie merk land vdall lyand in the toune of Bingascart in scat sex merk butter, nyne pennyes silver, thrie settinges malt in teind, thrie settinges aughtein merk malt, ane setting twentie ane merk meill; and for the thrie pennyland of kinges land called Cursetter in scat, land meallis and teind ane barrell butter merchandabell war, four meiles four settinges malt, twa meiles twa settinges meill, fyve hundreth oysteres, sax poultrie, halk, dog, and for all and heall the meddewes of Rosmyre ane leispund aught merk butter, togidder with twa shelling in actmentatioun of rentall more then ever the saidis landis payet of befor, to be payet at portis, termes vsit and wont, and to give seit and presentis at our head courtis with dew service, as vse is, and farder to pay the svme of fourtie shilling Scotis mony the first year of the entrie of the righteous air when it shall happen, as vse is, in neame of duplicatioun of the said fewferme, and that for all other burdine or dewtie alenerlie. And we, forsuth, the said Robert, Earle of Orknay, Lord of Yetland, bindes and oblisses ws, our aires and successouris to ws in our landis and heretages to

¹ *Peterkin's Notes* p. 129. The teind is given as 5 settings 7 merks meal, which is a misreading of text. In *Peterkin's Rentals*, No. 11. 1595, p. 34, the teind of Seter and Wasdale is given as 2 meils 2 settings, which agrees with the above reading of text.

warrand, acquit and defend all and heall the forsaid four merk land vdall, being ane penny land called Wasdeall, all and heall ane vther four merk land vdall being ane penny land called Seatter, all and heall the thrie merk land vdall lyand in the toun of Bingascart, and all and heall the thrie pennyland of kinges land called Cursetter, extending in the heall to fyve penny and thrie merk land and all and heall the meddewes of Rosmyre, togidder with the teind and teind sheaves thairof includit with the stok, with pairtis, pendicoles and pertinentes thairof, lyand as said is, to the said Magnus Cursetter, Agnus Stewart, his spous, the langest leivand of thame twa, and after thair deceasses to the said James Cursetter, his aires and assignayes above-writtin, against all deadlie as law will, but fraud or guyle and at all handis quhatsomever; saweand and reservand to the said Thomas Cursetter and Jenet Stewart, his spous, thair forsaidis as said is. Attour to our lovittis John Miller in Firth our bailyes in that pairt conjunctlie and severallie speciallie constitut, it is our will and we command yew this our precept seine ye passe for us and in our neame give steat, seasing, actual, reall and corporall possessioun of all and heall the saidis four merk land vdall, being ane pennyland called Wasdeall, all and heall ane vther four merk land vdall, being ane pennyland called Seatter, all and heall the thrie merk land vdall lyand in the toun of Bingascart, and all and heall the thrie penny land of kinges land called Cursetter, extending in the heall to fyve penny thrie merk land, and all and heall the meddewes of Rosmyr, togidder with the teind and teind sheaves thairof includit with the stok, with housses, bigginges, yeardis, toftis, croftis, toumales, quoyes, quoylandis, outbreakes, onseattes, annexes, connexes, moses, moeres, meddewes, peates, peat moses, gress, halking, hunting, fouling, fisching in frech water and salt, doues, dow-

cotis, steane or stean quarell, scleat or scleat hewes, coll or coll hewes, lyme or lyme kiles, loughes, burnes, waters, strypes, wreack and weath, inpastour, outpastour, frie eschew and entrie, from the highest of the hill to the lowest of the eabe, with all and sundrie vther friedomes, prevelledges, easmentes, and rightious pertinence pertaining or knawin to appertaine thairto as is above-writtin, lyand as said is, to the said Magnus Cursetter, Agnus Stewart, his spous, the langest leivand of thame two in conjunct fie, and to the said James Cursetter and his forsaidis thair actornies or procuteris in thair neames, bearers heiroyf, be deleverance of steane and meuld of the grund of the saidis landis, as vse is, conforme to the tenour of this our chartour in all poyntis, granting to yow or ony ane of yow full power to this effect; saweand and reserwand to the said Thomas Cursetter and Jennet Stewart, his spouse, thair forsadis, the just and equall halff of the said thrie penny land of kinges land called Cursetter eay and quhill the said nyntine yeares tak be expyret as is above-writtin. In witnes thairof to this our chartour, subscriyvit with our hand, our proper seall is apendit at Kirkwall the threttaye day of May the yeir of God 1^m v^e four scoar sewin yeires, beffor thir witness, James Stewart of Gramsay, John Cawertoun of Shapensha, Alexander Kinked, Thomas Achenleck, noter publick, Thomas Morray, baillie of Kirkwall, Jeorm Challmer bowrges thair. Thomas Auchinlek, notarius testis in premissis requisitus.

(Signed) Alexr. Kincaid, witness.

Thomas Murray, beilze,

ORKNAY.

Witnss with my hand,

Jerome Chalmer, witnes.

Endorsement in a later hand—

Charter by Robert, E. of Orkney, in favours of Magnus Cursatter and Agnes Stewart, his spouse, of Waisdale, Cursatter and others in Firth, 1587.

Contract between Patrick, Earl of Orkney, on the one part, and John Makesone, burgess, William Blak, Johne Bowssie and George Smyth, commissioners for the fishers, doggers and inhabitants of the burghs of Craill, Anstruther Easter, Anstruther Wester, and Pittinweme respectively, who shall fish within the bounds of Orkney and Shetland, and their successors, on the other part, regulating the right to fish within the bounds of Orkney and Shetland (the Isle of Westrey excepted).

Recorded in the Register of Deeds, Vol. 46, folio 38, in the General Register House, Edinburgh.

76.

Sept. 21, 1594.

Edinburgh.

Apud Edinburgh, vigesimo tertio Septembris J^m v^o lxxxxiiij^o. quoad actum sequente tantummodo.

In presens of the lordis of Counsale comperit personallie Mr. Johne Prestoun, procurator speciallie constitute be this contract undirwrittin for Patrik, Erle of Orknay, on the ane pairt, and Mr. Johne Nicolsoun, procurator in lykwise speciallie constitute for William Blak, George Smyth, and Johne Bowsie, commissionaris for Pittinweme, Anstruther Eistir and Westir respective, and Johne Makesoun personallie for himselff as commissioneare for Craill, on the uther pairt, and gave in this contract following subscriyvit with thair handis and desyrit the samen to be insert and registrat in the buikis of Counsall to have the strenth, force and effect of ane act and decreit of the lordis thair of in tyme to cum, thair decreit and auctoritie to be interponit thairto, and lettres and executorialis to be direct therupone for fulfilling thair of in all pointis in maner specefeit thairintill; the quhilk desyre the saidis lordis thocht resonabill and thairfore hes ordanet and ordanes the forsaid contract and appointment to be insert and registrat in the saidis buikis to have the strenth of thair

act and decreit in tyme to cum, and hes interponit and interpones thair decreit and auctoritie thairto, and decernis and ordanes lettres and executorialls to be direct wpone ather of thame parteis for fulfilling thairof in all pointis in maner specefeit tharintill, off the quhilk contract the tennour followis:—At Edinburgh the xxj day of September the yeir of God j^m v^c fourscoir fourtein yeiris, it is appointit, aggreit and finallie contractit and endit betuix ane nobill and michtie lord, Patrik, Erle of Orknay, Lord Zeitland, takand the burding on him in maner following, on the ane part, and discreit men underwritin, viz., Johne Makesone, burges, and commissioner for the fyschearis, doggaris and inhabitantis of the burgh of Craill, Williame Blak, commissione for the towne and burgh of Anstruther Eistir, haill fischeares, doggarris and induellares of the same, Johne Bowssie, commissione of the towne of Anstruthir Westir, haill fischeares, doggarris and inhabitantis therof, George Smyth, commissioner for the towne of Pittinweme, fischeares, doggarres and inhabitantis thairof, takand the burding upon thame and ather of thame respective for the present fischeares, doggarris, inhabitantis thairof, and thair equippages, that sall happin to fische within the boundis of Orknay and Zeitland and thair successours in tyme coming, on the uthir pairt, in maner following, that is to say; the said noble lord for avoiding and stenching of all controverseis, pleyis and questionis that hes rissin or may arryse heireftir betuix the saidis parteis and thair successouris and to the effect that the inhabitantis of the saidis townes and thair successouris may peceable wse and exerce thair traffick of fisching within the saidis cuntreyis for payment of the dueteis eftir specifeit peceable in all tymes coming, thairfore the said nobill lord be the tennour of this present contract for himselff and takand the burding on him for the haill owthail men, heretouris, takkismen, persones, vicares,

beneficit men and inhabitantis in the saidis cuntreyis (the Iyle of Westray being exceptit sa lang as it is out of the said nobill lordis handis) sall seill, subscribe, grant and delywer and be thair presentis for him and takand the burding on him, as said is, gewes and grantis full licence, libertie, fredome, facultie and power to the inhabitantis and indwellares of the saidis townes of Craill, Anstrutheris and Pittinweme and thair successouris that sall happin to fische within the saidis cuntreyis of Orknay and Zeitland induring all the tymes heireftir that they and ilkane of thame, with thair boittis and fischeares, may frielie hant and repair within the saidis cuntreyis or ony pairt thair of (except before exceptit) and use thair traffick of fisching within the same, big fischearis housses, skewhowsses and utheris neidfull housses for making, paiking, drying and wynning of fische that they sall happin to slay, and to win and to mak thair ulie, and lay thair boittis upoun grund, pas and repas throw the saidis cuntreis, and by aill for thair furnissing fra the inhabitantis thair of upone thair ressonabill expensses but stope, stay, arreistment, trubill or impediment to be maid to thame or ony of thame in ony sort thairanent; prowdyng alwayes that the saidis persones and thair successouris, fischeares and doiggaris that sall happin to fische within the saidis cuntreyis of Orknay and Zeitland sall nawayes fische with greit lyneis within the heidlandis of the saidis cuntreyis of Orknay and Zeitland and sall nawayes slay small fische within the soundis and wrayis thair of bot sa mony as may serve to be thair bait ressonable in tyme cuming; and that they nor thair quippage sall do, attempt nor committ na kynd of wrang nor oppressioun aganes the saidis cuntreis and inhabitantis thair of be landing upone thair holmes and out iyles, slaying of thair wyld fowllis and nestis thair of, taking or slaying of scheip, nolt or uther guidis but consent of the awneris, and that

nane of thame do wrang, injurie or oppressioun to ony strangerris being within the saidis cuntreis, as Englischmen, Duchemen or utheris, or trubbill thair schippis or guidis in ony sort by ordour of law; and that they and thair equippage, being on land upone the Sondayes, repair and keip the kirk to serwe God as they aucht to do; and thai sall not hyre, seduce nor fie the cuntrymen, serwandis and thair sones but consent of thair maisteris or faderis in tyme cuming; and in cais they or any of thame failyie therin this present licence to expyre, or ellis the saidis townesmen contractaris sall be haldin to entir and delyver the committaris of ony cryme to the said lord to be punist, prowying thair faultis be sufficientlie prowyn. For the quhilkis causes the inhabitantis of the saidis townes respective and thair successouris that sall happin to fische within the saidis cuntreies of Orknay and Zeitland or ony pairt thair of sall pay to the said nobill lord yeirlie the dueteis eftir specifeit, that is to say, ilk greit ling boitt with thair land lyar, quhilkis twa boitis joint in ane sall pay yeirlie at the fisching of thair greit lingis for thair teind ane halff hundreth ling merchand wair and merchand pay, and for thair grund leve within the fluid mark to dry thair fische yeirlie ane barrell of small Scottis salt, and for thair grund leve abone the flude mark ilk boitt with thair land lyar ane dossane of keilling and ane dossane of skaitt merchand wair; and quhen the saidis boittis sall happin to pas to the keiling handillingis within ony pairt of the saidis cuntreis ilk boitt alsweill land lyar and utheris that sall pas to the saidis greit lingis sall pay yeirlie ane hundreth keillingis merchand wair and pay; and siclyke ilk boitt that sall happin to cum within the said cuntrey to the keiling handillingis allanerlie with thair land lyer sall pay for ilk boitt that sall haunt the said fisching as the utheris yeirlie ane hundreth keiling merchand wair and pay, with ane barrell of small Scottis salt for thair licence

to dry thair fische within the said fluid mark, with twa dossane of keilling for thair land leve, allanerlie, for all uther thingis that may be askit or cravit of thame or thair successouris in tyme cuming. And heirto baith the saidis pairteis ar faithfullie bund and obleist be the faith and treuth in thair bodeis nevir to cum in the contrare of thir presentis; and for the mair securitie ar content and consentis that this present contract be insert and registrat in the buikis of Counsale to haif the strenth of ane act and decreit of the lordis thair of, and to that effect makis and constitutis Messrs. Johne Prestoun, John Nicolsoun, and ilkane of thame conjunctlie and severallie, their lauffull procuraturis, committing power to thame to compeir before the saidis lordis and thair consent to the registering of thir presentis in thair buikis in maner fairsaid *promittentes de rato*, etc. In witnes heirop baith the saidis pairteis hes subscrivit this present contract with thair handis as followis day, yeir and place fairsaidis, before thir witnesses, Mr. James Melvile, minister at Anstruthir Eistir, Harie Colvile, persone of Orphare, William Bruce of Simbister, and Williame Bellenden of Gersa, with utheris diverse. *Sic subscribitur*, Orknay; Johne Makesone, commissioner for the burgh of Craill; Williame Blak, commissioner for the burgh of Anstruthir Eistir; George Smyth, commissioner for the burgh of Pittinweene; Johne Bowssie, commissioner for the towne of Anstruthir bewest; Harie Colvile, witness; W. Bruce of Simbuster, witness; Williame Bannatyne, witnes to the premisses; Mr. James Melvile, minister at Kilrynnie, witness.

Decreet in a Bailie Court in favour of George Cloustoun, about some corn alleged to be stolen by his servant.

Original on paper in the possession of William Cloustoun, of Netherbigging.

77. . . . 23, 1595. Ireland, Orkney.

Wpone the xxiiij day off. anno 1595 yeiris, ane court haldin at Iyrland be the bailye, Thomas Robertsoun, the seetis callit, the court lawfullie fensit, the assise choissin, sworne and admittit.

Nomina assissa.

James Flett,	Richey (?) Germestoun,
James Corrigan,	Andrew Germestoun,
Malcolm Isbister,	William Phea,
Magnus Isbister,	John Boak, elder,
Alleschender Cloustoun,	Magnis Bea,
Thomas Wailiom,	Andrew Hervie,
Robert Ritchey,	Peiris Louttit.

The quhilk day, anent fyw scheiffis off corne alledgit tane off Thomas Trochane's rig in Willing and sett upone Georg Cloustoun's rige be the said George's man quhilk was making on his corne, the said man nocht knawing the said Thomas corne [to] be Georgis corne because bayth the saidis mene's cornes was off ane band and nocht na differance betuixt bayth the bandis, swa the said Thomas cumand to the rig and missis his corne off the rig and nocht knawand quha had tane away the corne off the rig, beand wpon day-lycht and ewerie man leidand corne besyd, com to the said George's rig and seand his fyw scheiffis standand upone the rig and nocht knawand the ane scheiffis be the other, because thai war bayth off ane band bot onlie that the said George's corne was eettin with guides and the said Thomas corne was haill, yit newertheless the said Georg knew nocht that the corne was wpone his rig quhill the said Thomas tauld him and swa fetchit the officer and the

said Thomas resaiffit his corne agane. Heirfoir the judg and assys seand the matter to be nocht off writie and nocht done be himselff nor be his command nor be his mane's will bot in Willing, because bayth the bandis off the cornes was allyk, absolves the said Georg off that cornes, that he newer to be callit thairfoir agane nor siclyk nane within the paroschin off Stenhous repruf the said Georg nor nane off his theroff, wnder the pane off ane domrair,¹ to ilk persowne quha reprüiffes him thairfoir; and for the mar werefecatioun off this our former decretit we, the judg and assyse, hes causit Hector Robertsoun to subscriw this in our names becaus we could nocht write ourselffis.

Thomas Robertsoun, bailze,
Hector Robertsoun, clark for the tyme.

Charter, Nicol Sinclair, in Kirkwall, and Bessie Chalmer, his wife, to Malcolm Sinclair of Quendale, of 6½ merks of land in Howth, Orphir.

Original on vellum in the possession of Miss Isabel Caskey.

78.

April 23, 1603.

Kirkwall.

Be it kend till all men be this present chartour me, Nicoll Sinclair, burgess of Kirkwall, heretabill proprietar of the landis wnderwritin, with the speciall adwyse, counsall and consent of Bessie Chalmer, my spous, conjunct feodatrice of the samin, off our awin proper and certane knowlege, fre motyve and deliberat willis, wncompellit, coactit or be ony sinister machinatioun circumvenit, the wtilitie and weill of ws and our airis being alwayis foirseine and considerit, and for the sowme of tuelffe scoir of pundis gud and usuall money of this realme reallie, thankfullie and with effect payit, advanceit and delyverit to ws be the handis and delyverance of ane honorabill man, Malcolm Sinclair of Quendale, to the furdurance and

¹O.N. *dómrof*, a fine for contempt of court.

supplie of our wrgent and important affairis, quhilk is haillie convertit to our wse, wtilitie, and proffeit at the perfyitting heirow, renunceand actioun of wntauld money and all wther exceptiounis of the law that can or may be proponit or alledgeit in the contrair, and thairfor for ws, our airis, executouris, assignayis and all wtheris interest quhome it effeiris, exoneris, quytclames and simplie discharges the said Malcolme Sinclair, his airis, executouris and assignayis for now and ever be thir presentis: Thairfor and for sindrie wther occasiounis and propper consideratiounis mufeing ws heirto, to have sauld, analieit and frelie disponit, lyikas be the tennour heirow sellis, analieis, and frelie disponis fra ws and the langest levar of ws tua in conjunct infestment, our airis, executouris, assignayis and all wtheris haveand entres quhome it effeiris, *titulo oneroso*, to the said Malcolme Sinclair, his airis and assignayis quhatsumewer, heretable and without ony maner of reversioun, redemptioun or regress, all and haill theise our propper sex markis and ane halfe mark of land in Houthe, with all and sindrie houssis, housfredomeis, cottageis, pairtis, pendicklis, annexis, connexis and haill pertinentis of the samin, all wthall¹ land, perteining to me, the said Nicoll, in propper heretage be plaine and sufficient rychtis had thairwppoun, lyand within the parochin of Orphar, Maineland of Orkney, and shirefdome of the samin; and in speciall clause of warrandyse thairfor and the said Malcolme and his foirsaidis indempnitie and securitie of the samin, all and haill my propper tenement of land, bak and foir, wnder and above, with the yaird, taill and haill pertinentis of the samin, lyand within the Midtoun of Kirkwall, and heretable lyikwyse perteining to me the said Nicoll in maner foirsaid, boundit and haveand the commoun calsay² of the said

¹ Odal.

² Causeway, street.

burght on the east, the tenement heretablelie perteing to David Butter and Bessie Irwing, his spous, on the sowth, the see and Wse of Kirkwall on the west, and the waist grund and landis heretablelie perteing to the airis of wmquhill Hew Sinclair of Burgh on the north pairtis of the samin, sua that the former landis of Howthe or ony pairt thair of with the pertinentis of the samin abone specifeit being persewit, quarrellit or evictit be ony uther personis, acclameris, haveand better rycht thairto nor ouris (as God forbid) that then and in that case the said Malcolme and his foirsaidis may have full and fre access, ingress and entres in and to the speciall clause of warrandyse of the samin abone-writtin and haill pertinentis thair of without ony interruptioun or impediment, wtherwayis nocht : To be hauldin and to be had all and haill the saidis sex mark of land and ane halfe mair of Howthe, with all and sindrie houssis, house fredomeis, cottageis, pairtis, pendicklis, annexis, connexis and haill pertinentis of the samin abone-writtin, as principall, and in speciall clause of warrandyse thair of and the said Malcolme and his foirsaidis indempnitie and securitie of the samin, all and haill the foirsaid tenement of land, bak and foir, wnder and abone, with the yaird, taill and haill pertinentis of the samin, all heretablelie perteing to me, the said Nicoll, in maner foirsaid and lyand respective as said is, be the said Malcolme Sinclair, his airis and assignayis abonereheirsit, of me, the said Nicoll, my airis and assignayis foirsaidis, in perpetual heretage, fre wthall and blainsche ferme forewer, be all rycht merches and meithis, auld and dewyseit, evin as the samin lyis in lenth and breid, in houssis, biggingis, toftis, croftis, towmellis, cottageis, house fredomeis, onsettis, mosis, mureis, maireissis, medowis, lesures, pastouris, fewall, griss and wair, with staine quarrell¹ and morter, infredome and outfredome, commoun

¹ Quarry.

pastour, fre ische and entrie thairto, and fra the hiest of the hill to the lawest in the ebb,¹ quher it fallis, as effeiris; with power also to set and raise the saidis landis, input and output tennentis thairintill, to mak varningis to that effect, and the samin to persew deulie as accordis; and with all and sindrie wther liberteis, outbrekis, quoyis, fauldis, fredomeis, proffeittis, easmentis and rychteous pertinentis thairof, alsweill not namit as namit, and quhilkis ar better to have nor to want, pertening thairto or ony maner of way knawin to perteine, frelie, quyetlie, honorable, weill and in peax, but ony maner of revocation, contradicioun, trubbil, impediment or againe-calling quhatsumewer; quhais entres to the haill foirsaidis landis of Howthe with the pertinentis thairof abone specifeit salbe and begin at the day and date heirof, and to the uplifting of the maillis and dewteis of the samin of this present crope and yeir of God j^m vj^e and thre yeiris instant: Payand thairfoir yeirlie the said Malcolme Sinclair, his airis and assignayis abone-namit, to me, the said Nicoll, or the said Bessie, my spouse, our airis or assignayis foirsaidis, ane pennie money Scottis in name of blainsche ferme wppoun the proper grund of the saidis landis at the feist and terme of Witsonday, gif it be askit, togidder with skat¹ and teynd to the King and Kirk, conforme to auld use and wount, for the saidis landis of Howthe, allenerlie, as for all wther dewtie thairfoir. And I, forsuithe, the said Nicoll Sinclair, faythfullie bindis and obleissis me, my airis and assignayis abonenamit, with expres consent and assent foirsaid, to warrand, acquyet and perpetuallie defend to the said Malcolme Sinclair, his airis and assignayis foirsaidis, all and haill the saidis sex mark land and halfe mark mair of Howthe with all and sindrie houssis, house fredomeis, cottageis, pairtis,

¹ Odal right of common pasture and foreshore.

² Howth was boardland of the old earldom and paid no skat.

pendicklis and pertinentis of the samin foirsaidis, as principall, and in speciall clause of warrandyse thair of and the said Malcolme and his foirsaidis indempnitie and securitie of the samin all and haill the said tenement of land, bak and foir, wnder and abone, with the yaird, taill and haill pertinentis of the samin, all heretablie perteining to me in maner foirsaid and lyand respective as said is, and that in and be all maner of thingis as is perticularlie abone-reheirsit, as also fra all former alienatiounis, wodsettis, assignatiounis, resignatiounis, renunciatiounis, lang or short takis, lyfrenttis, annualrentis, scattis, evictiounis, interdictiounis, and siklyke fra all wther claggis, clameis, perellis, daungeris or inconvenientis quhatsumewer, present, bygaine or to cum, contrair and aganis all deidlie as law will, lelelie and trewlie, but fraude or gyill, wnder the paine ypotheik of all our landis, gudis and geir moveable and wnmoveable quhatsumewer, present and to cum, and of perjurie and infamie for ewer. Attour to our lowittis Magnus Loutfute in Fleck

, and ilkane of thame conjunctlie and severallie our werrey laufull, wndouttit and irrevocable baillieis, in that pairt, be ws speciallie constitute, greitting. It is our willis and we requyre yow that incontinent thir presentis seine ye pas to the grund of our saidis landis and thair for ws and in our names gif and delyver heretabill stait and sasing, actuall, reall and corporall possessioun of all and haill the saidis sex merk of land and ane halfe merk mair of Howthe, with all and sindrie houssis, house fredomeis, pairtis, pendicklis and pertinentis thair of abonewrittin, as principall, and siklyke of the said tenement of land in the Midtoun of Kirkwall, bak and foir, wnder and abone, with the yaird, taill and haill pertinentis of the samin, as in speciall clause of warrandyse and in case foirsaid, and na wtheris, all heretablie perteining to me, the said Nicoll, in maner foirsaid and lyand as said is

respective, to the said Malcolme Sinclair or to his sure actornayis or procuratouris in his name, beiraris heiroyf, be delyverance of staine and eird of the grundis of the samin, as wse is, efter the forme, tennour and effect of this our present chartour of fre selling in all pointtis, committand to yow heirannent our full power be thir presentis. In witnes of the quhilk thing, writtin be David Arthour, noter publict, and subscryweit with myne the said Nicoll and my foirsaid spoussis handis, in signe of hir consent heirto, as followis, my proper seill is heirto appendit, at Kirkwall the xxij day of Aprill the yeir of God, j^m vj^c and thre yeiris, beffoir thir witnesses, Thomas Swentoun, minister at Kirkwall, John Menteyth, merchand, Allexander Bruce and David Arthour, noteris publict, and Henrie Halcro of that Ilk, with certane wtheris. (Signed) Nicoll Sinclar with my hand; Bessie Chalmer with my hand tuitcheand the noteris pen underwrittin subscryveand for me in my name and at my speciall command, becaus I could nocht wryte myselffe; *Ita est David Arthour, notarius publicus in premissis requisitus de speciali mandato dictæ Elizabethæ, scribere nescientis, testantibus meis signo et subscriptione manualibus, premissa assero; Alexander Bruce, connotarius, testis; Henrie Halcro of that Ilk; Johne Menteith, witnes; Thomas Swentoun, witnes.*

On the back is a Sasine given at Howthe in Orphir, 17th May, 1603, to Walter Sinclair in Clumblie as attorney for the said Malcolm Sinclair, of the above subjects, by Magnus Loutfute in Fleck as bailie for the said Nicol; witnesses, James Loutfute in Cowbuster, Thomas Bannatyne in Howthe, James Scheland there, and William Gady, servitor to the said Magnus Loutfute of Fleck. David Arthour, notary of St. Andrews diocese, subscribes with his sign manual.

Instrument of Sasine in favour of Richard Ewmondson, in a half merk udal land in Cloustoun, etc., and other deeds relative thereto.

Original on paper in the possession of W. Clouston of Netherbigging.

79. October, 1605. Clouston, Stenness.

In Dei nomine, Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Domini millesimo sexcentesimo quinto mensis vero Octobris die septimo regnique S. D. N. Jacobi, ejus nominis sexti, nunc Dei gratia totius Magnæ Britanniae, Franciæ et Hiberniæ regis ac fidei defensoris, etc., annis respective tertio et trigesimo nono, in presens of me notar publict and witnesses wnderwritten comperit personallie ane discreit man, Richard Ewmondsone, haveing and haulding in his handis ane certane chartour of alienatioun and wadset maid, giffin and perfyittit to the said Richard, his airis and assignayis therin insert, be George Clouston in that Ilk, with consent of Catherine Ewmondsoun, his spous, and subscriwit be Thomas Douglass at thair commandis, wppoun all and haille the said Georgeis propper ane halfe merk of land wthall with the pertinentis, and siklyke of all and haille ane halfe pennie landis medow mair, all of his propper heretabill lands lyand in Cloustoun within the parochin off Stenhouse, Maineland of Orkney and schirefdome of the samin, alwayis wnder reversioun of the sowme of fyfteine pundis money of the realme of Scotland to be maid efter the commoun forme and maner of redemptiounis wseit and obserwit in sik caissis, as in the foirsaid chartour of wadset conteining tharintill the precept of sesing wnderwritin, at mair lenth is contenit; quhilk the said Richard Ewmond publictly presentit and delyverit also to ane discreit man William Leyth in Onstoun, as lawfull baillie in that pairt for the said

George Cloustoun, be wertew therof speciallie constitut and requyreit, eirnestlie requyreing and desyreing him, conforme thairto and to his office of bailliarie therin expressit, to put the will and tennour therof and of the precept of sesing therin insert to dew executioun in all pointtis for the better corroboratioun of the said Richardis heretabill rycht and titill of the samin; quhais requeist and desyre in the said mater the said William Leyth, baillie in that pairt foirsaid, thocht and estemit to be just in the selffe and to ressoun agreeable, and thairfor he ressavit the foirsaid chartour of wodset in his handis and delyverit the samin to me, notar publict wnderwrittin, to be oppinlie publischeit and red, off the quhilk the tennour of the precept of sesing followis, in thir words—Attour to my lovittis, William Leyth in Onstoun, my baillieis in that part. It is my will and I command you that ye pass to the ground of Cloustoun, quhair the saidis landis lyis, and thair in my name giff stait, sesing and possessioun of the samin to the said Richard be delyverance of staine and muild, to be bruikit in maner abone-writtin, the quhilk to do I commit to you my full power be this my chartour, subscrywit with my hand as followis, at Cloustoun, the last of May, 1604, beffoir thir witnessis, Thomas Trochane, Andrew Will and for the mair suirtie I have caussit Thomas Douglass to wryit and subscryve thir presentis in my nayme and at my speciall command. Et sic subscribitur, George Cloustoun, with my hand at the pen led be Thomas Douglass at my speciall command, Thomas Douglass, wrytter and witness. Efter the reidding and dew publicatioun of the quhilk chartour and precept of sesing abone contenit, the said William Leyth, baillie in that part abone-writtin, ressavit the samin againe in his handis and takand the samin office of bailliarie in and wppoun him heirto, he past immediatlie to proper grund of the saidis landis and tuik wp staine and muild

thairof in his awin handis and reallie and with effect gave and delyverit furth thairof againe stait and sesing, heretabill, actuall, reall and corporall possessioun of all and haill the said ane halfe mark of wthall land and siklyke of the foirsaid halfe pennie landis medow with all and sindrie partis, pendicklis and pertinentis of the samin, all heretablie pertening to the said George and lyand as said is, to the said Richard Ewmound, being personallie present and with his awin proper handis ressaveand be retraditioun and delyverance to him of staine and muild of the propper grund thairof, as wse is, to be peciablie bruckit, josit and possest be the said Richard, his airis and assignayis, as thair awin proper heretage in all tyme cuming, ay and quhill the lawfull redemptioun of samin againe to be maid in particular maner abone expremit, efter the forme, tennour and effect of the foirsaid chartour of wodset, precept of sesing therin contenit and of the said Williameis awin office of bailliarie in that part foirsaid in all pointtis, nemine reclamante sive contradicente. Wppoun the quhilkis all and sindrie premissis the said Richard Ewmound askit and requyreit ane or ma publict instrumentis fra me, notar publict wnderwrittin, to be maid to him sa mony as sould be necessar. Thir thingis war done wppoun the propper grund of the saidis landis at sevin houris affoir noone or thairby, day, yeir, moneth and yeiris of the regimen of our soverane lord respective foirsaidis, beffoir thir witnessis, Thomas Trochane in Cloustoun, Jhone Leisk thair, Magnus Sympsoun thair, and George Book thair, with certaine wtheris.

Et ego vero David Arthour, clericus Sancti Andreæ diocesis, autoritate regali ac per dominos consilii et sessionis S. D. N. regis secundum tenorem acti Parliamenti visus, creatus et admissus notarius publicus, quia premissis omnibus et singulis dum sic ut premittitur, dicerentur, agerentur et fierent unacum

prenominatis testibus presens personaliter interfui eaque omnia et singula suprascripta sic dici et fieri vidi, scivi et audiui ac in notam cepi, ideoque hoc presens publicum instrumentum, manu mea fideliter scriptum, exinde confeci, signoque nomine et cognomine et subscriptione manualibus meis solitis et consuetis signavi, subscripsi et corroboravi in fidem, robur et testimonium veritatis omnium et singulorum premisorum, rogatus et requisitus. David Arthour, notarius publicus, assero.

[There are four writings on the back, the first and third of which are in different handwriting from that of the sasine, and the second and fourth are written by Malcolm Isbuster. The paper on which the first is written has been found detached from the rest.]

Malcolm Ysbister, bailzie of Harray, ye sall tak tryell, be the sycht of nyctbouris, gif Ritchert Omondsoun be in peciable possessioun of ane halfe mark land wthall, with ane halfe pennie landis medow, lyand in Cloustane, within the parrochin of Stenhous, wodsett to him be wmquhill George Cloustoun, according to the wodsett and instrument of sesing abone wretin, and gif ye find him presentlie in peciable possessioun with the said land and medow now inclusit within termis, and that he is nocht lawfullie warnit nor redemit thairfra acording to the use and conswetude of the coyntrie, and ye fortefie, keip and defend the said Ritchert in peciable possessioun thairof this yeir, and discharge Robert Book and all utheris that they nor nane of them truble and molest the said complener therinto fra this furthe induring his rycht of wodset thairof, ay and quhill he be ordourlie callit and lawfullie put thairfra be the law, ilk persoun under the pane of xl li., becaus the complener is now inclosit within termis in tilthe tyme. And this ye faile [nocht] to do with all diligence, under the pane of xl li. to be payit be your selfe, in caise of your disobedience. Sub-

scrivit with my hand at Kirkwall, the xiiij day of March, 1607.

(Signed)

Edwerd Scollay.

I, Malkcome Eysbuster, balay, past at the command of this yowr precep and hes abwne wretin and his pllent (?) the said Ryschert Oustowne in pesebill posesiowne, becaus that they kowld nocht find the said Rychert lawfullie warnit thairfra be order, and this he did befor thir witnes, Gorge Myller, Thomas Troichene.

Malcum Ysbuster, bailie of Harray,—Forsameikill as it is complen to me be Richert Omondsoun, in Onstoun, in the parochin of Stenhous, that quhair he hes guid richt and tytill to all and haile the half merk land wthall, with ane half pennie landis medow, lyand in Cloustane, within the parochin of Stenhous, wodset to him be wmquhill George Cloustone, according to the wodsett and instrument of sesing within wretin, nochtheles Robert Book maist wrangouslie troubles and molestis the said Richert and will nawayis suffer nor permit him to mell with his awin pairt of the medow forsaid belanging to his foirsaid land, to his hewie hurt and skaythe, quharfoir ye sall nocht faile to pas, accompaneit with certane honest nyctbouris, with diligence, to the grund of the foirsaidis landis in presens of the said Robert and thair tak diligent tryall quhat medow belangis to the said complener as also to the said Robert Boak, and be the sicht of the said honest nyctbouris mak tua pairtis thair of according to thair richtis of the samin and possess the complener with his just pairt thair of, and inhibeit and discharge the said Robert that he nawayis truble or molest the said Richert in his possessioun thair of fra this furthe, wnder the paine of xl libs. Do this according to equitie and pronounce your decret therin wnder the paine of xl libs. to be pait be your selff, in caise of your

disobedience or delay of justice. Subscriyvit with my hand at Kirkwall, the aucht day of September, 1607.

(Signed) Edwerd Scollay.

I, Malkcom Eysbuster, ballay, past at the command of this yowr precep and hes pairtit the said meidew and gress and gewin the said Rychert Ewmonsone his pairt thair of acording to his rycht, becaws we fand the said Rychert Ewmondsone in pesebill posesioun with ane half pennie landis medow, qwhilk the said Rychert Ewmondsone haid in wodset fra the said Goirge Klowstowne with ane half mark land and medew, quhilk the said Rychert hes in wodset in lykwyse, and we haife dyschayrgit the said Robert that he of nawayis trubill or molest the said compleaner ay and quhill that he be payit his silwer and be civelyly put thairfra and schairit fowrtie dais befor Mairtiemess or Witsonday, and this I did befor thir witnes, William Oustowne and Thomas Trowchen, Hew Dewer.

Charter, Malcolm Sinclair of Quondaill to Robert Halcro of Cava, of 6½ merksland in Howth, Orphir.

Original on vellum in the possession of Miss Isabel Caskey.

80.

December 6, 1607.

Kirkwall.

Be it kend till all men be this present chairtour me, Malcolme Sinclair of Quondaill, heritabill proprietar of the landis wnderwreittin, for certaine great sowmeis of money alreddie payit and delyverit to me be my guid freind Robert Halcro of Cava in Orknay, quhairof I hald me weill content satisfeit and payit, and renunceand actioun of not numerat money and all uther exceptioun competent of the law to be proponit in the contrair, for me my airis, executouris, assignayis, and successouris, exoneris, quiet-

clameis and dischairgeis the said Robert, his airis, executouris, assignayis and successouris of the samin for now and ewer, of my awin certane knowledge, frie motive, will, and deliberat mynd, wncompellit, coactit nor seduceit, to have sauld, annaliit and heritabillie disponit and be this my present chairtour confirmed and be the tennour heirop sellis, annaliis and heritable but ony maner of redemptioun, regres or rewersioun, disponis and be this my present chairtour confermeis *titulo oneroso* to the said Robert Halcro and his airis and assignayis quhatsumewir, all and haill these my proper sax markis and ane half-mark land in Howth, with pairtis, pendiclis, annexis, connexis and pertinentis belonging thairto, liand within the parrochin of Orphair, Maneland, and schirefdome of Orknay, togidder with all richt, tytill of richt, clame, entres, actioun, propertie and possessioun, petitour or possessour, quhillk I had, hes, or may have, clame or pretend thairto or ony pairt or portioun of the samin with the pertinentis thairto for now and ewer : To be haldin and to be had all and haill the saidis sax mark landis and half-mark land, with the pertinentis, liand as said is, be the said Robert and his foirsaidis, of me my airis and assignayis in frie alienatioun and heritage *hinc inde* and for ewer, be all richt mairchis auld and dewyisite ewin as the samin lyis in lenth and breid in houssis, bigingis, toftis, croftis, towmallis, mossis, mureis, medowis, quoyis, cottageis, onsettis, pasture, girs, fewall, wair, with frie ischie and entrie, fra the hiest of the hill to the lawest in the ebbe, togidder with all and sindrie uther commoditeis, fredomeis, easmentis and richteous pertinentis perteing or knawin justlie to appertein thairto, frilie, weill and in peace, but ony revocatioun, obstacle or impediment quhatsumewir; Payand thairfoir yeirlie the said Robert and his foirsaidis to me my airis and assignayis ane pennie money Scottis in name

of blensche ferme upone ony pairt of the ground of the said land at the feast of Witsonday give it beis askit, with dew scat and teind to king and kirk at termeis of payment usit and wount, for all uther dewitie allanerlie. And I forsuithe the said Malcolme Sinclair bindis and obleissis me and my foirsaidis to warrand, acquiet and defend to the said Robert Halcro and his foirsaidis all and haill the saidis sax mark land and ane half-mark land in Howth, liand as said is, with pairttis, pendiclis and pertinentis belonging thairto, from all dangeris and inconvenientis quhatsumewer prejudiciall heirto in tyme bigane, present or to cum, in all and be all maner of thingis as is above reheirsit, and that for my awin proper deid, fact and occatioun, eftir the forme and tennour of my originall chartouris, infestmentis and uther securiteis maid to me thairupone allanerlie, contrair al deidlie as law will, but fraude or gyle, and if neid beis sall also amplifie, alter and renew thir presentis to the said Robert and his foirsaidis ay and sua oft as they sall think expedient, quhill thay find thame-selffis suir heirin, keipand alwayis the substance abone-wreittin. Attour to my lowittis

bailzeis in that pairt conjunctlie and severallie speciallie constitute, greating. I requier yow that incontinent thir presentis sein ye pas to the ground of the saidis landis in Houth, within the parrochin of Orphair, and thair give and delyver to the said Robert, or to his certane attornayis and procuratouris in his name, beiraris heirop, stait, seasine, heretabill, reall actuall, and corporall possessioun, of the saidis sax mark landis and ane half-mark land with the pertinentis, be delyverance of eard and stane of the ground of the samin as use is, conforme to the tennour of this my chartour and precept of seasine in all pointtis, quhairanent I commit to yow conjunctlie and severalie my full power. In witnessing quhairrof (wreittin be Robert Scollay induellar in Kirkwall) I

Abstract of Charter, James, Bishop of Orkney, to Robert Halcro of Cava and his wife, Jean Scollay, of 6½ merks of land in Howth, Orphir.

[illegible]

Charter by James, Bishop of Orkney, whereby in consequence of the Acts of Parliament made for the feuing of the church lands, he, with consent of the chapter, sets in feu to Robert Halcro of Cava (who and his predecessors have been for many years possessors and occupiers of the lands after-mentioned), and Jean Scollay, his spouse, the survivor of them, and their lawful children, whom failing, the heirs and assignees of the said Robert, the three penny lands in Hauthe, otherwise Fleck, other three penny udal lands there, a halfpenny land called Orakirk, two merk udal lands in Brek in Swanbuster, and a merk udal land in Aikeris there, in all six and a half penny lands and three merk lands, with pertinents, all within the parish of Orphir, Mainland of Orkney and bishopric and sheriffdom thereof; to be held in feu of the Bishops of Orkney, with all the privileges belonging thereto for the yearly payment of four mark butter, fivepence halfpenny money, twenty-two meills flesh and seven poultry at the feast of Allhallowmass, and thirteen meills, two settings, twenty-two and a half mark malt or eight settings “ sufficient beir upon the malt poundler for everie meill

of malt " at the Bishop's option, between the feasts of Candlemass and Beltane, as the feu farms thereof, and five shillings in augmentation of the rental more than these lands ever formerly paid; also grinding the grain grown upon the said lands at the Bishop's mill within the said parish and paying the customary thirl multures; with suit and presence at the courts held by the Bishop or his deutes at Kirkwall or elsewhere within his sheriffdome, subjecting themselves to his jurisdiction and defending him and his place and estate against all deadly, the King and his authority alone excepted, and rendering all customary service; the heirs also of the said Robert Halcro paying forty pounds in the first year of the entry of each heir, over and above the whole duties above specified. Should there be failure in payment for two terms running into the third or should they dispoise the said lands or any part thereof without the Bishop's consent this charter and all following thereupon is to be *ipso facto* null and void. There is a clause of warrandice and precept of sasine, directed to Robert Ingsetter in Midland in Orphar, as bailie, and the charter is dated at the Place of the Yairdes, 3rd July, 1615; witnesses, Hew Halcro of that Ilk, Edmund Sinclair of Flottay, James Sinclair of Clumley, Patrick Sandes, servitor to Mr. Harie Aitkin, Commissary of Orkney, and Robert Coltart, notary, who wrote the charter. It is expressly provided that in the general clause of service used and wont set down in this charter, the casting and winning of peats is specially comprehended. The Bishop's seal has been appended, but is now wanting. The charter is signed by JA. B. of ORCADS.; Daniel Callendar, provost; Tho. Swentoun, archdeacon; Mr. Harie Hutoun, parson and vicar of Westra; Mr. James Cok, chancellor of Orknay; and the witnesses.

Original on vellum in the possession of Miss Isabel Caskey.

Similar Charter to the foregoing, granted by James, Bishop of Orkney, to Robert Halcro of Cava, and his spouse, Jean Scollay, and their heirs, of the "three pennie land callit Hauth, *alias* Flek, all and heall uther thrie penny land uthall land thair, ane halfpenny land callit Orakirk, tua merk uthall land in Breck in Swanbister, ane merk land uthall land in Aikeris thair, tua penny land in Midland callit Sorphow, tua penny land thair callit Grindlay, ane penny land thair callit Myre, ane penny land thair callit Swartabrek, ane penny land thair callit Mussaquoy, ane penny land thair callit Fia, and all and heall saxpenny land callit Tuskibister, extending in the heall to tuentie penny land and ane half penny land and thrie merk land, with houssis, biggingis, yeardis, toftis, croftis, pairtis, pendicles and pertinentis of the samen, all lyand within the parochin of Orphar, Mainland of Orkney, bishoprick and shireffdome thair of"; and paying therefore three barrels and four merk butter, 5½d. money, 82 meills flesh, and 40 poultry, at Alhallowmas yearly, and 45 meills, 2 settings, 22½ merk malt, or 8 settings of sufficient beir upon the malt pundler for each meill of the said malt, yearly between Candlemas and Beltane, for the feufarm duties, and 5s. money yearly in augmentation of the same; with thirlage to the granter's mills in the parish of Orphir; and £40 additional at the entry of each heir. The bailie's name is not filled in. The charter is dated at the Place of the Yairds, 3rd July, 1615. Witnesses as in the previous charter, but

of them only Edward Sinclair, Robert Coltart and Patrick Sands, sign, the last-named being the writer of the deed. The signatures of the Bishop, Daniel Callendare, provost; Thomas Swentoun, archdeacon of Orkney; Mr. Harie Hutoun, parson and vicar of Westra, and Mr. James Cok, chancellor of Orkney, are appended. The Bishop's seal also has been appended, but is now wanting. On the back is a note, signed by Hen. Watson and Pa. Blair, and dated at Kirkwall, 24th July, 1656, that this Charter was produced before them, and a true duplicate thereof sent by them to the Commissioners of Exchequer in terms of their commission to them and others for that effect, dated at Edinburgh, 21st March, 1656.

On a separate paper is a Sasine following upon the foregoing Charter, given on the ground of the respective lands foresaid on 11th July, 1615, by Robert Ingsetter as bailie, to the said Robert Halcro and Jean Scollay personally; witnesses, William Brown in Flek, Robert Dryisdail in Cowbuster, Huchoun Ingsetter in Orakirk, the said Patrick Sandis, and William Houstoun, servitor to Robert Coltart, notary, of the diocese of Glasgow.

Abstract of Instrument of Sasine in favour of Robert Halcro of Cava in the 6½ mark land in Howth, Orphir.

Original on vellum in the possession of Miss Isabel Caskey.

83.

April 10, 1616.

Robert Halcro of Cava, compeared, "hauldand and in his handis haveand ane certane chartour containing ane precept of sasine in the latter end theirow writin on parchment, maid, grantit and subscrywet be Malcolme Sinclair of Quendaill upon the alienatioun and heretable dispositioun to the said Robert and his aires and assignayes quhatsumewer of all and haill the said

Malcolme his propper sex markis and ane halff mark land in Howth, with partis, pendicles, annexis, connexis and pertinentis belanging thairto, lyand within the parochin of Orpher, Maynland, and schirefdome of Orknay, togidder with all richt, petitour or possessour, the said Malcolme hes or may have, acclame or pretend thairto: To be haldin be the said Robert and his foirsaidis of the said Malcolme, his aires and assignayes, in free alienatioun and heritage, be all richt merchis auld and dewyset, ewin as the samyne lyes in lenth and breid, for yeirlie payment of ane penny money Scottis in name of blensche ferme upon any part of the ground of the said land, at the feast off Witsonday, giff it beis asket, with dew scatt and teynd to King and Kirk, at termeis of payment uset and wount."

The charter, which was written by Robert Scollay, induellar in Kirkwall, is dated at Kirkwall, 6th December, 1607; witnesses, James Stewart of Gramesay, Edwart Scollay of Strynie, Duncan Scollay, his son, and the said Robert Scollay; and contains a precept of sasine directed to William Browne, as bailie, who gave sasine accordingly to the said Robert Halcro in person upon the ground of the foresaid lands about 10 a.m. on 10th April, 1616, there being present, James Seyland in Orphar, Henry Roresoun in Newhouse there, and David Touris in Kirkwall; James Jack, of the diocese of Orkney, being notary.

*Wadset by Alexander Ingsetter to David Keldall,
in Kirkwall, of his one merk udal land in
Cloustoun.*

Original on paper in the possession of W. Clouston of Netherbigging.

84.

March 21, 1616.

Kirkwall.

Be it kend till all men be this present Charter me,
Alexander Ingsetter, lauchfull sone to Alexander

Ingsetter and umquhile Issobell Cloustoun, uthellar and heritour of the landis underwrittin, forsameikle as David Keldall, indwellar in Kirkwall, hes contentit, payit and delyverit to me, before the making heirof, ane certane sowme of money, usuale and sufficient money of this realme of Scotland, quhairof I grant the receipt and, renouncing the exceptioun of nocht numerat money, etc., exoner and discharge the said David of the samyn for now and ever, witt ye me tharefore to have sauld, analiit and wodsett and be this my present charter confirmed, and be thir presentis sell, annalie, wodsett, and be this my present charter conferme to the said David Keldall, his airis and assignayis quhatsomever, all and haill my uthall and heritable ane mark land or four settingis mailling with the housses, yairdis and pertinentis thairof, lyand within the toun and landis of Clouston, parochin of Stainhous, Mainland and schirefdome of Orkney, under reversioun alwayis upoun the sowme of ten poundes money foirsaid : Halding and to be haldin all and haill the said ane markland with the pertenentis foirsaidis, lyand as said is be the said David, his airis and assignaiyis abone-writtin, of me and my airis in frie blenshe ferme and heritage for ever, be all rycht merches auld and devydit in houssis, biggingis, yairdis, toftis, croftis, medowes, mosis, mures, pastures, leasures, outfredome, infredome, outbrekkis, frie ishe and entrie and with all and sundrie utheris commodities, fredomes, privileges and rychteous pertinentis thairof quhatsomever, alsweill nocht namit as namit, far and neir, under the earth as above the samyn; Payand tharefore yeirlie, the said David Keldall, his airis and assignayis foirsaidis, to me and my airis ane pennie usuale money foirsaid at the feast of Witsonday in name of blenche ferme, upoun the ground of the saidis landis, gif it be askit allanerlie, together with the skatt, utheris dewties and dew service, conforme to the rentall,

to my superiour of the saidis landis at the termes of payment usit and wount. And I forsuith, the said Alexander Ingsetter, my airis and assignayis foirsaidis, all and haill the said ane markland with the pertinentis abone-writtin lyand as said is to the said David Keldall and his foirsaidis in all and be all thingis as the samyn is abone-writtin sall warrand, acquiet and defend. Attoure to my lovetis, John Draver, indweller in Kirkwall, my baillies in that pairt conjunctlie and severallie, speciallie constitute, greiting; I charge you straitlie and commandis that incontinent thir presentis sene ye pas, give and delyver staite, heritable saisine as also actuall, reall and corporall possessioun of all and haill the said ane markland, with the pertinentis thair of abone-writtin lyand as said is, to the said David Keldall, his certane actornay or actornayis, procuratour or procuratouris in his name, cariaris of thir presentis, be delyverence of earth and staine of the ground of the saidis landis, as wse is, conforme to the tennour of my charter abone-writtin. And this onnawayis ye leave undone (the saidis landis alwayis under reversioun as said is) the quhilk to do I committ to you conjunctlie and severallie, my baillies in that pairt foirsaidis, my full power be thir presentis. In witnes quhair of to this my present charter conteining precept of saisine thairintill, writtin be Robert Coltart, notar publict, and subscrivit be him at my command, becaus I can nocht wryte myselff, my seale is affixit, at the said town of Kirkwall, in Orkney, the tuentie ane day of Marche, the yeir of God j^m vj^e and sexteine yeiris, befor thir witnessis, Nicoll Sinclar, indweller in Kirkwall, Johne Draver, thair, Andro Keldall, brother to the said David Keldall, and Nicoll Sklaitter, indwellar in Skalloway Bankis, in Zetland.

Ita esse (ut premittitur) attestor Robertus Coltart, notarius publicus, in premissis de mandato dicti Alexandri Ingsetter, scribere nescientis (ut asseruit)

requisitus, testantibus his meis signo et subscriptione manualibus.

[Only one witness signs] Nicoll Sinclair, witness.

[On the lower part of this deed, now torn away and separate, is written]:—

David Keldall hes debursit for this charter and instrument of saising following thairupon, four pundis money upon compt and payment to be made to him be Alexander Ingsetter, annaliar and thame that sall happin to redeme the landis abone-writtin.

[Some one has scrawled numerals on the rest.]

[On the back of the charter is written the following]:

Be it kend till all men be thir present letters me, Alexander Ingsetter, elder, within writtin, forsameikle as David Keldall within namit hes contentit, satisfeit and payit to me certain sowmes of money and uther guidis and geir for the dispositioun efter specifeit, quhairof I grant the recept and discharges him thair of for ever, thairfoir to have sauld, annaleit and disponit and be thir presentis sell, annalie and dispone to the said David Keldall, his airis and assignayis quahatsomever, all and haill my lyfrent rycht and title of the four settingis land and mailling with the pertenentis withinwrittin and constitute and make the said David and his foirsaidis my cessionaris, assignayis and procuratouris *in rem suam*, in and to the maillis, fermes, proffeittis and dewties thair of, alsweill of all yeiris and termes restand awand unpayit as in tyme cumming induring my lyf tyme, with power to persew thairfoir, etc. Lyke as I ratifie and approve the dispositioun and charter within writtin, saisine proceeding be vertew thair of, made and grantit to the said David and his foirsaidis be Alexander Ingsetter, my sone, with all that hes followit and may follow thairupoun. In witnes hei of I have gevin command to Robert Coltart, notar publict, to subscribe thir presentis for me, because I can nocht wryt myself, at Kirkwall, the

tuentie ane day of May j^m vj^e tuentie ane yeiris, befoir thir witnessis, Magnus Tailyeour, sone to umquhile Peter Tailyeour, burgess of Kirkwall, Henry Halcro, sone to umquhile William Halcro, thair.

Ita est Robertus Coltart, notarius publicus in premissis de mandato dicti Alexandri Ingsetter scribere nescientis requisitus.

Magnus Tailyeour, witnes, Henrie Halcro, vitnes.

[There are several writs relative to this Charter, and therefore only noted as follows]:—

Note of Sasine of David Keldall in the above subjects, 1616.

Instrument of Sasine narrating that on 20th November, 1616, being the 50th and 14th years respectively of the reign of King James the Sixth, David Keldall, indweller in Kirkwall, personally compearing before the notary and witnesses, produced the above Charter granted to him by Alexander Ingsetter, lawful son of the deceased Alexander Ingsetter and the deceased Isobel Cloustane, which he presented to John Draver, indweller in Kirkwall, who thereupon, as bailie, gave sasine to him of the foresaid lands, in terms of the precept contained in the said Charter. Witnesses to the Sasine are, Robert Book in Cloustane, George Book, there, John Leask, and George Henry, there. Robert Coltart, notary public, appends his declaration and sign manual, stating also that Andrew Smyth, servitor to Mr. Henry Aitkin, Commissary of Orkney, wrote the instrument, he being himself occupied with other business.

Note of Renunciation of the subjects by David Keldall, 1625.

Renunciation by David Keldaill, indweller in Kirkwall, in favour of Richard Cloustoun in Cloustoun, of his whole right to the foresaid lands, wadset to him by Alexander Ingsetter, lawful son of Alexander Ingsetter and the deceased Isobel Cloustoun, under reversion for £10, and in addition the sum of four pounds paid for the foresaid Charter and Sasine; and he delivers the Charter and Sasine to the said Richard to keep. This deed is written by Robert Scollay, notary public in Kirkwall, and dated at Kirkwall, 13th March, 1625; witnesses, John Diksone in Kirkwall, Robert Swentoun, son of John Swentoun, minister in Stanehous and Firthe, and Patrick Scollay, son of the said Robert Scollay.

Robert Scollay, notary, signs for the said David Keldaill, who cannot write.

John Diksoun, witnes; P. Scollay, witnes; Rot. Swentoun, vitnes.

Pope Benedict XIII. provides Alexander, Elect of Caithness, to the see of Orkney, to be consecrated by any catholic bishop, in communion with the apostolic see, without prejudice to the metropolitan, the Archbishop of Trondheim.

From Register Avenine, 330, 376, Benedict XIII.

85. February 14, 1408. Portoverro, Genoa.

Dilecto filio, Alexandro Electo Orcadiensi, salutem, etc. Cum nos pridem ecclesie Orcadiensi pastoris regimine destitute de persona tua nobis et fratribus nostris ob tuorum exigenciam meritorum accepta de fratrum eorundem consilio auctoritate apostolica duxerimus prouidendum, preficiendo te illi in episcopum et pastorem. Nos ad ea que ad tue commoditatis augmentum cedere valeant fauorabiliter intendentes, tuis supplicationibus inclinati, ut a quocunque malueris catholico antistite gratiam et communionem apostolice sedis habente, ascitis et in hoc sibi assistentibus duobus uel tribus catholicis episcopis similem gratiam et communionem habentibus, munus consecracionis recipere valeas, ac eidem antistiti ut munus predictum auctoritate nostra impendere libere tibi possit plenam et liberam concedimus tenore presencium facultatem. Volumus autem quod idem antistes qui tibi prelatum munus impendet, postquam illud tibi impenderit a te nostro et ecclesie Romane nomine fidelitatis debite solitum recipiat iuramentum iuxta formam quam sub bulla nostra mittimus interclusam, ac formam iuramenti quod te prestare contigerit nobis de verbo ad verbum per tuas patentes litteras tuo sigillo signatas per proprium nuntium quantocius destinare procuret. Quodque per hoc venerabili fratri nostro Archiepiscopo Nidrosiensi, cui prefata ecclesia metropolitico jure subesse dinoscitur, nullum imposterum prejudicium generetur. Dat. apud Portumveneris, Januensis diocese, ii Id. Februarii anno quartodecimo.

(Translation.)

To our beloved son Alexander, Elect of Caithness, greeting, etc. When some time since the Church of Orkney was destitute of the oversight of a pastor we were induced by apostolic authority with the consent of our brethren to provide for the same in your person notwithstanding of the paucity of your merits as it appeared to us and them, and for this and for your greater convenience were favourably disposed as much as in us lay, to listen to your petition that you would prefer to receive the gift of consecration from some catholic bishop subject to and in communion with the apostolic see who should have assisting him two or three approved catholic bishops in the like subjection and communion, and so we willingly grant by the tenor of these presents power to the said bishop that he may be able freely by our authority to confer upon you the foresaid gift. But it is our will that the foresaid bishop who shall confer the foresaid gift upon you shall before doing so duly receive from you the customary oath of fidelity to us and in name of the Roman Church in terms of the form which we send herewith inclosed under our bull, and shall cause that form of oath which you have tendered to us word for word in your letters patent sealed with your seal to be returned by his own messenger as quickly as possible; as also that these presents shall work no prejudice hereafter to our venerable brother, the Archbishop of Trondheim, to whom the foresaid church by metropolitan law is known to be subject. Given at Portoverro in the diocese of Genoa on 14th February in our fourteenth year (1408).

Gift by Duncan of Law to Donald Clerk of a tenement in Kirkwall.

From a transcript in the General Register House, Edinburgh, made from the original, communicated by J. A. Maconochie. Printed in Deeds relating to Orkney and Zetland (Edinburgh, 1840).

86.

June 6, 1433.

Orkney.

Be it kende till all men be thir present letters, me, Duncan off Law, the son quhilum off Jon off Law, till have gifwyn and grantit, and be thir my present letteris gifwis and grantes, to Donalde Clerk in mariage as movable gude wyth Janet Law, my sister, all hale my part off the tenement the quhilk my fader and moder aucht, with the pertinens, liande within the burght and fredom off Kirkwaw, the quhilk lyis one the north halfe off Olaf's house, wyth all pertenance; hade and for to be hade my part off all hale with the pertenance off the saide tenement to the said Donalde his executuris or assignais fra me and myne ayris and assignais in fe and heritage for evirmare with all rycht merkis and devisiss, as it lyis in lenth and breide, with fre usse and entra, wyth all and uthir sindry fredomis, liberteis, commoditeis, asiamentis, and rychtwise pertenance quhatsumever, alseweile undir zerde as boufe zerde, alse weile fer as neir, alse weile nemmit as unnemmit, to the said myn part off the lande with the pertenance pertenance or rychtwisly may pertene ony maner off vise in thym for to cum, frely, quietly, halely, fulllely, honorabilly, weile, and in pese, for outyn ony gane haldyne or ony obstakill ony maner off way; gifande thar off the saide Donalde, his ayris and assignais, to the saide fredome off the fornemmit burght as uthir burgeses dois in zeris or cotidiane dais, but fraude or gile, efter the maner and the statut off the contre. And I, the said Duncane off Law, myn ayris and assignais, the saide lande with the pertenance in fourme and maner as befor is wrytine to the saide Donalde his ayris

and assignais agayne all menne and women dedly wil warande and quiet for evermare. In vitnes off the quhilk thing, because that I, the said Duncane off Law, hade no seile off myn awyne propir, I have procurit the seillis off twa worthi, Robert off Bening, bailzhe off the burght off Kirkwaw, and Thom Maunsson, with instance, befor thir witnes, that is to say, Jon Qwitone, burges of Edynburght, Donalde Cristison, Thom Patonson, and Friskyn (*sic*), and uthir sindry, to be put to this myn lettir off fre gift, the sext day off the muneth of Junij, the yeir off our Lorde a thousande four hundretht thretti and thre zheir.

Testament of Sir David Sinclair of Sumburgh.

Copy of original was discovered by Mr. George Petrie, junior, County Clerk, among a mass of old papers in the Town-House of Kirkwall; printed in Bannatyne Club, Miscellany, vol. 3, pp. 103-110. Saint-Claire of the Isles, p. 514.

87.

July 10, 1506.

Tingwall.

In the name of God, Amen : Be it kend til al men and be knawin that I, David Sincler of Swynbrocht, knycht, seik in my bodye, nevir the less hail in to my mynd, makis my testament in maner and forme as efter followis. Item, in the fyrst, I leif and commendis my saule to God Almychte, in quhaiis protectione and defenss I incal the blyssit Virgen Mare and al the Sanctis in hevin. Item, I leif my bodye to be erdit in Sanct Magnus Kyrk of Tyngwell. Item, to proteir and defend my testament I chuis and humblie praiiss oure maist soverane Prince, Kyng James throucht the grace of God Kyng of Scottis. In the quhilkis relevatione of labouris I ordene discreit men, that is to saye, Richart Lesk and Thorrald of Brucht, veray executoris of this testament, the quhilkis sal dispone my geir baytht vrettin and onevrettin as thai wil ansuer befor God. Item, the penchione of Dingvell and the Red Castell

paiis thar dettis this yeir. Item, I leife na thing to my Lorde Sincler bot the penchione of Yetland for this yeir present, to the quhilk Lorde I geiwe and leiffis all the landis that I possessit efter my fader deide in Yetland, and my best silver stope wyth twelffe stoppis inlussit in the samen, wyth my schipe callit the Carvell wyth hir pertinentis, and twa sadillis. Item, I leiffe to my Ladye Syncler my myd stope of silver wyth twelffe stoppis inclusit in the samen. Item, I leife to the sone and aire of Henre, Lord Synclar, my best silver stope with sex stoppis inclusit in the samen, and wyth all the moveabill beistis that ar contenit in the landis afor assignit to my Lord his fader. Item, I leife to my bruder Sir William Sincler, Erle of Cathtness, my innes in Edinbrucht wyth the pertinentis. Item, I leife to Sir William Sincler the knycht my doublet of kletht of gold, and my gray satein goun, wyth three ostreche fedderiss. Item, I leiff to Allane Aitsone my blak goun of dammess wyth silver bouttounes, my graye scarlet hoiiss, and my doublet of doune cramesse. Item, I geive and leiffis to Gertrude my gret silver belte and ane pece of kletht of gold the lyntht of ane Flanderiss ellin. I leif to William Flete and his bruder Criste Flete my litill schipe, wyth al geir, and al my landis in Orknaye, with my innes in Kyrkwall; excep Setter and Vachtsequey, wyth houssis and uder pertinenss, the quhilk I leife to Alexander Brothvik, togedder with twa kye in Kyrkwall, and al the moveabill gudis in Schalpandsaye. Item, I leife to James Sincler, capitane for the tym in Dingvell, al my geir that is in Ross, that is to saye, my harness, gouness, klethtin, gold, silver, bestis, corne, and generaly al that ever I have there, excep my red cote of welvote, the quhilk I leife to the hie alter of the Cathedrall Kyrk of Orknaye. Item, I leif to ilk sone I have fywe scoir merkis land, and to ilk dochter fyfte: and I mycht schaw it now at this tyme, and gif I cannot schaw it I command my executoris to schaw it. Item, I leife to Thorrald of

Brucht and to his wife and his airis ten merkis land in Glaitness, and xv. merkis land in Linggo with al gudis thar contenit, and xxii. merkis in Pappale, ten merkis in Brucht. Item, I leif to Richart Lesk twenty merkis land in Cwndistay, and my Inglis schipe wyth all geir. Item, I geive to William Spens all my landis in Gloppa, and xv. merkis in Baltone. Item, I leife to Alexander Smeythtone xii. merkis in Eistrud, wyth all bestis that is thare. Item, I leife Jhone Mude xx. merkis, the quhilk I bocht fra him in Scatness, and the ful payment tharof. Item, I leife to Sanct Magnus Kyrk in Tyngvell the twa part of my blak welwoss cote, and the thrid parte I leife to the Corss Kyrk in Dynrosness. Item, the chelleiss of Sanct Magnus in Tyngvell is in Dyngwell (Dingwall, in Ross-shire), the quhilk I command to be deliverit. Item, I leife to Magnus Sincler my blew doublet, the brest set wyth precious staneis, and my hude set wyth precious staneis, and my goldin chenyne the quhilk I weair dailly. Item, I leife to Jhone Aundowr twenty licht florens. Item, I leife to Peter Merchell my blak doublet of wellouss, and my rede hoiss, and my schort red cote of wellouss wythout sclewis. Item, I geve and levis to my sister duelland in Orknaye al my gudis that ar in Pappay and Housbe. Item, I leife to Doctor Jhone Oke twelfe ellis of yper blak, and twa roiss nobillis, and my sadell wyth the pertinenss, the tane half of . . . and ane schort blak cote of wellouss. Item, I leife to Sir Magnus Harrode twa nobillis, and The Buk of Gud Maneris.¹ Item, I leife to the Provest of Byrrone² my signet. Item, I leife to Thome Haa four merkis in Morra Nordamda. Item, the geir that is nocht disponit be efter the gift of my gud benevolanss, I ordinat to be devidit betwixt my soneis and dochteris. Item, gif ony of my soneis or dochteris of myne discessis wythout airis of thar awne

¹ No doubt the work under that title, trans. from the French, and printed by Caxton in 1487.

² Bergen.

body, thar part to be devidit amange the leife of breder and sisteriss. Item, the puir folk that come out of Orknay wyth me I leife thame thar awne land, or ellis als gude. Item, I leif to Segreit in Rorik twa pak of vedmell, and twa kye. Item, I leife to the Halye Cross in Stanebruch twa nobillis of the roiss. Item, I geive to Sanct Georgeis alter in Roskyill¹ my goldin chenye, the quhilk is callit ane collar, the quhilk chenye the Kyng of Denmark gave me. Item, I leif to Thome Bosvell my best ,² the quhilk come hame to me wyth my schipe out of Norrowaye. Item, ten pundis of gold to be paiit to Jhone of Veinde³ in Desert, the quhilk Henre Spens resavit. Item, xv. merkis I ordane to be paiit to the Inglisman that sauld me the schipe. Item, I leife to Jhone Boide the best pece of ane lynnein robe, the quhilk I boucht fra the Flemyngis. Item, I leife the fruitis of my landis of this yeiris crope to the puir folkis. Item, I leife to Sande Sincler, my bruder sone sex ellis of grein claitht. Item, I leif to Patre Cuke and James Baxstair ten ellis of grein claitht. Item, I leife to Ingarcht in Cransetter twa kye. Item, I leife to Henre Sincler, my bruder son, all my brutell bestis that is in Oxvoo. Item, I lief and commandis to geive to Jhone Glappayr ix. merkis, the quhilkis I promit to hym in his spoussage. Giffin at Tyngwell, the yeir of God j^m. fyfe hundretht and sex yeiris, the aucht daye of the Vesitatione of Our Ladye: thir men beand presente, Sande Brothvik, Peter Merchell, Jhone Mude, Jhone Boide, Magnus Sincler, Peter Cuk, Alexander Smeithtone, wyth utheris mony sindri and divers.

Ita fateor ego Doctor Johannes Oke de Gesteria me ascultasse, et concordat de verbo ad verbum cum suo illeso originali; quod fateor manu propria, etc. Haec est vera hujus originalis copiata sive collationata de verbo in verbum, ac translata de Latino in Anglicam

¹ Roeskilde in Denmark. ² A word omitted in the original.

³ Possibly Wemse (Wemyss).

linguam, haud in ullo discrepans, sed per omnia concordans, per me Dominum Jacobum Scuill, sacra autoritate apostolica notarium publicum, sub anno Domini millesimo quingentesimo xxv^o., die vero sexto mensis Augusti, hora quasi quinta post meridiem vel eo circa, presentibus ibidem venerabilibus viris, Roberto Flet, Domino Georgio Dufe, Alexandro Paulsone, et Andrea Sanger, cum diversis aliis formaliter sicut stat omni meliori forma qua potui, et etiam roboravi meis signo, nomine, cognomine, et manuali subscriptione quibus utor. Jacobus Scuill, notarius publicus.

Verdict of the [Justice] Lawman and Roythmen, that the neighbours of Toop (Orkney), etc., have no rights of grazing on the lands of Saba, nor of taking sea-weed from its shore.

From the printed copy in "The Scottish Journal of Topography, Antiquities, Traditions, etc.," Vol. II., Edinburgh, 1848, p. 120. The location of the original MS. is not now known; it was in the possession of George Petrie, County Clerk of Orkney, in 1848. As the printed copy is obviously corrupt, and many words are doubtful, it has been thought safer to print in italics the extension of the contracted words. Compare No. 37, p. 61.

88.

April 27, 1509.

Saba and Toop.

Jesus.

One the sewyne and xx day of Apryll in the yeir of God ane thowsand v^c ix yeris, ane ogane and a dome dempt at Saba and Toop, befoir ane nobill and potentt man Ser Wilyeam Syclair of Wairseytter, knycht, be me Jhone of Crege, lawman of Orkney, the wirdeest and best of the land, goderytt¹ landytt men and roythmen,² that ar to say, Jhone of Randeyll, Alexander Synclair of Stromness, Andro Hacro, Manys Cromede,

¹ O.N. góð-ráðr, adj. giving good counsel.

² O.N. ráð-menn, councillors. In No. 37, p. 62, l. 3, to athmen, may be read roathmen.

eldeyr, Periss Lowthit, Jhone of Yensta, William of Hedeill, Cobeyne of Gryn timer, Thome Synclair of Tenste, Rechert of Ierland, Thomas Adamsone, Jhone Nore, Andro Reyde, Jhone Gareok of Home, Robartt Yorkstane, Jhone Fleytt of Hare, Thomass Halle, with wderis dyweris betuix Dauyd Kantt, chaumrlane in the kyngis owmbuth, Wm. Stewartt, brudyr jermane to ane rewerane fadyr in God, Adward, bysschop of Orknay, in the said bysschopis owmbuth, Alexr. Fyrsale and the leyff of the neboris of Toop, one the ane pairt and Jhone Irwyn of Saba, in his awn owmbuth, one the wyder pairt anentt mark stenys . . . meyrcheis and methis betwixt Saba and Toop, and the said perteis alegenss, ewedents and prowis, hard, sein and ryplie wnderstandyng be me, the said lawman and personys forsaide, fyndis be the lawbuik, the dyk steith that strekis fre the nuthyr dame¹ of Saba to the mark stane att standis att the sowith wast end of Meissegere, wass, is and sall be meyrch one the ane pairt betuix Saba and Toop, and fre the said dyk and stane to the lawest of the se and sand as fra² the wast poutt³ of Gruttrquhy beris lyne sowith wast to wast⁴ one the bankis of the wast shoir their to meyrche on the udyr pairt; and be resons that ther ix peneland of Saba lye in ane inskeyft⁵ within hyttself in lentt and breyd that the neboris of Toop and all wdyris peirsonis quhattsuwir sall keyp ther guyds of the grownd of Saba, beyth sumyr and winthir. And also we find the ix peneland of Saba in so fre gyffin and cheyngjtt be the last eryll of Orkna, be his chartturis and his seillis

¹ *overmylne dame* in No. 37, p. 63, l. 11.

² *quhar*, in No. 37, p. 63, l. 15.

³ Point.

⁴ *Wasteene*, in No. 37, p. 63, was identified as a standing stone still bearing that name; but Dr. Jón Stefánsson suggests that this may be O.N. *Vé-steinn*, the holy stone for sacrifice.

⁵ This is probably *airskeyft*; it is read *amis* or *aruís skopft*, in No. 37, p. 63, l. 19; but *ayrskifft* in No. 89 places the correct reading beyond doubt, viz., O.N. *arfskifti*, division of inheritance.

meyd to the said Jhone Irwyngis ffader and mothyr for the landiss of Paple, Hurtess and Okillseytter that na persone nor peirsonis sall intromytt nor tayk away nodyr erd nor stane, gerss nor waitt, nodyr wark wattill wair noist wring¹ nor ne wdyr manyr of thing of the grownd of Saba, wndyr the pane of ane mark Orkneis, to be payett to the aneris of Saba for ilk leyd or buirdyng takyne awa wythout guyd will and lefenss of the said Jhone Irwing, his eris and eftyr cumeris, bot that he and his eris awth and sowd bruik fre the lawest of the se and eb to the hiest and fairest of the said grownd and fredum of Saba with all that is beythyr to haue nor to wantt, else weyll not neymitt as nemytt, exceyp aleneyrlie thre . . . ane lysspone and ane half lysspone buyttir in skaytt as the said erllis rentell and charttur schawne befor us, beris. In wytness of the quhilk I, the said lawman, att the instance of the said royth men, for me and thame heis affyxit my seyll to this present dome, day, yeir and place abone wrytin. (Seal).

*Decreet of the Lawting regarding the sale of land
in Tob (Tollop), Orkney.*

From the original on parchment in the possession of the Rev. J. B. Craven, D.D., Kirkwall. Facsimile in National MSS. of Scotland, Vol. III., No. 11. Cf. protocol in Mackenzie's Grievances, app., p. iv.

89.

1514, June.

Kirkwall.

✠ Jhesus Maria. ✠

At Kirkwall on Tyisday in the Lawting in the moneth of Junii the yere of God ane thousaund five hundreth and fourtene yeris, a dome dempt be me Nicoll Haw,

¹The corresponding passage in No. 37, p. 63, last line, enumerates: *aird* (earth), *stane* and *wair* (sea-weed). *Waitt*, *wark*, *wattill* (a tax), *noist* and *wring*, are unintelligible; if they are used as a mere jingle of appurtenances, then one might suggest: neither earth nor stone, grass, nor waith (hunting, or what is caught by hunting), neither wrak (wreck), fewall, i.e., peat, (for *wattill*, a tax), wair, pastwring (for *noist wring*).

lawman of Scheatlaunde and Orkynnay for the tyme, and ane certane of famous discreit and unsuspek persouns of roith men¹ and roith mennis sounis chosin, the greit aitht suorn, and admittit to decide in ane mater of heretage, thare names folowis, that ar to say, Johne Flett of Herray, Henry Cragy, Thomas Cragy, Nicoll Cragy, brethir germane till Johne of Cragy, umquhile lawman of Orkynnay, Peris Loutfit, Henry Fowbuster, Andro Linclet, William Clouchstath, Alexandir Housgarth, Mawnis Cawra, Mawnis Atkyn, Andro Scarth, and Johne of Bersto, betuix Thomas Adamson in the umbuth of ane nobill and potent man, Schir William Sincler of Warsettir, knycht, and in the umbuth of Nicoll Fresell, soune and lauchtfull air to David Fresell, on the ta part, and Alexander Fresell, the said Nicollis fadir bruthir, in his awyn umbuth, on the tothir part, quhar the said Thomas Adamsoun in the name and behalf of the said Schir William producit lauchfull witnes of full bying and selling of all and hail the said Nicolis fadir heretage that he arit or mycht air be ony maner of way, lauchfully sauld fra him and all his airis to the said Schir William and all his airis, and gart reid the writtingis maid theron as it beris, and proponit, alegiit and schew resonabill causis as the law levis, that is to say, at the said Nicoll diverse sindry tymes com to the said Alexandir and offerit him the bying of all and haile his richtis of his faderis heretage before ony utheris, and he rafusit it all tymes; and thare eftir he com before the best and worthiast in the cuntre eftir diverse and sindry tymes in courtis and hed stennis² and maid knawin that he was fameist and peresaund of hungir in faute of fude and nakit in faut of clething, and tuk wittnes that sen the said Alexandir had refusit the bying of his rychtis and heretage that it was fors

¹ O.N. *ráðmaðr*, a councillor.

² O.N. *stefna* or *stemna* in *Hirðmanna-stefna*, a meeting of King's men, the Hermansteine or Sheriff Court of Orkney, see No. 95 *infra*.

till him to sell to ony that wald by, quhilkis the said Schir William thereftir bocht, as his chartir maid theron mair fullely proportis; and the said Alexander schew for his evidentis that he had gevyn the said Nicolis fadir his brudir four markis usuale mone of Scotlaund in part of pament of his part of heretage. All the saidis partiis allegeans and evidentis be us avisitly and riply considerit, hard, seyn and undir-standin, havand God before ey, has deliverit, decretit and be the cheptare of the lawbuke redd theron for finale dome gevin that the said Schir Williamis bying and selling fra the said Nicoll is lauchfull, and tharefore he sall bruk, joyise and possess perpetually to him and all his ayris the saidis Nicolis fadir part of all and sindry his rychtis laundis, heretage, malingis, stedingis, togidder with the principale chemeis place¹ in Tollop, as eldast bruthir tharto, and the said Alexanderis bying and selling fund of nane availe, because it is weil knawin and fund that he swekit and defraudit his bruthir forsaid and did siclik to the said Nicoll, his bruthir soun; and the said Schir William to louse a sistyr part of the foirsaid laundis and heretage, togidder with the tane half of the tend penne and the ferd,² as the eldast bruthir, in the forsaid heretage, and the fornemmit four merkis usuale money gevin be the said Alexandir to the said David with all utheris that he may preif gevin to the said Nicoll before the said Schir Williamis bying and selling of the said heretage salbe allowit in the laundmales and ogude³ safar as it extendis to; and siclik all that the said Alexander may preif that his forsaid bruther, David Fresell, tuk up of the pament of the tenement in Sowyr mair na he gat salbe allowit in the pament of the said laundmalis and ogud sa far as it extendis to, and all that wauntis be

¹ Scotch, *chemys*, chief dwelling of a landed proprietor.

² See *f.n.* 3, p. 64.

³ O.N. *ágóði*, profit.

rycht compt and reknyng the said Alexandir sall mak payment to the said Schir William, togidder with the laundmalis of the eldast bruthir part fra the day and dait of the said Schir Williams bying and selling quhill the makin of this present writt. And the said Schir William and Alexandir to be at the arff house¹ and chemois betuix this and Alhalow evin next eftir the dait of this present writt to mak a lauchfull schone and ayrskift² as the law levis. In witness of the quhilk thing I, the forsaid lawman, has hungin my seil to this present dome, and for the mair verificatioun and siker-ness we, the fornemmit domismen, has procurit with grete instans the selis of venerabill and discreit men, that ar to say, Fredrik Newphar, notar public, and Gilbert Kenidy, burges of Kirkwaw, for us to be hungin to this present dome, before thir witness, Thomas Tullo of Ness, James Murra, William Flett, and Alexander Borthuik, with uther diverse, day, yer and place aboun writin, befor thir wittnes, Schir Umfre Clerk, officiale, Schir Mathow Farcar, and Schir William Boswell, with uther diverse. (*Loca sig.*).

Wadset, Thomas Omond to Peter Rusland of a merk land in Kirkbuster, par. of Orphir.

Original on paper in the possession of W. Isbister of Bigswell.

90.

Midsummer [15] 30.

At Midsomer in anno xxx^o. (*sic*). Be it kend till all men be this present wreit, me, Thome Omond, grantis with hand and handband to have wadset ane mark land lyand in Kirkbuster within the parisone of Orphare, with howssis and all richt pertinentis pertenant thairto to my vele beluiffet freynd, Peter Rusland, for the

¹ O.N. *arfr*, inheritance. "Arffhouse and chemys" appears to indicate that this term was applied to the chief house of the estate where the division of the inheritance was made.

² See *f.n.* 1, p. 80, and *f.n.* 5, p. 252.

sowme that followis, that is to say, three li. monie, and ane gillat¹ and ane horse foill, the said mone [and] gillat lent to me the said Omond in my gryt neid and necessitie, and sall varrant the merk land with the pertinentis to be bruiket and possest fra me and all my aires to the said Peter and all his aires ay and quhill I, the foirsaid Omond, lay downe the sowme abone-wrettin; befoir thir witnesses, Alexander Sinclair, Thome Burgh, William Leiry, Thome of Clerk, and Thome Rusland, with utheris diverse. *Subscribitur. Ita est Robert Mowat. Tenet cum principali. Ita est Jacobus Jack, notarius publicus premissa attestans.* [Written on the back] Peremptour to be provin be the defenderis on the 14 of December, 1615.

Disposition, Sebastian Murray to James Murray, his brother, of his part of Gerth in Holm, Stromness parish.

Original on vellum in the possession of J. Storer Clouston. One Tag, seal gone.

91.

August 8, 1547.

Kirkwall.

Be it maid kend till all men be this present write, me, Bastiane Murray, sone and yongest of the airis of umquhill my fathir, Thomas Murray, masculine, to have sold, annaliit and ofhentit fra me and all myne aires, executouris and assignais, to my brother germane, James Murray, and to all his airis, executouris and assignais, my brothir part of feild land of Gerth in Holm, within the parochine off Stromness, for full landis price pait the first penny and the last and all thair betuix, quitclamand and dischargeand the said James thairofe, his airis, executouris and assignais, for now and evirmair; the fornemmit land pertenant my brother part to be possessit, brukit and josit be the said

¹ Jamieson's *Dict.* gives two meanings; a filly or young mare and a gelding or riding horse.

James, his airis, executouris and assignais, fra me the said Bastiane, myne airis, executouris and assignais, with all rycht and roytht and rychteous pertinens pertenand or that lauchfully may pertain thairto, with houssis, toftis, towmellis, medous, fredomys, owt-pastour and inpastour, fra the hiest of the hill to the lawest in the eb, fer and neir, that is better to haif no[r] to vant, als veill unnemmyt as nemmyt; oblisand me, the said Bastian, be the fayth and trewth in my body to varrand and defend my brothir part of land forsaid to my said brothir aganis all deidlie men and wemen: comittand my full powar, express bydding and command to my said brothir, James Murray, to persew, obtain and inbring the biroun malis of my brothir part of land to my utilite and profit gif it may be vin sen my fatheris decess, haldand rait and grait¹ quhat my said brother dois or ledis to be doin in my name. In vittess of the quhilk thing, because I, the said Bastiane, hes na seil propir of my awin, I have procurit with instans the seill of ane honorable man Olave Sincler, fold of Zetland, for me to be hungin to this chartour, the viij day of August, the yeir of God ane m. v^c. xlvij yeris, at Kirkwall in Orkney, befoir thir vittess, Niniane Flet, Thome Cuming, David Sincler, and Sande Portuous, with wther diverss.

[On the back] Sebastiens Murrays chartour of Gertht.

Disposition, David Loutfite and sons to Magnus Loutfute, of land in Bigswell, Stenness.

Original on parchment in the possession of W. Isbister of Bigswell. One Tag, seal gone.

92.

April 10, 1551.

Kirkwall.

Be it kend till all men be this present write, us, David Loutfite, Johnne Loutfute and Henrye Loutfute, sonis

¹ O.N. *halde rétt ok greitt*, holding to be right and good.

and airis to me the said David Loutfute, with consent and assent of the saidis Johnne and Hendrye my sonis, to haif sauld, analiit, ofhynttit and be the tennour of this present write sellis, annaliis and ofhynttis fra us and all oure airis, executouris and assignais, twa mark land liand in Bixwell, within the parrochioun of Stane-hous and lordschip of Orknay, to ane honorabill man and our neir kynisman, Maunis Loutfute, his airis, executouris and assignais, togidder with the Neder Byr of Bixuell, for the soume of foure poundis usuale money of Scotland payit to me, the said David, and tuelf schillingis usuale money forsaid payit to the said Johnne and ten schillingis money forsaid togidder with ane maill of baire payit to the said Henrye Loutfute, my sonis, for thair consent and assent gevin and consentit to the making of this present chartour; the quhilk twa mark land I, the said David, lousit out of the handis of our freind and kynisman, Maister Williame Sincleir, and grantis that the said Maunis is nerrest rothman¹ to lous the said land, and attoure the said Maunis to deliver to me, the said David, induring my lyf tyme alanerlie, ane meill of victuell yeirlie in Bixwell or Kirkwall, quhilk that the said David pleis; of the quhilk four li. payit to the said David, xij. s to the said Johnne, and x. s togidder with the said maill of baire payit to the forsaid Henrye, we discharge, quit-clameis the said Maunis, his airis, executouris and assignais, for us, our airis, executouris and assignais, now and in to all tyme to cum; quhilk money and geyr aboun-writtin wes deliverit to us in our greit urgent necessite and mister: Thairfoir the saidis twa mark land and byre aboun-writin and with richt roitht ow[th]jell thairof, houssis, towmellis, toftis, inpastour, out-

¹ O.N. *brigðar-maðr*, *brigðandi*, one who has the right of redeeming óðal land; *brigð*, the right of redeeming óðal land. In Orkney, the unintelligible word *royth* is the term used for the right of redeeming odal land. Compare roithmen, O.N. *ráðmaðr*, a councillor, in No. 89.

pastour, muris, mossis, waire, witht all rychteus pertinentis at pertenis or of just titill may pertene to the said twa mark land and neder byre of Bixwell, onder and aboune the eird, fra the hiest stane on the hill to the lawest in the eb, to be haldin and had fra us the saidis David, Johnne and Hendrye, our airis, executouris and assignais, and to be possessit, broukit and joisit be the said Maunis Loutfute, his airis, executouris and assignais, for now and ewermair. We forsouth the saidis David, Johnne and Hendrye, our airis, executouris and assignais, sall warrand, acquit and defend the said Maunis, his airis, executouris and assignais, in peciabillie broukin and joising of the said twa mark land of Bixuell and neder byr of the samyn, with the pertinentis, in contrar all deidlie, and that be the faith and treutht in our bodeis and under the paine of all our gudis movable and unmovable, present and for to cum; and the said Maunis Loutfute entres to be in and to the said twa mark land and the neder byr of Bixuell nocht quhill the nixt tyltth eftir the deceis of the said David and na soner alanerlie. Super quibus omnibus et singulis prefatus Magnus Loutfute a me, notario publico subscripto, sibi fieri petiit unum seu plura publicum seu publica instrumentum seu instrumenta. Et quod prefati David, Johannes et Henricus non habuerunt sigilla propria, procuravi cum instantia sigillum discreti viri Domini Magni Strang, succentoris Orchadensis, meo presenti instrumento pro majori roboramento appendi. Acta erant hec in domo habitationis dicti Domini Magni infra civitatem de Kirkwall hora quasi xj^a ante meridiem aut eocirca, viz., decimo die mensis Aprilis, anno Domini millesimo quingentesimo quinquagesimo primo, indictione nona pontificatus sanctissimi in Christo patris et domini nostri domini Julii divina providentia Pape Tertii anno primo, presentibus ibidem honorabilibus viris, Magistro Roberto Hall, Willelmo Cok, Jacobo Gyfhart, et

Henrico Kirknes, cum diversis aliis testibus ad premissa requisitis pariterque et rogatis.

Et ego Andreas Gray, presbyter Sancti Andree diocesis, publicus sacra autoritate apostolica notarius, quia premissis omnibus et singulis dum sic ut premittitur, dicerentur, agerentur et fierent, unacum prenominatis testibus presens personaliter interfui, eaque omnia alia et singula sic fieri, dici, scivi, vidi et audivi ac in notam cepi, ideoque hoc presens publicum instrumentum manu mea propria fideliter scriptum exinde confeci, signavi et subscripsi rogatus et requisitus, in fidem et testimonium omnium et singulorum premissorum. Andreas Gray, notarius.

Disposition, John Lowtfwit to Henry Halcro, burgess of Kirkwall, of two merk land of Bigswell and one merk land of Dowscarth, par. of Stennes; with clause of reversion.

Original on parchment in the possession of W. Isbister of Bigswell. One tag, seal gone.

93.

August 7, 1557.

Kirkwall.

Be it kend til al men be this present chartour me, Johne Lowtfwit, sone and air to my fader, David Lowtfwit of Biggiswale, and Eline Skay, my moder, quham God assolze, til have sauld, analiit and ofhenttit and be the tenour of this present charttour sellis, analiis and ofhenttis fra me, my aris, executouris and assignais, to ane honorable and his special frend, Henry Halcro, burges in the toune of Kirkvald, his aris, executouris and assignais, al and hail twa merkis land lyand in the toune of Biggiswal and ane merk land lyand in the toune of Dowaskar in the Cros parrochiaun of Stanhous within the Maineland of Orknay, with al rycht and roiht, houssis, bigginis, millis, towmellis,

qwyis, toftis, croftis, annexis, connexis and pertinenttis pertenant or that sal be knowne rychteusly to pertene to the said thre merk land lyand wnder the hows of Biggiswall and Dowaskar the rycht therof quhatsumevir; and that for the sowme of fowr skoir of pundis usual mone of Scotland payit and deliverit to me the foirsaid Johne Loutfwit ryally and with effek in nomerat mone be the handis of the foirsaid Henry Halcro in my gret mister and wrgent necessite, of the quhilk sowme of fowr skoir of pwndis abone expremitt I the said Johne Lowitfuit haldis me weil content and thankfully payit for me, my aris, executouris and assignais, and dischargis and quhitclamis and exhonoris the foirsaid Henry Halcro, his aris, executouris and assignais therof, of the first penny and the last and al ther betuix, for now and ewir; and thairfoir the foirsaid thre merk land with ther pertinenttis liand wnder the hous of Biggiswal and Dowaskar abone specifeit, with al rycht and roith owthal and sammyne,¹ towmellis, toftis, millis, mowlteris, muris, myris, mosis and morais, fra the heast stane in the hil to the lawest in the eb, wnder the erd and abone, als weil wnnemmit and nemmit, far and neir, that is bettir to have nor to want, with fre ische and entre in and to the foirsaid thre merkis land liand in Biggiswal and Dowaskar, with al and sindry rychteus pertinens that pertenis or of juste tytle may pertenn therto, to be haldine and had fra me the said Johne Lowitfuit and al my aris, executouris and assignais, and to be brewkit, josit, lauborit and manurit be the said Henry Halcro, his aris, executouris and assignais, and his tenandis, subtenandis, greiffis and cottrallis quhatsumevir, and that ay and quhile I the said Johne Lowitfuit or the aris gottin lawchfully

¹ This term, which has hitherto been explained as O.N. *sæmd*, honour is more likely to be O.N. *sameiginn-eng.*, common pasturage. *Roith*, which has hitherto been taken as O.N. *ræði* rule, is now explained in these documents as the right of redeeming lands (see No. 92).

one my body content and pay to the said Henry Halcro, his aris, executouris and assignais for redemptione of the said landis of Biggiswal and Dovaskar of the foirsaid soume of four skoir of pundis haffand cours in the roume² for the tyme, in the Cros kirk of Stanhous on ane day betuix the sone rysing and setting thairof, and that of our awine leil win conquest gudis to be nomerit in gold and silver nowder borrowit nor lent nor the foirsaid landis nor nane oder landis sawld nor wodset therfor; togidder with ane assedatione of nynetene yeris takis eftir the redemptione of the saidis landis maid of the thre merkis landis wnder the hous of Biggiswal [and] Dowaskar with thair pertinenttis as said is, be me Johne Lowitfuit, my aris, executouris and assignais in dew forme seallit and subscribit, contenand sufficiand clauses of warandyce to the said Henry Halcro, his aris, executouris and assignais in peciable brewkine, josing, manuring and lauboring of the said thre merkis land of Biggiswal and Dowaskar be tham induring the said xix. yeris to be compleitlie utrune and bygane efter the outquyting of the sammyn land, and the said Henry Halcro and his aris, executouris and assignais, to pay to me the said Johne Louitfuit, my airis, executouris and assignais gottin of my body, foir ilk merk land ilk yeir ane leische pund butter at Alhallomes; and al expenses that the said Henry Halcro or his aris, executouris or assignais makis upone the saidis bigginnis of ony sort of fassone of houses and bigginis upone the place of Biggiswal or to be maid upone the beitting one tham that is biggit to be deliverit with the said principal soume; and one to the tym that the foirsaid expenses maid be the foirsaid Henry, his aris, executouris and assignais upone the said bigginnis be nocht payit to the said Henry, his aris, executouris or assignais be me the said Johne Loutfuit or my aris gottin with my body, executouris

¹*i.e.*, realm.

or assignais, we salbe secludit fra al redemptioun of the foirsaid thre merkis landis with thair pertinenttis. In witnes of this present chartour, becaus I had na propir seil of my awin I, the said Johne Loutfuit, hes procurit with instance the seil of ane honorable man James Ridpeth, burgess of Kirkvald, for me to be hungine to this present chartour, at Kirkval in Orknay, the sevint day of August, the yeir of God ane thousand v^e fyftie and sevin yeris; befoir thir witnes, Magnus Sinclar, Cristal Ridpetht, Archibald Dundas, burgesses in Kirkvald, Maistir Alexander Vas, notar, and James Fidlar, with oderis diverse. (Signed) James Ridpetht w^t my hand. *Ita est Magister Alexander Vaus, notarius publicus, quod teste manu propria, etc. (loc. sig.).*

Minute of the Sheriff Court of Orkney, as to the action between Richard Ireland and his sisters.

Original on paper in the possession of W. Isbister of Bigswell.

94. June 22, 1558. King's Castle, [Kirkwall].

The Schiref Court of Orknay haldin at the Kingis Caistell cloise of the samin be ane honorabill man Monsieur Bonald,¹ shiref and commissioner to our grete masteres the Quenis grace of the lordschip of Orknay, the xxij day of Junij anno 1558 yeris, the suittis callit, the court lauchfullie fenssit, the assise choissan and admitit.

Nomina assisae.

Thom Tulloicht, Harie Sinclar, Jamis Person, Duncan McFassen, James Reidpetht, Johne Cullane, Henry Sinclar of Clumle, William Sclaitter, Johne Broun, Jamis Tulloicht, Nicoll Tulloicht, James Irving, George Monepenne, Edward Sinclar, younger,

¹ Bonot, a Frenchman, was appointed governor of Orkney, by Marie de Guise Lorraine, Queen Dowager and Regent of Scotland, on or after 1543, when she obtained possession of the Castle of Kirkwall.

Johne Cromatte, Andro Yensta, William Hadell, William Corregill, elder, Robert Isbister, Olay Ska.

The quhilk day anent the moving of the action movit betext the sisteris of (sic) Irland, Marion and Margret Irland, *contra* Reche Irland anent land and heritage, the assise ordanis the balze deput of Harray to be apoun the grund and xij honest unsuspect men that ves laist with hym thair befor within xv dayis and se that everi sister and brother be maid alik and outreid conform to thair decreittis, under the pane of tynsell of his office, day and place forsaide, writtin be me Thomas Cumeng, clark of the court that tym, wyth my hand.

Disposition, Sir Magnus Murray of Widwick to James Murray of Garth, of his part of Garth, parish of Stromness.

Original on vellum in the possession of J. Storer Clouston. One tag, seal gone.

95.

May 10, 1567.

Kirkwall.

Be it kend till all men be this present chartour, me, Sir Magnus Murray of Widwik, sone and ane lawchfull aire to umquhile my father and mother, Thomas Murray and Katherein Paplay, quhom God assoilze, grantis me to have sauld, annaliit and ofhentit, and be the tenour heiroll sellis, analiis and ofhentis to my weilbeluffit bruther, James Murray of Gartht, and his airis and assignais, frae me, my airis, executouris and assignais, my bruther part of land pertenant to me lyand at the place of Gartht within the parochin of Stromnes, quhilk I airit eftir my father and mother foirsaid, togydder with my part of houssis, croftis, toftis, towmellis, medois, lesouris, pastouris, commoditeis and all asiamentis pertenant thairto, with fre ysche and entre, outpastour and inpastour, fra the

hiest of the hill to the lawest of the eb, under the yird and above, als weill nocht namit as namit, far as neir; my forsaid bruther part of land to be possest, jewsit and brukit peaceblie with the pertinentis forsaid be the said James and his airis fra me, my airis and assignais quhatsumevir in all tymis cumying, quietlie, weile and in peace, but ony impediment be me or the rest of my brether to be maid to the said James or his airis in tyme cumyng. And I forsuitht, the said Sir Magnus, grantis me to have ressavit compleit payment and full landis price fra the said James, quytclamand and dischairgeand the forsaid James, his airis and assignais, for me, my airis and assignais, for now and evir. In vitnes of the quhilk I have procurit with instance the seill of ane venerabill man, Maister Alexander Dick, provest of the Cathedrall kirk of Orknay, for me to be hungin to this present chartour, at Kirkwall, the tent day of May, the yeir of God ane thowsand five hundreht, thre scoir and sevin yeris, beffoir thir witnes, Johne Brown, burges of Kirkwall, Stevin Paplay, Magnus Paplay, Katherein Ska, and Cristin Paplay, with utheris diverss.

[On the back] Sir Magnus Murrays chartour of Gertht.

Minute of the Sheriff Court of Orkney, called the Harmansteine, as to the action between Malcolm Ireland and his father's sisters.

Original on paper in the possession of W. Isbister of Bigswell.

96.

January 23, 1573-74.

Kirkwall.

The Schireff Court of Orknay callit the Harmansteine¹ haldin in Sant Magnus Kirk of Kirkwall the xxiiij day of Januar the yeir of God jm. vc. and lxxiiij yeiris be ane noble and potent lord, Lord Robert Stewart, feware of Orknay and Zetland, and schireff

¹ O.N. *hirðmanna-stefna*, a hustings of king's men in Norway, and earl's men in Orkney and Shetland; but here it is applied to the sheriff court.

principall of the samin, the suittis callit, the court lauchfullie fensit, the assyse chosin, admittit and sworne.

Nomina assise.

Robert Sinclar of Nes, Williame Sclatte of Burnes, Johne Broun of Veland, Magnus Sinclar of Skaill, William Richane, Johne Sinclar of Tensta, Thom[as (torn)], William Ber . . . (torn), Andro Linklat[t]er, Alexander Spens in Girne, Robert Isbuster, Arthour Sinclar of Aitht in Zetland, Henri Sinclar in Clumlie, Andro Hourstane, Williame Linklatter, Williame Kirknes, Oliver Sclatte of Isbuster, Johne Kirkbuster, Williame Hendersoun, Patrik Muntetht, George Isbuster, Andro Zinsta, Johne Morray in Zetland, une, Johne Cavertoun, Williame Fergusoun, Johne Irrewing.

Quhilk day, anent the actioun and caus persewit be Malcolme Ireland aganis his fader sisteris, Marione and Margarat Irlandis, and ther spoussis, Thom Loutfute and Johne Garmastoun, desyrand thame to decist and ceise fra thair sister part of landis, becaus thair is na thing productit in contrar the said Marione nor scho persewit and hir spous, Johne Garmastoun, at this dyat, thairfoir the assyse absolvis thame fra the persewairis clame and ay and quhill thai be of new sum-mound agane be ordour of law; and as concerning the said Margaratis pairt, quhair thair is ane charter of alienatioun productit in jugement quhair scho hes annaleit hir sister pairt for certane sumes of money contentit thairintill, quhilk scho deliverit agane to George Irland, hir broder, quha coft the samin rycht fra hir, as the said pretendit charter specifies of the day and yeir of God, etc., xliij^o.,¹ and the assyse beand riplie avisit heirwitht, togidder witht certane decreittis gevin befor the schireffis of Orknay and thair deputis sene the dait

¹ Probably in error for lxiiij^o; their acquisition of the property apparently dating from 1558, shortly before which time their father must have died, see No. 94 *ante*.

of the foirsaid pretendit charter, findis the said Margarat to haif bene possessit in hir said sister part of land be wertew thairof and b[rukit] and josit the samin sensyne, and als beand under contract of mariage with Thom Loutfute. . . . [Here the fragment ends].

*Discharge, John Rusland to Edward Omandson
for the redemption price of a merk land.*

Original on vellum in the possession of W. Isbister of Bigswell.

97. April 2. [15] 74. Harray

The secound day of Apryll lxxiiij yeris.

Be it kend till all men be this present me Jhone Rusland, sounne and aire to Peter Rusland, my fader, grantis me to haif ressavet fra Edward Omondston the sowme of vij libs. guid and sufficient money of the realme of Scoitland and that for ane merk land quhilk was waidset to my fader forsaid, of the quhilk soume abone-writtin I, the said Jhone, haldis me weill contentit and payet and for me, my ayres, discharges, exoneres and quytclames the said Edward, his ayres, executours and assingnayes for now and evermair of the forsaid soume of vij libs. for the redemptioun of the forsaid merkland, and never to ganecall the samin befor ony juge or juges spirituall or temporall, wnder the pane of menswering. And for the mair securete heiroyf I, the said Jhone Rusland, hes requestit and cawset our lectour, Robert Stewart of Haray, to subscriy (*sic*) this my discharge and quytclame in my name, with my hand let at the pene becawse I could nocht writ my selff, befor thir witnes, Andrew Hourston, Jhone Sincler, William of Knarston, James Flet, eldar of Pow, Jhone Ysbuster, and Robert Stewart, lectour forsaid. Writin at Haray, day, yeir abone-mentionat. Jhone Rusland with my hand at the pene led be the notar wnderwritin at my command. *Ita est Robertus Stewart, lector de Haray, teste hoc meo cyrographo de mandato dicti Johannis . . . coram testibus predictis.*

Minute of the bailie court of Stenness, regarding the land belonging to John and Robert and Edward Onston.

Original on paper in the possession of W. Isbister of Bigswell. Cf. Nomina below.

98. April 4, 1576. Kirk of Stenness.

Ane court haldin at the keirk of Stenhouse the fourt of Aprile, 1576, yeires be the baillie, William Scلائter, the suitis callit, the court lawfullie fensit, the assise chosen, sworne and admittet; *nomina assese*, William Linclet (*sic*), James Corrigaill, eldar, Rob Ysebuster, Johne Ysebuster, Malcolme Ysebuster, Rob Lenay, James Lesk, Johne Germestoun, Andro Gairmestoun, Robe Bellie, Magnus Book, Nicholl Ysebuster, Malcolme Yreland, Alexander Scلائter. The quhilk day anent the actioun muiffet be Edwart Onstay on the ane part aganis Johne Ownstay and his soune, Robert Onstay, on the uther part, in forme and effect as efter followis, that is to say, anent the possessing of grass, outbrekis and balkis,¹ heirfor the assese ordaneis as the merkstaneis wes set of befoir within the dykis, sall haiff his bak to the hill.² Wretin be me Robert Stewart, lectour of Haray, clerk for the tyme, at the command of the assese abone-writin. *Subscritur*, Wm. Scلائter. *Tenet cum principali. Ita est Jacobus Jack, notarius publicus premissa attestans.*

Minute of the bailie court of Stennes, referring to land belonging to John and Robert and Edward Onston.

Original on paper in the possession of W. Isbister of Bigswell.

99. July 23, 1576. Onston.

The xxiiij day of Julij, 1576 yeiris. The bailze curt

¹ Sc. Eng. *balk*, a strip of uncultivated land; O.N. *bálkr*; balk, a partition; in this case it had been cultivated and used as a means of access to the hill.

² i.e., Edward Onston shall have his balk or access to the hill.

off Stanhowis haldine at Onestone be the bailze, William Sklater, the suttis callit, the curt lauchfullie fensit, the assyis chosin, sworne and admittit.

Nomina assise.

Robert Ysbister, Jhone Ysbister, Robert Garmiston, Jhone Garmiston, Thome Luitfit, William Garmiston, Nicoll Ysbister, Reche Yrland, James Maches, Malcum Ysbister, Magnus Book, James Lesk.

Anent ane actioun persewit be Johane Onstane and his sone Robert Onsta, beand procutour for thame Alexander Scletter, contrar and aganis Edward Onsta and his procutour Johane Lesk, anent the fredome of ane baik to the hill¹ as the marcheis was settled within the dykis, biand occupyit be the said Edward the said baik be the space of xvj yeris or therby, aye and quhill that William² Onsta and his sone Robert, as said is, stoppit the said Edward till pas to the hill with the freedom of the said baik, as the said Edward was demit befor, conforme to ane decret gyffin at Onsta be the bailze William Sclatter of the dait (illegible) for yeires of befor, decernis and ordanis the said Edward Onsta till brouk possessioun of the said baik on to the hill bayth within and without. And becaus the said Robert Onsta occupyit the said baik eftir as it was dempt fra hyme, ordanit the crope therof to the said Edward, and Robert Onsta till pay ane dum-raw³ to the bailze for nocht fulfilling of the former decret; and as to the thre rigis that Edward Onsta hes lyand besyd Johane Onstais hous, quhilk biand desyrit be the said Johane in presence of the assyis that he suld haif thame for uther thre rigis of his lyand besyd the said Edwartis hous, ordanit Johane till brouk Edwardis thre rigis and Edward till brouk

¹ See *f.n.* I., p. 269, *ante*.

² In error for Johane.

³ O.N., *dómrof*, a fine for disregard of judgment.

Johanis. Writtin at the desyre of the larik man,¹
Robert Isbister, be me, Stephane Paplay. (Signed)
Wm. Sclatter.

*Instrument of Sasine in favour of Malcolm
Sinclair of Quendaill, of a merk land in Clouston,
Stennes.*

Original on paper in the possession of W. Isbister of Bigswell.

100.

June 25, 1600.

Clouston.

Apud Cloustoun, vigesimo quinto die mensis Junij
anno Domini millesimo sexcentesimo, ac anno regni
S[upremi] D[omini] N[ostri] Regis Jacobi Sexti
trigesimo quarto.—The quhilk day in presens of me
notar publict and vitnes underwrittin personallie com-
perit ane discreit man, Nicol Sinclair, burges of Kirk-
wall, hawing in his handis ane chartour of wodset
grantit be him to Malcolm Sinclair of Quendaill, his
airis and assignayis, of all and haill ane merk land
lyand in Cloustoun within the parochin of Stanhous,
Magneland and schirefdom of Orknay, vrittin in paper
and subscrivit be the said Nicoll and Bessie Chalmer,
his spous, in signe of hir consent, containand in the end
thairof ane precept of saising, quha past to the ground
of the said mark land, lyand as said is, and thair tuik
up stain and muild of the ground of the said land and
delyverit it to Jamis Sinclair, actornay lauchfully con-
stitut be the said Malcolm, thairby gewand him
heretable stait and saising, actuall, real and corporall
possession of the said merk land, lyand as said is, with
the pertinents, efter the form, tenour, force and effect
of the said chairtour in all pointis and precept of saising
thairin contenit, na man makand impediment in the
contrair. Super quibus omnibus et singulis dictus
Jacobus Sinclair, actornatus [pro et in nomine] quo

¹ Lawrightman, O.N., lögréttumaðr.

supra, a me, notario publico [sibi fieri petiit] instrumentum vel plura [instrumenta]. [Acta erant haec super] fundo dictæ mercatæ terrarum . . . meridiem aut eo circa [sub anno die mense et regno] S. D. N. Regis quibus [supra] [presentibus] . . . seniore in Clouston, Jo . . . et Johanne Leask, juniore . . . [testibus ad premissa] rogatis et requisitis. . . .

[The deed is much mutilated, and the end torn away].

'Abstract of Charter, Janet Clouston and George Ingsetter and their son, to Richard Ewmond in Clouston, of a half merk land in Clouston, under reversion; with Sasine on the back.

Original on paper in the possession of W. Isbister of Bigswell.

101.

December 8, 1602.

Clestron.

Charter by Janet Cloustoun, one of the lawful daughters and heirs of the deceased Andrew Cloustoun, with consent of George Yngsitter, her spouse, and of Magnus Yngsitter, their eldest lawful son and apparent heir, wodsetting and disponsing to their wel-beloved friend, Richard Ewmond in Cloustoun, and his heirs and assignees whomsoever, their half merk of land with the pertinents, which she "airit" after her said father's decease, lying in the said toun of Cloustoun, parish of Stanhouse, Mainland and sheriffdom of Orkney, under reversion for the sum of twenty-six pounds Scots money, which the said Richard has presently lent to them: To be held the said half merk of "wthall" land with the pertinents by the said Richard and his fore-saids of the granters and their foresaids "in alienation, wodset, fre heretage, wthall and blainsche ferme for ewer" until redeemed, for payment of 1d. Scots yearly as blench farm at Whitsunday if asked, "togidder with skatt and teyind to the king and kirk

as to my immediat superiouris thair of conforme to auld wse and wount," by all their right marches ancient and divided as they lie in length and breadth, "in housses, houss fredomeis, gif ony be, biggingis, toftis, croftis, towmellis, onsettis, outsettis, mossier, mureis, marressis, medowis, lesureis, pastouris, fewall, girse and wair, with staine quarrell and mortar, and with outbrekkis, infredome and outfredome, commoun pastour, with fre ische and entrie thairto, and fra the hiest of the hill to the lawest in the ebb, quhair it fallis," and with all other liberties, easements, and commodities. Upon payment of the foresaid sum of 26l. in one amount, and delivery to the said Richard of a letter of tack of the said lands for nineteen years thereafter at 5s. Scots yearly, within the parish church of Stanhouse or at the said Richard's dwelling-house upon the ground of the said lands, and failing his or his foresaids' comparence to be consigned in any sufficient landed man's hands of the said parish of Stenhouse, and that at Whitsunday after forty days' premonition, the said lands shall be held as redeemed. There is also a clause of warrandice, and a precept for giving sasine. The charter is written by David Arthour, notary public in Orkney, and dated at Clestrene, 8th December, 1602, before witnesses, John Hirbaine, Magnus Sclaitter, and David Yngsitter, all indwellers in Clestrene. (Signed) "George Ingsitter with my hand at the pen led be Robert Skaithwie, becaus I culd nocht writ my selff. Jonat Clustoun with my hand at the pen led be Robert Skaithwie becaus I culd nocht wryt my selff. Magnus Ingsitter, air to George Ingsitter, with my hand at the pen led be Robert Skaithwie becaus I culd nocht wryt my selff." On the back is an Instrument of Sasine dated at Cloustoun, 7th October, 1605, given by William Leyth in Onstoun, bailie, to the said Richard Ewmound personally, upon the ground of the said lands, about 7 p.m., the witnesses present being

Thomas Trochane in Cloustoun, John Leisk there, Magnus Sympsoun there, and George Book, also there. David Arthour, notary, clerk of the diocese of St. Andrews, appends his certification and sign manual.

Decreet and warrant for possessing Edward Omond and Robert Hutcheson in lands respectively excambed between them in Kirbuster and Harray.

Original on paper in the possession of W. Isbister of Bigswell.

102. April 11, 1604, and January 16, 1606. Kirkwall.

Wndecimo die mensis Aprilis, 1604. The quhilk day anent the toft (? coft) land of Kirbuster with the merk of land lyand in Haray betuix Edward Owmond and Robert Hutcheoun, elder, quhilk hes beine the forme of ane appointment of agriemente betuix the airis of umquhile Robert Hutcheon elder and Edward Owmond quhairupon young Robert Hutcheon hes gewin to Ritcheart Owmond seasing of his fathers merk of land lyand in the toun of Kirbuster befoir Johne Hutcheon and Gilbert . . . (torn), witnesses, and the said Robert Hutcheon, yonger, nocht resaving seasing of his merk land in Haray, the judge and assyes, considering that it is within termes, decernes and ordanes everie ane of thame to keip thair possessioun till Alhallowmes nixtocum, and ordanes everie ane [of] thame to mak wthers land than als frie as at the first tyme of thair bargane making, or els to bruik as thai occupy. Extractum, Robert Skaithwie, clerk.

Jaspert Flet, wnder bailzie of Orphair, ze sall tak tryall gif it be of veritie that Edward Omond coift ane merk land of his in Kirbuster with Robert Huchesoun, yonger, for ane merk land in Harray, and thair excambioun to stand quhill Alhallowmes last wes and na forder, and gife sua be, that ye be the sicht of nychtbouris posses ewerie ane of thame in thair awin

land and inhibeit and discharge ewerie ane to truble and molest uthers in thair peceable possessioun thair of, ilk persoun wnder the paine of xl. lib. And this ye faile nocht to do wnder the paine of xx. li. to be payit be your self incaice of your disobedience. Subscribit with my hand at Kirkwall the xvj day of January, 1606. (Signed) Edward Scollay.

Minute of a bailie-court in Harray, and other items, relating to a merk land in Harray.

Original on paper in the possession of W. Isbister of Bigswell.

103. November 1, 1605. Harray.

Ane court haldin at Sanct Michellis kirk in Harray, the first November, 1605, be Malcolm Yisbuster, baillie.

The quhilk day it is trewlie testefeitt in judgement that the mark land lyand in Harray pertening to Robert Huchisone and his pertinoris, quhilk was in the handis of Edward Ewmondsone, is frie off all debtis and dewteis baithe to king and kirk and all wther thingis quhatsumever, bot that the samyn is als frie to the said Robert as it was the tyme that the said Evard (*sic*) enterit therwith, be this our testification, quhilk we have causit the clark to subscribe in our names. (Signed) Thomas Dowglass.

I, Thomas Dowglas, takman of Harray, grantis me to have ressavet full compt, rekning and payment off the merk land lyand in Harray pertening to Robert Huchisoun, and that be Edward Ewmondsone, and dischargis of all dewteis thair of crope 1603 and 1604, yeiris and all yeiris preceeding, be this present subscrivit with my hand at [Nau]tlet the first day of November, 1605. (Signed) Thomas Dowglass with my hand.

The penult day of Januar, 1606 yeiris.—Quhilk day I, Jespart Flett, bailye deput of Orphar, past at com-

mand of the schireffis precept to the merk land in Kirbister (*sic*) pertening Edward Omond, and thair, according to the mynde and tennour of the said precept, gaiff Richert Omond, the said Edwardis sone, stait and sesing, actuall, reall and corporall possessioun thair of, be delyverance to him of stane and muld, as use is, and this I did befoir thir witnes, Johne Huchoun and James Cloustoun, with sindre utheris. (Signed) Jaspart Flett wt. my hand.

Abstract of Discharge, John Chalmer to William Grot for the price of a piece of land in Tounge.

Original on paper in the possession of W. Isbister of Bigswell.

104.

July 3, 1611.

Elsnes.

Discharge by John Chalmeir, son of Donald Chalmeir, and Margaret Menland, alias Townge, to William Grot in Odnes for everything resting due for a piece of "outheill" land purchased by him from the said John and his sister, lying in Irland called Townge. Being unable to write, and having no notary at hand, the discharger has caused John Grot, his good friend and master, to sign for him, at Eilsnes, 3rd July, 1611; witnesses, Malcolm Grot of Tankarnes, Thomas Sinclair in Wais, Robert Fea and Thomas Grot.

Abstract of Disposition, John Chalmer and his sister to William Grot in Oidnes of a meill's maling of the lands of Tong.

Original on paper in the possession of W. Isbister of Bigswell.

105.

January 4, 1612.

Tresnes.

Disposition by John Chalmer, and taking burden for Janet Chalmer, his lawful sister, nearest and lawful heirs to the deceased Margaret Maneland *alias* Tong, heritable proprietrix of a "meillis maling malt and

flesche of the landis of Tong in the Maneland " in the parish of Ireland, in favour of William Grot in Oidnes, and his heirs and assignees heritably, for a certain sum of money, of the said meills maling of land with the pertinents, with peats, wraik, waith and wair, and all other commodities, to be held of the superior for payment of skat and other duties; with clause of warrandice, and a precept directed to Thomas Harper to give sasine. The deed is written by William Purdie, notary public; and witnesses are, Malcolm Grot of Tankirnes, George Sincler, son of the deceased John Sincler of Dun, Malcolm Mowat in Sangwar, Thomas Sincler, bailie in Sanday, and John Grot of Levisgair. William Purdie signs for the said John Chalmer; and the witnesses (except Malcolm Mowat) also sign.

Abstract of Charter and Disposition, William Grot in Odnès, to James Smyth in Tormeston, of a " meills mailling " land in Toungh, in the town of Ireland.

Original on paper in the possession of W. Isbister of Bigswell.

106.

April 15, 1613.

Kirkwall.

Charter and disposition by William Grot in Odnès to his good friend, James Smyth in Tormestoun, for certain sumes of money, and to his heirs and assignees, of his proper " meillis mailling land," with pertinents, including " girsl, fewell, wair," in Toungh, in the town of Ireland, Mainland, shire of Orkney, " pertening to me be the richt and dispositioun of Johnne Chalmer " : To be held from the granter of the immediate superiors thereof, for payment yearly to the said superiors of the debts and duties justly owing and accustomed to be paid. There is a clause of warrandice, and a precept of sasine directed to Thomas Harper as bailie. Witnesses, Magnus Hardie, cordiner in Kirkwall,

David Nicolsoun there, and James Jack, notary, writer thereof. (Signed) William Grot wt. my hand; Magnus Hairdy, witnes; Ita est Jacobus Jack, notarius publicus in premissis requisitus testans.

Abstract of Sasine, William Grot in Odnes, to James Smyth in Tormestoun, of a meill's mailling in Toun, in Ireland.

Original on paper in the possession of W. Isbister of Bigswell.

107. April 21, 1613. Toun.

Instrument of Sasine given by Thomas Harper, as bailie, to James Smyth in Tormestoun, personally, of a meill's mailling of land, with pertinents, lying in Toun in the toun of Ireland, Mainland, shire of Orknay, in terms of a charter and precept of sasine by William Grot in Odnes to him and his heirs and assignees irredeemably, dated at Kirkwall, 15th April, 1613, to which witnesses are, Magnus Hardie, cordiner in Kirkwall, David Nicolsoun there, and James Jack, notary, writer thereof. Done upon the ground of the said lands, about ten o'clock forenoon, before witnesses, Robert Lesk in Howbuster in the parish of Stennes, Robert Boak in Clowstane there, James Lesk in Clowstane there, and Magnus Toun. James Jack, notary, clerk of the diocese of Orkney, prepares and attests the instrument.

Abstract of Disposition, Alexander Louttit to Thomas Lowttit in Bigswell, of part of a half-merk land in Bigswell, Stennes.

Original on paper in the possession of W. Isbister of Bigswell.

108. May 27, 1616. Kirkwall.

Disposition by Alexander Lowttit, one of the sons and heirs of the deceased David Louttit, to Thomas

Lowttit in Begiswaill, for a certain sum of money and other good offices, and to his heirs and assignees, of his "brother-part" of a half-merk land in Begiswaill, with the pertinents, in the parish of Stenhouse, and that without reversion; and he obliges himself to ratify all titles made and granted by Thomas Lowttit, his brother, to the said Thomas Lowttit in Begiswaill, of these subjects. James Jack, notary, signs for the granter, as he cannot write; witnesses, John Dickson in Kirkwall, William Johnestoun, cordiner there.

Abstract of Charters, Magnus Boak in Hallay in Deirness, to his brother John, in Clouston, of lands in Clouston, in Netherbigging thereof.

Original on paper in the possession of W. Isbister of Bigswell.

109.

February 6, 1634.

Kirkwall.

Charter by Magnus Boak in Hallay in Deirnes to John Boak, younger in Cloustane, his brother, for a certain sum of money, of "ane settin sex merk malt mailling of udall land in Cloustane in Netherbigging thair pertening to me, by and attour that uther ane settin sex merk mailling pertening to my said brother himself, with houses, biggingis, pairtis, pendiclis and pertinentis thair of, lyand in the parochin of Stane-hous and shirefdome of Orknay"; to be held from the granter, of the Crown, in fee and heritage for ever, in outbrecks and other pertinents, and paying therefor yearly to the King the customary scat, "conforme to the rentale." There is a clause of warrandice, and a precept for giving sasine. The charter, written by Andrew Elleis, notary public, is dated at Kirkwall, 6th February, 1634; witnesses, Robert Chalmer of Ryssay, James Sinclair, merchant in Kirkwall, Assie Hammer Isbister,¹ in Greine, and James Gardyne, son of Mr.

¹ Isbister is deleted here.

John Gairdyne, minister at Stronsay. The granter signs by the aid of the notary, Andrew Elleis. (Signed) James Gairdyne, witnes; James Sinclair, witnes.

On the back of this is written in a small hand another Charter by Magnus Boak in Harray in Deirnes, and Magnus Boak, eldest lawful son and heir of the deceased Nicol Boak in Clet in St. Ola parish, heritable udallers, to John Boak, younger in Cloustane, and his heirs and assignees, irredeemably, of "all and haill thair twa settins halff settin malt mailling of udall land in Netherbigging in the toun of Cloustane, presentlie possest be the said John, and George Boak in Cloustoun, with houses, biggingis and pertinentis thair of," in the parish of Stennes; with clause of war-randice and precept of sasine; dated at Kirkwall, 6th February and 30th April, 1634; witnesses, Robert Chalmer of Ryssay, James Sinclair, merchant, Assie Isbister in Greine, James Gardin, witnesses to the subscription of Magnus Boak, elder; and Adam Brounfeild in Kirkwall and Harry Mowbray. A. Elleis, notary, signs for the said Magnus, elder and younger; and the said Adam Brounfeild and Ha. Mowbray also sign.

ERRATA AND ADDITIONS.

INTRODUCTION.

passim read *bændr*; *ððalsmaðr*, -menn; *víkis-menn*; -menn; sing. *ððalborinn*, pl. *ððalbornir*.

p. xv., ll. 1, 10, 11, 12, read *Magnúss*; l. 2, read *Vísur*; l. 4, read *Páls*.

p. xvi., in ll. 12-15, for *most of a man for his own sake* read *the foremost man*, for *titles of honour* read *rank*. [The translation of Orkn. by Dasent (which was quoted in this instance) is quite unreliable throughout, and exceedingly bad and inaccurate in many cases. He did not even give effect to the *errata* to Vigfússon's text which he translated!].

p. xvii., l. 11, read 1468-9. To footnote 4 add *But this cannot be the Orkney dialect of the period, as the vocabulary is mixed and probably represents a sort of court or chancery language for the three kingdoms of the Union*.

p. xx., l. 1, read *Land-Nám*.

p. xxi., footnote, after *German* insert *or more probably from O.E., læn, a lease, to account for the early use of the word*.

p. xxv., l. 11, after *laws* add, *setti ný lög*; for ll. 16-21 *In 1137*. . . *hard* read *In 1137, in order to raise money for the completion of St. Magnús's cathedral, earl Rögnvald was advised færa lög á, to bring up [for consideration, with the ostensive object of amelioration], an existing law which was felt to be rather hard, viz., that law by which the earls had hitherto inherited all ððul after all bændr [generation after generation], so that the heirs of these bændr had [either (1)] to redeem these ððul [generation after generation], in order to regain possession of their ancestral ððul, [or otherwise (2) to continue in occupation of these ððul as hereditary tenants, involving the payment of land rent to the earls]. l. 23 after their ððul insert outright; l. 24, after them insert thereafter; l. 29 for possibly . . . here read it has been suggested that this may have been; delete footnote 1 and insert *The translation of Orkn. renders færa lög á: bring in a law, whereas it should be bring up an existing law (see Fritzner s.v., færa, med præp. á). This clearly explains this, hitherto obscure passage. The 'existing law' must refer to that by which earl Torf-Einar acquired the ððul in 895 (see ante), which ððul remained, unredeemed, in the possession of the earls until 995, when earl Sigurð digri gaf upp Orkneyingum ððul sin: gave up to the Orkneyingar their ððul; which gift would thus only have been for one generation, after which**

the óðul would again revert to the earls. During the whole of the period, 895-995, (during which the óðul remained unredeemed in the hands of the earls) the bændr, as hereditary tenants, must have paid rent to the earls. King Ólaf Tryggvason's account of the transaction was, that king Harald hárfagri took as his own all the lands in Orkney and Shetland in consequence of the slaughter of his son, and that earl Torf-Einar paid the king sixty gold marks [as the redemption price of the lands], and so acquired all these lands [the óðul in Orkney and Shetland; the Orkney saga is explicit in only mentioning the óðul in Orkney as having been acquired by the earl] which he held as a fief from the king. Footnote 2, add Fritzner explains O.N. plógsland: arable land. On the basis of the eyrisland rent-valuation (see *infra*, Taxation), $\frac{1}{3}$ eyrisland (= 6 pennylands = 1*ertogland) \times 24 years' purchase = 1 mark. Was $\frac{1}{3}$ eyrisland the plógsland of the saga? It has been calculated that the pennyland in Orkney contains from 4 to 13 acres (Proceed. S.A. Scot., 1884, 277), so that $\frac{1}{3}$ eyrisland, or 6 pennylands, would contain from 24 to 78 acres. Can the plógsland of Flateyjarbók (in which this part of Orkn. is alone preserved) be an extension of a possible contraction p̄gsland, in the original, for *peningsland?—a term, 'pennyland,' only known in Orkney and the west with which the Flateyjarbók copyist would have been unfamiliar, while p̄gsland would also be the contracted form of plógsland. If a mark had been paid for a pennyland ($\frac{1}{18}$ eyrisland), the price of an eyrisland would have been 18 marks, as against 3 marks, the redemption price of an eyrisland at 24 years' purchase. In the silver valuation of Orkney the pennyland was valued at from 1 to 12 and more marks, so that one mark, for the outright purchase of a pennyland, in 1137, would not have been exorbitant as compared with the possible recurrent redemption price of $\frac{1}{6}$ mark (i.e., $\frac{1}{6}$ eyrir \times 24 years' purchase = $1\frac{1}{3}$ eyrir = $\frac{1}{6}$ mark). The redemption price would undoubtedly have been maintained on the basis of the eyrisland valuation in 895, when the lands were acquired by the earl; but, possibly at a nominal and less rate than 24 years' purchase, as otherwise each bóndi would have paid back the fine every time a successive generation redeemed the land, and if 1 mark was paid for each pennyland in 1137, the earl would have received back six times more than the sum for which it was originally acquired in 895.

p. xxvi, l. 14, read réttir; l. 6 from foot, read gömul siðvenja.

p. xxvii., to footnote 2, add A várping was held in Jamland in 1463 (D.N., iii., 627). Hitherto the Shetland 'varding' has been explained as varð-ping, but there is no such term on record, and a 'beacon-assembly' is not probable. Lögping > lögðing in Shetland and elsewhere (D.N., i., 81 and N.G.L.), hence: várping > várðing > varding.

- p. xxviii., ll. 7, 8, delete *sheep stealing was punished by outlawry* (the translation in Orkn.); earl Torf-Einar's statement, in a verse, reads literally: many a man with a broadbeard is seen at [the fall of] sheep, but I, in the islands [am seen] at the fall of the young son of the king. The comparison between the *slaughter* of a king's son and that of a sheep is obvious, and has been so rendered in *Heimskringla* and *Corpus Poeticum Boreale*; in the former the reading is: *sekr of sauði*: guilty of sheep [slaughter]. However, there is no doubt that at this period, sheep-stealing, or sheep-slaughter for the purpose of theft, was punished by outlawry, as in the twelfth century.
- p. xxviii., l. 14, after *lendirmenn* insert *and his third part of the earldom was confiscated by the king of Norway, for the slaughter of the king's hirðmaðr, Eyvind úrarhorn, and afterwards given in lén to one of the other two earls.*
- p. xxix., footnote, 1, l. 4, read *örva*.
- p. xxx., ll. 10, 11, read *handgengnir menn*; l. 24, read (*wattle, O.N., veizla, entertainment*); last line, read [*lögrétta of the lawthing*].
- p. xxxi., l. 8, read [*lögrétta of the lawthing*]; l. 10, delete *and Shetland* and insert *was*.
- p. xxxii., l. 11 from foot, read *réttr*.
- p. xxxiii., l. 20, after *one instance* read *sealed the decret on behalf*.
- p. xxxiii., l. 10 from foot, read *roythman*.
- p. xxxiv., l. 14, to *Bergen* add footnote: *MacKenzie's Grievances (1750), reprint, app. ii., iv., pp. 11, 12, in which the assize (or roythmen) = ratmen = raadmen, councillors, and hence the fictitious Orkney and Shetland raadmen of modern glossaries.*
- p. xxxv., l. 12, read [*doomsmen or assizemen; or present*] and add footnote: *as 'for the time,' is the usual official, and 'present at that time,' the usual unofficial designation, and as the docket term, 'at that time,' is part of the latter, probably 'present' has been omitted.*
- p. xxxviii., in ll. 6-8, from foot, for *The penny* read *The ounce*, *eyrir*, in *eyrisland* and *the penny*, for *may* read *undoubtedly*, and delete *tax*, or *otherwise that of the*.
- p. xxxix., l. 5, for *eyrir* read *aurar*.
- p. xl., l. 1, before *sterling* insert *later*; ll. 2, 4, delete *of* and in *1137; l. 14, after 404) add *but it was probably of the same value as the English mark, which was current in Orkney in 1329.* On this assumption, alter the calculations as follows, l. 17, read = 5s. 6d. stg., l. 19, as 1: 5. 3.
- p. xli., footnote, l. 3, in accordance with above calculation, read £44, £1,056; l. 7, read £0 2s. 9½d., £3 7s. 10d.; l. 9, for 2,500 and 1812 read 2,000 and 1483; l. 11, for 735 read 601.
- p. xlii., l. 21 delete); to footnote 2 add *It is assumed that the mark valuation was made previous to 1299 and continued unaltered;*

but it is possible that it may have been amended from time to time. This valuation was only used for charging rent and for the division of óðal inheritance, except in Shetland, where it was latterly also used for tithing purposes.

- p. xlv., l. 2, for *These five* read *The last four*; l. 6, read *leysingiar*; add footnote to 3 (ð), *In Seebohm's Tribal custom in Anglo-Saxon Law, 1903, 273, he quotes from Gulathing Law, 270, an incidental reference to óðal, which is there described as land which afi has left to afi, and which his translator has rendered: 'grandfather has left to grandfather.' Afi in this instance means ancestor (see N.G.L., V., Gloss. s.v., and Fritznér, s.v., (3)). The full definition of óðal is given in Gulathing Law, 266.*
- p. xlv., l. 3, commence *In accordance with Old Borgarthing Law, ll. 11, 12, 13, delete Further lendrmaðr. In the Oxford Icelandic Dict., s.v. Höldr, is given a description of the Norwegian graveyard, which concludes with a statement that 'the höld had right to twice as much,' etc.; in the Dict. after nearest to the wall insert sources N.G.L., I., 344, 359, 368, and then commence In cases of landnám, i.e., fines for illegal possession or use of land, the höld had right to twice as much, etc., and correct the source to N.G.L., 44.*
- p. xlvii., ll. 6, 8, read *óðalbornir*, pl. of *óðalborinn*; ll. 13, 14, from foot, read *Helgi . . . Grím . . . Kári*.
- p. xlix., l. 10, read *hinn forni*; ll. 9, 11 from foot, read *ráðuneyti*; l. 8, from foot, read *göfugr maðr*.
- p. l., l. 3, read *göfugir menn*.
- p. li., l. 10, read *gæðingar*; footnote, after translation insert (*circa, 1600*), and add *the term used in Sverr. S. is sýslumenn*.
- p. lii., l. 14, read *byggús*; l. 6 from foot read *mann-jöfnuðr*; l. 3, from foot, read (*héri*).
- p. liii., l. 2, read *stjórnfast skip*; l. 19, read *tuitug-sessa* and delete *skip*; l. 7, from foot, read *hálf-fertugt*.
- p. liv. l. 1, read *hlýr-birt*; ll. 9, 13, read *Hálfðán*; l. 11, read *hrygr*; l. 13 read *haugr*; l. 15 after *rightly*." add *In 995 earl Sigurð digri and the Orkneyingar were asserted by king Olaf Tryggvason trúa, to believe, in ýmislig skurðgoð, various idols or 'carved gods.' When the king desired skíra, to baptise, the earl, the latter preferred to abide by the átrúnaðr, faith, and the siðr, religion, of his frændr, kinsmen, and forfeðr, forefathers. (Orkn., 313, quoting Flateyjarbók, ch. 12).*
- p. lv. l. 13, read *ríkastir menn*; l. 18, read *göðirmenn*; l. 19, read *innlenzki*.
- p. lviii., l. 2, insert *Of modern English place-names may be mentioned: News = New-house, Nieland = New-land (old name Orquil, in Orphir), Glowrowra = Glare-over-all, a house on a hill-side, with a wide view.*

RECORDS.

- p. 5, l. 3, add: *D.N., XIX., 28.*
- p. 5, add to printed copies: *extract in Craven's "History of the Church in Orkney," p. 50.*
- p. 5, l. 10, insert *ex* at beginning of line.
- p. 6, l. 4, from foot, after *as last letter* add *printed: D.N., XIX., 39.*
- p. 8, No. 5, to printed sources add *D.N., XIX., 31*, and the date, *1101-1108.*
- p. 9, l. 10, to printed sources add *D.N., XIX., 30*, and date *March 3, 1073.*
- p. 9, l. 15 up, add *circa, 1128.*
- p. 10, No. 6, to list of printed sources add *extract in Craven's "History of the Church in Orkney," p. 50.*
- p. 10, No. 6, to printed sources add *D.N., XIX., 31*, and the alternative date, *1106-9.*
- p. 12, No. 7, to printed sources add *D.N., XVII., 775.*
- p. 15, No. 9, to printed sources add *extract in Craven's "History of the Church in Orkney," p. 50.*
- p. 17, l. 4, to printed sources add *D.N., XIX., 33* and the date *1109-1114.*
- p. 17, No. 11, to printed sources add *D.N., XIX., 38.*
- p. 17, delete last line of "note" after *Stubbs.*
- p. 27, l. 13, for *aa* read *æ.*
- p. 32, l. 13, after *defectu* insert *natalium, quem pateris de presbytero genitus et soluta, cum defectum.*
- p. 35, l. 8, after *tribus* insert *diebus.*
- p. 36, No. 24, insert at beginning, *bref om Straumahuarf Væðhirass oc Sigridusættir, ix.*
- p. 38, l. 12, from foot, for *saði* read *sagði*; p. 38, *f.n.*, for *King Magnússon* read *King Magnús in.*
- p. 39, l. 15, insert *the rent of* before *the skattland of the house.*
- p. 39, ll 2 and 3, from foot, read *will never be proved higher prices of land in all Papey than those which are common from of old, etc., see also Miscellany, Vol. I., p. 117.*
- p. 43, l. 17, before *daughter* insert [*grand*] and add a footnote: *Margaret St. Clair, daughter of Henry, earl of Orkney, and grand daughter of Elizabeth or Isabella of Strathearn, the daughter of Malise of Strathearn, earl of Orkney.*
- p. 48, No. 30, to printed sources add *The Scottish Journal, vol. II., p. 88.*
- p. 49, No. 31, to printed sources add *Dr. J. B. Craven's "History of the Church in Orkney" [vol. I.], p. 115; D.N., II., 646.*
- p. 59, l. 16, for *formerly acquired* read *given.*
- p. 60, No. 36, to sources add *Scottish Journal, vol. II., p. 88.*
- p. 62, l. 3, for *to athmen* read *roathmen*; p. 62, for *f.n. 1* read as in erratum to p. 251, footnote 2, see below.
- p. 63, *f.n. 2*, read *O.N., 'hafnskifti,' temporary division among owners of the arable land of an estate which thereby remains pro indiviso.*
- p. 73, l. 12, for *Annunciation* read *Visitation.*

- p. 74, ll. 13 and 14, for *several pieces of read reasonable*.
- p. 77, l. 1, for *arsoone* read *ar suorne*, and delete *f.n. 1*.
- p. 95, l. 14 up, for *naade* read *maade*.
- p. 99, l. 8, for *start* read *Start*.
- p. 104, ll. 3 and 5 up, for *Mansoun* read *Masoun*.
- p. 105, l. 2 up, for *diuerse* read *diuerss*; l. 3 up, for *Gelis Scapay* read *Jelis Scalpay*; for *in* read *of*; l. 4 up, for *Foubister (?)* read *Mason*.
l. 5 up, for [*Skaituy?*] read *Sclater*.
- p. 153, l. 5 up, for *an eightpenny land* read *eighty penny lands*.
- p. 157, l. 12 up, for *sixty-three* read *five hundred and thirteen*.
- p. 177, l. 11, for *sum* read *sun*.
- p. 188, l. 13 up, for *boodwits* read *bloodwits*.
- p. 189n, as the ratio of Scots to stg., in 1572, was $5\frac{1}{2} : 1$, the figures in the column for that date must be corrected; nearly doubled.
- p. 193, l. 9 up, for *Jule* read *Yule*, and add a footnote, *the 20th day of Yule, 1573 = January 13th, 1573-4*.
- p. 208, *f.n. 3*, for *to learn* read *to perfect himself in*.
- p. 212, l. 21, for *halk, dog*, read *halk-dog*.
- p. 220, l. 14 up, delete [*to*],—the meaning being: not knowing the said Thomas's corn by [*i.e. from*] George's corn, because both the said men's corns was of one band.
- p. 231, l. 7, for *Ooustowne* read *Onstowne*.
- p. 232, l. 18, for *Ooustowne* read *Onstowne*.
- p. 243, l. 18, add a footnote, *Alexander Ingsetter, (father of Alex. I., who sold 4 settings mailing in Clouston), is here in 1616, described as deceased, whereas, p. 242, 1621, he is alive*.
- p. 244, l. 2, and p. 245, l. 2, for *Caithness* read *Orkney*.
- p. 251, to sources of No. 88, add: *the original has now been located in the Record Room, Sheriff Clerk's Office, Kirkwall, it is frayed and torn; Seal: cross engrailed on an escutcheon for Sinclair supported by a griffin and with the letters W.S.*
- p. 251; l. 8, for *Syclair* read *Synclair*.
- p. 251, l. 8 up, for *Ser* read *shir*.
l. 6 up, for *goderytt* read *gaderytt*, [*i.e. gathered*] and delete footnote 1.
l. 6 up, delete *and* at the end.
Footnote 2, for *councillors* read *ôðalsmenn*, or *the men who had the ráð, rule, determination, over their ôðul, to alienate or redeem their alienated ôðul*; see *rothman*, p. 259.
- p. 252, l. 1, after *Periss Lowthitt* add *Danyd Lowthytt, Manys Cromede, yownger, Jhone Synclair of Air, Olay Lowthit*.
l. 3, for *Adamsone* read *Edamesone*.
l. 12, insert *leyll* in lacuna.
l. 17, for *nuthyr* read *wvyr* [= *wvir, i.e. over*].
l. 22, for *poutt* read *pontt*, for *Gruttrquhy* read *Gruttquhy*.

- p. 252, delete footnote 5 and insert : *This is read amissköpft in No. 37, p. 63, l. 19. O.N. hafn-skipti = hamskipti > Ork. (h)amisköpft, inskeyft; an estate temporarily divided among the heirs but still remaining pro indiviso.*
- p. 253, l. 2, for *Hurtess* read *Hurteso*.
 l. 4, for *waitt* read *waith*; for *wark* read *wrak*.
 l. 5, for *noist* read *nothyr*.
 l. 14, insert *meillis cost* in lacuna.
- p. 253, footnote 1, delete last sentence and insert : *wrak, O.N. vrek, jetsom; wattell, O.N. veizla > Shetland vetla, entertainment, or a tax in place of it, to king, king's men or landowners (landbólaveitla in Shetland for landbólaveizla); wring, O. uer, O.N. aurr, wet clay, loam, etc., with suff. article, aurinn > O. uring; waith, O.N. veiðr, hunting, or what is caught by hunting, etc.*
- p. 254, footnote 1, for *councillor* read as in erratum to p. 251, footnote 2 see above, and add *roith men's sons = óðalbornir*.
- p. 259, footnote 1, delete *unintelligible*, and after *land* add *from O.N. ráð, see Index II., s.v. rýcht*; for *councillor* read *óðalsmaðr*.
- p. 262, footnote 1, for *sameiginn-eng, common pasturage*, read *sameign, joint possession*; delete *which has hitherto been taken as*; for *ræði* read *ráð*.

INDEX.

ABBREVIATIONS.

O., Caithness.	N., Norway, Norse.
D., Denmark, Danish.	N.G.L., <i>Norges Gamle Love</i> .
d., died, deceased.	O., Orkney.
E.D.D., <i>English Dialect Dict.</i>	O.N., Old Norse.
Eng., England, English.	O.S., Orkney Saga.
G.G., <i>Antiquities of Shetland</i> , by Gilbert Goudie.	P.N., Peterkin's Notes.
Gul., Gulathings Law.	P.R. Peterkin's Rentals.
Isl., Iceland, Icelandic.	S., Shetland.
J.J., Jakob Jakobsen's works.	S.E., Snorra Edda.
L., Latin.	Sc., Scotland, Scottish.
	wit., witness.

N.B.—Additional information to that contained in this volume is placed in brackets [. Words and terms in Index I. are explained s.v. in Index II.

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 - (k) warrandice, p. 301; (l) seals and witnesses, p. 303.
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- I. bishop's secretary and constable, p. 318.
- J. bishop's palace, p. 318.
- K. bishop's estate, p. 318.
- L. cathedral, p. 318.
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INDEX I.

GOVERNMENT, CIVIL AND ECCLESIASTICAL.

A. JURISDICTION, CIVIL AND ECCLESIASTICAL.

(See also Church H. *infra*.)

- [c. 565, Plots of O. converted.
[c. 664, Norse colonisation of O. began.
[822, Rheims made metropolitan see of the North.
[831, Bremen made met. see of Scandinavian kingdoms.
[872, Norse earldom of O. and S. founded.
[995, O. and S. Christianised.
1043, *ante*, O. formerly ruled by bishops of York and Iona but now by those of Bremen, 3.
1104, Lund, met. see of Norway, 12n.
[1152], Nidaros or Trondhjem, met. see of Norway, O. and S., etc., confirmed 1154, 18, 19, 26.
[1194, S. annexed to N.
[1379-1404, Henry St. Clair invested earl of O. and lord of S.
[1379, S. restored to earl of O.
[1389, union of Norway, Denmark, and Sweden.
[1404-1420, Henry St. Clair, nominal earl of O.
[1404-1434, interregnum.
[1423, David Menzies takes O. as a *lén*, fief.
[1434-1470.] William St. Clair, earl of O.
[1461-1477], Nor. crown rights over church in O. granted by king of Nor. in liferent to bishop of O, 56, 57.
[1468-9, O. and S. wadset to Scotland.
[1470, earldom of O. and S. (landed estate, taxes and government) acquired by Sco., and annexed to the crown not to be conferred on anyone except a legitimate son of the king.
[1472, bishopric transferred from Trondhjem to the newly created met. see of St. Andrews.
1485, S. agreement made before lawman of Bergen, etc., 54.
[1486, city of Kirkwall erected into a Scot. royal burgh.
[1490, bishopric erected into a Scot. regality with Scot. courts and officers.
1491, revenues and rights over the servants of the church in O. granted by the king of Norway to Sir David Sinclair, 56.
1491, S. lawcase won before the king's council, Bergen, 58.
1537, S. deed written in Bergen, 69.
1538, S. lawcase confirmed in Bergen, 70, 73.
1551, 1558, lordship of O., 259, 264.
1560, 1563, 1564, sheriffdom and regality of the bishop, 132, 142, 154.
[1564, lease of earldom to lord Robert Stewart.
[1567, Scot. parliament decided that O. and S. were to be subject to their own laws.
1568, sheriffdom and regality of the bishopric, 172.
[1569, lord Robert Stewart obtained the temporalities of the bishopric.
1570, regality (of bishopric), O., 203.
1572, bishop's sheriffdom and regality or foudrie of S., 187.
1572-4, lord Robert Stewart, *feuar* (*feoditarius*) of the lands of the earldom of O. and S., 186, 193, 195.
1574, sheriffdom (earldom), O., 193.
1574, fowdrie (earldom), S., 195.
1575, S. deeds written in Bergen, 88, 89, 91, 92.
1580, sheriffdom (earldom), O., 198.
[1581, lord Robert Stewart (illegitimate son of James V.) created earl of O. and lord of S.
1587, Robert, earl of O., lord of Zetland, 209.
1587, sheriffdom (earldom), 210.
1594, a fishing contract entered into between the 68älmen, taks-men, parsons, vicars, benefited men and inhabitants of O. and S. (through the earl of O.) and the town of Craill, Scot., 216.

- [1600, earldom and bishopric re-granted to Patrick, earl of O., to hold lawtings and administer the laws of O. and Shetland.
 1603, sheriffdom (earldom) O., 222.
 1605, sheriffdom, O., 227.
 [1605, episcopacy restored and bishop of O. and S. appointed.
 [1609, earl Patrick imprisoned for oppression.
 [1610, earl Patrick's sheriffs depute discharged.

- [1611, 'foreign laws' discharged in O. and S., the bishop appointed commissary.
 [1612, earldom of O. and S. annexed to the crown, the bishop appointed commissioner, justice, chamberlain and factor.
 1613, shire of O., 277.
 [1615, Feb. 6, earl Patrick executed.
 1615, July 3, sheriffdom of bishopric, O., 235, 236, 237.

B. LAWS.

- [The early law of N., Isl., (O.), the Isle of Man, etc., was oral and recited by the *lögsögu-maðr*, the law speaker, afterwards called *lawman*.
 [1015-1030. King Olaf the Holy, framed the first church law.
 [1035-1047, King Magnus the Good had the laws first written, Grágás (greygoose) code; MS. not now extant; also called St. Olaf's law.
 [1100 circa, Gulathingbook, known as Olaf's law, and Old Gulathing Law, recorded.
 [1118, Isl. laws written down.
 1192, tribute to Roman Church to be paid by every bishopric of N., including O., in money coined in N., 20, 21.
 [1275, New Gulathing Law, etc., by King Magnus Lagabætir (law-amender, law-beater).
 [1389-1523, Union Period; New Gulathing Law, together with subsequent amendments of 13th and 14th centuries was the principal source of law, viz., the "St. Olafs lov og de gode gamle sedvaner"—St. Olaf's law and the good old customs—which the kings swore to maintain.
 [1420, bishop of O., holder of crown rights in O., to rule in accordance with the Norwegian lawbook and the old customs of the land.

- 1422, laws of king of Norway faithfully and trustily observed by James of Cragy in O., *hirðmaðr* of the king, 42, 43.
 [1425, petition by O. that king Olaf's Law and subsequent royal ordinances may be upheld.
 [1426, lawbook of O. mentioned in the complaint to the king of N.
 1433, the owner of a tenement in the burgh and freedom of Kirkwall 'to give thereof to the said freedom, as other burgesses do, after the manner and the statute of the country,' 246.
 [1468-9, O. and S. wadset to Scot.
 [1470, earldom of O. and S. acquired by Scot. from the earl.
 [1472, bishopric of O. transferred from the met. see of Trondhjem to that of St. Andrews, Sco.
 [1486, city of Kirkwall erected into a Scot. royal burgh.
 [1490, bishopric of O. erected into a Scot. regality.
 1491, the *hoizman* [fou] of S. won the law case of a S. land-owner before the king's council in Bergen, 58, 59.
 1509, the verdict of an O. court is given by the lawman, etc., 'finds by the lawbook,' 252.
 1514, the verdict of the lawthing, O., is given 'by the chapter of the lawbook read thereon for final doom,' 255.

- 1519, the verdict of an O. court is given by the lawman, etc., 'by the sooth of the law-book,' 63.
- 1535, Sco. crown charter of feu farm, of lands in O., to descend to heirs male, whom failing to to eldest heir female, without division of inheritance, 109, 110, 112.
- 1538, the verdict of a S. court is given 'according to the Gulathing Law,' 71, 74.
- 1538, the above verdict was confirmed and judged to be unchallengeable for all time by the king's council in Bergen, 72, 75.
- 1560, O., church lands leased in perpetuity without diminution of rent, in accordance with civil and canon law of Scotland, 125.
- [1565, Gilbert Balfour appointed sheriff of O., to administer justice according to the laws of the islands.
- [1567, Act of Scot. Parl. that O. and S. were to be subject to their own laws.
- 1567, a case to be decided by the sheriff court of O. 'as we may of law, conform to the order, and practice of the country,' 161.
- [1587, justice to be administered according to the laws of O. and S. (P.N.).
- [1600, justice to be administered according to the laws of O. and S. (P.N.).
- [1602, lawthing of S. decided a case 'by the inspection of the chapters of the lawbook and practice of the country' (G.G.).
- [1611, foreign laws in O. and S. abrogated by Scot. privy council.
- [St. Olaf's law: in S., Olla's law, 1711, 1733 (Gifford, Sibbald, Hibbert): in O., *udill* land explained as derived from one *Udillaus* (Ollaus, i.e. Olaf) and succession in accordance with laws of Norway (1642. P.R. iii., 20); *udal* from *Ulaus*, king of Norway! (1700, Brand). See *Scot. law*, Index II.

C. ÓDAL LAWS, LAW-CASES, ENCUMBRANCES, etc.

- 1190, annuity to be paid by Harald, earl of O., S. and C., and his successors to the canons of Seone, Scot., for the souls of his ancestors, his own and his wife, 19, 20.
- 1223, bishop of O. gave his estate in Norway to a Monastery for the souls of his father, etc., reserving an annuity for a woman, 27.
- 1438 *ante*, it having been 'deemed in the country' that the lawman of O. had sealed the charter of [sold] land against his will, the buyer called the seller before sundry good men [the lögrétta of the lawthing] and offered to hand back the land, on the purchase price being refunded; the seller answered that it had not been done against his will, and for more security the seller 'handselled' the purchaser, 45.
- 1438 *ante*, the above was testified on oath by two witnesses in the hirðmannastefna, before the earl of O., 45.
- 1438, the lawman of O., a bailie of Kirkwall and another testified in writing that they witnessed the previous testimony in the hirðmannastefna, 44-46.
- 1480, O., alienation of heritage; youngest son sold, by letter with hand and handband, to his eldest brother german, all heritable lands of his heritage, won or to be won in O. and S., for money paid in his need, the first penny etc.; the lands to be held from him and his heirs, with all emoluments, as any

- lands are brooked in O. through 'title of setting'; sealed and witnessed, 52, 53.
- 1485, S., restitution of lands, unlawfully bought from the father-brother (paternal uncle) of a woman, which was agreed to in Bergen by their handshake (handband) before the lawman of Gulathing and Bergen, the lawman of S., 5 radmen (councillors) of Bergen and a law-rightman of S.; the husband of the woman who recovered the lands was a counsellor of Bergen; the brief was sealed, 54-56.
- 1491, S., óðal land given as agent's fee for a law case which the grantee had won for the granter in Bergen before the king's council, 58, 59.
- 1510, O. and S., restitution of lands in O. (which had been exchanged for lands in S., as the latter could not be 'freed'), by doom of the O. lawthing in 1509, and of a S. court [lögrétta of the lawthing] in 1510, 60, 61.
- 1514, O. sale of eldest brother's heritage, before the estate was divided, allowed by the lawthing, as hisson had offered it to the nearest heir (his uncle, the youngest brother) and had gone sundry times before the courts and made known that he, the seller, was famished, without food and naked without clothing, and took witness that the next heir refused to buy, 253, 256.
- 1514, O., eldest brother's share (in above estate) included the principal house, 255.
- 1514, O., purchaser of an eldest brother's share (in above estate) acquired the rights of an eldest brother to the principal house, to redeem a sister's part [of 2 sisters' parts?] and to redeem one-half of the alienated land (tiend penny and ferd), 255.
- 1514, O., division of an inheritance (see above) which had been held in joint possession [hafn-skipti], (after the death of the eldest of two brothers), by the son of the eldest brother along with the youngest brother, and after the son of the eldest brother had sold his right to his father's share. The lawthing ordered the division to take place at the head house, between the purchaser of the eldest brother's share and the youngest brother, 256.
- 1523, O., rights and heirship (heired by 2 sons from their mother which she heired after her father and mother) both *fieldland* and *borowland* in O. and S., sold for money and other good goods equivalent to their mother's sister-part, with all emoluments, *rycht* and *roicht*, &c., to be held from them and their heirs and perpetually possessed; writ sealed and witnessed, 102-104.
- 1535, (see B.).

D. LAND CONVEYANCE.

(a) deeds:

- 1223, 1295, *bréf*, brief; N., 27, 36.
- 1433, *letter* of free gift, O., 246, 247.
- 1438, *letters* of attestation by lawman of O. as to sealed charters of land, O., 45.
- 1452, *opno bref*, open letter, letters patent, S., 46.
- 1465, *upno bref*, S., 47.
- 1465, *letters*, confirming a lease, O., 48.
- 1480, *letter*, title of setting, O., 52.
- 1485, *bref*, endorsed 'letter,' S., 54, 55.
- 1491, *obne bref*, of liferent of O. and S. church revenues, 56.
- 1491, *upna breve*, endorsed 'this letter is a charter,' S., 58.

- 1491, *odals breff*, S., 58.
 1509-1510, *letters or writ*, dooms of the lawman of O. and S. restoring lands, 60, 61.
 1523-1528, *writt*, O., 102, 104, 106, 108.
 1534, *charter*, O., 64.
 1535, *indentures or band*, mutual agreement as to option of purchase of family lands, O., 66, 68.
 1535, *carta feodifirme*, crown charter of feufarm, O., 109.
 1537, *breff*, brief, S., 68.
 1538, *obne breff* of king's court, Bergen, 70; *obet besogelt perments breff*, of the lawman of S., 70; *obne breff*, doom of a district court, S., 71.
 1564, *feu charter*, O., 146.
 1567, *obne breff*, S., 85.
 1572, *feu charter*, S., 178.
 1574, *charter*, S., 195.
 1575, *charter*, S., 87.
 1575, *obne breff*, endorsed, 'charter,' S., 88, 89, 91.
 1575, *fuldkommelig hemler*: give full title to, S., 89, 90.
 1587, *charter* with clause of *seasing*, O., 209, 215.
 1589, *charter* of exchange, S., 93.
 1597, *obne breff*, of pawn or wadset, S., 95.
 1603, *charter* of free selling, O., 226.
 1616, *charter and sasine*; £4 (= 6s. 8d. stg.) paid for same of land sold for £10 (= 16s. 8d. stg.) O., 240, 242.
- (b) assignment:
 1295, *göra*, make over, N., 37.
 1433, gives and grants in marriage as movable good, a tenement in Kirkwall, 246.
 1452, *selt*, sold, S., 46.
 1465, *seltt*, sold, S., 47, 48.
 1480, *saulde and analijt*, *sellis* and *analis*, O., 52.
 1491, *selth*, sold, S., 58.
 1513-1528, with hand and handband fully and freely sells; *analis* and *ofhents* from us, etc., O., 101, 103, 104, 108.
 1527, (mother to son) with hand and handband fully and freely resigns and over gives . . . gift of heretage, O., 106, 107.
 1534, with hand and handband overgiven, *analleit* and *ofhintit*, freely and fully, O., 64.
 1537, *saalsh* . . . *wndan meg og myne arffue ok efftherkommendhe* . . . *früth ok frielst for meg ok hweriom manne*; sold . . . from me and my heirs and successors . . . free and independent of me and of any man, S., 68, 69.
 1542, *sellit* and *analeet*, O., 76.
 1547-1557, sold, *annaliit* and *ofhentit*, from me, etc., O., 257, 259, 261.
 1558, *do.*, S., 78.
 1567, *soltt och affhent och* . . . *selier, sköder och affhender fraa meg, etc.*, sold and handed over, and . . . sell, convey and hand over from me, etc., S., 85, 86.
 1567, *selier, sköder och affhender ein min odals jord* [paying so much rent] *fraa migh och mine arffuinge och indtill* . . . *och hans arffuinge till euige eyedom*: sell, convey and hand over an *ödal* estate of mine . . . from me and my heirs to . . . to possess for ever, S., 82, 84.
 1574, gives, grants and heritably confirms (to the son of a man whose lands had been escheated for theft), O., 193.
 1574, *sauld, annaliit* and *ofhintit*, S., 195.
 1575, *tilbiudet os soldt, oc* . . . *selier oc affhender fra mig oc mine börnn oc arffuinge*: offered and sold and . . . sell and hand over, from me and my children and heirs, S., 91, 92.
 1575, *fre, heritablie and perpetualie sellis, analis and offhintis*, S., 87.
 1575, *selger och affhender och fraa sköder fraa meg och alle mine arffuinge* . . . *till* . . . *och under hans arffuinge till euerdelige egne och odall*:

sell and hand over and convey from me and all my heirs to . . . and to his heirs for everlasting possession and ödäl, S., 89, 90.

1589, *ourgeveis, by way of inthir-change and excambion . . . to be paiceabillie broukit, josit and possessit . . . perpetuallie in al tymis commyng*, S., 93.

1603, sells, *analties* and freely disposes (*ödäl land*) heritably and without any manner of reversion, redemption or regress, O., 222.

(c) consent:

1295, a woman sold her estate with the consent of her husband, N., 36.

1528, three daus. of d. landowner sold land with consent of their father-in-law, their lawful procurator, O., 108.

1542, woman sold land with c. of husband, O., 76.

1557, father sold land with c. of his sons, O., 259.

(d) subjects:

1480, heritage, won or to be won in O. and S., 52.

1523, rights and heirship of field land and *borrowland* in O. and S., 103.

1526, a bigging and tenement in Kirkwall, 104.

1527, field land and *borrowland*, O., 106.

1575, *odals iord*, S., 89.

1575, *odals gods, jorde partt*, S., 91, 92.

1589, marks of land, S., 93.

(e) holding and conditions:

1223, gift to church reserving a liferent, Bergen, 26.

1523, *til be haldin and had fra us . . . and all our airis, etc., til be perpetually possessit, joysit and brukit*, O., 103.

1526, to be held from grantor and his heirs, O., 105.

1527, to be held perpetually from grantor, to be possessed, etc., as any other land by title of free gift (mother to son), O., 107.

1535, feu farm to grantee and heirs male, whom failing, eldest

heir female, without division of lands, to be held of the crown as the earl and lord of O., 110, 112.

1560, certain lands of the arch-deaconry of O. feued, to grantee and heirs of his body, whom failing to the nearest heirs male bearing his surname, reserving to the bishops of O. and their bailies, the retention of the court and other jurisdictions, within the lands and over the tenants, 133.

1572, churchlands in S. feued to grantee and heirs male bearing the same surname, without division, 188.

1602, wadset in free heritage, ödäl and blench farm until redeemed, O., 272.

1603, in perpetual heritage, free ödäl and blench farm for ever, charter of free selling, O., 223, 226.

1607, without any manner of redemption, regress or reversion, together with all right, claim, interest, action, property and title of possession, O., 233.

1616, without reversion, O., 279.

(f) appurtenances:

1299, *lunnendi*, emoluments or manorial rights, Norway, 37.

1433, *all right marks and divises, fre issue and entry, with all freedoms, liberties, commodities, asiaments and righteous pertinents as well under as above the yerd* (a tenement in Kirkwall), 246.

1438, freedoms and profits, O., 45.

1480, freedoms, commodities, easements and righteous pertinents, as any lands are brooked through title of *setting*, from the highest stone of the hill to the lowest in the ebb, as well named as unnamed, as well under earth as above, the which is better to have than forego, O., 53.

- 1485, inside and outside the garth on land and foreshore (fjara), in less or more, with all that appertains or has appertained to it, of old and of new, nothing excepted, S., 54.
- 1491, *medh rodh ok radhaskoda*, *housum ok herberghium*, *toptum ok tunmolum ok medh allum theim lundendum ok frelse*, *som betir er adh hava en voon adh vrra*, so *vel unemps som nemps*, ok so *vel*, under *jordh som iver*, *medh allum puntum ok articulum*, *som i odals breffrum eigher adh vera*; with rowing and conveyance, houses and rooms, tofts and house plots (*tunmols* = O.N. *tún-völfr*), and with all the emoluments and freedom which it is better to have than to miss, whether named or not named, under as well as above the ground, with all points and articles which ought to be in óðal deeds, S., 58.
- 1498, right *meaths* and marches, in length and breadth. liberties and commodities, profits, easements and pertinents S., 98, 99.
- 1510, with all profits and *ugan*, O., 61.
- 1513, under the *erde* and *aboun* and all that is better till have *na forga*, O., 101.
- 1523, *howssis*, *toftis*, *towmellis*, *commoditis*, *asiamenis* . . . *inpastur* and *outpastour*, *lynx*, *cunningair*, *als weil under the erd as aboun*, *als weil nocht nemmit as nemmit*, *fra the hiest in the hill to the lawest in the ebb*, *togidder with all rycht and roicht*, and all maner of *richtous pertinentis* that *perleins* or that *lauchtfully ma portene* to our *richtis* and *roicht* of our *said*, O., 103.
- 1526, *fre ische* and *entre* . . . *asiamenis* and *fredomis* . . . *undir the erd* and *aboun* (house property), O., 105.
- 1527, *richt* and *roicht pertenyng to the sammyn* . . . with all commodities, *asiamenis*, and *proffiteis*, under the *erd* and *abone als weil nocht nemmit as nemmit als weil undir the erd as aboun*, *fra the hiest in the hill to the lawest in the eb*, *outpastur*, *inpastour*, *lynx*, *cunynghar*, *togidir with toftes*, *towmellis*, *howsis* and all manner of *richtuise pertinentis*, O., 106, 107.
- 1528, commodities, easements and freedoms, houses, tofts, *towmellis*, *infreedom* and *outfreedom*, with all manner of *richteous pertinentis* that *pertainis*, &c., as well under the earth as above, from the highest stone in the hill to the lowest stone in the ebb, together with all *rycht* and *roicht* of the same, O., 109.
- 1534, both *rycht* and *rocht* whatsoever that *pertainis* or that may lawfully *pertain* to us within . . . won and for to be won, such as land, *landrent*, houses, tofts and *tummellis*, *outand in pasture*, under the earth and above, from the highest of the hill to the lowest in the ebb . . . and with all right of the *teind penny* and the fourth penny, O., 64.
- 1535, (crown feu charter) right *meiths*, &c., woods, plains, *muirs*, marshes, roads, pathways, waters, pools, streams, meadows, pastures and pasturages, mills *multures* and their sequels, fowlings, huntings, fishings, *peateries*, *turferies*, *coalbeuchs*, firewood, stone quarries, stone and lime, smithies, maltkilns, brewhouses and brooms, with courts and their exits, *herezelds* and markets of women, with common pasturage and free

ish and entry, and with all and sundry other liberties, commodities, profits and easements and their just pertinents whatsoever, as well not named as named, both under the earth and above the earth, near and remote, O., 110, 111, 113.

1537 (written in Bergen): *medh latrom ok lunnendom, medh holtihe ok haghe, till fiels ok till fyere, innen gardz ok uttan, ok alth then deldh, som forscreffne gorah tilliggher eller liggith haffwe fra forno ok nyo, som bether er ath haffwe en mysse, inthet undan skilth*: with sealing places and emoluments, with holt and hagi, with hill and beach, within the garth and without, and all that appertains to the said farm or has appertained of old and new, which it is better to have than to miss, nothing excepted, S., 69.

1538, *mett eygenn oc odale tiill euig tiid, mett lottom oc lundenom, som ther till ligger oc liggitt haffuer fra forne oc nye inden gards eller [withen] jngenn vndentagindis. huad thett helst er eller were kand*: with ownership and ódal for ever, with lots and manorial rights which belong to it or have belonged of old and new, within and without the garb, nothing excepted whatever it is or may be, S., 72, 75.

1542, *vyth rycht and roicht . . . vyth all fredomis bayth vnder the yeird and aboun, vyth howssis, profeittis, thowellmellis, commoditeis as it lyeis in lent and broid . . . vyth fre wscha and entrens fra the heist of the hill to the lawest of the eb, vyth all rycht that oure faderis haid . . . and all that pertenis tharto or lawfully ma pertein tharto, O., 76.*

1547, *rycht and royght and righteous pertinents, with houses, etc., from the highest of the hill to the lowest of the ebb, that is better to have than to want, O., 258.*

1551, with *richt, roicht ow[th]ell* thereof, houses, *toumellis*, tofts, *inpastour, wair*, etc., under and above the earth, from the highest stone on the hill to the lowest in the ebb, O., 260.

1557, *rycht and roicht*, houses, *toumellis*, etc., *al rycht and roith outhal and sammyne, toumellis*, etc., from the highest stone in the hill to the lowest in the ebb, under the earth, etc., that is better to have than to want, O., 262.

1558, *toftis, tumellis, outpastour and inpastour, fra the hyast of the hills to the lowest off the eb with all rychtuisse pertenentis . . . with fra ische and entre, S., 78.*

1560, mill and multures and sequels called *sucken*, with houses, buildings, woods, tofts and crofts, O., 126.

1563, feu charter of church lands, Stennes, including: lochs, fishings, teind sheaves united to the same, 142.

1563, feu of church lands, Stennes, including: fowlings, huntings, fishings, rabbits and warrens, doves, dove-cots, lime, courts and their exits, fines, herezelds, bloodwits, common pasture, 143.

1564, feu charter of church lands, Birsä. O., with: *wrak, waith, haifwraik, wattell, chetrie and scats*, also mines of gold, silver, lead, tin and other metals, with courts and their exits, herezelds, fines, bloodwits and markets of women, with common pasture, 156.

1567, *medit all syn rette tilliggelsze baaden vden gierdis och inden gierdis ynthett undert gendis y nogle maader*: with all its due pertinents both with-

- out garths and within garths nothing in any way being excepted, S., 82, 84.
- 1572, *a summo cacumine montium ad infimum maris fluxum*, from the highest peak of the hills to the lowest ebb of the sea (feu charter of churchlands), S., 181, 188.
- 1574, (feu charter), in length and breadth, by all right marches old and divisit, with houses, biggings, towmales, tofts, crofts, mosses, muires, meadows, bounds, fields, pastures, *lesuris*, with common pasture, free *ish* and entry, &c., O., 193-4.
- 1574, houses, biggings, towmales, tofts, crofts, mosses, muirs, bounds, fields, pastures, *lesouris*, with common pasture, free issue and entry, S., 196.
- 1575, *mett alle luther och lunder och rette tillegelse, fraa fiels och till fiere, met huus, gaard och march inthet under-tagendis y nogle maade*: with all parts, emoluments and appurtenances, from hill to ebb, with house, garth and hill pasture, nothing in any way excepted, S., 89, 90.
- 1575, *hows, herbir, eng and owthell, ische and entres, within the dykis and without, fra the hiest off the hill to the lawest off the ebbe, also weill onnominat ase nominet, with all that better is to have nor to want* S. 87, 88.
- 1580, from the highest of the hill to the lowest of the ebb, with houses, etc., O., 197.
- 1587 (among other appurts.) from highest of the hills to the lowest of the ebb, hawking, hunting, fowling, fishing in fresh and salt water, doves, dovecoots, wreck, waith, with power to make quoyes, folds, remove dykes and houses; build houses, dovecoots, mills, etc., within the bounds of the lands, O., 211.
- 1589, *engin, uthell roycht, samy engin and rewersiowne, houssis, biggings, tounmollis, freddomis, laissouris, in-pastour and outpastour, fre ischie and entre, fra the heast in the hill to the lawest in the eib, under the erd and abowne, als weill onenamet as nammitt, that better is to have nor want with all and syndrie commodities asewmentis and rycheteows pertinentis, etc.*, S., 93.
- 1597, *med huus der tiil aff arilds tid leggit haffuer, fra høgiste fields tinne oc yderste fiere stein, med lottum oc lundom, intil undertagendis udi naagen maade*: with all its appurtenances from time immemorial, from the highest mountain peak to the outmost ebb stone, with lots and emoluments nothing anyways excepted, S., 95, 96.
- 1603, with houses, stone quarry, mortar, fuel, grass, ware, common pasture, removal of tenants, etc., all oðal land pertaining in proper heritage by plain and sufficient rights, from the highest of the hill to the lowest of the ebb . . . which are better to have, nor to want, O., 222, 224.
- 1612, peats, wreck, waith and wair, O., 277.
- (g) consideration :
- 1223, bishop Biarni, of O., gave land to a Norwegian monastery, for the glory of God and St. Michael, and for the souls of his father, mother, brothers, kinsmen and friends, 27.
- 1438, land sold for gold; the first and the last and all that between, O., 45.
- 1452, *fyrsta peneng oc sidsta oc oll thar o mellom*: first penny and the last and all those between (paid), S., 46.
- 1465 (received) *fyrsta penningh ok hin sedhista ok alla thær i millom*, S., 47.

- 1480, paid me in my need the first penny and the last and all those between, O., 52.
- 1491, *upboridh fulla bitaling*: received full payment, S., 58.
- 1513, in our urgent necessitie and grete mistare, the first penne and the last with all thare betuix, O., 101.
- 1526, in my gret neid and mystar, the first penny and the last and all thair betuix, O., 105.
- 1527, (mother's gift to son): *sall uphald me honestly all the dais of my lyv and to furniss and gif me [. . .] stars accordand me to have of resoun, and eftir my deceise to uphald yerly myn derige and saule [. . .] for my foirbearis sawlis and myn*, O., 106.
- 1528, paid in our great need and mister the first penny and the last and all there betwixt, O., 108.
- 1537, (written in Bergen) *mynstha penningh ok mestha ok alt ther mellom effther thy som i wort kop kom*: the greatest and the smallest penny, and all those between according to our contract, S., 69.
- 1542, for the landis price of the cuntra (in cattle), O., 76.
- 1547, for the full 'land's price,' paid the first penny and the last and all there betwixt, O., 257.
- 1557, (wadset) paid and delivered, really and with effect in numerat money in my great mister and urgent necessity, O., 262.
- 1558, *weill content and peyit baytht off the eng and withall*, S., 78.
- 1560, churchlands feued for an increase of the rent, a premium, sundry services rendered and good deeds done, O., 126.
- 1567, *anammit och opborit meste penninge och minste, som y vort kjøb kom, . . . vdi gode redelige och nødactige penninge*: received and got the greatest and the smallest penny which was in our contract . . . in good genuine and exact money, S., 82, 84.
- 1567, *anammit och opboritt meste penninge och minste, som y vortt kjøb kom*: received and got the greatest and the smallest penny within our contract, S., 85, 86.
- 1575, in urgent nicessitie and extreme povertie . . . *weill content and peyit be the handis and delyverans off*, S., 87, 88.
- 1575, *meste penning och minste och alle der emellom, som y wort kjøb kom . . . oc offuer alt dette wort kjøb haffuer ieg anammet en godt tønne mioll y skotnings aure och odels kjøp*: the greatest penny and the smallest, and all those between in our contract . . . and over and above this our contract I have got a barrel of good meal as a premium for the conveyance and the purchase of the ödäl, S., 89, 90.
- 1575, *udi min store nød oc trang . . . for . . . udi ware oc peninge . . . ein god tønne miell udi skiotnings oure*: in my great need and want . . . for . . . in wares and money . . . a barrel of good meal as a premium for the conveyance, S., 91 92.
- 1587, a tenant of king's or earldom land and apparently in possession of ödäl land, had a feu charter from earl of O. of king's and ödäl land in consideration of a sum of money, and as he and his predecessors had been in possession of the same, past memory of man, and the earl 'was noways willing to put him therefrom' [*i.e.* as tenant of earldom land], but rather to confirm his right and keep him in possession, O., 209.

(h) reddendo :

1535 (crown feu charter) paying yearly to the crown, as earls and lords of O. in name of feufarm, doubling feufarm at entry of each heir, also building on the land a mansion house with hall, chamber, kitchen, barn, byre, dovescots, gardens, orchards, fences, and policy, necessary and suitable to the place, O., 111, 113.

1560, (feu charter of church lands), rendering three suits at the bishop's, three head pleas at his palace of Kirkwall or elsewhere, double duty on entry of heirs, and nullity of charter in case of failure to pay feuduty, following on a declaration by the bishop's court, O., 127.

1560, services in use and wont to be rendered to archdeacon, O., 134.

1563, giving by themselves, or at least by their tenants in their names, three suits at the three head pleas held annually at the bishop's palace of the Yairds (feu of churchlands), O., 144.

1574, (feu charter), skatts, duties and due service of the said lands, used and wont as paid of before to king and bishop only, O., 194.

1603, 1d. Scots in name of blench farm, if asked (charter of free selling, with clause of infeftment), O., 224.

1615 (in a charter of churchland), grinding the grain on the lands at the bishop's mill and paying the customary thirl multures; suit and presence at the bishop's courts, subjecting themselves to his jurisdiction and defending him and his place and estate against all deadly, the king and his authority alone excepted, and rendering all customary service, the casting and winning of peats, O., 236.

(i) redemption (loosening, O.N. *lausn*).

1295, attested by the archdeacon of S., etc., that certain land in N. to be redeemable with the seller's own money, 36, 37.

1538, it was a condition as regarded the person who redeemed an ógal that : *huerkenn tiill borgs ne lons aura eller penninge att tage aff noger mand, wdthann siellf siemis* [sinus] *om wendeiss*, no øre or penny to be got by loan or borrowing from any man but by one's own turn-over, S., 72, 75.

1551, O., land sold by a father, with consent of his two sons, to his kinsmen and his heirs for £4 Scots paid to the father, and 12s. to the eldest, 10s, and 1 meil of bere to the youngest son for their consent; which land the father had redeemed from a kinsman, but grants that the purchaser was nearest 'rothman' to redeem the land; the purchaser also agrees to give the seller an annuity of 1 meil of victual during his life; the land to be held from the father and sons and their heirs; the purchaser to enter into possession the next crop after the decease of the seller, 258-261.

1557, O., part of the above lands are sold by the eldest son of seller (now dead) [the purchaser must have died meanwhile without heirs, or otherwise have granted his rights to the eldest son] with all emoluments, redeemable, on payment by seller or his heirs of the purchase money, which must be neither borrowed or lent; and in case they are redeemed the purchaser to have a 19 years' lease of same, after the redemption, at a stated rent; and to be refunded for repairs to buildings, and failing pay-

ment for such repairs the seller and his heirs shall be secluded from the redemption of the land, 261-264.

1557, the redemption money of a wadset to be *our own leil win conquest goods*, to be numbered in gold and silver, neither borrowed nor lent, nor the forsaid lands nor no other lands sold nor wadset therefor; cost of improvements to be refunded on redemption, O., 263.

1589, S., exchange of lands, including reversion, 93, 94.

1603, O., 68al land sold by charter of 'free selling,' without any manner of reversion or redemption, belonging to the seller in proper heretage by plain and sufficient rights had therefor, 222. See also Index II., s.v., *sister part*.

(j) *sasine: passim*.

1548, given by stone and mould after the use, consuetude and rite of the country, the fire *scloknyt*, discharging all others from further interest therewith without the said person's license and kindled again in her name, O., 118.

1580, *skloking* out of the tenant's fire thereon and *kindling* of the said grantee used, O., 198, f.n.

(k) *warrandice*:

1223, if any man wants to take it (land given to a monastery) from the monastery he shall be under the interdict or ban of God and of all holy men; Norway, 27, 28.

1433, against all men and women deadly will warrand and quit for evermore, O., 247.

1480, against all deadly, O., 53.

1513, *all fraude, gile or frivellouse exceptioun away puit and secludit, na remeid of law, civile nor cannoun, to be allegiit nor proponit in contrar hereof . . . obliesses us, our laundis, guidis movabill and unmovabill, present*

and to cum, in the stratast form that can be maid or devisit, to warrand and defend . . . fra all proclamoris and fra all that dee may, O., 101.

1523, *warrand and defend agane all mortale men and wemen, all fraud, gile and fruellous exceptioun secludit and away put for evir, na remeid of law civile nor cannoun to be proponit in the contrar, bot that this chartour have full strentht in the stratast forme that can be maid and devisit and in forma speculatoris*, O., 103.

1526, *oblissand me, myn airis, myn and thair laundis, guidis movabill and unmovabill, till warrand and defend . . . fra all deidlyk men and wemen . . . all fraud, gile and frewellous exceptioun secludit and away puit, na remeid of law civile nor cannoun to be proponit in the contrar*, O., 105.

1527, *na remeid of law, civile nor cannoun, allegiit nor proponit na tymes heireftir in the contrar, all fraud, &c., in forma speculatoris*, O., 107.

1528, *w. and defend the said land to the purchaser for now and evermore*, O., 109.

1534, *bind and oblige us, with hand and handband and by the faith of our bodies that . . . shall brook that land without impediment*, O., 65.

1535, *bound and obliged by hand and handband and by the faith and truth of their bodies*, O., 67.

1535, *by the faith of their bodies and their right hand*, O., 67.

1535, *bound and obliged by the faith and truth of their bodies, the holy evangelist touched, and the great cath sworn, to stand and bide that and never to come in contrary of any point that is above written, under the pain of £20 Scots., and the*

- touching of their oaths and the condition to stand (mutual agreement as to sale of lands), O., 68.
- 1542, *byndis and obblis vse be the fayth and growth in owre bodiis and ar suorne never to cum in contra of this vrit befor nay jug nor jugis sperituall or temporall in tyme to cum, onder the paine of all the geir and lands at ve haue or ma haue be ony just tytill of ryght*, O., 76.
- 1547, *faith and truth in my body to w. and defend my brother-part of land against all deadly men and women*, O., 258.
- 1551, *in contrar all deadly and that by the faith and truth in our bodies and under the pain of all our goods movable, etc.*, O., 260.
- 1558, *in laboring, josing, bruiking and manuring . . . without onye reuocatioune or gain-calling, under the pain off all our gayr and guidis*, S., 78.
- 1558, *to w., keep and defend to . . . their heirs, etc., perpetually in all times coming, and obliged them never to be seen in judgment nor without judgment in the contrary hereof under the pain of perjury and of all their lands and goods, movable and unmovable, present and to come*, S., 81, 82.
- 1567, *at hiemle och fuldkommeligh till att staa . . . y alle maader frj och frelszelige for huer mand some der paa tale kand medt rette : to give and grant wholly the title to . . . in all ways free from righteous claims from any man. It is further agreed that should the land be wrested from the purchaser it will be made good with other land of equal value or the purchase price returned*, S., 83, 84.
- 1567, *meg och mine arffuinge ingen lod eller deld att haffue till eller udi samme . . . stedde dett saa dett Gud forbiude, forne jord . . . vorder forne . . . eller hans arffuinge aff vondt medtt nogen rette gang eller ny paafund tha forplictier ieg meg eller myne arffuinge att udlegge forne . . . eller hans arffuinge lige saa god ein jord igen eller saa mange penninge, som samme iord werd er ; and I acknowledge that I and my heirs have no lot or part in or on the same said . . . from this day, in any way. Should it happen, which God forbid, that the said land . . . be taken from the said . . . or his heirs by any lawsuit or new-invented claims, I bind me, etc., to provide the said . . . etc., with an equally good land instead, or as much money as the same land is worth*, S., 85, 86.
- 1567, *thi hiembler ieg och fulkom-melige tilstaar . . . frj och frelszeligen for huer mand som der paa medtt rette kand tale : therefora I make out a full title for . . . free and quit of righteous claims from any man*, S., 85, 86.
- 1575, *quit oc frij att folie oc besidde . . . i alle maade, vdenn ald ydermere kraff oc paatale : full title . . . quit and free in every way without any further claim and query*, S., 91, 92.
- 1575, *till warrand, acquiet and defend the forsaidis [land] to the for-said . . . &c., and nocht to molest, troubill nor inwaid the said [buyer] under the paine off perjure and defame, in peciable brouking, josing and manuring the saidis landis*, S., 88.
- 1575, *quit och fri for mig och mine arffuinge y alle maade : free of all claim from me and my heirs in any way*, S., 89, 90.
- 1589, *warrand, aquett, kep and defend . . . vndir pain of als mekill as gud land, lyand als*

*commodiouse . . . all cawel-
atiounne, fraud and gywill
secludit and awaye putt, S.,
94.*

- 1594, bound and obliged by the
faith and truth in their
bodies never to come in the
contrary of these, etc., O.
and S. doc., Edinr., 219.

- 1603, a tenement in Kirkwall to be
conveyed in case of eviction
by any legal process; against
all deadly under the pain
ypothek of all our lands,
goods and gear movable and
unmovable, O., 222, 225.

seals and witnesses:

- 1295, and for true witness (*vitnis-
burðr*) we set our seals
(*innsigli*) on this letter
(*bref*). N., 37.

- 1299, set their seals on this letter for
true witnessing, S., 39, 40.

- 1422, in witness of all which our
seals are each separately
appended (lawman and
canons of O., and citizens of
Kirkwall, to a testimonial),
42, 44.

- 1433, in witness, etc., because that
I had no seal of my own
proper, I have procured the
seals off two worthy . . .
with instance, before these
witnesses . . . and other sun-
dry, to be put to this my
letter of free gift, O., 247.

- 1438, sealed the charters; in wit-
ness of the which thing we
have set our seal to these
present letters, O., 45.

- 1452, *till sannenda her um hengir
ok mit incigle for thetta bref*;
in witness hereof I append
my seal to this letter, S.,
46, 47.

- 1455, bishop of O. set his seal to
these present letters to-
gether with the seal of his
chapter, O., 49, l. 15.

- 1465, *for then skuld at ek hafde
enktit insigle sialfwom, tho
hafwir iak bidhit beske-
delighe men . . . hinghia
thera insigle for min bønn
stadh skuld for thetta bref*;
for the cause that I had no

seal myself I have asked the
honest men . . . to append
their seals at my request to
this letter, S., 47, 48.

- 1465, bishop of O., given under our
seal authentic at Kirkwall,
49.

- 1467, bishop of O., *sigillum nostrum
autenticum est appensum*,
50, 51.

- 1480, in witness, etc., 'I have pro-
cured with instance the
seals of right honourable
and worshipful men (arch-
deacon of O. and justice
of O.) to be hung to
this present letter before
these witnesses . . . with
other divers. And for the
more security I have ap-
pended my seal to this
present letter before the
witness foresaid,' O., 53.

- 1485, *till yter mere visso hengia wy
wor insigle fore thette bref*;
for greater certainty we
append our seals to this
letter, S. and Norway, 55,
56.

- 1491, King of Norway, *nostro regali
sub secreto presentibus inferius
appenso*; under our privy
seal appended to these
presents below, 57.

- 1491, *till sannenda ok utarmere
vissan her um, for thi adh
ek hafde ekki insigle af sials
mins hus mik, tho havir iek
bidhit thessa erliga dande
men . . . um theris insigle for
myn, bonastadh skuldh adh
lada hengia nedhanfor thitta
bref*: for the truth and
further certitude hereof, as
I had no seal of my own
with me, I have asked the
honest good men . . . at my
request to append their seals
to this letter, S., 58, 59.

- 1498, in witness whereof our own
seals are appended to these
presents at Edinburgh, 98,
100.

- 1506, sir David Sinclair's will,
'given at Tingwall . . . these
men being present . . . with

- others, many sundry and divers,' 250.
- 1509, in wit., the lawman at the instance of the roythmen 'has affixed my seal to this present doom,' O., 253.
- 1510, lawman and court: 'set to our seals to the present writ,' a doom of restitution of land, S., 61.
- 1513, in wit., etc., because the parties had no seals proper of their own they 'procured with instance the seals of venerable and discreet men (a N. P. and a burgess) for us to be hung to this present charter,' before witnesses with other divers, O., 102.
- 1514, in wit., &c., the lawman has *hungin* his seal to this present doom, and for the more verification and *sikerness* the doomsman procured with great instance the seals of venerable and discreet men (a N. P. and burgess) for them to be *hungin* to this present doom before witnesses with other diverse, O., 256.
- 1519, the lawman and court 'in absence of our seals has required the judge (or justice) to append his seal for him and us to this our doom,' of a district court, O., 64.
- 1523, in wit., etc., because they had no proper seals of their own they procured with instance the seals of venerable and discreet men (a vicar and a rector) for them to be *hungin* to this present writ before witnesses and others, O., 104.
- 1526, *do. do.*, O., 105.
- 1527, *do. do.*, venerable and discreet men (a dean and vicar) and an honourable man (a landowner), etc., O., 107.
- 1528, *do. do.*, a venerable canon, O., 109.
- 1530, before these witnesses with others diverse, O., 257.
- 1534, in wit., etc., because they had no seals, etc., O., 66.
- 1535, and for the more certainty, seals procured, etc., O., 68.
- 1537, and for greater certitude and truth (*wissa ok sannighen*) honourable good men (*erlighe dannemen* — including a tailor) append seals, S. (N.), 69.
- 1538 *obet beseglt perments breff*, an open vellum letter sealed (by lawman of S.) *till ydthermere wittnisbyrd bedtre stadfestelse oc fforuaring att thette ffor^{re} saa skeet er . . . waare indsegler hengindes nedhenn ffor*: for further witness, better confirmation and certitude that the above is thus our seals appended, S., 72, 75.
- 1538, *till ydthermer wittnisbyrdt oc bedther bewiisning, att saa udi sandhedt er, som forsehereffuit staar, ladhe wi henge wore indsegler oc signeter nedhen ffore thette wortt obne breff*: for further evidence and better proof that the above written is true we let our seals and signets be appended to this our open letter, N., 72, 75.
- 1538, king James V. 'under our privy seal,' respite to O. and S. men, 115.
- 1542, to the more security and strength hereof (2 women) with consent of their husbands procured with great instance the seal of a venerable vicar to be *hungin* to this present charter because they had no proper seal of their own, with the sign manual and subscription of a famous notary before wit. and others, O., 77.
- 1547, in wit., etc., seal procured before wit. and others, O., 258.
- 1548, sasine, signed and confirmed with the usual and customary sign, name and surname of the notary in testimony of the truth of all and

- sundry the premises, O., 119, 121.
- 1551, seal procured, etc., O., 260.
- 1557, *do. do.*, O., 264.
- 1558, for more verification of the truth in the premises, because they had no seals or signets, with great instance and procuracion procured the signet of the underfoud and seals of others, etc., together 'with our own marks,' S., 79.
- 1558, in a decree in a law case before a 'fenced court,' the parties procured, with great instance, the 'proper seals' of the members of court to be appended, together with the subscription of the official of S. and of one of the parties, S., 82.
- 1560, bishop's charter of church lands to which his round seal (*sigillum nostrum rotundum*) and the seal of the chapter were appended, before witnesses and others, O., 124, 127.
- 1560, charter of church lands, with seals of bishop and chapter and signatures appended, etc., O., 131, 135.
- 1563, charter of church lands, seals of incumbent, bishop and chapter and their signatures appended in token of consent, ratification and approbation, O., 140, 145.
- 1564, charter of churchlands, bishop's round seal and common seal (*unacum sigillo communi*) of chapter appended, O., 153, 159.
- 1567, *att saasandhedt er, som forskrifuit staar, lader iegh sette mit mercke her neden under och kierligen tilbeder thisse gode mænd . . . att besegle dette mitt obne breff*; that what is above written is true I have put my mark here below and kindly ask these good men (priests, school-master, foud and skipper) to put their seals to this my open letter, S., (Norway), 83, 84.
- 1567, that it is true, the granter, with his own will and knowledge (*vilge och widskaff*), put his mark (*mercke*) below, and asked certain good men to hang their seals to the open letter, S., (N.), 86, 87.
- 1567, seal procured, etc., O., 266.
- 1567, summons by the sheriff of O., 'subscribed with our hands and under our signet,' 161.
- 1568, subscribed and seal appended, O. (Edinr.), 170, 177.
- 1572, charter of churchlands, S.; bishop's seal and common seal of chapter, before wit., etc., 185, 192.
- 1574, 'subscribed with my hand, my seal is to hung' before wit., O., 194.
- 1574, for the more security, another requested to subscribe 'in my name, with my hand led at the pen, because I could not write myself,' before wit., O., 268.
- 1574, 'subscribed with my hand, my signet is affixed,' before wit., S., 196.
- 1575, for observation and verification, seals procured, before wit., S., 88.
- 1575, seals of 'good men' procured (no witnesses), S. (Norway), 89, 90.
- 1575, seals procured of 'good men' who were standing by and present at the making of this contract and sale, S. (Norway), 91, 92.
- 1576, decisions of bailie court, Stennes, O., subscribed by bailie, 269, 271.
- 1582, sasine signed and subscribed with the notary's usual and customary sign, name and surname in token and testimony of the truth, &c., O., 202, 205.
- 1586, 'that this be true,' seal procured for one party while the other party appends seals and signatures, S., 207, 208.

- 1587, subscribed and seal appended before wit., O., 214.
 1589, *do.*, 'and desired most pitiously the seals' of others, before wit., S., 94.
 1595, for the more verification of a decret of the bailie court of Stennes, O., the judge and assize caused the clerk to subscribe, 'because we could not write ourselves,' O., 221.
 1597, that the open letter shall be kept sure and unbroken in words, points and articles, it is subscribed and sealed by granters and in further wit. another is asked to seal and confirm it, S. (N.), 95, 97.
 1603, sub. by granter, and spouse in

sign of her consent, and his proper seal appended, before wit., O., 228.

- 1606, decret of sheriff of O., subscribed with his hand, O., 275.
 1607, subscribed before witnesses, O., 238.
 1611, granter's 'good friend and master' signed for him before wit., O., 276.
 1615, charter of churchland, bishop's seal appended and signed by bishop and chapter before witnesses, O., 236.
 1616, charter sub. by notary, granter unable to write, but affixed his seal at Kirkwall before wit., 241.

E. COURTS, CIVIL AND ECCLESIASTICAL, MEMBERSHIP, JURISDICTION AND PROCEDURE, etc.

- 1299, *lögþing* (lawting) S., took evidence in a landrent dispute, which was testified in a *bref* (brief) by all the *lögðingismenn*, sealed by certain of their number as they had not the seal of the law-thing (*lög þingis insigli*); 38, 39.
 1438 (*ante*): before [the *lögretta* of the lawting composed of] sundry good men of the country, in the vestry of St. Magnus' Church, O., an alleged case of a charter of land sealed against the seller's will, which the seller denied and 'handselde' the buyer of the land, 44.
 1438 (*ante*), *hirdman stein* (*hirðmannasteinn*) held by earl of O. and the 'gentles' of the country, before whom two men swore that they were witnesses to the preceding case. Their evidence was further attested, Jan. 20, 1438 (? if this date was in accordance with Scottish chronology it would be 1438-9) in a parchment, by the lawman of O., a bailie of Kirkwall and another who were present and taken to

witness, 44. See Index II., *s.v. hirdmanstein*.

- 1485, lawman of Gulathing and Bergen, lawman of S., 5 councillors (*ráðmen*) of Bergen and a lawrightman (*lagrettesman*) in S., assembled in the sacristy of Cross Kirk, Bergen, on Monday before St. Laurence day (Aug. 8), testify, in a parchment brief (*bref*), that a dispute as to unlawfully sold ðæl lands in S. was amicably settled between the parties and persons acting on their behalf (*umbode*), Bergen, 54, 55.
 1491 (*ante*); sir David Sinclair won a S. man's law case (*reith*) in Bergen before the king's council (*rikins ródhe*) of Nor., for which he received land in S. as his agent's fee, *umbuthiskepe*, 58, 59.
 1509, April 27, Sabay, O., 'ane ogane and a dome dempt' regarding the boundaries of an estate, before [the justice], by the lawman of O. [with 21 of] the worthiest and best of the land gathered, landed men *roythmen*; *umbodhsmen* or procurators ap-

peared on behalf of the king, bishop, and the two parties to the suit. The verdict was given by the lawman and the 'persons foresaid,' based on the lawbook and sealed by the lawman at the instance of the *roythmen*, 251-3.

[1509, before Allhallowmas], Thursday, Kirkwall, the lawting—the justice, the lawman of O. and S., and 14 of the worthiest in O.—gave judgment (*dempt*) regarding a dispute about lands in O, exchanged for lands in S., which was carried out by a court in S., 1510, July 23 (see next entry), 60, 61.

1510, July 23, Tingwall, S., a court—lawman of S. and O., head foud of S., lawrightman of Dunrosnes, underfoud and lawrightman of Wawis with other good worthy men—'gave for doom and decreets' regarding the preceding dispute, which they sealed, 60, 61.

[1514 *ante*], O., a seller of óðal heritage, after offering it to the next heir who refused to buy it, came sundry times in courts and head *stennis* [O.N. *stefna*, *stemna*] and made known that the next heir refused to buy and that he was forced to sell on account of hunger, etc., 254.

1514, June, Tuesday, Kirkwall, the lawting—lawman of S. and O. and [13] certain of famous discreet and unsuspected persons of *roithmen* and *roithmenn's sons*, chosen, the great oath sworn and admitted to decide in a matter of heritage; *umboths-men*, or procurators, appeared on behalf of the parties, one of whom was the justice, who consequently did not sit as a member of court; having considered the evidence, delivered, decreed,

and (by the chapter of the lawbook read thereon) gave final doom. The lawman sealed the doom and the doomsmen procured the seals of venerable and discreet men before witnesses, 253-256.

1519, Oct. 24; Saba, O.—'an ogang and doom dempt' by the justice and with him the lawman of S. and O. and 24 of the worthiest and best of landed men *roathmen*, regarding the boundary of an estate and trespass, in which the lawman with the advice of the judge [justice] and 24 'persons,' and by the sooth of the lawbook gave doom. The judge sealed the doom on behalf of the lawman and 24, in absence of their seals, 61-64.

1538, [July 1] Monday after SS. Peter's and Paul's day [June 29] and Midsummerday [June 24], Gierd in Reafirth parish in Yell, S., a *rette* [*réttr*, court] held by the lawman of S., the lawrightmen in Unst and Yell, and 10 others who swore a full *bogereydt*. There came before them and other goodmen (*gode mend*), certain parties and their procurators, viz.: representing the king of Scotland in the absence of 2 officials of S., and another party by the foud and officer of Yell, regarding a dispute as to inheritance. After address for the prosecution (*tiltala*), rejoinder for the defence (*gensvar*; in NGL. *svör ok tiltala*) and sworn evidence and proof led, 'by this our open letter on vellum we judge and have given a full and right serious judgment (*dom*) according to the Gulathinglaw' and appended their seals, 70-75.

1538 [July 6] Saturday next after the day of the Visitation, Bergen. The king's court—

- commander of Bergenhus, burgomaster, lawman of Gulathing, and 10 councillors (*raadmend*) including a cloth dresser and a smith—before whom and the common people who that day visited the council room (*raadmans stue*) of Bergen, appeared the successful prosecutor in the preceding case and produced the above doom sealed by the lawman of S. which was confirmed and judged to be held unchallengeable for all time and sealed by all 13; 70, 72, 73, 75.
- 1548, March 7: decret arbitral (confirming charter to lands in O.) by the bishop, foud of S., provost of O., and by many other honest and worthy men, 117, 120.
- 1558, (*ante*): *sjaund*—lands came and fell to the part of a daughter on the right *schoneth* day after the decease of the father (mentioned in following entry), S., 81.
- 1558, Oct. 15: *sjaund*—the chamberlain and head foud of S. the official of S. and certain (7) honest men of the country (including a lawrightman) with others, were convened to make a right *schonit* count and reckoning and equal division of lands, goods and gear, movable and unmovable, among the heirs, S., 80, 81.
- 1558, Oct. 15, S., a fenced court held by the head foud of S., etc., when they were convened at a *sjaund* (see previous entry), to hear evidence regarding the illegal retention, by the deceased, of lands apportioned to his sister at the *sjaund* after their father's death; the witnesses 'being sworn the great oath, the holy Evangelists touched by them, deponed openly in judgment,' etc. The decision was written on parchment and sealed; S. 80.
- 1558, June 22: sheriff court held in the close of the King's Castle, Kirkwall, by the sheriff and commissioner to the queen; suits called, court lawfully fenced, the assize (20) chosen and admitted. In a case of disputed heritage, the assize ordained the bailie depute of the parish to go to the property with 12 honest unsuspected men and divide the property conform to the decreets of the parties (see below), 264.
- 1558, June 22: bailie depute of Hara, O., directed by the sheriff court to go to an estate with 12 honest unsuspected men, who were last with him there before, within 15 days, to divide it among the heirs, conform to their decreets, under pain of forfeiture of his office (see above), 265.
- 1560, bishop's court—the vassal of feued churchlands to render 3 suits at the three head pleas at the bishop's palace of Kirkwall or elsewhere as they may be held, O., 127.
- 1560, in a feu of lands of the archdeaconry of O., there is reserved to the bishop of O. and his bailies the retention of the court and other jurisdictions within the lands and over the tenants, 133, 134.
- 1563, bishop's court—feuars of precentor's land required to give by themselves, or at least by their tenants in their names, three suits at the three head pleas to be held annually at the bishop's palace of Yairds, O., 139, 144.
- 1567, [*lögretta* of] lawting—Nov. 4, [Tuesday], Kirkwall; Robert Stewart, kt. feuar of O. and S. and sheriff principal, issued a precept for a party

to appear before him and his deputies, the third day of the instant lawting [? Wednesday, 5th]; the precept was executed same day by the officers, and on the 5th [Wednesday] it was endorsed: this action was referred to arbiters to decide between then and Saturday [Nov. 8] next to come inclusive. From this it appears that the lawting was held Monday, Nov. 3—Saturday, Nov. 8. The party summoned must have appeared on the Wednesday (the third day of the lawting) when the action was referred to arbitration (see below), 160-2.

1567, arbiters—a case of disputed landownership was referred by the lawting to 'arbitours,' 4 for each party with an overman in case of variance, and the parties bound and obliged to stand by their decision (see above), O., 162.

1572, bishop's court, S. — Lord Robert Stewart, feuar of the earldom of O. and S., in a feu of all the churchlands in S. from the bishop, had to render 3 suits of court at the bishop's 3 chief pleas, to be held yearly at Grymbusta or elsewhere, and to defend the bishop and his clergy to his power, 190.

1573-4, sheriff court called the hermanstein, O. (see Index II., *hirðmanstein*)—held by lord Robert Stewart, feuar of O. and S., and his deputies, on the 20th day of Yule (Jan. 13th), by which lands were escheated for theft, 193.

1573-4, sheriff court of O. called the harmansteine—held in St. Magnus' Kirk of Kirkwall, January 23, by lord Robert Stewart, feuar of O. and S. and sheriff principal; the suits called, the court lawfully fenced, the assize chosen, admitted and sworn,

27 members, including some S. landowners—a land dispute was tried in which the assize absolved one defendant from the pursuer's claim, 267.

1576, April 4th [Wednesday], Stennes; a bailie court held at the kirk of Stenhouse by the bailie, suits called, court fenced, (14) assize chosen, sworn and admitted; an action moved as to boundaries, in which the assize ordained as to same; the decision is written by the clerk for the time, at the command of the assize, and subscribed by the bailie, 269.

1576, July 23 [Monday]; Stennes; the bailie court of Stanhowis held at Onestone by the bailie, suits called, court fenced, (12) assize chosen, sworn and admitted, procurators appeared for parties; concerning an action regarding boundaries; ordains and decerns; ordained a party to pay a *dumraw* [*dòmroff*] to the bailie for not fulfilling a former decree; written by another at the desire of the 'larikman' and signed by the bailie, 269.

1586, Dec. 4, S.; *wenligh forligelse*, friendly reconciliation, between two parties regarding the intromissions in an estate, was witnessed by the lawrightman of Unst (who was procurator for one party) and two uncles of the same party, [while the other party was represented by] the sergeant of Yell [as procurator?] and two men of the same name as the other party. These [arbiters?] further 'funne' [found or decided] certain arrangements to be carried out, 206, 208.

1587, a feuar of earldom land, O., to give suit and presence at

- the head courts with due service as use is, 212.
- 1595, Jan. 22, a document of 1580 produced in *judicio* at Kirkwall and admitted, ratified and approved by the judge and assize, 199.
- 1595, Ireland, O.; bailie court held by the bailie; the suits called, the court lawfully fenced, the assize (14) chosen, sworn and admitted; a case of theft tried, in which the 'officer' had been fetched to witness the restoration of the stolen goods; the judge and assize absolved the man, whose servant had unintentionally taken another man's corn; for the more verification of their writ [decreet], the judge and assize, because the assize could not write, caused the clerk to subscribe along with the bailie, 220.
- 1604, April 11, O. [sheriff court], judge and assize decerns and ordains in a dispute regarding exchange of lands (see next entry), 274.
- 1605, Nov. 1 [Friday], Hara, a bailie court held by the bailie, when it was 'truly testified in judgment' that certain land was free of debt to king and church, and they gave their 'testification, which we have caused the clerk to subscribe in our names.' (See next entry), 275.
- 1606, Orphir; the [sheriff] issued a [precept] to the under bailie of Orphir, to take trial if it be of verity that an alleged exchange of land had taken place, and if so, 'ye, by the sight of neighbours possess every one of them in their own land' under specified pains and penalties (see next entry), 274-5.
- 1606, Orphir; the bailie depute, at command of the sheriff's 'precept' and 'according to the mind and tenor of the said precept,' gave sasine in exchanged lands before two witnesses with sundry others (see previous entries), 275-6.
- 1607, March 13: Kirkwall; the sheriff issued a precept to the bailie of Hara, O., to take trial, by the sight of neighbours, as to the ownership of certain lands; in a certain eventuality the bailie is instructed to fortify, keep and defend the possessor in peaceable possession and discharge others having interest in the same not to molest the present possessor; the precept to be fulfilled with all diligence and under pain of £40 in case of disobedience of bailie (see next entry), 230.
- [1607], the bailie of Hara, O., by command of the above precept put the possessor of certain lands in peaceable possession of same (see next entry), 231.
- 1607, Sept. 8: Kirkwall; the sheriff instructed the bailie of Hara, O., to pass, accompanied by certain honest neighbours, with diligence, to certain lands and there take trial as to the boundaries, and by the sight of the said honest neighbours to fix the boundaries and possess the complainant in his just part and inhibit and discharge the other party not to trouble or molest; he was further instructed to do this according to equity and 'pronounce your decret therein' under pain of £40 (see next entry), 231.
- [1607], the bailie of Hara, O., in accordance with above precept, divided the disputed lands, and discharged the other party, &c., before three witnesses [honest neighbours], 232.

1615, O., vassal of bishopric land to give suit and presence at the courts held by the bishop or his deputies in Kirkwall or elsewhere within his sheriffdom, subjecting him-

self to his jurisdiction and defending him and his place and estate against all deadly, the king and his authority alone excepted, 236.

F. OFFICIALS, CIVIL AND ECCLESIASTICAL, AND
MEMBERS OF COURTS.

- 1299, S., lawthingmen, members of lawthing, 38, 39.
1422, O., [*hirðmaðr*], James of Craigie, *manucaptus* = O.N. *handgenginn*, of one who became a *hirðmaðr* (member of the bodyguard) of the king of Norway, 41, 43.
1422, O., lawman (*legifer*), Wm. Thurgysson [*Thorgilsson*], with others grant *viaticum* to the above, 41, 43.
1433, a bailie of Kirkwall mentioned, 247.
1438, a bailie of Kirkwall present, with the lawman of O., at a *hirðmannastefna*, 44.
1438 *ante*: O., lawman, John of Kirknes, 45.
1438 *ante*: O. [*lögriðtumenn*], sundry goodmen of the country with the lawman met in the vestry of St. Magnus' Church, 45.
1438 *ante*: O. [*hirðmenn*] 'gentles' of the country, members of a *hirðmannastefna* of the earl of O., 45.
1438, O., lawman, Henry Randell, had been present at a former *hirðmannastefna* of the earl of O., 44.
1480, O., lawman, William Cragy, 52.
1480, justice of O. and foud of S., Thomas Inglis, 53.
1485, Aug. 8, S., lawman, Niels Willemsson, and a lawrightman of S., together with the lawman of Gulathing and councillors (*radmen*) of Bergen, testify to an agreement made before them in Bergen as to ownership of lands in S., append seals, 54, 55.

- 1485, S., lawrightman, Villem Thomasson (see above), appends seal, 54, 55.
1491, S., *hotzman* [great foud], sir David Sinclair of Svina-borgh, who, as procurator for a S. landowner, won a case before the king's council in Bergen, 58, 59.
1491, S., lawrightmen, Siordh Ivarson, William Andreson, appended seals, 58, 60.
1498, S., foud, sir David Sinclair, 97.
1509, O., [justice], sir William Sinclair, of Warsetter, a doom dempt before him, in an *ogang*, 251.
1509, O., lawman, John of Cragy, dempt a doom at an *ogang*, 251.
1509, O., landed men *roythmen*, members of an *ogang*, 251.
1509, O., chamberlain, David Kantt, procurator for the king [of Scot.] in an 'ogane' held at Saba, 252.
1509, O., [justice], sir Wm. Sinclair of Warsetter, sitting for justice in the lawthing, 60.
1509, O. and S. lawman, Nicoll Haw, in the lawthing at Kirkwall, 60.
1509, O., [assize of lawthing], 14 of the worthiest in O., members of lawthing, 60.
1510, S. and O. lawman, Nicoll Haw, in a court [*lögretta* of lawthing] at Tingwall, S., 61.
1510, S., head foud, Thorald Hendyrson of Brocht, member of a court [assize of lawthing], 61.

- 1510, S., lawrightmen, John of Quendal for Dunrosnes, Brynyand Andersone for Wawis, members of a court [assize of lawthing], 61.
- 1510, S., underfoud of Wawis, Magnus Bolt, member of a court [assize of lawthing], 61.
- 1510, S., members of a court [assize of lawthing], the preceding and John of Strom with other good worthy men, 61.
- 1514 *ante*: O., the best and worthiest in the country in courts and head stennis [assizes of lawthings and hirðmannastefnur?], 254.
- 1514, S. and O., lawman, Nicoll Haw, dempt a doom in the lawthing, Kirkwall, 253.
- 1514, O., *roithmen* and *roithmenniss* sons as doomsmen, members of [lögretta of] lawthing—famous, discreet and unsuspected persons, 254, 256.
- 1514, [O.], *official*, sir Umfre Clerk, witness, O., 256.
- 1519, O., justice, sir Wm. Sinclair of Warsetter, dempt a doom at an *ogang* at Saba, consisting of the lawman and 24 landed men *roathmen*, when the lawman and the '24 persons' gave their doom by the sooth of the lawbook, 61-64.
- 1519, S. and O. lawman, Nicoll Haw, in an *ogang* (see above), 62-64.
- 1519, O., 24 of the worthiest and best landed men *roathmen*, in an assize of an *ogang*, who, as the '24 persons,' along with the lawman, gave their doom, (see above two entries), 62, 63.
- 1526, a baillie of Kirkwall, witness, 105.
- 1534, O., justice, James Sinclair of Brecks (an honourable and discreet man) witness, 66.
- 1535, O., justice, James Sinclair of Brecks (a noble and potent man), sealed document, 68.
- 1538, S., lawman, Niels Thomasson of Eide, in a *rette* (court) in Yell, 70, 73.
- 1538, S., lawrightmen, Wm. Jonsson in Unst, Rolf Nesbit in Yell, in a *rette* (court) in Yell, 70, 73.
- 1538, S., members of a *rette* (court) in Yell, 10 and other good men, 70, 73.
- 1538, *beffallinsmend*, the honourable and highborn knights, Edward Sinclair and Wm. Sinclair, b. in S., in whose absence another acted on behalf of the king of Scot., 71, 74.
- 1538, foud and *beffallingsman* in Yell, Wm. Lyusson, procurator in a *rette* (court) 71, 74.
- 1547, S., foud, Olave Sinclair, sealed document, Kirkwall, 253.
- 1548 or *ante*, S., foud, Olave Sinclair, together with the bishop and provost of O. confirmed a charter of land in O. by a decret arbitral, 117, 120.
- 1548, O., shireff depute under the queen's grace and lord Huntley, Alexander Innes, granted precept to two officers to infest a party in land, 118.
- 1548, O., officers (otherwise called bailies) with precept from Sheriff depute to infest a party in land, 118.
- 1558, S., underfoud of Fetlar, James Suddirland, sealed a doc., 79.
- 1558, chamberlain and head foud, Olave Sinclair of Haveray, and the official of S., held a *sjaund* and court in Olaberrie, 79, 80.
- 1558, S., official, sir George Strange, vicar of Nesting (see above), 80.
- 1558, S., lawrightman in Dunrosnes, Arling of Bu., member of a *sjaund* in Olaberrie, 80.
- 1558, S. [*sjaund*], and fenced court held in Olaberrie, by head foud, official and certain

- honest men of the country including lawrightman of Dunrosnes, 80.
- 1558, O., sheriff and commissioner to the queen's grace, monsieur Bonald, held a sheriff court, Kirkwall, in the King's Castle Close, 204.
- 1558, O., assize of sheriff court; the suits called, the court lawfully fenced, the assize (20) chosen and admitted; the assize ordained (see below), 264, 265.
- 1558, O., bailie depute of Hara ordained by the sheriff court to divide an estate among the heirs along with 12 honest unsuspected men, under certain pains, 265.
- 1558, O., clerk of sheriff court, 265.
- 1560, O., king's chamberlain; skatt of churchland to be paid to, 130.
- 1564, etc.; O., the sheriffs and their deputies before whom certain decreets were given, 267, n.
- 1567 ante: O., sheriff, Gilbert Balfour, issued precept to officer in land case, 160.
- 1567 ante: O., officer of sheriff court, Andro Davidson, 160.
- 1567, O., sheriff principal, sir Robert Stewart, feuar of O. and S., issued precept to officers in a land case to summon a party to appear before him or his deputies at the lawthing, 160.
- 1567, O., officer of sheriff court, Andro Davyson, executes precept issued by sheriff, 161.
- 1567, O., arbiters, 4 on each side with an overman, appointed by lawthing in a land case, 162.
- 1567, O., sheriff clerk, Walter Bruce, 162.
- 1574, O., sheriff principal, lord Robert Stewart, feuar of O. and S., held a sheriff court called the *harmansteine* [*harmannastefna*] in St. Magnus' Church, Kirkwall, 266, see also 193.
- 1574, O., assize, of a sheriff court, called the *harmansteine*—the suits called, the court lawfully fenced, the assize (27) chosen, admitted and sworn (including at least two from S.)—by whom the decision is given in a land dispute, 267.
- 1574, O., 'bailies' to give infeftment in land (see below), 194.
- 1574, O., bailie depute of Orphir, Magnus Ingseter, gave infeftment in land (see above), 194.
- 1574, O., bailie depute of Hara, Wm. Sclatteir, gave infeftment in land (see above), 195.
- 1576, O., bailie of Stennes, Wm. Scelaitteir, held a court, 269.
- 1576, O., assize of bailie court, Stennes—the suits called, the court lawfully fenced, the assize (14) chosen, sworn and admitted; verdict in a boundary case given by assize, 269.
- 1576, O., clerk of bailie court, Stennes, Robert Stewart, lector of Hara, 269.
- 1576, O., bailie of Stennes, Wm. Sklatteir, held a bailie court; had formerly given a decret, for the non-fulfilment of which a fine was paid to him, 270.
- 1576, O., assize of bailie court, Stennes—suits called, assize (12) chosen, etc.
- 1576, O., *larikman*, [lawrightman], Stennes, Robert Isbister, of bailie court, who desired another person to write a decret of the court for him, 271.
- 1586, S., lawrightman, in Unst, Wm. Manson of Gerdie, acted as procurator in an arbitration, 206, 207.
- 1586, S., sergeant [officer of parish] in Yell, Jas. Burgar, acted [as procurator or overman] in an arbitration, 206, 207.
- 1586, S. [arbiters] in a dispute, 2 on each side, who witnessed a friendly reconciliation, and also 'found' or decided

- what should be done in the completion of same, 206, 208.
- 1587, a bailie of Kirkwall, witness, 214.
- 1595, O., bailie, Stennes, Thos. Robertson, held a court in which the judge and assize gave a verdict in a case of theft, 220, 221.
- 1595, O., assize in bailie court, Stennes—suits called, assize (14) chosen, etc.—judge [*i.e.*, bailie] and assize gave verdict, 220, 221.
- 1595, O., clerk of bailie court, Stennes, Hector Robertson, subscribed for assize who could not write, 220, 221.
- 1595, O., officer of bailie court, Stennes, called to witness restoration of alleged stolen corn, 220.
- 1604, O., judge and assize [of sheriff court] discerned and ordained in an exchange of land, 274.
- 1604, O., clerk [of sheriff court], 274.
- 1605, O., bailie, Hara, Malcolm Isbister, held a court in St. Michael's Church, 275.
- 1605, O., clerk of bailie court, Hara, Thos. Douglass, also takman of the parish, who subscribed a decree on behalf of the assize who are not named, 275.

- 1606, O., [sheriff], Edward Scollay, precept to under bailie of Orphir, to infeft in land, 274, 275.
- 1606, O., under bailie of Orphir, Jaspert Flett, to infeft in land, under pain of £20, 274, 275.
- 1606, O., bailie depute of Orphir, Jaspert Flett, infeft party in land in accordance with sheriff's precept (see above) before witnesses, 275, 276.
- 1607, O., [sheriff], Ed. Scollay, precept to bailie of Hara to make an enquiry and put a man in peaceable possession of his land, 230, 231.
- 1607, O., bailie of Hara, Malcolm Isbister, and honest neighbours, precept from sheriff, as above, 230, 231.
- [1607], O., bailie of Hara, Malcolm Isbister, executed precept from sheriff before 2 witnesses, 231.
- 1607, O., [sheriff], Ed. Scollay, precept to bailie and honest neighbours of Hara to divide disputed lands, 231, 232.
- 1607, O., bailie of Hara, Malcolm Isbister, precept from sheriff, 231, 232.
- [1607], O., bailie of Hara, Malcolm Isbister, executed above precept before 3 witnesses, 232.
- 1612, O., bailie of Sanday, Thomas Sinclair, witness, 277.

G. EARLS.

- [1046] Rögnvald Brúason murdered, 3n.
- 1048-50, Thorfinn (1014-64) went to Rome, visited king Svein of Denmark, archbishop Adalbert at Bremen and emperor Henry III. of Germany, got absolution from Pope, built Christ Church Cathedral, Birsa, O., on his return, 3, 4.
- 1073, Pál (1064-93), having elected a bishop of O., sent him to York for cons., 4-6, 7.
- 1103/12-22, Hákon Pálsson upheld bishop William of O., 12n.

- 1106-9, *do.* told by archbishop of Canterbury to aid and be subject to the bishop that had been sent to him (from York) 10, 11, 12.
- 1108-15, St. Magnús, co-earl with Hákon Pálsson, upheld Radulf of York as bishop of O., 11n., 12n.
- 1136-1158, Rögnvald ruled G. in name of Harald Maddadh's son, his co-regent, after 1139. 18n; 1153, commanded by the king of Scot. to protect the monks of Dornoch, 17, 18.

1190, Harald Maddadh's son gave an annuity of one mark of silver to Scone, 19, 20; his wife Hvarfloð, 20, 20n; established Peter's Pence in O. in time of Pope Alexander III. (1159-1181), 22, 23; mutilated bishop Jón of C., 1202, 24, 25.

[1353] Malise of Strathearn, 43.

[1404] Henry St. Clair, 43.

1438 (*ante*), earl presided at hirð-manna-stefna of O., 45.

1498, d. William Sinclair, 97.

1509, mentioned that the last earl of O. [William Sinclair, 1434-1470, d. 1476-82] had

exchanged Saba, O., with the father and mother of John Irvine of Saba for Pape, etc., O., 252.

1535, king James V., earl and lord of O., 110.

1582, Jean Kennedy, countess [m. Robert Stewart, 1561, cr. earl of O., 1581, she eld. dau. of Gilbert, 3rd earl of Cassillis], 203.

1582, Robert Stewart [cr. 1581, d. 1593], 203; 1587, 209.

1594, Patrick Stewart [suc. 1593, executed 1615], 215; earl of O., lord Zeitland, 216.

H. CHURCH, METROPOLITAN SEES, BISHOPS, etc.

[Pictish church: the Ven. Archdeacon Craven is of opinion that "two separate waves of Christianity approached" O. and S.; the earliest by the eastern side, a mission of St. Kentigern, commemorated by dedications to St. Ninian, and the second by the western side, St. Columba's mission by St. Cormac, c. 565, commemorated by dedications to St. Columba.

[St. Servanus (Serf) first legendary bishop of O.

[In the life of St. Kentigern, a pupil of St. Serf, it is narrated that he sent a mission to O., which Dr. Craven thinks may explain the above legend.

[605] Pope Gregory wrote St. Augustine that after Augustine's death there should be two primates. London and York. The archbishop of Canterbury wrote the Pope in 1112, that 'Britannie' in Gregory's letter included Scotland and Ireland (hence York's claim to O.), 10n. Adam of Bremen wrote (1072-76) that O. was formerly ruled by English (York), and Scottish (Iona), bishops, 3.

[822, Rheims made met. see of the north.

[831, Bremen met. see of the Scandinavian kingdoms (and so claimed O., after the foundation of the Norwegian earldom in 872?).

[995, Christianity established in O. by king Olaf, who left (English) clergy to instruct them, possibly followed up by York bishops whom he is alleged to have appointed in Norway.

[1028-1035], Henry; Adam of Bremen (1072-1076) calls him 'fat Henry,' and says he was formerly bishop of O., [probably appointed by York in 1028-1035, when Knút the Great of England was king of Norway], treasurer of king Knút (1016-35), went to Denmark, in Iceland 1053-4? [after leaving Orkney?], bishop of Dalby, Scania, Denmark, 1060, where he died, 1, 4.

1043 *ante*, formerly ruled by the bishops of the English [York] and the Scots [Iona], but now by bishops cons. by Bremen by the Pope's command, 3.

1043-1072, Bremen, archbishop Adalbert primate of the north, 1-4.

- 1050/56-[1085] Thorolf appointed by Bremen, ousted 1085, by Ralph I. (Radulf) who was appointed by York, 3.
- 1070-1100, Thomas archbp. of York, met. of O., 3n., 4, 16, 17.
- 1072, primacy of Sco. assigned to York, 10.
- 1073-[1101], Ralph I. (Radulf), appointed bishop by York at the request of earl Pál, 'according to the custom of his predecessors' (referring to Henry's appointment and possibly others), mentioned 1077, ousted Thorolf, the Bremen bishop of O., 1085, 3, 4-8, 9, 10, 16, 17.
- 1073 *ante*, right to cons. bishops of O. of old belonged to York, 6, 7.
- 1104, Lund, met. see of Norway, 12n.
- 1101-1108, Roger, a monk of Whitby, cons. bishop of O. by Gerard, archbp. of York, succeeded Ralph I., 8, 10, 16, 17.
- 1106/9, the archbishop of Canterbury heard from the bishop of O. [Ralph II. ?] that for want of teachers the people that is under the earl Hakon's rule knew and practised the Christian religion less than is desirable, but he heard from the bishop that the earl (Hakon, 1098-1122) willingly accepted the Word of God and the counsels of salvation; admonished to attend diligently to the preaching and doctrines of the bishop and to see that his people did so, 10, 11.
- 1108, bp. of O. [Ralph II. ?] present at cons. of Turgot of St. Andrews, 10.
- 1109/14-1125, Ralph II., Nowell (Novellus) appointed by York, elected in the church of St. Peter by the Orkneyings and on recommendation of king of Sco., 10, 16, 17, 17n; upheld by St. Magnus, 1108/15, 12n; commanded by the Pope to obey York, 1119, 12, 13; the Pope exhorts the king of Norway to receive and defend him [1119], 14, 15; went with archbishop of York to Council of Rheims where he was kissed by the Pope, while other English bishops held aloof from him and the archbishop of York, 1119, 17n; ousted from bishopric by an intruder (William?), the Pope admonishes king of Norway to reseal him [1125] 15, 16; not being elected by earl, clergy or people, was not accepted as bishop and was attached as suffragan to Durham and York, 1128, 9, 10; present at cons. of bishop Robert of St. Andrews at York, 1128; at battle of the Standard, 1138, as suffragan of York; in 1143 at Council of Winchester, 17n.
- 1109-1114, Thomas II., archbishop of York, 16, 17.
- 1114-1140, Turstin, archbishop of York, 16, 17.
- 1119, York, 12, 13, 14, 15.
- 1102/12-1168, William (appointed by Bremen, if before 1104, but by Lund if on or after that), 'the first bishop of O.' 12n; probably from Melrose, and upheld by earl Hakon Pálsson, after Ralph II.'s death (?) he resided at Birsa but also lived at Egilsey, 1135-8, d. 1168, 12n. (He may have been called first bishop as he was the sole bishop in charge when Orkney was placed under the metropolitan see of Nidaros, 1152; the former bishops having been missionary bishops without chapters.)
- 1152, Nidaros made met. see of Norway, O. and S., 18, 19.
- [1168-1188, William II.

- 1192, O., one of the Norwegian bishoprics paying tribute to Rome, 20, 21.
- 1188-1223, Biarni Kolbeinsson, the skald, 23n; tribute to be paid to Roman Church by all the Norwegian bishoprics in money coined in that part, 1192, 20, 21; visited Norway, 1195, 1210, 1218, 27n.; ordered by Pope to compel bishop Jón of C. to pay Peter's pence, 1198, 22, 23; ordered by Pope to lay penance on Lumbard for mutilating the bp. of C., 1202, 24, 25; 1206, 26; [1223] bequeaths Holand in Dalsfjord to Munkliff monastery, 26, 27, 28; d. 1223, 27n.
- 1223-1246, Jófrey; Pope ordered archbishop of Nidaros to persuade him to resign, being ill and bedridden, notwithstanding the frivolous appeal of his household clergymen on his behalf, 1237, 29, 30, 31; see vacant Dec. 9, 1247, 32.
- 1248-69, Henry I. (Hervi, in saga), canon of O., bishop elect, dispensation, being illegitimate son of a priest, 1247, 31, 32, 32n, 33.
- 1266, the annual of Nor. to be paid by Sco. to the bp. in St. Magnus' cathedral, 34.
- 1270-1284, Peter, 1278, granted absolution to supporters of St. Swithin's church, Stavanger, which had been burnt down, 34, 35, 36; at Tunsberg, 1278, the 9th year of his episcopate, 36; as archdeacon of S. he had signed a treaty with Eng., 1269, on behalf of Nor. 35n; concluded treaty with Sco. on behalf of Nor. 1281, 35n.
- 1275, William, at Hartlepool told strange news of the Norwegian islands—in error for Peter, or a York bishop or an imposter? 35n.
- [1286-1309, Dólginn.
- [1310, William III., cons., mentioned 1327.
- [1369, William IV., mentioned; slain 1382
- [1378-1429, Papal schism—Nor. acknowledged the Popes and Sco. the anti-Popes until 1417. The Nor. bishops were in possession while the nominees of the anti-Popes were merely titular and never in possession.
- [1382-1394, John transl. to Greenland.
- [1383-1391, Robert Sinclair, appointed by anti-Pope.
- [1394-1396, Henry, transl. from Greenland.
- [1396-1410], John of Colchester, supported by James of Craigie [as against the anti-Pope bp.], 43.
- 1408, Alex. Vaus, appointed by anti-Pope but never cons., appointed to C., 1414, 244.
- [1410-1418, Peter Michaelis de Incola.
- [1416-1419, William Stephani, appointed by anti-Pope; after Sco. transferred its allegiance to Rome, he was in 1419, appointed to Dunblane.
- [1418-1461] Thomas Tulloch; let Stanbuster in St. Andrews, O., to Thos. of Copland, 1455, 48.
- [1472, St. Andrews, Sco., made met. see of O.
- [1461-1477] William Tulloch; king Christian (1450-1481) gave him the liferent of the revenues (skatt) and rights of the crown over the church in O., 56, 57; confirms lease of Stanbuster (granted by his predecessor), 1465, 48; presented air Thos. Williamson to the vic. of Ronaldsey, 1467 (pres. signed at Tingwall), 51.
- [1477, Andrew Pictoris (the painter); bishopric erected into a Sco. regality 1490; alive 1503.

[1500, Edward Stewart, appointed coadjutor and successor to Andrew; mentioned 1509, 252; d. bef. 1528.

[1524-1526, John Beynstoun appointed coadjutor and successor to Edward.

[1526-1541, Robert Maxwell.

[1541-1558], Robert Reid, new constitution of cathedral, 1544; issued a decret arbitral confirming a charter, 1548, 117.

[1560, Reformation.

[1559-1593] Adam Bothwell grants charter of churchlands,

1560, 121; mentioned 1560, 132; 1563, 141; grants charter of church lands 1564, 146; mentioned, 1568, 172; grants charter of church lands in S. to lord Robert Stewart, 1572, 185, perpetual commendator of the monastery of Holyrood, 192.

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[1605-1615] James Law, made bishop; granted charter of churchlands to Robert Halcro of Cava, 1615, 235, 237.

[1615-1638, George Graham.

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1560, Gilbert Balfour, constable, 128, 135.

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1568, Birsa, feu duties, 174.

1572, S., churchlands feued to lord Robert Stewart, 186.

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1615, O., services of casting and winning peats, corns to be ground at bishop's mill, 236.

L. CATHEDRAL.

1050-1064, Christ Church, Birsa, built by earl Thorfinn under the met. of Bremen, 2, 3, 4.

1438 ante: St. Magnus' Church, vestry, in which a court [lögrétta of lawthing], was held, 44.

1506, Cathedral Kirk of O., high altar, to which sir David Sinclair bequeathed his red velvet coat, 248.

1560, chapter house, charter sealed, 128.

1560, St. Andrew's Aisle with the chaplaincy and altar of St. Andrew, 132, 133.

1564, chapter house, in which a charter sealed, 153, 159.

1570, chaplainry of St. Katharine, 203.

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1247, election of bishop, 31, 32.

1560, feu of church lands, 122, 125, 132.

1563, chapterly assembled, 141.

1564, feu of church lands, 153.

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1570, consent to sale of church lands, 203.

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1247, canon of O., bishop elect, 31.
[This is the first mention of a canon of O., although a chapter was undoubtedly formed in 1152 for the first constitutional bishop of O. and S.]

1266, annual of Norway to be paid to, 34.

1422, 2 canons with others grant a *viaticum*, 43.

O. CLERGY.

1073 *ante*: O., cleric [Ralph] sent by earl Pál to the archbp. of York to be cons. bp. of O., 5, 6, 7.

1226, S., archdeacon Nicolaus, ordered to pay 20th of eccl. revenues for crusade to Holy Land, 28, 29.

1237, O., household clergy of the bishop, 30, 31.

1247, O., canon, Henry, elected bishop, 32.

1269, S., archdeacon Peter, on behalf of N., signed treaty with Eng., 35 n.

1295, S., archdeacon Sigurd, in Bergen, 36.

1299, *do.* acted for duke Hakon, in S., 39.

1299, S., priest Svein, witnessed a dispute in Papa, 39.

1422, O., canons, Nicolaus of Anynd, Laurence of Turay, with others give *viaticum*, 41, 43.

1467, O., canon, sir Hector of Tulloch, seal, 52.

1467, Ronaldsey vicar (*late*), sir Richard Holland, 51.

1467, *do.* (*pres.*), sir Thomas Williamson, 51.

1467, O., chaplain, sir Magnus Nesbit, inducted preceding vicar, 51.

1467, O., priests, Charles Cant, George Campbell, *wit.* to above *pres.*, 52.

1480, O., archdeacon and parson of Canisby, C., mr. James Kynnard, seal 53.

1480, Ronaldsey, parson, sir John McGy, *wit.* 53.

1480, Northmaven, vicar, sir David Tulloch, *wit.*, 53.

1513, O., archdeacon, sir Umfrid Clerk, *wit.*, 102.

1514, O., official, sir Umfre Clerk, *wit.*, 256.

1523, Orphir, parson, sir Nicol Hawcro, seal, 104.

1523, Walls, O., vicar, sir Hew Hawcro, *wit.*, 104.

1523, O., chaplains, sir James Scay, sir Wm. Barclay, sir George Hunter, *wit.* 104.

1523 [O. Christian dean, parson of Stronsey], and vicar of Halkirk and Skenan, C., sir Henry Peyrson, seal, 104.

1526, Orphir, parson, sir Nicoll Hacrow, seal, 105.

1527, O. archdeacon and official, mr. John Tyry, *wit.*, 108.

1527, O. Christian dean, parson of Stronsey, vicar of Halkirk and Skenan, C., sir Henry Peirson, seal, 107.

1527, Orphir, parson, sir Nicol Hacrow, seal, 107.

1527, St. Olave's Kirk, vicar, sir Mathew Farquhar, *wit.*, 108.

1527, Westrey, parson, mr. Alexr. Scot, *wit.*, 108.

1527, O. chaplains, sir Wm. Bercla, sir Mawnis Reid, sir Donald Manson, *wit.*, 108.

1528, O. canon, Orphir parson, sir Nicol Hacro, seal, 109.

[1544, cathedral clergy increased from 6 canons and 6 chaplains to 7 dignitaries, 7 prebendaries and 13 chaplains.]

1548 *ante*, O. provost, mr. Malcolm Halcro with others issued decret arbitral in land case, 117, 120.

1551, O. subcantor, sir Magnus Strang, seal, 260.

- 1558, S. official, Nesting vicar, sir George Strange with the head foud held a sjaund, 80.
- 1560, O. archdeacon and chaplain of St. Andrew in the cathedral, mr. John Tyrie, feued archdeacon's lands to his cousin, 128.
- 1563, O. precentor, mr. Magnus Halcro of Burgh, feued precentor's lands, 141.
- 1563, Stennes, O., curate, 142.
- 1567, O. provost, mr. Alexr. Dick, seal, 266.
- 1568, Sandey, rector, John Grahame, wit. Edinr, 178.
- 1570, O. chapter, consent to feu of lands of prebend of St. Cross and chaplainry of St. Katharine by mr. James Maxwell, the incumbent : provost, mr. Alexr. Dick. archdeacon, mr. Robert Foulis. subcantor, mr. Jerome Tulloch. treasurer, mr. Francis Bothwell. Holy Crossin Sandey, rector, mr. Wm. Peirson St. Peter, prebendary, mr. John Houston, 204.
- 1572, O., canons, consent to feu of churchlands in S., to lord Robert Stewart : provost, Mr. Alexr. Dyck. chancellor, Mr. James Anand.
- archdeacon, Mr. Gilbert Foulis.
- St. Cross, Sandey, rector, mr. Wm. Peirson.
- St. Peter, prebendary, mr. John Houston.
- St. Augustine, prebendary, David Scollay, treasurer, Francis Bothwell, 192.
- 1574, Hara, lector, Robert Stewart, subscribes doc. for another, 268.
- 1576, Hara, lector, Robert Stewart, clerk to bailie court, 269.
- 1586, Yell, minister, mr. Magnus Norsk, seal, 207, 208.
- 1594, Orphir, parson, Hary Colville, wit., Edinr., 219.
- 1603, Kirkwall, minister, Thos. Swenton, wit., 226.
- 1615, O., chapter, consent to feu of churchlands : provost, Daniel Callendar. archdeacon, Tho. Swenton. Westrey, parson and vicar, mr. Harie Huton. chancellor, mr. James Cok, 236, 238.
- 1615, O., commissary, mr. Harie Aitkin, 238.
- 1616, do. 243.
- 1625, Stennes and Firth, minister, John Swentoun, 243.
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- 1603, David Arthour, O., 226.
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| <p>1226, 20th of all ecclesiastical revenues to be paid to duke Skúli for a crusade to the Holy Land, 28, 29.</p> <p>1467, vicarage of Ronaldsey, O., 51.</p> <p>[1462/1477] Norwegian crown revenues and rights over the church in O. granted by king of Norway to bishop Wm. Tulloch, 56.</p> <p>1491, do. granted by ditto, to sir David Sinclair, 56.</p> | <p>1506, St Magnus' Church, Tingwall chalice, 249.</p> <p>1560, archdeacon's lands in Firth, Evie and St. Olaves feued, 132.</p> <p>1563, precentor's 6d. lands with teind sheaves united to same (paid in cost), excluding glebe of 6 acres, manse, garden, etc., feued, Stennes, O., 141-145.</p> <p>1564, teind sheaves, Birsa, 154.</p> |
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R. MONASTIC.

- 1175, O., Cistercian monastery, 12n.

S. PATRONAGE.

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| <p>1467, pres. to a ben. in O., by the bishop effected by delivery to presentee of the bishop's ring, 51.</p> | <p>1570, earl of O. patron of the prebend of St. Cross [Sandey] and the chaplainry of St. Katharine, 203.</p> |
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WORDS AND SUBJECTS.

NOTE.—It is hoped that the special meanings attached to some of these O.N. terms, in O. and S., may be more fully elucidated, when further documents are available.

- absolution to pilgrims to St. Swithin's church, Stavanger, 1278, 34.
- action [legal] 1558, O., 265.
- af-, ofhend, afhents, afhentit : [O.N., *afhenda*, to hand over, alienate, dispose of]; O., 1513, 101; 1523, 102; 1526, 104; 1528, 108; 1534, 64; 1547, 257; 1551, 259; 1557, 261; S., 1558, 78; 1567, 82, 85; 1574, 195; 1575, 87, 89, 91, 92.
- afflötthar [O.N., *af*, away, *flytja*, to fit] S., 1587, 207.
- aff waben [O.N., *af* or *á vápn*, knight] S., 1538, 71, 73.
- agang [O.N., *afgangr*, (1) surplus, profit, (2) settlement of account, cf. *ágóði*, profit] S., 1538, 71, 72, 73, 74. See also *ugan*, *ogude*.
- agreement, see *hand* and *handband*.
- agricultural produce: corn, meills and grass, O., 1519, 62. See also *produce*.
- alfvörilig [O.N., *alvöruligr*, serious (judgment)], S., 1538, 71, 74.
- allegeans, evedents and prewis [Sco., *allegiance*, allegation; *evident*, title deed; *preves* (1) proofs, (2) witnesses] O., 1509, 252; 1514, 255.
- almugi [O.N., *almúgi*, the common people] visitors in the Bergen Council room, 1538, 70, 73.
- alne : see *ell*.
- amiskott, see *hafnskipti*.
- analie, analies, analit [Sco., = to dis-
pone, alienate], O., 1480, 52;
1534, 64; S., 1558, 78; 1573, 87.
- appurtenances of land; see *land conveyance* in Index I., p. 295.
- arbiters : in a case of disputed land-ownership, four on behalf of each party with an overman in case of variance, O., 1567, 162. See *equal men*.
- ari [O.N. *arfr*, inheritance], S., 1538, 71, 74, see also *ayrskift*.
- arfingi, arfi [O.N. = heir], S., 1465-1597, 47, 68, 72, 75, 82, 84, 85, 86, 91, 92, 95, see also *erfingi*.
- arf-house and chemois [O.N. **arf-hús*, Sco. *chemys*, chief house, O.N., *heimili*, residence, *heimilishús*, house and home], the head house where the arf-skipti, division of inheritance, took place, see also *sjaund*, O., 1514, 255, 256.
- arildstið (aff), [Dan. *fra arildstið*, from O.N. *frá alda öðli*, from time immemorial], S., 1597, 95.
- assize [Sco., = jury] in sheriff or baillie court, O., 1558, etc., 264, 267, 270, 199, 220.
- assolye [Sco., = absolve], see *prayers for dead*.
- attribut : [attribute, assign]; *all our gear to be a. to*, S., 1558, 78.
- aura [O.N., *eyrir*, D., *øre*, a coin], S., 1538, 72, 75.
- aurei solares: golden crowns of the sun, O., 1568, 177.
- ay-lestand : [Sco., = everlasting]; O., 1438, 44.
- ayrskift : [O.N., *arfskipti*, D., *arveskifte*, division of an inheritance]; *a lauchfull schone and a.*, O., 1514, 256.
- badh [O.N., *biðja*, bæð, D., *bede*, *bad*, prayed], S., 1538, 72, 74.
- bær, [O.N., = village, farm or home-
stead]; *istofuni a hertoga bænum*, in the fire-house of the duke's homestead, S., 1299, 38, 39.
- baillie, [Sco.] (1) a special party, appointed in a feu-charter, to give seisin to the grantee, *passim*, see also *officer*; (2) member of a burgh council. [In the Sco. charter to Kirkwall, as a royal burgh, 1486, it is stated that Kirkwall had been formerly made a royal burgh by the king of Scotland; if this had occurred before 1468, it may account for the following]: *b. of Kirkwaw*, 1433, 247, 1438, 44, see also *s.v. Kirkwall*, and *officials*, Index I., F.; (3) the successor of the O.N.

- fogeti*, S., *underfoud*, parish magistrate, O., 1595, 220, 1605, 275, 1606, 274.
- bailie-depute* or *under-bailie* [see *bailie* (3)], O., 1558, 265, 1606, 274, 275.
- bailie court*, parish court, Ireland, O., 1595, 220; Harra, O., 1605, 275.
- bait* for fish, Scottish fishers in O. and S. forbidden to catch small fish within the sounds and *wrayis* [bays?] except as many as may serve to be reasonable to be their bait, 1594, 217.
- balk*, *baik*, *balkis*, [O.N., *bálker*, a balk, partition wall; Sco., Eng., a strip of unploughed land]. O., 1576, a means of access to the hill and in this case under cultivation, 269, *baik to the hill*, 270.
- band*, [O.N.], a bond, obligation, O., 1535, 68.
- band* of corn, two adjoining farmers' sheaves were of the same *band*, i.e., bound with the same kind of band, O., 1595, 220.
- bann*, [O.N., *bann*, interdict], O., 1223, 27, 28.
- be*, [Sco. *by*, as opposed to], Thomas' corn *be* George's corn, O., 1595, 220.
- beffalling*, [D., *befaling*, mandate], S., 1538, 71, 74.
- beffallinsmand*, [D., *befalingsmand*, official], *b*, in S., *b*, and *foud* in Yell, S., 1538, 71, 74.
- begeride* [D., *begære*, *begærede*, entreated], S., 1538, 72, 74.
- beholle*, [D., *beholde*, retain], S., 1538, 72, 75.
- beir*, [Sco., *bear*, barley], O., 1615, 235.
- beiting*, [Sco., = mending, repairing, O.N., *bæta*, to repair, *bót*, repairs, D., *bóde*, to repair], O., 1557, 1587, 263, 209.
- Bergen gyllene*, [D., *gylden*, a florin], S., 1567, 83.
- beskedelighe*, [D., *beskedelig*, good, estimable], S., 1465, 47.
- beskeden*, [D., *beskeden*, modest], S., 1538, 71, 74.
- betaling*, [D., = payment], S., 1491, 58, 59.
- betir* *adh* *hava* *en* *voon* *adh* *vera*, [O.N., *betr* (*betra*) *at* *hafa* *en* *án* (*ón*) *at* *vera*, or *at* *missa*, better to have than to be without or than to miss; see N.G.L.], S., 1491, 58, etc., etc.
- bewysning*, [D., *bevisning*, proof, evidence], S., 1538, 71, 74.
- Bezant*, [a gold coin] 1192, 21, 21n.
- bid*, *biddin*, [O.N., *beiða*, to request], O., 1519, 63.
- bismar-pund*, [O.N., *bismara-pund* = 24 marks (or 12 lbs.); the mark = 215·8 grams], 27n.
- blench farm*, *óðal* land *wadset* in *b*, f., O., 1616, 240.
- bloodwits*, [Sco. = fines paid for effusion of blood, also the right to collect such fines in a district; from O.N., **blōð-víti*, a blood-fine; cf. O.N., *blōð-vaka*, *blōðs-úthelling*], O., 1564, 156, 1568, 174; S., 1572, 188.
- boats*, great ling boat and its *land lyar* paid a joint fee for licence to fish in O. and S., 1594, 218.
- bogereydt*, [O.N., *bókareidr*, an oath upon the missal or gospel], S., 1538, 70, 73, see also *oath*.
- Book of Gud Maneris*, [printed by Caxton, 1487], S., 1506, 249.
- borg*, [D., = credit, borrowing; O.N., *borga*, to borrow], S., 1538, 72, 74.
- borrowland* and *fieldland*, [= Sco., *burgh* and *land*, town and country?], O., 1523, 103, 1527, 107.
- børnn*, [O.N., *barn*, pl. *börn*, children], S., 1575, 91, 92.
- breder*, *brethir*, [O.N., *bræðr*, brothers], S., 1506, 250; O., 1526, 104.
- bréf*, [O.N., = a brief, letter, &c.]; *b*, issued by lawthingmen of S., 1299, 38, 39; see also *land conveyance—deeds*, p. 293.
- brother-part* of land, [in accordance with New Gulathing Law, a brother inherited twice as much as a sister and inherited the chief house]; the eldest brother had right to the principal house of the estate, O., 1514, 255; O., 1547, 257; 1567, 266; 1616, sold *without* *reversion* [contrary to *óðal* law], 279.
- bruge*, [D., *bruge*, O.N., *brúka*, to use], S., 1538, 72, 75, 1597, 95.

bruke, brukit, bruiking, [O.N., *brúka*, to use, Sco., *bruke*, to enjoy, possess]; O., 1513, 101, 1523, 103; S., 1558, 78.

burgh, see *Kirkwall*, Index III.

butter, as rent, O., 1455, 49; a barrel of sufficient market b., O., 1560, 133; barrel of b. = £3 Scots = 12 lispunds at 5s., O., 1563, 143.

calsay, [Sco. = a causeway]; *Kirkwall*, 1603, 222.

"Carvell," [Eng., *caravel*, *carvel*, O.N., *karfi*, a ship]; name of sir David Sinclair's ship, S., 1506, 248.

chamberlain, collector of skatt; S., 1558, 79; O., 1560, 134.

chaplainry, see Index I., L., O.

cheitrie, [Sco. = revenue arising from the Sco. casualty of *escheat*]; S., 1572, 188.

chemeis place, [Sco., *chemys*, chief dwelling of a landowner, see also *arfhous*]; O., 1514, 255, 256.

Christian dean, [Sco. = rural dean]; O., 1527, 107.

Christianity, earliest bishops and missionaries in Orkney, I., *passim*.

church attendance, the Scottish fishers in O. and S., in 1594, who happened to be on land on Sunday were required to *repair and keip the kirk to serve God as they aucht to do*, 218.

claggis, [Sco., *clagg*, an encumbrance]; O., 1603, 225.

clothdresser, [D., *offueskere*, *overskærer q.v.*]; Bergen, 1538, 70.

cloth, clothing and wearing apparel: 1202, breeches and a short woollen vestment without sleeves to be worn by a penitent, Caithness, 24, 25.

1506, left by sir David Sinclair, S.—

doublets, of cloth of gold; of down cramese; of blue with the breast set with precious stones; of black velvet.

coats, red and black velvet, short red c. of velvet without sleeves, short black velvet.

gowns, grey satin, black damask with silver buttons.

hose, grey, scarlet, red.

hoods, set with precious stones.

robe of linen, bought from the Flemings.

cloth, of gold, yper black, green.

ostrich feathers.

jewelry, great silver belt, gold chain for daily wear, signet, gold chain called a collar given by the king of Denmark, 248, 249, 250.

coft, [Sco. = exchanged, D., *köbt*, cf. O.N., *kaupa*, p.t. *keypt*, to exchange, see also *cose*]; O., 1604, 274.

conducione, [Sco., *conduce*, to hire, *conduction*, hiring; O.N., *leiga*, hire, *leigja*, to hire]; O., 1534, 65.

conquest, [Sco. = to acquire land as opp. to inherit]; *lands c. or conquestis be gift, buying, wadset or cossing* [i.e. barter] or any other manner or way of hiring, from brother or sister, sib or friend, O., 1534, 65.

constapularius, [constable] c. of the bishop of O., 1560, 128, 135.

cont och regenskab, [count and reckoning, D., *regnskab*, account]; S., 1586, 206.

cose, *scoe*, *cossing*, [Sco. = to exchange, barter, see also *coft*]; O., 1534, 1535, 65, 67.

cost, victual commonly called c. [O.N., *kostr*, provisions, O., = malt and meal]; 6s. 8d. per meil, O., 1563, 144; £6 Scots per last, 5s. per meil, 10d. per setting, O., 1564, 1568, 157, 174.

cotidiane, [quotidian, daily]; O., 1433, 246.

cottralis, [O.N., *kot-karlar*, cottars cottagers]; O., 1557, 263.

council (books of); 1594, 219.

courts and their exits, in crown charter, O., 1535, 113, in charter of church lands, O., 1563, 143; S., 1572, 188.

crusade from Norway, contribution from S., 1226, 28, 29.

cunningair, cunyngar, [D., *kanin-gaard*, rabbit warren]; O., 1523, 103, 1527, 107.

curig, see *runrig*.

cuttell, see *ell*.

daler, [D. = dollar]; S., 1575, 89, 90, 91, 92.

dame, [milldam], see *mylne dam*.

dande-, *danne-man*, see *dugandiman*.

declinand, [Sco., *declining*, condescending], O., 1548, 118.

decreet, d. of bailie court, O., 1576, 270, 1595, 221, etc.

decreet arbitral, by the bishop of O., the foud of S., provost of O., etc., confirming a charter of lands, circa, 1548, 117.

dedications of MSS.

1480, Ihesus Maria (charter) O., 52.

1509, Jesus (verdict), O., 251.

1514, ✠ Ihesus Maria ✠ (verdict), O., 253.

1523-1527, do. (charters), O., 102, 104, 106.

1605, in Dei nomine amen (sasine), O., 227.

defame, [Sco. = infamy]; S., 1575, 88. dempt, p p. of *dome q.v.*

designations:

Pope, servant of the servants of God, 1198, 22, 23.

king, (Pope to), beloved son in Christ the illustrious k., 1125, 15, 16; *høgborne furstis kongelighe mayestettes, alles wor keriste naadigeste herre koning*: high-born prince, His Royal Majesty, the dearest and most gracious master of us all (of Sco.), S., 1538, 71, 73.

archbishop, 1073, most pious and holy, 5.

bishop, 1073, venerable brother, 7, 1119, 12, 13, 14; servant of the servants of God, 1119, 1128, 12, 13, 15, 16; venerable brother, 1198, 22, 23.

earl and lord, honourable and venerable (of O.), 1422, 43; our lord (earl of O.), 1438, 45; noble and potent lord (Robert Stewart), O., 1574, 266.

hirōmenn, earl's men, O., *the gentles of the country*, 1438, 45.

hirōmaðr, king's man, praiseworthy man of honest dealing and good report, O., 1422, 43.

lawting and district court members, *gude men*, O., ante 1438, 45; *gode mend*, S., 1538, 71, 73; worthiest and best of the land, O., 1509, 251; good worthy (district court, S.), 1510, 61; famous, discreet and unsuspect, O., 1514, 254; the worthiest and best landed-men, O., 1519, 62.

justice of O. and foud and governor of S.: right hon. and worshipful (as appender of seal) 1480, 53; (king of Nor. to) *wor elskelige man oc thienere*, our beloved man and servant, S., 1491, 56, 57; *erligh herra*, honourable gentleman, S., 1491, 58, 59; noble and potent (j. of O., a knight, in a court), 1509, 251; honourable and discreet (appended seal), O., 1534, 66; noble and potent (same as last, appended seal), O., 1535, 63; *erlig, welbyrdig oc riddersis*, honourable and high-born knights, S., 1538, 71, 74, honourable, S., 1547, 258.

underfoud, honourable (Fetlar, as appender of seal), 1558, 79.

lawrightman, *erliga dandeman*, honest good man (S., appended seal), 1491, 58, 59.

town councillors, *beskedelig*, honest (of Bergen, as procurator), 1485, 54, 55; *erliga dandeman*, honest good man (of Bergen, appender of seal), 1491, 58, 59.

procurators, umbodthsmenn, *góðir menn* (Shetlanders—Thorkel of Nes, herra Eirik, Sigurd the archdeacon, herra Eindriði and many other dugandimenn on behalf of duke Hakon), S., 1299, 88, 39; (for bishop of O.) discreet (clergyman), 1467, 51; *beskedelig*, honest (councillor of Bergen), 1485, 54, 55; *erlig wel-fornumstig swend*, honourable and able man, S., 1538, 70, 73; *erlig welbyrdig*, honourable, high-born (a knight, for king of Sco.), S., 1538, 71, 73.

sjaund, members of inheritance court: honest, S., 1558, 80.

baille court: honest unsuspect, O., 1558, 265.

baille of Kirkwall: worthy (as appender of seal) 1433, 247.

burgess of Kirkwall: honourable (as grantee of land), 1513, 101; venerable and discreet (N.P. and b.) 1513, 102; do. do., 1514, 256; honourable and worshipful (grantee of land), 1526, 104.

grantees of land: honourable (burgess of Kirkwall), 1513, 101;

honourable and worshipful, O., 1523, 102, 103; honourable and worshipful (burgess of Kirkwall), 1526, 104; honourable and worshipful, O., 1528, 103; *ærligh ok fornompstoghen*, honourable and discreet, S., 1537, 68, 69; honourable, O., 1551, 259; hon., S., 1558, 78; *erligen, vvs och velforstandigh*, honourable, wise and discreet, S., 1567, 82, 84, 85, 86; *gode mand*, good man, 1567, 85, 87 (earl of O.'s) lovite, 1574, S., 195; honest and discreet, S., 1575, 87; *erligh och velforstandigh*, honourable and discreet, S., 1597, 95, 96; honourable, O., 1603, 221; discreet, O., 1605, 227; good friend, 1607, 232.

appenders of seals, worthy (bailie of Kirkwall), 1433, 247; *beskedeligh*, honest, S., 1465, 47, 48; discreet (clergyman), O., 1467, 52; right hon. and worshipful (archdeacon of O. and justice and foud of S.), 1480, 53; *erliga dande men*, honest good men (councillor of Bergen and law-rightmen of S.), 1491, 58, 59; venerable and discreet (N.P. and burgess of Kirkwall), 1513, 102; do. do., 1514, 256; honourable and discreet (justice of O.), 1534, 66; noble and potent (justice of O.), 1535, 68; *erligh* *dannemen*, honourable good (a tailor, Bergen) 1537, 69; venerable man (vicar), S., 1542, 77; honourable (foud of S.), 1547, 258; honourable (underfoud of Fetlar and other *ððalsmenn*), 1558, 79; *gode mend*, good men (priests, schoolmaster, foud, skipper), S., 1567, 83, 84; *gode mend*, good men (a smith, writer and priest), S., 1567, 86, 87; honest and famous, S., 1575, 88; *gode mendt*, good men (writer, priest, teacher and burgess of Bergen), 1575, 89, 90, 91, 92; *hederlige mand och gode wenn*, honourable man and good friend (minister), S., 1586, 207, 208; *wellerdt*, learned (priest), S., 1597, 96, 97.

notaries, venerable and discreet

(N.P. and burgess of Kirkwall), 1514, 256; famous, 1542, 77.

witnesses, honest, O., 1548, 119.

miscellaneous, (to) *probis hominibus* (of C. and O.), 1153, 17, 18; (earl of O.) to his much beloved friends and men, 1190, 19, 20; honourable lady (dau. of earl of O.), 1422, 43; (bishop of O.) to our lovite servant and man (a tenant), 1455, 49; discreet (executors of will), S., 1506, 247; famous and worthy discreet men of great age (who rode the marches when 21 years of age), O., 1519, 63; *erlig dannemend . . . beskeine dannemend . . . som tiente*, honest good men . . . discreet good men . . . who served (as menservants to a S. *ððalsmaðr*), 1538, 71, 74; *erlig oc wlbrydig fru*, honourable and highborn lady (wife of S. *ððalsmaðr*), 1597, 94, 96.

dirige, derige, [the first Latin word of a verse in the funeral psalms, commencing "direct my steps," which anciently stood as an antiphon to those psalms in the old English service for the dead: hence the term *dirige*, Lee's *Lit. and Eccl. gloss.*]; O., 1527, 106.

doggaris, [Eng., *dogger*, Isl., Norse, *dugga*, dogger, *duggari*, pl. *duggarar*, doggermen], Crail, etc., Sco., 1594, 216.

dome, p p. dempt, [O.N., *dæma*, to pass sentence, p.p. *dæmt*], O., 1509, 60; O., 1519, 61; S., 1538, 71, 72, 74, 75; *demit*, *dempt*, O., 1576, 270.

dome, [O.N., *dómr*, a sentence judgment]; of a district court, O., 1509, 251, 253; of the lawting, O., [1509], 60, S., 1510, 61, O., 1514, 253, 256, *doome* of a district court, O., 1519, 61, 63, 64; S., 1538, 71, 74.

domismen, [O.N., *dómsmenn*, members of a *dómr*, court of judgment; in the following instance, members of the lawting of O.]; *a certain of famous discreet and unsuspect persons of roith men and roith men's sons, d.* in assize of lawting, O., 1514, 252, 256.

domrair, dum-raw, [O.N., *dómrof*, a fine for contempt of court]; a dum-raw to be paid to the bailie, for not fulfilling a former decret of the bailie court of Stennes, 1576, 270; libel on pain of *domrair*, Stennes, 1595, 221.

donasfeing, [O.N., *dæma fē*, to adjudicate goods belonging to someone, pursuant to a judgment, cf. Eng. *damnify*]; under the *paine of making of the haill guidis d. eſtr* they be thryise tymes bidden at kirk and court, O., 1519, 63.

drunkenness, bishop Henry of Orkney, c. 1060, 1.

dugandi, dande-, danne-man, [O.N., *dugandi-maðr*, doughty man. D., *dannemand*, gentleman. O.N., *dāndi*-, a later form of *dugandi*-, doughty, upright, particularly influential, N., *gode*; in 1159, Magnús, son of Hávarð Gunnason, a goeingr of the earl of O., and the *göfgastr maðr*, most noble man, in the *lið*, folk, with the earl, said: if any *dugandismenn* will follow me, OS., ch. 113]; applied to procurator of duke Hákon, S., 1299, 38, 39; a councillor of Bergen and a lawrightman of S., 1491, 58; a tailor of Bergen, 1537, 69; the servants of a S. *óðalsmaðr*, 1538, 71, 74.

duplication of feu-farm, a sum paid on the first year of the entry of an heir, O., 1587, 212.

dwym, see *dome*.

dyat [diet], of sheriff court, O., 1574, 267.

dyke [ON., *diki*, *dik*, a dike, ditch; *dikis-bakki*, dike-bank, occurs in OS., 214, where the word is used for a wall or the earth thrown out of the ditch]; *dyk steith* [ON., **dikis-staðr*], O., 1509, 252; *skatt dyk*? O., 1519, 63; within the dykis and without [walls separating the arable land from the commons], S., 1575, 88; within the dykis [as opposed to without, viz., in the commons], O., 1576, 269. See also *gard*.

dymbildaga uika, [ON., *dymbildaga vika*, D., *dimmeluge*, Holy or Pas-

sion week = Fr., *semaine muette*, so called because the church bells are not rung that week; *dymbill* is derived from O.N., *dumbr*, dumb]; S., 1299, 38, 39.

ebb, see *hill* and *fierre*.

ecclesiastical punishment, C., 1198, 22.

efftherleffuerske [D., *efterleverske*, widow]; S. (Bergen), 1575, 88, 91, 92.

eign, eng. ejedom, [O.N., *eign*, D., *ejendom*, possession (of land)]; *eygenn*, S., 1538, 72, 75; *eng*, S., 1558, 78; *eyedom*, S. (Bergen), 1567, 82, 84; *egne*, S. (Bergen), 1575, 89; *eng*, S., 1575, 88; *engin*, S., 1589, 93; *eyedom*, S. (Bergen), 1597, 95.

ell, cuttell, alne, [O.N., *öln*, *alin*: D., *alen*, ell. The old Isl. ell was 18 inches, from the elbow to the point of the second finger; D. ell, 24 inches; Sco. ell, 37 inches; Eng. ell, 45 inches. In S., *skatt wadmell* was paid by the cuttell, or short ell, of 24 inches, corresponding to the D. ell, while the Sco. ell, of 37 inches, was used in commerce, as also the "webstersell" of 40 inches, for unsoured cloth, (Gifford's *Zetland*, pp. 54, 77)], Flanders *ellin*, S., 1506, 248; S. (Bergen), 1567, 82, 84; *cuttell*, S., 189n.

elskelige, [Dan. = beloved, O.N., *elsku-ligr*]; Helsingborg, 1491, 56, 57.

enumeration, *j tredie* [O.N., *hálfþriði*, half a third, i.e., two and a half], S., 1567, 82, 84; *half-fempte* [O.N., *hálf-fimti*, four and a half (in figures) *j femte*, lit. half-five, i.e., 5— $\frac{1}{2}$]; S. (Bergen), 1575, 91, 92.

equal men, [a translation of O.N., *jafnaðarmenn*, sing., *jafnaðarmaðr*, an equal, an impartial man, an umpire], O., 1535, 68, see *maystarman*.

erd, [Sco. = earth], onder the *erd* and above, O., 1534, 64; for corresponding phrase in O.N., see *jord*.

erdt, [Sco., *erd*, *erdt*, D., *jorde*, O.N., *jarða*, to bury]; S., 1506, 247.

erfd, [O.N., *erfa*, p.t. *erft*, D., *arve*, to inherit]; S. (Bergen), 1575, 91, 92. see also *arf*.

erfingi [O.N., *erfingi*, D., *arving*, heir]; S. (Bergen), 1485, 54, see also *arfingi*.

erlig [O.N., *ærligr*, 'heißrligr', D., *ærlig*, *hæderlig*, honest, honourable, see Fritzner and N.G.L.]; S. (Bergen), 1491, 58; 1537, 69, 1538, 70, 73; 1538, 71; 1561, 82, 84, 85, 86, 1597, 94.

eschet of lands, on account of owner going to Norway without license of lord Robert Stewart, S., 1574, 195, for theft, O., 1574, 193.

evangelist (holy), oath on, see *oath*.

excambion [Sco. = exchange of lands]; S., 1589, 93.

exits, [L. *exitus*, in Sco. law, revenue from fines, etc., see *courts*].

eyrisland [O.N. = ounceland = 18 pennylands in O. This is different from the *eyris*-, *uris*-, or ure of land = $\frac{1}{2}$ markland. For taxation, land was divided into *eyrislands* of 18 pennylands each. For leasing and other purposes these pennylands were, at a later period, valued at their purchase price in marks of 8 aurar, and were commonly called *ures* of lands or *urislunds*], *wyris-land*, O., 1534, 64.

fæ, [O.N., *fé*, cattle]; S., 1538, 71, 74.

fassone, [Sco., *fasson*, fashion, the expense of making an article]; *f*. of houses, O., 1557, 263.

fathom, faddome, [a measurement of peats; O.N., *faðmr*, a fathom]; see *peats*.

feild land, [country land as opposed to town land, cf. Sco., *burgh and land*, town and country]; *f. l. and borrowland*, O., 1523, 1527, 103, 106. *f. l.*, O., 1547, 257; see also *borrowland*.

fence, fencing, fensit, [Sco., *fence*, to fence a court by using a particular form of words (Jam.) cf. O.N., *vébönd*, the enclosure which fenced the *lögretta* from the rest

of the ping]; S., 1558, 80; O., 1595, 220.

feu gearsome, [Sco., Eng., *garsom*, *grassom*, a sum paid by a tenant at the entry or renewal of a lease or by a new heir to a lease or feu; cf. S., *eystercop*, *austercup*, *landsettercop*. a fine paid every third year on the renewal of a lease, from O.N. *ásætiskaup*, *landsetakaup*, tenant's fee, = old Norwegian, *tredieaarstage*]; O., 1587, 209.

fiel, [O.N., *fjall*, D., *fjæld*, mountain]; *fraa fiels och till fiere*, from hill to ebb, [cf. O.N., *til fjalls sem til fjöru*—N.G.L.], S., 1537, 69. S. (Bergen), 1575, 89, 90, see also *hill* and *fields tinne* below.

fields tinne [O.N., in S.E., *fjall-tindr*, D., *fjæld-tinde*, mountain peak]; *fraa høgiste fields tinne oc yderste fiere stein*, from the highest mountain peak to the lowest stone in the ebb, S. (Norway), 1597, 95, 96; see also *fiel*, *hill*.

fiere [O.N., *fjara*, D., *fjære*, ebb]; S., 1537, 69; S. (Bergen), 1575, 89, 90; see also, *fiel*, *hill* and *fiere stein*.

fierre-stein [O.N., *fjöru-steinn*, shingle on the beach]; S. (Norway), 1597, 95, 96; see also *fiel*, *hill*, *fierre*.

fisheries :
1587, O., fishing in fresh and salt water, 210.
1587, O., oysters, 212.
1594, O. and S., contract between earl of O. and the inhabitants of Craill, etc., to fish within bounds of O. and S. (excepting Westrey), 215, liberty to build fishers' houses, skew houses, etc., for making, packing, drying and winning fish which they slay, win and make oil, lay their boats upon the ground, not to fish with great lines within the headlands, nor slay small fish within the sounds and 'wrayis' [bays] but only for bait, not to slay wild fowl, sheep, etc., fishers on land on Sunday to attend church; for liberty to fish they had to pay the earl, yearly, for each great ling boat with its *land-lyor*,

which is two boats joined in one, for fishing ling, a half hundred ling *merchant ware* and *merchant pay* for teind, and a barrel of small *Scotts salt* for ground leave within the flood mark to dry their fish, and one dozen keilling and one dozen skate merchant ware, etc., for ground leave above the flood mark, 216-219.

1594, fishers and doggers of Crail, etc., 216.

1594, great-ling boat and its "land-lyar," which is two boats joined in one, 218.

Flanders ell, S., 1506, 248, see *ell*.

flesh, price, O., 1564, 36s. per last, 1s. 6d. per meal, 3d. per setting, 157; price, O., 1568, do., 174.

florins, see *money*.

fødde och uffødde, [D., *født og ufødt*; O.N., *fæddr ok *u-fæddr*, born and unborn]; S. (Bergen), 1538, 72, 75.

følje, følgje, [D., *følge* O.N., *fylgja*, to take, follow, return, possess]; *f. oc besidde*, to have and hold, S. (Bergen), 1575, 91, 92; on the redemption of wadset lands then shall *gods følgje oss igien som tilforne*, lands return to us as of old, S. (Norway), 1597, 95, 97.

forderff, [D., *fordærv*, damage]; S., 1538, 72, 74.

forligelse, [D. = reconciliation], *wenligh f.*, friendly reconciliation, S., 1586, 206.

fornompstoghen [D., *fornuftig*, discreet]; S. (Bergen) 1537, 68, 69, *veifornumstig*, S. (Bergen), 1538, 70, 73.

fforuarung [D., *forvaring*, preservation]; S., 1538, 72, 75.

foud, fowd, fold [O.N., *fógt, fóguti, fólgtuti*, D., *foged*, the earl's bailiff, steward, sheriff or justice]; (office of foud of S. and justice of O., held by the same person) 1485, 53; S., circa, 1548, 117.

foudrie [D., *fogderi*, bailiwick]; sheriffdom or *f. of* S., 1572, 187, 1574, 195.

fowling, O., 1587, 210.

fre [D., *fri*, to set free, liberate, deliver]; (lands to be made) *fre*, S., 1510, 60.

freedom of the burgh of Kirkwaw, 1433, 246.

free gift title, O., 1527, 107.

frelse, [O.N., *frælsi*, freedom]; S., 1491, 58.

frennde, [O.N., *frændi*, *frænd-kona*, D., *frände*, *frænke*, kinsman, kinswoman]; S., 1575, 89.

fru, [O.N., *frú*, D., *frue*, lady]; S., 1597, 94.

fullenn bogereydt, [O.N., **fullr bókar-æðr*, *ffullan bokeredh*, N.G.L., 2nd Series, 647, a full, complete oath upon the missal or gospel], S., 1538, 70, 73; see *oath*.

fulld, [D., *fuld*, O.N., *fullr*, full complete]; *f. dom*, S., 1538, 71, 74.

funne, [O.N., *finna*, to find, p.t. *fundu*, *funnu*, found (in a legal sense), judged, decided], S., 1586, 206.

Furisday, see *Thursday*.

ganecalling [Sco. = revocation] O., 1534, 65.

gangs sylfuirs [O.N., *gang-silfr*, current money], Bergen, 1295, 37.

gard, gaard [O.N., *garðr*, a fence, especially around the home-field or *tún-garðr*] *innan ok utan gards* (*innan garðs eða utan* N.G.L.), within and without the garth, S. (Bergen), 1537, 69; *inden gards eller wihen*, S., 1538, 72, 75; *huus, gaard och marck*, house, farm and hill pasture, S. (Bergen), 1575, 89; see also *dyke*.

Geisli, a poem by Einar Skúlason, 19, *note*.

general council, as to crusades, 1226, 28, 29.

gentleiss [gentles, persons of good family]; members of the *hirð-manna-stefna*, *hirðmenn* of the earl of O., ante 1438, 45.

gersom, see *feu g.*; O., 1455, 49.

geyr, [gear]; victual (malt and meal), O., 1551, 259.

giensuar, [D., *gensvar*, O.N., *svar*, *svör*, rejoinder (for the defence)]; S., 1538, 71, 74.

gillat, [Sco. = a gelding]; O., 1530, 257, 1542, 76.

God before eye, O., 1514, 255.

gode mend, gude men, [O.N., *góðr maðr*, *góður menn*, good, trustworthy, honourable, well-esteemed men, applied to members of the assize of the lawting, corresponding to the "goodmen and trus" of the English jury, also in Norway, in 1433, applied to the common people of a district, N.G.L., 2nd Series, 502, 503]; members of assize of lawting, O., ante 1438, 45; members of a district court, S., 1538, 70, 73; appenders of seals, a smith, writer, etc., Bergen, 1567, 86; grantee of land, S., 1567, 85, 87; appenders of seals, priests, schoolmaster, foud, skipper, S. (Norway), 1567, 83, 84; appenders of seals, writer, councillor, priest, teacher, burgess, S. (Bergen), 1575, 89, 90; do. do., S. (Bergen), 91, 92.

gods, [O.N., *góðs*, *góz*, landed property, N.G.L.]; S., 1597, 95.

goods, [Sco. = live-stock, cattle]; pasturing of thair *guidis*, O., 1519, 62; corn eat by g., O., 1595, 220.

greiffis, [Sco., *grieve*, *greif*, farm steward]; O., 1557, 262.

greit lyneis, [great lines]; Scottish fishers in O. and S. forbidden to fish with g. l. within the headlands, 1594, 217.

ground leave, to dry fish, below and above flood mark, O. and S., 1594, 218.

guddame [Sco. = grandmother, O.N., *amma*, *móður-móðir*, mother's mother and *föður-móðir*, father's mother]; O., 1534, 65.

Gullatings laugdom (effther), according to the Gulathing law; a Shetland district *rette*, court, gave a judgment according to the Gulathing law, 1538, 71, 74.

gydour [Sco., *guider*, manager of the affairs of another]; S., 1558, 80.

gyllene [D., *gylde*, florin, guilder, Sco., *gudling*; in 1571, Shetland, = 6 cuttels (see *ell*) wadmél = 1s. Shetland currency, or 1 Shetland mark = 6s. Scots;

in 1628 in Shetland = 24s. Scots = 2s. Sterling]; six g. of linen cloth was paid for one burnt mark of land, S., 1465, 47; Bergen, g., 1567, 82, 84.

hafnskippti, [O.N., = temporary division of the arable land of a joint possession, for the individual use of the owners, so that the estate remained *pro indiviso*]; land of Saba, *lyis in ane inskeyft*, O., 1509, 252; land of Saba and *fredome thairof lyis within ane amisskopft within itself* [*hafn* > *ham* in O. and S., and therefore *hafnskippti* > (*h*)*amisskopft*, *inskeyft*]; the latter is probably a substitution of *in* for (*h*)*am*], O., 1519, 63.

haifwraik, [O.N., *hafrek*, jetsom], O., 1564, 156; S., 1572, 188.

haghe, [O.N., *hagi*, pasture; in S. a township and its exclusive *hagi* (shared in common by the township) were called a *scattald* in 1572, but latterly the term *scattald* was restricted to the *hagi*, while the term *hagi* is preserved in the term *hog-leave* (O.N. **haga-leyft*), a payment made by outsiders for the use of a *scattald* for grazing or cutting peats]; S., 1537, 69.

halfempte, [O.N., *hålf-fimte*, D., *halb-femte*, four-and-a-half]; S., (Bergen), 1575, 91, 92; see enumeration.

half-wrak, see *haif-wraik*.

halking, halk-dog, see *hawking*.

hand and handband, handerband, [O.N., *handaband*, a joining or shaking of hands; as a law term = *handlag*, joining hands, a pledging = *hand-festr*, striking a bargain, and answers, in modern law, to signing one's name]; with *h. and h. freely sills*, O., 1480, 52; *handerband*, S. (Bergen), 1485, 54; O., 1513, 101, 1527, 106, 1528, 108, 1530, 256, 1534, 64. see *hand och mund*.

handillingis, [handlines for fishing]; O. and S., 1594, 218.

hand och mund, [D., *haand og mund*, hand and mouth] an agreement made by *h. och m.*, S., 1586, 206.

handselde, [O.N., *handselja*, p.t., *handseldi*, to transfer any right by shaking hands, to hand-sell]; O., 1438, 45.

handtaken, manucaptus, [O.N., *hand-ganginn*, belonging to the king's household]; O., 1422, 43.

hawking, hunting and fowling, O., 1587, 210, hawk-dog, as feud duty for land, do., 212 [*hawks sent from S., to the king's falconer in Edinburgh were fed on dog's flesh on the passage*. J. Campbell's *White-Herring Fishery*, 1750, reprint 1885, pp. 8, 4].

herberghi, herbir, [O.N., *herbergi*, (1) a room, (2) an inn, lodging; D., *herberge*]; S., 1491, 58, 1575, 88.

heretrix, S., 1575, 87.

herezelds, [Sco., *h.*, *hereyelds*, *heriot*, a tax paid to a superior on the death of a tenant]; O. 1564, 156, 1568, 174; S., 1572, 188.

herra, herre, her, [O.N., *herra*, master, lord, originally applied to the king, but after 1277 applied to the newly created dignitaries—*barún*, *riddari*, as also to bishops and abbots]; S., 1299, 38, 1491, 56, applied to the king of Scotland, S., 1538, 71, 73, 1567, 83, 1575, 89, 91, 1597, 96.

heteleye, [O.N., **hesta-leiga*, D., *hest-leje*, horse-hire]; S., 1538, 72, 74.

hiemle, hemle, hiembler, [O.N., *heimila*, D., *hjemle*, to give a title to (of land)]; S. (Bergen), 1567, 83, 84, 1575, 89, 90, 91, 92.

highborn, see *høgborne*.

hill, from the highest of the hill to the lowest of the ebb [in *óðal* titles, probably in connexion with *veiðr*, hunting and fishing rights], O., 1534, 64; see also *fiel*, *fiere*.

hirðmaðr, king's man; O., 1422, 43 and *f.n.*

hirdman-stein, hermanstein, hermansteine, [O.N., *hirðmanna-stefna*, *hirð-stefna*, a meeting of king's men (of earl's men in O.) to decide questions concerning their own affairs, such as ceremonial and the like; in the in-

stances below it will be noted that (1) it consisted of the 'gentles' of the country, (2) it is called a sheriff court, (3) members included Shetland as well as Orkney landowners, (4) it dealt with land disputes; from these instances it may be surmised that the original O. & S., *h.* was a single court of the earl's hirmen in O. and S., and that it latterly degenerated into a sheriff court of nominees of the Scottish sheriff for trying cases of disputed landownership]; *h.* before our lord the earl of O. and the gentles of the country, O., ante 1438, 45; lands escheated for theft by a sheriff court called a *h.* held by lord Robert Stewart, feuar of O. and S., 1573, 193; a sheriff court called a *h.* held by lord Robert Stewart, feuar of O. and S. and sheriff principal, the assize included O. and S. landowners, and the court tried a land case, O., 1574, 266.

höfuitsmand, hotzman [D., *höfuitsman*, a king's commander of a fortified castle, O.N., *höfuðsmaðr*, governor; name of the governor of Iceland in 16th and 17th cent. = *hirðstjóri*, captain of the king's men]; *hotzman af Hietlande*, applied to the great foud of S., 1491, 58, 59; *h.* of Bergenhus, 1538, 70, 73.

høgborne, [D., *høgboren*, highborn]; applied to the king of Scotland, S., 1538, 71, 73.

holm, [O.N., *hólmr*]; S., 1572, 186.

holthe, [O.N., *holt*, stony ground, grown with copsewood; in Iceland, rough stony hill or ridge]; S. (Bergen), 1537, 69.

horse-foal, as part price of land, O., 1530, 257.

hugh, [O.N., *hugr*, mind, consideration]; *med velberaad h.*, deliberately, S., 1597, 95.

hunting, O., 1587, 210.

hustru, [O.N., *hústrú* < *húsfrú*, wife]; S. (Bergen), 1485, 54, 1597, 94.

[h]ypotheik, [hypothec]; O., 1603, 225.

Inglis, [Sco. = English or Lowland Scots language]; 1491, 57.

Inglis schipe, [English ship]; left by sir David Sinclair to Richard Lesk, S., 1506, 249.

inns, [Sco., *in, ine, pl. innes, innys*, an inn, house, dwelling, mansion, palace; O.N., *inni*, an inn, abode, home]; Edinburgh, Kirk-wall, 1506, 248.

insagle, [O.N., *innsigli*, a seal]; law-thing's *insigli*, S., 1299, 38, 39. S., 1491, 58; *indsegler*, seals, Bergen, 1538, 72, 75.

inskeyft, see *hafnskipti*.

intercession of saints, O., 1278, 35.

Invention of the Holy Cross; a term, S., 1572, 190.

isch, [Sco. = issue, exit]; O., 1542, 76.

jord, [D., *jord*, O.N., *jörð*, land]; *ok so vel undir iordh som i vir*, and as well under the earth as above, S., 1491, 58, S., 1538, 72, 75, see also *erd*.

jordegodts, [D., *jordegods*, landed property]; S., 1538, 71, 74.

jorde-partt [D., *jorde-part*, share of land, Icel., *jarðar-partr*]; S., (Bergen), 1575, 91, 92.

josit, [Sco., *jois*, to enjoy, *josit*, enjoyed]; *passim*.

judge, justice of O., 1519, 61, etc.

Jull, Yule, [D., *Jul*, O.N., *Jól*, Yule, Christmas]; a court held on the 20th day of Yule (Jan. 13th), 1574, 193 and errata; a term, S., 1575, 91, 92. See *Yule*.

justice, [= O.N., *sýslumaðr*, the king's or earl's justiciar for putting the verdict of the lawman into execution, also, as in the case of the foud of S., a skatt collector]; *j.* of O., and foud of S., 1480, 53, 1519, 61, see also Index I., F.

kane, [Sco. = rent paid, in kind, by a tenant to his landlord; from Gael. *càin*, tax, tribute], non-payment of, O., 1564, 155; *k.* fowl at 2d. each, O., 1564, 157, 1568, 174.

keiling, [Sco., *keeling*, a large cod, Nor., *kolje*, a haddock, O.N., *keila*, tusk, see *Pulor* to S.E.]; keiling hand-lines, O. and S., 1594, 218.

king's land, [earldom land in possession of the king of Scotland after 1470]; Firth, O., 1587, 210.

kirk-umboths of S., [the word *umboth*, indicates merely its being administered by an agent, *umbothsman*, or factor, in place of the absent owner, the bishop, G.G.]; bishopric or church lands, commonly called *k. u.*, feued to lord Robert Stewart, 1572, 186.

knight, [D., *aff wabenn*, *vaben*, O.N., *á vápn*, *af vápn*]; Bergen, 1538, 70.

koleye, [D., *koleje* O.N., *kýrleiga*, cow-hire]; S., 1538, 71, 72, 74.

kop, *kjøp*, *køb*, [O.N., *kaup*, D., *køb*, agreement, bargain]; *kop*, S., 1537, 69; *kjøb*, S. (Bergen), 1567, 82, 84; *køb*, do., 1575, 89.

krafft, [O.N. *kraft*, D., *kraft*, power (of a deed)]; Bergen, 1567, 82.

kranckdom, [O.N., *krank-dömr*, ill-health]; S., 1538, 72, 74.

kumpan, [O.N., *kumpánn*, companion]; *af uarum kumpanum*, S., 1299, 39, 40.

lagman, [O.N., *lögmaðr*, D., *lagmand*, lawman] of Gulathing and Bergen, of S., 1485, 54, 55; of S., 1538, 70.

lagrettesman, [O.N., *lögrettumaðr*, D., *lagrettemand*, member of the *lögretta*, a lawrightman] l. in S., 1485, 54, 55; S., 1538, 70; *larikman*, O., 1576, 271.

laid, loading or burden, [Sco., *laid*, a load, O.N., *hlaða*, to load, pile up, *hlað*, a pile, heap]; O., 1509, 253, 1519, 64.

land denominations:

1295, *manadar mat bol* and *leiga*, rent value, Norway, 36.

1299, *pennyland*, worth 1 mark pure gold or 8 marks pure silver, S., 38, 40; see also *Miscellany*, I., 117, *mælr lands*, land sown with 1 m. of seed, Norway, 40n.

1452, mark burnt, S., 46.

1465, do., S., 47.

1465, *pennyland*, O., 48.

1485, marks at 8d. and 9d. rent, S., 54.

1491, mark, S., 58.

1572, *quoylands*, outbreks, *towmales*, *tofts*, *crofts*, *lands* not

- having certain denominations, S., 187.
- 1613, meils mailing land, O., 277.
- landownership
- 1575, *samengna man* (joint possessor), S., 87.
- land price :
- 1295, 6 *manadar mat bol*, and 6 *manadar mat leiga* sold for 30 marks current silver = 6 burnt marks, Norway, 36, 37.
- 1299, pennyland worth 1 mark pure gold or 8 marks pure silver, S., 38, 40.
- 1452, mark burnt [the mark in mark of land or mark land, represents the value of the land in pure silver], S., 46.
- 1465, 1 mark burnt of land sold for 6 gyllene in linen cloth, S., 47, 48.
- 1513, a tenement of land in Kirkwall sold for 10 marks Scots 101.
- 1526, a tenement of land in Kirkwall sold for £8 10s. Scots, 104, 105.
- 1528, 3 marks of land, Stennes, sold for £6 Scots, 108.
- 1530, 1 mark land, Orphir, wadset for £3 Scots, one gillat and one horse foal, 257.
- 1535, price of land to be paid as use was and is in the country, or then as they can agree, O., 67.
- 1538, 7½ mark burnt, of land, in Yell, pawned for 21 marks burnt, each mark = 12s. of Shetland weight, 72, 75.
- 1542, 3d. land, Hawall, St. Andrews, O., sold for land's price of the country, viz. : 2 lyken cows, 2 quiocks, 1 gillat and 16s. silver, 76.
- 1547, land in O. sold 'for full land's price,' 257.
- 1551, 2 marks of land, O., sold for £5 2s. Scots and 1 meil bere, and an annual life payment to the seller of 1 meil of victual, the land to be possessed by the purchaser on the death of the seller, 259.
- 1557, 3 marks of land, O., wadset for £80 Scots, 261, 263.
- 1560, 9d. bishop's land of Papdail, O., sold for a 'certain sum of

- money,' and 4s. Scots yearly in addition to rent and taxes stated, 126, 127.
- 1560, Damsey and other church lands, sold for annual feuduty = rent and taxes + a fat wedder and 1lb. white wax for altar use, in addition, 133, 134.
- 1563, churchlands in O., sold for a feuduty equal to the rent and taxes + 6s. 8d. Scots and a fat ram in addition, 144.
- 1564, churchlands in O., sold for a feuduty = rent and taxes + 52s. 11d. Scots, in addition, 158.
- 1567, 2½ mark burnt of land, Whalsey, yielding in rent 1 lispund, 16 marks butter and 10 ells wadmal, sold for 56 Norwegian Bergen gyllene, 82, 84.
- 1572, churchlands of S., sold for 'certain sums of money' and for a feu duty of £19 10s., Shetland payment, (wadmeil and butter), being the rent and taxes and £6 13s. 4d. Scots, in addition, 189, 190.
- 1575, 4½ mark burnt land, Rae-ford, S., sold for 30 daler in goods and money, and a barrel of good meal for the conveyance, 91, 92.
- 1575, 10 mark burnt of land, less 2 ures, yielding in rent, 3 lespund butter and 18 ells of wadmal, sold for 24½ daler and 10 daler and a full-grown ox, and over and above the contract price a further barrel of good meal for the conveyance, 89, 90.
- 1582, churchlands in O., sold to the wife and son of the earl of O. (patron), for great sums of money paid by the earl to the incumbent, 204.
- 1587, O., king's land sold and 68al land included in charter, for feuduty = rent and taxes + 2s. Scots in addition, and each heir to pay 40s. Scots on entry in name of duplication of feu farm, 212.
- 1589, 4½ marks of land (6d. the mark), exchanged for do. do., in Unst, 93.

- 1597, 12 mark burnt (at 8d. per mk.), 8 mark burnt (at 6d. per mk.), 6 mark burnt (at 8d. per mk.) in Weisdale, and 3 mark burnt (at 6d. per mk.) in Delting, in all, 29 marks burnt of land, pawned or wadset for 300 rigsdaler, 95, 96.
- 1602, $\frac{1}{4}$ -mark land, O., wadset for £26 Scots, 272.
- 1603, $6\frac{1}{2}$ marks of land, Orphir, sold for £240 Scots, 221, 222.
- 1604, a mark of land, Kirbuster, Orphir, exchanged for a mark of land in Hara, 274.
- 1605, $\frac{1}{4}$ -mark and $\frac{1}{4}$ d. land's meadow, O., wadset for £15 Scots, 227.
- 1607, $6\frac{1}{2}$ mark land, Orphir sold for a sum of money, and 1d. Scots in name of blench farm, if asked, 233, 234.
- 1615, churchlands, O., sold for feuduty = rent and taxes + 5s. Scots in addition, and meal to be ground in the bishop's mill, 235, 236, 237.
- 1616, 1 mark land (or 4 settings mailing), O., wadset for £10 Scots, paying 1d. Scots in name of blench farm, 240.
- land rent, [Sco., *land-mail*, O.N., *land-skyld*, *skuld-leiga*; in O. the rent is sometimes given as *meil mailing*, the *meil*, O.N. *mælir*, being a measure of corn, and *mailing* probably = O.N. *mælingr*, a measure of land. In O.N. *mælis-land* or *mælir lands*, land sown with one *mælir* of corn].
- 1299, $1\frac{1}{4}$ mælir land-skyld per mark land, S., 38, 40.
- 1455, 3d. church land, St. Andrews, O., with freedoms, properties and lawful commodities life-rented at 1 barrel butter and 4 meils malt including teind, to be brought to the bishop's palace at Kirkwall; gersom, on entry, 8 marks silver Scots, 48, 49.
- 1514, *laundmales* and *ogude*, O., 255.
- 1538, *landskyld*, *oxeleye*, *koleye* or *all annen agong*, land rent, ox rent, cow rent, and all other profits, S., 71, 74.
- 1567, $2\frac{1}{2}$ mark lands, at 1 lispund, 16 marks butter and 10 ells wadmal, S., 82, 84.
- 1567, 4 mark lands at 2 lispund butter, and 12 ells wadmal, S., 85, 86.
- 1575, 10 mark lands, less 2 ures, landskyld, 3 lispund butter and 18 ells wadmal, 89, 90.
- 1586, *landskyld*, S., 206, 207.
- 1587, *landmeallis*, malt, meal, oysters, poultry, hawk-dog, etc., O., 212.
- see also *land price*, where each penny per mark is the rent in Shetland currency—butter and cloth, see *Shetland payment*.
- landytt-, landit-men, [Sco., *landit-man*, landowner]; 'worthiest and best of the land gathered, l. ráðmenn' (as members of a district court presided over by justice and lawman), O., 1509, 251; worthiest and best of l. ráðmenn (do. do.), O., 1519, 62; redemption money of a wadset to be consigned in any sufficient *landed man's hands*, O., 1602, 273.
- land-lyar, a boat attached to a great ling boat, O. and S., 1594, 218.
- land-mail, see *land rent*.
- land-skyld, see *land rent*.
- latrom, [O.N., *látr* the hunting place of seal, *sælvar*; the common form runs: *medh lottom ok lunnendom*, with lots and appurtenances], *medh l. ok lunnendom*, S., 1537, 69.
- larikman, see *lagrettesman*.
- laugman, see *lagman*.
- laugrettisman, see *lagrettesman*.
- lausa, louse, *løsze*, [O.N., *leysa*, to redeem, *lausn*, redemption, D., *løse*, Sco., *louse*, to redeem]; *lausa*, Norway, 1295, 37; *louse*, O., 1514, 255; *løsze*, *løst*, S., 1538, 72, 75; *lous*, O., 1551, 259; *loszir*, S., 1597, 95.
- lawrightman, see *lagrettesman*, and Index I., F.
- lector, [reader in church], O., 1574, Robert Stewart, *lector* of Harra, 268.
- legifer, [lawman]; William Thurgisson, l. *Orkadie*, 1422, 41.

- leife [O.N., *leif*, Sco., *lafe*, remainder]; S., 1506, 250.
- lerethth, [O.N., *lérþt*, linen cloth]; S., 1452, 47.
- lesouris, [Sco., *leissure*, *lesew*, pasture]; S., 1574, 196.
- levis, [Sco., *lawe*, to permit, *lewes*, permits, O.N., *leyfa*, to permit, *leyfi*, permission, leave]; the law l., O., 1514, 254.
- license to leave O. and S. required by emigrants from lord Robert Stewart, 1574, 195.
- liferent, a man's widow (2nd wife) had the liferent of land, in which, after her death, her dau. had right to a sister share, S., 1558, 81.
- ling, great ling, O. and S., 1594, 218.
- lispund, [O.N., *lifs-*, *lins-*, *lispund*, from Low Germ. *livesch pund*, i.e., Livonian pound; D. and N. = 16 lbs.; in O. and S. a weight divided into 24 marks; in S., 28 lbs. avdp. in 1700; 32 lbs. in 1826; in O., 28 lbs. in 1627, 29-625 lbs. avdp. in 1826]; l. or stone = $\frac{1}{12}$ barrel of butter, O., 1563, 143; S., 1567, 82, 84, 85, 86; l. or stone, S., 1571, 190; 18 l. = 1 barrel butter, S., 1572, 189, 89, 90; 12 l. = 1 barrel butter, S., 1628, 189; see also *weights and measures*.
- lod eller deld, [D., = lot or part]; S., 1567, 83, 84, 85, 86.
- logping, [O.N., *lögping*, a general assembly or parliament; in later times it came to be in Norway a court of justice presided over by the lawman]; *insigli*, seal, of l., S., 1299, 38, 39; lawting, O., 1567, 160-2.
- logþingis-menn, [O.N., *lögþingis-*, or *lögþingis-menn*, members of the *lögþing*, lawting]; S., 1299, 38, 39.
- lon, [O.N., *lán*, D., *laan*, loan]; S., 1538, 72, 75.
- lottum, luther, [O.N., *hlutr*, pl. *hlutir*, lot, share]; *mett l. oc lundenom*, S., 1538, 72, 75; *mett alle luther och lunder*, S., 1575, 89, 190; *med l. oc lundom*, S., 1597, 95, 96.
- Lougerdagenn, [O.N., *Laugar-dagr*, D., *Ligverdag*, bath-day, Saturday]; Bergen, 1538, 70, 73.
- lovit, [Sco. = loved, beloved, a forensic term in charters]; O., 1574, 193.
- lunnendi, lundí, [O.N., *hlunnindi*, emoluments attached to an estate, manorial rights and privileges, such as *fiskl.*, fishing-ground]; Norway, 1295, 37; S., 1491, 58, 1537, 69, 1538, 72, 75, *lunder*, 1575, 89, *lundí*, 1597, 95.
- lyken cow, [cf. O.N., *lúkning*, *lykt-ing*, payment, discharge]; l. c., *part of land's price of the country*, O., 1542, 76.
- mæilir, meil, [O.N., *mæilir*, a measure of corn or liquids = $\frac{1}{4}$ sáld; in O. 24 marks = 1 setting, O.N., *séttingr*, a measure of corn, 6 settings = 1 m., 24 m. = 1 last, measures of weight and not of capacity]; in 1299 in S., a m. was $\frac{1}{4}$ sáld and $1\frac{1}{2}$ m. paid in rent for 1 mark burnt of land, 38, 40; m. *lands*, land sown with 1 m. of seed or grain, 40n.
- mail, pl. mails [Sco. and Eng., = rent = O.N., *landskyld*, cf. O.N., *máli*, wages]; O., 1455, 49; *melyng* for mail, O., 1535, 67; O., 1603, 224; see also *land rent*.
- maling, [O.N., *málingr*, an area of land varying in Norway from 2,500 to 15,680 square ells of 2 feet each—Fritzner; in O., a m. is described by the number of meils (O.N., *mælar*) of malt and flesh it paid in rent, in 1500 the marks of land paid from $1\frac{1}{2}$ to 2 m. in rent, but in 1600 it is sometimes only 1 m.]; meil's m. malt and flesh of land, O., 1612, 276; mark land or 4 settings m., O., 1616, 240. 1 setting, 6 marks malt m. of óðal land $\times 2 = 2\frac{1}{2}$ settings malt m., etc., O., 1634, 279, 280; see also *land rent*, *land price*.
- malt, in rent, O., 1455, 49, 1612, 276.
- manada mat, [O.N., *mánaðarmatr*, food for a month in butter and meal, in Gulathing-law 2 m. appears = 3 bismar punds butter (= laupr, cf. *laupsból*)]; Norway, 1223, 27n.
- manadamata-boll, -leigo, [O.N., *mánaðarmatar-ból*, -leiga, land worth one month's meat (meal

and butter); *m.-böl* and *-leiga* are equated by Fritzner, but may not the former mean the rent value of land occupied by owner in contradistinction to land let to a tenant]; Norway, 1295, 36.

manucaptus, [handtaken, O.N., *hand-genginn*, q.v.]; O., 1422, 41, 43.

mark, merk, mörk, mark of land, [O.N., *mörk*, D., *mark*, = (1), 8 aurar = 24 örtugar, half-a-pound, (2), money, *m. brendr*, of burnt or pure silver, in S. and O. = 13s. 4d. stg.]; (1), butter rent, S., 1567, 82, 84; (2), *m.* of silver of the weight of a Scotch mark granted as an annuity by earl of O. to church at Scone, 1190, 19, 20; 30 *m.* of *gang-silfr*, current silver = 6 *m. brendar* (burnt), Norway, 1295, 37; *m.* gold burnt = 8 *m.* silver burnt, of land let at 1½ mælrir per *m.*, S., 1299, 38, 40; mark Orkneis, 1509, 253; a fine, O., 1519, 64; *m.* of land [= burnt silver mark of 13s. 4d. stg.], O., 1529, 109; *m.* of land equivalent in an exchange of estates, O., 1535, 67; *m.* burnt of land in S. = 12 Shetland shillings in S. weight, [probably in shillings of wadmal or butter; in 1628, 6 cuttells of wadmal = 1s. Shetland, 10s. Shetland wadmal = 1 pak (= 240s. Sco. = 20s. stg.), while 1 lispund butter = 6d. Shetland, 1 barrel butter of 12 lisp. = 6s. Shetland (= 576s. Scots, = 48s. stg. current market value], S., 1538, 71, 74; 2 *m.* land sold for £5 2s. Scots and meil of bear apparently valued at 2s. Scots (2 *m.* land = 26s. 8d. stg., original value, sold for 104s. Scots = 39s. stg.) O., 1551, 259; 3 *m.* land wadset for £80 Scots (3 *m.* = 40s. stg. original value, wadset for 369s. stg.), O., 1557, 262; S., 1558, 78, 81; rent of, S., 1567, 92, 84n, 85, 86; *m.* of land, S., 1572, 186; S., 1574, 195; *m.* land wadset for £7 Scots (13s. 4d. stg. for 25s. 2d. stg.), O., 1574, 268; *m.* brendde of land, S., 1575, 89, 90; *m.* land, 9d. the *m.* (i.e. 9d. Shetland

weight in rent, the Shetland penny rent = 1½ mark weight of butter = ¾d. Shetland + ½ ell wadmal = ¾d. Shetland), S., 1575, 87; do., S., 1575, 91, 92; *m.* of land, O., 1587, 210; S., 1589, 93; *marck brende* land, S., 1597, 95; ½ *m.* wadset for £26 Scots (6s. 8d. stg. for 43s. 4d. stg.), O., 1600, 272; *m.* land = 4 settings mailing, wadset for 16s. 8d. stg. (13s. 4d. stg. original value, for 16s. 8d. stg.), O., 1616, 240; see also *land price*. [In the above calculations the mark (of land) has been taken = 13s. 4d. stg., its face value. If this valuation was made in or before 1329. and remained unaltered, then the value of the mark, in current money of the various dates must be ascertained; in 1551, and after, it was = 40s. stg.]

marck, [O.N., *mörk*, forest, distant or hill pasture]; S., 1575, 39, 90. *market*, *adj.*, *m.* butter, O., 1560, 133; *m.* malt, O., 1560, 134.

markets of women, [see *Skene De Verb. Sig.*, s.v. *marqueta* and Jamieson s.v. *marchet*, a fine paid, in Scotland, to the superior on the marriage of the dau. of a vassal]; O., 1564, 156, 1568, 166, 1576, 269.

mark-sten, -staine, *march*, [O.N., *marksteinn*, otherwise called *lýrittarsteinn*, three stones laid beside a markstone, derived from the older *lýrittareiðr*, oath of three, cf. *lawright-oath*, Goudie's *Shetland* p. 238, cf. riding da hagries in S., *Miscellany*, I., 269]; O., 1509, 252; evidence of persons of great age who had ridden the marches behind their fathers' backs when 21 years' old, O., 1519, 62, 63; O., 1576, 269, 270.

marriage, dowry, a house as 'movable good,' O., 1433, 246; contract, O., 1580, 197.

mart, [Gael., *mart*, a cow or ox fattened, killed and salted or smoked for winter use]; a *forty-penny m.*, O., 1560, 134.

Martiemess, term, O., 1607, 230.

maysterman, [Sco. = a lord, O.N., *meistarar-maðr*, (1) a learned man, (2) one set over some affair to manage it or advise thereon]; in case of any dispute between the parties they are bound not to take a *m.* in their defence but *equal men, q.v.*, and the law, O., 1535, 68.

meil, see *mälir*.

mensvering, [O.N., *meinsæri*, perjury, *meinsvari*, *meinsærismaðr*, a perjurer, Sco., *mansweiring*]; S., 1558, 81; O., 1574, 268,

merchant-ware, butter, O., 1587, 212; fish to be of the quality *m.* and pay, O. and S., 1594, 218.

Midsummer Day, O., 1530, 256; S., 1538, 70, 73.

mill, over *milldam* of Sabay, O., 1509, 1519, 252, 62, 63; 1534, 64; power to build mills granted in a feu charter by earl of O., 1587, 211; *thirlage* to bishop's *m.* in Orphir, grain grown on vassal's land to be ground in bishop's *m.*, 1615, 236, 237.

minister, [incumbent of parish church], mr. Magnus Norsk, *m.* in Yell. 1586, 207, 208.

mystar. mestare, mister, [Sco. = necessity], O., 1526, 105, 1528, 108, 1557, 262.

mines of gold etc., O., 1564, 156, S., 1572, 188.

money:

1190, mark of silver of the weight of a Scotch mark, O., 19, 20.

1192, Bezant, a gold coin, Norway, 20, 21.

1198, Peter's pence, *Rúmaskattr*, Norway, 19n.; in C., 22, 23.

1295, 30 marks current silver = 6 marks burnt, Norway, 37.

1299, mark of burnt gold = 8 marks burnt silver, S., 38, 39.

1455, mark of silver, O., 49.

1506, nobles of the rose, S., 250. light florins. S. 249.

1509, mark Orkneis, 253.

1513, mark Scots, O., 101.

1519, mark O., 66.

1526, shillings Scots, O., 105.

1538, shillings in Shetland weight, 71, 74.

1572, *solutio Zeitlandie*, Shetland payment, i.e., $\frac{2}{3}$ Shetland value

of wadmal and $\frac{1}{8}$ do. of butter, 189.

1597, rigsdalir, S., 95.

1623, Shetland payment in wadmal and butter, 189n.

mulierum merchetae, see *markets of women*.

neighbours, [= O.N., *líð*, neighbours in legal process, N.G.L.] *neboris* of Toop, in a law case, O., 1509, 252; *nychtbouris* of Toop, do., O., 1519, 63; a parish bailie ordered to settle a boundary dispute along with honest neighbours, O., 1607, 230-2.

nolt, [O.N., *naut*, cattle] O. and S., 1594, 217.

Norioris, [Norse (language)]; S., 1572, 182, 189.

Nornn, Northin, [O.N., *Norrœna*, the Norse or Norwegian language; *Norskr*, adj., Norse, appears in 14th cent. instead of the older *Norrœnn*, which latter took the place of the still older *Dönsk tunga*, as applied to all the Scandinavian languages]; a S., charter written in Bergen is described as a letter in Nornn, S., 1485, 55; king of Norway's letter described, in *Northinn*, S., 1491, 57; letter in *Northinn*, S., 1491, 59.

numerat money, [O.N., *penningr talinn* or *taldr*, counted money, as opposed to *penningr veginn*, weighed money, see also *untauld money*]; renouncing the exception of *nocht n. m.*, O., 1616, 240.

nyde [D., *nyde*, O.N., *njóta*, to enjoy]; S., 1597, 95.

oath, [O.N., *eidr*] great oath sworn by members of lawting, O., 1514, 254; 'the holy evangelist touched and the great oath sworn' in warrandice to a mutual agreement (cf., O.N., *bókareidr*, an oath sworn by laying the hand on the gospel, *guðspjallabók*) O., 1535, 68; *fullen bogereydt*, a full oath, S., 1538, 70, 73; 'are sworn never to come in contra of this writ,'

O., 1542, 77 and *errata*; the great oath sworn and the holy evangelists touched, in a court in S., 1558, 80; see also *bogereydt*.

oatmeal, commonly called twice *sheilled* meal, £6 Scots per last, 5s. per meil, 10d. per setting, O., 1564, 157; do. do., O., 1568, 174.

óðal, [O.N., land held by óðal right]: a man inherited land through his wife and claimed other land which had belonged to her father's brother, S., 1485, 55; o. *breff*, deed, S., 1491, 58, 59; sir David Sinclair left 100 marks of land to each son and 50 to each dau. [in accordance with New Gulating Law, by which a dau. got half a son's share]. S., 1506, 248; *odale*, S., 1538, 72, 75; *uthall*, S., 1558, 78; *odalsjörd*, [O.N., *óðalsjörd*, óðal property], S., 1567, 82, do. S., 85, 86; *owthell*, S., 1575, 88; *odall*, *odalls jörd*, S., 1575, 89; *odals kœp* [D., *odels-kœp*, purchase of an odal], S., 1575, 89, 90; *odals gods* [O.N., *óðalsgöðs*, D., *odels gods*, odal property] S., 1575, 91, 92; *udall land*, O., 1587, 210; *uthell*, S., 1589, 93; *owthallmen*, (along with heretors, taksmen, parsons, vicars, beneficed men) in fishing contract with Sco. fishers, 1594, 216; *uthall*, O., 1602, 272; *uthall land*, O., 1603, 222; *outhell land*, O., 1611, 276; see also Index I., D.

officer, two o. [bailies], with precept, from sheriff depute, to infeft a party in land, O., 1548, 118; o. of a bailie court summoned to witness restoration of stolen goods, O., 1595, 220.

official [a deputy judge, a lawyer skilled in the canon law, who presided over the bishop's consistorial court]; see Index I., F., O., 1514, 256, S., 1558, 79, 80.

offueskere, [D., *overskærer*, a cloth-dresser]; Bergen, 1538, 70.

ofhent, see *afhend*.

ogang, ogane, [applied to district courts in O. dealing with boundaries. ? O.N., *aganga*, harm, aggression, assault; *agangr*, (1)

= *aganga*, (2) accusation, complaint; in 1442 the term is used in Norway in reference to trespass on property—N.G.L. 2 Ser. 218]; an o. and a doom dempt before the [justice] by the lawman of O. in a district court, regarding trespass and boundaries, O., 1509, 251; an o. and a doom dempt by the justice or judge and with him the lawman of O. and S. regarding the same trespass, etc., O., 1519, 61.

ogude, [O.N., *agöðr*, profit]: O., 1514, 255, see *agang*, *ugan*.

omwendelsz(e), [D., **omvendelse*, probably formed from O.N., *umvenda*, to turn over by purchase or sale, *umvending* = *umsnúningr*, N., *omsatning*, turn over, sale. The meaning being that (if the heirs were to redeem the land) the redemption money must not be got by loan or borrowing, but by their own turnover]; *wdthann siellff siemis* (i.e. *sinns*) *om w.*, S., 1538, 72, 75.

opno, obne breff, [O.N., *opit bréf*, dat., *opru bréfi*, D., *aabent brev*, open letter, letters patent]; S. charters written in Bergen, 1538, 70, 73, 1567, 82, 85, 1575, 91, 92, 1597, 95, see also Index I., D., (a).

opsporrie, [D., *opsørgje*, to trace out, find, e.g., an óðal inheritance]; S., 1538, 71, 74.

øre, [Dan., *øre*, O.N., *eyrir*, ounce, in S., $\frac{1}{2}$ mark of land]; S., 1575, 89.

ostrich feathers, S., 1506, 248.

ourgiff, ourgiffin, [Sco., to renounce in favour of another, cf., O.N., *yfir-gefa*, to forsake]; O., 1534, 64.

outbrekland, [Isl. *útbrekka*]; Birsä, 1564, 154.

owmuth, [O.N., *umboð*, commission]; O., 1509, 252; see also *umboth*.

oxeleye, oxseleye, [O.N., **oxaleiga*, ox rent or hire, cf. *kýr-leiga*, cow hire]; S., 1538, 71, 72, 74.

oysters, paid as part rent of Cursetter in Firth, O., 1587, 212.

pain [penalty] ; *p.* of all gear, O., 1542, 77 ; *p.* of all our gear to be attributed to, S., 1558, 78.

pant, pandset [O.N., *pantr*, D., *pant*, a mortgage, wadset of land, O.N., *pantsetja*, D., *pantsette*, to pawn] ; 1538, 72, 75 ; S., 1597, 94, 95.

Papal dispensation, defect of birth, son of a priest, O., 1247, 31.

parish and priest's district, see *sogn*.

parson [rector], *passim*.

passport by lawman of O. and others to James of Craigie, 1422, 41.

pasture, in *p.* and out *p.*, O., 1534, 64.

patron, see Index I., S.

peats, 6s. Scots per fathom (*fad-dome*), O., 1564, 150, 157 *peittis*, at same price as before, O., 1568, 167, 174 ; casting and winning of *p.* a service in a feu charter of church land, O., 1615, 236 ; see also Index I., D., (f)

penance, 1202, 24, 25.

penninge, penny, pennyworth, [O.N., *penningr*, money] ; S., 1538, 71, 72, 74, 75 ; 1558, 81 ; 1597 95.

pennyland, penings-land, price of *p.* Papey, S. 1299, 1 pure gold mark = 8 pure silver marks, 38, 39 ; [the above is the only record of a *p.* in S., while the term has continued in O., see *charters* ; skatt is rated on the *p.*, 18 of which = eyrisland or ounceland ; the *p.* in O. and S. was valued at its purchase price in marks of pure silver = 13s. 4d. stg. ; land rent was charged per mark of land, and in S., the mark was further valued at its rent value in pennies, the penny representing S. money, a conventional amount of wadmal and butter] ; see also *land denominations* and *rent*.

penchione, [pension], sir David Sinclair's *p.* of Dingwall and Red Castle and of S., 1506, 247, 248.

perment, [D., *pergament*, parchment ; O.N., *bók-fell*] ; S., 1538, 70, 73.

person, [Soo., *parson*, rector] *passim*.

Peter's pence, [O.N., *Rúma-skattr*] ; introduced by Pope Hadrian IV. (1154 - 59), 19n ;

list of bishoprics in Norway for levying tribute to the papal see (*liber censuum Romane ecclesie*), 1192, 20, 21 ; one penny (*denarium*) ordered by earl Harald to be paid by every inhabited house in C. to the Papal see in the time of Pope Alexander III. (1159-1181), which bishop Jón of C. refused to pay, and Pope Innocent III. ordered the bishops of O. and Ross to compel him, by ecclesiastical punishment, to do so, 1198, 22, 23, see also 24, 25.

petra, [L.=stone or lispund] ; S., 1572, 182, 190.

pilgrimages to holy places commended by the bishop of O., 1278, 35.

poundler, [O.N., *pundari*, steelyard] ; malt-*p.*, O., 1615, 235.

prayers for the dead :

1422, *cuius animam omnipotens [Deus . . .]* ; whose soul Almighty God . . . O., 41.

1491, *hwess siell Gud nade* : on whose soul God have mercy, D., 56, 57.

1513-1526, whom God *assolye* (absolve), O., 101, 102, 104.

1527, after my decease to uphold yearly my *dirige* and soul [. . .] for my forbears' souls and mine, O., 106.

1527, whose soul God *assolye*, O., 106.

1535, whom God *assolye*, O., 66.

1535, *cuius anime propitietur Deus* : to whose soul may God be propitious, Edinr., 110, 112.

1538, *theris siell Gud tage* : may God take their souls, S., 71, 74.

1557-1567, whom God *assolye*, O., 261, 265.

1558, restitution of lands made for 'relief and discharge of the soul and conscience of' a dead man, S., 81.

1558, whom God *assolye*, S., 80, 81.

prayers for the living :

1538, *hwess siell Gud naade ewindeligen* : to whose soul God be eternally merciful, S., 71, 74.

preaching, *prædicatio*, archbishop of Canterbury admonished the earl of O. that the *p.* and doctrines

of the bishop of O. be diligently attended to, 1106-9, 10, 11.
 prebend, see Index I. N.O.
 precept from the sheriff of O. to a parish bailie to settle a boundary dispute along with honest neighbours, O., 1607, 230-2.
 presentation to a benefice, O., 1467, 49.
 prestagjald, see *sogn*, 68, 85, 86.
 procurator, *p.* in bailie court, O., 1575, 279, see also *umbothsmān*.
 produce, prices :
 bear and malt, 1615, 8 settings sufficient *b.* upon the malt-pundler = 1 meil or 6 settings of malt, O., 235-6, 237,
 butter, 1563-1568, barrel, £3 Scots = 10s. stg., lispund, 5s. Scots = 10d. stg., O., 143, 158, 174.
 1572, barrel, £3 Scots. = 10s. stg., lispund 3s. 4d. = 6½d. stg., S., 190.
 1587, barrel, 'merchantable ware,' O., 212,
 1628, barrel £28 16s. Scots = £2 8s. stg., lispund, 48s. = 4s. stg., S., 189n.
 flesh, 1564-1568, last [= 24 meils], 36s. Scots = 6s. stg., O., 157, 174.
 fowls, 1564-1568, 2d. Scots = ½d. stg., O., 157, 174.
 oatmeal, 1563, meil of teind sheaves, 6s. 8d. Scots = 13½d. stg., O., 144.
 1564-1568, last £6 Scots = £1 stg., O., 157, 174.
 peats, 1564-1568, fathom, 6s. Scots = 1s. stg., O., 157, 174.
 victual or cost (meal and malt), 1563, meil, 6s. 8d. Scots = 13½d. stg., O., 144.
 1564, 1568, last (24 meils) £6 Scots = £1 stg., O., 157, 174.
 wadmāl, 1572, pack £1 Scots = 3s. 4d. stg., S., 190.
 1628, pack £12 Scots = £1 stg., S., 189n.
 proff, [O.N., *próf*, proof, evidence, cf. *sannp.*, full proof, *réttr p.*, right proof, *lögligt p.*, lawful proof]; S., 1538, 71, 74.
 profits and ugan of lands, S., 1510, 60, see also *ogude*.

proteir, [Sco. = to protect, L., *pro-tegere*]; to *p.* and defend a testament, S., 1506, 247.

quedia, [O.N., *kveðja*, greeting]; O., 1223, 27, 28; N., 1295, 36, 37; S., 1299, 38, 39; S., 1465, 47, 48; N., 1485, 54, 55.

quhill [while, until], O., 1514, 256.

quick, [Sco., *quey*, *quyok*, O.N., *kviga*, D., *kvie*, a young cow]; O., 1542, 76.

quoy, [O.N., *kvi*, a pen, fold, O. and S., *q.*, *hvi*, an enclosure in the common]; power to make *q.*, granted in a feucharter by earl of O., 1587, 211, see also Index I., D., (f).

raadman, radman, rodman, [O.N., *ráðsmaðr*, D., *raadmand*, town councillor] of Bergen, 1485, 54, 1491, 58, 1538, 70, 73, 1575, 89, 90.

raadmans stue [O.N., *ráðstofa*, *ráðhús*, *ráðsmannahús*, D., *raadstue*, town council house]; Bergen, 1538, 70, 73.

raaid [D., *raad*, O.N., *ráð*, consideration, counsel]; S. (Bergen), 1575, 91, 92, S., (Bergen), 1567, 82. See also *rycht* and *roicht*.

radman, see *raadman*.

ram, fat *r.* as feud duty, O., 1563, 141.

rait and grait, [O.N., *réttr ok greitt*, right and good]; *haldand* (O.N., *haldandi*) *r.* and *g.*, O., 1547, 258.

registers, books of council, 1594, 219.

reith, [O.N., *réttr*, D., *ret*, right, law]; *han havir vonnidh min r. i Bergen, for rikins rodhe af Narighe*: he has won my right (i.e. lawcase) in B. before the king's council of N., S., 1491, 58, 59.

rendell, see *runrig* or *rendell*.

rentals, [register of skatt paid by all lands and of rent paid by earldomlands in O and S.]; a query, whether certain lands are in the rental, S., 1485-[1507], 55; the amount of scatt paid by *ðval* land quoted from the earl's rental, O., 1509, 253.

respite by king James V. to certain Orcadians and Shetlanders for the slaughter of the earl of C., 1538, 114, 1539, 116.

rette, [D., *ret*, a court of justice]; a *r.* or district court, regarding a land dispute, presided over by the lawman of S., held in Yell, 1538, 71, 73.

rettegang, [D., *rettergang*, legal process]; S. (Bergen), 1567, 83, 84, 85, 86.

rette odal, [O.N., *rétt óðal*, *réttr*, right, lawful, and *óðal*]; S., 1597, 95.

rettigheidt, [D., *rettighed*, privilege (attached to land)]; S., 1538, 72, 74.

reversion, as an appurtenance of an estate, S., 1589, 93; *óðal* estate sold without *r.*, O., 1603, 222. see *rycht* and *roith*.

revocation, the eldest brother and another brother sold their patrimonial rights and their right to redeem land to a third brother without *r.* or *ganecalling* in time to come by them or their heirs or aftercomers for evermore, O., 1534, 65.

riddari, [O.N., *riddari*, knight, a dignity created in 1277 with the title of *herra*]; S., 1538, 71, 73.

richtis, rychtis [rights]; *r.* and heirship heired after decease of a mother, O., 1523, 103; *óðal* land belonging to one in proper heritage by plain and sufficient *r.* had thereupon, O., 1603, 222.

riding the marches, see *mark-sten*.

rig, [Sco., *rigg*, the space between two furrows, also a measure of land, 240 × 6 paces or 600 × 15 feet containing 9,000 sq. ft., a firloft of oats was reckoned sufficient seed for a *rig* (Jam. Dict.)]; O., 1576, 270, 1595, 220.

rigsdalir, [D., *rigsdaler*, rix-dollar]; S., 1597, 95.

rikis rodhe, [O.N., *rikis-ráð*, king's council, Norway]; S., 1491, 58.

rodh ok radha skoda, [O.N., *róðr ok reiðskjóta*, rowing and conveyance; *róðr ok reiða* is the oldest Swedish-Norwegian phrase for *leiðangr*, and *róðr ok reiðskjóta* may perhaps be a very old phrase

for the right of conveyance which the *óðalsmenn* claimed from their tenants, corresponding to the Norse *skydsfærd*. The 16th century term in S. for the conveyance of the government officials is *fitting and furing*, O.N., *flytjan ok færing*], S., 1491, 58.

rodman, see *raadman*.

rose-noble, an English gold coin, stamped with a rose = 6s. 8d. or half a mark, S., 1506, 250.

røsth, [O.N., *raust*, D., *røst*, voice]; S., 1538, 71, 74.

roume, [Sco., *rome*, from Fr., *royaume*, realm]; O., 1557, 263.

royth, roith, roicht, see *rycht* and *r.*

roythman, roathman, rothman, roithmen's sons, [O.N., **ráðmaðr*, (cf. *ráðsmaðr*, a steward, manager, etc., *ræðismaðr*, one who has to decide in certain matters, etc., N.G.L.) formed from *ráð*, counsel, determination, which in O., was applied to the right of redeeming and alienating *óðal* (see *raaid*, i.e., *ráð*, and *rycht* and *roith*, i.e., *réttr* and *ráð*, e.g., in Gul. þess *raðe sellt, er atte*: sold in accordance with owner's determination); and *maðr*, man, hence *rothman* (*ráðsmaðr*), applied in O. to one who had the *royth* (*ráð*), right to redeem alienated *óðal*, see below; so that *roithmen* and *roithmen's sons* = *óðalsmenn* and *óðalbornir*]; in a district court, the assize consisted of the worthiest and best of the land gathered, landed men *roythmen*, in which the doom was given by the lawman and 'the said persons,' while the lawman sealed the doom on behalf of the *royth men*, O., 1509, 251; in the lawing of Orkney the assize consisted of 'certain of famous, discreet and unsuspect persons of *roith men* and *roith men's sons*, chosen, the great oath sworn,' and collectively they are called 'doomsmen,' O., 1514, 254; in a district court the assize consisted of '24 of the worthiest and best of landed men roathmen,' who, as the '24 persons,' gave their doom, O., 1519, 62; a man is

referred to as the nearest *rothman* to loose' (*leysa*, redeem) certain alienated óðal, O., 1551, 259; see also *rycht* and *roith*.

Rúmaskattr, see *Peter's pence*, 1198, 19n., 22, 23.

runrig or rendell, [S., *rigg* and *rendal*; C., *rig* and *rennal*, or *runrig*; Cumberland, *rig* and *reann*, arable land divided into portions owned by different tenants, EDD, in which *reann* der. from O.N. *rein*, a strip of land; for various deriv. see JJ.]; Saba, etc., lies within an *amisskopft* (*hafnskippt*, *pro indiviso* estate) within itself and neither the neighbours of Thoeþ, nor any others '*lyis in curig nor rendell*,' O., 1519, 63.

rycht and *roicht* [O.N., *réttr*, right, law, cf. *recht* 1436, (N.G.L. 2nd Ser.); *rād*, management, control; in O. and S. these terms are included in the appurtenances of lands (see Index I., D. (f)); in O., 1544, *roith* = right of redeeming alienated óðal land and in 1551 *rothman* = the person who has the *roith* or right to redeem such an estate; as regards *rycht* (i.e. *réttr*) cf. *koma til alls rettar*, come into the exercise of a free man's complete legal status (Gul.), *til arfs ok iafns rettar*; *rettar* eða *lunnendi*; etc., (N.G.L.)].

1523, O., with all *r.* and *r.* and all manner of righteous pertinents that pertain or that lawfully may pertain to our *richtis* and *roicht* of our heritage 103 [note *richtis* in the pl.].

1527-1528, O., *richt* and *r.*, 106, 109.

1534, O., granters conveyed both *r.* and *rocht* whatsoever that pertains or that lawfully may pertain to them within certain lands, won and for to be won, such as land, landrent, houses, etc., 64.

[1536, S.; *royt*, *eyne*, *owthil* and *semyng*, G.G. 139.]

1542, O.; *r.* and *r.*, 76.

[1544, O.; *lie roith*, seu *privilegium redimendi terras infra dominium*

Orcadie sibi jure hereditario spectan, Gt. Seal Reg. Scot.]

1547, O.; *r.* and *roytht* and righteous pertinents, 258.

1551, O.; a certain man is acknowledged to be the nearest *rothman* (q.v.) to *lous* (redeem) the said land, which land is conveyed with *richt roitht owthell* thairof; 259.

1557, O.; with all *r.* and *roitht*, 261.

[1581, S.; all *aing owthill ryt roith samaing* and *reversion*, GG., 139].

1589, S.; with *engin uthell roycht samy engin* and *rewersiowne*, 93; see also *roythman*, *richtis*.

saddle, S., 1506, 248, 249.

St. Peter's keys of power and discernment, received by the Roman pontiff, 1247, 31, 32.

SS. Peter's and Paul's day, S, [Saturday, June 29], 1538, 70, 73,

sáld [O.N. = a measure = 6 mælar]; S., 1299, 38, 40.

salig, [D., *salig*, O.N., *sæl-ligr*, blessed, but used in the sense of late, deceased]; S., 1567, 85, 86, 1575, 88, 91, 92.

salt, small Scotts s., 1594, 218.

salutations :

1103, archbishop of Canterbury to earl of O., *salutem et benedictionem Dei*, greeting and God's benediction, 10, 11.

1125, Pope to king of Norway, *salutem et apostolicam benedictionem*, greeting and the apostolic benediction, 15, 16.

1198, Pope to bishops of O. and Ross, do. do., 22, 23.

1223, bishop of O. to all God's friends and his own, *quedio Gudz oc sina*, God's greeting and his own, 27, 28.

1278, bishop of O. to all the faithful in Christ, *salutem in Domino Jesu Christo*, greeting in the Lord Jesus Christ, 34, 35.

1295, archdeacon of S., etc., to all God's friends and their own, *quedio Gudz oc sina*, God's greeting and their own, 36, 37.

1299, lawthingman of S. to all men who see this letter, *quedio Gudz ok sina*, 38, 39.

- 1408, Pope to elect bishop of O., *salutem*, etc., 244, 245.
- 1422, lawman of O., etc., to all the faithful in Christ: *salutem in Domino sempiternam*, greeting in God everlasting, 41, 43.
- 1433, granter of charter O., be it kend till all men, 246.
- 1438, lawman of O., etc., to all and sundry 'leel folk in Christ,' *greeting in Gode ay-lestand*, 44.
- 1465, granter of conveyance of land, S., to all men, *quedio Gudz ok sina*, 47, 48.
- 1485, lawmen of Gulathing and S., to all men, *quedio Gudz och sina*, 54, 55.
- 1506, testament S., in the name of God, *amen*, be it kend till all men, 247.
- 1530, granter wadset, O., be it kend till all men, 256.
- 1547, granter of charter, O., be it maid kend till all men, 257.
- 1551, granter of charter, O., do., 258.
- 1557, granter of wadset, O., do., 261.
- 1560, bp. of O., to all who see or hear this charter, *salutem cum benedictione divina*, greeting with the divine benediction, 121, 125.
- 1563, precentor of O., to all, *salutem in Domino sempiternam* greeting in the Lord everlasting, 125, 141.
- 1564, bp. of O., to all, *salutem in omnium Salvatore*, greeting in the Saviour of all, 146, 153.
- 1567, granter of charter, O., be it kend to all men, 265.
- 1568, justice clerk of Sco., to all, *salutem in Domino sempiternam*, greeting in the Lord everlasting, 162, 170.
- 1572, bp. of O. to all, do. 178, 185.
- 1574, discharger of wadset, O., do., 268.
- 1574, feuar of O., be it kend till all men, 193, 195.
- 1581, notary public, in *Dei nomine*, *amen*, 199, 202.
- 1587, earl of O., be it kend till all men, 209.
- 1603, granter of charter, do., O., 221.
- 1605, notary public, in *Dei nomine*, *amen*, 227.
- 1616, granter of wadset, be it kend till all men, 239.
- samengna-man, [O.N., *sameignar-maðr*, D., *samejer*, joint possessor of a *sameiga* (D., *sameje*), joint possession or *hafnskipti* q.v.] ; S., 1575, 87.
- sammyne, samy engin [O.N., *sameiga*, *sameign*, D., *sameje*, joint possession e.g. of a *hafnskipti*, q.v.. J.J. suggests that it may be partly derived from O.N. *sami*, that which comes to one, and partly from O.N. *sæmð*, honour, position; but the former of these terms is not found in N.G.L., while joint possession, *sameign*, is common to O. and S. and N.G.L.].
- [1536, *owthil* and *semynge*, S, G.G., 139].
- 1557, *owthil* and *sammyne*, O., 262.
- [1581, *roith*, *samaing* and *reversion*, S., G.G., 139].
- 1589, *samy engin* and *reversion*, S., 93; see also *samengnaman*, *hafnskipti* and Index I., D., (f).
- samtöckie, [O.N., *sam-þykki*, D., *samtykke*, consent] ; S., 1597, 95.
- sarjandus, [Sco., *sergeand*, sergeant, an inferior officer in a court of justice]; James Lenay, s., St. Ola, 1582, 202, 205; see also *sergenn*.
- sande, [D., *sand*, O.N., *sannr*, true] ; S., 1597, 95.
- sasine, [infetment]; see Index I., D. (j); also *sklokning*.
- Saturday, July 6th, 1538, king's court held in Bergen, 70, 73.
- schairit, [Sco., *sheared*, i.e., have the corn cut] ; O., 1607, 232.
- scheiffis, [sheaves] ; O., 1595, 220.
- schone, [O.N., *sjaund*, the seventh day, i.e., after a death, when a festive gathering was held partly to celebrate the funeral feast (*erfvaröl*) and partly to divide the property among the heirs and creditors]; at the *arff-house* and *chemois* (q.v.), to make a lawful s. and *ayrskift* (q.v.), O., 1514, 256; a fenced court held by the head foud, official and certain

honest men of the country to make a right *schonit* compt and reckoning and equal division of lands which had fallen to the part of an heir on the right *schoneth* day after the decease of the predecessor, S., 1558, 80, 81.

Scots money, [the relative value of Scots to sterling money between 1355, at par, and 1600 and after, when it had depreciated to 12:1, can only be ascertained by calculations based on tables given in McCulloch's *Comml. Dict.*, s.v., *coins*, compiled from Cardonnel's *Numis. Scot.*, p. 24. In 1572 Scots to stg. was about 5½:1, so that in the table p. 189n., the stg. money for 1572, must be corrected, almost doubled. A further calculation has to be made to compare sterling money of various periods with its present standard, e.g., 1 lb. of silver was coined into 20s. in 1329, whereas it is now coined into 66s.] *passim*.

Scottish law in O. and S., churchland feued in O., by virtue of Acts of Sco. parliament 'which are to be observed by us as laws,' 1560, 121, 125, 128, 132; 1563, 136, 141; S., 1572, 178, 185; acts of Scot parliament made for feuing churchlands, O., 1615, 235.

seals:

1299, *logpinngis insigli*, lawthing's seal, S., 38, 40, and seals of herra Eirik the young, Gregorius Benedictsson, Ivar Sperra, Magnus Högnason, Erlend Geirmundsson, Gunni of Gnipar, Erlend Alfett (three of these remain), 39, 40.

1422, William (son of Thurgys the lawman of O.), Nicol of Anynd and Laurence of Turay, canons of St. Magnus, and Jon Magnússon, Wm. of Erwin, Peter of Paplay and Walter Andresson, citizens of Kirkwall (6 seals wanting), 41, 42, 43, 44.

1433, Duncan of Law had no seal and procured those of Robert of Bening, bailie of Kirkwall (? same as R. of Gening, burgess of K.,

1425, D.N., VI., 449) and Thom Maunsson, 247 (no record of seals).

1438, Henry Randell, lawman of O., John Haraldson, bailie of Kirkwall, and James of Lask (4? seals gone), 44, 45.

1455, bishop of O. and chapter mentioned, 49.

1465, bishop of O. *seal authentic* (wanting), 49.

1465, Andres Willemsson had no s. and procured those of Magnus Clausson and Olaf Arnason (both gone), S., 47, 48.

1467, bp. of O. *authentic seal*, sir Hector of Tullach, canon, O. (both gone), 50, 51, 52.

1480, mr. Jas. Kynnard, archdeacon, O., Thos. Inglis, justice of O. and foud of S., James Cragy, youngest son of d. John Cragy (3 seals gone), O., 53.

1485, lawman of Gulathing, Niels Willemsson, lawman of S., 5 councillors of Bergen, Villem Thomasson, lawrightman in S., together with Thomas Engilsk or Inglis (8 seals, only part of No. 3 remains with legend '... end'), Bergen, 54, 56.

1491, *secretum*, privy s. of king of Norway, 57.

1498, earl of C. and brothers and sisters, children of earl of O. (transcript, no note of seals), 98, 100.

1506, sir David Sinclair's signet, S., mentioned, 249.

1509, John of Cragy, lawman of O. [but he used seal of the presiding justice, sir Wm. Sinclair of Warsetter, see erratum to p. 251]; O., 253.

1513, Effe Airlaunde and John, Wm. and Gibboun Haddell had no s. and procured those of Fredrick Newfar, N.P., and Gilbert Kennedy burgess of Kirkwall (3 seals described), 100, 102.

1514, Nicol Haw, lawman of O. and S., Fredrik Newfar, N.P., and Gilbert Kenedy, burgess of Kirkwall, for the members of lawting (gone), 256.

1519, in absence of the s. of Nicoll Haw, lawman of O., and of 24

- members of a court, the justice, sir Wm. Sinclair, of Warsetter, appends his seal (s. gone), 64.
- 1523, Wm. and Henry Paulson, O., had no proper s. and procured those of sir Henry Peyrson, vicar, of Skenan, and sir Nicoll Halcro, vicar of Wawis, O. (both gone), 104.
- 1526, David Flet, of Hobister, O., had no seal, and procured those of sir Nicoll Halcro, rector of Orphir, and Thos. Tulloch, of Ness (gone), 105.
- 1527, Margt. Sinclair, O., had no seal, and procured those of sir Henry Pierson, vicar of Halkirk, and sir Nicoll Halcro, rector of Orphir, and Thos. Tulloch, of Ness (all gone), 107.
- 1534, Criste and John Irvine, of Saba, had no s. present, so procured that of Jas. Sinclair, of Breks, justice of O. (gone), 66.
- 1535, Jas. Sinclair, of Breks, justice of O. (gone), 68.
- 1535, *magnum sigillum*, great seal of Sco., 111, 113.
- 1537, Jorghen Wynther and Andres, a tailor, Bergen (gone), 68.
- 1538, Niels Thomasson, lawman of S., Will. Jonsson, lawrightman in Unst, Rolf Nesbit, lawrightman in Yell, William Thomasson, Magnus Sinclair, Olaf Persson in Boeness, Olaf Nedersson, Sander Spens Gottorm Einarsson, Jon of Holland, Benedict Persson, Einar Benedictsson and Swend Gottormsson, members of a court, S. (mentioned), 70, 72, 73, 75.
- 1538, Tord Roed, knight, commander of Bergenhus, Anders Hansson, burgomaster, Gottorm Nielsson, lawman of Gulathing, Jon Ellingson, Christian Torber-
nsson, knight, Jon Thommesson, Andres Sygenn, Olaf Personn, Jon Thomsson, Soffren, a clothdresser, Rasmus, a smith, Thomas Nielson and Olaf Ormsson, councillors in Bergen (13 seals gone), 70, 72, 73, 75.
- 1558, Olave Sinclair, of Haveray, chamberlain and head foud of S., and sir George Strange, vicar of Nesting and official of S., the parties to the deed *has procured with great instance our proper seals* (2 gone), 79, 80, 82.
- 1558, Barnerd Thomasson and Peter Olason, Yell, had no seals or signets and procured those of Jas. Suddirland, underfoud of Fetlar, Jacob Erikson, of Odstay, Laurence Arlaye, Magnus Arneson (4 seals gone), 79.
- 1560, bp. of O., *sigillum rotundum*, round seal, and the chapter s., O. (mentioned), 124, 127, 128.
- 1560, bp. and chapter, O., and mr. John Tyrie, archdeacon of O. (mentioned) 131, 135.
- 1563, mr. Magnus Halcro, of Burgh, precentor of O., the bp. and chapter (mentioned), 140, 145.
- 1564, bp. of O., 'round seal' and 'common seal' of chapter O., 153, 159.
- 1567, Robert Stewart, of Strath-down, kt., feuar of O., 'under our signet' (gone), 161.
- 1570, mr. Jas. Maxwell, prebendary of St. Cross, O., earl of O., and chapter of O. (mentioned), 201, 204.
- 1572, bp. of O. and common s. of chapter, 184, 192.
- 1574, lord Robert Stewart, feuar of O. (illegible), 194, (wafer s. extant), 196.
- 1575, Lawrence Sneldson (Schowaldson) of Awik, John Fresell, of Hascassay, and Robert Fresell, of Wassessor, S. (all gone), 88.
- 1575, Christen, a writer and councillor of Bergen, mr. Peder Simonson, priest of Fane, mr. Jens Christenson, teacher in Bergen, and Peder Jonsson, burgess there (all gone), 89, 90.
- 1575, Lauris Wog, Jens Morsing, councillors, Bergen mr. Peder Simonsson, priest of Fane, Daniel Olsson, of Stavanger, and Peder Jonsson, burgess of Bergen (4 gone), 91, 92.
- 1586, Wm. Manson, of Gerdie, lawrightman in Unst, Solomon Scott, Lawrence Scott, Peter Nisbit, of Kirkabuster, James Bugar, sergeant in Yell, and Magnus Nisbit, of Cunningsetter; append seals and marks, and as Oswald and

Gilbert Scott had no s., they procured that of mr. Magnus Norsk, minister in Yell (4 gone), 205, 206, 207, 208.

1587, earl of O., *proper s.* (gone), 214.

1595, Andrew Mowat (Maat) of Howkland, and his wife Else Trondsdaughter, of Erisfjord, of S., and mr. Rasmus Jonsson, priest of Geirisuig (3 not described), 94, 95, 96, 97.

1603, Nicol Sinclair, burgess, Kirkwall, *proper s.*, 226.

1615, bp. of O. (gone), 236.

1616, Alex. Ingsetter, Clouston, O., unable to write, *my s. is affixed*, 241.

secretum, [D., *secret*, privy seal, a small seal, especially the king's personal seal as opposed to the great seal of the kingdom. N.G.L. 2nd Ser., III. s.v.], king of Norway to sir David Sinclair, S., 1491, 57.

sell, etc. [O.N., *selja*, p.t., *seldi*, D., *sælge*, *solgt*, to sell, sold] *passim*. selling (charter of free), O., 1603, 226.

sergenn. [mod. D., *sergent*; Sco., *sergeant*, sergeant]; James Burgar, s. in Yell, 1586, 206, 207; see also *sarjandus*.

servants, contracted between earl of O. and Sco. fishers in O. and S. that they 'shall not hire, seduce, nor fee the countrymen, servants and their sons, without the consent of their masters or fathers,' 218.

setting, [O.N., *seta*, possession of land]; title of s., O., 1480, 53.

sheilled, [Sco., *sheill*, to separate husk from corn, O.N., *skilja*, to separate]; twice sheilled meal, O., 1564, 157, 1568, 174.

Shetland payment, *Hieltlenske woog* (weight), 12 shillings (144d.) = 1 burnt mark of silver [this makes the eyrir or ounce = 18d., which may explain the Orkney denom. of land, 18 pennylands = 1 eyrir or ounce], 1538, 71, 74; *solutio Zeitlandie* (Shetland payment), $\frac{2}{3}$ (value) in woollen or wadmal, $\frac{1}{3}$ in butter, after the manner of the payment of rents and duties of lands in S., [viz. :

1 pak of wadmal (60 cuttells) = 10s. S. p. = 20s. Scots, 1 barrel butter (18 lispund of 24 marks each) = 9s. S. p. = 60s. Scots, so that the ratio was (as in payment of 1d. S. p. of rent), $\frac{2}{3}$ d. S. p. (= $\frac{1}{3}$ ell) + $\frac{1}{4}$ d. S. p. (= $1\frac{1}{4}$ mark butter) = 1d. S. p.], 1572, 189 and n., Scots and stg. values in 1572 and 1628, 189n., where the ratio between Scots and stg., in 1572, should be $5\frac{1}{3}$:1, and not 12:1.

ships, sir David Sinclair's ships bequeathed as follows: the "Carvell," to lord Sinclair, 248; little s. with all gear in O. to the brothers, Wm. and Criste Flete, 248; Inglis (English) s, with all gear to Richart Lesk, 249; to Thos. Bosvell (something) which came home to me with s. out of Norrowaye, 250; 15 marks (Scots ?) to be paid to the Inglis-man (Englishman) who sold him 'the s.' (? the Inglis s. mentioned above), S., 1506, 250.

sib, [Sco., Eng., Ir., from O.E. *sibb*, closely related, akin, O.N., *sefi*, kinsman]; brother or sister, s. or friend, 1534, O., 65, s. or *frend*, O., 1535, 67.

sister part of inheritance, [O.N., *systur-hlutr*, a sister's share of inheritance; in accordance with new Gulathing law (which applied to O. and S.), this was half a brother's share]; in the case of an undivided estate, held by the son of an elder brother and by his uncle (the younger brother), the elder brother's son sold his patrimony to another person, which person thereby acquired the right to redeem a sister part of the heritage, together with one-half of the 'tiend penny and the ferd,' as the eldest brother in the heritage; the lawting directed that the younger brother and the purchaser of the eldest brother share should meet at the *arffhouse* to make a legal division of the estate (see *tiend penny*), O., 1514, 253-256. Two sons sold lands inherited from their mother, which mother's sister-

part of land in O. and S. she inherited from her father and mother, O., 1526, 102-104; a woman, in her lifetime, gave her son her sister-part of heritage which she inherited from her father and mother on condition that her son 'uphold me honestly all the days of my life, etc., and after my decease to uphold yearly my dirige, etc., for my forbears' souls and mine,' O., 1527, 106-108. The eldest and another brother, sold, to a third brother, their share of heritage and right of redeeming lands, without revocation, including the right of redeeming a sister part of land held from 'us' [i.e., from all the brothers]; they further bind themselves and their heirs not offer any impediment to the third brother and his heirs as regards any lands he should thereafter acquire by any manner of means. [This charter sets aside all odal claims in favour of one brother and his heirs], O., 1534, 64-66. Two sisters, with the consent of their husbands, sell, from them and their heirs, two sisters-parts of land which they inherited after their father, to their brother, for the 'lands price of the country,' O., 1542, 76-77. A man died and left a son by his first wife and a dau. by his 2nd wife who survived him. His son withheld the sister share from his half-sister, until his death when it was restored to her by her brother's heirs. Besides her sister share of her father's heritage she also had a right to a sister share of the heritage which her mother had in liferent, S., 1558, 79-82. See also Index I., C.

skade, [O.N., *skæði*, D., *skade*, damage]; S., 1538, 72, 74.

skatt, [O.N., *skattr*, tax, a landtax paid in O. and S. for the support of the earl's government]; *i leigu með skat jorðu upi i husi*, in the rent of the skatt land of the house, S., 1299, 38, 39; *wor oc*

kronen rente oc rettighed offuer alle the kirche thienere paa O., the revenues and rights of ourselves (i.e., king of Nor.) and of the crown over all the servants of the church in O.; endorsement describes this as 'the scattis of O.,' 1491, 56, 57; *skaytt*, meal, malt and butter paid by Saba, O., 1509, 253; *skatt dyk* (evidently applied to the wall enclosing the township, or skatt-paying lands of Toab), O., 1519, 63; in a feu charter of churchlands the skatt (malt, butter and money) is entered 'in use and wont to be paid to the king and his chamberlains,' O., 1560, 134; skatts entered in the appurtenances of a feu of churchlands in Birså, to be paid to bp., 1564, 156, 158. *do. do.*, 1568, 174; in a charter of earldom and óðal land, the scat, etc., to be paid at ports, terms, used and wont,' O., 1587, 212; s. and teind to king and kirk, O., 1603, 224, O., 1616, 239.

skewhowsses [Nor. dial., *skjaa*, Shet., *skeoe*, a drying hut]; Sco. fishers allowed to build fishers' houses and s., O. and S., 1594, 217.

skaitt [O.N., *skata*, skate]; Scot. fishers to pay the earl of O. yearly for ground leave above the flood mark, 1 dozen of s., merchant ware, etc., per great ling boat and its 'land lyar,' 1594, 218.

skellige [O.N., *skilligr*, reasonable, justifiable]; *gammell s. sworne proff*, S., 1538, 71, 74.

skilling, scill. [O.N., *skillingr*, shilling]; 12 Shetland s. Shetland weight = 1 mark burnt [= 13s. 4d. stg., a Shetland s. Shetland weight = 6 ells of wadmál or 2 lispund of butter], S., 1538, 71, 72, 74, 75; *scill.* of silver, O., 1542, 76.

skloking, skloknyt [O.N., *slökkva*, to put out, *slokkna*, p.p. *slokknaðr*, to extinguish, slake, *elðslokking*, extinction of fire]; *sasine*, on a decretal arbitral and charter, "given by stone and mould, after the use, consuetude

- and rite of the country, the fire *skokynt*, discharging all others from further interest therewith without the grantee's licence, and kindled again in grantee's name,' O., 1548, 118; sasine given by deliverance of stone and mould as use is, s. out of the tenants' fire thereon and kindling of the said grantee's used, O., 1580, 198.
- skøder**, [D., *skøde*, to convey]; of land, S. (Bergen), 1567, 82, 85, *do.*, 1575, 89.
- skotnings aure**, [O.N., *skeytings-aurar*, fee or premium for the conveyance of an estate]; S., 1575, 89, 90, 91, 92.
- skyldendis**, [O.N., *skylda*, to yield]; s. in rent, S., 1567, 82, 84, *sylden* in rent, S., 1567, 85, 86; *skylder*, in rent, S., 1575, 89, 90.
- skriffer**, [O.N., *skrifari*, writer]; Bergen, 1567, 1575, 86, 87, 89, 90.
- smør**, [O.N., *smjör*, *smär*, D., *smår*, butter]; S. (Bergen), 1567, 1575, 82, 84, 85, 86, 89, 90.
- sogn**, [O.N., *sókn* or *kirkjusókn*, parish = the newer form of the 16th century, *prestagjald*, *prestegjeld*; modern N., *gjæld*, parson's district of one or more parishes, D., *sogn*, parish]; i *Lunne-ting s. ok presthegæld*, S., 1537, 68, 69; y *Jelle sogn paa Hietland*, S., 1567, 82, 84; y *S. Hans kyrckis sogn wdj Jelle prestegeld*, in St. John's church parish in Yell priest's district, 1567, 85, 86; *wdj S. Bertholomej sognen y Fetelaa*, in St. Bartholomew's parish in Fetlar, 1575, 89, 90; y *Redefjörd sognen*, in Reafirth parish, S., 1586, 206, 207.
- soltt**, [D., *sælge*, *solgte*, O.N., *selja*, *seldi*, to sell, sold]; *aff welberaad raadtt haffuer s.*, after due consideration sold (land), S., 1567, 82, 83; *do. do.*, S., 1575, 91, 92.
- solutio** Zeitlandie, see *Shetland payment*.
- stadfest**, -ellse, [D., *stadfæste*, to confirm, *stadfæstelse*, confirmation, O.N., *staðfesta*]; of a deed, S., 1538, 72, 75.
- staff and baton** [Sco. law, a symbol of the resignation of property or feudal right into the hands of another: for the similar legal ceremony in Norse law see N.G.L. and Fritznor, s.v. *lagakefli*]; lands in Perth surrendered *per fustum et baculum*, ante, 1564, 147, 154; a man in O., who wished to resign his estate in favour of his son and his son's wife, first resigned them into the hands of lord Robert Stewart, feuar of O. and S., as superior of his 'lands as well acquired as belonging to him of old heritage either in O. or S., by s. and *bastoun*, conform to the order of resignation, and that in favour of' his son and wife, after which lord Robert demitted the lands to the latter, O., 1580, 197.
- stofa** [O.N., = room, lit. stove-, or firehouse, many houses in O. and S. are called Stove or Stoif]; i *stofuni a hertoga bænum i Papey*, in the living room (or firehouse) of the duke's house (or home-stead) in Papey, S., 1299, 38, 39; *byct en ny stoffue och andre huus huor ingen wor til forne*, built a new dwelling-house (fire-house) and other houses where none were before, S., 1586, 206, 208.
- støffader** [O.N., *stjúpfaðir*, D., *stif-fader*, stepfather]; S., 1586, 206.
- stone**, *petra seu lesponda*, stone or lispund, S., 1572, 182, 190.
- stope** [Eng. and Sco., *stoup*, O.N., *staup*, a beaker, flagon, cup]; silver s. with 12 *stoppis* included, S., 1506, 248.
- suits at courts**, [Sco *soit*, *soyt*, *suit*, (1), an assize, (2), attendance of vassals at a law-court of the superior], *prestando tres sectas ad tria nostra placita capitalia apud nostrum palatium de Kirkwaill, aut alibi ubi tenentur*; rendering three suits at our three head pleas at our (bishop's) palace of Kirkwall or elsewhere as they may be held (in a feu charter of church land), O., 1560, 124, 127; feu of church lands—giving by themselves or at least by their tenants in their names three suits at the three head pleas to be held annually at the (bishop's) palace of the Yairds, O., 1563,

139, 144; suits at bishop's courts required of a vassal, O., 1564, 151, 158, do., O., 1568, 167, 175; in feu of churchlands of S., to lord Robert Stewart, he had to render three suits of court at our three chief pleas to be held yearly at Grymbusta or elsewhere, S., 1572, 183, 190; in a charter of king's and óðal land, suit and presence required at the head courts of the earl of O., 1587, 212; the suits called, the court fenced, the assize chosen, sworn and admitted, bailie court, O., 1595, 220; in a feu charter of church lands in Orphir, suit and presence required at courts held by the bishop or his deputies at Kirkwall or elsewhere within the bishop's sheriffdom, 1615, 236.

suple [Sco. = support]; O., 1535, 68.

suyth [sooth, truth]; s. of the law-book, O., 1519, 63.

swakit [O.N., *svikja*, to defraud, *svik*, fraud, *svikja*, cheating in division of inheritance, Sco., *swick*, to deceive]; s. and defrauded, in a matter of inheritance, O., 1514, 255.

sworne [O.N., *svorinn*, sworn]; s. *proff*, *suorenn* *witnisbyrd*, *suorenn* *boger eidt*, S., 1538, 71, 74, O., 1542, 77 and *errata*.

syugdom [O.N., *sjúkdóm*, sickness]; S., 1538, 72, 74.

tak, *pl.* *takis* [Sco. and Eng., *take*, *tak*, *tack*, a lease, O.N., *taka*, *tak*, *tekja*, receiving land rents, a lease of land, etc.]; 19 year *takkis*, O., 1557, 263; 19 year *tak*, O., 1579, 211.

takkismen [Sco., *taksmán*, *taxman*, a lessee, especially of higher order, applied in O. and S. to farmers of skatt and earldom land-rents]; óðal men, heritors, *t.*, persons (*i.e.* rectors), vicars, beneficed men and inhabitants of O. and S., contract with Sco. fishers, 1594, 216.

teind [O.N., *tiund*, a tenth, tithe, Sco., *teind*, D., *tiende*; in O. *t.* was variably rated in barley or cost (malt and meal) on the penny-lands, while in S. corn *t.* was

uniformly rated in butter and oil on the marklands. In Norway *t.* was divided in 4 parts, between bp., priest, church, and poor—*biskupst.*, *prestst.*, *kirkjat.*, *fátækra manna lutr*; among other *t.* may be mentioned *smát.*, small teind, from lesser sources of industry (= Sco. small or vicarage tithe of eggs, wool, etc., as opposed to great *t.* = great or parsonage *t.* of Scot.), *t.* paid for, or in corn, *akrt.*, for produce of field, *lagat.*, lawful *t.*; *viðreldist.*, of the increase of catile; *ostat.*, of cheese; *ullart.*, of wool; *skinnat.*, of skins or hides; *járn.*, of iron manufacture; *skiparst.* for *skiparat.*, from the crew of a ship or from the passage money paid to the ship-owner; *bátat.*, a kind of *t.* which the archbishop tried to get introduced in Halogaland and which Fritzner suggested was probably of the cost of a new-built boat; in S., boat *t.* was paid in fish, in accordance with the number of the oars; *kauperyst.*, of commerce; *skreiðart.*, of codfish; *fiskat.*, of fish; *selt.*, of seals; *hvalt.*, of whales; butter and malt paid for rent and *t.* of churchland, O., 1455, 49; teind sheaves of certain land always united to the same, for which the vassal had to pay 6s. 8d. Scots for each meil of cost or otherwise to pay the *t.* sheaves themselves, O., 1563, 142, 144; *t.* sheaves united with lands and payment included in rent, etc., O., 1564, 154, 157; *t.* sheaves, O., 1570, 1582, 203; *t.* and *t.* sheaves included in stock, and paid in malt and meal, and along with other duty in butter, O., 1587, 210, 212; *teynd*, paid to kirk, O., 1603, 224; *do. do.*, O., 1607, 234; *teynd* to kirk, O., 1616, 239.

teind penny and the ferde penny [O.N., *tiundargjöf* ok *fjórðungsgjöf*, the right to give away one-tenth of inherited lands and loose goods, and one-quarter of self-acquired lands

and loose goods without the consent of the heirs]; a man who had acquired by purchase, the share of the estate of the elder of two brothers, is, by the decree of the lawting of O. and by the chapter of the law-book [allowed] to redeem a sister-part of the estate together with the one half of the *tend penny and the ferd*, as the eldest brother [as eldest brother, this man's privilege consisted alone in the right to the chief house, other rights were divided equally and so we find his claim maintained to only half of the *t.p. and the f.p.* and to the redemption of a sister's share, so there must have been two sisters' shares]; O., 1514, 255; in the conveyance of land the appurtenances include all rights of the *t.p. and the f.p.*, O., 1534, 64.

tenandry, [tenancy, but here applied to feudal tenure]; in a feucharter of the churchlands of Birsá they were united, created and incorporated with their appurtenances in one entire and free *t.* to be called the *t.* of Birsá (*in unam integram et liberam tenandriam*), O., 1564, 155; churchlands and appurtenances in S., united, created and incorporated into one entire and free *t.* to be called the *t.* of Grymbusta, S., 1572, 187.

terms:

1535, O., feuduty, in crown charter, payable, Whit-Sunday [May 15] and Martinmas in winter [Nov. 11], 113.

1560, O., feuduty payable *do. do.*, 127.

1560, O., feuduty payable yearly, All Saints' Day [All Hallows, Nov. 1], 133; a malt feuduty to be paid yearly between All Saints' Day and Beltane [May 1], 134.

1564, O., feuduty payable on All Saints' Day [Nov. 1], and the Invention of the Holy Cross [May 3], 158.

1573-4, O., sheriff court called the *hirðmannastefna* held on the

'twenty day of Yule' [i.e., Jan. 13th, St. Hilary's Day, a term or session of the high court of Justice in Eng.; if the year is 1573, it would be a Tuesday, if 1574, a Wednesday], 193.

1575, S., price of land to be paid by instalments on St. Michael's Day [Sept. 29], Yule and St. Olaf's Day [July 29].

1597, S., wadset lands to be redeemed within three terms St. Hans' Day [St. John's Day, June 24], St. Olaf's Day [July 29], and following St. Hans' Day, 95, 97.

1604, O., as April 11 was 'within terms' it was decreed by a bailie court that certain lands should not be divided until Allhallowmas [All Saints' Day, Nov. 1, i.e., until the crops had been cut], 274.

theft, [O.N., *þjófnaðr*, *þjffi*; for penalties see *Þjófabólkr*, N.G.L.]; lands escheitted or forfeited to lord Robert Stewart, feuar of O. and S., 'for certain crimes of theft committed by' the owner who was convicted in a sheriff court called the *hirðmannastefna* held by lord Robert and his deutes, O., 1574, 193.

thienere, [D., *tjener*, O.N., *þjónn*, servant]; sir David Sinclair, knight, our (the king's) beloved man and *t.*, 1491, 56, 57; see also *tiente*.

thirlage, thirl-multure, [Sco., Eng., and Ire., *thirl*, lands bound to grind their meal at a certain mill, *thirlage*, servitude to a certain mill, *thirl-multure*, duty paid for grinding]; *thirlage* and *thirl-multure*, O., 1615, 236, 237.

Thursday, on the Furisday of the lawting, O., 1509, 60.

tiente, [D., *tjene*, *tjente*, to serve, served, O.N., *þjóna*, to serve]; certain dugandi-menn (good men, as witnesses) who *t.* a Shetland landowner, as his men-servants, 1538, 71, 74; see also *thienere*.

tilbiudet, [D., *tilbyðe*, *tilbudt*, to offer], a woman *t.* (offered) and sold her 68al to her brother, S., 1575, 91, 92.

- tildømme, [D., *tildømme*, to adjudge]; a district court in S. *t. oc tiltsagdt haffus* a full and right serious judgment according to Gulathinglaw, 1538, 71, 74.
- tilforne, [D., *tilfor*, formerly]; S., 1597, 95.
- tilliggher, [D., *tilligge*, belong to]; the appurtenances which belong or have belonged (to the land) of old and new, S., 1537, 1538, 69 72, 75.
- tiiltall, [D., *tiiltale*, address for the prosecution; O.N., *tiiltala* = *tiilmali*, *tilkall*]; S., 1538, 71, 74.
- tilth, [Sco., Eng. = cultivation, ploughing, O.E., *tilp*]; entry to lands to be the next t. after owner's decease, O., 1551, 260; a wadset not to be redeemed when 'enclosed within terms in *tilthe* time,' O., 1605, 230.
- toft, [O.N., *toft*, *topt*, site of a house, building ground, e.g. *aðaltuþt*, the original house site of a farm, *almenningsþuþt*, a building site held in common; *uppsátartuþt*, a place for the storage of ships during winter; D., *toft*, enclosed homefield, *tomt*, site (of a building); a homestead, messuage, the land adjacent and belonging to a house, an enclosure, land on which a house has formerly stood, E.D.D.]; S., 1491, 58; O., 1523, 103; 1528, 109.
- tønne, [D. *tønne*, O.N., *tunna*, a barrel]; t. of good meal, S., 1575, 89, 90; 91, 92.
- trang, [D., *trang*, O.N., *þröng*, want, necessity]; S. (Bergen), 1575, 91, 92.
- treaties, 1266, Norway and Scotland, cession of Hebrides and Man, 33, 34, 1269, Norway and England, 35n. 1281, Norway and Scotland, 35n.
- trespass, poaching, etc., pasturing on Sebay, O., 1509, 251, 1519, 62; Scottish fishers in O. and S. forbidden to land on the holmes and out-isles, slay wild fowl, rob birds' nests, take sheep, cattle, or other goods without consent of owners, 1594, 217.
- Trinity Sunday, Fetlar, S., 1558, 79.
- tryg, [D., *tryg*, O.N., *tryggr*, secure]; t. underpant, S., 1597, 95.
- tún, [O.N., *tún*, D., *tun* (1), home-field, the field adjoining the house, (2), farm]; *ut i tuninu a fyrsagðum bæ*, out in the tún of the foresaid house, S., 1299, 38, 39; town [applied to a farm or property] S., 1575, 87; *winne thet helle tuun*, work or cultivate the whole town (farm), S., 1586, 207.
- tunmoll, etc., [O.N., *tún-völfr*, a strip of grass surrounding a house in O. and S., also as *tunwall*, *tomel*, *tumult*]; *tvnmol*, S., 1491, 58; *toumellis*, O., 1523, 103; *toumellis*, O., 1528, 109; *tummellis*, O., 1534, 64; *thowellmells*, O., 1542, 76; *toumellis*, O., 1547, 258, 1557, 262; *tummellis*, S., 1558, 78; *toumales*, 1572, 186, 1572, 190; O., 1574, 193; S., 1574, 196; *tummalles*, O., 1587, 210; *tounmollis*, S., 1589, 93, etc.
- tynsell, [Sco. = forfeiture, O.N., *týna*, to lose, *týning*, *tjón*, loss], O., 1558, 265.
- ubrodteligen, [D., *ubróðelig*, inviolable, O.N., *ú-brigðiligr*]; S., 1538, 72, 75.
- ugan, [? O.N., *afgangr*, surplus]; S., 1510, 61, see *agang*.
- ulie, [D., *olie*, O.N., *olea*, oil]; O. and S., 1594, 217.
- umboð, [O.N. = charge, commission]; S., 1299, 38, 39; *ymbode*, Bergen, 1485, 54; *ymbyse*, O., 1510, 60; *umbouscht*, *oumboht*, O., 1519, 62.
- umbuthiskope, [O.N., *umboðs-kaup*, agent's fee]; S., 1491, 58.
- umboathman, [O.N., *umboðsmaðr*, D., *ombudsmand*, agent, procurator]; O., 1528, 108; *umbosmand*, S., 1586, 206.
- umboths, see *kirk-u*.
- underfold, [D., *underfoged*, under bailiff, see also s.v. *foud*]; Walls, S., 1510, 61, Fetlar, S., 1558, 79.
- underpant, [D. = mortgage, pawn]; S., 1597, 95.
- untauld, [D., *utalt*, O.N., *ú-taldr*, uncounted]; *untauld* money O., 1603, 222.

- ure, [O.N., *eyrir*, ounce, $\frac{1}{2}$ mark, see also *eyrisland*, a different denomination]; *u.* of land, S., 1572, 186.
- use, the price of land to be paid as use, *wisse*, was and is in the country, or then as they can agree, O., 1535, 67.
- use and wont, skatt and tithe to be paid to the king and kirk conform to *u. and w.*, O., 1602, 273.
- uskrabit, [D., *u-skrabet*, O.N., *ú-skrapaðr*, unscratched]; *u.* (no erasures), of a sealed document, S., 1538, 70, 73.
- ustungitt, [D., *u-stunget*, uncut]; of a document, S., 1538, 70, 73.
- uthell, see *ððal*.
- wadmel, [O.N., *vaðmál*, D., *vadmél*, homespun cloth, a standard of payment]; *vedmell*, S., 1506, 250; *watmall*, S. (Bergen), 1567, 82, 84, 85, 86; as currency (see *Shetland payment*), S., 1572, 189; *watmaall*, S., 1575, 89, 90.
- wadset, [Sco. = a handing over or pawning of land subject to redemption, O.N., *veðsetja*, a pawn or mortgage of land]; O., 1530, 256, 1534, 65, 1574, 268, 1605, 227, etc.
- wairdrest, see *worthiest*.
- waith, [O.N., *veiðr*, Sco. *waith*, fishing and hunting, O.N., *veiðimaðr*, Sco., *waithman*, a hunter, fisher or fowler]; O., 1564, 156; S., 1572, 188; *weath*, O., 1587, 210.
- wan, see *vinna*.
- ware oc peninge, [O.N., *vara ok penningr*, D., *varer og penge*, wares and money]; S. (Bergen), 1575, 91, 92.
- ware, [drift seaweed, belonging to riparian landowner]; payment for leave to take *ware*, O., 1519, 62.
- warrant, to *w.* one in lands which had to be set free, S., 1510, 51.
- wattill, [O.N., *veizla* (> S., *vella*, in *landbólavetta*, entertainment given by the tenant to his landlord), entertainment given to the king or earl or his representatives, or a tax in lieu thereof]; O., 1509, 253 [in this case the term is meaningless and is simply an ignorant quotation of appurtenances from a charter], 1564; 156, S., 1572, 189.
- wax (white), for the use of St. Andrew's altar in the cathedral, O., charged as a feuduty for churchlands feued in 23/9/1560, 134.
- wedder, [O.N., *veðr*, a wether], a fat *w.* as a feuduty, O., 1560, 133.
- wegne (paa), [D., *paa vegne*, on behalf, O.N., *á vegna*]; S., 1538, 71, 73.
- weights, measures, currency, [for explanations see s.v.].
- 1455, O., barrel of butter, *mele* (*mælr*) of malt, 49.
- 1506, S., pak of wadmell, 250.
- 1509, O., lispund, *meil* (*mælr*), 253.
- 1538, S., Suetland payment, *q.v.*, 71, 74.
- 1557, O., lispund, 263.
- 1560, O., the filling up of 2 barrels of butter without the wood, 127.
- 1560, O., *meil* (*mælr*) of oatmeal, barrel, 133, stone of butter, 33 *meles* (*mælr*); of sufficient market malt, 134, stone or lispund of butter, 134.
- 1563, O., barrel of butter at £3 Scots, stone or lispund of butter at 5s. [\therefore barrel = 12 lispunds], 143, *mele* (*mælr*) of cost at 6s. 8d.
- 1564, O., 6 settings [O.N., *séttingr*]; = 1 meal (*mælr*) 24 *meils* = 1 last [O.N., *lest*, a ship-load, also a weight = 12 skippund of 20 lispund each], 157; fathom [O.N., *faðmr*] of peats, 6s. [a cubic measurement of peats varying in dimension in different parishes], 157.
- 1568, O., last, *meil*, setting, mark, fathom of peats, barrel of butter, 174.
- 1572, S., barrel of butter weighing 18 lispunds, pack of wadmell, 189 and note.
- 1587, O., 212.
- 1594, O. and S., half-hundred ling, merchant ware and pay, 218.
- 1615, O., 235, 237.
- velbyrdig, [O.N., *velburðigr*, D., *velbyrdig*, well-born]; *welbyrdig*, S., 1538, 71, 73, 1597, 94.
- welfornumstig, see *fornompstoghen*.

vel-, welforstandigh, [D. *velforstandig*, discreet, cf. O.N., *forstön-dugr*, clever (in household matters)], S. (Bergen), 1567, 82, 84, 85, 86, 1597, 95.

velltu jorð (með), [O.N., **veltu-jörð*, *velta*, to turn over, *jörð* land—arable land]; S., 1299, 38, 39.

welwoss, [Sco., *velwous*, velvet]; black w. cote, S., 1506, 249.

welvote, red cote of w. in Ross, left to the high altar of the cathedral of O., S., 1506, 248.

wenligh, [D., *venlig*, O.N., *vinligr*, friendly], w. *forligelse*, friendly reconciliation, S., 1586, 206.

verðaurar, [O.N. = current legal tender]: *uerðavarar* . . . með uelltu iorðu, price . . . of arable land, S., 1299, 38, 39.

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viaticum, see *passport*.

widskap, [D., *vidskap*, knowledge]; S., 1595, 95.

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vinna, [O.N. = to win, gain, till, cultivate, etc.]; *wonnyn*, O., 1480 52; *wan*, S., 1485, 55; *han havir vonnidh min reith*, he has won my right (law case), S., 1491, 58; *woune*, O., 1534, 64; *winne*, S., 1586, 207.

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vitnisburdhar, [O.N., *vitnisburðr*, D., *vidnesbyrd*, evidence]; Bergen, 1295, 37; *witnisbyrd*, S., 1538, 71, 72, 74, 75; *vidnisbyrdt*, S. (Bergen), 1575, 91, 92.

vonnidh, see *vinna*.

wonnyn, see *vinna*.

woog, [O.N., *vág*, *vóg*, *vog*, D., *vagt*, weight]; *Hielllenske w.*, Shetland weight or standard, viz.: 12 shillings of Sh. tland currency in each burnt mark of silver, 1538, 71, 74; see *Shetland payment*.

voon adh vera, [O.N., *án at vera*, to miss], S., 1491, 58.

vordeast, see *worthiest*.

worthiest, [a qualification of 'a landed man roythman,' i.e., an *óðalsmaðr*, who was eligible as a member of an *assize* in O.]; the *vordeast* in *Orkna*, 1509, 60; *wairdrest* and *best* of *landit men*, 1519, 1602, 62.

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voxenn, [D., *voksen*, O.N., *vaxinn*, full grown]; S. (Bergen), 1575, 89, 90.

wrak, [O.N., *vrek*, *rek*, jetsom]; *wrak*, O., 1509, 253, w., O. 1564, 156 S., 1572, 188; *wreak*, O., 1587, 210.

wrayis, [possibly in error for *bayis*, bays; or, O.N., *vreiðr*, *reiðr*, a roadstead]; *sall nawayes slay small fische within the soundis and w.*, O. and S., 1594, 217.

wring, [O.N., *aurr*, O., *uer*, mud, clay, loam + suff. article = *aurinn* > O., *uring*]; O., 1509, 253.

wrisland, see *eyrisland*.

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yeird, [D., *jord*, O.N., *jörð*, earth, land], O., 1542, 76.

yper blak, [Sco., *black*, mourning clothes, and Ypres, cloth from Ypres?]; S., 1506, 249.

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ADDENDUM.

s.v., *lyken cow*; in reply to the compiler, the only Gaelic derivation which the rev. D. Beaton, Wick, can suggest is *laoi'cinn*, a tulohan, or stuffed calf-skin, which was placed beside a cow to induce her to yield her milk; so that a *laoi'cinn* cow would be one which required such an inducement to give milk, i.e., a cow newly calved, without the calf.

INDEX III.

PLACE- AND PERSON-NAMES, AND SAINTS' DAYS.

In cases of names which are both place- and person-names, the place-names are placed first. In accordance with the suggestion of Mr. Roland St. Clair, entries under each name are arranged chronologically and not alphabetically. Patronymics are indexed under forenames and surnames.

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- Maxwell, mr. James, prebendary of St. Cross [Sanday], and chaplain of St. Katherine in the cathedral of O., seal, 1570, 1582, 203, 204.
- Meissegere, St. Andrews, O., 1509, 252; Messeger, Sebay, 1519, 62, 63.
- Mekilquoy, Stennes, O., 1563, 141.
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- Melrose, Laurence, abbot of, 1175, formerly abbot in O., 12 *note*.
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1603, John, merchant, wit., Kirkwall, 226.

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1526, Jas. Mu., burgess, wit., Kirkwall, 105.

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1528, Jas. Murra, wit., Kirkwall, 109.

1547, d. Thomas Mu., Gerth, Stromnes, and sons Bastiane and James, 257.

1547, Bastian, son of preceding, sold Gerth, Stromnes, to his brother James, 257.

1547, Jas., brother of preceding, bought Gerth, 257.

1548, sir Henry Mu., N.P., priest of and born in O., 119.

1567, d. Thomas, of Garth and wife d. Kath. Paplay, and sons, sir Magnus of Widwik and James of Garth, Stromnes, 265, 266.

1567, sir Magnus, of Widwik, son of preceding, sold his part of Garth, Stromnes, to his brother James, 265.

1567, James, of Garth, brother of preceding, bought his brother's part of Garth, 265.

1568, James, earl of Moray, lord Abernethy, regent of Scotland, 173.

1572, d. earl of Moray's heirs, 187.

1574, John Morray, in Zetland, in assize, sheriff court, O., 267.

1587, Thos. Mu. or Morray, bailie, Kirkwall, wit., 214.

Morra, Nordammad, 4 marks land bequeathed by sir David Sinclair, S., to Thome Haa, 1506, 249. [This is probably the *Mure* in the scattald of Hildswik (*Hildsvik*, now Hillswick), in North-mavine, in the rentals of c., 1500, 1628 and 1716. *Nordammad* is probably in error for *Nordan Mawed*, of 1412 (see J.J.); in 1403, *Nordan Mæf-eið*, north narrow-isthmus, now North-mavine].

Morsing, Jens, councillor, Bergen, wit., seal, S. doc., 1575, 91, 92.

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[15]30, Robert, O., 257.

1534, Thomas, wit., O., 66.

1558, Andrew, and wife Essila Tulloch at sjaund of Wm. Tulloch, of Skee, S., 80.

1597, Anders Maath, signed 'A. Mowat, of Howkland,' S., and wife Else Trondsdaater, of Erisfjord, pawned land in S. to Effuurt Sinclair, 94-7.

1612, Malcolm, in Sangwar, wit., O., 276.

Mowbray, Harry, wit., Kirkwall, 1634, 280.

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1560, mr. Wm. Mudy, of Schabuster, wit., Kirkwall, 128.

1567, Thomas Mudie, arbitrator in land dispute, O., 162.

Munkliff Monastery, Bergen, had bequest of Holand, in Dalsford, from Biarne, bishop of O. [1223] 26, 27, 28; Eirik, abbot of M., 1295, 36.

Mussaquoy, Midland, Orphir, 1d. land sold to Robert Haloro, of Cava, 1615, 237.

Myn, Burray, S., 4 marks [king's] land exchanged by sir David Sinclair [found], with John Adamson for Hurre in St. Andrews, O., before 1509, to be restored to J. A. unless Wm. Flett, [heir of sir D. S.], can 'free' Myn to J. A., 1510, 60.

Myre, Midland, Orphir, 1d. land sold to Robert Haloro, of Cava, 1615, 237.

Nederesson, Olaf, S., 1538, 70, 73.

Nes, S., Thorkell, of Nes, 1299, 39; Thos. Tulloch, of Ness, 1514, 1526, 1527, 256, 105, 107; Robert Sinclair of, 1574, 196, 267.

Nesbit, Nisbit :

1467, sir Magnus, chaplain, O., 51. 1538, Rolff Nesbet, lawwrightman, Yell, seal, 70, 72, 73, 75.

1586, James Nysbitt and wife Kathrina Mathisdaatter, Gerdie, Yell, 206, 207.

1586, Magnus *do.*, of Cunningsetter [Yell], 206, 207.

1586, Peter *do.*, of Kirkebusted, [Yell], 206, 207.

Nesthus in Borgh, Qualsø, S., sold by Olaf Perssøn, 1567, 82.

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Newfar, Fredrik, notary, seal, Kirkwall, 1513, 100, 102, wit. and seal, Kirkwall, 1514, 256.

Newhouse, Orphir, 1616, 239.

nicknames :

alfett, *stiff neck or very stout*, S., 1299 (Erlend, 40).

Engilsh or Ingliss, *English*, S., 1485 (Thomas, 54, Peter in Bergen, 1491, 58). [*Ingliss*, English, the name given to the Lowland Scotch language until the end of 15th cent., which only began to be called Scots, Scotch, during second half of 16th cent., see Metcalfe in Jam. Dict. 1910, p. xlvii].

frak, Dan. frak, frakke, *frock*, Bergen, 1485 (Erland Andersson, 54).

Norsk, *Norwegian (language)*, S., 1586 (mr. Magnus N., minister of Yell said to have gone to Norway to perfect himself in Norwegian, 208, f.n. 3).

rostungr, *walrus*, Bergen, 1485 (Endridh Swensson, 54).

Scott, S., 1485. (In 1485 there was an Anders Scott in Yell whose brother John had a dau. Marion Johnsdaughter, also called John Scott's daughter, p. 54. In 1567 there was David Sanderson, p. 82, who in 1575 is called David Sanderson Scott, and his sister Anna Sandersdaughter, p. 91, 92. In Grant's *Zetland Families*, their father is called Alexander Schott Sanders. This may have been a genuine surname with the addition of patronymics, in accordance with the later Norwegian custom, or it may have been originally a nickname for a person who spoke Gaelic or a Gael who had come from Scotland, or a Shetlander who had gone to Scotland and returned to Shetland with a knowledge of Gaelic).

ungi, *young*, S., 1299 (Eirik, 40).

Nicol, Necholl of Culzevo, S., seal, 1589, 94.

Nicolaus, cardinal, papal legate in Norway, 1154, 18, 19, 1206, 26.

Nicolaus, of Anynd, canon of St. Magnus, O., 1422, 43.

Nicolson:

1594, mr. John, procurator for commrs. of Pittenweme, 215, 219.

1613, David, wit., Kirkwall, 278.

Nidaros, archbishops, 1192, 20, 21; Thorir, 1206, met. of O., 26; Peter, 1226, 28, 29; Sigurd, 1237, 29, 30; confirmed as met. of Hebrides and Man after their cession to Scotland, 1266, 33; see also Trondhjem.

Niels, Nils (forename):

1485, Willemsson, lawman of S., with lawman of Gulathing issued a brief at Bergen concerning restitution of lands in S. and appended seal, 54.

1538, Thomasson, of Eide, lawman of S., sealed a doom, 70, 72, 73, 75.

1567, Helgesøn, skipper, Faroe, seal to S. doc. in Bergen, 83.

1567, Monsøn, born in S., sold Gerde in Yell, at Bergen, 85.

Nielsson, Nilsson:

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1538, Thomas, councillor, Bergen, 70, 73.

1538, Thomas, Yell, 71, 74.

1567, Olaf, Bergen, 86.

Nore, Jhone, in assize, O., 1509, 252.

Norsk, mr. Mons, minister of Yell, seal, 1586, 207. See also nicknames.

Northmaven, sir David Tulloch, vicar, 1480, 53; sjaund held at Olabere, 1558, 80; 89 marks, bishop's land, feued to lord Robert Stewart, 1572, 186.

Norway, 2, 3; bishoprics paying Peter's pence, 1192, 21; 33, 35n; sir David Sinclair, S., left to Thome Bosvell his best... 'which came home to me with his ship out of *Norrowaye*,' 1506, 250; Fedie, near Bergen, 1567, 82; Olaw Andrewsson, of S., went to N., 1574, 195.

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1119, Sigurd (1103-1130), 14.

[1125], Sigurd, admonished by Pope to reseal Radulf, the York bishop of O., 15, 16.

c. 1154, Ingi, Sigurd and Eystein, 19 note.

1247, king recommends Pope to grant dispensation to Henry, canon of O., to be cons. bishop, 32, 33.

1266, Magnus IV. ceded Hebrides and Man to Sco., the 'annual' to be paid to the king's bailiff (sýslumaðr) in O., 33, 34. [The N. king's bailiff would have been in O., 1194-1379, the period during which half the fines in O. were payable to N. See pp. xxix., xxx.]

1273, Magnus, 38 f. n.

1299, Hakon Magnússon highleg, suc. his brother Erik, Augt. 16th, 38 f. n.

1422, 43.

1491, Hans (John), granted Norwegian crown rights and revenues over the church in O. to sir David Sinclair, S., 56.

Odnes, Wm., Grot, in, 1611, 1612, 276.

Odstay, S., Jacob Erikson of, 1558, 79.

Øffrebøster, Wisdæl, S., 12 mark lands (at 8d. per mk.), pawned by Else Trondsdaatter to Euert Sincklar, 1597, 95.

Oke, dr. Jhone, de Gesteria, bequeathed 12 ells of 'yper black,' 2 rose nobles, saddle, and half of a short black velvet coat, by sir David Sinclair, S., 1506, 249, 250. [In 1512, dr. Hans Eek (Ek), of Gestrýaland (Gestrikland, Sweden), vicar of Scatzta, and chaplain of king James of Scotland, sold 12 marks burnt of land, being the half of Sandfríarøð or Sandfríjdarey ('Sandfríðarey, now Samphray), in Yell Sound, Shetland, which had been left to him by the testament of her Davidh Syncklar, DN III., 763. This bequest is omitted in the translation of the testament printed here, p. 247.]

Olabere, Northmaven, S., sjaund, held 1558, 80.

Olaf, Olave, Olaw (forename):

1433, his house in Kirkwall adjoined that of Duncan of Law, 246.

1465, Arnason, seal, S., 47.

1491, Magnusson or Mawnisson, sold 9 marks land in Houle, Unst, to sir David Sinclair, 58.

1538, Nederssøn, member of a court in Yell, 70, 73, seal, 72, 75.

1538, Ormsson, councillor, Bergen, 70, 73.

1538, Persoun, councillor, Bergen, 70, 73.

1538, Perssøn, in Boenesse, S., member of a court in Yell, 70, 73, seal, 72, 75.

1538, Torstenssøn, servant to Wm. Gerualdson, Yell, when he d., before 1538, 71, 74.

1567, Monsøn, Gerde, Yell, d. before April 27, 85, 86.

1567, Nilsson, a smith, a 'good man,' wit., Bergen, 86, 87.

1567, Perssøn, Fedie near Bergen, sold his odal Nesthus in S., 82, 83.

1574, Androissoun, of Hammer, Unst, went to Norway without license and had his odal lands escheated by lord Robert Stewart, 195.

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1537, Anna, sold Hawnavee in Lunningest, 68.

1575, Maritte, wife of Sander [Scott], of Raeford, S., d. before 16/8/1575, 91, 92.

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1538, Magnus Olssøn, Gerde, Yell, 71, 74.

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Omond, Omondson, Ewmondson:

[15]30, Thome, wadset markland in Kirkbuster, Orphir, to Peter Rusland, 256.

[15]74, Edward Omondston, redeemed markland from John, son of Peter Rusland, which had been wadset for £7 Scots (£1 5s. 6d. stg.), O., 268.

1602, Richard Ewmond in Clouston had wadset of $\frac{1}{2}$ markland there, from Janet Clouston. O., 272.

1604, [d.] Edward Owmond, Ewmondsone or Omond, had exchanged a mark land in Hara

with Robt. Hutcheon for a markland in Kirkbuster, Orphir, which was disputed by his son and heir, Ritchart Owmond, 1604, 1606, 274.

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- Owskare, holm of, given by king
 James to sir James Sinclair,
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- Oxvoo, all sir David Sinclair's brutal
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- Oyce [O.N. óss, river mouth] of Kirk-
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- Papdail, O., 9 penny lands, with the
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- Papey, O., Pappay, 1506, 249; holm
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- Papey Stoor, S., Papey, duke Hakon's
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- 1576, Stephane, wrote decret of
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- 1580, Magnus, wit., Kirkwall, 199.
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- 1525, Alexr., wit., 251.
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- 1523, sir Henry, vicar of Halkirk
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