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Records of the Parliaments of Scotland

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Translation MSS Search here

1318, 3 December, Scone, Parliament

Parliamentary Record

3 December 1318

Legislation: statutes of the 1318 parliament

Legislation: ordinance

+ Additional Record

+ 1319, 10 December, Berwick

+ 1320, 14 March, Newburgh

+ 1320, 6 April, Arbroath

+ 1320, Early August, Scone

+ 1321, 9 July, Perth, Parliament

+ 1321, 22 September, Edinburgh

+ 1323, 7 June, Berwick

+ 1323, 25 July, Scone, Parliament

+ 1324, 7 November, Berwick

+ 1325, 26 March, Scone

+ 1326, 15 July, Cambuslang

+ 1327, 8 March, Holyrood

+ [1327], 4 April, Stirling

+ 1328, 28 February, Edinburgh

Robert I: Translation

1318, 3 December, Scone, Parliament

Parliamentary Record

3 December 1318

Legislation: statutes of the 1318 parliament

[1318/9]*

That no-one should disturb a tracking dog

Item, it was ordained and assented that no-one should disturb a tracking dog or the men coming with it for pursuing thieves or seizing malefactors, and also not trouble men without a tracking dog pursuing thieves with their goods. And anyone who shall do the contrary and be convicted or attainted in the presence of the justiciar concerning this should be adjudged as one who harbours a transgression.†

[1318/10]*

Concerning the method of taking poinds †

Item, it was ordained and assented that no-one henceforth should take a poind in

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The Records of the Parliaments of Scotland to 1707, K.M. Brown et al eds (St Andrews, 2007-2013), date accessed: 15 March 2013

Robert I: Translation > 1318, 3 December, Scone, Parliament > Parliamentary Record > 3 December 1318

[1318/1]¹

Legislation: statutes of the 1318 parliament

Statutes of King Robert

Mandate of the Lord King Robert for the observation of the statutes written below.

Robert by the grace of God king of Scots, to his justiciars, sheriffs, provosts and their bailies, and all the other faithful men to whose notice the present letters shall come, greeting. Know that, by the counsel and express consent of the bishops, abbots, priors, earls and barons and all the community of our kingdom in our full parliament held at Scone by our royal authority on the Sunday after the feast of St Andrew the Apostle, with a continuation of following days, in the thirteenth year of our reign [3 December 1318], the statutes written below were composed and established. Wherefore we command and firmly instruct you that you cause the said statutes to be read and proclaimed publicly at our courts to be held in your bailiaries and in other places where people often assemble, and to be observed inviolably by all as much in the courts of prelates, earls and barons and all others who hold courts as in our own courts; [and] we wish that these people should be given a copy of the statutes by you in order that they do not hold themselves to be excused by ignorance of the same.

[1318/2]²

The heading concerning the place, time and manner of the published statutes

In the name of the holy and indivisible Trinity, the Father, Son and Holy Ghost, amen. Robert by the grace of God king of Scots, in the thirteenth year of his reign, on the first Sunday after the feast of St Andrew the Apostle, with a continuation of following days, presiding at Scone in his full parliament held and had in the same place, after solemn discussion with the bishops, abbots, priors, earls and barons, and the other magnates and the whole community of his kingdom assembled in the same place, upon diverse and arduous business concerning him and his kingdom and which may concern [him] in future, for the honour of God and the holy mother church, for the repair of his land, protection of his people and for maintenance and affirmation of the peace of his land, by the common counsel and express consent of all the aforesaid prelates, earls, barons and freeholders and all the said community, ordained, composed and established the statutes written below, to be observed by his whole kingdom inviolably in perpetuity.

[1318/3]³

**Concerning maintaining the rights and liberties of the church, and that
nobody lodge in the houses or granges of ecclesiastics to the harm of the
same**

Firstly the lord king [*Robert I*] decreed that the holy Scottish church be maintained in peace with its rights and liberties in all ways, and that the holy church and holy religion be maintained and protected from oppressions, burdens and troubles brought against the same before these times. As a result of which things the lord king wishes and commands that nobody henceforth shall be lodged in the houses or granges of religious or ecclesiastical men to the destruction of them or the goods of the same.

[1318/4]⁴

Concerning holding and observing common law and justice

The lord king wishes and commands that common law and common justice should be done as much to paupers as to wealthy people according to the ancient laws and liberties used rightly before these times.

[1318/5]⁵

**That nobody be redeemed who shall have been convicted of murder, rape
or other things touching life and limb**

It was ordained and assented by way of statute by the lord king that, if anyone in the past, from this hour on, of whatever status they shall be, shall have been convicted or attainted of homicide, rape, theft or other offences touching life and limbs, that common justice be done on this account without redemption, saving royal power and saving the liberties specially granted by the kings of Scotland ancestors of the lord king who now is, and by him, to the church and ecclesiastical persons and to other lords.

[1318/6]⁶

**Statute concerning transgressions which are made by those who come to
the army**

Item, it was ordained and assented concerning those who come to the army that, if anyone, of whatever status they shall be, shall commit in any way murder, rape or theft on the land of another, coming, stopping there or returning, they should be indicted in the presence of the justiciar, and the complaint of the party who was injured should be received in the following way: that the bailie in whose bailiary such a malefactor dwells should have the mandate of the justiciar in whose justiciary the transgression was done, that he should be attached to come in order to answer there where the transgression was done as well for the harm of the [injured] party as for the lord king's indictment, and should be punished according to the manner and extent of the offence according to the form of law, because such a crime cannot be declared in any other way.

[1318/7]⁷

**How those coming to the army shall be maintained where they pass
through and the manner in which those coming shall bear themselves**

Item, it was ordained and assented that those coming to the lord king's army in defence of the kingdom should be maintained reasonably in those things which pertain to their sustenance [and] for their money, according to the market price of the region where they travel (and they should not seize anything without the consideration of the bailie or the nearest neighbours through the area where they are travelling), with this proviso, namely, that if they cannot be answered by the bailie, nor to be maintained in return for their money, they shall not seize anything, unless only for their sustenance, [and] without causing damage under pretence of buying, just as they wish that it be verified in the presence of the justiciar (if the bailie is absent) without deceit. And if they do otherwise, that transgression should be returned as robbery. And that each lord should come provided for the army in transport and victuals just as he [in turn] would wish to be served. And if he is from distant parts [so] that he shall not be able to bring victuals, he should come provided with money for buying, and not [travel] in the hope of burdening the countryside without making payment.

[1318/8]⁸

How indicted persons shall be essonzied⁹

Item, it was ordained and assented that no indicted person should be essonzied before the justiciar of Scotland in holding his pleas, except only for the king's service (and he should present the king's letter upon this for warrant) or for the essonzie which is called bed-evil¹⁰; on condition that such an essonzie be received in court before the justiciar and in the presence of the essonziers, then it should be newly inquired by a good assize if there is such illness, without deceit, that the essonzier cannot appear. And if it should be adjudged differently, both the attainted and his pledges should be amerced for the default of appearance [in court].¹¹ And the indicted person should have a new day for appearing in the same form.

[1318/9]¹²

That no-one should disturb a tracking dog

Item, it was ordained and assented that no-one should disturb a tracking dog or the men coming with it for pursuing thieves or seizing malefactors, and also not trouble men without a tracking dog pursuing thieves with their goods. And anyone who shall do the contrary and be convicted or attainted in the presence of the justiciar concerning this should be adjudged as one who harbours a transgression.¹³

[1318/10]¹⁴

Concerning the method of taking poinds¹⁵

Item, it was ordained and assented that no-one henceforth should take a poind in another person's land or feu for a debt owed to him without the king's bailie, or the bailie of the place. And that poind should be measurable according to the amount of the debt granted. And that henceforth no-one should be poinded for any debt unless he is the debtor or pledge of that debt. And that no-one should

distrain outwith his feu for a service that is owed for a tenement held of him, nor make a superfluous distraint. And poinds and distrains made should be retained in those baronies where they were made, if the distrainer has a place where he can place such poinds and distrains. And if not, they should be held in the nearest adjacent barony within the same sheriffdom, except castles and fortalices.¹⁶ And if anyone shall act against this statute and be convicted or attainted upon this, he should be in the lord king's heavy forfeiture as of having breached the lord king's statute.

[1318/11]¹⁷

**That no-one take a redemption from thieves except those who have royal
privilege concerning this**

Item, it was ordained and assented that no-one take a redemption from a thief, and whoever does [this] and who shall be convicted and attainted concerning this should be in the king's heavy forfeiture and return the fine which he took from the thief to the king; and he who will give the fine should have judgement as a proven thief. And if that person who receives the redemption shall not have the ability to pay the king's forfeiture, he should be punished by a heavy imposition at the king's will; saving, nevertheless, the liberties of those lords who have liberties in such matters granted to them by the kings of Scotland or by the present king.

[1318/12]¹⁸

Concerning the method of repledging a man out of the court of another

Item, it was ordained and assented that no-one shall repledge a man out of the court of another unless he should be his liege man, whether holding land of him, or remaining in his service as [part] of the free family, or by his near kinship.

[1318/13]¹⁹

**Concerning the method of fishing in waters where the sea flows, and the
penalty of transgressors in a matter of this sort**

Item, it was ordained and assented that all those who have cruives, fisheries, ponds or water-mills where the sea climbs and draws itself back and where young salmon, smolts or the fry of other kinds of fish of the sea or fresh water descend and ascend, such cruives and machines placed below should be at least the measure of two inches in length and three inches in breadth, so that no fry of fish are impeded from ascending and descending, according [to the way] that they can freely ascend and descend everywhere. And if anyone does the contrary and should be convicted or attainted concerning this, he should have imprisonment for forty days, and notwithstanding should be amerced heavily. And the king forbids that anyone presume to fish for salmon or young salmon at prohibited times upon the ancient penalty. And that each sheriff in his sheriffdom should cause this statute to be kept in all manner of waters upon the king's heavy forfeiture and present any defaults before the justiciar in his ayre.

[1318/14]²⁰

Concerning the method of entering repledged animals

Item, it was ordained and assented that if a live or dead beast should be repledged to enter in any court, the lord of that court and his bailies should cause his court to be held in a convenient place where beasts and things thus repledged can come with ease and without disturbance. And anyone who does otherwise and his malice shall become known and attainted, should be in an amercement of £10.

[1318/15]²¹²²

How a brieve of dissasine can proceed and how [it is] to be petitioned

Item, it was ordained and assented that, because before this time the brieve of novel dissasine²³ was not usually petitioned nor carried except upon a tenant, both where a tenant entered by the infestment of another as well as when by his own dissasine and wrong, the king wishes and decrees that henceforth both the dissaisor and infestor, if he lives, as well as his tenant, be named in the brieve of novel dissasine. And if many dissaisors should cause one dissasine and the principal dissaisor should die before the dissaised person shall have recovered his estate, on account of this the dissaised person should not lose his ability to recover by a brieve of novel dissasine as long as he can find a living tenant or dissaisor who was present when the dissasine was made. And if a tenant infested in such a way shall petition a brieve of warrandice concerning a charter pending an assize against his infestor (or his heirs if he so wishes), because of this, nevertheless, the assize should be taken at the first day of it being pleaded. And if the assize passes [judgement]²⁴ for the complainer, each of the dissaisors should be liable to the person who has been dissaised to meet his losses according to the time during which he held the tenement after the dissasine had occurred. And whoever have been found to be dissaisors by use of force and arms after the publication of this statute, let him²⁵ be adjudged for prison and heavy amercement at the king's will. And this statute of dissasine [which has been] made should have effect after the statute is published and not before.

[1318/16]²⁶

How it is to be pleaded upon broken conventions, notwithstanding less allowable exceptions

Item, because many complainers and defenders have been burdened and amerced in many courts of the kingdom of Scotland by exceptions and non-allowable accusations, it was ordained and assented that the statement of claim in pleas of convention should not be broken or accused in any court until the complainer or his advocate say the year and day the convention was made, the manner of the convention and how the convention was made, and what damage he had by the convention not having been observed.

[1318/17]²⁷

How it is to be pleaded upon asking for debts

Item, in pleas of debt the year, day, amount of the debt, cause for which it is owed, and when it must be paid, and the exact damages should be specified.

[1318/18]²⁸

How it is to be pleaded concerning the seizure of chattels

Item, in pleas concerning the seizure of chattels the year, day, place that the chattels were seized and where they were detained, the number of the chattels and the damage should be specified exactly; and similarly in all manner of actions of injury, great or small, in all courts, the year, day and place where the injury was made, the manner of the injury and the damages should be named precisely.

[1318/19]²⁹³⁰

**Concerning the defence [of] torte and unreason which is called wrang and
unlaw**

Item, that no defence should be accused nor a defender be undefended so long as the defender or his advocate defends torte and non-reason which is called wrang and unlaw, and the precise damages which shall be specified by the complainer. And in the same manner where a man is accused in the court of another, let there be a defence by demanding the court of his lord and by not defending the principle of the charge put to him, unless he wishes to answer it there; saving the law and custom of the burghs which is for exactly defending torte and unreason, namely wrang and unlaw, without further demanding his court.

[1318/20]³¹

Concerning defending, and how they will reply to his advocate

Item, that a defender or his advocate should not be bound to answer before the complainer or his advocate has spoken first or gone through his questioning; with the proviso that no-one should be suddenly silenced in the course of his speech.

[1318/21]³²

**How response is to be made concerning brieves of right and of
mortancestry**

Item, in brieves of right no tenant or his advocate should be bound henceforth to defend a right demanded at the first reading of the brieve of right, nor to say anything, until the pursuer or his advocate should have [made] a speech or discourse against him, neither should the tenant nor his advocate be accused as not defending nor amerced as long as he defends the wrong and deforcement and the right of the pursuer before their departure out of the court. Similarly the tenant or his advocate should, neither in brieves of mortancestry nor brieves of novel dissasine, be bound to defend the wrong, or the wrongful detention, or the dissasine, or to say anything before the brieve is read through; but after the brieve has been heard he should answer on his behalf what seems good to him.

[1318/22]³³

**That no-one inflict harm on anyone, against law, because of disputes arising
from the war or other disagreements**

Item, because disagreements and grievances arose between certain magnates and nobles of the kingdom after the death of the lord Alexander [III] king of Scotland of good memory, the lord king, for the nourishing of good love between the nobles of the kingdom and for maintaining his firm peace between them and between his people mutually, has commanded and forbidden that henceforth any³⁴ person cause damage, burden or harm to another, or to any of his men, or procure [it] to be done secretly or openly. But if anyone shall wish to complain concerning another person, he shall have his suit according to the laws of the land. And whoever shall do otherwise and shall be convicted or attainted concerning this should be accused of having broken the peace of the lord king and his statute.

[1318/23]³⁵

Against conspirators and authors of rumours

Item, the lord king [Robert I] decreed and forbad that anyone³⁶ should be a conspirator or an inventor of tales or rumours by which a source of discord shall be able to arise between the lord king and his people. And if anyone such shall be found and attainted he should be immediately arrested and sent to the king's prison and be kept there securely until the lord king shall command his will concerning him.

[1318/24]³⁷

**That no officer of the king should favour another's cause in the lord king's
court by reason of champerty³⁸**

Item, the lord king [Robert I] decreed and forbad that any³⁹ chancellor, chamberlain, justiciar, sheriff or other bailie, or their clerks or sub-bailies, should be supporters or maintainers of pleas or complaints in the king's court, or take land or any other thing, by champerty, for delaying or proroguing anyone's right outwith the form of law. And whoever shall do [so] and shall be convicted and attainted concerning this, should be put to ransom at the king's will and lose his employment for his whole life.

[1318/25]⁴⁰

A correction to the statute upon the process of a brieve of recognition

Item, because before these times a brieve of recognition has not been valid except by the death of six persons, namely by the death of a father and mother, brother and sister, uncle and aunt, it was ordained and assented that henceforth a pursuer may have a brieve of recognition as well of a grandfather or grandmother as by the death of a father or mother. And this statute should not have effect except for those whose ancestors died seised after this statute was made, and not before.

[1318/26]⁴¹

**That no cleric or layman should carry off any goods out of the kingdom
during the war**

Item, it was ordained and assented for the common profit of the kingdom that, because the king's land is at war, it is not proper because of this that his kingdom should be impoverished by alienations of goods exported out of the kingdom. The lord king [*Robert I*] wishes and commands that no ecclesiastical person, of whatsoever condition or estate he be, who has anything within the kingdom, nor any layman who has rents or possessions, should presume to carry or send away property, rents or possessions out of the kingdom without the king's special licence, and this by the king's letters, until the king shall have ordained otherwise concerning his war in this case. And if anyone within the kingdom should be convicted or attainted of such an alienation he should be adjudged to the king's imprisonment and should be put to ransom at the king's will. And notwithstanding he should return to the lord king that sum which he carried or sent out of the kingdom.

[1318/27]⁴²⁴³

**That no-one be ejected from his free holding without the king's pleadable
brieve**

Item, it was ordained and assented that no-one be ejected from his free holding in which he claims he is vest and seised as of fee without the king's [*Robert I*] pleadable brieve or such a kind of brieve as is similar, and unless the party is reasonably forewarned for a certain day and place concerning his free holding.

[1318/28]⁴⁴

Concerning not allowing a malicious essonzie

Item, it was ordained and assented that, since many people of the land are deferred from their right by malicious and unreasonable essonzies, namely by those who come personally into court and afterwards maliciously take themselves away, cause themselves to be essonzied on the same day, that such an essonzie should not be allowable nor be accepted but should return in default.

[1318/29]⁴⁵

**Concerning the equipment of those coming to the war according to [the
amount] they have in goods**

Item, it was ordained and assented that each layman of the kingdom having £10 in goods should have for his body in defence of the kingdom a sufficient haqueton,⁴⁶ a basinet, and mailed gloves with a lance and sword. And anyone who shall not have a haqueton and a basinet should have a good habergeon⁴⁷ or a good iron [coat of mail] for his body, a cap of iron and mailed gloves, so that each should be prepared with the said equipment around the octave of Easter next to come [15 April 1319]. And whoever has £10 in goods [and] shall not then have all the said equipment of arms should lose all his goods. With the proviso that the lord king [*Robert I*] should have a half of the goods and the lord of he who was found to be in default should have the other half. And the lord king wishes that each sheriff of the kingdom with the lords of places should investigate concerning

these things and immediately cause a muster after the aforesaid octave of Easter. Moreover the lord king wishes and commands that anyone having the value of one cow in goods should have a good lance or a good bow with a sheath of arrows, namely twenty-four arrows with the pertinents, under the prescribed penalty.

1. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
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9. 'Essonzie' is a Scots legal term equivalent to English 'essoine', meaning 'excuse', especially in relation to being excused from attendance at court.
10. 'Maudelyt' (in other versions 'maledelite') was always translated in later vernacular Scots legal texts as 'bed-evil', a literal translation of the French 'mal de lit' (see *DSL*).
11. 'Introitus' has an (English) legal sense of 'appearance in court'. Its usage here, with a high proportion of law French derived words, may suggest the influence of English practice in the drafting of the acts.
12. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
13. 'Transgressor(s)' may be a preferable reading, and this is the reading found in MS D ('transgressorum').
14. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).

15. The Latin 'namum' or 'namus' translates as the noun 'distrain' in an English context. Legal Scots included both 'distrenze' (a verb and the verbal noun 'a distrenzeing') and 'poind' (a verb or noun), with similar meanings (See *DSL*). A differentiation is made in this act between 'namum' and 'districtio' which has been reflected in the use of 'poind' and 'distrain', although the overall implication is that 'poind' and 'distrain' are synonymous.
16. Possibly 'forcelets', with the meaning 'a small castle/fortalice'.
17. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
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 22. See H. L. MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh, 1993), 146-53, for a full discussion of this act.
 23. 'nova dissasyna' is sometimes translated as 'new dissasine' in Scots (see MacQueen, *Common Law*, 136-166). 'Novel' better represents the true meaning of 'recent dissasine' which attached to the phrase in its early history (*ibid.*, 145-6).
 24. 'passes' here has the legal sense of 'passes judgement'.
 25. *Sic*, the MS text sentence begins in plural and concludes in singular.
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30. Torte, unreason (or non-reason), wrang and unlaw (or unlauch) are all legal terms which are not readily translatable into modern English. See discussion in MacQueen, *Common Law*, *per index*.
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34. The Latin translates literally as a double-negative: '... forbidden henceforth than no person ...'.
35. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
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38. Champerty is an illegal bargain, by which one party promises to aid another in a suit, and to take a share of the proceeds.
 39. The Latin translates literally as a double-negative: '... forbad that no chancellor ...'.
 40. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
 41. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
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43. See discussion of this act, and pleadable briefes in general, in MacQueen, *Common Law*, 106, 105-35.
44. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
45. This edition of the Latin text of the legislation of December 1318 is based on A. A. M. Duncan's edition in *RRS*, v, no. 139. The editors would like to thank Prof. Duncan for permission to reproduce (with minor differences) his version here. The version found in NLS Adv. 34.4.2, f.119v-125r, written in an early 14th century hand (referred to as 'B' in the notes) is given here in all cases. Popups in the Latin text record the variations in other MSS. The legislation is recorded in three other MSS: the Ayr MS, NAS PA5/2, f.42r-49v (written in an early 14th century hand) [A], with interlineations in a 15th century hand [A1]; BL, Additional MS 18 111, f.110v-115v [C]; Marquess of Bute, Bute MS (photostats held in EUL), f.147-150 [D]. A differs from B in only minor details. D differs considerably, and has been argued to come from a different original (*RRS*, v, p. 414). C is related to D, but abbreviated and without rubrics. Printed in *APS*, i, 466-474 (from A and B) and *Arbroath Liber*, i, no. 301 (from B). *APS*, i, includes a Scots vernacular version and two further statutes which are found with the 1318 statutes in the Cromertie MS and are present in other MSS. Neither of these statutes is properly part of the 1318 legislation (see further detail in *RRS*, v, no. 139, pp. 414-415).
46. Also known as an acton; a stuffed jacket or jerkin worn under the mail.
47. The spelling suggests habergeon, 'a sleeveless coat or jacket of mail or scale armour' (*OED*), but the larger hauberk 'a long coat of mail, or military tunic' (*OED*) may be meant.