ISSN 1753-2396 (Print)
ISSN 2753-328X (Online)

Journal of
Irish and Scottish Studies

Articles

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Volume 9, Issue 2
Pp: 50-69
2018
Published on: 1st Jan 2018

1495
ABERDEEN
UNIVERSITY PRESS

Arbitration in Late Medieval Scotland: 'bon accord' in Urban and Rural Contexts

Jackson W. Armstrong

'…it is gude thing and meritory to make frenschippe vnite and gude concorde betwix partyes discordand': With these words in 1416 the fourth earl of Douglas rehearsed a normative framework for peacemaking which sought to replace discord with concord.[1] He did so as he gave his interim award in a property dispute between the monks of Melrose Abbey and a local landowner, John Haig of Bemersyde, over territory near to the border with England. Similar sentiments can be observed elsewhere in Scotland in the fifteenth century, as in the burgh of Aberdeen in 1458, when 'concorde' and 'cordance' were made between two clergymen in relation to a dispute over an altar within the main parish kirk of St Nicholas.[2] Such words which derive from Latin *cor, cordis* – the heart, the seat of emotion and wisdom – were part of a constellation of words intimately linked with conflict and dispute. In another case heard before the town's bailies in 1493, record was made of the ritual submission one clergyman would undertake in order to ask the man whom he had offended for 'forgivnes' and to 'remitt the rancour of his hert'.[3] Indeed the pervasiveness of such '-cor' words is also captured in the name of Aberdeen's annually elected lord of misrule, the so-called abbot of *Bon Accord,* which was also the civic motto on the town's seal matrices of 1430.[4]

This essay is about arbitration in Scotland in the fifteenth century, and it

[1] C. Innes (ed.), *Liber Sancte Marie de Melros: Munimenta Vetustiora Monasterii Cisterciensis de Melros,* Bannatyne Club, 2 vols (Edinburgh, 1837), II, no. 540, 539. I am grateful to my co-editor of this special issue Dr Andrew Mackillop, Professor Michael P. Brown, editor of *JISS,* Professor J. D. Ford, and an anonymous reviewer for their comments on this article. I wish to thank the audiences who allowed me to present earlier drafts in Mainz, Giessen and Aberdeen. Any errors remain my own.

[2] In the 1416 award Haig appears as 'an honorable Sqwhiar John *th*e Hage lorde of Bem*er*side'. For 1458 see Aberdeen City & Aberdeenshire Archives (ACA), Council, Baillie and Guild Registers (CA) 1/1/5/2/810; E. Gemmill (ed.), *Aberdeen Guild Court Records, 1437–1468* (Edinburgh, 2005), 170.

[3] ACA/CA 1/1/7/417; J. Stuart (ed.), *Extracts from the Council Register of the Burgh of Aberdeen, 1398-1625* (*Abdn Counc.*) 2 vols (Aberdeen, 1844-48), I, 419. A similar submission appears at ACA/CA 1/1/7/783; *Abdn Counc.,* I, 59.

[4] *Abdn Counc.*, I, 418.

addresses the subject through sources arising from two geographical contexts: the rural far South of the realm (known as 'the marches' towards England, more often simply called 'the borders'), and the burgh of Aberdeen in the North East. In the context of this special issue the purpose is to offer a preliminary examination of how urban records may be put into thematic comparison with evidence from outside towns, and to raise questions for further study. Although distant from each other, in both the rural marches and urban Aberdeen a Scots-speaking cultural heritage predominated (described in the period as 'Inglis', part of a continuum of West Germanic vernaculars) which was distinct from the Gaelic cultural and linguistic patterns typically associated with the Scottish Highlands and the western seaboard orientated towards the Hebrides. The present article aims to challenge a framework of analysis that separates the rural from the urban, and to bring urban records into the wider discussion of conflict in late medieval Scotland. A considerable amount of work has been done to inform our understanding of conflict and law in late medieval and early-modern Europe.[5] Some of this scholarship is informed by an interest in the complex and problematic concept of 'feud', which is now well-understood to have existed in many parts of Europe as a legal (as opposed to extra-legal) phenomenon.[6] In Scottish historiography, the topic of 'feud' has been of some importance; however, it has not been investigated with urban records to the fore.[7] By contrast, various aspects of social conflict in towns elsewhere

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[5] Important surveys include: W. C. Brown and P. Górecki, 'What Conflict Means' in W. C. Brown and P. Górecki (eds), *Conflict in Medieval Europe* (Aldershot, 2003), 1–36; S. Carroll, 'Introduction' in S. Carroll (ed.), *Cultures of Violence: Interpersonal Violence in Historical Perspective* (Basingstoke, 2007), 1–43.

[6] J. B. Netterstrøm, 'Introduction: The Study of Feud in Medieval and Early Modern History' in J. B. Netterstrøm and B. Poulsen (eds), *Feud in Medieval and Early Modern Europe* (Aarhus, 2007), 9–67; S. Carroll, *Blood and Violence in Early-Modern France* (Oxford, 2006); S. A. Throop and P. R. Hyams (eds), *Vengeance in the Middle Ages: Emotion, Religion and Feud* (Farnham, 2010); Robert Bartlett, '"Mortal Enmities": The Legal Aspect of Hostility in the Middle Ages' in B. S. Tuten and T. L. Billado, *Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White* (Farnham, 2010), 197–212.

[7] J. M. Wormald, 'Bloodfeud, Kindred and Government in Early-Modern Scotland', *Past and Present,* 87 (1980), 54–97; K. M. Brown, *Bloodfeud in Scotland 1573–1625* (Glasgow, 1986); see K. M. Brown, 'Burghs, Lords and Feuds in Jacobean Scotland' in M. Lynch (ed.), *The Early-Modern Town in Scotland* (London, 1986), 102–24. More recent statements include essays collected in S. Boardman and J. Goodare, (eds), *Kings, Lords and Men in Scotland and Britain, 1300–1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014); J. W. Armstrong, 'The Justice Ayre in the Border Sheriffdoms, 1493–1498', *Scottish Historical Review,* 92 (2013), 1–37. An important but unpublished study is S. I. Boardman, 'Politics and the Feud in Late Medieval Scotland', PhD

in Europe have not been ignored.[8] The present focus is on arbitration as a process of disputing, and of conflict management more generally. Evidence for a variety of processes of 'dispute resolution' between parties is brought under consideration here – all of which share the common feature that they were not decisions handed down by in-court judgement. This evidence is not confined only to those records which explicitly identify 'arbitration' in formal terms. Late medieval Scottish society was generally comfortable with a certain amount of plasticity in legal terminology, itself telling of a culture of law and conflict which emphasised pragmatic flexibility over rigid formality.[9] More particularly, attention in this essay is especially on the matter of *who* did the arbitrating – a focus on the 'institutional' rather than 'intellectual' structures of legal culture.[10] This can be approached both through the language used to describe normative frameworks and expectations, and the evidence for the mechanics of arbitration itself.

The study of early arbitration in Scotland has focused on the sixteenth-century evidence, whereas there is a comparatively well-developed literature on arbitration in late medieval England.[11] For Scotland arbitration has been

dissertation (University of St Andrews, 1989). Indirectly related work on towns can be found in E. Ewan, 'Disorderly Damsels? Women and Interpersonal Violence in pre-Reformation Scotland', *Scottish Historical Review,* 89 (2010), 153–71; J. R. D. Falconer, *Crime and Community in Reformation Scotland: Negotiating Power in a Burgh Society* (London, 2013).

8 For recent examples see: C. Hess, '*Nigra crux mala crux:* A Comparative Perspective on Urban Conflict in Gdansk in 1411 and 1416', *Urban History,* 41 (2014), 1–16; M. Phillips, 'Urban Conflict and Legal Strategy in Medieval England: The Case of Bishop's Lynn, 1346–1350', *Urban History,* 42 (2015), 365–380; J. Dumolyn and J. Haemers, '"A bad chicken was brooding": Subversive Speech in Late Medieval Flanders', *Past and Present,* 214 (2012), 45–86; D. L., Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca, 2003); Trevor Dean, 'Marriage and Mutilation: Vendetta in Late Medieval Italy', *Past and Present,* 157 (1997), 3–36.

9 See, for example: J. M. Wormald, 'An Early-Modern Postscript: The Sandlaw Dispute, 1546' in W. Davies and P. Fouracre (eds), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), 203.

10 J. Ø. Sunde, 'Daughters of God and Counsellors of the Judges of Men: Changes in the Legal Culture of the Norwegian Realm in the High Middle Ages' in S. Brink and L. Collinson (eds), *New Approaches to Early Law in Scandinavia* (Turnhout, 2014), 175.

11 For some examples see: E. Powell, 'Arbitration and the Law in England in the Late Middle Ages', *Transaction of the Royal Historical Society,* 5th series, 33 (1983), 49–68; idem, 'Settlement of Disputes by Arbitration in Fifteenth-Century England', *Law and History Review,* 2 (1984), 21–43; C. Rawcliffe, 'The Great Lord as Peacekeeper: Arbitration by English Noblemen and their Councils in the Later Middle Ages' in J. A Guy and H. G. Beale (eds), *Law and Social Change in British Society* (London, 1984),

foregrounded as a form of 'private settlement', and an integral part of the harmony achieved 'between public and private justice'.[12] This theme has been reinforced in Mark Godfrey's work on arbitrations in the 1520s and 1530s, and his wider study of the development of 'central' justice, and a 'culture of vindication of rights'.[13] In particular Godfrey has argued for the increasing role of judges known as the lords of the session (the superior royal court for 'civil' matters) themselves acting as arbiters, displacing an older practice whereby cases before the session and its antecedents were handled by the parties' own choice of private arbiters.[14] Other studies (concerned with the later sixteenth century) have found an array of possible peacemakers, encompassing single lords acting as mediators as well as panels of laymen serving as arbiters for their peers.[15] Godfrey also observes that, despite a complex classical and medieval legal heritage behind the terms 'arbiter', 'arbitrator', and 'amicable compositor', early-modern Scots tended to apply all three terms to those who acted on arbitration panels, the purpose of which was to give an award known as a 'decree arbitral'.[16] We know very little about arbitrations in medieval urban Scotland, although it is evident that the term

34–54; J. Biancalana, 'The Legal Framework of Arbitration in Fifteenth-Century England', *American Journal of Legal History,* 47 (2005), 347–82. On arbitration in English towns, see for example: C. Rawcliffe, '"That kindliness should be cherished more, and discord driven out": The Settlement of Commercial Disputes by Arbitration in Later Medieval England' in J. I. Kermode (ed.), *Enterprise and Individuals in Fifteenth-Century England* (Gloucester, 1991), 99–117; L. C. Attreed, 'Arbitration and the Growth of Urban Liberties in Late Medieval England', *Journal of British Studies,* 31 (1992), 205–35; B. R. McRee, 'Peacemaking and its Limits in Late Medieval Norwich', *English Historical Review,* 109 (1994), 831–66; M. D. Myers, 'The Failure of Conflict Resolution and the Limits of Arbitration in King's Lynn, 1405–1416' in D. Biggs, S. D. Michalove and A. Compton Reeves (eds), *Traditions and Transformations in Late Medieval England* (Leiden, 2002), 81–107; Phillips, 'Urban Conflict'.

12 Wormald, 'Bloodfeud, Kindred and Government', 86–7; Wormald, 'The Sandlaw Dispute', 204. See also Brown, *Bloodfeud,* 48; Boardman, 'Politics and the Feud', 55; W. D. H. Sellar, 'Assistance in Conflict Resolution in Scotland', *Recueils de la Société Jean Bodin pour l'Histoire Comparative des Institutions,* 64 (1997), 267–75; J. Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), 57, 267–8, 270–1.

13 A. M. Godfrey, 'Jurisdiction over Rights in Land in Later Medieval Scotland', *Juridical Review* (2000), 242–63; A. M. Godfrey, 'Arbitration and Dispute Resolution in Sixteenth-Century Scotland', *Tijdschrift voor Rechtsgeschiedenis/Revue d'histoire du droit/ Legal History Review,* 70 (2002), 109–35; A. M. Godfrey, 'Arbitration in the *ius commune* and Scots Law', *Roman Legal Tradition,* 2 (2004), 122–35; A. M. Godfrey, *Civil Justice in Renaissance Scotland: The Origins of a Central Court* (Leiden, 2009), 448.

14 Godfrey, *Civil Justice*, 355–440.

15 Brown, *Bloodfeud,* 48–51.

16 Godfrey 'Arbitration and dispute resolution', 114, 116, 118–20.

'auditors' was sometimes applied to arbitration panels in Aberdeen.[17] In his introduction to the edition of the earliest Aberdeen council register volume W. Croft Dickinson comments on the procedure of arbitration, noting that 'it would almost appear, indeed, as though the court welcomed a reference to 'compositours' [whereby] it was itself relieved of the burden of making a decision'.[18] The implication in this analysis, that arbitration was a sign of urban courts flagging under the weight of their judicial responsibility, reflects a dated historiographical framework and a reinterpretation of the evidence is long overdue.

Sources for arbitration in Scotland before *c.*1450 are not many. All the same it is clear that the procedure was commonly deployed in both secular and ecclesiastical contexts. Matters relating to arbitration take up a considerable part of the treatise *Regiam majestatem,* Scotland's fourteenth-century law book which was heavily shaped by canonist sources.[19] Furthermore Scotland's legal culture drew upon a heritage of compromise processes which included those of pre-Christian origin, drawn in part from Scandinavia.[20] In the latter case it is worth observing the argument, recently advanced, that the arbitration panel was the ancestor of the trial jury in medieval Norway.[21] In Scotland arbitration was subject to parliamentary attention in 1427, when legislation was enacted stipulating that panels of arbiters should be uneven in number. This law approved methods for choosing the odd arbiter or '*dispar persona*' (known usually as 'overman' in Scots), in disputes relating to burgesses, to

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[17] E. Frankot, *'Of Laws of Ships and Shipmen': Medieval Maritime Law and its Practice in Urban Northern Europe* (Edinburgh, 2012), 155, citing a case of 1453 from ACA/CA 1/1/5/1/188 (the original giving 'auditour*is*'). See another case (of 1460) at CA1/5/1/399. For comment on a later period see Brown, 'Burghs, Lords and Feuds', 117–20.

[18] W. C. Dickinson (ed.), *Early Records of the Burgh of Aberdeen, 1317, 1398–1407,* (Edinburgh, 1957), cxxx.

[19] J. J. Robertson, 'The Development of the Law' in J. M. Brown (ed.), *Scottish Society in the Fifteenth Century* (London, 1977), 145; H. L. MacQueen, *'Regiam majestatem,* Scots Law and National Identity', *Scottish Historical Review,* 74 (1995), 1–25; Godfrey, 'Arbitration and Dispute Resolution', 113–18. For example, the official of Glasgow selected arbiters in an inheritance dispute in April 1433: National Records of Scotland (NRS), Gifts and Deposits (GD), 124/6/2.

[20] W. C. Dickinson, 'Some Scandinavian Influences in Scottish Legal Procedure?', *Arv*, 15 (1960), 155–9; A. D. M. Forte, '"A strange archaic provision of mercy": The Procedural Rules for the *duellum* under the Law of *Clann Duib'*, *The Edinburgh Law Review,* 14 (2010), 418–50.

[21] Sunde, 'Daughters of God', 143–8.

clerics, and to laymen.[22] Certain arbitrations have been identified from the 1440s in which the corporate burgh of Perth featured as a disputing party itself, and another in which an Aberdeen burgess (Gilbert Menzies) served among a group of arbiters in a dispute between rural landowners.[23] Of the sources presently under examination – 'rural' and 'urban' – certain general points can be noted. The urban examples considered here all arise from a judicial context; our sources are the Aberdeen council registers which are predominantly court records. Thus, by reason of their survival in this material, the Aberdeen arbitrations arise from court proceedings. Similarly, there are also records of arbitrations relating to the rural context which are preserved by the court of session and its antecedents and which survive from the second half of the fifteenth century.[24] However, in the rural context this pattern varies. A significant number of 'rural' arbitrations arose not out of court records (and thus not *obviously* from legal process in court), but rather appear as documents preserved among the collections of private families or religious houses, usually in the form of an indenture or contract or receipt for compensation. However, it does not follow that a rural context was more likely to be the backdrop for out-of-court disputes; and it should be clear that arbitration was not extra-legal in nature, but heavily informed by a legal procedural framework.[25] Nor does it follow that the sole survival of a private indenture between parties means that a dispute would not also have come before a court at some point – indeed some documents suggest quite the opposite.[26] The point here is purely contextual. Our concern is not with the involvement of courts *per se,* but, as far as possible, with the identity of the arbiters themselves, for what this reveals about the social expectations of

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[22] K. M. Brown et al. (eds), *The Records of the Parliaments of Scotland to 1707* (hereafter RPS), 1427/7/7, http://www.rps.ac.uk [accessed 1 July 2014]. Equivalent terms in England were 'umpire' or 'nonpar'. Powell, 'Settlement of Disputes', 29.

[23] Perth & Kinross Council Archive: B59/26/1/2 (19 June 1442); RPS, record 1444/2 (6 February 1444), both of which references I owe to Professor Michael H. Brown. For Menzies see J. Robertson and G. Grub (eds), *Illustrations of the Topography and Antiquities of the Shires of Aberdeen and Banff,* 4 vols (Aberdeen, 1847–69), III, 404–5; S. Boardman, 'The Burgh and the Realm: Medieval Politics, *c.*1100–1500' in E. P. Dennison, D. Ditchburn and M. Lynch (eds), *Aberdeen Before 1800: A New History* (East Linton, 2002), 217.

[24] As per *Carruthers v. Maxwell* (1472): RPS, record 1472/45.

[25] See, for instance, M. T. Clanchy, 'Law and Love in the Middle Ages' in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge and Oxford, 1980), 47–67.

[26] See the assurances taken in the Maxwell-Murray affair in 1485: HUA/DDEV/80/ nos 45, 46.

those members of local society called upon to advance a dispute to a point of resolution.

The 'Rural' Context

Work on the exercise of political power by the late medieval Scottish nobility has made much of the role of the magnate as peacemaker. A great lord's prominence over his social inferiors was indeed one of the qualities which made him attractive to his landholding tenants, followers, and kinsmen, as a powerful third party in disputes.[27] This is perhaps as much to be expected in towns as in the countryside, for Aberdeen developed its own close relationships with its regional noblemen. This was so with Alexander Stewart, earl of Mar (d. 1435) in the first four decades of the fifteenth century.[28] In 1440 the burgh appointed Sir Alexander Irvine of Drum as its 'captain and governor'.[29] In the 1450s and 1460s it was Alexander Gordon, earl of Huntly, who came to serve as the burgh's patron. In 1463 the provost, bailies, council and community gave Huntly letters by which they pledged him their loyalty (saving allegiance to the king) in return for his protection of Aberdeen's freedoms.[30] These letters were similar in form to a bond, a type of document which, from the 1440s onwards, featured regularly in the landscape of relations between lords and men. Such bonds (of 'manrent', 'maintenance', and 'friendship') are an important source for what nobles themselves had to say about their socio-political role. In the language of these bonds lords promised to 'maintain' the interests of the man who gave his 'manrent' (a concept of service similar to homage) to the lord.

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[27] Wormald, 'Bloodfeud, Kindred and Government', 74–6; A. Grant, *Independence and Nationhood: Scotland 1306–1469* (Edinburgh, 1984), 140–3, 157; J. Wormald, 'Lords and Lairds in Fifteenth-Century Scotland: Nobles and Gentry?' in M. C. E. Jones (ed.), *Gentry and Lesser Nobility in Late Medieval Europe* (Gloucester, 1986), 192–3; Brown, *Bloodfeud in Scotland ,* 48–9, 72–3; M. Brown, *The Black Douglases: War and Lordship in Late Medieval Scotland 1300–1455* (East Linton, 1998), 161–2, 172, 179; S. Boardman, 'The Campbells and Charter Lordship in Medieval Argyll' in S. Boardman and A. Ross (eds), *The Exercise of Power in Medieval Scotland c.1200–1500* (Dublin, 2003), 105; J. W. Armstrong, 'The "Fyre of Ire Kyndild" in the Fifteenth-Century Scottish Marches' in S. Throop and P. Hyams (eds), *Vengeance in the Middle Ages: Emotion, Religion and Feud* (Farnham, 2010), 72.

[28] M. H. Brown, 'Regional Lordship in the North-East: The Badenoch Stewarts II: Alexander Stewart, Earl of Mar', *Northern Scotland,* 16 (1996), 31–53; D. Ditchburn, 'The Pirate, the Policeman and the Pantomime Star: Aberdeen's Alternative Economy in the Early Fifteenth Century', *Northern Scotland,* 12 (1992), 19–34.

[29] ACA/CA1/1/4/211; *Abdn Counc.,* i, 6.

[30] ACA/CA 1/1/5/1/467; *Abdn Counc.,* i, 22–3. See Boardman, 'The Burgh and the Realm', 213–19.

Underpinning this was the idea of 'gude lordship', one aspect of which was the lord's assistance in disputes, including processes of compromise. Indeed, one interpretation of these bonds is that they were primarily 'a force for pacification', although other work by contrast has explored the use of bonds in securing assistance for disputing parties.[31] A further category of bond was that of 'friendship', made between social equals. An early and prominent example is the indenture of 'full frendschip and kindnes' entered between the earl of Douglas and duke of Albany in 1409. This was a cooperative arrangement which set out detailed provisions (including the use of a panel of seven men, arbiters in all but name) to resolve 'ony discorde' between the two men or their followers which might arise, and to do so 'in lufely manere'.[32] Similar sentiments can be found lower down the social hierarchy, as in a bond of friendship between the Roxburghshire lairds (meaning lesser noblemen) Andrew Kerr and Sir Robert Colville. In 1453 they agreed that, if any of their men should happen to 'debat or discord', then:

> nouther of thaim sal tak part with thaire awyn men bot be euynly reddaris and stanchearis of euill and debates quyll efter it may be brouch befor thaim [,] and thare thai sal refourme ony debates gyf sie happyns efter as it is sene spedfull to thaim … Alsua it is acordyt that [,] gyf ony of thaim happyns to inryn fedis or maugreis athir for vthir of ony partyse [,] that nouthir of thaim sal mak frendschip na concorde without avice and assent of the tothir party.[33]

This cooperative agreement was based on the expectation that the cycle of conflict would turn up violent discord in the future. So these lairds set out, in practical terms, the means by which they would seek to build friendship and concord between themselves and their followers, in a written expression of what was normally expected of the nobility (lesser and greater) throughout Scotland.[34]

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[31] J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442–1603* (Edinburgh, 1985), especially 115–36, quote at 136. For bonds used in the recruitment of support and assistance in specific disputes see Boardman, 'Politics and the Feud', 104–57.

[32] NRS, Register House Charters (RH), 6/223. For comment see Wormald, *Lords and Men,* 39–40; Grant, *Independence,* 157.

[33] *HMC, 14th Report*, app., part III, p. 9, abstracted in Fraser, *Douglas*, III, no. 426, 431. *DSL*, s.vv. 'reddar', 'ridder' ('one who acts to separate combatants or intervene in a dispute or affray'), 'inrin' ('to incur, to fall into').

[34] The expectation for even minor landlords to arbitrate is evident in I. B. Cowan,

All the same, in contrast to the accepted line of analysis and much of the rhetoric of lords themselves, it is very rare to find great magnates acting alone as peacemakers. The example with which this paper began, that of the earl of Douglas' award in a dispute between Melrose Abbey and Haig of Bemersyde, is one such case.[35] Indeed the precise capacity in which Douglas acted is ambiguous; unstated is whether he considered himself to be acting as arbiter. At any rate he was ineffective in bringing matters to an end, for the dispute rumbled on for years and escalated to the point of the Haigs' excommunication.[36] In 1444 the earl of Angus was more successful in such a role. Early that year Sir Alexander Hume of that Ilk's opponent recorded that he had duly received compensation in the form of livestock and silver from Hume of that Ilk, as had been 'ordanyt' and 'jugit' by 'a decret giffin be a mychti Lord and his consail, James, Erl of Angouss'.[37] The term 'decret' (for decree arbitral) here suggests that Angus and his comital council indeed acted together as arbiters to deliver an award. If earls arbitrated in this way as frequently as has been presumed, it is striking that more such documentation (even indirect) does not survive. The pattern seems similar in the North. The Aberdonian context offers no clear evidence for members of the nobility, even a figure like the earl of Huntly, acting as arbiter in town. Rather, examples emerge of rural landowners appearing as parties themselves in disputes heard before the burgh courts, sometimes involving violence done to or by their adherents.[38]

In fact, a number of examples can be given of great magnates submitting to awards handed down by lesser men. For example, in 1432, the panel of arbiters who acted between the earls of March and Angus in a dispute over land in the borders included Sir Patrick Dunbar of Biel, Patrick Hepburn of Waughton, and George Graham. These men were apparently the arbiters chosen by March (George Dunbar, the tenth earl), for two were relations:

P. H. R. Mackay and A. Macquarrie (eds), *Knights of St John of Jerusalem in Scotland* (Scottish History Society, 4th ser., 19, 1983), no. 26, 90–1.

35 Another example is an arbitration of 1479 over which the earl of Huntly 'presided', although directing a panel of arbiters: Boardman, 'Politics and the Feud', 58.

36 *Melrose Liber*, II, no. 544, 542–4; NRS/GD 150/93.

37 *Report on the Manuscripts of Colonel David Milne Home,* Historical Manuscripts Commission (London, 1902), no. 8, 21. The opponent was Sir David Hume of Wedderburn. For context see Armstrong, 'The "Fyre of Ire Kyndild"', 73.

38 For example, see Walter Lindsay and Alexander Forbes in 1407: ACA/CA 1/1/1/322; Dickinson, *Early Records,* 236; James Douglas [of Balvenie], earl of Avondale, and Irvine [of Drum] in 1440: ACA/CA 1/1/4/201; *Abdn Counc.,* I, 394–5; and Irvine of Drum in 1447: ACA/CA 1/1/5/2/720; Gemmill, *Aberdeen Guild Court,* 110.

Dunbar of Biel was his uncle and Graham his son-in-law.[39] In February 1440, the same earl of Angus just mentioned agreed to arbitration in a property dispute with Hume of that Ilk (the very man for whom the earl would arbitrate some four years later). This award was given at Jedburgh by Sir Archibald Douglas of Cavers and Nicholas Rutherford of Grubbit who pronounced in favour of the earl. It may be tempting to speculate that Cavers, who was sheriff of Roxburghshire (the sheriffdom for which Jedburgh was the seat at this time), acted here in his shrieval capacity; yet the fact that the lands in question (Preston and Lintlaw) were situated in the neighbouring sheriffdom of Berwick suggests otherwise.[40] Some decades later, in 1477, a matter between the earl of Morton and Henry Livingston of Mannerston, the earl's tenant of the lands of Blyth (in the sheriffdom of Peebles), was put to arbitration by three members of the Gifford family (a laird and two clerics), to whom Morton was related.[41] The examples set out in this paragraph so far all pertain to non-violent property disputes; however, a similar process is apparent in a lethal conflict between the Maxwells and Murrays in Dumfriesshire in 1480s. In the expansive reconciliation reached between these parties in September 1486, two of seventeen points of agreement provided for arbitrations to be conducted. On the first matter of the spuilzie[42] and 'away takin of al guds' between the disputants, Robert, Lord Maxwell and Cuthbert Murray of Cockpool, a panel of five was named. For Lord Maxwell's side the arbiters were to be Herbert Maxwell, son and apparent heir of Edward Maxwell of Tinwald, and Nichol McBrar, the alderman of Dumfries. For Cockpool's side they were to be [James] Lindsay of Fairgirth and John Cairns of Orchardton. The overman was to be George Herries of Terraughtie. In the second, related, matter between Cockpool and John, Lord Carlyle, the arbiters were to be Thomas McClellan of Bombie, George Herries of Terraughtie, Robert Charteris of Amisfield, and John (a man whose surname is obscured), with Lord Maxwell to serve as overman. In both these instances, provision was made for prominent noblemen (Lord Maxwell and Lord Carlyle) to abide by the arbitration of men of lesser

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[39] NRS/GD 12/29. For the identification see M. Brown, *James I* (East Linton, 1994), 151n 32.

[40] Fraser, *Douglas,* III, no. 76, 69. Preston and Lintlaw were within the barony of Bunkle.

[41] NRS/GD 150/171, 172. These 'jug*is* arbitur*is and* amicable co*m*positur*is*' were James Gifford of Sheriffhall, Master Alexander Gifford (parson of Newlands), and Master Thomas Gifford, son of William Gifford 'indweller' in Dalketh.

[42] For 'spuilzie' see Andrew Simpson's essay in this collection.

social status.[43] Similar evidence can be detected in arbitrations ordered by the antecedents of the court of session in the later fifteenth century, in which social superiors did not arbitrate for men of lower standing, but rather the other way around.[44]

The pattern which appears to explain the choice of arbiters in many such cases from our 'rural' context concerns kinship. When arbiters are specifically named in a surviving record of arbitration, they can frequently be identified as having had familial links with one of the disputants. Indeed, when social inferiors arbitrated for noblemen of higher standing, such as lords of parliament or earls, a vital consideration was the kinship nexus.[45] By accepting representatives of their wider network of family relations into such a crucial role, noblemen could be understood not to have been relinquishing social authority, but rather demonstrating and reinforcing their role as leading members of a kindred group. This was appropriate given that the language of kinship and friendship was linked intimately to that of peacemaking. In the words of a compromise agreement of 1449, it was 'accordit that fathful frendschipe, kyndnes, and lawte salbe kepit' between the parties for all the days of their lives. It was the 'speciale frendis' – friends here referring to a wider category of cousinage – of both sides who were to set amends for injuries suffered, and contingency plans were laid that any future strife should be resolved through the 'ordenance and consale of four or sex of thair nerrest frendis'.[46] To whom did the nobility, even earls, turn for arbitration? Not to bishops, abbots, other magnates, or even the king, but to their kin and friends. The great lord was seldom peacemaker. The implications of this assessment deserve fuller analysis than may be offered in the space available here, but it is clear that there was some distance between the rhetoric and the reality

[43] Hull University Archives (HUA), Papers of the Constable Maxwell Family of Everingham, Caerlaverock and Terregles (DDEV) 80/Maxwell Muniments no. 54; Fraser, *Carlaverock,* II, no. 57, 446–8. Lord Maxwell and Lord Carlyle were both of an equivalent social status as 'lords of parliament'.

[44] For example: *Lord Somerville v. Somerville of Greenhalton* (1478), *ADC,* I, 14; *MacDowell of Makerstoun v. Ormiston* (1493), *ADC,* I, 312–313; *Hume of Ayton v. Hume of Polwarth* (1497), *ADC,* II, 56. The case of *Carruthers v. Maxwell* (1472): RPS, record 1472/45, has already been cited.

[45] In 1441 one landowner was sought out to arbitrate between two related disputants because he was the 'most worthy of thayre kyn': Armstrong, 'The "Fyre of Ire Kyndild"', 77.

[46] *Hume v. Hepburn* (1449): W. Fraser (ed.), *The Scotts of Buccleuch,* 2 vols (Edinburgh, 1878), II, 39–41, no. 44. The meaning of friends and friendship in late medieval Scotland I intend to explore elsewhere. For mention of 'propinquioribus amicis siue consanguineis' see Dickinson, *Early Records,* 154.

of good lordship.[47] In the exercise of power through the legal-procedural framework of arbitration lords acted by mobilising kinship ties. While on the one hand this accords with the current understanding of the importance of territory and 'kinship ties at the heart of lordship' in Stewart Scotland,[48] for the highly status-conscious nobility of the fifteenth century what is remarkable is the extent to which substantial landowners called family ties into action for arbitration even if in some cases that meant accepting the determination of men of lower social rank.[49]

The 'Urban' Context

Are similar patterns which emphasise kinship and the kin nexus in arbitration to be found in the 'urban' context? In short, they do not appear in such an overt fashion. From the surviving Aberdeen council registers, a survey of all entries appearing in the first volume and dating between 2 October 1398 and 25 September 1400 reveals forty-nine mentions of arbitration (see Table 1, p. 68). Given the scarcity of records of arbitration already noted, this result is itself indicative of the value of these registers as a source significant for all of late medieval Scotland. This run of court cases heard before the bailies of the burgh spans some 140 pages within the first volume.[50] The preponderance of cases in which these arbitrations appeared would all be what we would now consider 'civil litigation', that is to say they dealt with claims between parties rather than prosecution initiated on behalf of the burgh or the crown. They also tended not to involve the explicit mention of interpersonal violence although this was a feature in some instances.[51] As might be expected, some of the disputing parties involved in these cases may be detected appearing with their claims before the burgh officials prior to the move to arbitration. For instance, the affair between William Dicson and Duncan de Mernys,

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[47] On lordship, bonds and arbitration see, for example, K. Stevenson, *Power and Propaganda: Scotland 1306–1488* (Edinburgh, 2014), 93.

[48] K. M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2013), 57, see also ibid., 44–5, 48, 50, 53-5, 65–6. On kinship and territory see Boardman, 'The Campbells and Charter Lordship', 96, 105, 114, 117.

[49] For a summary of changes in noble social structure see A. Grant, *Independence and Nationhood: Scotland 1306–1469* (Edinburgh, 1984), esp. 120–7.

[50] ACA/CA 1/1/1/ 1–140 is the run of material printed in Dickinson, *Early Records,* 21–162. The original volume contains a total of 328 pages.

[51] An example of a case in which the bailies appear to have prosecuted an offender, Michael de Camera, for the 'perturbacione' of another man of can be found at: ACA/CA 1/1/1/134. A case brought by one party against another involving the beating of a boy to the effusion of blood can be found at: ACA/CA 1/1/1/92.

concerning the withholding of a sum of money, was first heard by the bailies in mid-June, and then on six further occasions before being submitted to arbitration on 25 August 1399.[52]

The particular court in which these arbitrations appeared most often was the '*curia legalis tenta per balliuos*' (thirty-two occurrences), followed by the '*curia tenta per balliuos*' (twenty occurrences), and finally the head court or '*curia capitali tenta per balliuos*' under which there is a single occurrence. This is unsurprising given the relative frequency with which these different types of court met.[53] The typical formulation of such a case entry was to note that the 'action moved between' the parties was 'submitted to amicable composition' and, failing this, it was to be 'brought again before the bailies'. In the vast majority of these occurrences the names of arbiters go unspecified. Rather, it is simply noted that the matter will be subject to the award of 'worthy men to be chosen by the consent of both parties'.[54] In only a few occurrences are these men specifically described as '*arbitros*'.[55] The technical term most regularly deployed was for a dispute to be put to '*amicabilem composicionem*', although variations occur, for example by reference instead to '*visionem et ordinacionem*', '*declaracionem et determinacionem*', or to '*concordandum*'.[56] The impression given is of a preference for the typical formulation given above, but with no strict conformity demanded in the record itself.

Some enticing glimpses of further detail are offered in the Aberdeen records. Seven occurrences register the names of the arbiters themselves. These panels comprised as few as two men, and as many as seven, but in six occurrences the number was balanced for both sides, suggesting – as far as this small sample goes – that the legislation of 1427 specifying odd numbers with an overman would indeed have dictated an innovation from typical practice in this burgh. In these examples the men named as arbiters were frequently town officials, such as bailies or members of the burgh's common council. For instance, the entry of 29 October 1398 gives the case of Simon

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[52] ACA/CA 1/1/1/23 (16 June), 25 (23 June, twice), 28 (14 July), 30 (21 July), 32 (11 August), 33 (11 August), and to arbitration on ACA/CA 1/1/1/36 (25 August).

[53] For comment on these various courts see Dickinson, *Early Records,* cxxi–cxxiv; Frankot, *Of Laws of Ships and Shipmen,* 56.

[54] For example: ACA/CA 1/1/1/90; Dickinson, *Early Records,* 113: 'accio mota inter' [names of parties] 'submittitur ad amicabilem composicionem proborum hominum ad hoc electorum ex consensu utriusque partis et ubi defectus reperitur presentabitur balliuis'.

[55] Dickinson, *Early Records,* 28, 141, 144.

[56] Ibid., 28, 31, 37.

Lamb against John Crab *filius*. Lamb chose for his arbiters John Scherar (a bailie), John Ruthirford (a councillor) and William Scherol. Crab chose for his part William Andree (a councillor), Adam de Benyn, and John Andree (a councillor). Both parties agreed to elect *'pro superiori'* (viz. as overman) William de Camera *pater*, the provost.[57] Details also emerge from examples where arbiters were not named individually. In four such occurrences it was specified that the burgh's common council would arbitrate. When this happened in a case of 5 July 1400 between William de Camera (by then the former provost), and his opponent, the dispute was submitted *'ad ~~amicabilem~~ composicionem et determinacionem communis consilii'*, with the word amicable scored out, presumably indicating that composition and amicable composition were understood to be different and, perhaps, that the council as a body did not provide the latter. It also shows a degree of care taken with the precise wording of the record, in contrast to the overall impression of pragmatic flexibility with terminology.[58]

In two of the occurrences naming the common council as arbitrators, provision was made for the alternative scenario of arbitration by 'neighbours'. So reads the entry for a case heard on 7 January 1400 in which a dispute between parties was put to the 'amicable composition of their neighbours or the determination of the common council' (which further suggests that the council as a body did not render amicable composition – unlike 'neighbours' or 'worthy men').[59] In another case mentioning arbitration by neighbours it was specified that they should be four in number. This dispute was not over real estate or tenements in which neighbouring property boundaries might be significant, but the purchase of wine.[60] The language of *vicinitas* or 'good neighbourhood' elsewhere in the early Aberdeen registers has been observed, notably in that it marked out 'a jurisdiction in civil causes between burgess and burgess'.[61] It is not clear who might be identified as a 'neighbour' and called

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[57] ACA/CA 1/1/1/7; Dickinson, *Early Records,* 28. A list of the common council dated 27 August (presumably for the administrative year Michaelmas 1398 – Michaelmas 1399), appears at ACA/CA 1/1/1/70; Dickinson, *Early Records,* 99–100.

[58] ACA/CA 1/1/1/123; Dickinson, *Early Records,* 145. For other mentions of the common council see ibid., 37, 120, 149.

[59] ACA/CA 1/1/1/98; Dickinson, *Early Records,* 120: 'ad amicabilem composicionem vicinorum suorum vel communis concilii determinacionem'.

[60] Dickinson, *Early Records,* 149, 150: both occurrences relate to Thomas Ysac *v.* John Wormot.

[61] Dickinson, *Early Records,* lxxix. It is notable that the term 'neighbours' in this late medieval urban usage occurs with more specificity than the wider range of senses, noted by Neville, in earlier centuries: C. J. Neville, 'Neighbours, the Neighbourhood and the Visnet in Scotland, 1125–1300' in M. Hammond (ed.), *New Perspectives on*

to perform arbitration in this role, although we might speculate that, at the widest, this included all members of the guild of burgesses.[62] Nevertheless, a similarity with the role of prominent peasants serving as so-called 'birleymen' in the maintenance of 'good neighbourhood' in the barony courts of rural Scotland is apparent, and merits further investigation.[63]

Conclusions

In summary, an institutional focus on who did the arbitrating in late medieval Scotland points to different frameworks for this manner of reconciliation, both in ideas and in process. There are four points on which to conclude. First, considering that arbitration has been an important aspect of the study of 'feud' in Scotland, what is suggested here is a more complicated picture of conflict management generally, and arbitration specifically, than has been addressed in scholarship to date. On the one hand, in the 'rural' context, the great magnate was hardly ever the single peacemaker.[64] Rather, arbitration was usually conducted by a panel, often consisting of men of lesser social status than the principal disputants. Kinship was not only part of the language of reconciliation, but also a vital mechanism of choice for identifying these arbiters. On the other hand, in the 'urban' context it was predominantly the worthies of the burgh, especially civic officeholders, who were chosen to act as arbiters. A superficial parallel with Godfrey's findings for the lords of session acting as arbiters in the 1520s and 1530s is notable, but development of such a comparison is beyond the scope of this essay. This pattern was supplemented at times with a general reference to the common council, or to neighbours, who might be asked to perform this duty. Certainly, kinship ties were evident among the 'urban' elite as much as among their 'rural' counterparts. Adam Benyn and William Andree, the arbiters chosen on behalf of a shipmaster in

Medieval Scotland, 1093–1286 (Woodbridge, 2013), 161–73. See also R. Davies, 'Kinsmen, Neighbours and Communities in Wales and the Western British Isles, c. 1100–1400' in P. Stafford, J. L. Nelson and J. Martingale (eds), *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds* (Manchester, 2001), 172–87.

[62] Outside of the present sample, on 20 June 1401, a dispute was put 'ad determinacionem vicinorum unsuspectorum ad hoc ex utraque parte electorum' ACA/CA 1/1/1/185; Dickinson, *Early Records,* 206.

[63] On this subject see W. D. H. Sellar, 'Birlaw Courts and Birleymen' in P. Brand, K. Costello, and W. N. Osborough (eds), *Adventures of the Law: Proceedings of the Sixteenth British Legal History Conference, Dublin* (Dublin, 2005), 70–87.

[64] For an example of the countess of Lennox acting as peacemaker without any specific evidence of arbitration see M. H. Brown, 'Earldom and Kindred: the Lennox and its earls, 1200–1458', in Boardman and Ross (eds), *The Exercise of Power,* 222.

an entry from 5 December 1398, were in all probability relations of Simon de Benyn who served as bailie that year, and John Andree, a councillor.[65] However, kinship links between arbiters and disputants are not obvious, nor is the concept of kinship and kindness foregrounded in the language of urban peacemaking, as is so observable in the 'rural' context.

Secondly, this essay has sought to demonstrate and encourage a perspective which draws urban and rural source materials together for a single analytical purpose. While important differences have been found in these two contexts, this contributes to a more nuanced set of questions about arbitration in late medieval Scotland than would be obtainable by considering one category of evidence alone. To that end, too, the fuller testing and development of the implications of this picture for a wider understanding of disputing in Scotland is a task best left another occasion. It seems clear, however, that reconciliation by arbitration in town and country activated webs of relationships – kin-based or civic – which were socially constructive in the making of peace. It is hoped that further analysis prompted by this discussion might examine the ways in which the experience of office holding, regularity of contact (as through attendance at courts or in the interactions of local networks), and possibly even legal expertise (as might perhaps be expected of procurators or notaries), in both town and country might have shaped these social webs, and might serve to identify similarities rather than differences between these contexts.

Thirdly, and following on from the point just made, there is the matter of authority. It is notable that no textual authorities are cited in the material considered, from either of the learned laws, Roman or canon. That is perhaps only to be expected given that the source materials here do not turn upon legal argumentation over substantive law. In examples from the 'rural' context, the nobility of greater and lesser status made implicit claims to the authority of lordship to support the expectation that they should act as peacemakers for their social inferiors. In reality, these claims appear to be overstatements, for most arbitrations show the nobility asserting their power through their kin relations, even to the extent of bringing lesser men to arbitrate on their behalf. The authority of the church and its leading prelates might be expected to fit into this picture somewhere, but it is hardly visible. Of all the evidence considered here only once is a bishop mentioned in a peacemaking role, and even then it is in a step removed from arbitration itself: in March 1401 Bishop Gilbert Greenlaw of Aberdeen and the common council of the burgh together chose

[65] ACA/CA 1/1/1/12; Dickinson, *Early Records,* 33. William Andree was a councillor himself (ACA/CA 1/1/1/70).

sixteen named men to 'unravel and make known all discords which are among the neighbours of the burgh, and to mitigate and end them'.[66] It is remarkable, too, that the authority of the crown was generally kept in the background. This has been observed for sixteenth-century Scotland and the explanation offered by one writer is that the king only became involved (through the process of pardon) in violent conflicts.[67] It is true that most of the present evidence is for non-violent disputes. However, the involvement of the crown in some very violent affairs can be shown to be distant indeed, and it seems that further work is needed to appraise the role of royal authority in local conflict in the fifteenth century.[68] Aberdeen itself was a royal burgh, ultimately answerable to the crown. To that extent the crown cannot be ignored in the framework of authority behind the burgh courts, even if that authority appears to be more latent than manifest. More obviously urban arbitrations invoked the corporate, communitarian authority of the burgh, chiefly in the form of the 'worthy men', 'neighbours' and the common council who were called to this role. That point can be taken a step further. Civic arbitrations were not a consequence of burgh courts flagging in the effort to fulfil their judicial role. Rather, it was a normal and useful part of what these courts offered to litigants. Indeed there is every indication that it was to the burgh courts that parties looked for a means to register a dispute in an open forum, with the aim of initiating process that might result in constructive, amicable agreement. Doubtless in not all cases was arbitration an end and closure; parties also challenged awards or denied an opponent's offer to submit to arbiters.[69] Still, in all cases a personal dispute which came before the courts was transformed into a matter of shared, open record: a claim was registered and formally acknowledged. With the completion of the digital edition of the Aberdeen council registers from 1398 to 1511 in due course the preliminary findings offered here may be tested at scale, across the entire fifteenth century.[70]

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[66] This comes from outside of the sample considered above: 'ad discooperiendum et narrandum omnes discordias quas sciunt inter vicinos ville, similiter et easdem discordias pro suo posse mitigandas et cessandas' ACA/CA 1/1/1/152; Dickinson, *Early Records,* 178–9. Elsewhere in Scotland, in 1478, John Drummond of Cargill and Stobhall came to Abbot David Bayn at Coupar Angus where they agreed by indenture to resolve 'certane debattis of land' between them. No third party was mentioned: Aberdeen University Library (AUL), Scottish Catholic Archives, Historic Archives (SCA), Blairs Charters (BC), 23/8 *verso.*

[67] On the invocation of public authority see Wormald, 'Sandlaw Dispute', 202–3.

[68] Armstrong, 'The "Fyre of Ire Kyndild"', 80.

[69] ACA/CA 1/1/1/83, 93; Dickinson, *Early Records,* 107, 115.

[70] For information on the Leverhulme Trust Research Project Grant, *Law in the*

Fourthly and finally, despite differences in emphasis, 'rural' and 'urban', what permeates the language of peacemaking in both contexts is the concept of *bon accord*. Indeed the burgh's ability to direct disputes towards concord was one way in which Aberdeen projected its authority externally, into the countryside. Illustrative of this vein is a copy or draft of a missive from Aberdeen's officials sent about November 1401. Through this letter the burgh acted as an intermediary in its hinterland. It wrote to an unidentified recipient (addressed as 'reuerence and honour') in the matter of a dispute involving Sir William Keith, marischal of Scotland, and the seizure of livestock. In this message the townsmen of the burgh proclaimed their desire to act as peacemakers, a role surely built upon the regular facilitation of compromise and concord within their own courts. In making such a claim they were not overstating their influence. It is as well to allow them the last word: 'for we ar thai at wald at gud acord war betwex yhu and hym and wil do our besynes to bring it thar to at our power'. [71]

Aberdeen Council Registers, 1398–1511: Concepts, Practices, Geographies, see https://aberdeenregisters.org [accessed 1 December 2016].

[71] ACA/CA 1/1/1/216; Dickinson, *Early Records,* 210. The letter refers to 'the lord of Keth'.

Table 1:
References to arbitration in Aberdeen Council Register volume one, pp. 1–140

Details of arbitrators in the case entry	Date	Reference
None specified; *in amicabilem composicionem*	2 Oct 1398	ACA/CA 1/1/1/2
None specified; *in amicabilem composicionem*	8 Oct 1398	ACA/CA 1/1/1/2
ad visum et ordinacionem proborum hominum	21 Oct 1398	ACA/CA 1/1/1/4
Seven men named	29 Oct 1398	ACA/CA 1/1/1/7
Four men named	18 Nov 1398	ACA/CA 1/1/1/10
Two men named; two more to be elected	18 Nov 1398	ACA/CA 1/1/1/10
Two men named	26 Nov 1398	ACA/CA 1/1/1/11
Four men named	5 Dec 1398	ACA/CA 1/1/1/12
Four men named	3 Feb 1399	ACA/CA 1/1/1/14
ad … determinacionem communis consilij	27 Feb 1399	ACA/CA 1/1/1/15
ad amicabilem composicionem proborum hominum	2 Aug 1399	ACA/CA 1/1/1/31
None specified; *in amicabilem composicionem*	25 Aug 1399	ACA/CA 1/1/1/36
in amicabilem composicionem proborum hominum	20 Oct 1399	ACA/CA 1/1/1/46*
in amicabilem composicionem proborum hominum	20 Oct 1399	ACA/CA 1/1/1/46†
probi homines electi ad componendum	20 Oct 1399	ACA/CA 1/1/1/47*
None specified; *in amicabilem composicionem*	20 Oct 1399	ACA/CA 1/1/1/47‡
None specified; i*n amicabilem composicionem*	20 Oct 1399	ACA/CA 1/1/1/48§
ad amicabilem composicionem proborum hominum	17 Nov 1399	ACA/CA 1/1/1/90
ad amicabilem composicionem proborum hominum	17 Nov 1399	ACA/CA 1/1/1/90
None specified; *ad amicabilem composicionem*	19 Nov 1399	ACA/CA 1/1/1/92
ad amicabilem composicionem proborum hominum	1 Dec 1399	ACA/CA 1/1/1/93
ad amicabilem composicionem proborum hominum	1 Dec 1399	ACA/CA 1/1/1/93
ad composicionem et determinacionem vicinorum suorum	1 Dec 1399	ACA/CA 1/1/1/93
ad amicabilem composicionem vicinorum suorum vel communis consilij	7 Jan 1400	ACA/CA 1/1/1/98
ad amicabilem composicionem proborum hominum	26 Jan 1400	ACA/CA 1/1/1/100
ad amicabilem composicionem proborum hominum	23 Feb 1400	ACA/CA 1/1/1/106
ad amicabilem composicionem proborum hominum	23 Feb 1400	ACA/CA 1/1/1/106
ad amicabilem composicionem proborum hominum	23 Feb 1400	ACA/CA 1/1/1/107
Four men named, plus two alternative men	22 Mar 1400	ACA/CA 1/1/1/114
ad amicabilem composicionem proborum hominum	26 Apr 1400	ACA/CA 1/1/1/116
per arbitros	31 May 1400	ACA/CA 1/1/1/121

Table 1 (Cont.)

Details of arbitrators in the case entry	Date	Reference
per arbitros	29 Jun 1400	ACA/CA 1/1/1/123
ad amicabilem composicionem proborum hominum	5 Jul 1400	ACA/CA 1/1/1/123
ad ~~amicabilem~~ composicionem et determinacionem communis consilij	5 Jul 1400	ACA/CA 1/1/1/123
None specified; *ad amicabilem composicionem*	19 Jul 1400	ACA/CA 1/1/1/125
None specified; *licenciam a balliuis ad componendum inter se*	19 Jul 1400	ACA/CA 1/1/1/126
None specified; *ad amicabilem composicionem determinanda*	19 Jul 1400	ACA/CA 1/1/1/126
None specified; *ad amicabilem composicionem*	19 Jul 1400	ACA/CA 1/1/1/126
ad determinacionem communis consilij vel quatuor vicinorum	26 Jul 1400	ACA/CA 1/1/1/127
ad determinacionem quatuor vicinorum vel superiorum	2 Aug 1400	ACA/CA 1/1/1/128
ad amicabilem composicionem proborum hominum	30 Aug 1400	ACA/CA 1/1/1/135
ad amicabilem composicionem proborum hominum	2 Sep 1400	ACA/CA 1/1/1/137
ad amicabilem composicionem proborum hominum	13 Sep 1400	ACA/CA 1/1/1/138
ad amicabilem composicionem proborum hominum	13 Sep 1400	ACA/CA 1/1/1/138
ad amicabilem composicionem proborum hominum	13 Sep 1400	ACA/CA 1/1/1/138
ad amicabilem composicionem proborum hominum	13 Sep 1400	ACA/CA 1/1/1/139
ad amicabilem composicionem proborum hominum	18 Sep 1400	ACA/CA 1/1/1/140
[a]d amicabilem composicionem proborum hominum	25 Sep 1400	ACA/CA 1/1/1/140

* These entries relate to the same case. The entry at ACA/CA 1/1/1/47 is duplicated at ACA/CA 1/1/1/83 (*probi homines electi ad componendum et determinandum* …).

† Duplicated at ACA/CA 1/1/1/82 (*ad amicabilem composicionem proborum hominum ad hoc electorum cum consensu partium et vbi defectus reperitur presentabitur pro balliuis* …).

‡ Duplicated at ACA/CA 1/1/1/83 (*ad amicabilem composicionem* …).

§ Duplicated at ACA/CA 1/1/1/83 (*ad amicabilem composicionem* …).

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