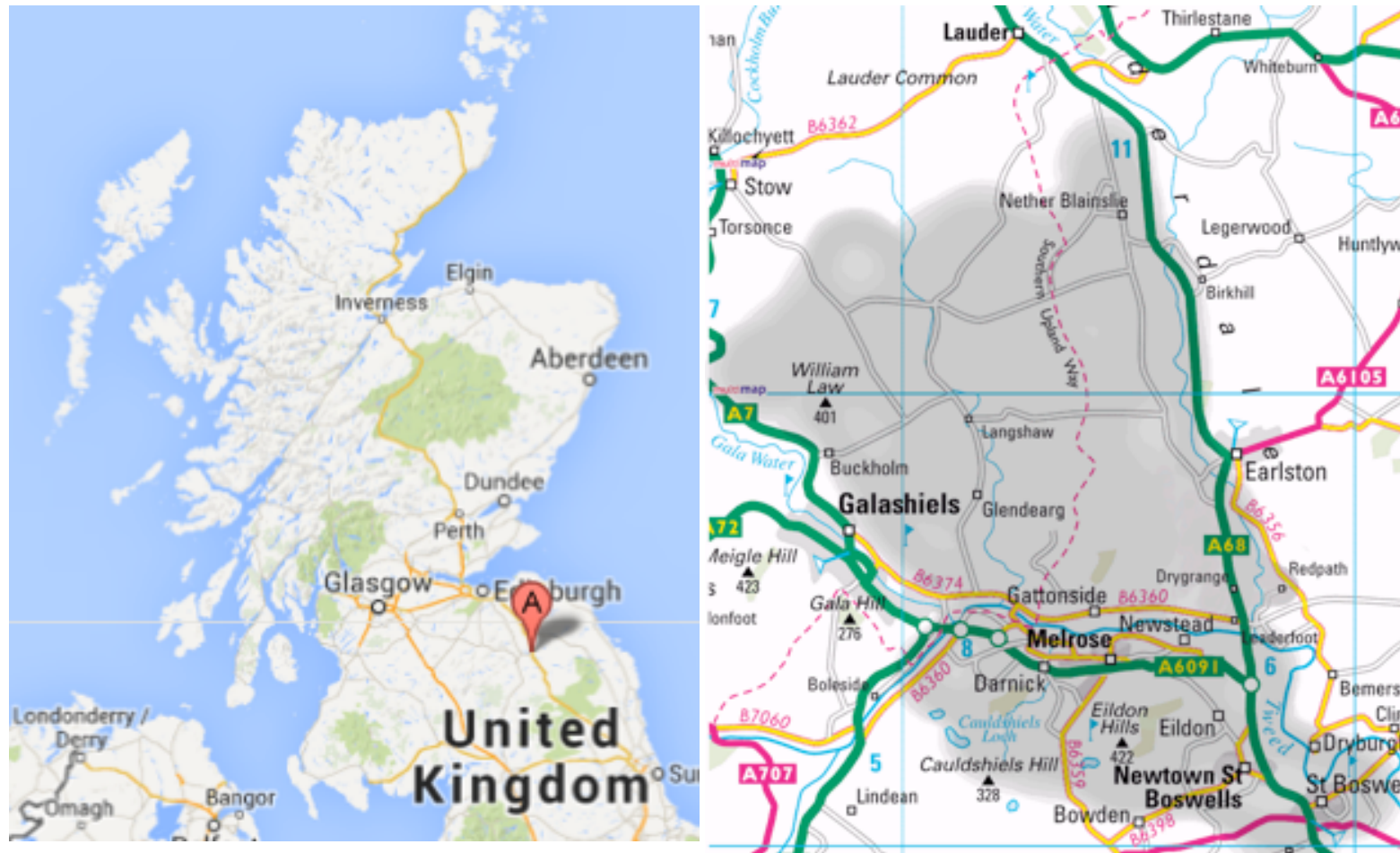


Glimpses into a time of turmoil:  
examining the regality court records  
of Melrose, Roxburghshire,  
1657-1706

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# Area covered by court



# How court worked

- Held weekly in Melrose tolbooth
- Ultimately under control of Earl of Haddington (bailie principal)
- Various other officials:
  - bailie depute (judge)
  - procurator fiscal
  - clerk
  - court officers
- Low cost convenient access to litigation
  - 2 shillings expenses per £ Scots disputed, generally much more affordable than equivalent courts in England

# Statistics of court usage 1657-1676

- 2364 different court cases
- 2684 pursuers and 3483 defenders (many appearing multiple times)
- Types of cases e.g.
  - debt: goods bought not paid for, chain of debts, overdue rent, money borrowed etc., 56.5%
  - service disputes: servants not paid, deserted, 13.9%
  - crime: theft, fighting, arson, murder, 6.2%
  - land disputes (other than overdue rent, etc.), 5.4%
  - damage: to crops, animals, property etc., 2.9%

# Economic situation

- Most cases heard by court were debt cases
- Many debts long-standing. 224 cases dealt with debts 5+ years ago, 102 cases 10+ years, and 18 cases 20+ years. Suggestion of boom in cases during 1660–1663.
- Also significant are service disputes
  - town herd, £3 Scots fee, pair of shoes bounty
  - ploughman, £10 Scots fee, half a boll of bear, an old coat, and a pair of new shoes
  - female servant, half an ell of linen, half an ell of harden, a peck of bear, a pair of shoes, a pair of white hose
  - milking ewes, “ane stone of wole, and a pund”, and a pair of double soled shoes

# Crime cases

- Only 6% of cases were crime related, especially theft and fighting
- Things stolen:
  - goods, usually highly portable items
  - animals, often shepherds accused
  - crops
  - money
- Fights often involved young men, and at times of fairs, festivals or hiring time

# Halliwall's trail of debts

1673 July 26	man suing for return of linen, yarn, etc. delivered to fugitive
1673 October 3	Halliwall escaped from prison
1673 October 11	Earl of Haddington suing for £25 Scots from sale of fugitive's goods
1673 November 29	woman suing for fee for serving fugitive from Martinmas 1671 to Martinmas 1673
1673 December 6	man suing for fee for serving from Whitsunday last to Martinmas last
1673 December 6	woman suing for fee for shearing corn in harvest
1673 December 13	couple suing for payment for 18 gallons, 4 pints, and 1 chopin of ale furnished to fugitive while in prison, and also for tobacco furnished by their son to him
1673 December 13	wright in Gattonside suing for various things, including making up cart and coffin for fugitive's wife
1673 December 13	man suing for fee for serving fugitive from Martinmas 1672 to Whitsunday 1673
1673 December 13	man suing for fee for serving fugitive
1673 December 20	merchant in Melrose suing for fee for funeral of fugitive's wife
1673 December 20	man suing for fee for serving fugitive, Whitsunday to Martinmas 1673
1674 May 30	man suing for price of boll of bear bought by fugitive on 1 <sup>st</sup> July 1673

# Court and the community(ies)

- Inter community disputes
  - In 1660 Newstead feuars complained about “the whole inhabitants of the towns of Newtoun, Eildon, Dainyeltoun, and Melros” cutting and taking away “Newsteid quhines”
  - Geographic diversity reflected in court's officers: one each for Melrose, Gattonside, Darnick, Newstead, Eildon, Newton, Lessudden and ‘High lands of Melrois lands’.
- Acts to improve the community
  - Included one to encourage Melrose’s market: “the great troubles that hes been upon this kingdome these many yeires bygone the said weeklie mercat hes almost altogether decayed”
- Communal responsibilities
  - Paying the minister, schoolmaster, thirlage
  - More unexpected: soldier and feather bed cases



# Upheaval of the 1680s

- Good relations between locals and Earls of Haddington
- All changed in 1682, with Test Act, and control of Melrose court passing first to Earl of Roxburgh, then to his bailie depute George Pringle of Blindlee
  - “It seems to have been a notorious practice of the persecutors [including Pringle] to squeeze as much money as possible yearly out of the pockets of those attending conventicles”
- March 1682 - April 1684 30 hearings in Melrose regality to interrogate suspected conventiclers. At least 374 people interrogated, 312 (83%) fined, usually £50 Scots, sometimes £20 Scots, occasionally £10 Scots
- 1 in every 8 people locally fined, about £10,000 Scots taken, but Pringle declared only £1,000 to the Privy Council

# Conclusions

- One researcher who analysed similar records wrote that:
  - “The court can perhaps best be seen as a stage, on which the players have their entrances and their exits, and from which, though we may hear noises off, we receive only hints of what might be going on in the wings, and in those episodes of the characters’ lives that do not form part of the play”
- Argue not so at Melrose
  - Sheer quantity and detail of cases provides valuable insight into lost community
  - Also sheds light on contemporary upheaval: long-term implications of Cromwellian era, beginning of normalisation during restoration of Charles II, and impact locally of changing power structures during Scottish religious disputes in 1680s