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The Setting and Practice of Open-air Judicial Assemblies in Medieval Scotland: a Multidisciplinary Study

Two volumes

Vol. I

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Abstract

This study examines the physical settings and landscape associations of open-air judicial courts in medieval Scotland. Outdoor medieval assembly practices represent an ephemeral collective human activity crucial to the understanding of medieval society. A multidisciplinary approach which utilises place-name, historical and archaeological evidence is adopted. Representative case studies are investigated and the results of geophysical and topographical survey presented. Place-names derived from Gaelic, Scots, Old Norse and English indicative of assemblies, and drawn from established studies, are brought together and supplemented by a preliminary survey of additional material. Over 200 place-names are considered. Published historical references to open-air courts relating to the 13th - 16th centuries, are examined, with 18 examples where physical settings can be confidently identified presented in detail. A diversity of open-air court settings are identified, incorporating both natural and archaeological features. Mounds are the most common archaeological setting identified with a widespread distribution which transcends historical linguistic and cultural boundaries. However, a significant number of court settings utilised natural hills, which has implications for the archaeological scrutiny of assembly places. The re-use of prehistoric features such as cairns and megalithic remains for courts is a widespread phenomenon, not restricted to royal centres. The pre-Christian cultic qualities of early historic central places are illustrated and the close association of early church sites and judicial assembly mounds in Scotland is demonstrated. Medieval judicial assembly sites in Scotland are also found in association with territorial boundaries, emphasising their role in inter-community dynamics. The historical material demonstrates a gradual decline in the use of open-air settings for courts from the 15th century onwards. This nonetheless represents significant persistence of customary court venues in Scotland during the progressive centralisation of legal process.

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List of abbreviations

Abdn. Reg.	1845 *Registrum Episcopatus Aberdonensis*. Spalding Club and Maitland Club.
G	Gaelic
OE	Old English
OI	Old Irish
ON	Old Norse
OSc	Old Scots
OPS	*Origines Parochiales Scotiae*.
OSA	Old Statistical Account 1791-9.
NRAS	National Register of Archives for Scotland.
NSA	New Statistical Account 1834-45.
RMS	*Registrum magni sigilli regum Scotorum: The register of the great seal of Scotland.*
RCHM	Royal Commission on Historical Manuscripts.
RCAHMS	Royal Commission on the Ancient and Historical Monuments of Scotland.

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'I defend, and biddis, in our liege Lord the king's behalfe of Scotland, and in the behalfe of the Lord that this Court aucht, and his Baillie, that here is, that na man distrouble this court unlawfullie, under the paine that may follow; or make him to speik for any, but leave asked and obtained.' (from *Forme and Maner of Baron Courts* (Innes *et al*. 1814-75: c.I).

Chapter 1: Introduction

This study examines the physical settings and practices of open-air judicial assemblies in medieval Scotland, specifically those outwith centralised royal contexts, and aims to provide the first nationwide assessment of the subject in Scotland. Judicial assemblies represented collective gatherings through which the processes of medieval law were negotiated and enacted, and as such they facilitated the settlement of disputes, provided judgment on criminal proceedings, and the propagated and maintained social order. Such assemblies were most commonly encapsulated by the holding of formal courts or legal proclamations, but also might vary in content, organisation, purpose, and setting. Evidence for such institutions are considered from the early historic to late medieval periods.

Courts and other judicial meetings were only one of a variety of forms of assembly in medieval society, which included market and devotional gatherings such as saint's fairs, characterised as 'popular' forms of assemblies. Moreover political assemblies, taking the form of councils, early parliaments or ecclesiastical synods might also be considered, as well as armed musters or military parleys. The ceremonial taking of oaths before a conclave or the pre-eminent royal ceremonies connected with inaugurations contributed to the wide range of social and political implications assemblies could have and contexts within which they could occur. Significantly, though, the majority of these other forms of assemblies were defined by their own legal processes and social conventions that were specific to the practices associated with them. Evidence for the majority of these practices are considered in the study only where there is a cross-over with the setting and practices of formal courts. Frequently it is impossible to distinguish between their settings and it was suspected that the same places might have served for different types of assembly.

1.1 An emphasis on place

Outdoor medieval assembly practices represent an ephemeral collective human activity, and in Scotland the general archaeological signature was little understood at the instigation of this work. Particular emphasis, therefore, has here been placed upon the initial identification and characterisation of physical settings, with specific regard to the location of medieval courts held in the open-air. This aimed to further understanding of the kinds of physical settings which were used for such assemblies and to develop means by which assembly practices in general might be understood through archaeological evidence.

1.2 Multidisciplinary

Key to this was the investigation of the archaeological evidence through the utilisation of a multidisciplinary methodology. Recent general studies of medieval assemblies from elsewhere in N and W Europe, reviewed in Chapter 2, have illustrated the effectiveness of methods which synthesis the findings of multiple types of evidential material. The versatile mode of these approaches reflects the challenges of investigating the ephemeral traces left by assembly practices. Historical accounts and place-names are often instrumental in identifying the locations of historic assemblies, and these were thus a key route into the discussion of physical settings within this thesis. Historical and place-name evidence also are an essential aid to the understanding of medieval assembly practices. However, studies of medieval assembly places have generally in the past often been dominated by toponymics to the exclusion of archaeological material. This study therefore attempts to synthesise place-name, historical and archaeological evidence. Where possible, this has been combined with cartographic evidence to attempt the reconstruction of historic landscapes. An in-depth consideration of the subject matter has also been achieved through a series of representative case studies. Selected sites have been surveyed in the field to develop a detailed understanding of the archaeological remains. Interpretive analysis was undertaken based on whether an assembly-place was

identified primarily by a place-name or historical account. This is complimented by broader thematic discussions of noteworthy features of assembly settings and practices in Scotland. A description of the layout of the thesis will now be provided, accompanied with an explanation of how the findings of the investigative process are presented.

1.3 Structure of the thesis

In addition to this introduction, Chapter 2 provides an extended introduction to the subject matter and social and historical context for material discussed in later chapters. It includes a discussion of the historiography of assembly settings in Scotland, a summary of recent findings from comparable studies elsewhere in N and W Europe, and a synopsis of the history of medieval law in Scotland and explanations of its relevant processes. Chapter 3 completes Part I with a description of the methodology utilised for this investigation of medieval assembly settings and practices in Scotland. Included are a description of the chronological and geographical scope of the study, information on the sources consulted, and descriptions of the methods used for the organisation of the data, the historical and landscape investigations, and fieldwork elements.

Chapters 4 and 5 provide the main presentation of data. Chapter 4, *Place-name evidence and the setting and distribution of early medieval assemblies*, presents the findings of the first general survey of the different kinds of place-names indicative of medieval assembly-places and the possible settings associated with them from Scotland. This includes a survey of the previously recognised place-name material, which is supplemented with additional identifications of possible place-names identified through this study. Chapter 4 also provides comment on variations in the candidate sites physical settings and archaeological remains associated with the assembly place-names. This includes presentations of the geographical distribution of individual place-name elements and their associated types of settings, with interpretive comment about the linguistic and historic significance of these distributions. Included here is a case study of *þing* place-names, including an extended case study of Tinwald (Dumfriesshire).

Chapter 5, *The setting of historically attested assemblies, 12th-16th centuries*, is concerned with historically-attested outdoor courts and the settings that can be identified with them. This includes a preliminary discussion of the date, frequency, distribution, physical settings and social significance of such courts. The remainder of the chapter is divided into two sections that are concerned with different types of court settings and which are presented in the form of minor case studies for each of the relevant attested courts. The first section deals with court settings characterised by cairns, mounds and natural hills, ending with an extended case study that examines Tillydrone hill (Aberdeen). The second section considers megalithic settings accompanied by an extended case study of Clochmabenstane (Dumfriesshire). General comment is then presented on the implications of the material discussed in the chapter as a whole.

Chapter 6 presents the main discussion of interpretive themes and Chapter 7 brings a conclusion to the study. Chapter 6 is entitled *Associations and settings* and presents a wide range of materials relating to landscape features associated with different kinds of assembly settings. Evidence discussed in Chapters 4 and 5 are drawn upon, combined with additional multidisciplinary materials, as the basis for discussion organised around specific research themes. Chapter 6 covers a diverse range of subjects, including the evidence for pre-Christian assembly sites and the role these may have had within early historic practices in Scotland. Also discussed is the evidence for the reuse of prehistoric monuments for assembly settings in medieval Scotland, the possible social and cultural significance of this phenomenon, and how the layout of prehistoric monuments may have been effectively utilised for the settings of medieval courts. The role of natural places as court settings is then discussed, and considers how such places might be approached from an archaeological perspective. This is followed by a discussion of the association of boundaries with medieval court sites in Scotland. Also in Chapter 6 is a section that discusses the possible symbolic role of legal sites in later medieval Scotland, their link to concepts of lordship and authority, culminating in an extended case study on Catter Law (Stirling), a significant judicial centre of the Earls of Lennox. Chapter 6 also examines the association of medieval churches and Church interests with judicial assembly sites. Chapter 7 brings this study to a close by

summarising the key findings and offering comment on implications for future avenues of research.

1.4 Chronological definition

The chronological focus of the study comprised the extended medieval period, c.500AD-c.1550AD. Within this broad bracket, reference is made to the early medieval period, also referred to as the early historic, c.500AD-c.1100AD, the high medieval period, c.1100AD-c.1350AD, and late medieval period, c.1350AD-c.1550AD. The significance of the date 1550 coincides with the eve of the Reformation in Scotland, but more specifically was chosen because this horizon corresponds with the period during which legal administration became increasingly centralised in Scotland under the auspices of the Court of Session, following the foundation of the College of Justice in 1532 (Paton 1958: 21, 25-6). Moreover, the key historical record of private legal transactions from the 16th century are found in protocol books of public notaries (Paton 1958: 23, 29, 33), an extensive archive, which as yet has not be scrutinised for the types of practices considered here, and which was therefore beyond the scope of the present study. However information regarding periods immediately before or after the general chronological extent were included in the study where it was deemed they provided insights about the developmental aspects of the subject matter defined by c.500AD-c.1550AD. For instance pre-Christian practices of assembly in Scotland and the impact these had on early historic practices and settings are discussed in Chapter 6, which in some circumstances involved discussion of late Iron Age archaeology. Moreover, discussion of medieval assembly settings in Scotland necessarily involves the description of prehistoric remains, which were utilised in the Middle Ages (see sections 4.2.1.2, 5.4, 6.3). The broad scope of the study, covering the 'extended medieval period' was intended to assist the analysis of how judicial assembly practices and settings changed from the early medieval to later medieval periods. This was also intended to help assess the extent to which outdoor assembly sites used in the high medieval and late medieval periods represent continuity with early medieval assembly-places, and also to what extent the

close of the period coincided with a decline in such practices, possibly influenced by developments in the governmental centralisation of legal practices during the 16th century.

Chapter 2: Medieval assembly practices and settings: NW Europe and Scotland

2.1 Introduction

This chapter is intended to provide a summary review of established work on the subject of medieval assembly practices and settings in Scotland and North and Western Europe, in order to provide historical context for the subsequent presentation of identified material relating to Scotland. First a synopsis of the historiography relating to the locations of early legal assemblies in Scotland will be presented. This situates recent research on the subject in relation to early modern and later interest in and comment on out-door court sites in Scotland and their historical significance. In particular, emphasis is placed on the positive role of place-name studies in the coming of age of the subject and the pertinent need for increased archaeological involvement in the field. Following this a review of the findings of research on assembly practices and settings in N and W Europe is presented with particular emphasis on those studies which have illustrated the physical aspects of legal assembly sites as well as historical evidence, and the questions these raise for Scotland.

The second half of the chapter then explores the history of medieval law in Scotland and the impact this has on the understanding of legal assembly practices. Central to this is a discussion of the development of legal process from customary early medieval origins under multiple cultural influences, toward a royal administration underpinned by a Common Law with strong links to English and Continental traditions. Elements of the persistence of customary legal forms into medieval society are highlighted through a description of the role and development of specific legal officials who are understood to have been involved in medieval legal proceedings in Scotland. As well as the discussion of the general involvement of communities in medieval courts, this discussion of legal officials provides a context of social agents who constituted assemblies at court sites. This will provide a grounding of information when such officials are referred to in the later discussion of identified court settings, but also provides a generic concept of the cast of social figures who constituted legal assemblies in medieval Scotland out-with central royal contexts. The Chapter will then be brought to

a close with reflections on the issues raised by this review and the implications these have for the research aims of the present study.

2.2 Location of legal assemblies in medieval Scotland: historiography

This section discusses the historiography of the study of early assembly practices and their settings in Scotland, with a specific focus on previous commentary about the settings of medieval courts. Until the late 20th century the places where early medieval judicial practices were enacted were deemed to be largely obscure by professional scholars (Barrow 1992: 217-8; Innes 1872: 97-8). Barrow's survey of the evidence for Gaelic place-names indicative of early courts, stands out as an attempt to make significant inroads into the question (Barrow 1981; 1983; 1992; see section 4.2.1). Leading on from Barrow's work, Driscoll has more recently suggested a possible monumental typology for the setting of traditional assemblies, as a 'large class of monuments in Britain that can be described as 'court hills'' (Driscoll 2004: 82). Driscoll also noted that no wider archaeological study into the subject had been attempted in Scotland at the time of his writing (Driscoll 2004: 82). The general use of the term 'court hill' is however not accepted here. While hills and mounds do have a strong presence in the evidence, universal use of 'court hill' would unreasonably predetermine and restrict the typology to these kinds of sites (see sections 4.5, 5.2 and 6.4). Barrow's study of *comhdhail* place-names has shown that many court sites do not conform to mound or hill settings. Furthermore 'court hill' obviously contains the element 'court', which potentially has distracting linguistic associations (see section 4.3.2). Despite this, Driscoll and Barrow have made the clearest contributions to the field in recent years, bringing increased clarity to the issue. However, their work should be understood as part of the ongoing development of a subject which has an extended historiographical development. Therefore before turning to further discussion of the aims and valuable contributions of recent studies, the post-medieval development of the study of the subject will now be considered in summary.

2.2.1 Early studies and definitions of the subject: the role of the *Mutehill* of Scone

Attempts have been made on earlier occasions, over two hundred years ago in some cases, to define possible categorisations of the types of site where early medieval legal practices occurred. For instance, in 1778 amongst the general propositions of subjects, proposed by David Steuart Erskine, Earl of Buchan, for examination by the Society of the Antiquaries of Scotland (constituted soon afterward) was the recording of 'mote-hills' (Erskine 1778: 28, 31). The distinction between the remains of early castle mounds ('mottes'), and mounds used as assembly sites was not clearly defined by archaeological evidence at this time. Mounds now understood to be mottes were occasionally erroneously interpreted during the late 18th and 19th centuries as a 'seat of justice' or 'seat of judgment', reflecting a wider anticipation of medieval out-door court sites and attempts to identify them in the landscape (NSA 1834-45: vol. 6, 270-1; OSA 1791-9: vol. 19, 107; *cf.* Christison 1898). The concept of the 'motehill' or 'moothill' as a place of assembly appears to have been a pervasive, though illusive, interest for scholars in the late 18th century and especially throughout the subsequent 19th century. In 1768, John Macpherson, probably drawing on Hollinshed's 1577 *Irish Chronicle* (pers. comm. Dr Elizabeth FitzPatrick), had written in reference to the setting of courts held by the ancient judicial caste of Northern Britain and Ireland ('Brehons', see section 2.5.1) that:

> 'Their courts were usually held on the side of a hill, where they were seated
> on green banks of earth. These hills were called *mute hills*.' (Macpherson
> 1768: 169; emphasis inserted)

Although Macpherson's statements were not grounded in a clear chronological framework, his allusion to the commonality of out-door settings for early courts is representative of wider views held by early legal historians in Scotland about the ancient traditional settings of Celtic law (see below, this section).

In Scotland, it seems clear that such views were often rooted in the dominant example found in the historical role of the Moothill of Scone. This principal example

stands out in the historical evidence to such an extent that it has dominated the debate and has often been used as a model for a wider phenomenon, sometimes with little regard for additional evidence. Highly influential in the development of such views were the important works of Sir John Skene (d. 1617). Particularly significant in this regard are passages from Skene's legal glossary the *De Verborum Significantione*, published 1597, and his edition of the medieval legal treatise *Regiam Majestatem* first published 1609, though originating from c. 1318. These texts translated old Scottish law, from Latin into Scots, the terminology of which was become unintelligible to Skene's contemporaries (Sellar 1991: 47; Skene 1609; 1681). Specifically relevant here is a well-known passage, which is now understood to be a composition of the 14th century and is also found in Fordun's chronicle of the latter half of that century, that mentions Malcolm II's reservation of the 'Hill of Scone' (Skene 1609; 1681: 12; *cf.* Duncan 1993: 240, 243; Sellar 1991: 47). Notably, Skene translated *montem placiti de Scona* (*monticulum* in Fordun) into Scots as 'the mute hill of Scone' (Skene 1681: 12) (whereas more recently Duncan (1993: 243) gives 'little hill' for Fordun's Latin *monticulum*). Fordun described the Moothill as being where the kings 'are wont to give out judgements, laws and statutes, to their subjects' (Duncan 1993: 243, fn. 6; Oram 2004: 20). In this Fordun appears to be referring to the role of Scone in his own time, the 14th century, in that by then it 'was the usual place for the holding of parliaments and framing legislation' (Duncan 1993: 243).

Skene's glossary for 'the mute hill of Scone' is revealing and probably draws on Fordun's description of the feature, which are now understood to refer to practices during the late 14th century, not Malcolm II's reign as the chronicle presents it (Skene 1681: 12; *cf.* Duncan 1993: 243, fn. 6). In reference to Malcolm II, Skene describes 'The mute hill of Scone' as:

> '*quhair he micht hald his courtes, and do justice to his subjects, in deciding their playes, and controversies... Mute in the Lawes of this realme is called placitum*' (Skene 1681: 12).

This account appears to have had a profound influence on later commentators and arguably informed the foundations of debate on the phenomenon of early assembly sites in Scotland until the 20th century. Skene's 16th-century use of the Scots term 'mute' is also revealing in that this nomenclature represents the late survival of anglicised place-names used in reference to assembly mounds. Equally relevant is that Skene was writing at a time when examples of such places were still in use as court sites, though generally the active phenomenon was coming to a gradual close (see sections 2.4.2.3, 5.5). The impact of Skene and the example of Scone on later debate holds true largely for Lowland and eastern areas of the country, further evidence for which will be discussed below. However a parallel debate developed concerning related practices in the Highland and Islands of Scotland. Traditions of early assembly practices in these areas were recorded by travellers and 'natural scientists' from the 17th century, and prior to this described by near contemporaries such as Munro in 1549 (Munro 1961). The relevant insights from these works are summarised later in this section, but first the impact of developments in legal history upon the subject elsewhere in Scotland will be continued.

The *Regiam Majestatem* was of major importance within the developmental history of medieval Scots law, and its translator Sir John Skene, also author of *De Verborum Significantione*, notably informed the works of influential legal historians of the 18th-century 'Scottish Enlightenment' and subsequently during the 19th century (Sellar 1991: 39, 47-52; see section 2.4.2.3). For example Henry Home, Lord Kames (1696-1782), the highly influential legal writer on principles of equity among other subjects (Paton 1958: 62, 275; Sellar 1991: 52), also published on medieval legal antiquities (Home 1993). His account of the introduction of 'Feudal Law' into Scotland was particularly influential upon later authors, and centred around a reinterpretation of the 'Laws of Malcolm mac Kenneth'. Within this work, Kames repeatedly makes reference to the account of King Malcolm's resignation of the lands of Scotland, which Kames identified as a later construct (although he associated it with Malcolm III, rather than the 14th century as Duncan has now shown (Duncan 1993; Home 1993: 1-25)). However, it is noteworthy from a terminological stance that Kames drew on Skene (1609), giving the relevant passage as 'he [King Malcolm] retained no Lands to himself, but the Mute-hill in the Town of Scone' (Home 1993: 2-3). Kames was among the

founding members of the Society of Antiquaries of Scotland, and the following 19th century saw numerous abortive attempts by antiquarians and scholars to identify signs of other 'mutehills' elsewhere in Scotland, seemingly on the basis of the exceptional model of the royal mound of Scone.

The antiquarian Chalmers in his *opus* Caledonia, although now redundant for his focus upon the 'Saxon' influx as the main influence in Scotland's early medieval social development, attempted briefly to define the mutehill or 'moothill' as a widespread phenomenon in Scotland, comparable with better known Anglo-Saxon practices (Chalmers 1807-24: vol. i, 695-759, 737, n. z). Chalmers' views on the subject are summed up by his specific statement that 'there was a Moothill in every district of North Britain, during an age when justice was administered to a coarse people in the open air' (Chalmers 1807-24: vol. i, 737). Chalmers' supporting examples were, however, restricted to late medieval occasional references to courts at a diversity of sites, including stone circles, bridges and one hill (by the church of Old Aberdeen, see section 5.3.5, and for complications of Chalmers' (1807-24: vol. i, 737) identification of Catter Law, Stirling as a 'moothill' see section 6.6.3). Local studies are also found to reflect such views. For instance Campbell's 'historical sketches' of *Garth and Fortingall* (1888) dedicates a section to 'motehills' he identified in Glen Loyn. The majority of these, however, cannot clearly be proven as assembly sites, largely due to the early state of toponymics at the time of writing. Despite this, more likely examples are also presented. These include *Tom a'Mhoid* by Camusvrachan, which Campbell calls 'mote-hill', and which is associated with the Cross of St Eonan or Adomnán (Campbell 1888: 53; see section 4.3.3.1), and Craig-Fhiannaidh, a rock outcrop with footprint carving which Campbell compares with the inauguration stone of the MacDonalds of Islay and which had later traditions of executions at the site (Campbell 1888: 52-4). Campbell's introductory statement to his section on 'The Motehills' of Glen Loyn seems a relevant summary of widely accepted views on the phenomenon which developed during the 19th century:

'Our ancestors held their courts of justice, local parliaments, and public meetings, in the open air, on rounded and, generally, terraced hillocks, which

were occasionally altogether made for the purpose, but were frequently natural mounds artificially completed. The simplest kind of motehill was only a leveled circle on a hillock or plain… The mound of Scone… was so important as the High Court and parliament place of the whole kingdom, as the place on which kings were invested, and where they presided in person, surrounded by their nobles and chiefs, that according to the exaggerated legend respecting the introduction of feudal law, Malcolm McKenneth "gave all the land of Scotland to his men, and retained nothing in property for himself except the Royal dignity and the *Mons Placiti*, in the village of Scone."… The Tinwald in the Isle of Man is the *Mons Placiti* of that little insular kingdom to the present day. No law passed by the Imperial Parliament becomes operative in Man until it has been published on the Tinwald.' (Campbell 1888: 50-1.)

Again the example of the Moothill of Scone is central to the discourse, though wider knowledge of the Tynwald of Man also contributed to the field (see section 2.3.5).

Entries in the Statistical Account of Scotland from the period also indicate similar general perception of the antiquity and common occurrence of the 'mote-hill' as a phenomenon (see section 4.3.1). For instance the entry for the parish of Muthill in Perthshire by the Rev. James Walter opens with a comment on the derivation of the parish's name, erroneously deriving this from *Mòdail* 'signifying a court of justice' (NSA 1834-45: vol. 10, 311), but now rather thought to be from Gaelic *Maothail* 'soft, spongy place' (Watson 2002: 418-9). This is perhaps a perfectly understandable mistake to have made within the under-developed context of place-name studies at the time, but the further reflections of Walker on the significance of his derivation are useful as they appear to reflect commonly held perceptions about early court sites in Scotland represented in the antiquarian community, and other commentators, during the 19th century:

'In the history of Scotland, Mote-hill and Moothill are often mentioned. On the eminences so named the Druids sate, and delivered their decrees and their addresses to the people.' (NSA 1834-45: vol. 10, 311)

Walker goes on to make reference to Skene's translated passage of the 'Laws of Malcolm mac Kenneth' which mentions the 'mute hill of Scone', referred to above, and he also cites Chalmers' observations on the prevalence of 'Moothills' (NSA 1834-45: vol. 10, 311). A further illustrative example also found in the NSA entry for the parish of Beith (Ayrshire) reads:

'On the lands of Hill of Beith, there is *one of those moot-hills* on which our ancestors received the award of their judges…' (NSA 1834-45: vol. 5, 580; emphasis inserted.)

(The Beith example referred to is called 'Court Hill' and is discussed further in Chapter 4). Although the authors of the Statistical Accounts were local ministers and not always clearly accomplished historical scholars, their statements in regard to early court and assembly sites, at least reflect the prevalence of the notion of the 'hill or mound of assembly' (or 'moothill') among the 19th-century literary classes and perhaps also amongst the wider rural population. Such features were often believed to be paired with 'Gallowhills', suggesting that the site of judicial process and execution were located close at hand (Gomme 1880: 273; Innes 1872: 59), although the wider evidence for this has never been fully assessed:

'No doubt the erection of the gallows completed the machinery of the ancient assembly places – the local judges adjudged the wrongdoer, and saw him executed forthwith.' (Gomme 1880: 273)

Cosmo Innes, writing in the latter half of the 19th century, took a more circumspect attitude in his *Scotch Legal Antiquities* toward the question of early courts, grounded as

his work was in extensive scholarly research of documentary evidence. He posed a conundrum which was not significantly answered in his time (Innes 1872):

'Was there in old Scotland anything equivalent to the Country Court, or the Court of the Hundred or Tithing, those foundations of the English Constitution, those local gatherings where neighbours took counsel about local affairs or settled differences? I cannot tell. I think there are indications of such assemblies. But it is too much the fashion to draw a marked line of distinction between the Celtic and Teutonic peoples and their customs. Until I see evidence to the contrary, I will believe that the Celtic institutions – always except their longer attachment to a patriarchal form of society – resembled those of the other northern nations, though they have left no code or chronicle, nothing but the circle of grey stones on the heath to record their national customs, their manner and form of proceeding.

We know something of the Country Court of England, descendant of the old *mallus* of Germany... But in Scotland we cannot get so far back, at least not so accurately. The shape of the earliest Courts with us, of which we have any record, was the Court of the feudal lord, the head court of the barony, drawing its origins and rules from quite a different source.' (Innes 1872: 97-8.)

Innes held the view that the remains of stone circles might represent the elusive sites of early courts, suggesting these may also have been the site of pre-Christian burial and religious ceremony (Innes 1872: 98, fn. 1). Robertson propounded similar views in the first half of the 19th century, and was perhaps influenced by his knowledge of late medieval recorded courts at stone circles (Robertson 1839: 388-9; Spalding Club 1847-62: vol. iv, 404; see section 5.4), as previously had Logan (1829). Similarly Stuart proposed stone circles as the setting for medieval courts, though he understood this not to have been the original function of such monuments. Although the dating of megalithic sites to the Neolithic and Bronze Age was not sufficiently defined during Stuart's time, his views were informed by reference to late medieval documentary accounts dating to

the 14th-15th centuries, which cited courts held at stone circles and standing stones (Stuart 1867: vol. 1, vi, fn. b; vol. 2, xli-xlii, fn. 2-4; see section 5.4). However none of the above scholars attempted a general study of the subject or any further examination of the physical setting of such courts.

William F. Skene, among the most renowned of 19th-century historical scholars in Scotland and Historiographer Royal (Sellar 2001), similarly provided no general attempt to examine early assembly practices, although he gave ample attention to the specific case of the Moothill of Scone. No doubt this was for similar reasons to Innes, namely the apparent lack of surviving historical material for comparable lesser sites and the early state of toponymics throughout much of the 19th century. Nevertheless in his wide-ranging paper on the 'coronation stone', the Stone of Destiny, in 1869 he provided an account of the Moothill of Scone, and the known physical remains, that was not wholly superseded until the later 20th century (Skene 1869; *cf.* Aitchison 2000; Welander *et al.* 2003). However Skene made no attempt to comment on a wider phenomenon of early assembly sites, which might be comparable with the exemplar of the Moothill of Scone, nor was this alluded to within his decisive three volume work *Celtic Scotland*, first published 1876-80.

2.2.2 Western Isles and Highlands tradition

Knowledge of assembly practises in the Western Isles and Highlands derives from distinct sources and indicates separate traditions regarding the subject, perhaps derived more directly from surviving accounts of past cultural traditions in these area. For instance Donald Munro, Dean of the Isles *Description of the Western Isles of Scotland*, written on the eve of the Reformation (1549), provides a sympathetic account of the assembly practices of the late medieval head council of the Lord of the Isles at Finlaggan Loch, Islay (Munro 1961). Although Munro's detailed account of the council did not come to light until the 20th century, this is the earliest account of the institution, produced only a generation after its dissolution. The description by Munro of the form this important assembly assumed is worth quoting in full:

'In this Ile thair conveinit 14 of the Iles best Barons, that is to say, four greatest of the Nobles callit Lords; to wit Mcgillane of Doward, Mcgillane of Lochbuy, Mccloyde of Haray, & Mccloyde of Leozus. Thir four Barons forsaid might be callit Lords, & were haldin as Lordss at sic time. Four Thanes of les living & estate; to wit, Mcginnihin, Mcnaie, Mcneill of Gighay & Mcneill of Barray. Uther four great men of living of thair royall blude of Clan-donald lineally decendit; to wit Clan-donald of Kintyre, Mcane of Ardnanmirquhame Clan-Ronald, & Clan-Alister Carryche in Lochaber; with the Bishop & the Abbot of Icolmkill.' (transcribed in Munro 1961: 102)

This indicates that secular elites of four grades of status and property from throughout the Western Isles of Scotland constituted the council, with some councillors present because of their direct kin-relation to the MacDonald lineage. Martin refers to the 'isle Finlaggan' as where the court of the 'great Macdonald, King of the Isles' was convened and also described the council as consisting of fourteen members (Macleod 1994: 273). The MacDonald seneachie refers to the council identifying the site as 'at Island Finlaggan, in Isla' (quoted in Munro 1961: 102; *cf.* MacPhail 1914). The council seems to have been the main court of appeal from the courts of regional judges (Macleod 1994: 273; Munro 1961: 108, quoting Hugh MacDonald) and responsible for certain internal landed disputes and grants (Munro 1961: 107). Martin also states that the eleventh share resulting from debates was due to the chief Judge (Macleod 1994: 273). This may have been MacBrayne or MacBreithamh who were traditionally the hereditary judges on Islay (Campbell 1995: 7; see *Torr A' Bhreitheimh*, Table 2.1, no. 7). Moreover the council appears to have had authority when called to decide on marriage agreements of the ruling classes (Munro 1961:108), indicating a broad range of judicial functions as the high court of appeal.

Significantly Munro describes the assemblies of the MacDonalds as having taken place indoors, within the 'council house', on the *Eilean na Comhairle* (Munro 1961: 98). Munro is likely to have based his description on oral traditions of the event from the 15th century (Munro 1961: 56-7, 95). The 16th and 17th centuries coincided with the final era

of professional Gaelic bards or seneachie and judges in the Western Isles, who were keepers of oral-based knowledge regarding what were essentially late medieval practices.

The next earliest account of the Lord of the Isles council is attributed to a Skye seneachie, Hugh Madonald, thought to have been written down after c. 1627 (MacPhail 1914: 24; Munro 1961: 95, fn. 1). This also offers a 'native' account of the 15th-century inauguration ceremony of the Lord of the Isles at Finlaggan, referring to the use of a footprint stone and describing practices with close parallels in the wider Gaelic medieval world (Caldwell 2003: 64; Campbell 2003: 51-2; MacPhail 1914; Thomas 1879: 37-8). Also of particular significance was a similar account provided by Martin Martin of his investigation in the Western Isles in c. 1695 (Macleod 1994: 273). Martin's *A Description of the Western Islands of Scotland* derives from his travels throughout the region in the late 17th century and is an early example of scientific or 'natural philosophical' enquiry into the region (Withers 1999: 3). Martin's work is particularly important as a source written by a Gaelic-speaking native of Skye, who was also educated in and closely connected to the London-Edinburgh-based world of scientific and geographical enquiry which developed at this time and which was encapsulated in the work of the Royal Society (Withers 1999: 3). Martin's account of more general practices of inauguration are particularly important, although brief. This describes the use of 'pyramid of stones', seemingly indicating some form of cairn or perhaps mound as the setting for the inauguration and proclamation of new chiefs (Macleod 1994: 166). This is in contrast to the island-based context for the similar ceremony of the Lord of the Isles at the building complex at Finlaggan (Macleod 1994: 273; Caldwell 2003).

No mention is made in these 16th- and 17th-century accounts of the 'moothill' concept, which is perhaps not surprising outwith an anglicised linguistic sphere. Sir Robert Sibbald, a contemporary of Martin Martin and Geographer Royal for Scotland, attempted in 1682 to produce a geographical description of Scotland covering the nation's ancient traditions. The complete work was never published but as with other 'natural philosophers' in his time Sibbald drew substantially upon local informants (Withers 1999: 3, 5-6), and so aspects of his manuscripts, published for instance in the early 20th century, contain valuable traditional material referring to the use of mounds as court sites (Macfarlane 1906-8: vol. 2, 13-14, 16). Traditions that medieval assemblies

occurred on mounds and hills in the W and N of Scotland were also occasionally recorded amongst 18th- and 19th-century writers.

During the 18th and 19th centuries, publications describing expeditions and travels in the Isles and Highlands were common and unlike the earlier sources often emphasised the romanticised aspects of the areas' traditions and aesthetic qualities (Withers 1999: 2). However more historically attuned accounts such as Pennant's 1770s *A tour in Scotland, and voyage to the Hebrides* (1774) contain occasional references of relevance here. For instance Pennant's account of Duntulm castle on Skye refers to the traditional use of a hill by the site for, presumably, medieval assemblies and expresses the view that this was previously a wider phenomenon in the Isles:

> '*Dun-tuilm* is a ruin, but was inhabited as late as 1715. It was the original seat of the *Mac-donalds*, in *Skie*: near it, a hill, called *Cnock an eirick*, or, the *hill of pleas* : Such eminences are frequent near the houses of all the great men, for on these, by the assistance of their friends, they determined all differences between their people : the place was held sacred, and to the respect paid to the decisions delivered from the summit, may in some measure be attributed the strict obedience of a fierce and military race to their chieftain.' (Pennant 1774: 350.)

By the late 19th century the influence of the concept of the assembly mound was such that, prior to wider knowledge of Munro's 15th-century account, commentators also believed the Islay Council of the Isles to have taken place upon a similar monument. The 'council isle' itself was seen as a form of 'Tom Moid, or law hill' (Munro 1961: 98-9, fn. 7). More recently Caldwell has suggested Cnoc Seannda, a natural hill at the head of Finlaggan Loch, as a possible earlier medieval assembly / inauguration mound (Caldwell 2003: 66). *Tom a'mhoid*, Gaelic for 'Moothill', is a feature of place-names mostly in the Highland regions of Scotland and southern Argyll (see section 4.2.3), and are mentioned in late 18th- and 19th-century commentaries (NSA 1834-45: vol. 10, 1065). Although no general study was provided, such features seem to have been compared with the 'Moothill' (Gomme 1880: 274; OSA 1791-9: vol. 18, 86). Therefore, despite the lack of

historical evidence, the practice of using mounds or hills as venues for early courts was seen as a prevalent feature in both Highland and Lowland areas of Scotland.

The strong Norwegian cultural impact on the W and N areas of Scotland was also appreciated by early scholars on the subject, and the work of Hibbert in *The Thing-sites of Orkney and Shetland* (1831) was particularly influential. Hibbert presented the essentially Scandinavian-derived system of local and central medieval courts in the Northern Isles as derived from Pre-Christian practices, and often closely linked to the site of a pagan 'temple' or *hof* (Hibbet 1831; *cf.* Gomme 1880: 160). Although the court records for Orkney and Shetland only survive from the 16th century, by which time the court system had been progressively centralised under the Earls of Orkney, Hibbert nevertheless extrapolated the earlier medieval organisation and practices of the *things* (for useful summary see Gomme (1880: 160-71)). This is also indicative of Hibbert's approach to the settings of the earlier things in Shetland and Orkney, some of which he associated with 'loose rubble stones, so arranged as to form a double concentric circle, in the centre of which a pile of stones was raised, to afford a seat for the judge, while the remaining part of the inner circle was occupied by the doomers. The opposite parties in the cause, and the witnesses or compurgators, stood in the outer circle' (Hibbert 1831: 180; *cf.* Gomme 1880: 164). Despite the late evidence for the use of standing stones as court sites in Orkney (Spalding Club 1852: 37-39; see sections 4.3.3.2 and 5.4), Hibbert's concepts regarding the setting of things seems to be based on little corroborating evidence and the stone features he indicates were also interpreted as burial sites by other authorities (Gomme 1880: 165, fn. *, citing Worsaae). From the 17th century, parish courts were no longer held outdoors (Gomme 1880: 164). Stone enclosures are known to have been used as *thing* sites in the Scandinavian world (Crawford 1987: 208; see section 2.3.4) so there may still be value in Hibbert's (1831) identifications, but the problem remains that he offers no immediate evidence.

This is in contrast to Hibbert's discussion of the Lawting, *althing* or head court of Shetland, for which more substantial late medieval historical records survive (see section 4.3.3.3). However here in contrast Hibbert is limited in his comment on the setting of the Lawting (Gomme 1880: 170). This is surprising given Martin's relatively detailed earlier account of the traditions associated with the Law-Ting Holm ('island') in Tingwall

parish, Mainland Shetland (Macleod 1994: 384-5). Hibbert (1831) does however offer a useful comment on the general sitting of *things*, noting that they do not generally conform to a single uniformity, 'nothing was essential to it but a fence within which peace was proclaimed' (Gomme 1880: 161, citing Hibbert). Further information was to be forthcoming regarding the social organisation and nomenclature of late medieval courts in Orkney with the publication of transcribed documentation of the 'Lawmen of Orkney' edited by John Stuart for the Spalding Club (1852). This provided useful information on the role of the *raadmen* or *rothmen* and other members of the courts at this time, figures paralleled elsewhere in the Scandinavian world (Spalding Club 1852: 37-39; *cf.* Crawford 1987: 205; see sections 2.3.4 and 4.3.3.3). In the early to mid-20th century Marwick was the authority on Orkney (Marwick 1952), with his work grounded in a more reserved approach to the question of *thing* sites, citing the occurrence of *þing* place-names as a useful indicator of early settings.

More recently Crawford (1987: 204-10) has produced wider comment on the indications of such institutions in the Northern Isles, Caithness and the Hebrides, and put them in context with the wider Scandinavian cultural sphere. Crawford rightly notes: 'This is a field of research where place-names and archaeology are of equal importance' (1987: 208), but while Crawford's section on 'Law and Society' is an indispensable summary, it is unfortunately limited on detailed comment regarding the archaeology of *thing* settings. This is symptomatic of other studies of *thing* sites in Scotland which almost exclusively focus on the place-name evidence (Fellows-Jensen 1993; 1996; Gordon 1963; Thorson 1965). Driscoll's investigations of the Doomster Hill at Govan are a recent exception, as an archaeological investigation of an assembly site with apparent links to Scandinavian cultural influences (Driscoll 1998c). The extent of study into Scandinavian influences on the assembly practices of medieval Scotland is relatively distinct from the degree of wider study of the subject in Scotland, and limited comparable research exists from the 19th century for other areas of Scotland.

2.2.3 Defining the field, the influence of toponymics and archaeological obscurity

Gomme's study, *Primitive folk-moots; or, open-air assemblies in Britain* published in 1880 was the first attempt at a general survey of early assembly practices in Britain, including Scotland. However the value of the work was lessened by the absence of detailed descriptions of the physical remains and a lack of critical assessment within a chronological framework. Gomme was aware of short-comings in relation to the archaeology, but also of the value of physical evidence for the subject and presented his work as an aid to assist such work (Gomme 1880: vi-vii). Moreover as the title of the work suggests, Gomme's overall interpretation and aims were influenced by post-Enlightenment theories of the racial derivation of culture and primitive / civilised dichotomies. This held that 'open-air' medieval assembly practices might be directly traced to the 'primitive' institutions described by classical authors as active among the Germanic and Celtic tribes of continental Europe (Gomme 1880: 13; *cf*. Pantos and Semple 2004: 16). Gomme's work is, nonetheless, a generally useful compilation of relevant material relating to assemblies in Scotland undertaken at outdoor venues during the extended medieval period. This value should be qualified by the limitations of knowledge concerning archaeology and the early stages of Scottish toponymics in the late 19th century. This is most keenly seen in Gomme's section on 'evidence of place names and traditions in Scotland' which compounds numerous errors cited from secondary 19th-century sources, such as the uncritical interpretation of 'law hill' place-names (Gomme 1880: 260-277). Subsequently, place-name studies were to make significant contributions (Watson 1926) and arguably remain one of the key means through which assembly settings can be generally identified. However a specific place-name study of medieval assembly practices was to wait until Barrow's (1981; 1983; 1992) examination of Gaelic elements in the 1980s (see section 4.2.1). Arguably, the wider awareness of the archaeological potential of medieval court and other assembly sites in Scotland owed much to these developments in place-name studies (see below this section and section 4.1).

The subject of outdoor assemblies and early courts in Scotland seems to have lingered in relative obscurity for much of the first half of the 20th century. An awareness of the subject matter is shown by Grant in *The Social and economic development of Scotland before 1603* (1930) where he refers to the 'moothill' which 'according to local traditions' were linked to the provision of justice, and which Grant generally saw as derived from prehistoric practices (Grant 1930: 57). Moreover Grant connects the later medieval baronial and burgh courts as the successors of such traditional practices, citing a selection of attested later medieval courts convened at megalithic settings (Grant 1930: 57-8; see section 5.4). Similarly, Murray in 1908 cited examples, also known to 19th-century authors, of 14th- and 15th-century courts convened at megaliths and hills as evidence of the surviving antecedents to burgh courts that were held within town buildings and tollbooths (Murray 1908; 1924-32: vol. 1, 25, 187; RCAHMS 1996: 1-2; see sections 5.3 and 5.4). These studies, however, at best only provided passing comment about the locations of early courts and fail to discuss the significance of the cited examples for contemporary medieval and earlier medieval assembly practices in Scotland.

This was in contrast to the expanding field of place-name studies during the same period, which in England saw the vital work of Anderson on *hundred* names, which has proved so essential to later studies of the subject in the southern half of Britain (Anderson 1934; Pantos 2002). No such study exists for Scotland, although William John Watson's seminal work *The Celtic Place-names of Scotland* contains valuable insights about place-names indicative of medieval assembly practices with indications of their location, although admittedly nowhere is this material synthesised as a whole within this extensive work. However Watson's allusions to the subject matter indicate a wider awareness of the subject's historical significance. For instance, in a footnote to a short section on examples of Gaelic place-names containing *eireacht*, 'an assembly', and *comhdhail*, from M.Ir. *comdál* 'a tryst', Watson refers to Pennant's account of *Chock an eirick* or 'the '*hill of pleas*' by Duntulm in the Isle of Skye, following this with the statement that 'the custom of holding 'parliaments on hills' was common in Ireland, and in Scotland also' (Watson 1926: 182, fn. 1). Unfortunately Watson makes no further reference to the authorities he drew on for his awareness of this subject. In his chapter on 'Some General Terms'

Watson states that the '*eireachd* was, often at least, a court of justice, and was held in the open air at a definite place, sometimes on an eminence', and in reference to specific *comhdhail* place-names, 'trysts were often held at well known stones' (Watson 1926: ch. XIV, 491-2). A comprehensive study of these terms was to wait until Barrow's survey in the latter half of the century, which self professedly owed much to Watson's initial findings (Barrow 1992: 228).

However archaeological investigations, or indeed acknowledgement, of the subject seems to have remained minimal during the first half of the 20th century. This is exemplified, perhaps rather extremely, in a statement by Crawford in an appendix to his *Topography of Roman Scotland North of the Antonine Wall* entitled 'Laws and Moots':

> 'There is an intrinsic absurdity in the picture of a primitive community taking the trouble to make a large steep-sided mound simply for the purpose of meeting upon it and listening to the promulgation of laws by the tribal chieftain' (Crawford 1949: 153).

And again Crawford, in reference to an admittedly erroneous account of the meaning of a specific Perthshire mound's place-name in Pennant's *Tour in Scotland*:

> 'There is no reason to suppose that it, or any other such mound anywhere else, was constructed for the purpose of holding meetings on the top – an absurd idea' (Crawford 1949: 152).

These statements should be set against Crawford's clear awareness that medieval courts were known to have occurred at 'prominent hills' in England and 'perhaps also in Scotland' (Crawford 1949: 152). However he characterised such hills as '*convenient* meeting-places' (Crawford 1949: 152; emphasis inserted) indicating a common view that assembly sites were largely chosen with functional concerns in mind and based on the practicality of opportune existing landmarks (see Pantos 2004: 170-1; *cf*. Dickinson 1928: xviii, fn. 1).

The publication of the RCAHMS county surveys also indicate a general absence of wider knowledge concerning the archaeological potential of the subject. Early county surveys for instance contain no general category to characterise medieval assembly sites (RCAHMS 1911; 1915). This is in contrast to the occasional record of a reference to singular examples in such publications. For instance, the survey of Caithness records the remains of Thing's Va broch, near Thurso, and makes reference to the possible derivation of the site's place-name as 'Thing-vollr meaning site of 'thing' or local assembly or courts of law' (RCAHMS 1911: 119, no. 432), but contains no general material on such sites or the potential for others in the region (see section 4.3.3). Similarly, the survey of the county of Berwick mentions Homeli Knoll, where the medieval courts of Coldingham priory were held, but offers no general appraisal or comment on comparable sites in the area (RCAHMS 1915; see section 5.2). The first RCAHMS report relating to Dumfries in 1920 makes no general reference to 'moothills' or any other categorisation of assembly sites and the more recent publication in 1997 (RCAHMS) repeats this absence, although it does include specific prominent examples such as the Clochmabenstane or 'Lochmaben Stane' (a well-attested medieval court site held at a prehistoric stone circle (RCAHMS 1920: 92-3, no. 263; 1997: 110; see section 5.4.4)). However, there are encouraging indications within the recent publication of their survey of Donside (Aberdeenshire), *In the Shadow of Bennachie*, which contains a section, admittedly short (3 paragraphs), inserted into a discussion of 'Baronies', on '*court*- place-names', with an accompanying index reference (RCAHMS 2007: 172-3, 283). The entry notes that such place-names represent 'a more subtle mark in the landscape… and mark some of the locations where justice was exercised' (RCAHMS 2007: 172). Reference is also briefly made to some of the pitfalls in the use of such place-names and occasional historical references to medieval courts at outdoor locations are cited (RCAHMS 2007: 173). The strong role of place-names (see section 4.1), historical material (see section 5.1), natural places (see section 6.4) and the often subtle content of the evidence relating to medieval assembly sites may account for the low ebb of material relating to such places in the surveys of the RCAHMS over the previous century, and the apparent lack of a concerted archaeological categorisation of the phenomenon.

The work of influential Scottish historians have contributed much to the definition of the subject. For instance Anderson, in the conclusion to *Kings and Kingship in Early Scotland* first published in 1973, highlighted the unique potential of the archaeological and place-name record, in the face of limited documentary material, to assist the identification of where 'the various kings' of early medieval Scotland were inaugurated. Two questions Anderson raised are particularly relevant here and illustrate the gaps in knowledge at Anderson's time of writing. The first was stimulated by the seemingly unique evidence for Scone, and the possibility of other places of inauguration. Anderson's questions included: '…did these places have ancient associations that made them sacred, going back perhaps to the Bronze Age?' and 'Can we identify other places used for *assemblies*' (Anderson 1980: 203-4; emphasis inserted). Duncan (1975: 115-6) also commented on the extended antiquity of the Moot Hill of Scone, its early 10th-century use as a royal assembly site and possible roots as a Pictish royal centre. Moreover Duncan summarised the increasing awareness, at the time of his writing, of the links between medieval Scottish inauguration ceremonies at Scone in relation to Irish inaugural practices and wider Indo-European pre-Christian traditions, surrounding the symbolism of sacral kingship (Duncan 1975: 115, fn. 29; *cf.* Anderson 1980: 132, 203-4; Byrne 1973: 20, 23). Notably Duncan also posited the possibility that the Moothill 'was probably a barrow or chambered cairn associated with some eponymous ancestor of a royal line' (1975: 115). Duncan however makes no mention of any comparable or lesser 'Moothills' in Scotland, or indeed any general comment on the practice of outdoor assembly, other than in relation to royal ceremony at Scone and its European analogies.

More diverse insights have been gained through the influential investigations by Barrow from the 1960s onwards into the early shire and thane in medieval Scotland, and the related development of parish territories, issues which have proved particularly relevant for the present discussion (Barrow 1962; 1973; 2003). Barrow's (2003: 7-56) model offered an early medieval social and economic framework for Scotland (at least in the lowlands) within which the local court-site was a vital feature. Such ceremonial centres should be seen as more than a 'convenient' landmark, and rather as an essential feature for the cohesion of society and royal administration. As with other central institutions of medieval society, it seems probable that the use of local assembly sites was

associated with an accompanying ideology, as with the heightened ideology of the more historically visible royal centres (*cf*. Driscoll 1991). Ideological considerations were not however Barrow's subject of interest when in 1981 he published his 'Popular courts in early medieval Scotland: some suggested place-name evidence', but it seems likely that this work stemmed from his prior work on early estate management in the Kingdom of Scotland (see Barrow 1973: 7-68). 'Popular courts' was the first coherent modern study of the subject of local medieval courts in Scotland, which focused on the examination of place-names containing Gaelic *comhdhail*, 'assembly', which commonly occur in the form 'Cuthill' (see section 4.2.1). Barrow identified a range of possible settings associated with such place-names, comparing this with similar findings for the hundred place-names in England, and reviewing a proportion of the disparate high medieval historical references which mention courts held at similar locations (Anderson 1934; Barrow 1992: 217-45; see section 5.2). Key among Barrow's (1992: 227) conclusions was that single parishes were generally found to occur with one *comhdhail* place-name, perhaps indicating that the courts may have served the communities of early district estate units. Commenting on the setting of such courts Barrow stated:

> That the meeting-places – if, indeed, they are indicated – by the cuthill element had antiquity comparable with the hundred, small shire and wapentake meeting-places in England is strongly suggested by the geographical association, in an appreciable number of cases, with major prehistoric monuments, especially cairns, stone-circles and standing stones… Moreover, …the cuthill name is associated with a lord's hall or castle or at least with the holding of courts and with punishment…' (Barrow 1992: 227; also quoted in Driscoll 1991: 98, from Barrow 1981: 10).

Barrow (1992: 228) also indicated the potential of the Gaelic elements *eireachd* ('assembly'), *aonach* ('assembly, market, fair') and *tional* ('tryst'), which had first been discussed by Watson (1926; see sections 4.2.2 and 4.2.7), for the investigation of place-names relating to the wider subject. Barrow also highlighted the relevance of other place-names derived from non-Celtic languages, and while not discussed in detail he pointed

out their importance for the future study of early medieval court-sites in Scotland (Barrow 1992: 229). Those noted included Scandinavian *þing* ('assembly') and names such as 'Moathill', Cupar, presumably in reference to place-names containing Old English *mōt* (Barrow 1992: 228-9; see sections 4.3,1, 4.3.3 and 5.3.4.2). Studies examining *þing* place-names could be found in Gordon (1963) and Thorson (1965), which investigated the strong Scandinavian influence on topographic nomenclature in the Western Isles, though these were local in scope and devoid of archaeological comment. Fellows-Jensen in 1993 (*cf.* 1996) provided a national survey of the evidence for *þing* place-names, but again was not concerned with the archaeology (see section 4.3.3). Similarly, Barrow (1992: 227), despite commenting on the general physical settings associated with *comhdhail* place-names, provided no detailed information on the archaeology associated with such places. Moreover Barrow (1992), although commenting on the possible later linguistic reasons for the geographical distribution of such place-names in the NE of Scotland, did not consider the prospect that such court-sites might represent Pictish assembly sites which had been appropriated between the 9th and 10th centuries (see section 4.2.1.3). Nevertheless Barrow's (1981; 1983; 1992) work has formed a key basis for discussion upon which future work on the subject was to develop.

2.2.4 Recent archaeological dialogues and 'assembly studies'

Driscoll was wholly aware of Barrow's work when in his study of the Pictish territorial administration in Strathearn he proposed a model for the early thaneage unit (or its earlier equivalent) to include an assembly site, where 'popular courts' and also ceremonies 'of quasi-religious inaugurations to high office' would be held (Driscoll 1987; 1991: 98-9). However, the detection of relatively humble assembly sites proved elusive, in comparison to historically visible royal centres associated with assembly monuments. Nevertheless a significant identified factor at royal centres was the possible link between concentrations of prehistoric monumental remains and the settings for assemblies. This was noted at both royal Scone near the prehistoric complex of Blairhall, and at Forteviot in Strathearn (Driscoll 1991: 99). This phenomenon was shown to have the potential to facilitate the

understanding of ideological and cultural reasons for the settings of early medieval assemblies, though it was unclear at this time whether this was purely a feature of royal centres (Driscoll 1991: 99). This correlation may also be illustrated at lesser sites (see sections 4.2.1.2, 5.4 and 6.3).

> 'In our study area [Strathearn, Perth and Kinross], there is a conjunction between the presence of prehistoric ritual monuments, royal residences and major meeting places in two locations. Whether this should be taken as a general pattern is too soon to say, but it may prove a useful rule of thumb, since otherwise these meeting mounds would be impossible to distinguish from a burial mound without excavation' (Driscoll 1991: 99).

The 1990s saw numerous publications which put forward the interpretation that among the functions of early medieval royal centres in Scotland was their role as assembly sites and ceremonial settings (Alcock 1989; Driscoll 1987; 1991; 1998; 1998a; 1998b; Foster 1997; 1998). These developments coincided with excavations by Caldwell at Finlaggan on Islay, the late medieval council and inauguration site of the Lord of the Isles (Caldwell 2003; Caldwell and Ewart 1993) and excavations by Driscoll at Govan investigating the possible site of Doomster Hill, interpreted as an assembly site of the 10th century kings of Strathclyde (Driscoll and Will 1996; Driscoll 2003). The publication of the results of excavations at the nucleated early medieval hillfort of Dunadd in 2000 also drew renewed attention to the role of this centre as a possible inauguration site (Lane and Campbell 2000). Driscoll has led the archaeological discussion of early medieval assembly sites in Scotland, although this has by necessity focused largely on known royal locations in the absence of a general study (Driscoll 1998; 1998a). The situation of royal centres of the 8th and 9th centuries, and early Christian cemeteries, in proximity to prehistoric complexes in particular has been discussed by Driscoll (1998a). Driscoll, drawing on Northumbrian and Irish analogies (see Aitchison 1994; Bradley 1987), interpreted this proximity as an indication that early medieval elites in late Pictish Scotland propagated and manipulated perceived ancestral links to prehistoric remains for ideological ends, in order to legitimate new over-lordships, at the head of polities of

increasing scale and complexity (Driscoll 1998; 1998a; 2003; 2004). Moreover, Driscoll has drawn attention to the significance of Doomster Hill, a probable assembly mound by Govan. Excavations have confirmed Govan old parish church as an early Christian foundation and suggested a physical link between the church and mound by means of a metalled road-surface (Driscoll 1998: 98, 101-4). (Recent findings have caused the location of the Doomster Hill to be partially re-assessed, Driscoll pers. comm.). The Doomster Hill of Govan and Moothill of Scone assembly monuments were interpreted as deriving from wider political changes affecting Scotland during the 10th century. This is seen as an accumulative process coinciding with the formation of the kingdom Alba, and stimulated by Gaelic and Scandinavian cultural influences, associated with practices of assembling upon monumental mounds for legal and political purposes (Driscoll 2003; 2004). In this way the introduction of such assembly practices are seen to correspond with a significant shift in the location of elite settlement, from upland fortified positions to lowland, seemingly unenclosed centres possibly influenced in their form by Northumbrian and Continental models (Driscoll 2003; 2004).

The Doomster Hill, Govan, requires more detailed examination here because it is an exceptional example for having been the target of sustained archaeological investigation in recent years. Driscoll recently drew attention to the probable court mound (no longer extant) known as Doomster Hill at Govan (Strathclyde). Noting similarities between the strong 10th-century royal associations with Govan and Scone Driscoll posited that the Doomster Hill might also represent an inauguration venue for the resurgent Kingdom of Strathclyde (Driscoll 2003: 81). Before turning to an extended case study of Scone it is important to describe the evidence for the Govan site, one of the few assembly sites to have been actively investigated and interpreted within an archaeological dialogue in Scotland. Excavations at Govan by Driscoll have shown the parish church which neighbours the site of Doomster Hill to be early medieval in derivation (something as yet archaeologically unproven at Scone). Graves at Govan were dated to the 5th and 6th centuries and the church houses an exceptional collection of mostly 10th-century sculpture including an outstanding stone sarcophagus which may have housed the relics of St Constantine, a saint with strong royal affiliations (Cullen and Driscoll 1995; Driscoll 1998c: 100-3; Driscoll and Will 1996; 1997; Ritchie 1994). The place-name

Govan has been identified as deriving from Brittonic *gwo-*/*go-*, 'small, little', and *ban*, 'crest, hill', presumably referring to the Doomster Hill and if so, indicating its antiquity (Clancy 1996). This perhaps indicates that the mound was present at Govan prior to the late 9th and 10th centuries, at which time increased Scandinavian and Gaelic influences may have come to bear on the area (see Driscoll 1998c: 112-3). Doomster Hill is a post-medieval place-name for the actual monument itself, as opposed to the settlement. Significantly, it is likely to mean 'Hill of the Doomster or Deemster', referring to a specific judicial official, the Scots 'dempster' and Man 'Deemster', which could replace Gaelic *britheamh* or Manx *briw*, and is linked to Scandinavian *dómr* and OE *dōmere* (see section 2.5.1). This is the main indicative evidence which identifies the Doomster Hill as a site possibly used for the early medieval exposition of customary law (see Driscoll 1998c: 102).

While the form of the Doomster Hill has been reconstructed to some extent using post-medieval sources, findings from exploratory excavations during the 1990s have recently been called into question by further investigations (Driscoll *et al.* 2007; Driscoll 1998c: 104). Prior to the mound's destruction during the 19th-century expansion of the Clydeside, the monument was described as a 'small circular hill on the south side of the Clyde', opposite the ferry crossing to Partick, and measuring c. 45m diameter by 5m high (NSA 1834-45: vol. 6, 690). Prior to this it was shown as a substantial elevation adjacent the parish church on Roy's 18th-century map (1747-55: Map 05/6a). In the 19th century parish account it was 'supposed to have been one of the law hills of the country' (NSA 1834-45: vol. 6, 690). Also in the same source, brief mention is made of the discovery of an apparently timber-lined burial within the mound's interior, found when a reservoir was inserted into the summit to supply an adjacent dye-works. This would indicate that the monument was not necessarily a purpose-built assembly mound. The mound is thought to have been c. 150m from the pear-shaped enclosure of the medieval parish church, and excavations indicate that a metalled road-surface may have run from the church toward the mound (for summary see Driscoll 1998c: 104). This has been suggested to indicate a close link between the open-air court site and the church, which was given further significance by the location of a royal estate and residence on the opposite bank of the

Clyde at Partick, which until relatively recently was encompassed within the same parish the boundary of which crossed the river (Driscoll 1998c: 105).

The earliest and only detailed illustration of Doomster Hill to have survived dates to 1758 and shows a view composed from the opposite bank of the Clyde, with only a portion of the Doomster Hill on the left hand side of the frame (see Driscoll 2003: 80). Driscoll has described this as showing the mound with a flat summit and, in reference to a level area around the central elevation surrounded by a notable declining slope, the illustration was also suggested as indicating that the Doomster Hill had a large terrace feature or stepped-profile (Driscoll 1998c: 101-2). This is an important point as such a morphological feature might be comparable with the tiered mound found at the famous Tynwald of Man and the associated examples of *thing* mounds around the Irish Sea region (see section 4.3.3). However it is clear from post-medieval maps of Govan that a burn originally ran between the mound site (where the dye-works was located) and Water Row (a thoroughfare of the settlement leading to the ferry crossing), with the parish church beyond to the W. The presence of this burn must be taken into account when interpreting Paul's 18th century illustration, as has been the case in a recent reconsideration of the site's location (Driscoll *et al*. 2008: 29, 32-3).

Recent excavations appear to have identified the in-filled course of this burn. It now appears that the curing feature located during the initial 1990s Water Row excavations, found to contain medieval pottery, was in fact associated with this burn rather than the construction ditch of the mound (Driscoll *et al*. 2008: 36). A reinterpretation of the 1758 illustration can be suggested, proposing that the 'quarry ditch' identified by Driscoll in Paul's image is in fact the curve of the burn on the NW side of the mound (see Driscoll 2003: fig. 32 caption, 80). However the perspective of this 18th century image is skewed and the illustration of the mound should be seen as to some extent schematic, thus there is a possibility for over-analys based on this illustration (see Driscoll *et al*. 2008: 34-36). A recent thorough examination of the 18th and 19th century maps of Govan has refined the understanding of the mound's location. In particular, George Martin's map of Glasgow shows important details of the layout of the dye-works located in the vicinity of the mound and the course of the unnamed burn. This shows a relatively open area with a single rectangular structure in the middle, thought to

indicate the reservoir of the dye-works and thus the site of Doomster Hill. This places the mound 60m E from the location previously identified, on the E side of the burn in an area of notably open ground (Driscoll *et al*. 2008: 20, fig. 10, 34-36), perhaps indicating a historically-reserved plot of ground previously used for assemblies, comparable with arrangements at Dingwall (see section 4.3.3.1).

Given the relatively later medieval usage of 'doomster' in Scottish legal settings, this may be argued to be not be particularly indicative of a Scandinavian influence on the Govan assembly site. However even without the stepped profile and or acceptance of a link to the Manx 'deemster', the Scandinavian influence of the Govan sculpture and the 9th to 10th century histories of the Kingdoms of Dumbarton and Strathclyde do argue for prominent Scandinavian cultural impact from the Dublin and York Norse (see Driscoll 1998c: 112-3). If MacDonald and MacDonald's (in prep.) interpretation of the evidence for the Dingwall mound is accepted and Tinwald motte is acknowledged as originally having been a *thing* site, then these two examples indicate that *thing*-mounds in Scotland *could* be stepped (and have ditches) as with the Tynwald, Man, and others of the Irish Sea region (see section 4.3.3)), although mounds used for *things* have been identified in Scotland which do not exhibit stepped profiles. Although Driscoll's (1998c) interpretation of the Doomster Hill as a possible early medieval assembly mound is by no means refuted here, a rethink of the morphology of the Doomster hill is proposed and the need to consider the later medieval afterlife of the site as the setting for courts perhaps into the era of Common Law.

The Govan mound stands out because it has been the only assembly site actively investigated by archaeological means in recent years. Recent increased scholarly interest in Scone has stressed the paucity of detailed archaeological information regarding the development of the royal centre, in particularly its two main historic features: the Moothill and Abbey of Scone (Aitchison 2000; Driscoll 1998; 2004; Fawcett 2003; RCAHMS 1994). This example will not be considered substantially here because of the entirely royal status of this exceptional site (but see O'Grady 2006; 2007).

Driscoll's recent work at Govan has coincided with a general increase in research into medieval assemblies throughout northern Europe, in particular in Britain and Ireland. Key among such developments has been the completion of FitzPatrick's doctoral study of

'The practice and siting of royal inauguration in medieval Ireland' in 1997, and Pantos's thesis 'Assembly-places in the Anglo-Saxon period: aspects of form and location' in 2002 (see section 2.3.3). Moreover in Scotland during 2003 the result of numerous innovative studies themed around a re-evaluation of the Stone of Destiny was published, stimulated by the artefact's return to Scotland in 1996 (Welander *et al.* 2003). This followed on from an earlier study of the Stone by Aitchison in 2000. Both these studies drew renewed attention to Scone, the site's history and the historic significance of the Moothill; although still only limited attention was given to possibly comparable features in Scotland (see Driscoll 2003). The *Stone of Destiny* monograph also helped to place the royal practices enacted at Scone in a NW European context (Airlie 2003; Clancy 2003; FitzPatrick 2003), in particular drawing attention to similarities between Gaelic inauguration practices in medieval Ireland and aspects of monumentality and practices at Scottish inauguration sites (specifically Scone, Finlaggan and Dunadd; Broun 2003: 191; Campbell 2003; FitzPatrick 2003; Clancy 2003). These developments paralleled wider renewed interest in assembly studies by scholars in Britain and other areas of Europe. This was seen in the publication of two books resulting from papers given at conferences dedicated to the subject. The first resulted from sessions on historical material relating to 'consensus in the Early Middle Ages' and 'Assemblies' given at the Leeds International Medieval Congress from 1999 (Barnwell 2003: ix). Barnwell (Barnwell 2003: 1-10) produced a useful summary of the general themes and phenomena of medieval assemblies in a wider European context in introduction to this work, echoing Reuter (2001) in many general points (see section 2.3). Moreover, in 2000 a conference held at the Institute of Archaeology in Oxford University resulted in an interdisciplinary publication, albeit with a strong emphasis on archaeological evidence, which in content covered all areas of Britain, Ireland, the Isle of Man, Scandinavia and the Frankish Continent (Pantos and Semple 2004: 19-21; see sections 2.3 to 2.3.8). This represented a major affirmation of the subject as a conscious and defined area of study in its own right, with the terms 'assembly-studies' and 'study of assembly places' used to define it (Pantos and Semple 2004: 21).

Driscoll's (2004) contribution to this work offered a summary of the subject's development in Scotland. This emphasised the possibility of the existence of comparable

features to the prominent early medieval royal example from Scone, through reference to Driscoll's (2004: 89) new findings from Govan and his interpretation of the Doomster Hill as a royal assembly site for the 10th-century Kingdom of Strathclyde, with close parallels to other monuments in the 'Irish Sea World' (1998c: 98-105, 112-14). Significantly, though, Driscoll (2004: 82) also made clear the relatively under developed state of archaeological studies into early assembly settings, despite the fact that Barrow's (1992: 217-46) study of popular courts had already provided an initial topynomic realisation of the subject. In reference to 'court hills', proposed as a type-site for the Moothill of Scone, Driscoll noted that 'There has been no systematic study of the archaeology of these places' (2004: 82). The value of the present study is therefore thrown into sharp relief (see section 1.1).

Studies on a local scale have in the meantime contributed to the further definition of the subject as a whole. For instance, Hall has highlighted the archaeological and historical associations of numerous sites in Perthshire (Hall *et al*. 1998; Hall *et al*. 2000; Hall *et al*. 2005). These studies have been enhanced by increased understanding of place-name evidence relating to specific examples, indicative of general developments in the field in Perthshire and across Fife (Hall *et al*. 1998; Taylor 1995; Watson 2002). Notably Hall offered a summary of the 'broad phenomenon' of assembly mounds in Scotland, known in Scots as a *moothill*, possibly represented by the two main known example of the Moothill of Scone and Doomster Hill at Govan (Hall *et al.* 2005: 309). Significantly the key point of his synopsis is that these features, although part of a wider phenomenon, nevertheless had 'varying lines of cultural development': Gaelic in relation to Scone via early medieval Argyll and Ireland, and Scandinavian for Govan, seen as part of the wider occurrence of *thing* 'assembly' mounds with stepped profiles evident around the vicinity of the Irish Sea, most notably at Tynwald on the Isle of Man (Hall *et al*. 2005: 309, n. 42; *cf*. Darvill 2004: 228; Driscoll 1998a; 2004; FitzPatrick 2004: 47; see section 2.3.5). However caution must be exercised in the application of such cultural labels to sites (see for instance Broderick's (2003) case for the Celtic derivation of the Tynwald, Man) as during their developmental histories, long-term places of assembly might be affected by numerous cultural influences both upon practices enacted at them and possibly their physical form (aspects of cultural influence and derivation are discussed more fully in

Chapter 4). Darvill (2004: 220, fn. 18) for instance has suggested that the stepped-profile of Tynwald Hill in Man derived from a prehistoric morphology, and not necessarily connected to Scandinavian cultural influences. Neither are such mounds apparently found commonly at *thing* sites in Scandinavia (pers. comm. Stephen Driscoll). Such issues of cultural influence are therefore still open to wider debate (see sections 4.3.3 and 4.3.3.1).

Recently, therefore, a clearer concept of the potential of the subject as an archaeological question has been identified. This acknowledged the apparent diversity of possible settings suggested by Barrow's study of the Gaelic place-name material, but discerned a tendency toward the use of mounds in a royal context, at least in two significant examples, tentatively suggesting a Gaelic and Scandinavian cultural influence in such cases (Driscoll 1998; 2004; Hall *et al*. 2005; *cf.* Gomme 1880, for early comment on the Govan and Scone examples). However such cultural interpretations were arguably somewhat premature in the absence of a general study and with only minimal excavated evidence. Moreover indications of the reuse of prehistoric remains at royal and lesser court sites (Barrow 1992: 227; Driscoll 1991; 1998a), coupled with wider European analogies (see section 2.3.8), presented the possibility that prehistoric archaeology might represent a common setting for assembly sites in Scotland (Driscoll 1991: 99). This insight has defined specific areas of inquiry for the present study (see sections 3.4.4, 5.4 and 6.3). Moreover the essential role of place-name evidence exemplified in Barrow's study of 'popular courts' stresses again the need for a national survey of place-names in Scotland and the important role toponymics has for assembly studies (see Pantos 2002), and has also stimulated the survey of established evidence relevant to the subject presented in Chapter 4.

The influence of Barrow on recent studies of the subject, and on studies which touch upon medieval assembly, has been profound, at least in part because his 'Popular courts' has been the only substantial survey of its kind on the location of early medieval assemblies in Scotland. Driscoll's and Hall's reference to Barrow's findings have already been mentioned, but Black's (1999) study of 'fairs and markets' in Scotland may also be cited. Black (1999) has made a thorough study of fairs and markets in Scotland largely dating to the post-medieval period, including their cultural and traditional associations, and distinctive practices. Furthermore, Black also highlighted the difficulty inherent in

proving the provenance and location of medieval fairs because of the limitations of the available evidence and later indications that gatherings often changed site, were interrupted, or fluctuated in calendar date (Black 1999: 15-16). Nevertheless Black suggested the possible cross-over between practices associated with medieval judicial assemblies and markets and fairs, in that both types of institution had distinctive forms of legal procedure and conventions, and could be defined by outdoor and culturally significant settings, as in the case of fairs with hagiographical affiliations (Black 1999: 15-19; *cf.* Hall 2000 *et al.*; Hall 2004; for saints associated with court sites see section 6.7). Black reviewed the evidence of *comhdhail* court place-names identified by Barrow as a possible means of discussing more elusive medieval practices, particularly because of the indications that market, fair and judicial activities could occur concurrently, at least in early Celtic society (Black 1999: 17-18). This phenomenon is explored further in the present study, which also uses later medieval material that refers to specific examples of the cross-over of fair and court settings (see section 5.4.4). More recently Grant (in press: 22-23) has cited Barrow's (1992) place-name survey, referring to 'cuthill' court sites as indicative of the forerunners to later medieval civil courts, as part of his fuller historical exploration of medieval barony and regality franchise courts, although Grant was not concerned with their settings or archaeology.

Recent research has had the cumulative effect of establishing a wider acceptance that the settings of early legal practices can be successfully identified, through the examination of multiple forms of historical and archaeological evidence. This is perhaps illustrated by the growth of SMR entries which specifically refer to assembly monuments. The thesaurus of the RCAHMS online database under the header 'civil' presently contains categories entitled 'Court Hill', Moot Hill' and 'Ting'. The definition for these include, Court Hill (classed under the sub-header 'legal site'): 'An artificial or natural mound where a court was held and justice administered'; Moot Hill: 'A natural or artificial hill used as a meeting place, often the site of a local court'; and Ting: 'A place of judicial assembly dating to the Viking period' (http://www.rcahms.gov.uk/). Based on a 'type' search of the RCAHMS's online database CANMORE, 11 sites are included in the category 'Court Hill', 23 sites are termed a 'Moot Hill', while seemingly there is only 1 'Ting' (http://www.rcahms.gov.uk/). This number amounts to under 17% of the total

examples presented in the present study. The typological definitions used within the SMR are at present perhaps overly prescriptive given the range of forms medieval assembly sites can take. For instance examples of the reuse of earlier monuments for assembly practices might prove difficult to characterise. This illustrates a complexity of assembly practices for the archaeologist, in that the identification of a physical setting for such activates is dependant upon records of ephemeral human actions in the past, which may not necessarily have left an easily recognisable impact on the landscape. For example a place-name indicative of medieval assembly practices might be associated with the remains of a prehistoric barrow, but on the basis of non-intrusive field observations and conventional typologies, this medieval association may be otherwise unrecognisable.

There have been increasing indications from the study of place-names (Barrow 1992) and localised archaeological investigations of individual examples (Driscoll 1998c; Hall *et al.* 2005) that monumental mounds are a significant component of these locations. Doomster Hill (Govan) remains the only intrusive archaeological investigation specifically aimed at a medieval assembly monument in Scotland at the time of writing, although the results of this remain inconclusive (pers. comm. Stephen Driscoll; but see also forthcoming excavations at Moothill (Scone) by the author). Moreover, the complexity of possible settings goes beyond only mounds, something appreciated from the 19th century (Stuart 1867: vol. 1, vi, fn. b; vol. 2, xli-xlii), and could include megalithic structures, as well as other elevated features including hills and cairns, indicated by Barrow's (1992) initial assessment of the association of settings with Gaelic 'assembly' place-names. Coupled with increased critical considerations of prominent royal examples, this has identified the common role of reused prehistoric remains in the setting of at least mostly early medieval assemblies (Barrow 1992: 227; Driscoll 1991; 1998a; for further evidence of late medieval reuse see section 6.3). This is an area of study which has developed from earlier discourses in the 19th century, although these were grounded in distinct interpretive outlooks and could be less confident than recent works (see Innes 1872: 98).

Another area of study to have developed is the understanding of how the diversity of cultural and linguistic influences upon Scotland throughout the extended medieval period has in specific contexts possibly impacted upon the setting and practices of early

assemblies. This has been most clearly illustrated in areas where Scandinavian settlement initially affected the coastal regions of the N and W between the 9th and 10th centuries (Crawford 1987: 204-10; Fellows-Jensen 1993; Hibbert 1831; Marwick 1952), but also in central Scotland and Dumfriesshire (Driscoll 1998c: 112-13; Fellows-Jensen 1993: 56). The effects of this were to have far-reaching impacts into the medieval period (Crawford 1987: 205, 209-10; see section 4.3.3). Strong indications of Gaelic cultural influences upon assembly practices and settings have also been recognised, and close links with medieval Ireland corroborated. Recently this has most clearly been noted in shared practises relating to medieval royal inaugurations in Ireland and Scotland (FitzPatrick 2004: 117-22; Welander *et al.* 2003). This is largely based on archaeological and historical evidence relating to the relatively few prominent sites in Scotland discussed by recent authorities (Welander *et al.* 2003). Place-name evidence has also been cited as an indication of early Gaelic practices (Barrow 1992). However, arguably it is as yet unclear to what extent such linguistic and cultural associations *directly* affected the settings of medieval assemblies, or alternatively to what extent they are an indication of the appropriation of pre-existing arrangements relating to British (Welsh) or Pictish practices for example (see sections 4.2.1.3 and 4.4.2).

Furthermore, to date there is still limited understanding of the wider geographical distribution of such practices, beyond Barrow's anomalous identification of sites in the NE. The general occurrence of Germanic and English sourced place-names relating to assembly settings remained obscure over two decades after Barrow's (1981; 1992: 229) attempt to highlight the importance of such features. Compounding this problem was the persistent lack of studies which acknowledged the equal significance of place-names and archaeology to the subject, leading to disparate coverage of the place-names and limited comment or detailed recording of archaeological evidence associated with settings. As noted, exceptions which consider the archaeology within an interdisciplinary framework have begun to emerge (Driscoll 1998c; 2004; Hall *et al*. 2005). However these have been limited in scope by the need for a national study of the phenomenon.

For assembly studies to be most effectively investigated and progressed, it has been increasingly appreciated that the synthesis of several forms of evidence is required through multi-disciplinary research methods (Pantos and Semple 2004: 21). This in many

ways accounts for the relatively late development of this field of study in comparison to other areas of enquiry in wider medieval studies, despite, ironically the subject's central importance to the understanding of medieval social organisation and the development of law. This may be accounted for to some extent by the nature of assembly studies as a field of investigation, what Barnwell has called 'akin to pursuing a Will o'the wisp' (Barnwell 2003: 1). From the point of view of an historical investigation, Barnwell also noted that it may be the central importance of assemblies to medieval governance that make them complex to define, combined with the fact that contemporaries often took their significance for granted leading to their absence from the record (Barnwell 2003: 1; *cf*. Reuter 2001). Therefore the means to investigate medieval assembly practices and settings has not always been clear. In Scotland, 18th- and 19th-century scholars, though generally aware of historical indications that early forms of medieval assembly practices were a significant part of cultural and social development in Scotland, were arguably not methodologically equipped to confront such issues head on. The early stages of development in philology, and the related field of toponymics, combined with similar limitations in archaeological advances until the 20th century, meant that 18th- and 19th-century scholars could not easily capitalise on the historical record, and evidence of surviving cultural traditions relating to medieval assemblies, that they had at their disposal. This was to give features relating to assembly studies, such as the 'moothill', a largely presumed status as an historical entity without a substantial degree of physical evidence to support it or wider corroboration beyond select examples (such as that from Scone (Skene 1869)).

2.2.5 Conclusion

With the growth in strict scientific methodologies and archaeological monument typologies the concept of the Scottish medieval outdoor assembly site was to languish on the periphery of archaeological discourse, and developed little in related fields until the late 20th century. Only in place-name studies (Watson 1926) (based substantially as it is on historical investigation), legal history (see section 2.4) and rather less within general

historical studies of social institutions was a significant thread of enquiry maintained throughout the first half of the 20th century. Arguably it has only been as a result of developments in the historical archaeology of medieval Scotland and renewed interest in landscape archaeologies within medieval archaeology in Britain (Aston 1974) that has facilitated the first considered archaeological investigations of the subject to date in Scotland over the past two decades (Driscoll 1988; 1991; 1998c; 2004; Driscoll *et al.* 2005; Hall *et al.* 2005). This study is therefore seen to come at a particularly pertinent moment. Although the wider survey of place-names in Scotland is still to arrive, significant positive developments are underway (Taylor and Markus 2006). The initial survey of multidisciplinary material relating to medieval assemblies attempted in this study is intended to further an historic and ongoing scholarly endeavour, and bring greater understanding to the archaeological evidence. The urgency of this contribution is highlighted by the apparent faltering status of historic investigation of assembly studies in Scotland which this section has attempted to characterise. Such developments are not necessarily reflected in the related studies of the subject elsewhere in Europe, perhaps at least partially because of the greater survival of early historical material elsewhere relative to Scotland. It is the established understanding of medieval assembly practices and settings in other areas of NW Europe that will be turned to in the next section.

2.3 Setting and practice of assemblies in north and west Europe

2.3.1 Introduction: Late Antiquity

Medieval assembly practices in Scotland take their place amongst longstanding and diverse traditions found throughout Europe. These may be reasonably compared with the Scottish situation so as to illustrate elements of contrast and also profound shared cultural influences. Here medieval assembly practices and associated settings identified throughout Europe, mainly northern Europe, will be summarised to facilitate comparison with the Scottish material later in the study. The earliest accounts of 'indigenous' gathering practices in northern Europe, which come from Roman sources, offer an

appropriate means of introduction. These appear to provide glimpses of tribal and warrior-based societies apparently negotiating disputes through general conclaves. Most famously Tacitus' (c.55-116/20) *Germania* refers to assemblies of warrior elites at major councils among the 'Germanic tribes', which were characterised in later centuries as *folk-moots* (Pantos and Semple 2004: 11-18). Tacitus records that these gatherings were held on set days defined by lunar cycles, with those involved coming armed and being seated (Barnwell 2003a: 11; Rives 1999: c. 11-13; see also Gomme 1880: 13; Pantos and Semple 2004: 11). Tacitus also refers to different grades of meetings, and relates that decisions made at these meetings were considered in advance by the elite, and that the meetings were presided over by a priestly caste (Rives 1999: c. 11). Although in recent years a more critical approach has been taken to Tacitus' account than was the case historically (for a summary see Barnwell 2003a: 11-12; Pantos and Semple 2004: 11-18), the *Germania* still provides a compelling indication of the importance of group meetings for society in the era preceding that under consideration here. Significantly, Tacitus also refers to the selection at such assemblies of chiefs who were to be local administrators (Rives 1999: c. 12); the cross-over of assembly and the legitimisation of social roles will be returned to below in this chapter.

Over a century earlier, Julius Caesar's *de bello Gallico* (51BC) referred to a great assembly of the druids of Gaul held at a sacred place within the territory of the Caruntes, which was considered to be at the centre of all Gaul. Here disputes would be placed before the judgement of assembled druids, who were apparently the religious and judicial caste (Edwards 1917: vi, 13). This also appears to suggest the close link between cult practice and general assembly for the negotiation of social disputes (on Scotland, see section 6.2). Much has been made of the possible inheritance by Late Antique kingdoms of such essentially Iron Age assembly practices (Barnwell 2003a: 12; Newman 1998; Warner 2004). However it is now more generally accepted that in Anglo-Saxon England and the 'barbarian kingdoms' of Continental Europe early medieval assemblies were quite distinct institutions from those represented by classical sources and were in fact integrated within hierarchies of developed royal administrations (Barnwell 2004; Pantos and Semple 2004: 11-18). Assemblies in early medieval Europe were also affected by diverse cultural and political influences. For instance the details of legal ceremonies used

in 6th- and 7th-century Frankish courts, such as the symbolic use of a stick or coinage in property disputes, have parallels in Roman Law (Barnwell 2004: 241-2). The process of change and influence from earlier traditions could be diverse and variable in degrees (see Barnwell 2003a: 15-16).

2.3.2 North and west Continental Europe

Close regulation of practices can be identified in the well-known phenomenon of the Frankish *mallus*, early assemblies for local courts which bear limited comparison to the early tribal gatherings described during the first centuries of the 1st millennium AD (Barnwell 2004: 233-47). The *mallus* was a form of local law court active from at least the Merovingian period, the function and content of which has been reconstructed through reference to 6th- and 7th-century law codes, indicating that the courts were probably attended by a local assembly of 'freemen' (Barnwell 2004: 233-4). These courts appear to have had a wide range of responsibilities, passing judgement on what would now be described as both civil and criminal cases. The *mallus* also largely dealt with legal disputes in rural areas, as distinct from direct royal and ecclesiastical courts of the *cives* associated with towns (Barnwell 2004: 234-5). There are indications that *malli* were held on a regular basis but could also be called through referral to local officials. These officials included the *centenarius* or *thunginus* who appear to have been a kind of officer of the court that convened and witnessed transactions, including oath-taking, and might also undertake summons. This office may have derived from an earlier position in Roman provincial government, although significantly its Germanic title *thunginus* is etymologically related to 'thing', meaning 'assembly', indicating the office's essential role in the early legal process and the identification of the courts as more general assemblies of the community (see Barnwell 2004: 234, 237-8, 242-3). Cases were given judgment upon by set bodies of officials who acted as judges, known as *rachimburgi*. In the event of unresolved disputes the *mallus* could also be referred to higher authority in the shape of the *comes* or 'count' who would impose recompense, or from there to the royal courts, although notably a range of 'extra-judicial' private avenues could also apparently be instigated to bring resolution to disputes (Barnwell 2004: 240-1). Judicial

practices at the *mallus* also seem to have involved reference to religious sites or 'sanctuaries' where oaths would be taken and symbolic legal ceremonies carried out. This link between cult practices and assembly has parallels elsewhere in early medieval northern Europe (see sections 2.3.8 and 6.2). The striking degree of insight provided by historical material about relatively small-scale and low-status community assembly practices on the northern Continent is particularly useful for the comparison which may be drawn with practices in other areas of north-western Europe, where the setting of assemblies has been studied in more detail.

Before moving on to this however, it is important to note a reference in the *Lex Ribuaria*, a Frankish law code dating to the 620s, to the types of settings associated with the venue for *comes* courts. These are described as places marked by a stone column or pole, and associated with a podium or platform, referred to as *staffolus* (Barnwell 2004: 240; 2005: 180), apparently indicating an outdoor setting that was marked and specifically set aside for judicial assemblies. These were also apparently used as the site for royal courts when the ruler was on circuit through the kingdom, and where the *boni homines*, the 'good men', would assemble. Barnwell has noted that this has striking similarities to the excavated post with associated wooden 'theatre' at the royal site of Yeavering in the Anglo-Saxon kingdom of Northumbria in northern England (2004: 243), the famous feature which Hope-Taylor interpreted as the setting for outdoor royal assemblies (1977: 119-21, 161, 270; *cf.* Barnwell 2005: 178-80; Figure 2.1). The *staffolus* has Old English etymological and literary connections to royal power and cult practices relating to judgment, which hint at similar associations for early royal assembly sites in Anglo-Saxon England and Frankish western Europe (Barnwell 2005: 180-4).

Reuter (2001) has commented on the historical evidence for political assemblies between the 8th to 12th centuries in France and Germany. A wider variety of terminology is noted to have occurred in Latin texts referencing different types of assembly. These included *placitum* ('pleas') and *curia* ('court'), often applied to judicial gatherings (Reuter 2001: 433) and also found in this context in high medieval Scotland (see section 5.1), *Colloquium* ('conference'), also found in use in relation to royal assemblies in Scotland, *conventus* ('gathering'), *concilium* ('council') and *synodus* ('synod', used in relation to ecclesiastical meetings though not always) (Reuter 2001: 433). The *mallus*

publicus was convened regularly in Carolingian and post-Carolingian districts, and mirrored the convening of the political community seen at royal assemblies on a localised scale (Reuter 2001: 436). Public royal assemblies were also the venues for the ritualised settling of disputes in the 10th to 12th century *Reich*, and the venue for the promulgation of legislation, intended to be presented in the form of the outcome of royal session, mirrored in the use of the term *assise*, implying a session or 'a sitting down together' (Reuter 2001: 440-1). Reuter also noted that the location of royal assemblies could shift with the centre of political gravity, and were inclined to be located on the borders of regions in order to facilitate a wide catchment area of associated polities (Reuter 2001: 436). However historical examinations of such assemblies offer little concerning the physical settings of such events, and this is therefore perhaps not the place to rehearse the recent extensive work by historians on similar assemblies elsewhere in continental Europe (see Barnwell and Mostert 2003; *cf.* Reuter 2001).

2.3.3 Anglo-Saxon England

Early Anglo-Saxon assembly sites from the 5th to early 8th centuries are suggested to have been associated with pre-Christian centres of burial and cult practices. The early 7th-century royal complex at Yeavering is argued to have been associated with a temple site, and cemetery, and perhaps developed from an established place of regional assembly (Blair 2005: 56-7; Hope-Taylor 1977; Semple 2004: 137). Recently, extensive cemetery sites, often extending on a landscape scale and associated with multiple pre-Christian rites, have been argued as locations for assemblies during this early phase (Semple 2004: 150). Semple posited that the communal ritual activities surrounding cemetery sites would have paralleled cult, assembly and early judicial practices, gaining legitimacy through association with perceived ancestral presence, perhaps also signified through physical juxtaposition with the remains of prehistoric monuments, paralleling similar arrangements in Ireland and Scandinavia (2004: 139, 149-51; *cf.* Williams 2004). Meaney, drawing on place-name evidence (mainly from Cambridgeshire) indicative of assembly sites associated with the later hundred, *witan*, shire and borough administrative

systems, has also suggested that such places associated with natural focal points like cross-roads and fords may indicate that these sites developed from earlier arrangements (1995: 35). Pre-Christian shrine and temple sites, which could be associated with natural groves, wells, trees or stones/pillars, are also suggested to have in some cases survived as later assembly sites during the process of Christianisation, though retaining aspects of sanctity impacting on judicial practices such as the taking of oaths (Blair 2005: 57; Meaney 1995: 36-7). This indicates a strong cult association with early Anglo-Saxon assemblies, mirrored in evidence for later Scandinavian and 1st millennium AD Ireland (see sections 2.3.4 and 2.3.6).

In the 1930s Anderson produced extensive studies of the place-names of the hundred administrative units of England, within which physical features apparently identified by such names and associated with the setting for the territorial assemblies were suggested. The wapentake was equivalent to the hundred unit, though it derives from ON and was generally associated with the N of England (Pantos 2004: 155, fn. 3; Semple 2004: 135). Larger units occurred in the Kentish lathes and Sussex rapes, which, as with smaller hundreds, were central to judicial and military administration and the gathering of royal revenue through the late Anglo-Saxon shire and thanage system (Barrow 2003: 7-22). Anderson's place-name study included the identification of the court sites or *locus* of hundreds, and recognised a common association with mounds, hills, stones, trees and posts (Pantos 2002: 14; 2004: 157, citing Anderson; Anderson 1934). The 10th century Anglo-Saxon law codes, for example relating to the Danelaw, indicate that a clear system of local and regional assemblies was in place for judicial and administrative means (Pantos 2002: 2).

Pantos has recently reassessed the place-name evidence for Anglo-Saxon assembly sites in England, placing an emphasis upon the physical settings and landscape position of such places. She argues that previous studies have over-emphasised the isolation of such assembly sites (Pantos 2002: xvii). Pantos has identified a number of place-name elements directly indicative of assemblies, though not all relate to the same phases of usage: some reflect changing political administrations. The OE term *þing*, for instance derives from ON 'assembly' and occurred mainly in N and E England (the focus for Scandinavian settlement). It is also evident in a 7th-century Kentish law-code,

associated with an early phase (Pantos 2002: 37-39; 2004a: 184). *Þing* occurs in Frankish and Icelandic law-codes, and is also a significant Scottish place-name element (see section 4.3.3.1). Similarly OE *mæðel*, cognate with Frankish *mallus*, fell out of general use from an early date, surviving in literary usage with the meaning 'speech' and in parish units (Pantos 2002: 42-5; 2004a: 184, 194). This is in comparison to OE (*ge*)*mōt* which is rarely associated with parish names and occurs more widely (92 identified by Pantos (2002: 194, 196, fig. 8.1), and most frequently used in OE writing to indicate assemblies (Pantos 2004a: 181). It is cognate with ON *mot*, and frequently is identified with a mound and place-names such as Motlow and Mutlow, OE *hlāw* 'mound', or Mothow, possibly ON *haugr*, 'mound' (Pantos 2004a: 193). 'Moothill' is a well-known form, and seen in Scotland with the celebrated Moothill of Scone, although this derives from later Scots usage. Nevertheless, the English element is also present at lesser examples and most importantly has been borrowed into Gaelic *mòd* (genitive *mhoid*) (see section 4.2.3). Significantly Pantos has noted that in England 'Moot-halls' or indoor court settings were increasingly used from the late 12th to early 13th centuries, before which time there was little evidence for buildings (Pantos 2002: 63). Other notable elements include OE *spell* referring to speech or pronouncement, OE *māl* ('law-suit, bargaining'), OE *dōmere* ('a judge', related to Scots Doomster / Deemster (see section 2.5.1)), and more problematically OE *stede* or *stōw* used in combination with other assembly words to identify a 'place' where assemblies occurred (Pantos 2002: 39, 46, 55; 2004a: 184-7, 195-7, fig. 8.1; see section 5.3.3.1).

The landscape position of Anglo-Saxon moot sites at boundary locations or separate from settlement areas, has been taken to indicate the settings' liminality and possible early derivation as pre-Christian sites (Pantos 2002: 12-13, citing Anderson and Gelling). More recently, Pantos (2003) has reassessed this association, suggesting the liminality might indicate aspects of commonality between communities and citing evidence for the association of games, sporting and horse racing with moot sites, comparable with cases in Ireland and Scandinavia (Pantos 2004: 166). Recent studies have also highlighted the need to consider assembly places beyond a central focal point characterised by a single monument (Pantos and Semple 2004). However the influence of excavations by Adkins and Petchey (1984) of the Secklow hundred mound at Milton

Keynes, which indicate that the site is post-Roman, non-sepulchral, and purpose-built for assemblies, has focused attention on the central aspects of such settings for over twenty years. Although prehistoric or later burial mounds are known to have been used as moot sites, the Secklow excavation raises the significant possibility that assembly settings elsewhere, including Scotland, may have been purpose built. The renowned example at Bällsta, Sweden, also indicates an assembly site attested to have been built by named individuals (Brink 2003: 71-2, fig. 6). This evidence need not diminish the close connection assembly sites had to existing cultural landscapes and in Anglo-Saxon England may indicate a later response to the monumentality of earlier assimilated barrow sites.

2.3.4 Scandinavia

Cultic associations seem to have been an important theme at early medieval assembly sites in Scandinavian Europe. From the 9th century there are historical accounts relating to the holding of things or 'assemblies' in Sweden. The earliest of these describes the involvement of pagan cultic practices, such as the casting of lots to decide issues under consideration (Brink 2004: 206-7). These associations are found at other known assembly sites in Sweden, which are indicated by archaeological and place-name evidence. For instance place-names containing the Old Swedish and Old Norse elements *vi*, *vé* meaning 'holy', related to Proto-Germanic *wiha-* meaning 'holy', and the juxtaposition of these places with later medieval churches indicate an association with regional cult centres and assembly sites in Viking Age Sweden (Brink 2003: 63, 67). Pagan gods were also specifically associated with judicial assemblies, such as Donar who in one aspect was a 'god of courts' and *Tius* or *Tiwaz* a war god who gave protect to judicial assemblies (Hamilton-Grierson 1924: 57, fn. 7). Also the discovery of an altar pillar at the Roman fort of Houesteads in Northumberland, England, which displays an inscribed dedication to a deity by the name of Mars Thincsus, thought to be cognate with Germanic *thing*, meaning 'assembly', seemingly indicating a wider connection with pre-Christian beliefs and judicial practice in the wider Germanic world (Hamilton-Grierson 1924: 57, fn. 7, 58;

Irby-Massie 1999: 319; Collingwood and Wright 1995: 507, no. 1593). Returning to Sweden, the association of 'holy' sites with the remains of Roman Iron Age and Migration-period burial mounds that were associated with cult significance during the Viking period, and often identified with the place-name *hög* (*haugr*, 'mound'), reiterates this link between cult practices and assembly. Brink, referring to runic-inscriptions on material culture, such as the Forsa rune ring and stone inscriptions, has illustrated with the uniquely detailed information available for pagan Scandinavia that cult sites were places of legal sanctuary and the setting for assemblies where customary law would be applied (Brink 2003: 67-69). The setting of these sites in association with medieval elite settlements and estate centres has also be noted by Brink (2003: 66). Importantly, *þing* sites in Viking Age Scandinavia could either be presided over by a chieftain, leading men or land owning family as part of their private titular responsibilities, or be comprised of an *althing* for a district where all the free men of the area would assemble, led by an 'elected' law speaker (Brink 2004: 208; see section 2.3.4.1). Brink has stated that it is 'largely possible to reconstruct the focal societal arena for a settlement district, the assembly place for dealing with (most probably) legal, cult, and trade matters - and also for feasting and playing games' (Brink 2003: 69). This model has significant similarities with practices in other areas, in particular the seemingly analogous example of *óenach* assemblies in early medieval Ireland where similar practices would be combined at a single site and event under the aegis of a royal gathering (see Binchy 1958; see section 2.3.6).

Most famously the royal centre of the Svear at Gamla Uppsala was a centre of pagan worship, and later a medieval church site, where kings were inaugurated. This is associated with a linear cemetery of massive 5th to 6th century burial mounds, at the NE of which is the flat-topped Tingshögen or Domarehögen, 'court mound' (Brink 2004: 207; FitzPatrick 2004: 41; Graham-Campbell 1980: 174-5; Persson and Olafsson 2004: 551-62; Figure 2.2). This was attested in the 11th century to have been the site of pagan temple, venerated well and tree, and place of sacrifice, later appropriated by the Christianity as the site of a major church (Graham-Campbell 1980: 174-5; Semple 2004: 136). Recent geophysical survey of the mounds suggests that the Tingshögen is almost entirely natural in derivation, forming part of the esker along which the cemetery is

positioned, but importantly it also had evidence of levelling on the summit (Persson and Olafsson 2004: 556, 561). Excavations undertaken in 1989 and 1991 identified a prepared packed stone and clay platform on the summit of the Tingshögen (Christiansson and Nordahl 1989; Hedlund and Christiannson 1991: 105-11). It has been suggested that the *þing*-mound may have been prepared to become a burial mound (Persson and Olafsson 2004: 561), but presumably subsequently appropriated as an assembly platform. Gamla Uppsala is linked to a further *þing* site at Mora to the NW, the site of the Mora stone which, based on late medieval descriptions, appears to have played a central role in early inauguration ceremonies. Mora, in Lagga parish, Uppland, has been suggested to be a particularly old gathering place because of its significant position on the border of two ancient provinces (Sundqvist 2001: 631). Accounts of an enclosure of twelve stones at Mora around the inauguration stone were suggested by Sundqvist to possibly represent the enclosure of the assembly site, and perhaps the protective boundary, comparable to the 'holy bands' (*vébond*) mentioned at other *þing* sites (2001: 632). Mora is close to importance late Iron Age, burial mounds and the find-spot of objects of cult significance (Sundqvist 2001: 629-31). Such associations stress the propensity for the reuse of migration-period burial mounds and cult sites as Viking and medieval assembly sites in Scandinavia. There seems to have been a mingled relationship of early cult practice and traditional legal practices in medieval Scandinavia, which appear to have been closely bound up in cultural perceptions of an ancestral and supernatural past (*cf*. Brink 2003; 2004; Sundqvist 2001).

Brink has discussed a series of *þing* sites relating to Viking Age and early medieval Scandinavia (c.600-1300), the majority in Sweden (2004: 205-16). These were the assembly sites for specific hundred districts, wider districts of settlement defined as a group community through reference to a specific law site. The majority of these sites are found to be characterised by a monumental burial mound, used as the focus for assembly practices, and associated with a centre of pagan cultic significance, often later being appropriated and continuing in use during the Christian era. Similar cult association are found at *þing* sites in Denmark (Sundqvist 2001: 631). Brink also illustrated a compelling association of rune stones with *þing* sites in Sweden, which in three cases cited were also associated with megalithic avenues. A parallel for such associations may be identified at

Royal Jelling in Denmark. Here a possible *þing* mound is located adjacent to a church, a further burial mound, and the famous Jelling rune-stones, associated with Harald Bluetooth, Christian king of Denmark and overlord of Norway in the latter half of the 10th century (Graham-Campbell 1980: 200-1).

Significantly, rune stones have also been identified in the landscape immediately surrounding assembly sites in Sweden. These may mark the approach to *þing* sites, an aspect of communication and movement also stressed by the frequent link of significant medieval road-ways with these same sites (Brink 2004: 209, 215). *Aspa löt* was the medieval name for an *þing* site in the hundred district of Rönö, Sweden. Here the focus for the assembly site is a large mound called *Tingshögen*, meaning 'the thing mound'. Close by are five runestones, one of which carries a rare inscription which specifically refers to the *þing* site (Brink 2004: 209). The link between rune-stone inscriptions and claims of property and inheritance (Sawyer 2003: 47-51) make the association of such sculpture with the site and approaches to legal assembly sites particularly significant (see sections 4.2.1.3 and 6.2.2.1). The rune stones flank a highly significant ancient roadway, that here crosses a waterway, leading to the thing. Along this road newly inaugurated kings would undertake the ceremonious circuit known as the *Eriksgata*, passing through the *þing* sites of the five main provinces of the region (Brink 2004: 209). This element of communication and role of assembly sites in wider social landscapes is a feature identifiable elsewhere in NW Europe (see section 2.3.6).

Despite the association of mounds with many *þing* sites, their place-names often reference areas of level and well-drained land, most appropriate for the holding of assemblies. Thus, place-name elements such as *vall, vollr*, *löt*, *vang, aker* and *ås*, denoting variations on 'grass-ground, level field, arable land' are all found associated with *þing* sites (Brink 2003: 66, 69; 2004: 210). These names allude to the importance of open level spaces as the main area upon which people would assemble at *þing* sites, despite the fact that discrete mound features may have formed the core setting for formal assemblies. *Thing*-mounds may therefore be understood as the exclusive space upon which courts would be convened and where the relevant overseeing of legal authority and the body of the court would be located (see section 4.3.3.1 for comparable arrangement at Scottish *things* and other assembly sites).

However, mounds did not always define the focal points for the setting of *things*. For instance, the ancient provincial laws of Norway refer to the district of the Gulathing Law and Frostating Law, which describe the relevant *þing* sites as being circular in shape and enclosed by specific bailiffs using 'hallowed bands'. This description corroborates a famous account in the Icelandic saga of Egil Skallagrimsson which describes the holding of the Gula *þing*. This refers to the convening of courts upon a level field, within which hazel poles were arranged in a ring and the circumference enclosed with ropes, referred to as the hallowed bands (*vébond*). Within the enclosure were said to be seated twelve judges from each of three districts of the Gulating who would decide upon the outcome of cases (Brink 2003: 70-1; 2004: 205-6). A lesser *þing* site is also known at Bällsta near Stockholm, Sweden, where a circular arrangement of stones defines the court site. Significantly this site is associated with rune-stones with inscriptions which indicate that it was a private assembly site built for the purpose by named individuals (Brink 2003: 71-2, fig. 6; 2004: 211-2, fig. 9.4). At Jelling in Denmark a stone setting was discovered underlying the south mound that was dated to 958/9AD (Graham-Campbell 1980: 200-1), and which may be an enclosure for a *þing* site. The field and enclosures at *þing* sites were clearly sanctified spaces, within which the restrictions of the court would apply (see section 2.4.2 for comparable significance of the court 'fence' in medieval Scotland). Where a mound is associated with a *þing* site it may perhaps be assumed that the monument formed the core of the assembly, but that it was also set within the assembly-field or *þing-valla*, perhaps defined by a enclosure or temporary structure (this was the case at Tynwald, Man (Broderick 2003: 63; see section 2.3.5)). This is perhaps suggested by the common association of place-names indicating assembly-fields even when a mound is present in Scandinavian Europe. Significantly similar 'field type' place-names are found in association with *þing* sites elsewhere in NW Europe, including Scotland (see section 4.3.3.1).

2.3.4.1 Iceland: Thingvellir

Expansion of Scandinavian settlement in NW Europe from the 9th century led to the establishment of *þing* sites in Iceland, the Faeroes, Scotland, Ireland, the Isle of Man and England. Among the most well known and significant of these assembly sites was the *Althing* of Iceland where the central assembly and courts of the island commonwealth were held at Thingvellir from c. 930, and continued after 1262 when Iceland came under the rule of the kings of Norway (Crawford 1987: 206; Fitzhugh and Ward 2000: 175; Graham-Campbell 1980: 78-79). Thingvellir has the meaning 'field of the assembly', and appears to refer to a extensive plain, surrounded by highlands, at the head of lake *Þingvallavatn* in the SW of Iceland, 30km E from Reykjavik (Fitzhugh and Ward 2000: 178; Graham-Campbell 1980: 78-79). A prominent outcrop within a major natural ravine at the site, formed by the meeting of continental plates, is identified as the *lögberg*, 'law-rock' (Fitzhugh and Ward 2000: 178; Figure 2.3). The *lögberg* is historically connected with the location where the early medieval Lawspeaker (*lögsögumaður*) would open assemblies, define the boundaries of the *þing* and recite the laws each year. The early medieval law book of Iceland, the *Grágá*, record the format that courts took at Thingvellir and list the apparently established laws (Fitzhugh and Ward 2000: 175, 178, 181). Iceland was divided into four quarter districts which contained multiple lesser *þing* sites. These elected chieftains (*goðar*) to attend the Thingvellir where they would act as judges, constituting the *lögretta*, the main legislative body and court of appeal that would meet each summer for two weeks. Prior to 1262 the *lögretta* appears to have been held east of the *lögberg* on the opposite side of the river Oxa, within a fenced setting with three benches that were probably formed into three rings (Fitzhugh and Ward 2000: 178, 180-1; Graham-Campbell 1980: 196). Only landowning freemen had the right to attend the formal courts of the *þing* (Fitzhugh and Ward 2000: 180-1).

From an early stage the *Althing* seems to have been mainly a means of negotiation in major disputes (Fitzhugh and Ward 2000: 180-3; Graham-Campbell 1980: 196; *cf.* Crawford 1987: 205-6). Significantly, assemblies at Thingvellir seem to have been the venue for political negotiations, considerable market activities, general group socialising, and probably also the playing of games, as well as the central legal matters of

the courts. This repeats the association of a diversity of collective activities with central judicial sites, seen elsewhere and also hinted at in Scotland, as shall be seen (see sections 6.3.1.2 and 6.6.3.4). Wider matters affecting the community of Iceland were also decided here (Fitzhugh and Ward 2000: 178, 182-5; Graham-Campbell 1980: 78).

The descriptions of events at the *Althing* appear to indicate the use of booths as temporary shelters by those attending the *þing*. The reference to these structures appears analogous to descriptions of other ephemeral structures in association with Scandinavian *þing* sites discussed above, and raises the possibility of the remains of such features being an aspect of the archaeology of *þing* sites elsewhere, and perhaps also of larger early medieval assembly sites in general. Estimates of the number of people attending the Thingvellir for the summer *Althing* have been suggested at approximately between six hundred and one thousand, which may have included the retinue of those attending the *lögretta*, also accompanied by their steeds (Fitzhugh and Ward 2000: 179). Such a large-scale attendance would have given the assembly site a semi-urban character for the two-week period of the *althing*, and was no doubt the only time during the year that such gatherings of people occurred, making all the apparently subsidiary activities associated with the *þing* perhaps as important for the attendees as the central courts. This social attraction of assembly sites, apart from obligatory attendance at courts, has implications for how the social significance of medieval assembly practices is thought of in general. For instance the experience of an assembly site could perhaps vary greatly depending on the purpose a given person had for attending or their social status within proceedings.

The *Althing* of Iceland is perhaps exceptional for the development of such a major institution during the 10th century outwith the suzerainty of a central authority, which was not the case elsewhere in Scandinavian Europe, or for instance at contemporary Scone in Scotland. The necessity of such an institution for wider social cohesion and survival of the north Atlantic colonisation of Iceland also seems clear (Crawford 1987: 206). However the fundamental cultural source and basic model for this system of assembly sites on Iceland must surely have been drawn from Norwegian precedents previously experienced by the Norse settlers. This process of colonisation is reflected in the occurrence of similar assembly organisations elsewhere in NW Europe. For instance, the

þing for the Faeroe Isles met at Thorshavn and was also presided over by a Lawspeaker (Graham-Campbell 1980: 196).

2.3.4.2 Irish *þing*: Thingmote, Dublin

The Thingmote at Dublin, Ireland, was a flat-topped mound with a stepped profile that appears to have been the *þing* site for the Norse Kings of Dublin (FitzPatrick 2004: 46, fig.5, 47; see section 4.3.3). Thingmote, can be read *þing-mót* (ON), 'public meeting' (Broderick 2003: 84), or perhaps in this case *þing* (ON) *-mote* (OFr), 'assembly-mound'. The stepped-mound was levelled in 1685, and discoveries made at the time suggest the site was a burial mound subsequently reused as an assembly site, seemingly cognate with other examples of such reuse in Scandinavia (FitzPatrick 2004: 46-7). It has also been suggested that the Thingmote may have been an assembly mound prior to the Norse settlement of Dublin, suggesting the re-use and adaptation of a Gaelic central place (see FitzPatrick 2004: 46). The Thingmote may be referred to in 1023 when a *airecht*, a law court or territorial council, was said to have been held by the Dublin Norsemen. Moreover a Lawspeaker of Dublin is recorded to have fallen in battle at Teamhair in 980, indicating that the *þing* was presided over by a regional judge. A possible *þing* place-name in County Wexford also alludes to the possibility of further assembly sites associated with Norwegian settlement in Eastern Ireland from the 9th century (FitzPatrick 2004: 47).

2.3.5 Isle of Man: Tynwald

Tynwald on the Isle of Man is the most widely known *þing* site in the Irish Sea region and W coast of Britain, and internationally renowned as the only traditional setting to continue in use as a place of governance to the present day (Broderick 2003). The extent of material which survives for the use of Tynwald as an extended assembly site is such that established work undertaken on this example will now be considered in greater

detail. Tynwald is thought to be a site of pre-Viking Age significance, representing the location of prehistoric cult site, that was in use during the early medieval Gaelic period as a central place of assembly, and which was subsequently appropriated for similar purposes following Scandinavian settlement in Man (Broderick 2003: 79-80, 86-91). The place-name Tynwald derives from ON *þing-völlr* meaning 'assembly or parliament field', indicating the site's use for assembly purposes from the 10th century. The site is a circular mound known as Tynwald Hill, 25m in diameter and 3.6m high, which has a distinctive stepped profile comprising of four platforms encircling the circumference except on the E where steps provide access to the summit (Broderick 2003: 55-6; Darvill 2004: 219; Figure 2.4). Traditionally this was also the site for inaugurations of the kings of Man (Douglas 1793: 172; *cf*. Broderick 2003: 77-8). This is the assembly mound which is still incorporated into the annual Tynwald day assembly of the Manx Parliament on the 5th July. To the E of the hill, c. 190m, is St John's Chapel, a 19th-century structure on the site of a medieval keeil and burial ground. Both the hill and chapel are positioned within a dumbbell-shaped bank enclosure, retained with a low revetment. This was built in the 19th century but replaced an earlier and wider oblong enclosure recorded in the 18th century (Darvill 2004: 219-21; Figure 2.5). Based on the asymmetrical form of this earlier feature and the results of geophysical survey Darvill has suggested that the oblong enclosure incorporated more than one phase and may have been constructed to enclose the mound and church during the Norse period to form a boundary for assemblies (2004: 222). This in turn appears to have been preceded by a rectangular enclosure, probably prehistoric in derivation, which was aligned toward N and enclosed the Tynwald Hill and an adjacent barrow (Darvill 2004: 220-1, 222, fig. 10.3; *cf*. Broderick 2003: 80). Surrounding the hill and church enclosure is an open level field known as the Fairfield, which presumably incorporates an area within which medieval gatherings would also have occurred, and perhaps stipulated by the meaning of the 'field' element in the place-name Tynwald (see Broderick 2003: 56-7).

Tynwald was the setting for the proclamation of new laws, administration of justice and probably also the inauguration of new rulers, but associated with this was the holding of popular fairs, markets and games (Broderick 2003; Caldwell 2003: 65; Darvill 2004: 224; Megaw 1976: 24; Figure 2.6). Man came under Scandinavian dominion from

the 10th century, and between 1098 and 1266 was the centre of the Manx Kingdom of the Isles, under the over-lordship of the Kings of Norway (Broderick 2003; Darvill 2004: 218; Megaw and Megaw 1950). The first mention of an assembly being held at Tynwald was on 24th October 1237. However the first detailed historical record that describes an assembly at Tynwald dates to 1417 (Broderick 2003: 60-1). This records the pronouncement for the swearing of allegiance to the King of Man and provides a detailed account of the organisation of the assembly, stating that the king would:

'…upon the Hill of Tynwald sitt in a chaire, covered with a Royall Cloath and Cushions, and your visage into the East, and your Sword before you, holden with the Point upward…' (Broderick 2003: 60)

Post-medieval accounts also suggest that the ruler would be seated beneath a pavilion or canopy erected on the summit of Tynwald Hill (Broderick 2003: 86-7). The 15th-century account goes on to describe the presence of the Barons and beneficed men (that would have included the Bishop of Sodor and Man), and significantly the Deemsters who were the senior judicial officials of the court and traditional authorities on the law, that also voiced the decision of the court and proclamations (see section 2.5.1). Also present were clerks, knights, esquires, yeoman and the 'worthiest men' in the land (Broderick 2003: 60). The 'worthiest men' appear to denote freemen who formed the main body of the court, and later formed the 'House of Keys' in the Manx parliament. The following statement is also made in the 1417 account: 'the Commons to stand without the Circle of the Hill' (Broderick 2003: 60). This signifies that the aforementioned dignitaries were in fact all situated upon the Tynwald Hill and the 'fence' of the court was defined by the mound's circumference. The general attending populous would be gathered outside this boundary, most likely within the associated enclosure if involved in the court or on the surrounding 'Fairfield'. Also present were the Coroners and Moares (Welsh *maer*, Scots *mair*; see section 2.5.5) of the sheadings of Man. The chief of these was the coroner of Glenfaba Sheading (where Tynwald is located), who at the instigation of the Deemsters is said to 'make Affence, upon paine of Life and Lyme, that noe Man make any Disturbance or Stirr in the Time of Tinwald, or any Murmur or Rising in the King's

Presence, upon Paine of Hanging and Drawing' (Broderick 2003: 61). This represents the action of fencing the court, already encountered in Scandinavian contexts, which was essential for a viable court to function at the setting. A similar process is recorded for lesser assemblies of the sheadings of Man (see Broderick 2003: 63).

In 1422 a description of the composition of the Tynwald court records the involvement of eight representatives from the 'Out Isles', a reference to the NW Hebridean Islands of Scotland (probably Skye and Lewis) (Broderick 2003: 65; *cf.* Crawford 1987: 205). This derived from the historic over-lordship of the Kings of Man over the Western Isles of Scotland, divided in the 12th century, and brought to an end in 1266 with annexation by Alexander III of Scotland. Nevertheless, the format of the Tynwald preserved a twenty-four member make-up, previously representing eight representatives from the southern Hebrides (Mull and Islay) and the 'Out Isles' and sixteen from each of the parishes of Man (Broderick 2003: 65). The gradation of the status of the officials described in the 15th-century accounts of the Tynwald is reflected in the tiered profile of the Tynwald Hill, and based on later practices it would appear that the steps of the mound may have been used to symbolise this social hierarchy. In the modern era the Tynwald Day continues to be held annually, on the 5th July, with the Lieutenant-Governor, who now represents the Lord of Man, positioned on the summit, below this are the House of Keys, with each lower platform for dignitaries of the courts on a decreasing scale of authority (Broderick 2003: 62). The earliest images of the Tynwald Hill from the 18th century show the characteristic steps of the mound, which are thought to be ancient, though these have been remodelled in the modern era (Darvill 2004).

Other stepped mounds associated with medieval assembly sites are known from the Irish sea area. Thingmote at Dublin has already been mentioned, but a stepped mound at Thingmount (ON *þing-völlr*), Little Langdale, Cumbria may also be cited (Broderick 2003: 84, citing Darvill), as may the denuded remains of a possible stepped mound at Tinwald Dumfriesshire (see section 4.3.4). Lincluden Mote also in Dumfriesshire is a problematic example of a stepped mound as the tiered appearance of this feature may have resulted from post-reformation garden landscaping associated with the neighbouring Lincluden College (see section 4.3.4; *cf.* Darvill 2004). Perhaps most significant is the

possible stepped mound at Govan on the River Clyde, known as Doomster Hill (Driscoll 1998c), from Scots 'Doomster' (see 'Deemster' or 'Demster' on Man, from Scandinavian *dómr* 'court, judgment' (Broderick 2003: 62; see section 2.5.1)). Driscoll has argued that the Doomster Hill formed an element in the main royal centre of 10th century Strathclyde, and similar to the contemporary Tynwald Hill was used for judicial assemblies and perhaps royal ceremony (1998; 2004). This concentration of assembly sites around the Irish Sea suggest that the mound at Tynwald was part of a tradition of monumental stepped-mounds adapted for assembly settings which was seemingly unique to the region (though two possible outliers may be noted at Dingwall in Ross and Kiltarlity (see section 4.3.3.1)). The morphology of the majority of this group may have been based on a single prominent site such as the Man or Dublin example, perhaps derived from a pagan burial mound or prehistoric monument. This may have emerged through the distinctive acculturation of Scandinavian populations with existing indigenous traditions throughout the region from the 9th century onwards, via both the Norse Dublin and northern England.

Gatherings at the Man Tynwald appear to have included market and sporting activates associated with the central court proceedings. This has led to comparison with early medieval Irish practices of the *óenach*, and has been stressed as evidence for the Gaelic influence upon the Manx assembly (Broderick 2003: 73; Caldwell 2003: 70). However, as has been seen, assemblies combining multiple activities are also known from throughout NW early medieval Europe, in particular in regions of Scandinavia and Scandinavian colonisation (see Thingvellir, Iceland above). It is clear however that early Manx society had a strong Gaelic cultural content and Broderick has made a strong case for a substantial Manx Gaelic influence upon the institutions of the Tynwald (2003: 71-9, 82-3, 86-91). Broderick sees this as rooted in the pre-Scandinavian institution, which is argued to have been akin to the Irish *óenach*, and where seasonal assemblies would be held to punctuate specific Celtic festivals and also inauguration ceremonies. In what has been seen as a later shift during the Norse period the Tynwald was held on mid-summers day to coincide with St John's feast. This later adjustment has been suggested to reflect a practical shift in the timing of the Tynwald, appropriated with the Christian celebration associated with St John (Broderick 2003: 85). However it may also be noted that the

holding of the Tynwald in summer has similarities with the timing of the *Althing* in Iceland.

Other medieval and later aspects of the Tynwald's institutions have been seen as distinctly Gaelic in origin, including the office of coroner or *toshiagh jioarey*, as the office was termed in Manx Gaelic (Gaelic *toiseachdeor*, Scots *tosch-derach*) (Broderick 2003: 90; see section 2.5.8). Also, the probable location of a keeil (church) at St John's during the early medieval period, associated with a 10th-century cross, and the proximity of a pre-Scandinavian elite centre, excavated at Port y Candas, are seen as further evidence for the Tynwald being on the site of a 'Celtic' assembly site (Darvill 2004: 221; *cf*. Broderick 2003), presumably meaning the site of a prehistoric indigenous institution. The prominence of the site is seen to have derived from the reuse of a prehistoric cult centre, and has been compared to other prehistoric complexes linked to early medieval perceptions of kingship such as at Tara, Ireland (Broderick 2003: 79-80). Tynwald's wider landscape is punctuated by prehistoric monumental remains dating from the Neolithic to Bronze Age (Darvill 2004: 220-1, 223, fig. 10.4). The Tynwald Hill itself has been suggested to derive from a prehistoric burial monument and parallels with the form and situation of late Neolithic developed passage graves have been drawn (Darvill 2004: 220, fn. 18). The early medieval use of the site as a central place and assembly site with the associated church site have analogies in practices elsewhere in NW Europe at this time, not least in Ireland, but also in Scotland (see section 6.7). However to see distinctly Gaelic influences at work in the historic practices of the Tynwald would perhaps overlook profound similarities in the assembly practices of medieval Scandinavia and other areas of NW Europe. For instance the practice of kings sitting upon pre-existing burial mounds is clearly apparent in early Scandinavian literature and royal ceremonies (see Ellis 1977: 105-11). Also the combination of fair and judicial activities with royal ceremony can also be identified in medieval Scandinavia. Such features are perhaps more clearly illustrated in an early Gaelic context in Ireland, and the strong Gaelic influences on the practice and setting at Tynwald should not be discounted. Tynwald must therefore be understood as an amalgam of cultural practices, with clear parallels from elsewhere in Europe, but which resulted in a distinctly regionally based cultural expression of the outdoor assembly site.

2.3.6 Ireland

The historical evidence for early medieval and later royal assemblies in Ireland is exceptional. These assemblies varied in format and setting depending on the political significance and purpose of the gathering (FitzPatrick 2003: 74). Multiple terms were used to refer to royal gatherings in Ireland, including *rígdál*, *airecht*, *oirdneadh* and *óenach* (Binchy 1958; FitzPatrick 2003: 74-6; Simms 1987). The earliest attested of such assemblies was the well-known Convention of Drumm Cett held in 575, probably at a large mound in Co. Derry. It was referred to in the late 7th century as *condictum regum*, 'conference of kings', a form which has been equated with the later *rígdál*, 'king-meeting', Old Gaelic *dál* meaning 'assembly' (Bannerman 1974: 156, 161; FitzPatrick 2003: 74; 2004: 43; see sections 4.2.1 and 4.2.7). *Rígdál* is a term particularly used during the 9th century for assemblies between kings, members of the elite, and prominent church men. Such meetings largely had political intentions and involved the negotiation of treaties between different kingdoms (*tuatha*), but also the formalisation of relationships of dominance and perhaps also the acclamation of rulers' authority. During the 9th century the church was closely involved in such assemblies and appears to have imposed strong political influence on their outcomes (FitzPatrick 2003: 74-5). As such, the venues for *rígdála* could be closely associated with church centres, but still appear to have been outdoor events which could utilise monumental settings (FitzPatrick 2003: 74-5; 2004: 43, Pl. 8, 44, fig. 4). Such assemblies appear to have been closely bound up in specific contemporary political agendas and were seemingly distinct from larger popular gatherings held on traditionally assigned days.

Airecht is a term used for open-air assemblies in annal entries from the 11th century, and in the early medieval period referred to legal hearings, diplomatic meetings or political submissions of vassal rulers to their overlord (FitzPatrick 2003: 75; 2004: 16; Simms 1987: 64). By the later medieval period these assemblies were known as *oireachtas* and were part of the habitual apparatus of lordship, used for the settling of disputes and political negotiations within an elite social context (FitzPatrick 2003: 75; Simms 1987: 64-5, 77-8). *Oireachtas* continued to be held into the 16th century, convening on hills and mounds, referred to by the Tudor authorities in 1583 as 'parles

upon hills' (FitzPatrick 2004: 17). FitzPatrick has utilised a wide range of evidence to show that such sites were also used as the setting for inauguration ceremonies (2004: 17-20; *cf*. Simms 1987: 73-4).

The *óenach* (meaning 'a reunion') was a form of assembly on a greater scale than those previously mentioned, involving the gathering of the people of an entire territory, not just their king and ruling nobles. This would involve a wide range of activities including the practice of law, and public business, which could involve royal proclamation, but also general market activities and competitive contests such as horse racing (Aitchison 1994: 61-6; Binchy 1958; Simms 1987: 60; FitzPatrick 2003: 76). The *Óenach Tailten* (Teltown Co. Meath) known as the 'Fair of Tailtui' is the most extensively attested of such traditional assemblies, and was associated with the territory and lordship of the Southern Uí Néill. This occurred annually for approximately a week and probably coincided with the festival of Lugnasad in August. It was accounted from the 6th century until 872, after which it became more irregular and gradually faded (Binchy 1958: 115, 122). As well as being a 'popular' gathering, the *óenach* was also a highly charged political occasion, as exemplified by attempts to disrupt it or usurp authority over the event by rival elites (Binchy 1958: 115-27; *cf*. Swift 2000). After the 9th century the *óenach* was increasingly associated with the more powerful church foundations and convened on Christian holy days, taking the significance of the event outside royal secular control (Binchy 1958: 126; Simms 1987: 62-3). Other similar 'fairs' were also held in different provinces, although these were perhaps of lesser general political significance than *Óenach Tailten*. Though the institution of the Irish *óenach* is clearly exceptional for its substantial historical record and later medieval literary corpus, the combination of regional fair and popular activities, under the aegis of a royal authority and political practices, should not necessarily be seen as unique to Ireland or the Gaelic cultural sphere, as has been previously suggested by some commentators (see Caldwell 2003: 70). For instance similarities can be drawn between large regional assemblies in areas of Scandinavian settlement and the Irish *óenach*. As will be seen, hints of such assemblies, associated with royal centres, can also be identified in Scotland, and it may be argued that these kinds of general traditional gatherings were the essential form that early assembly practices took throughout much of NW Europe. The

marginalisation and adaptation of such practices arguably was to have a profound impact on later developments of assemblies in Scotland and other parts of NW Europe (see sections 2.4.2.3 and 6.2.3).

Of prime significance in this regard are the traditional royal centres of Ireland, namely Teamhair (Tara), Eamhain Macha (Navan Fort), Cruachain Aoi (Rathcrogan), and Dún Ailinne (Knockaulin). As a group, these comprise of extensive complexes of prehistoric monumental remains that from at least c. 800AD were seen as the symbolic 'capitals' for the major dynastic kingships (Aitchison 1994: 50, 67; *cf.* Wailes 1982). However archaeological evidence has not as yet identified substantial early historic archaeological remains at the centres (Newman 1997: 5-6), although the earliest secure historical evidence suggests their significance within perceptions of symbolic royal practice and ceremony during this period (Binchy 1958; FitzPatrick 2004: 49). The most renowned is Tara which during the early medieval period came to be associated with the high-kingship of the Uí Néill and later the pseudo-historical Kingship of Ireland. The *Feis Temro*, 'Feast of Tara', is referred to in chronicles up to 560 when it was associated with Diarmait mac Cerbaill, and was interpreted by Binchy as the setting for ancient royal inauguration ceremonies involving the *banais ríge* ('royal marriage') whereby the king was symbolically wed to the tribal earth-goddess in a ceremony couched in the imagery of sacral kingship (Binchy 1958: 134-6). Newman has suggested this indicates continuity with sacral kingship from the Iron Age, centred around the traditional provincial royal centres (Newman 1998: 125-40). Later literary accounts of royal ceremony at Tara do not necessarily indicate actual contemporary use of the site, but are rather seen to influence the format of medieval ceremonies elsewhere, with the perceived *modus* of ancestral ceremonies, or '*topos* of antiquity', being drawn on to legitimise medieval Gaelic kings and later chieftains (FitzPatrick 2004: 49).

The association of the 'royal centres' with mounds identified as *foraid* is perceived as significant for royal assembly practices, as such mounds are identified as possible inauguration settings. The Old Gaelic word *forad* (cognate with Welsh *gorsedd*) means a 'mound or platform, generally earthen, used as a seat or stand for spectators and also as an observation post' (FitzPatrick 2004: 50). FitzPatrick has noted that 'overall, the citation of *forad* as a term to describe an assembly platform is almost exclusively

reserved for monuments within the prehistoric ritual complexes like Teamhair, Eamhain Macha, Uineach and the early medieval *oenach* at Tailtiu' (2004: 50). *Foraid* identifies the functional purpose of a series of non-uniform mounds, supposedly used for inauguration ceremonies, but is a term now demonstrated to have been rarely used to describe medieval inauguration assembly sites (FitzPatrick 2004: 50). Instead, the form of venues used for medieval royal inauguration are referred to by a range of distinct terms, including *cnoc*, *tulach*, *carn* and *cruachán* (FitzPatrick 2004: 29-30, 50). Of thirty historically attested inauguration sites, FitzPatrick has identified nine defined by earthen mounds, with an additional twenty-six mounds and cairns identified as supposed sites (FitzPatrick 2004: 41; *cf.* 1997). These include enclosed and unenclosed monuments, mounds with smaller platforms on the summit and those with flat summits. FitzPatrick sets this substantial body of evidence in a wider context:

> 'The staging of royal ceremonial on earthen mounds, be they sepulchral in origin or purpose-built for assembly, was a conspicuous feature of medieval royal practice in several northern and western European societies.' (FitzPatrick 2004: 41)

Significant here is the dual function of inauguration sites in medieval Ireland for the setting of other forms of assemblies. These included the later medieval and Tudor period *oireachtas* mentioned above (FitzPatrick 2004: 16-19). The association of a *leac*, 'stone slab', and to a lesser extent stone chairs or thrones, sacred trees and basin stones have also recently been explicated for Gaelic inauguration sites in Ireland. A footprint carving at an inauguration platform is also a significant feature and has identifiable similarities with known Scottish sites (Lane and Campbell 2000: 248-9; FitzPatrick 2004: 108-29; Thomas 1879).

Medieval Gaelic inauguration sites have also been shown to have a range of cultural associations, understood to have legitimised their use for royal ceremony and assemblies. This included association with an eponymous ancestor of an elite dynasty, for instance creating a link between the individual's burial place or actions and the origins or *dindshenchas* ('the lore of places') of a setting (FitzPatrick 2004: 52-80). FitzPatrick

(2004: 42) also accounts for the diversity of forms identified at inauguration mounds as reflecting local differences in the political process that led to the designation of such settings as place of royal assembly. Although many of the inauguration sites of Gaelic Ireland had a later medieval use, mounds were established as venues for judicial and royal assemblies prior to the 12th century (FitzPatrick 2004: 43). The early medieval legal tract *Uraicecht Becc*, dated to the 9th century, refers to the practice of early judges sitting or standing on a mound to give exposition of the law (FitzPatrick 2004: 43; *cf.* Swift 1996). In comparison to Scotland, the historical and literary record for early Gaelic Ireland is exceptional, and illustrates the widespread and diverse tradition of outdoor assemblies at monumental settings throughout the extended medieval era.

2.3.7 Wales

Assembly-places in Wales are alluded to from a wealth of medieval literature and legal material as well as indicative place-name evidence. In particular, the 11th/12th century medieval Welsh prose literature 'The Four Branches of the Mabinogi' contains the usage of *llys* to refer to a royal meeting place, the place and people present, which could serve the administrative unit of the commote or *cantref*, equivalent to the hundred (Charles-Edwards 2004: 95-6). Most significant for the present context was the *gorsedd*, meaning 'over-seat', which in the documentary material and place-names referred to a mound, often a barrow, used as a platform for open-air courts, particularly in S Wales (Charles-Edwards 2004: 96-101). This is cognate with Irish *forad* and *sid*, in that the *gorsedd* could be associated with supernatural presence and an interface to the 'otherworld', linked to aspects of divine sovereignty, most famously the Gorsedd Arberth of the Mabinogi (Charles-Edwards 2004: 97-8). By the later medieval period *gorsedd* is used in reference to the layout of a royal court, although still perhaps signifying the elevated position of the royal party, including judges, in reference to the bench or dais (Charles-Edwards 2004: 103-4). 'Scone' may derive from Pictish meaning 'a raised support, bench, seat' (pers. comm. Alex Woolf), and might in this sense be cognate with *Gorsedd* in its dual meaning of the platform for a court and the assembly itself. *Dadl*, meaning a

'dispute' or 'case' is also a significant medieval Welsh term, though less connected to place. This is remotely connected to Irish *dál*, 'assembly', and may have derived from reference to a general meeting of people (Charles-Edwards 2004: 101, 104). There are strong indications from the documentary and place-name evidence in Wales for the use of monumental settings for early medieval courts and royal assemblies, making the need for detailed archaeological investigation of such places a high priority (Charles-Edwards 2004: 95).

2.3.8 Summary of observations on assembly settings and practices in north and west Europe

This survey of the established findings regarding the setting and practices of medieval assembly in north and west Europe highlights numerous features of similarity across the area, many of which have been noted by previous commentators (see Barnwell 2003: 1-4; FitzPatrick 2004: 41-3, 45-8; Pantos and Semple 2004: 18-21). These include the widespread use of monumental mounds as the settings for judicial courts and royal ceremony, particularly in N and NW Europe. Cultural perceptions surrounding the legitimacy of ancestral and supernatural associations are a common aspect of the early period of practices associated with such settings. This reflects a frequent link between pre-Christian cult practices, prehistoric monumental remains and the early phases of medieval assembly, and the innovative appropriation of such features during the initial phases of state formation, which varied in chronological development depending on the region. Similar processes have been identified for late Pictish Scotland (Driscoll 1998a). In Germanic areas of England and Scandinavia this process appears to have been connected with the development of central places for burial and communal gatherings associated with such rites. The link of burial rites with early assembly sites might account for the association of church foundations with particularly prominent examples, such as Tynwald and Old Uppsala (for Scotland see section 6.7). In Ireland however collective identity at royal assemblies does not appear to have been expressed through the formation of cemetery sites. Rather, diverse political circumstances seem to have led to a variety of

landscape features being drawn upon and interpreted through a complex milieu of cultural symbols and narratives indicative of sovereignty and group identity (FitzPatrick 2004). In this regard the record for Ireland is apparently exceptional.

Common to all areas is a connection between assembly sites and wider territorial units. Increasingly the development of judicial or royal administrative assembly sites from popular venues, where sporting, market other competitive collective practices took place is clear for many regions. The Irish *oenach* is the most well-known example of such a unity of functions but similar combinations are evident in Scandinavia and Anglo-Saxon England, although perhaps less explicitly identified. The development of royal administration and regional law systems is another important factor, identifying assembly sites, on various degrees of scale, as fundamental to the wider social cohesion and the development of more complex polities into the medieval period. Reuter's comments regarding political assemblies therefore seem particularly pertinent:

> '…it was mainly at assemblies that early and high medieval politics were able to act and indeed to exist', and also '…they were almost the only occasions when the polity could represent itself to itself' (Reuter 2001: 432, 442).

Arguably, such statements hold equally true for more humble assemblies, and in this regard assemblies can be understood as the means for the negotiation of group social relations and reaffirmation of social hierarchies and bonds. A specific investigation of medieval judicial assemblies can therefore help inform an understanding of otherwise ephemeral aspects of the ways in which medieval society formed group identities through the negotiation of dispute and punishment of transgressions, under the auspicious of an increasingly involved royal authority, and in this specific sense enhanced social cohesion.

2.4 Scottish legal history and medieval practice

This section summarises the development of the Scottish medieval legal tradition and comments on the changing form of legal practices from the early historic period to c. 16th

century. Scottish medieval legal history is now understood to be characterised by striking continuity coupled with the unique amalgamation of numerous influences. Sellar has noted that Scottish legal history is 'one of great antiquity and continuity' (Sellar 1991: 29), showing continued connection with its Celtic customary origins, though at the same time having been influenced by multiple cultural and legal traditions (Sellar 1989). However until relatively recently this was not always the accepted view. Lord Cooper in 1944 famously said of Scots legal history that 'the continuity of its growth has been repeatedly interrupted and its story is a record of false starts and rejected experiments' (Cooper 1944: lei). This analysis emphasises the catastrophic impact the Wars of Independence had on the law within Scotland during the 12th and 13th centuries, effectively severing it from past tradition and bringing about a detrimental hiatus in influences from English Common Law, characterised as the 'Dark Age' of Scottish legal history (Cooper 1949; 1944; *cf.* Barrow 2003: 70; Dickinson 1952; Sellar 1988: 82-3; 1991: 30 for summaries). Although the debate concerning the impact of English Common Law on post-13th-century Scotland is still on-going (see Sellar 2000), the argument for the diversity of influences upon legal practices in medieval Scotland is compelling, and the influence of English Common Law on Scottish legal development during the 12th and 13th centuries uncontroversial (Dickinson 1959; Sellar 1988: 83; 1991: 29-43).

2.4.1 Influences on early medieval law in Scotland

Prior to the main period of influence on Scotland by the Common Law of the courts of the kings of England,and the civilian (Roman Law) and ecclesiastical (Canon Law) legal traditions of the Continent during the 12th and 13th centuries, the form of legal practice throughout northern Britain is likely to have reflected the varied cultural make-up of early medieval Scotland (Gordon 1995: 13-14; Sellar 1991: 31-5). Unlike other areas of NW Europe during this period however there are relatively few documentary sources relating to the social and administrative make-up of these political and linguistically defined peoples in Scotland. As such, relevant material from other culturally related zones must be looked to for evidence of the possible legal traditions active in Scotland

during these early stages (Sellar 1991: 31-32). For instance, for Scotland there is nothing comparable to the Law-codes of the Danelaw which indicate that a clear system of legal assembly was in place by at least the 10th century (Pantos 2002: 2). It is probable that the Angles in SE Scotland would have followed a variant of Anglo-Saxon law, related to the Law Codes of King Ethelbert of Kent (d.616) onwards (Sellar 1991: 31). Similarly, in Brittonic-speaking areas of central Scotland and Galloway the laws of Welsh kings appear to have been analogous, subsequently collated in the 10th century and attributed to *Hywel Dda*, king in south Wales at that time (Sellar 1991: 31 *cf.* Broderick 2003: 75; Charles-Edwards 2004). The clearest legal influence however can be seen between the Gaelic-speaking Scots and Ireland, which was arguably to have a profound effect on later developments. The Scottish material in the Irish annals and the 7th-century *Senchus Fern Alban* aside, written Irish Law-tracts are available from as early as the 8th century and 'provide a fascinating picture of the operation of law in an archaic Celtic society' (Bannerman 1977: 27- 156; Sellar 1991:32; *cf.* Cameron 1937; Sellar 1989: 1-27). Much of this material is concerned with defining grades of honour and status, and aimed at the avoidance of blood-feuds within kin-based social contexts. *Críth Gablach*, a law-tract composed in the early 8th century, refers to the 'honour-price' of different grades of freemen or clients, who are differentiated by their status as 'noble' or 'commoner' grade (Bannerman 1977: 134; Kelly 1995). The definition of the recompense to be paid to kin in the form of property as a result of slaughter is a common form of early legal process, although a lack of a central administration would mean compensation was sought privately. However the diversity of issues dealt with by the early Irish laws, from contracts, to injuries of cattle and fostering, suggests that aspects of similarly prescriptive models may have occurred in early Gaelic Scotland (Cameron 1937: xvi, 46-7, 141-70). In contrast to other areas, legislation of this kind was not in the hands of Irish kings, but was rather the preserve of a legal class with close clerical links (Broderick 2003: 75).

The custodians of early Irish law were a highly trained professional caste of jurists, the *breitheamhna* or 'brehons', who had noble or 'sacred' status among the *nemed* of early medieval Ireland (Broderick 2003: 71, 76-7; Cameron 1937: 193-5; Watson 1926: 244). The contents of the law-tracts are often referred to as the 'Brehon law'. A similar judicial caste is likely to have been active in early medieval Scotland and is

known from later sources (Barrow 2003: 57; Sellar 1989: 3; 1991: 32; see section 2.5.1). As we have seen, the *breitheamhan* have comparable officials from elsewhere in early medieval Europe. The evidence for the persistence of this caste into later medieval society in Scotland indicates their previously vital role in the practice and reproduction of customary law, and provides evidence of the existence of a sophisticated tradition of customary law prior to the formation of medieval Common Law (Barrow 1973: 57-67; Sellar 1989: 3-4). The early judge's role in Scotland was likely to be similar to that of cognate officials in other Gaelic- and Germanic-speaking areas in that law was expounded orally in public, and defined by customary processes and precedent which were predominantly preserved through oral tuition. The *breitheamhan* may have been connected to a specific people or *tuath* (Old Gaelic 'people, tribe'), although the king would have been the representative for inter-tribal or kingdom relations (Broderick 2003: 76-7). The immediate scale of society and jurisdiction of the law was probably therefore quite restricted for the majority, MacNéill noting that 'a man might attend the assembly without becoming a wayfarer and a stranger' (quoted in Anderson 1980: 132). Also closely involved in the development of legal tradition was the early Gaelic Church. For instance in connection with Scotland was the *Cain Adomnain* (Adomnán's law or 'Law of Innocents') accepted at the Synod of Birr, Co. Offaly, in 697 to which Brude mac Derile, king of the Picts, two kings of Dál Riata and the Bishop of Rosemarkie were named guarantors, illustrating the influence of the Church and the shared political participation in matters of early law (Sellar 1991: 32).

No direct evidence is available for the specific holding of a law court in early medieval Scotland, and it is debatable whether legal practice differentiated into such a distinct institution by this period. Rather, on analogy with contemporary Ireland and to some extent Scandinavia, legal assemblies may have been part of wider royal and customary popular gatherings. The reference to an 'assembly of the Britons', probably of the Kingdom of Dumbarton, in the Tripartite Life of St Patrick may have occurred at the main fortified centre, the hillfort of *Al Clud*, and represent the kind of gathering at which disputes would be resolved (Taylor 2006: 17, 22, 41). Moreover the mission of conversion by St Columba to the 'court' of Bridei son of Maelchom, king of Picts, related by Adomnán a century later, took place in the presence of the king *cum senatu*, 'with

council'. Rather than relating to a formal governmental institution this was probably the gathered nobility who directly supported the king (Alcock 2003: 57, 184, fig. 55), but it may be envisioned as the kind of setting where disputed matters were resolved or proclamations enacted. However a distinction must be noted between this and early medieval references to *concilium*, especially in documentation relating to Northumbria such as Bede's *Ecclesiastical History*, which refer to ecclesiastical councils such as the Synod of Whitby (Alcock 2003: 57).

The possible importance of hillfort sites as the main identifiable setting for secular assemblies and inauguration ceremonies between the 6th and 9th centuries has been suggested by various commentators (Alcock 2003: 211; Alcock *et al*. 1989: 198; Driscoll 1998: 169-70; 1998a; 2004; Foster 1998: 8-9; *cf*. Lane and Campbell 2000: 247-9; see section 6.2.2.1). Possible examples include the major 'nucleated' hillforts at Dunadd in Argyll and Dundurn in Strathearn which have both been the target of modern excavations (Alcock 2003: 211; Alcock *et al*. 1989: 198; Lane and Campbell 2000: 247-9). Dunadd has been extensively studied and requires further explanation. The site is an early historic nucleated hillfort, identified with the early Gaelic kingdom of Dál Riata. Excavation has demonstrated it developed from an Iron Age dun to an increasingly complex site during the 7th and 8th centuries, before passing into subsequent apparent obscurity after this period. Based on an extensive assemblage of finds the site has been interpreted as a major elite site for the consumption of goods, residence and redistribution of wealth on a scale which marks Dunadd out as a prime royal centre in Dál Riata. A complex of carvings located upon an outcrop situated on the second of three natural tiers leading to the summit of the fort includes one certain footprint and one possible. Also present are a basin, ogam inscription and image of a boar, which as a group are unparalleled in Britain or Ireland (Lane and Campbell 2000: 20). The dating of the carvings has been a subject of extensive discussion. Most relevant here is the significance of the footprint, and possibly the accompanying basin, which since the 19th century has been interpreted as indicating the site's use for early historic royal inaugurations. Footprints and basin or ballaun stones are known from inauguration sites in Ireland (FitzPatrick 2004: 116). The apparent situation of the site at the border between the two dominant early historic kin-groups of the region, the Cenél nGabráin and Cenél Loairn, has also been taken to stress

the site's central role in symbolic and martial overlordship (Lane and Campbell 2000: 247-9, 259-61; Thomas 1879; *cf*. FitzPatrick 2004: 117).

Although much of the subsequent history of Dunadd is obscure the location is mentioned in the 16th and 17th centuries, apparently in association with elite assembly and legal ordinance. During the Scottish royal suppression of the Lord of the Isles, on three separate occasions during 1506 the Earl of Argyll and the 'commissioners of assessment' held meetings at Dunadd to administrate, declare royal proclamations and resolve disputes. This may suggest that the former political significance of the site was remembered or persisted in some lesser form up to the 16th century. The judicial role of the site, or at least the later medieval centre or residence in the vicinity of the hillfort, is stressed by the reference to the office of *Toschederach* held by the MacLachlans of Dunadd, documented till 1604 (Lane and Campbell 2000: 39-40). These late references have been taken to suggest the continued symbolic importance of the site in the medieval period, which by the 18th century had totally faded (Lane and Campbell 2000: 40). This might indicate that the only aspect of Dunadd's ancient association with secular authority and assembly practices to survive was the site's role as a place of judicial dispute and legal authority. The fact that the Earl of Argyll's assemblies were not convened at Finlaggan may indicate the rejection of this site because it was too politically sensitive as a former centre of the Lord of the Isles. In contrast, the symbolic significance of Dunadd by this time would perhaps have been sufficiently faded and non-threatening, but still a legitimate assembly site and appropriate for judicial usage.

The 9th and 10th centuries appear to have seen major changes in the mechanisms and settings of royal authority. This was characterised by an increasing move to low-lying royal centres, a dynamic forced in part by pressures from Scandinavian incursions, and perhaps influenced by the increased involvement of the Church and Continental models upon early state formation in Scotland (Driscoll 1998: 170-3; Foster 1998: 25). Moreover, the impact of the Scandinavian incursions and subsequent settlement in the N and W of Scotland is likely to coincide with the formation of *þing* place-names in these areas. These are indicative of legal assembly sites, some of which may have used existing gathering places, which served defined administrative territories for these new communities (see section 4.3.3). The impact of the these changes upon the setting of

important political and early legal assemblies elsewhere in Scotland are argued to have been profound, at least in a royal context (Driscoll 1998; 2004). This is perhaps most clearly seen by the cessation of the use of hillforts for settlement during this period (Driscoll 1998; Foster 1998), although arguably royal lowland centres of the 9th and 10th centuries may have replaced earlier focal places used for cult practices during the proceeding centuries, associated with the elite dead (see section 6.2).

Since Skene (1876-80), the history of the thanage in Scotland has been understood as an important factor in the pre-feudal development of society in early medieval Scotland. The thanage also has significant implications for the setting of early courts and political ceremony, as well as the organisation of early medieval tenurial system (Barrow 1973; Driscoll 1991). The thanage, or its equivalent in Pictish Scotland, is understood to have been the essential administrative unit which underpinned the development of early medieval polities, at least in the S and NE of Scotland. Based on Barrow's (1973: 7-68) model, adapted in part from England, the thanage was the main institution which supported the early medieval royal economy by means of a system whereby a royal official (the thane) oversaw the redistribution of agricultural goods and the mobilisation of manpower from multiple-estates based around a central *caput*. Such administrative units are understood to have developed from essentially kin-based relationships of obligation set within the dispersed agricultural-based economy of early medieval lowland Scotland, toward relationships of clientship and the non kin-based accoutrements of royal administration indicative of medieval state formation (Driscoll 1991). The shire may therefore have developed from territories associated with tribal communities, cognate with the Irish *tuath*, and the immediate forerunners to the client-based administrative social landscape of the early medieval period. The medieval thane was required to oversee the fulfilment of various obligations of *cain* (tribute) and *conveth* (hospitality), raised from a population of freeholder farms within the territory, and also raise the militia and crucially administer justice at the local court. Moreover Church authorities could as equally represent this office, with early medieval church foundations possibly also fulfilling the same social function as a thanage's *caput* and a centre for the shire (Barrow 1973: 25, 30; Cameron 1937: 174; Driscoll 1991).

Driscoll has attempted to reconstruct a model for the early medieval thanage in the region of Strathearn, and by drawing on increased resources of aerial photographs from the 1970s and 1980s to compare this with the archaeological record (Driscoll 1987; 1991). The key aspect of Driscoll's model relevant here was his stipulation that each multiple-estate unit would have required an associated assembly site. Driscoll stated that the archaeological evidence for this feature:

'is more difficult to establish since it was not directly related to agriculture or settlement, but seems to have been a focal point for shire administration as well as being significant in the formation of the identity of the shire. I am referring to those ceremonial centres which served as meeting places, the place to hold popular courts and the sites of quasi-religious inaugurations to high office… That they formed a key element of the thanage seems plain enough: the administrative duties of the lord of the shire will have demanded such facility' (Driscoll 1991: 98-9).

The association of a major concentration of prehistoric remains in proximity to the probable centre of the prominent royal *caput* in the region at Forteviot (Alcock 1982), and possibly also at Scone (Driscoll 1991: 102), has been interpreted as evidence that the reuse of prehistoric monuments could be a key aspect in the setting of such assembly sites. It is also thought to be significant that such examples were historically the highest-status royal centres in the region, around which over-lordship of greater polities seemed to have coalesced during the 9th and 10th centuries (Driscoll 1991).

The 10th century is now understood to have been the formative period during which the Kingdom of Alba coalesced under the kingship of Constantine mac Áed and the Gaelic identity of the later kingdom of Scotland began to stabilise (Driscoll 1998b: 37). The well-known proclamation of the rights of the church and laws of the faith at Scone near the beginning of this reign clearly coincides with these developments, and is perhaps indicative of the progressive promotion of more confident over-lordship and expansive royal administration (Anderson 1922: vol. 1, 445; *cf*. Driscoll 2004: 74). This was not a unique event and mirrors an earlier proclamation by the same dynasty at the

royal centre of Forteviot (Strathearn) associated with Donald mac Alpin (858-62, brother and successor of Cináed mac Ailpín), indicating the gradual expansion of the Gaelic polity from the late 9th century and early 10th century (Aitchison 2006: 24). Significantly the 10th century is also associated with the introduction of the Anglicised terminology of the 'thane' (Barrow 1973: 64), stressing the 'close cultural links extending along the north-east coast of Britain' (Driscoll 1991: 93). Much about society in 10th- and 11th-century Scotland remains obscure, but it has long been appreciated that this period coincided with the consolidation of the Gaelic kingdom of Scotland and the hard-won stabilisation of the royal dynasty along the lines of primogeniture, settling upon the Canmore line in the latter half of the 11th century. Of the limited historical material available, the 12th-century Gaelic *notitiae* in the *Book of Deer* offer significant insights into pre-feudal society. The evidence this provides for the active role of the Gaelic *mormaer* and *toiseach* in land grants are glimpses of key royal representatives, first mentioned during the 10th century, who maintained stewardship over the provinces (at least in Buchan and Mar) of the Kingdom of Scotia and were also heads of traditional kin-groups (Duncan 1975: 111). The *mormaer* and *toiseach* may have been closely bound up in the developmental process of royal administration from disparate early medieval kingdoms, based around autonomous heads of kindred. Certainly the *mormaer* has been thought to possibly originate from a Pictish position. Their roles are likely to have been closely involved in the administration of justice within their respective dominions (Duncan 1975: 110-11). Greater influence from Anglo-Saxon traditions from the 1060s upon modes of secular authority in Scotland were, however, to have important implications upon the organisation of royal administration in Scotland (Oram 2004: 21).

2.4.2 Medieval law in Scotland

2.4.2.1 Scottish Common Law

From the 12th century greater documentation for land grants and royal administration starts to become available. The major acceleration of this process is commonly associated

with the reign of David I (1124-53) (Barrow 1973: 250; Duncan 1975: 133-6; Oram 2004). The 12th and 13th centuries correlate with the emergence of a Common Law in Scotland, a law co-terminus with the bounds of the kingdom and a clear sign of the expansion of royal administration (Sellar 1991: 33-4). In Scotland, Common Law is thought to have developed through influence from English Common Law, although uniquely it also took shape through the interaction with surviving customary law and new European learned laws (Sellar 1991: 33-4). The change should not be overstated though and a good case has been made for the survival of customary (i.e. Gaelic) aspects of law in subsequent legal practice in Scotland. For instance, the survival of obligation for the payment of *cain*, food render in recognition of a lord's authority, and the persistence of the judicial caste of *judex* or *breitheamh*, which in the Western Isles maintained a central role in the provision and custodianship of law into the late medieval period (Sellar 1989; Sellar 1991: 34-5; see section 2.5.1).

The 12th century also saw the development of sheriffdoms in Scotland, and the sheriff became the key agent of royal legal authority within their division, throughout the increasingly consolidated kingdom (see section 2.5.6). This established the sheriff's *caput* as the main venue for pleas reserved to the crown and formed the king's ordinary court at a local level (Sellar 1991: 38). The sheriff's court included jurisdiction in criminal cases usually specifically reserved to Crown, including murder, arson, rape and robbery, which were known as the 'points of the crown' (Innes 1872: 60). During this period the emergence of the office of justiciar can also be seen (Barrow 1973: 68-111). The justiciar was the highest officer of royal judicial authority, represented throughout each of the traditional regions of the Kingdom, that would undertake twice yearly circuits of the country or 'justice-ayres' to hear criminal cases too important to be dealt with by the sheriff's court, preambulations or the appeal of contested civil disputes (see section 2.5.2). Both the justiciar and sheriff may have absorbed the position and duties of traditional royal officials in some areas (Barrow 1973: 63; Paton 1958: 408-9; Sellar 1991: 36). Characteristic of Common Law was also royal legal procedure by writ and inquest, whereby the king would issue a judicial writ, or 'brieve' as this was later known in Scotland (from Latin *breve*), instructing a representative officer of the law, such as a

sheriff, to convene a inquest by jury of prominent local men for the resolution of specific cases brought to the king's attention (Innes 1972: 213; Sellar 1991: 36).

Records of the *curia regis* also developed during the 12th and 13th centuries, which, in-line with the still largely peripatetic mode of kingship at this time, were convened at various royal centres as the king moved throughout the kingdom. The *curia regis* has been regarded as a rather *ad hoc* affair during the 11th century, with various functions including 'judicial responsibilities, the auditing of royal finances, and a straight advisory role' (Oram 2004: 21). The holding of the court and councils at royal residences, sheriff's castles and hunting-lodges during the 12th century indicates that these were largely exclusive and indoor affairs, using halls or royal chambers as settings (Oram 2004: 22-3). There were exceptions though, for instance a particularly long and large council was held at Birgham (Berwickshire, Scottish Borders) in 1188 on the Anglo-Scottish border which Oram (2004: 24) suggests was likely to have been held outdoors or under canopy, as no obvious residential or ecclesiastical venue can be identified. From the reign of Alexander II (1214-49) the Latin term *colloquium* came to be used in official sources for royal assemblies. This has the meaning a 'talking together' and has the same root as French *parlement* (Duncan 1966: 36). During the 13th century such assemblies appear to have had largely a formal advisory and judicial role rather than as legislative bodies, and *colloquia* emerge largely as a form of court (Oram 2004: 27). There was increased emphasis on the use of key royal centres as settings, such as Stirling and Edinburgh castles, though lesser 'outlying' castles were also still in use (Oram 2004: 28). However by the late 13th and early 14th centuries the royal assembly was increasingly legislative in purpose. Robert I's reign in particular was associated with a marked increase in the effort to legislate and promulgate royal legal statute, partially because of the loss of substantial records between 1296 and 1306, though still greatly drawing upon English models (Barrow 1988: 296-8; Duncan 1993: 240). Partially due to the occupation of lowland royal centres as a result of the Wars of Independence monastic settings were used more often from the early 14th century for royal assemblies. This coincided with the adoption of the term 'parliament' for such meetings, showing continued strong French and English influence during the turbulent years of the 14th century. The *Regiam Majestatem*, 'the most important legal treatise to survive from the formative years of the Scottish common

law' (Sellar 1991: 39), is thought to have been composed c.1318. The treatise illustrates significant continued influence from English sources, most substantially copied material from Glanvill, the English writer of the late 12th century, and his 'The Laws and Customs of England' (Duncan 1993: 239-40). The *Regiam Majestatem* laws were ascribed to the command of King David I, a common practice by at least the late 13th century, by which a new written law gained legitimacy by identifying it with a 'good old law' which David was understood to be a recognised source of by this time (Duncan 1993: 239-40). This phenomenon repeats an apparently essential characteristic of medieval law, that of the need to at least appear conservative and reverent of legitimate past practice, even when in the process of innovation. It is argued that this may also have impacted upon the selection of settings for legal assemblies throughout Scotland (see 6.3.1.2).

Returning to royal practice, by the early 15th century there had developed an established use of select royal halls for parliaments, most prominently at the Dominican convent of St Mary's, Perth (Oram 2004: 34-41, 43, fig. 1.6, 48-50). These developments in the setting of royal assemblies reflect gradual changes in the setting of lesser courts throughout Scotland, whereby fewer open-air or customary assembly places are visible in the documentary record for civil courts (see section 5.5). However some open-air court settings were still utilised during the late medieval period and this parallels the apparent continued use of the key royal centre of Scone and comital ceremonial centres such as Ellon, Kirriemuir, and possibly Dingwall for the Earls of Buchan, Angus and Ross respectively, between the 14th century and 15th centuries (see section 6.6.2). This evidence for both continuity and gradual innovation in the setting of legal and ceremonial assemblies reflects a broad characteristic of medieval approaches to legal practice and convention in Scotland.

Continental learned laws, including Roman, Canon and Feudal Law, had a substantial impact on the development of legal practice in Scotland from the 12th century. Roman Law and Canon Law were closely related and emerged c. 1100 through the work of influential jurists in Northern Italy. Roman Law was based on the codification of the Law of Justinian, based on Roman law in 6th-century Byzantium, and referred to as *Corpus Iuris Civilis*, encompassing European civil law (Sellar 1991: 29, 33). Canon Law

also benefited greatly from this renewed study of Roman law and is known as the *corpus Iuris Canonici* which functioned in parallel with royal courts during the 12th and 13th centuries (Sellar 1991: 33). Importantly, jurisdiction in Scotland, as elsewhere in Western Europe at this time, was divided between the secular and Church authorities. The church therefore sought guidance and legal authority in many respects from Rome and the papal See. In Scotland the Church was also closely embedded in the processes of Common Law and the separation of church authorities from royal courts should not be over emphasised (Sellar 1991: 39-40). However the Church courts were separate, in a Scottish diocesan context they were referred to as Official courts and involved an appointed ecclesiastical judge, and trained clerical lawyers and papal 'judge-delegates' tutored in continental legal stricture. The active practice of Canon Law was to have a long-term impact on the development of Common Law in medieval Scotland and private legal professionals (Sellar 1991: 41). The well-known inquest into disputed lands associated with Old Kilpatrick, by Dumbarton, held at Ayr in the 1230s is a significant example of papal involvement in a legal case between Church and secular authorities in Scotland that involved the use of witness-based evidence (Innes 1872: 214; Sellar 1991: 40-41). During the 13th and 14th centuries the majority of active notaries in Scotland were affiliated with the Church, again showing the active role of ecclesiastics in Scottish medieval legal practice (Durkan 1983: 22-3; see section 2.5.9).

Feudal law formed a third influence upon Common Law in Scotland. Although never universally recognised as a codified system as with other learned doctrine it was adapted throughout Europe to suit local variations in land tenure. Of particular influence was the mid-12th century 'Books of the Feus' produced by a Milanese jurist and occasionally seen as comparable with the *Corpus Iuris* of Justinian (Sellar 1991: 33). Also developed in Scotland at this time were the Burgh laws or 'Laws of the Four Burghs', traditionally associated with the burghs of Edinburgh, Roxburgh, Berwick and Stirling, which defined the particular rights of the burghal authorities, laws and practices for burghal life, courts for the trading communities, and their jurisdiction in relation to the authority of the royal sheriffs. These constitute the earliest collected body of laws derived from Scotland, though based on English models, containing material from the 12th century, and date as a collection to the late 13th century (Cameron 1937: 147; Paton

1958: 7). From the 1400s the tolbooth and town house formed the main judicial settings for burgh institutions and also occasional royal assemblies (Oram 2004: 57; RCAHMS 1996). Another tradition of law to consider in northern Britain is 'Udal Law'. This is the successor of the medieval Norwegian law of the Gulathing, that affected differences in aspects of property law and local provision of justice, which was prevalent in the Northern Isles of Scotland, only taken within the Scottish Crown in 1468x69 (Sellar 1991: 43; see section 4.3.3.3). The prevalent view of the Scottish legal history in the first half of the 20th century espoused by Lord Cooper was that the development of Scottish Common Law had floundered with the onset of the Wars of Independence and the wholesale loss of customary modes of legal practice (Cooper 1944: lxi; Sellar 1991: 29-30). However this interpretation is now refuted by authorities such as MacQueen and Sellar who contest that a greater degree of continuity with 'Celtic' traditions occurred, manifested by the partial survival of traditional judicial offices and seemingly customary practices. This is thought to be combined with the impact of progressive influences from English common law and European learned systems, leading to the production of a distinctive legal system with notable connections to is early customs (MacQueen 1997; Sellar 1988; 1989; 1991; 2000). Moreover, this distinctive development may also have had implications for the continuation of seemingly traditional settings for many lesser courts, which were associated with conservative aspects of hereditable jurisdiction (see sections 2.4.2.2 and 5.2).

2.4.2.2 Hereditable jurisdiction and franchise courts

Hereditable jurisdiction was an essential aspect of the provision of law in medieval and late medieval Scotland and was a key part of manorial rights of lordship. These rights encompassed the provision of what are termed the 'franchise courts', of which there were four different types. From the 12th and 13th centuries these included courts of barony which represented the lowest private jurisdictions. Dickinson's *The court book of the Barony of Carnwath* (1937) is still the most authoritative and complete authority on the Scottish barony courts. From the 14th century the higher private jurisdictions were

represented in the courts of regality and special royal jurisdictions were embodied in the stewartry and bailiery courts (Dickinson 1937; Innes 1872: 40; Paton 1958: 374-83; Sellar 1991: 38). Landowners would commonly hold their baronial rights in medieval Scotland *cum placitis et querelis*, 'with pleas and complaints', or *cum curiis*, 'with courts', indicating their right to oversee the provision of justice within the lands associated with their grant and 'dignity' (Innes 1872: 59; Paton 1958: 374). Importantly under medieval Scottish feudal law the king was the 'fountain of justice' and also the lord of all the land, meaning all rights of jurisdiction both higher and lower belonged to him (Paton 1958: 374). Rights of jurisdiction were consequently not automatically conveyed with a land grant and were dependant upon an infeftment stipulating to that effect.

In medieval Scotland jurisdiction appears to have been regarded as distinct from the land (Paton 1958: 374). For instance land could be divided by grant, but individual jurisdictions were indivisible, as were the dignity or title associated with them. This was also true of the location of the jurisdiction, which as with royal jurisdictions had to have a legal head known as a *caput* or principal messuage, where services due would be brought and the population's legal disputes redressed (Paton 1958: 375). The *caput* was usually some form of elite residence but could also be a ecclesiastical settlement. However, evidence discussed in this study indicates that medieval franchise court sites in some cases also incorporated other kinds of settings, not comprising of residences, but apparently indicative of earlier customary locations that were characterised by outdoor locations and monumental remains (see sections 4.5 and 5.2). Moreover, such customary settings could be in proximity to the nominal *caput* of the jurisdiction (see section 6.6). Nevertheless barony courts might also be held on disputed lands or wherever the baron chose (Dickinson 1937: lxxiv-lxxviii; Paton 1958: 376), although such settings arguably may also have been influenced by traditional aspects of the relevant social landscapes (see section 5.3.2.1).

Generally the *caput* was directly connected to a specific dignity, jurisdiction and court, and would be retained by a lord even if lands were given away (Paton 1958: 375; see section 6.6.1). The *caput* and jurisdiction were also indestructible and could only be changed or amalgamated by royal charter, meaning that the barony court therefore had 'a geographical as well as a legal permanence' (Paton 1958: 375). Jurisdictions, being

separate from basic tenure of land, had to be specifically defined, sanction was not enough, and the degree of rights bestowed had also to be defined (Paton 1958: 374-5). During the 12th and 13th centuries, baronial rights could vary between grants, sometimes including aspects of higher jurisdiction, but by the 14th century the general lower rights were defined properly under an erection *in liberam baroniam* (Innes 1872: 42; Paton 1958: 375). Among the common aspects of jurisdiction associated with franchise courts could be *outfangthef* and *infangthef* which indicated the right to judge a thief apprehended 'with the fang' outside or within the grantee's jurisdiction (Innes 1872: 57-8). Rights of *curia vitae et membrorum* could also be included, which indicated jurisdiction in 'life and limb', and associated with *cum furca et fossa*, 'with gallows and pits', though again these responsibilities could be reserved by higher authority (Dickinson 1937: lvi-lix; Innes 1872: 58-9; Sellar 1991: 39). Place-names in the form 'gallowhill' may indicate the late survival of such hereditable rights, associated with the holding of executions at readily visible locations (Innes 1872: 59; see section 6.6.3.4). Barony courts covered three areas of jurisdiction - civil, criminal and actions relating to 'good neighbourhood' - from which appeal was to the sheriff's court or regality court, where appropriate (Paton 1958: 376-7). Criminal jurisdiction was restricted to theft and slaughter, though these could only be presided over if a culprit was caught 'red-handed', otherwise the case had to be tried by the king's justiciar upon his ayres (Paton 1958: 376). 'Good neighbourhood' covered a variety of cases, including disputes between tenants, agricultural rights and duties, and antisocial behaviour, among others (Paton 1958: 377). Landowners with jurisdiction over such courts would also enjoy revenue from the fines, escheats and forfeitures resulting from the outcome of cases, proceeds that could also be passed onto judicial officials associated with the court or suitors (Innes 1872: 58).

For the disputation of cases at the barony court, and in higher levels of court, the body of the session would be formed from those who owed suit to the relevant lord's jurisdiction. In this way *reddendo* or 'return' clauses within grants would stipulate that the grantee owed *sectam ad curiam nostrum*, 'suit at our (the lord's) court'. Often this was more clearly phrased for suit to civil and criminal courts of capital pleas, *tres sectas curiae ad tria nostra placita capitalia*, 'three suits of court at our three capital or chief

pleas' (Innes 1872: 59, 61). This indicated the head court for a district where some criminal cases would be heard, and which was the first route of appeal. The suitors, comprising the body of the court, and those among them who formed the jury, would resolve judgment of cases, essentially acting as judges, not the presiding officer. The officer could be the lord or his bailie (Dickinson 1937: lxxx; Paton 1958: 375). Baron courts could be held on a relatively *ad hoc* basis when required, but usually three head courts would be convened at Yule, Easter and Whitsun, although at a time which would not clash with relevant superior courts (Dickinson 1937: lxxiv-lxxviii; Paton 1958: 375-6). In criminal cases suitors would be selected to make up an assize, before whom the disputation would be given, and they would also act as witnesses, compurgators and warrantors (Innes 1872: 61; see section 2.4.3). The formula for the opening of medieval courts was commonly phrased *sectis vocatis - curia legitime affirmata*, 'Suits called, the Court lawfully fenced' (Innes 1872: 61-2). The fencing of the court, was the process by which the physical boundaries of the court were defined, though importantly this also delimited a symbolic boundary within which a legal sanctuary was convened. Once a court was 'fenced' it became an assembly capable of carrying out justice, but the special order proclaimed with the fencing also implied the general observance of rules of conduct for the duration. During the medieval period this was termed the 'peace of the court' and was deemed to directly relate to the peace of the kingdom and royal authority. This dictated that no one could speak, or contribute to the assembly without first being given permission by the authority over seeing the court or their bailie, and expressly forbade any form of physical violence or other forms of disorder. The earliest reference to the act of fencing a court in Scotland was in 1380, where the phrase *curia firmata* 'the court was fenced' was used, which with related *curia confirmata* was used from this time in all grades of court, including royal (Dickinson 1937: xcviii-xcix; Hamilton-Grierson 1924: 54). However the act and symbolism of fencing courts had an earlier provenance. This is best illustrated by early medieval Scandinavian accounts (see section 2.3.4), though it is likely to have been a common practice in early legal assemblies in Europe, including Scotland. Based on these accounts it may be supposed that temporary physical 'fences', such as ropes and wooden poles, were used to define the limits of courts. The sanctity of the court's fence is thought to have been directly connected to the pre-Christian origins of

customary legal practices, within which the fence of the court was a hallowed boundary (Hamilton-Grierson 1924: 57). The individual who raised this boundary, by the medieval period known as the sergeant of the court, was, even within a later and wholly Christian context, invested with a special authority, in that the assembly could not formally commence and the suitors take on their legal roles without the appropriate declaration.

Suitors would make up the essential gathering necessary for the business of the court and therefore represent the largest group of individuals who would consistently be present at such assemblies as a result of tenurial obligation. It is particularly significant for the present study that such franchise courts had largely ceased to exist in a centralising England by the 13th century, whereas in Scotland heritable jurisdiction remained until largely abolished by the Heritable Jurisdictions Act in 1747-8, whereby only baron courts retained limited powers (Paton 1958: 375, 382-3; Sellar 1991: 39). Even in the event of the abolition, the jurisdictions associated with the franchise courts were still technically deemed 'indestructible' on the basis of Scottish feudal law and therefore can be understood to have been vested into the king's court (Paton 1958: 382-3). This exceptional conservatism of Scottish franchise jurisdictions may have important historical implications as many medieval court settings discussed in this study show indications of earlier medieval customary practices, which continued to be used into the late medieval and early modern periods (see section 5.5).

Courts of regality emerged during the 14th century. These embodied more clearly defined civil and criminal jurisdictional rights and privileges that were equivalent to those powers held by the king or *regalia*, but bestowed on major private landowners (Dickinson 1937: l-lii; Paton 1958: 377-8). They encompassed the powers that previously had been the privilege of an earl, through the grant of *comitatus*, 'earldom' (Innes 1872: 40). The procedure of the regality court was much the same as the barony court, although the king's officers had no jurisdiction within the bounds of regalities. As such, a regality court could also function as a justiciary court and would also have an acting chamberlain who would undertake ayres throughout the regality. The bestowing of grants *in liberam regalitatem* on private lords has been seen as a reflection of the inadequacies of the royal government in Scotland during the late medieval period, especially during much of the 14th century. This reflected the need to devolve powers equivalent to the sheriff and

justiciar to private landowners that could not be efficiently covered by the royal infrastructure (Innes 1872: 40; Paton 1958: 378, 380). Regalities could be particularly large and require more than one court location, leading to the right to hold justice circuits and the existence of bailiery courts of regality. However there would be a recognised legal *caput*, which often appears to have involved the continued use of a former jurisdiction's *caput*, although other locations could be used for different degrees of court in the regality. The tollbooth of an associated burgh was used as a rule, but other locations were known, such as the front gate of Dalkeith castle, used for a regality court (Paton 1958: 378-9). Significantly, sites of apparent antiquity were also used, such as the Couthillock of Kirriemuir, Angus, and the *Tom a'Mhoid* with standing stones at Kingussie, Badenoch (see section 5.4.2.2). As with Barony courts such examples imply that although later medieval feudal jurisdiction was widespread and seemingly formulaic in Scotland, significant aspects of customary legal practice persisted in siting of courts, illustrated in this case by the survival of outdoor and apparently traditional settings.

Stewartry and related bailiery courts were associated with royal lands that had been annexed to the king, but which still retained their status as indivisible jurisdiction and so by necessity were administered separately on behalf of the king by a stewart. Lands which had lesser jurisdiction that were annexed to a stewartry were referred to as bailieries (Paton 1958: 381-2). Stewarty courts were effectively out with the jurisdiction of the king's sheriff and had similar powers to the regality. Latterly stewartries and bailieries became established hereditable jurisdiction. The site of the stewartry and bailiery courts were usually held at the *capita* of the earlier jurisdiction (Paton 1958: 381-2), and may therefore be a reasonable indicator of earlier medieval practice in this regard (see section 5.3.3.1). However by the late medieval period some stewartry courts are known to have sat within townhouses or tolbooths, such as in the Stewartry of Annandale where the court was held in the tolbooth of Lochmaben (Paton 1958: 381). With the increased centralisation of government and the development of the Court of Session during the 16th century, the franchise courts became increasingly unnecessary. Nevertheless in Scotland they continued to function into the 17th and 18th centuries and so represent significant elements of continuity with medieval legal practice, even though elements of their organisation were reformed throughout the late medieval period.

2.4.2.3 Centralisation and legal history tradition

Contemporary to the elevation of the Court of Session were Sir John Skene and other significant pioneers of Scottish legal writing, including Thomas Craig (1538-1608) a 'jurist of European stature' (Sellar 1991: 47) whose *Jus Feudale* placed feudal land law in context with related traditions throughout Europe. Complimenting such works were the 'Practicks' of the 16th and 17th centuries, guides to the practice of law during this period that included reference to the continued usage of the late medieval 'auld lawes' of Scotland including the *Regiam Majestatem*. Among the best known authors of such works was Sir James Balfour of Pittendreich, Lord President of the Court of Sessions (d. 1583) (Sellar 1991: 48). These developments in legal writing culminated in the seminal work of James Dalrymple, Viscount of Stair, who in the late 17th century published *The Institutions of the Law of Scotland*, which still influences legal process today. Stair was contemporary to the influential writer and King's Advocate Sir George Mackenzie, whose work on criminal law was also highly influential. Stair emphasised the development of Scottish law through the merging of Roman Law and Feudal Law, with the underlying basis of customary law and Common Law. Though, significantly he also placed this within a philosophical framework derived from equity and morality, which was to form the basis of modern legal outlook (Sellar 1991: 48-9; Paton 1958: 25-43). This section has provided a summary of Scottish legal history, the cultural influences that have affected medieval legal practice and details of the formulated high medieval systems of hereditable jurisdiction. Before turning to the medieval legal officials and their essential roles and origins, a brief notice will be presented about the processes of medieval law and how legal decisions were reached.

2.4.3 Modes of proof in Scottish medieval law

Before the 13th and 14th centuries, compurgation or 'Wager of Law' was the main means of legal defence in medieval Scotland. This involved the denial or assertion of a claim on oath, the veracity of which would be decided upon by the sufficient support of a number

of other persons who were prepared to swear to the truth of the principal's assertion and character. A compurgator was not a witness or juror but functioned as 'corroborative of credibility' (Innes 1872: 209-10; Paton 1958: 303). During the reign of David I and William I in the 12th century, compurgation appears to have been the standard mode of proof in courts, and it also appears in the *Regiam Majestatem* (see section 2.4.2), but by the 13th century was fading (Paton 1958: 304). The required number or status of compurgators, or 'oath-helpers', varied depending on the implication of a given issue under debate (Innes 1872: 210; Paton 1958: 303). Thus in the *Regiam Majestatem* twenty-seven men or three thanes were required for 'purgation' of the charge of non-manifest theft (Paton 1958: 304). This method of proof was also found in Old Irish Law where the surety of those of noble status could acquit claims between freemen, similar modes were also found in early medieval Frankish law, and in Scotland compurgation is thought have customary roots (Barnwell 2004: 241; Kelly 1995; Paton 1958: 304). The process of oath-taking may have pre-Christian derivations and parallels the sanctified significance of the court space. The last known use of such proof was in a baron court in 1622, but compurgation had become largely redundant centuries before that, and it is thought that the widespread influence of Roman Civil Law called the process into general disrepute (Innes 1872: 211; Paton 1958: 304).

There is limited evidence for proof by witness before the 15th century in Scotland. The evidence is slight for witnesses in secular cases and the practice is most clearly seen within Church courts (Innes 1872: 221, 227; Paton 1958: 304-5). The best and earliest example is from the case relating to Old Kilpatrick, contested between the Earl of Lennox and the Abbey of Paisley in the 13th century, which was heard before papal judge-delegates, with the outcome that the secular defendants controversial charters were ruled invalid forgeries (Innes 1872: 212-21). The alternative means or machinery for establishing proof and resolving cases in medieval courts was not wholly understood by Innes as the evidence is slight, unless it was the informed decisions of the suitors or selected jurymen of the court that underpinned the process (1872: 222-3).

Alternatives did exist though, for instance trial by physical ordeal was founded on the belief that God would intervene by a sign to determine a disputed issue. The process has been suggested to have derived from pre-Christian practice and was evident on the

Continent in the early medieval period (Barnwell 2004: 238; Paton 1958: 301). Ordeals could include the accused being forced to undertake a physical test to decide on their guilt by either holding hot iron, recovering an object from boiling water, being thrown bound into cold water, or swallowing food with a feather concealed within. Guilt was inferred by, for instance, wounds incurred being visible within three days, or floating when trialed by 'water' (Paton 1958: 302). Trial by ordeal was abolished in Scotland by Alexander II in 1230, after Henry III in 1218-19 and the Lateran Council had forbade clergy to perform rites in connection with the ordeal in 1215. Before this, the ordeal had been mentioned in a charter of David I and assize of William I dated 1175-80, although generally evidence for its use is rare (Paton 1958: 302). However religious houses are known to have been specifically bestowed rights to hold Courts of Ordeal, and the process was thought to be generally associated with ecclesiastical authorities (Innes 1872: 60-1). For instance in 1124 Alexander I granted, and in 1164 Malcolm IV reconfirmed, to Scone Abbey privileges to hold trials by 'water, hot iron, and duel' on an island in the Tay overlooked by the foundation, presumed to be the North Inch by Perth, but might also have been an island immediately to the W of Scone (Innes 1872: 61, 210-11).

Trial by combat or battle was a kind of ordeal but technically distinct from other forms, and appealed to the belief that divine providence would provide victory to the right (Innes 1872: 211; Paton 1958: 302). Again this is thought to have pre-Christian origins, but is asserted to have been introduced to Britain with the Norman conquest of England (Paton 1958: 302). The first mention in Scotland is that associated with the monastery of Scone. Duel was assigned as an alternative means of trial, often mainly in criminal cases, but by 1300 this had declined and the duel, at least in civil cases, appears not to have been a widespread phenomenon. However during the 14th century something of a revival is evidenced, albeit more in the form of chivalric events not directly related to earlier practice; this seems to have had little connection to general process of law and was in decline by the 15th century (Paton 1958: 302-3). A well-known example is the group combat between the Clan Chattan and Key on the North Inch in the Tay by the Burgh of Perth, overseen by Robert III in 1396, and also before this at the same site, a duel in Robert I's reign (1306-29) between Hugh Harding and William de Saintlowe (Neilson 1890).

2.4.4 Summary of medieval law in Scotland

This section has provided a summary of the historical development of medieval law in Scotland, providing a chronological framework and context of judicial practices within which material presented in subsequent Chapters will be discussed. It has long been appreciated (Skene 1876-80: vol. 1: 119-20) that early medieval society and thus processes of law in Scotland developed under numerous linguistic and cultural influences, including Pictish, Gaelic, British, Anglian and Scandinavian traditions. Perhaps the most clearly influential of these on later modes was Gaelic, and from the 12th century, during the formative years of the Common Law in Scotland, surviving elements of the essentially Celtic, Gaelic influenced, structures of jurisprudence which underlay these developments can be identified. Although Scottish Common Law was to develop with strong influences from Continental models of Civil and Canon Law, and especially English Common Law during the 13th and 14th centuries, it has been argued that its unique development was underlain by persisting elements derived through early medieval systems of tenurial administration and customary practice. One conspicuous sign of this was the survival of customary judicial officials in some case following their absorption into regional royal administration. Another feature of such survival which has not been fully explored to date are the settings of courts out with royal contexts, and this will be a main focus for the discussion of material in Chapter 5.

The practices and structures of high medieval courts discussed in this section have shown how all legal authority was derived from the king, that jurisdiction was granted with rights to theoretically indivisible dignities, and that the process of courts was essentially based on trial before an assembled body of suitors. This body constituted the core of the local judicial assembly and was composed through the communal fulfilment of tenurial responsibilities that were derived from systems of administration of extended antiquity. Understanding this process of how courts were formed and their essential social role allows for the recognition of the central importance of courts in the cohesion of medieval society. This, more than any other issue, underlines the importance of understanding the outdoor settings of such courts, the details of their physical form, how these may have been used to facilitate legal process, and why specific locations were

selected or continued to be used. Also essential to the legal process was a range of officials who facilitated the proper instigation of the legal space, constituted the suitors in their role, and could be the link between the court and the higher royal authority. It is the development and specific roles of these judicial officials in medieval Scotland which will now be turned to.

2.5 Medieval legal officials in Scotland

This section summarises information regarding key judicial officials who were involved in the workings of medieval courts. Attention is specifically given to the possible derivation of such officers, cultural links, the meaning of their titles, and importantly their changing functions within the court. Moreover where relevant, reference is made to the association of such practitioners within courts held at outdoor settings.

2.5.1 *Breitheamh* / 'brehon' / judex / doomster

The Gaelic *breitheamh* or Latin *iudex* was a judge or lawman, most clearly documented from the 1100s to 1300s, but widely accepted to have formed an important part of earlier Gaelic society in Scotland (Broderick 2003: 76-7; Cameron 1937: 1935; Paton 1958: 354, 442-3; Sellar 1989). Barrow has undertaken the most thorough study of this office (2003: 69-82). In the later medieval period it was largely known under the title dempster or doomster and had gradually receded into obscurity as a minor court position whose responsibilities included pronouncing the 'doom' of the court and eventually also acting as an executioner (Barrow 2003: 57; Innes 1872: 97; Sellar 1989: 3). The *breitheamh* has close parallels in the Irish *breitheam* (Anglicised as 'brehon'), Manx *briw* or deemster, the lawmen of the Western and Northern Isles and Scandinavian England, and the *judices* and 'doomsmen' of high medieval England (Barrow 2003: 57; Broderick 2003: 76). The decline of this title and role in Scotland was associated with the growth of Common Law and written court records, and a similar process can be seen for the cognate position in

the Isle of Man (Dickinson 1928: lxvii). From the 10th century, the royal officers known as the *ollamh* or *ard-ollamh breitheamhnais* 'judge' or 'chief judge' appeared with increasing frequency in the annals relating to Ireland (Sellar 1989: 5). The office formed one of the essential members of early courts without whose involvement the legal process could not function (Sellar 1989: 3). This role was based in the office's importance as a keeper of legal knowledge, preserving and to some extent developing customary law (Cameron 1937: 193). The office appears to have been connected to specific areas or groups (*brithem tuaithe*) and wider regions, which could often contain multiple practitioners who varied in a hierarchy of authority (Broderick 2003: 76-7). For instance in Scotland Barrow identified multiple judges who were specifically attached to the provinces of Caithness, Buchan, Mearns, Angus, Gowrie, Fife, Strathean, Lennox and Nithsdale (Barrow 2003: 57). The judex was often a hereditable office and was associated with family names of particular vernacular and archaic forms indicating a conservatism that perhaps reflected the relative stability of the traditional content of medieval Common Law in Scotland prior to the 14th and 15th centuries. Barrow stated that this suggested 'nothing less than the tenacious survival of an ancient judicial caste' (Barrow 2003: 57).

The *judices* could be expected to participate in royal courts if held within their region of base, as an assise of William I states to this effect and with the threat of distraint for those absenting, although this may not have been universally enforced (Barrow 2003: 59). Specific *judices* were designated under the title *regis* identifying their superior role in the workings of the *curia regis*. In the Western Isles, where the social significance of this office was maintained into the 15th century, the pre-eminent office in the hierarchy appears to have been the *iudex insularum* ('judge of the isles') or *archiudex*, above whom was only appeal to the Council of the Isles (Sellar 1989: 4). Similarly the *breitheamh* was represented throughout the isles of the west coast, who also had hereditable lands and were said to have had the right to parts of every action decided upon (MacPhail 1914: 24-5). In Shetland the office of 'lawman-general' survived into the 16th century, the holder of which would proceed in annual circuits of the parish courts and preside at the superior Lawting, where he would also be elected to his office (Fellows-Jensen 1996: 22; Munro 1961: 99, fn.8). The Scandinavian Lawspeaker has close similarities to the Gaelic *breitheamh* (see section 2.3.4). However by the late

medieval period in central and lowland Scotland the role of the *judices* as presiding judges had been replaced by sheriffs, and generally within the feudal system all suitors of the court were classed as 'doomsmen' and this 'body of the court' then supplanted the *judices* as the jury or *juratores* (Dickinson 1928: lxviii, lxix; Paton 1958: 442-3). The reserved role of the dempster (doomster), who was also a suitor, was then restricted to pronouncing the 'doom' of the court, and they were thus required to be well informed, of upright character and good fame (Dickinson 1928: lxviii; Paton 1958: 443). It is significant to note that the association of the name 'Doomster', a vernacular form, with the mound at Govan could indicate a later medieval association of the site with courts than has been considered to date (see Driscoll 1998), although this would not necessarily undermine the site's significance in the early medieval period. Thus the role of the traditional judicial caste persisted into the late medieval period. After the 16th century the title of dempster gradually disappears in formal use and was abolished by the Justiciary court in 1773 (Dickinson 1928: lxix-lxx, n.8; Paton 1958: 443). The role of employed agents or procurators ('prolocutor' in the 15th century (see section 5.3.3.1)) in litigations as legal professionals, known at the close of the period as 'Men of Law' or 'Forespeakeris for the cost' (Paton 1958: 12, 28), may also have preserved aspects of the *judices*' role into the later medieval period.

Much of the evidence for the activities of the *judex* in the Kingdom of Scotland comes from the mention of such officers on the witness lists of charters and similar legal documents during the 12th century and to a lesser extent the 13th century (Barrow 2003: 58; see section 5.4.3.2). The majority of such documentation at this time is likely to have been issued on the occurrence of a court, royal or otherwise, and so among the roles of the *judex* was probably the formal witnessing of legal documentation as well as involvement in their negotiation. *Judices* would also be called upon to participate in perambulations and are known to have overseen the sasine of lands through the act of *traditio*, which could involve the formal swearing upon a reliquary (Barrow 2003: 60). Perhaps in this respect the *judices* role could overlap with that of the dewar (see section 2.5.3), although such practices do not appear to have been the main responsibilities of the *judex* (Barrow 2003: 59-60). *Judices* had performed many functions later carried out by sheriffs and their officials, and there are examples of a *judex* taking on the position of

sheriff (Dickinson 1928: lxvii). *Judices* were expected to deliberate directly upon disputes in open court, which could be of regional significance. For instance the prominent dispute of the marches of Kirkness in Fife was adjudicated by three *judices* of Fife and Fothrif at a trial in c. 1128. These included Earl Constantine of Fife, described as *magnus iudex in Scotia*, and Maldoueni son of Macbeth, who in the event deferred to the judgement of their respected fellow *judex* also present, one Dufgal son of Mocche (Barrow 2003: 58; Lawrie 1905: no. 67; Sellar 1989: 7). Earl Constantine's prominent role may have stemmed from his position at the head of the Fife lineage who represented a defunct segment of the royal dynasty. As such they were honoured with a centre role in the inauguration of Kings of Scotland, but this might also have gained them chief judiciary status (Sellar 1989: 7). It is significant in this regard that the earliest reference to a Justiciar of Scotia (Scotland north of the Forth) was Duncan Earl of Fife (Barrow 1973: 105; Sellar 1989: 7).

The *judex* of Angus also appears to have been distinguished in legal matters within the Kingdom of Scotland, illustrated by the visibility in the record of the *Judex Regis* of Angus. It is worth exploring this example because of the link that can be made with the office and a specific place. Brice or Bricius the king's *judex* of Angus figures prominently in the *acta* of William I (1165-1214) and is associated with the only known document issued directly by a *judex* in their judicial capacity (Barrow 2003: 59-60). Kerald son of Malcolm was *judex* of Angus in 1228 and the king's *judex* 1225-1239, and his brother Adam was also *judex* of the Earl of Angus in 1219 and King's *Judex* in 1228. Kerald may also be related to another Kerald active in Angus during the early 14th century. Careston in Angus, previously known as Caraldstoun, may derive its name from the earlier Kerald (Barrow 2003: 62; Innes 1848-56: vol 1, xxvi; Warden 1880-5: vol. 3, 67). Beolin was also a *judex* active in Angus in the early 13th century, whose residence appears to have been at Ferne, modern day Fern, which, significantly, is adjacent to Careston (Barrow 2003: 62-3). It is also noteworthy that the Dempsters of Careston were Dempsters of Parliament by the late 14th century, indicating the shift to the Scots nomenclature. David Dempster of Careston was also a *judex* in the court of the Abbey of Arbroath in 1370 (Warden 1880-5: vol. 3, 69). This role later passed to Ogilvy of Inverquharity and the Lindsays assumed the lands of Careston at the end of the 16th

century (Warden 1880-5: vol. 3, 69, 71). The *judex* of Angus is a particularly well illustrated example of how the hereditary status the office developed through the medieval period, the close links the position could have with a particular region, and the wider traditional prominence of the Angus judges in the Kingdom of Scotland. Warden also posited a possible local court-site associated with Careston at Balnabreith (SE of Careston by the South Esk river), a Gaelic place-name perhaps meaning 'town of judgment' (Warden 1880-5: vol. 3, 68, 71) or perhaps 'farm of the judge' (see Table 2.1, no. 1).

Further examples of family based members of this traditionally grounded judicial caste may be cited for elsewhere in Scotland, but it is important to note that the office does not always appear to have been inherited (Barrow 2003: 57-60; Neville 2005: 62; Sellar 1989: 3). However, examples can be seen in the MacBraynes of Islay who may have been associated with a hill known as *Torr A' Bhreitheimh*, possibly MacBrefs of Lennox, Brocchin *judex* of Mar, the Judges of Menteith, and the chiefs of Clan Morrison hereditary judges of Lewis whose base was at Habost, Ness (Barrow 2003: 61-2; Cameron 1937: 194-5; Campbell 1995: 7; Neville 2005: 62; Watson 1926: 517). The association of early judges in Scotland with mounds and hills, and the proclamation of the law, has significant parallels with the role of such sites for the exposition of the law as represented in early medieval Ireland (see section 2.3.6). See also Table 2.1 for select examples of places-names and sites associate with 'judges'.

2.5.2 Justiciar

The justiciar (Latin *justitia* or *justitiarius*) was the chief judicial agent of the king and head of the law, in both civil and criminal matters (Barrow 2003: 68, 75). Barrow's thorough study of this office has detailed its development from a putative stage in the latter half of the 12th century to the clearly defined central office of the 13th and 14th centuries (Barrow 2003: 68-111). From the late 12th century there are explicit references to justiciars for Scotland north of the Forth or Scotia, and by 1221 also for Lothian (Innes 1872: 75). Although the office was a innovation strongly influenced by Anglo-Norman

models, the geographical division of the justiciars' areas of responsibility reflected an ancient concept of the division of the Kingdom of Scotland, with the provinces north of the Forth seen as the traditional area of the Kingdom of Scots (Barrow 2003: 87, 109). The Justiciar of Lothian had responsibility for Ayr, Dumbarton, central Scotland, the whole of the SE (including Lothian) and Dumfries, whereas Galloway was defined by the Sheriffdom of Wigtown and Kirkcudbrightshire (Barrow 2003: 87), which may have been seen nominally as areas of distinct cultural identities and regions historically annexed onto the traditional core of the early medieval kingdom of Scots. The development of this office cannot be seen as organically developing from the traditional office of the *judex* or superior members of that caste (Barrow 2003: 84). However it may have been appropriate for a high ranking judge and magnate to be allotted the new office of Justiciar during the 12th century, and this may have been the case with Constantine Earl of Fife who had been termed 'great *judex* in Scotia' (1124x36) (Barrow 2003: 84; Dickinson 1928: lxvii). At the end of the 12th century Roland of Galloway may have been the 'chief-justice' for this region but it was not until 1258 that the office of justiciar was directly named (Duncan 1975: 203-4). In 1259 John Comyn of Badenoch was Justiciar of Galloway, a relatively short time after the creation of the Sheriffs of Dumfries and Wigtown (Barrow 2003: 86-7). The elevation of these offices represent clear moves to enforce royal judicial authority and the mechanisms of state revenue within what were more liminal regions, regarding royal authority, of the Kingdom of Scotland at this time (Duncan 1975: 531). The justiciar post could also be held jointly, such as following 1241 when Robert de Mowat and Philip de Melville were joint justiciars of Scotia (Barrow 2003: 90-1, 110-11; Duncan 1975: 545). Moreover the justiciar could also be supplemented by a representative depute or clerk (Barrow 2003: 100-104; see section 5.4.3.1). The apparent formalisation of the office coincided with the reigns of William I (1165-1214) and Alexander II (1214-49) at which time the regulation of royal legal authority is more widely documented, although the office was introduced during David I's reign (Barrow 2003: 68-9).

The justiciar had jurisdiction over the points of the crown or reserved *regalia*, which might lead to the forfeiture of property to the crown and were too important to be dealt with in the sheriff courts, namely murder, premeditated assault, rape, arson and

plunder (Barrow 2003: 89; Innes 1872: 60; Paton 1958: 409). Justiciars could also have military responsibilities and pursue criminals or raise 'hue and cry' (Barrow 2003: 90-1). The majority of the surviving evidence however relates to the justiciar's role within the *curia regis* and the central workings of government, associated with their frequent occurrence on the witness lists of royal documentation (Barrow 2003: 88). Justiciars also functioned in a civil capacity, being involved in perambulations and overseeing *traditio*, the act of sasine, which often followed afterwards (Barrow 2003: 93-4). Justiciars also served as interdependent authorities to whom legal oaths of fidelity would be given in hand, this representing a primitive but lasting aspect of Scottish medieval law (Barrow 2003: 96). The extent to which justiciars convened their courts for matters relating to free subjects of the king or were involved in numerous levels of courts out with the king's court has not yet been fully examined. Although this is likely to be represented in a multitude of private charters, the language of such documents does not always make it clear what the context of the court was, whether a lord's court or justiciary court. A rare example can be identified in 1270 of a court described as *in plena curia justiciar*[*ie*] (Barrow 2003: 95; see also sections 5.3.2.2, 5.4.2.1 and 5.4.3.1).

In theory the justiciars would circuit their region of responsibility twice a year, or undertake *ayres*. This would occur 'once on the grass and once on the corn' or in other words seasonally, once in the spring and winter, an arrangement explicitly referred to in 1292 (Barrow 2003: 77-8; Innes 1872: 75). The majority of courts held upon such *ayres* were at the *caput* of the sheriffdoms (Paton 1958: 408), but there is also evidence for the session of justiciary courts at less centralised localities, which considered appealed civil cases and which could occur within apparently more 'traditional' settings. Such courts offer glimpses into the use of outdoor court settings, which may have persisted from earlier judicial practice and become restricted to marginal areas. However the use of such settings for justiciar courts reflects an acknowledgement by the judiciary caste of the continued legitimacy of such locales, at least within the context of specific domains and certain degrees of legal case (see for examples sections 5.3.2.2, 5.4.2.1 and 5.4.3.1). As private documentation is generally lacking in comparison to royal records for the 12th and 13th centuries, it may be that the use of traditional court settings was more widespread than is represented in the historical material. The justiciar often appears to have been the

most significant connection between the king's court and the local districts of the kingdom (see Barrow 2003: 88-100; Duncan 1975: 593), and the record of the presence of justiciars at apparently local courts can offer occasional insights into otherwise obscure practices of outdoor judicial assemblies practiced in 13th and 14th century Scotland. For instance, five examples of probable justiciary courts are covered in Chapter 5 (Table 5.1, nos. 2, 3, 8, 13). These dealt with civil cases often involving both ecclesiastical and lay disputants, and seemingly were convened following perambulations These represent relatively localised cases, although the involvement of the justiciar seems likely to derive from the interests of at least one of the claimants representing an exceptional ecclesiastical or secular authority. The choice of outdoor venues for these courts may represent the link to perambulation activities, but more significantly there are hints that such settings were of established legitimacy for the holding of local courts and not merely convenient. The setting of this admittedly small sample of courts may therefore represent the prior dialogue of justiciary officials with established legal president in the localities and the expectations of the interested landowners and suitors.

2.5.3 *Deòradh* / dewar

The dewar was a custodian of a saint's reliquary, upon which oaths could be taken and criminals compelled to order, and as such the dewar appears to have possessed a judicial status (Watson 1926: 264). Gaelic *deòradh* has the meaning 'stranger, exile, outlaw' which is likely to have derived from the practice of this office to travel on business into areas out with their place of origin, with authority and immunity from harm that was conferred by the presence of the saint's relic. The name appears to have originally related to the relic that the official was custodian of, but later shifted to the office itself (Gillies 1996: 129; Watson 1926: 264-5). A well-known example is the dewar of the '*coigreach*' or staff of St Fillan who was resident in Glendochart, and held lands to that effect as part of their office. Among the responsibilities of this office, at least in the 15th century but probably also earlier, was to pursue thieves of any goods or cattle wherever they might be found in the kingdom of Scotland at the behest of an inhabitant of Glendochart

(Dickinson 1941: 91; Gillies 1996: 129; Sellar 1989: 9). A possible example of an assembly site associated with the title dewar is *Nevethin Endoreth* in Fife, a medieval Gaelic place-name meaning 'nemeton or sanctuary of the dewar', which is possibly associated with a locality adjacent to the meeting of multiple boundaries (Barrow 1998: 28; Taylor 1995: 222; cf. Watson 1926: 264-5; see Table 2.1, no. 4).

2.5.4 *Mormaor* / earl

The Gaelic *mormaor* is widely accepted to be the early medieval forerunner of the earl or Latin *comites*, terms used from the 12th century. *Mormaor* has the meaning 'great steward', appearing from the 10th century under the year 918, as the head of extensive provinces of land with jurisdiction over the raising of militia, and are referred to in the Gaelic notes in the Book of Deer (Duncan 1975: 110-11; Grant 1993: 47). The later earldoms may have developed from early medieval polities or even Pictish tribal divisions, which perhaps originally defined the area of pre-9th century sub-kingdoms (Duncan 1975: 110). Jackson suggested the office of *mormaor* may therefore reflect a Pictish arrangement (Gillies 1996: 134, citing Jackson 1972). This concept seems to be supported by the absence of the *mormaor* in Ireland (Duncan 1975: 110), although the superseding of Pictish province names with distinctly Gaelic *mormaor* divisions may indicate the at least partial reorganisation of existing structures within a wide-reaching innovative political environment of royal administration. The customary centres and assembly sites of the Scottish earldom may be good candidates for the location of inauguration ceremonies associated with such titles and control of the provinces (see section 6.6.2). As the most powerful secular figures below the king in the Scotland, the earls also wielded extensive judicial authority as largely autonomous powers. From the 12th until the 14th centuries the core judicial authority and legal areas of dominance of the earls was progressively eroded by the formalisation of the infrastructure for royal sheriffdoms and burghal authorities. The jurisdiction of royal courts were thus strictly defined and could only be referred to in the case of specific types of offence. However many earls also assumed positions as royal agents of justice, such as the Earls of Fife

who acted as *judices* during the 12th century and also Justiciars of Scotia (see Barrow 2003: 84; see section 2.5.1).

2.5.5 *Maor* / mair / serjeant

The *maor* (Gaelic) or 'mair' (Scots) was the officer of the sheriff in high medieval Scotland (who also had numerous baillies) often identified as a hereditary position as mairs 'of fee'. The responsibilities were similar to those of the late medieval officer the *serjeant* or *sergeand*, although the mair was also known to be the *serjeant's* superior (Dickinson 1928: lxii-vi; 1941: 94; Barrow 1973: 67-8; Innes 1872: 78-79; Sellar 1989: 8). The office of mair is likely to have subsumed a pre-12th century official who functioned in a similar capacity in subordination to the Gaelic *mormaer*. This is indicated by reference to the office in the 10th century Book of Deer (Jackson 1972). *Maor* is found in Irish meaning 'officer' and is related to Welsh *maer* meaning 'steward', from 'Romano-British' Latin *maior* 'steward' (MacBain 1911; Broderick 2003). Among the mair or serjeant's responsibilities to the sheriff by the 12th and 13th centuries were the arresting of criminals and the serving of brieves (Duncan 1975: 597). The serjeant could also act as the sheriff's officer at local courts of barony within their area of responsibility or justiciar, which could be associated with an hereditary mairship, in Gaelic *maeor*(*s*)*neachd* (Dickinson 1941: 94; Innes 1872: 78; see Sellar 1989: 8). For instance, the Sheriffdom of Angus had four baillairies, Dundee, Kirriemuir, Brechin and Arbroath, each of which had a *maor* with responsibilities to enforce the sheriff's authority (Innes 1872: 78). Evidence for the hereditary grant of lands with the office has been explicated by Dickinson with place-names such as 'mairsland' and 'le serjand croft' recording the occurrence of the offices (Dickinson 1941: 96). For instance the mairs to the Earls of Strathearn in the 15th century were the Comrie's who were granted land identified as 'le Mariscroft', later 'the Serjeant's croft', located to the W of Castleton of Fowlis (Porteous 1912: 46-8; Sellar 1989: 20), now Fowlis Wester between Inchaffray Abbey and the Earl's legal centre at Crieff (see section 5.3.3.1). Among the detailed functions of the serjeant within the process of medieval courts, at least by the 14th century, are

responsibilities to 'fence' the court, thus calling proceedings into session, to serve orders of summons, the reading out of citations and thus commencing of cases, the carrying out of the courts pronouncements, and perhaps caretaking the court-site and living close by (Duncan 1975: 597; RCHM 1872: 410; Sellar 1989: 8). As such the office was an essential part of the mechanisms of the medieval locally-based legal system. Barrow, drawing on Dickinson, has argued that the *maer* was largely a subordinate position but may have contained an upper hierarchy, which were subsumed into the office of thane between the 10th and 12th century (Barrow 2003: 55-6; Dickinson 1928: lxii). Generally however the later mair or serjeant was the title for various lesser officials who were responsible for collecting revenue or undertaking the essential functions of the court, such as executions, summonses, pursuing criminals and providing sasine to a successful party in a land law suit (Barrow 2003: 55; Dickinson 1928: lxiv-lxv). In the context of the present study the role of the officer of the court may be understood to have been essential for maintaining the feasibility of outdoor court settings. The serjeant's responsibilities to physically fence the sanctuary of the court and perhaps maintain the court-site is likely to have been paramount to this, and perhaps the increased need for the maintenance of ordered group behaviour out with architectural settings may have made these roles of the officer even more paramount.

2.5.6 Sheriff

The development of sheriffdoms from the reign of David I as an expansion of royal authority and administration in Scotland is fully discussed elsewhere (Duncan 1975: 159-62; McNeill and MacQueen 1996: 192-4; Paton 1958: 350). The majority of sheriffs (Latin *viceomitatus*, and from OE meaning 'shire-reeve') in 12th century Scotland were of Anglo-Norman origin, though exceptions were known including Macbeth, Sheriff of Gowrie who had also been a thane (Barrow 2003: 63; Duncan 1975: 205). Sheriffs dealt with criminal cases reserved to the crown, civil cases involving royal property, and also appeals from cases decided in the barony courts and service of brieves. Their duties could include supporting and upholding the authority of ecclesiastical courts, and also

instigating the pursuit of criminals or 'hue and cry,' also known as to 'hear the King's horn', holding prisoners, as well as other general policing responsibilities, together with a body of subordinate officers below them (Dickinson 1928: xxxviii, xxxix-xl). Importantly the subordinate barony courts were intended not to have power to decide courts of 'life and limb' or other pleas of the crown without the presence of a sheriff and *sergeand* (Dickinson 1928: xxxix). The sheriffs' authority was confined within major regional territories, which by the 13th century included much of the kingdom of Scotland barring Caithness and the outer isles (McNeill and MacQueen 1996: 192-4). In the present context it is important to note that sherriffdoms were developed with sheriffs' castles or a *caput* that formed the core of the judicial territory and their administrative hub, for which a constable was responsible, and the sheriff had access to numerous feudal rights including military knight's service (Barrow 2003: 250-78; Duncan 1975: 160). The sheriff's military duties replaced much of the earl's role in this regard within the sheriffdoms in Scotland (Dickinson 1928: xli). The caput of the sheriff was the venue for head courts of the sheriffdom, which theoretically were held three times a year. By the 15th century this could be at Yule, Pasch and Michaelmas and this seems to be based on 14th-century models (Dickinson 1928: xv). An assise of William first dated c. 1180 stated that sheriffs' courts (*mutis*) should be held every 40 days (Dickinson 1928: xiv, fn. 2; Innes *et al.* 1814-75: vol. i, 377, c.19), although there is little indication that such uniform guidelines were universally followed at this time (Dickinson 1928: xiv, fn. 2).

In this study, consideration of the settings of medieval sheriff courts does not play a central part because the evidence suggests that from the outset sheriff head courts were intended to be held within the sheriffdom's legal *caput*, usually a royal castle. This was the seat of justice and stronghold of the sheriff. In 1232x59 for instance there was reference to the holding of the sheriff's court of Dumfries '*in castro de Dumfries*' which probably indicates the use of some hall or building within the bailey of a motte (Dickinson 1928: xi; Innes *et al.* 1814-75: vol. i, 97). The construction of halls within sheriffs' castles is understood to have been specifically intended to provide venues for such early courts, as well as other public legal duties of the office (Dickinson 1928: xii). In 1436 a sheriff's court was held in the hall of Nairn castle, '*in aula castri de Narryn*' (Dickinson 1928: xii, fn. 2). In the 15th century reference is also made to the holding of

sheriffs courts in the 'castle-gate'. During the late medieval period there was a significant tendency to hold courts at the site of old timber castle that were no longer in use as residences. This appears to have been because the old physical setting of the *caput* retained its legal legitimacy as the appropriate place for the court site, and as such there are frequent accounts 'of later courts upon motte-hills, mote-hills or mute-hills' (Dickinson 1928: xii). For instance in 1299 a justiciary court was held at 'Castleside' beside the castle of Aberdeen, later in 1414 an inquest was held on the 'castle hill' of Inverness and also at Banff during the late 15th century Sheriffs courts were held on the 'castle-hill' (Dickinson 1928: xii-xiii; see section 6.6 for further examples and discussion). As Dickinson put it, the old *caput* 'still retained its legal status' even after abandonment as the sheriff's residence and stronghold (1928: xii). This indicates a general conservatism in the selection of settings for courts in late medieval Scotland, a conservatism which was no doubt maintained by the essential need for a basis of tradition and convention for the proper workings of law. However for the unwary investigator the reuse of earlier medieval sites for courts during the late medieval period can be misleading because of the use of place-names and terms such as 'mote' and 'mute-hill', in this case essentially derived from Old French *motte*, which can be confused with early medieval Old English *mot* or *gemot*, meaning 'assembly'. This indeed led to confusion during the 19th century when the archaeological study of motte castles was in its early stages. The evidence for late medieval courts reusing earlier medieval castle mounds, further exploration of the reasons for this, and related historiography are discussed in Chapter 6.

2.5.7 *Tòiseachd* / thane

Tòiseachd is an ancient Gaelic term referring to the head of a kindred, but it largely came to survive in the royal office of the thane (Barrow 1973: 7-68; Innes 1872: 84; Sellar 1989: 8). The *tòiseachd* is mentioned in the 10th/12th century Gaelic notes in the Book of Deer and is likely to have been key to the functioning of early estate territories in Scotland (Barrow 1973: 7-68; Jackson 1972: 110-14). On this basis and linguistic

grounds Gillies provides the definition: 'an official in pre-Norman Gaelic society, inferior in status to the *mormaer*' (1996: 134). The thane was an anglicised title which in Scotland prior to c. 1150 referred to an essentially managerial office that had responsibility for a shire, the main territorial unit of the 'multiple-estate' system that was current in much of Britain at this time (Barrow 1973: 7-68). The thane therefore represented royal or comital authority within a specific unit of demesne, administrating, leading the militia to war, paying its renders and dues to the overlord, and, significantly for the present context, supervising justice within at the court site, or in a English context the 'sokemoot' (Barrow 1973: 21; Grant 1993: 40). The shift to the anglicised thane from OE *þegn*, perhaps meaning 'minister', may have occurred during the reign of Malcolm II (1005-34) (Grant 1993: 47). Thanages in Scotland, which came into use as a term from the late 12th century, have been seen as a key aspect of the extension of royal authority from at least the 11th century and although thanages were gradually annexed and integrated with the system of sheriffdoms, thanes had a clear presence within judicial assemblies during the 12th and 13th centuries (Grant 1993: 57, 59). The thane's link to the role of *tòiseachd* seems to indicate that the later royal agents replaced earlier kin-based positions of estate management. Evidence for *comhdhail* place-names indicative of early local courts, mostly in NE Scotland may represent the settings for judicial assemblies associated with the management of early medieval estates by the 10th century holders of this office (see Barrow 1981; 1983; 1992; see section 4.2.1). The close parallel of the distribution of *comhdhail* place-names and thanes recorded before 1350 is noteworthy in this respect (Driscoll 1991: 98; Grant in press: 22; see section 4.2.1.4). The later *tòiseachd* and thane were also known to became heritable positions, becoming preserved in family names such as the *MacTosche* or *Mac an Tòisich* of Glentilt and Lochaber, and in place-names such as *An Tòiseachd* in the Black Isle (Innes 1872: 82; Watson 1904: 114). Moreover the role of the *tòiseachd* as head of a kindred survived in 13th-century Carrick in the office of *ceann cinéil* or *kenkynolle*, surviving with the Kennedies (MacQueen 1993; Sellar 1989: 8). It is particularly noteworthy that the head pleas of Carrick were recorded in 1505 to have been held at Knoktoscheok, 'hill of the *Tòiseachd*', a mound at Girvan, S Ayrshire (see section 5.2).

2.5.8 *Toiseachdeor* / coroner (?)

The original function of the *toiseachdeor* remains to some extent obscure. Dickinson (1941) suggested possible links with dewar. Sellar identifies the late medieval equivalent of the office in the title coroner (Sellar 1989: 9-11). The medieval coroner had the responsibility to instigate the 'pleas of the Crown', Latin *placita coronae*. As such the coroner was a direct agent of the crown and the justiciars, and in specific cases might supplement the authority of the sheriff (Innes 1872: 84; Duncan 1975: 496). It is significant that the *toiseachdeor* is not known in Ireland but is in both Scotland and the Isle of Man (Manx, *toshiagh jiorrey*; see Sellar 1989: 9). There was a *toiseachdeor* for each of the six sheadings of Man and also the relatively close area of Carrick and Nithsdale in Dumfries and Galloway (see distribution map in Sellar (1989: 10)). The office is also known throughout Argyll and bordering areas of the SW Highlands, including the Lennox, although it is largely identified from 15th century records. Moreover there are also concentrations in highland Perthshire (Atholl) and Aberdeenshire, with a northerly outlier in Lochaber. This obscure legal office may have derived from shared social traditions between the Gaelic communities of the western seaboard of Scotland and Man, and across the central Highland massif, which predated the Scandinavian incursion from the NW during the 9th and 10th centuries. The general correspondence of the distribution of *judices* and *toiseachdeor* may indicate that the responsibilities of these offices were distinct in specific regards, but had a parallel development (see McNeill and MacQueen 1996: 189-90). If the model of the later coroner is taken then the *toiseachdeor* may have been a traditional office who maintained knowledge of and oversaw correct enforcement of his lord's specifically reserved judicial rights, with perhaps the office being previously attached to a specific kin group. Gillies, on linguistic grounds, identified the *toschederach* with *daor-rath* or 'base-clientship', an early Gaelic grade of client-ship relating to contractual food render for holding a fief (1996: 137-40). Therefore the *toschederach* may have been a head official in this administrative system, responsible for judicial duties associated with it. Gillies also notes that later confusion surrounding the title may have arisen through varying survival of

Gaelic in different areas of Scotland into the late medieval period, and the transmission of the name after the original significance of the office had been forgotten (1996: 139-40).

2.5.9 Notary

Notaries public were legally trained officials who were authorised to draw up certain legal documents, including instruments of sasine. The notary appears on record in Scotland from the 13th century, though for the whole of this century only five are recorded, with an increase to thirty-five in the 14th century. The majority of these were either apostolic or imperial, being trained in Canonical or Roman Law, some of whom were probably educated at the notaraite at Bologna or Avignon (Durkan 1983: 22). These officials appear to have functioned in parallel with clerks of court, associated with most private landowners. During the 14th and 15th centuries notaries became organised around diocesan territories. The 15th century in particular saw a substantial increase in the number of notaries, with individuals also active in the Western Isles and Orkney, including Duncan Obrolchan who witnessed at the chapel of St Finlagan in the Isle of Islay (Durkan 1983: 23, 24, fn. 10). The clearest and largest record of notaries acts are derived from these individuals' protocol books or notary's registers. These first appear in Scotland from 1469 and are a major source for instruments of sasine and land transaction in late medieval Scotland (Durkan 1983: 23; Gordon 1995: 16-17). With the advent of the court of session in the 16th century the office and the activities of notaries were increasingly regulated and efforts made by successive acts to centralise the records they produced. With the turn of the 17th century the Register of Sasines was the culmination of this process, with the country being divided into recording districts, leading to the eventual superseding of the Notarial Protocol books as an exceptional source, though records continued until 1936 (see www.nas.gov.uk, 'Notarial Records'; Durkan 1983; Gordon 1995). A number of early notarial records are referred to in this study for the evidence they throw on the late medieval use of an assembly site for legal practice, such as the sasine of a title and property, or right to hold courts (see sections 4.3.4 and 6.6.2). Future systematic research into the Scottish Protocol Books may help shed further light

on the setting of sasine ceremonies of the private landowning class in Scotland at the close of the medieval period.

2.6 Conclusion

This chapter has summarised the now substantial recent developments in the understanding of medieval assembly practices and settings in North and West Europe, and focused on the long-term historiographical development of the subject in Scotland. A synopsis of the legal history of medieval Scotland has been provided together with a summary of information regarding the roles of specific medieval legal officials known to have been active in the courts of early medieval and later Scotland. Strong cultural links have been highlighted between the various areas of NW Europe and Scotland, illustrated by shared linguistic elements relating to medieval jurisprudence and aspects of assembly practices. Most notable among similarities identified in NW and Scandinavian Europe was the widespread use of mounds for the setting of customary legal process, which in many areas during the early medieval period often had close links to essentially pre-Christian cult practice. This sacred element of judicial sites seems to be a common element in the symbolism of the sanctified space of early courts in medieval Europe, whereby clear ceremonial practices dictated the constitution of a setting's boundaries, facilitating the legal process. Although mounds were a common element, other monumental settings have been identified, and the importance of settings as focal points associated with open spaces for gatherings appears to be a significant feature. This points to the monumental aspect of settings as the main platform for the core of assembly activities. However, such foci arguably only constituted one part of a wider assembly venue. The summary of the historiography of medieval assembly settings in Scotland has illustrated that to date insufficient information has been scrutinised regarding the physical settings of outdoor courts in Scotland to facilitate in-depth comment. Therefore the summary of aspects found at other European sites will be particularly significant for comparative purposes in the following chapters when the evidence for Scottish settings will be presented.

Common links with other areas of Europe were also noted in the review of legal history of medieval Scotland. The varied content of Scotland's cultural and linguistic influences throughout the medieval period, combined with later shared legal traditions with England and the Continental Laws, indicate a unique combination of customary survival and innovation in Scottish medieval legal practice. The strongest and most readily identifiable element of the customary legal foundations derive from Gaelic influences. To date this has been most clearly illustrated by the persistence of judicial officials shown to have derived from the roles of early Gaelic legal practitioners, often surviving into the royal administration and functions of later medieval Common Law. However the extent to which the use of out-door settings for medieval courts also reflects customary practices or their persistence into the high and later medieval periods in Scotland has not been sufficiently resolved. The issue has however been a long-standing question for medievalists in Scotland from the outset of the modern era. Only relatively recently has the archaeological potential of the subject has been increasingly appreciated and attempts made at specific definitions of physical settings for assemblies. A general survey of the evidence is still required, in order to bring Scotland in line with wider European scholarly developments, and to advance a field of study which has been relatively under-nourished in Scottish medieval archaeology, despite its arguably central role in medieval social history. The aims of the present study are therefore consciously situated as part of a long-term and multidisciplinary scholarly endeavour to understand the social and cultural content of medieval legal process in Scotland through an examination of how the significance of place can assist social cohesion. This review has also highlighted the necessity of multidisciplinary methodologies to uncover the often ephemeral traces of medieval assembly practices, which draw upon place-name evidence, historical and traditional accounts, and archaeological remains. With this in mind, the following chapter will present the methodological process through which the present study was undertaken.

Chapter 3 Methodology

3.1 Assembly studies and multidisciplinary methods

As detailed in Chapter 2, recent commentators have highlighted the unique challenges involved in the historical and archaeological investigation of medieval assemblies (Barnwell 2003: 1-2; FitzPatrick 2004: ch. 1; Reuter 2001: 432-3; Pantos and Semple 2004: 21). The historical traces of the location and content of assemblies are often ephemeral, arguably because medieval contemporaries largely took for granted the significance of institutions and settings that in the formation of history became the backdrop to political developments and outcomes (see Barnwell 2003: 1; Reuter 2001: 433). Moreover, those assemblies of a popular social context or lower status (such as local courts) would not necessarily be acknowledged in surviving documentary accounts because of their wider political irrelevance. Accounts of popular gatherings might often survive by chance. Records of a non-royal high medieval court might only survive because of specific political circumstances and would usually be in the form of a description of the material outcome to such an event (see below, this Chapter). Assemblies of this kind therefore present unique investigative challenges.

Moreover, on the basis of established archaeological research in the field elsewhere in Europe (see Chapter 2) it is also increasingly clear that, although evidence exists for the purposeful construction of monumental settings for early court sites (Adkins and Petchey 1984), a large proportion of assembly-places are characterised by pre-existing features of the medieval landscape. In particular these include prehistoric monuments and natural features. An awareness of this phenomenon, the presence of which in Scotland has already been illustrated to some extent (Driscoll 1998a), combined with the historical obscurity of the subject, raises unique challenges for archaeological enquiry. Previous studies have effectively resolved such complications through the use of multidisciplinary methodologies (Brink 2004; FitzPatrick 1997; Pantos 2002; 2004), and as such a similar approach has been adopted for this study in Scotland, though with differing degrees of emphasis upon the various kinds of source material. Moreover previous studies have highlighted the particular importance of open-air assembly settings

as indicative of early medieval or persistent customary practices (see Chapter 2). The present study therefore focused solely on the identification of assembly-places comprising of outdoor settings or assemblies which occurred at such locations (see Chapter 1). Evidence utilised for this study included place-names, historical references, post-medieval traditional accounts, archaeological remains, and the materials of the landscape archaeologist including maps and field observations. The synthesis of the findings of these forms of evidence formed the basis for analysis.

This chapter explains the details of this metholodology, first presenting the chosen geographical and evidential scope of the study. The key research aims of the study are then described. This is followed by a breakdown of the methods utilised for each type of evidential material and a description of the source material consulted. This includes sections on historical accounts, place-names, and post-medieval sources. The methodology employed regarding the physical remains and archaeology associated with assembly settings is then presented. This includes details of archives, monuments records and publications consulted, a synopsis of the metadata relating to the tables and procedures followed during field inspections. The case study selection process is then discussed and the methods used for the field surveys described. Source material consulted and methods used for the investigation of historic landscapes, boundaries and archaeological remains associated with assembly settings are then described. Finally comment is provided on the implications of the methodology.

3.2 The geographical and evidential boundaries of the study

Given the relative paucity of known information regarding the setting of outdoor medieval courts in Scotland, it was decided that a broad national approach should be applied to the subject, with the geographical extent of the study defined by the boundaries of modern Scotland. This was also deemed appropriate because of the extent of established studies on similar subjects, which have covered modern England and Ireland (Pantos 2002; FitzPatrick 1997; see Chapter 2). The implication of this ambitious geographical coverage was that the study would be a broad investigation of a range of

evidence, which could examine a select group of representative sites in detail. In the majority of disciplinary areas the study was largely confined to published information. This was intended to provide an initial characterisation of the assembly settings, how these varied throughout the extended medieval period, what types of practices were enacted at outdoor court sites and, to a lesser degree, who attended such meetings. It was intended to provide a general characterisation of the types of settings and monumental archaeological remains associated with assemblies. In order to investigate the complexity of these sites to illustrate the potential of detailed investigation of the subject, this was augmented by detailed case studies investigating the social landscapes and archaeological remains of representative sites. This also generated a more detailed understanding of the physical and cultural settings of assemblies. Two archaeological sites were chosen for intensive field-based investigation. This involved the recording of upstanding remains with topographical survey and geophysical survey to investigate buried remains. While the overall scope of the project was a multidisciplinary study, there was a particular emphasis upon the physical characteristics of outdoor medieval court settings, and description of the field remains was therefore prioritised.

3.3 Research aims

The main research aims of the study are:

- Review the findings of recent studies of medieval assembly practices in North and West Europe, to facilitate comparison with findings in Scotland (see Chapter 2).

- Complete a historiographical study of earlier investigations and interpretations of outdoor medieval assemblies and their locations in Scotland, to clearly define the contribution of the present study, assess the value of past findings, and assist the formulation of a methodology (see Chapter 2).

- Review the legal history of medieval Scotland and the legal process of medieval courts, in order to provide historical and cultural context for the judicial assembly settings and practices identified in the wider study (see Chapter 2).

- Complete an initial characterisation of the physical settings of outdoor medieval courts in Scotland (Chapters 4-5).

- Define the geographical distribution of these settings, to inform analysis of regional variations and the interpretation of possible cultural and political influences on the form of assembly-places.

- Assess to what extent the setting of judicial assembly practices changed during the extended medieval period in Scotland (Chapters 4-6).

- Increase understanding of the social and cultural significance of medieval outdoor court settings and the collective practices enacted at them (Chapters 4-6).

- Identify innovative approaches to the research of assembly-places (Chapter 7).

3.4 Research methods

This section describes the key research methods employed with each of the different forms of evidence consulted, and the process of their synthesis in order to fulfil the research aims described above. Each element of the methodology is dealt with separately based on the evidence type and the related research aim.

3.4.1 Historical accounts

Published historical references to medieval courts at outdoor settings in Scotland were consulted. *Outdoor* courts were identified based on the identification of references to the location of courts, the descriptions of which or associated place-names were deemed indicative of an open-air setting such as a hill or large stone. In the majority of cases secondary references to historical accounts of medieval courts found in articles and historical commentaries were used to trace transcribed copies of historical documents. These sources largely comprised of transcribed medieval charters, the outcome of legal transitions relating to civil property disputes and confirmations. These were found in the published cartularies of medieval church foundations, transcribed and compiled mostly during the 19th century, and in private charter collections published in family histories, also mainly composed during the 19th century. Furthermore, publications of documents in general regional historical studies and surveys of historical antiquities, such as the publications of the Spalding Club were also consulted (see Spalding Club 1843; 1847-69). This investigative process, which sourced the historical evidence through existing publications, meant that a comprehensive survey of the transcribed historical documentation described above was not attempted. Rather this study collated and compared relevant material which had previously been dispersed throughout 19th- and 20th-century literature. The outcome of this process was intended to produce a survey of existing knowledge, which though not perhaps comprehensive would be a basis for future systematic historical enquiry into the subject. Wherever possible, transcribed editions of original documents in Latin or the vernacular were examined, and re-evaluated where this was deemed necessary. No original palaeographical material was examined. This was intended to form a preliminary assessment of the phenomenon, providing information concerning the social and political circumstances of the convening of specific medieval courts and also important guidance as to the location of the court setting. The majority of the accounts cited are Latin or vernacular charters, representing the recorded outcome of legal proceedings, dating from the 13th to 16th centuries (see Chapter 5). The place-dates of charters were not used as a means of locating court-sites as such information can be problematic (Barrow 1998a). However where the location of a court was specifically

referenced within the notification of a given document, this information was given particular precedence and used for the further investigation of the court's settings. Examples of assembly settings identified through such high and late medieval historical material were discussed and interpreted as a separate group, presented in Chapter 5. The value of contemporary historical accounts as primary evidence for assembly practices and their settings was deemed to give this material precedence as a source. Individual examples of court-places identified via such evidence, involving accounts dating between 13th century and 1500AD, were therefore explored individually in extended detail, as well as being analysed as a whole group. The individual investigation of historical examples involved the identification and description of candidate court setting(s), evaluation of the social implications of the historical account(s) and the assessment of the landscape setting of the court-place (see below, this Chapter). This was feasible within the constraints of the study because of the relatively manageable number of historically referenced examples (see Chapter 5) in contrast to the place-name material (see Chapter 4).

3.4.2 Place-names

Previous studies of medieval assembly have often been predominantly concerned with place-names (Anderson 1934; Barrow 1981; 1983; 1992; *cf*. Pantos 2002). This is not surprising as this is a highly valuable source for the investigation of such practices, particularly because a place-name may be the only indicator that a given place was used for assemblies (see Chapter 4). A specific strength of the place-name evidence, therefore, is that it can help the investigator to identify relevant archaeological or topographical features associated with assembly practices. However toponymics is a distinct discipline which depends on the essential identification of historic forms of names for appropriate linguistic analysis to be applied. The synthesis of thorough place-name studies and archaeological investigation presents specific challenges to the multidisciplinary practitioner, not least the dictates of available resources and time when a large-scale project is being attempted.

Therefore, the decision was made that a large proportion of the place-name evidence for this study was to derive from published works. This was based on the need to bring together the findings of various established studies which either contained relevant information or were specifically about assemblies (Barrow 1981; 1983; 1992; Fellows-Jensen 1993; 1996; Nicolaisen 2001; Taylor 1995; Watson 1908; 1926). Localised place-name studies were also consulted. Place-names deemed relevant included those with directly indicate the location of assemblies, those indicative of activities associated with judicial assemblies, and place-names refereeing to the titles of medieval legal officials. An additional group included those place-names identified as possibly significant for assemblies elsewhere, but not always obviously occurring with the meaning 'assembly', such as Gaelic *tulach* place-names (see Chapter 4). The findings from these studies were used to identify candidates for assembly settings. This involved the assessment of archaeological remains associated with indicative place-names, a process which has been largely absent from previous studies in Scotland (see Barrow 1992 for an exception). An initial investigation for candidate place-names through consultation of post-medieval sources and cartographic information provided further place-name evidence for consideration. Thorough toponymic investigation of the early forms of these candidate place-names was not universally attempted because of the constraints of this study. However, this material was used to identify *possible* assembly-places, and was mainly intended to identify areas for future research, where the veracity of such examples could be fully assessed to established toponymic methodological standards (see Taylor 1998). Analysis of the distribution of the place-names was also used to inform interpretation of linguistic and cultural influences upon the derivation of medieval assembly places. The majority of such evidence is discussed in Chapters 4 and 6.

3.4.3 Post-medieval sources

These are a particularly valuable source and often are the initial point of reference to a site. Post-medieval topographic and antiquarian sources were consulted for provisional

identification of assembly-places and the physical settings associated with them. Sources examined included national surveys such as the 1791-9 'Old' *Statistical Account of Scotland* (OSA) and the 1834-45 'New' *Statistical Account of Scotland*, and the 19th-century *Ordinance Survey Name Books* (see Abbreviations). The works of Cosmo Innes, Sir William Skene; John Stuart and John Robertson among others are particularly represented among the more authoritative historical works derived from 19th-century Scotland (Innes 1872; Skene 1869; Spalding Club: 1843; 1847-69; Stuart 1852; 1867). Specific regional or local surveys were also consulted, a useful example being Alexander Warden's (1880-85) five volume descriptive survey of Angus, and comparable studies containing information on local traditions as well as historical citations and early descriptions of archaeological remains. Wherever possible, such information was supplemented with addition findings from contemporary medieval historical accounts, place-name evidence, recent archaeological records and field observations.

3.4.4 Physical settings and archaeological remains

Archaeological remains associated with assembly settings were in the first instance identified through consultation of the Scottish Monuments Record (hereafter SMR). The initial identifications were often derived from established surveys of the OSA, NSA and the Name Books of the Ordinance Survey already archived within the SMR. The investigation of the SMR resource was predominately guided through reference to place-name evidence, historical and/or traditional accounts: in essence the archaeological material was identified by reference to other evidential forms. This hierarchy of procedure was followed because of the absence of an established morphological typology of assembly sites for Scotland. Also this recognised the diversity of archaeological settings associated with medieval assemblies elsewhere in NW Europe, which included the potential for medieval assembly practices to involve the reuse of prehistoric monumental remains, and natural places. However where specific possibly diagnostic features have been identified, such as the stepped-mound, evidence for similar sites was actively sought in the SMR. Nevertheless a fundamental issue which influenced the

investigation of the archaeological record was that the target subject matter, outdoor medieval assembly practices, represents an ephemeral collective human activity, the archaeological signature of which in Scotland was little understood at the beginning of the study. Therefore the application of a purely archaeological analysis based upon the typology of upstanding remains, was an inappropriate methodological approach to the subject. This was compounded by the inherent difficulty of interpreting mounds solely on morphological grounds. Where a site had been identified on the basis of supporting evidence, morphological features, such as a flat summit or terraced profile, were used as evidence in support of identifications as an assembly-place, based on analogy with known examples and feasibility for assembly practices.

3.4.4.1 Additional investigation

Once a site was identified, additional desk-based investigation of the archaeological record associated with it was undertaken. This comprised of consultation of relevant regional RCAHMS survey reports and a search for previous archaeological and historical work on the example within published sources. This included examination of *Proceedings of the Society of Antiquaries of Scotland* and *Discovery and Excavation in Scotland*. References cited in the SMR were also consulted. All information deemed relevant for the dating of the derivation of a setting and its use for assembly practices was then entered in to the appropriate table. Separate tables are presented for historically-attested examples, and different place-name elements.

3.4.4.2 Appendix metadata

It has been convenient to summarise the data on the place-names and historically-attested sites in tables as a means of reference for the numerous examples discussed in these chapters. Within the text, sites are referred to by their table and table-entry number, for example Table 5.1 no. 12, is Camehill at Cupar (Fife), providing a unique code for each

example. This site numbering system is also used in the distribution maps for each chapter. The place-names evidence has been subdivided by term into 8 tables (4.1-4.8), which include the main identifying place-name, a designated type based on the associated site's morphology, and related archaeological evidence if this can be identified. Each entry also gives a twelve digit national grid reference, and the parish within which the site is located which, where possible, is the earliest known parish arrangement. The table entries are ordered alphabetically by modern council area. The entries were also allocated a confidence status (either 'possible' or 'certain'), which reflects the certainty of the identification. A medieval place-name indicative of assembly, or a contemporary historical reference which could be associated with an identifiable feature qualified an example as certain. All sites without such evidence or examples which could not be definitively linked to a given place-name or historical account were identified as 'possible' sites (see Chapter 4). The 'Notes and associations' provide information on the confidence of the identification and relevant information regarding the archaeological discoveries at or near the site. Supporting historical and traditional evidence was also entered here. Notable derivations and meaning of the associated place-name are also found in this field.

The table for the historically-attested sites (Table 5.1) includes many of the fields discussed above, including site no., name, type, NGR, parish, council and general reference(s), but as Table 5.1 deals only with historically-attested courts, the table contains additional information relating to their associated accounts. For instance Table 5.1 includes 'attested dates' which records when the site was recorded to have been used as a court site. The 'Primary source' field contains the reference information for the historical sources which record the site's use during the medieval period. 'Historical place-name(s)' records the place-name forms which the court-site has been associated with in the past, with the date the name derives from in brackets. 'Court type' gives the type of medieval court the historical accounts associate the relevant site with (for information on types of medieval courts see Chapter 2). 'Significant participants' provides information about significant named individuals present at the attested courts, with particular attention given to references to the presence of medieval judicial officials. Where available the details of relevant images are provided.

3.4.4.3 Field inspection

Attempts were made to visit a significant proportion of the sites identified through the process discussed above. Concerted field inspections of numerous sites were made in six regions, including Aberdeenshire, Dumfries and Galloway, Fife, Perthshire and Angus, and the Isle of Skye. Further selected sites were also visited in Ross, Stirling, Ayrshire, Inverclyde and Strathclyde. It was not possible to visit all the identified sites in a given region and some sites came to light subsequent to visiting an area. Field inspection did not included any intensive surveying. The numbers of sites meant that such recording strategies were confined to specific case studies. In the majority of cases existing records and plans are depended upon. In the majority of cases field inspection comprised examination of sites through comparison with the existing SMR record to note any additional findings regarding the external form, with basic measurements (using 30m tapes) and photographs being taken. On-site photographic records were then taken. Wherever possible, inspection was made of the immediate landscape and any sites deemed significant in proximity. These sites were initially identified through examination of the SMR of remains within an approximate 5km zone and field-based inspection was limited by restrictions of available time and variable access. Such processes were not undertaken within an empirical recording framework, but were intended to provide the author with 'on the ground' experience of the site to assist the discussion of synthesised evidence. Moreover such investigations were not undertaken as reflexive exercises, as advocated in phenomenological archaeologies (Tilley 1994), though this was an influence. Rather they were intended to supplement the discussions of social and cultural landscapes as an aspect of the holistic approach advocated in this study, as well as serve as a practical guide for writing descriptive text about the sites' landscape settings. Beyond photographs, preliminary recording of view-sheds from the sites were recorded on a standardised proforma. This aspect of the study was to some extent supplementary, the outcome of which was the recognition of the need for a follow-up study. In general the ethos of the landscape investigations were influenced by early medievalist approaches to landscape (Aston 1974; Hoskins 1955) and recent developments in the theory of

conceptual landscape archaeologies, which have been largely confined to the dialogue of prehistorians (Knapp and Ashmore 1999).

3.4.5 Selection of case studies

Two sites were selected for more intensive archaeological investigation: Tinwald motte (Dumfriesshire) and Catter Law by Drymen (now in Stirling). These extended case studies involved the investigation of multidisciplinary evidence relating to each site including aerial photographic material, and the undertaking of non-intrusive field survey (Gaffney and Gater 2003). The selection of these case studies was based on three criteria. First, that the sites should combine an archaeological setting that was associated with medieval historical accounts and a medieval place-name indicative of assembly practices. Second, the site was of historical significance with respect to a specific research theme. Thirdly, the site was conveniently located and had upstanding remains particularly suited to geophysical survey techniques. The number of extended case studies was restricted to two by the resources and time available. Also for these reasons no intrusive archaeological investigation was undertaken during the study.

Tinwald motte was selected because of the role this site has in furthering understanding of Scandinavian *þing* place-names indicative of medieval assemblies in Scotland, and because of indications that the mound was once terraced. Moreover, the damage to the site by ploughing, and the good aerial photographic record made the use of geophysics pertinent in this case, as did the need to investigate the current interpretation of the site as a high medieval motte (see Chapter 4). Moreover the insights the site could provide about the Norse cultural influences on assembly practices in Scotland identified it as an important case study. Catter Law was selected because of the substantial associated historical record, significant early place-name and the contribution the site could make toward understanding the significance of centres of Gaelic lordship as places of judicial assembly (see Chapter 6).

Throughout the thesis are shorter case studies which did not involve field survey, for example in Chapter 4 the *þing* place-names were examined in some detail to explore their landscape associations and settings.

3.4.6 Case study survey methods

The survey methods used for the extended case studies involved the use of remote-sensing and topographical surveying techniques. For the geophysics survey, site-specific research questions were formulated based on the established evidence and the survey methodology targeted accordingly. The size of the individual sites also affected the ambitions of the survey, which was bounded by the amount of available resources and time. The extent of the individual geophysical surveys at each site are detailed in the appropriate chapters (see Chapter 4, Tinwald and Chapter 6, Catter Law), the Tinwald and Catter Law surveys were relatively small in area. The time spent at each site was five days each. The main research question(s) for each survey were as follows. Tinwald: does an oblong crop-mark shown on aerial photographs represents the remains of the bailey for a motte, and was a terrace feature and ditch originally associated with the mound? Catter Law: are there any buried archaeological remains on the summit of the mound which may suggest use of the site for judicial assemblies, as indicated by the historical record, and if so does this support the use of the site for open-air or indoor activities? Also, was the site defined by a ditch?

At each site, multiple geophysical techniques were utilised. Resistivity and fluxgate-gradiometer surveys were undertaken at both sites. Ground penetrating radar (GPR) was used at Catter Law because of the depth of archaeological deposits and the presence of building remains. Two survey seasons were carried out at Catter Law to enable the use of radar survey, and because of the requirement for additional fieldwork to sufficiently resolve key research questions. The first seasons of survey involved the use of relatively small sampling strategies and techniques not conducive to investigation at depth. In the case of Tinwald the results of the first season were sufficient to enable interpretive comment and informed discussion. However at the other two sites a second

season was required. Topographic survey was also instigated at Catter Law where substantial upstanding remains were present. An EDM total station was used and the results and interpretation of this are presented with the geophysics. Topographic survey at Tinwald had the potential to produce useful information regarding the profile of the mound here, despite the plough damage to the remains, but in the event did not prove possible because of limited resources.

3.4.7 Maps and historic landscapes

This section defines the cartographic material consulted for the investigation of the historic landscapes associated with the examples of assembly places discussed in the text. Where possible this evidence was used to trace historic forms of place-names. In the first instance the modern OS 1:25000 maps were consulted to locate archaeological sites based on the NGR from the SMR, and to guide on-site field inspections. Historic maps consulted included the 1st edition OS 6" or 1:10560 and 1:2500 maps of Scotland, General Williams Roy's 1747-55 military map of Scotland and Timothy Pont's 16th-century maps of Scotland (resources consulted included the University of Glasgow Library's map collection; www.digimap.edina.ac.uk; www.nls.uk; www.scran.ac.uk). Where possible regional and locally relevant historic maps were also consulted, such as James Stobie's map of Perthshire and Clackmannanshire (1783), Thomson's 1827 map of Perthshire and Clackmannanshire, and Captain Andrew Armstrong's map of Ayrshire (1775).

3.4.7.1 Boundaries

The question of whether medieval assembly-places were found in proximity to boundaries was deemed a valid subject for investigation based on evidence for such a phenomenon in other areas (Pantos 2002; 2003). Parish boundaries and regional boundaries were reconstructed as far as possible for the case studies using historic maps.

Where sites were not specifically investigated as case studies, attempts were still made to refer to the parish boundaries as represented on the 1st edition OS maps, as these can follow medieval divisions. Where possible, reference was made to Shennan's *Boundaries of counties and parishes in Scotland* (1892) to assess whether a division had changed substantially during the 19th century. 'Proximity' was defined as boundaries within 1.5km, on the basis of general comparison with Pantos's (2003) study of Anglo-Saxon sites. Where possible, this was illustrated by an annotated map, usually based on the 1st edition OS survey maps.

3.4.7.2 Association of other historic features

The proximity of assembly places to other historic features was also recorded. Relevant historic features included archaeology indicative of medieval remains, such as castle sites, churches or sculpture. This was undertaken through the examination of the archaeological record for the respective area and consultation of the National Monuments Record for Scotland (NMRS; www.rcahms.gov.uk). Furthermore, specific note was made of features indicative of the practice of judicial or popular assembly near to the example in question, even if these were not necessarily clearly medieval in derivation, such as 'gallow' place-names or post-medieval market stances. This was undertaken because of the potential of such phenomena to represent residual cultural aspects of medieval assembly practices at a given location. Records of the association of other features were subsequently analysed for common phenomena and the results of this used to inform interpretive discussion of such associations. An example of this is the association of medieval churches with assembly sites, particularly sites characterised by mounds, which is presented in Chapter 6. Similar processes were utilised to investigate the historic associations with place-names. See for instance 'pre-Christian tribal assembly sites and cult centres' in Chapter 6. No attempt has been made to undertake scientific 'control' sampling in these studies and the results are presented as preliminary indications of possibly significant patterns.

3.5 Implications of the methodology

The multidisciplinary methodology adopted in this study was intended as a response to the oft-noted illusive nature of historic traces of medieval assembly activities and the multiplicity of forms remains can take in NW Europe. The underdeveloped state of this field of study in Scotland necessitated an initially broad approach in the absence of substantial established archaeological data. However because limitations must be placed on a study of this kind, the implications of this multidisciplinary investigative approach to the subject are that no single discipline-defined material has been explored to the fullest extent. Moreover limits in the survival of historical material and the specific approach to the historically documented material meant that this aspect of the study was restricted to examining the 12th to 17th centuries. Also the interpretation of historically documented examples had to be grounded in an understanding of the social context from which the historical evidence was derived (see Chapter 5). However, the investigation of place-name material has facilitated the examination of early medieval stages in the development of judicial settings. The consideration of archaeological material through the place-name evidence also facilitated an essential physical horizon to the understanding of early legal processes in Scotland. Nevertheless the strong reliance on published material for the identification of the majority of relevant place-names and historical examples meant that the coverage of the study was influenced by previous works' interests in specific geographical areas. This has to some extent created an imbalance of coverage in favour of areas out with the NW of Scotland, though were possible attempts have been made to investigate further material relating to examples in less represented area. Through the methodological processes described above the study attempted a systematic collation of material relating to open-air medieval judicial assembly sites and then contribute to the archaeological understanding of specific examples (see 3.4.5 Selection of case studies). The strength of the present methodology is the synthesis of related materials to produce a multi-faceted and reflexive understanding of past human activities, arguably representative of the manifold processes of the past.

Chapter 4: Place-name evidence and the setting and distribution of early medieval assemblies

4.1 Introduction

This chapter examines the physical form of the settings for medieval assemblies in Scotland identified by place-name evidence. Whereas sites attested by medieval historical accounts are discussed in detail in Chapter 5, the numbers of identified place-names means this is not feasible within this chapter. Instead, detail regarding specific examples, their settings and associations are summarised in a series of tables (Tables 4.1-4.9). The chapter is divided into sections which deal separately with place-names derived from Gaelic, English and Scandinavian languages, with subsidiary sections including additional material such as Brithonic and Scots place-names. These sections discuss the range of settings identified, and also point to various wider associations that are discussed thematically in more detail in Chapters 6. Particular attention has been given to Gaelic *tulach* and Scandinavian *þing* place-names as these have been identified for detailed investigation, *þing* names accompanied by a case study on Tinwald in Dumfriesshire (see sections 3.4.5 and 4.3.4)

4.2 Gaelic place-names

4.2.1 *Comhdhail*, 'assembly'

Comhdhail is from Old Gaelic *comdál* (*con*, 'together' and *dál*, 'a meeting') meaning 'meeting', 'tryst' or assembly' (http://www.dil.ie/; Barrow 1992: 220; Watson 1926: 492). Barrow has produced the only full examination of *comhdhail* place-names in Scotland and through a seminal study has clarified their significance for medieval assembly practices (Barrow 1981; 1992). Barrow demonstrated that *Comhdhail* place-names indicated the location of 'popular courts', by which he meant small-scale

institutions that operated on a local (parish or estate) level. Barrow defined *comhdhail* places as being 'where people habitually assemble' which in this context refers to the 'session of some court' (1992: 223). Barrow established that *comhdhail* place-names commonly survive in the forms 'Cuthill' and 'Cothill' (or less occasionally 'Cuthel', 'Quithel' or 'Candle'). C*omhdhail* place-names are common in NE Scotland and therefore are thought to have been coined between the 9th and 12th centuries prior to the retreat of the Gaelic language.

Prior to Barrow (1981), Watson (1926: 492) commented on the element *comhdhail*, and the G genitive *comhdhalach*, giving the translation 'a tryst' from E.Ir. *comdál*. Watson cited select examples as evidence for the holding of early courts of justice in the open air at 'a definite place, sometimes on an eminence' (Watson 1926: 491) or trysts 'often held at well known stones' (*ibid*: 492). Watson's examples of *comhdhail* place-names include the now lost *Clach na Comdhalach*, given as 'trysting stone', in Coigach N of Ullapool. Also *Coire na Comhdhalach*, the location of which is unknown, though Watson gives 'the western side of Cairngorm'(*ibid*). Moreover Watson provided an example of the later transformation of the element in the place-name Coldstone in Aberdeenshire (Watson 1926: 492; *cf.* Barrow 1992: 225, no.1.13, 232).

Barrow mapped 64 examples of these place-names in Scotland which were divided into two roughly equal groups based on whether the examples could be identified on modern ordinance survey maps or not. The distribution of these place-names showed a clear concentration across NE Scotland, with outliers in the central lowlands and Fife (Figure 4.1). Barrow explained the survival of *comhdhail* names in the NE and their apparent absence in the Highlands and the W as the result of fossilisation as Gaelic gave way to English in the NE, while in the N and W Gaelic persisted for longer (1992: 227-8). Medieval *comhdhail* place-names were understood not to have formed in the Gaelic NW Highlands and islands because the assembly practices they represented had irrecoverably changed by the time Gaelic went into retreat in these regions. However, an alternative is that like Pit-names, which are often associated with Gaelic personal names, the *comhdhail*-names represent a repackaging of Pictish assembly sites, and therefore do not exist in the W of Scotland because they represent institutions that were not present in

this region. This interpretation of the evidence is considered in this chapter in more detail below.

Barrow (1992: 224-7), in his survey of *comhdhail* place-names, gave admirable attention to the physical features that appear to be associated with such names, and which apparently indicate the setting of early courts. Barrow noted that several of the place-names are associated with 'hills, hillocks, braes, and muirs' (Barrow 1992: 226). Furthermore Barrow noted comparable geographical associations between *comhdhail* place-names and early meeting-places in England such as assemblies for hundred, small shire and wapentake territories. Twelve sites were identified in association with 'major prehistoric monuments, especially cairns, stone-circles and standing stones' (Barrow 1992: 225-7). Significantly Barrow also cautiously pointed out that this figure of prehistoric associations was likely to be an underestimate. Furthermore Barrow cited key notifications of courts held by later medieval elites in Scotland at stone circles or standing stones as further evidence of the wider use of such settings (these examples among others are discussed at length in Chapter 5). Additionally Barrow noted eight examples that were associated with medieval lordly residences, or the convening of courts, or evidence for execution practices (*ibid*: 227). Such associations were taken as additional evidence that 'Cuthill' and the related place-name forms were not derived from more mundane sources such as agricultural practices, which was an interpretation previous proposed by William Alexander (1952: 106, 249-50; Barrow 1992: 227).

Despite the provision of such valuable insights, the examination of the *setting* of early courts in Scotland does not appear to have been Barrow's key aim. Rather Barrow's place-name survey is primarily concerned with early judicial institutions and practices in Scotland. In so doing this he was taking a subject forward that had not developed since the issue was alluded to by Innes in his 'Lectures on Scotch Legal Antiquities' (1872: 97-8; *cf*. Barrow 1992: 217-8). For instance, Barrow states 'If the [popular court] hypothesis put forward here could be proved, the survival of some sixty place-names containing the term *comhdhail* ... would throw welcome new light on the provision of law enforcement and settlement of disputes in earlier medieval Scotland. It would push our horizon of the operation of justice at a local level well back from the twelfth century to the period from the ninth to the eleventh century' (Barrow 1992: 226-7). Barrow also noted that G.

comhdhail has comparable place-names in Gaelic and non-Celtic languages also found in Scotland. Included with the survey of *comhdhail* place-names, Barrow (1992: 228) also presented a catalogue of *eireachd* place-names, largely, as he points out, based on material relating to this element cited by Watson (1926: 491; G. *eireachd* is also discussed here, see section 4.2.2). Other place-names which were not considered by Barrow include Scandinavian *þing* and English *mot* place-names which are also discussed elsewhere in this chapter.

Despite Barrow's attention to the 'geographical context' (Barrow 1992: 224-8) of *comhdhail* place-names the archaeological character of these names was not fully explored. The present section therefore offers a re-assessment of *comhdhail* place-names with an emphasis upon the consideration of the available archaeological evidence. Barrow's survey and catalogue has formed the basis for this reassessment, together with additional examples where these have been identified. Fifty-six examples that can be identified with possible or definite locations are discussed. This includes fifty-one names identified in Barrow's original study but excludes thirteen names which cannot be located with precision. Five previously unconsidered possible sites are also discussed, including *Cnoc A'Comhdhalach* on North Uist in the Outer Hebrides (see Table 4.1 nos. 15, 21, 37, 43, 57).

4.2.1.1 *Comhdhail*: association with natural hills

Figures 4.2 and 4.3 show the distribution of different forms of settings associated with *comhdhail* sites. The majority of settings associated with *comhdhail* names are natural hills (thirty of the fifty-six examples). This should remind us that apparently 'natural' landscape features can be vitally important for archaeological approaches to assembly practices. Early courts convened at hills represent a social appropriation of elements of the landscape which would have been features of established cultural landscapes and their use as assembly settings would have reoriented cultural geographies. Furthermore, the changing of cultural perceptions associated with apparently featureless hills may have required less social authority to propagate and control than perhaps the more explicit

association of the ancestral and supernatural with monumental remains of past human activity (see sections 6.3 and 6.4). In general the association of natural sites with low-class court sites seems overly simplistic, as evidence for high status assemblies held at natural features can be identified (see section 5.3). However the fact that less labour and organisation of manpower would have been required for the preparation of natural sites suggests that some *comhdhail* natural sites may have been selected because of the relative low status of the judicial institution they represent. Moreover, visibility and communal ease of access to elevated natural location may have been a selection factor. Nevertheless there is a danger here of introducing a modern nature/culture dichotomy and these issues will be explored in greater detail in Chapter 6. A combination of conceptual interpretations and practical consideration seems the most reasonable approach to this subject. For instance prominent hills would have provided an elevated and clearly visible venue for courts, where justice could be seen to be enacted on a defined 'stage' (discussed further in section 6.4). The large number of *comhdhail* place-names at hill locations apparently not associated with archaeological remains may in some cases reflect the minor social status of the courts held at such sites, but perhaps more importantly indicates the cultural perception of such places as legitimate for the formation of judicial space.

4.2.1.2 *Comhdhail*: association with prehistoric monuments

Sixteen examples of *comhdhail* place-names are here identified with prehistoric monuments and cairns. These include a concentration of stone circles in central Aberdeenshire which may represent a regional response to the available cultural landscape. Furthermore, such sites are found in proximity to elite Pictish archaeological remains such as symbol stones, which may indicate the appropriation of places significant to Pictish elites during the spread of the Gaelic language into NE Scotland from the 9th century AD (see Table 4.1, nos. 11, 13, 15, 21; see section 4.2.1.3; *cf.* Driscoll 1991; 1998a). Also, the reuse of stone circles in Aberdeenshire perhaps indicates that the defined perimeter of such sites served as the sanctuary fence for medieval courts

convened at such monuments. This may also be the case with two examples of cropmark enclosures associated with *comhdhail* place-names identified in Aberdeenshire (see Figure 4.3; Table 4.1, nos. 2, 3).

The distribution and quantities of *comhdhail* place-names associated with mounds and cairns are generally similar. This does not suggest a significant bias towards either type of setting, but given that a substantial proportion of these cairns are prehistoric monuments this is a further indication of the importance of the reuse of prehistoric remains. An outlying example at Cuthill by Dornoch appears to indicate an interface of Scandinavian and Gaelic cultural practice, in that the probable mound setting is apparently associated with traditions of elite Norse activity in the area (see Table 4.1, no. 55). While the geographical setting of *comhdhail* sites are largely at elevated locations, in general the regions in which such sites are found are predominately lowland localities. Partially this is a result of the linguistic development of such place-names as interpreted by Barrow but it may also indicate a link between good quality land, early medieval estate divisions and associated assembly sites.

4.2.1.3 *Comhdhail*: Pictish associations

The association of Pictish sculpture with medieval assembly sites in Perthshire has recently been considered (Hall *et al.* 1998: 129-44; Hall *et al.* 2005: 309-12). This association also occurs among *comhdhail* place-names. Four examples appear to be relatively closely associated with symbol stones (Table 4.1, nos. 1, 11, 15, 21). For instance at Cothill, which is NE of Craigmyle, and on the summit of a hill opposite the farmsteading of the same name, is a single large standing stone inscribed with Pictish symbols, including a 'two legged rectangle symbol' above a serpent (Allen and Anderson 1903: pt. 3, 159-60, fig. 167; Figure 4.4). This stone was believed to be the remains of a stone circle and the place-name suggests the location of an early medieval assembly site possibly active from the 9th century, but the Pictish monument may indicate an earlier judicial function (NMRS number NJ60SW 6; *cf*. Barrow 1992: no.1.12, 232).

As well as the small number of *comhdhail* names with immediate Pictish associations, two are in general proximity to square barrow cemeteries (Table 4.1, nos. 39, 44). Furthermore, at Candle Hill by Old Rayne (where a later medieval court also took place) the presence of multiple Pictish symbol stones beyond the immediate vicinity of the court site to the W and SE may be significant (Table 4.1, no. 13; see section 5.4.2.1). In particular, clusters of monuments at Moor of Carden to the SE of Candle Hill and at the Shevack burn to the W may indicate the location of places where elite Pictish monumental display occurred at the meeting of a network of medieval parish boundaries (*cf.* RCAHMS 2007: 118, fig. 7.3, 119; see also section 6.5). The location of the *comhdhail* name at Old Rayne in relation to the sculpture may indicate that the Pictish monuments were erected in reference to a previously existing court site at Candle Hill, which was appropriated into Gaelic nomenclature at some point from the 9th century AD. This display of sculpture, which may communicate rites to inheritance and property, in the landscape surrounding court sites appears to have parallels in later occurrence of rune-stones in reference to *þing* sites (see Brink 2004).

4.2.1.4 *Comhdhail*: association with elite secular and church centres

The proximity of *comhdhail* place-names to elite medieval residences may indicate a connection between lesser-court sites and the provision of legal authority on an individual estate scale as an aspect of medieval lordship. Twelve examples are found in proximity to medieval centres of elite authority or residences, and a further five are associated with later medieval residences, the majority of which date to the century 15th (Table 4.1, nos. 1, 5, 19, 24, 26, 28, 30, 32, 34, 35, 36, 39, 44, 47, 54). The apparent association of these *comhdhail* place-names with later medieval elite residences may indicate that these examples represent the site of earlier medieval courts that had served the communities of individual and long-standing estates. The close association of later medieval residences may therefore indicate examples of continuity in the location of estate centres. In some cases this may indicate the active continuation of the assembly site itself in the context of

the expression of judicial authority characterized by centres of lordship, which are encapsulated in the remains of individual late medieval elite residences.

Comhdhail sites are also found in association with churches and sites with ecclesiastical links. Sixteen examples are identified here (Table 4.1, nos. 1, 5, 8, 13, 19, 21, 28, 30, 31, 32, 35, 40, 41, 46, 51) which were no greater than 1km from ecclesiastical sites, though it is important to note that these findings have not been tested with a systematic control sample for complete empirical analysis. They include Quithel, the name of a farm steading in Buchan, which is 325m NE of the abbey of Deer (Alexander 1952: 106, 249-50; Barrow 1992: 221, no.2.5, 235-6). This is here identified with Barrow's example *Cuthyll* (1544) or *Cuthill manerea de Deir* (1554) (1992: 221, no.2.5, 235-6). Quithel may indicate an court site which served the lands immediately adjoining the Cistercian monastery at Deer, which had superseded the earlier foundation located to the E at Old Deer on the South Ugie Water. Such evidence appears to sit well with Barrow's observation that the distribution of *comhdhail* place-names suggested that each court site might coincide with a single parish territory (Barrow 1992: 227). The close proximity in some cases of main parochial church centres with *comhdhail* sites might physically reflect this relationship. This relationship may also reflect the important role local assembly sites had in the formalisation of parish units, helping to stabilise such territories as legal entities by providing a setting for the enforcement of local distraint. A useful analogy may be found in the definition of communities and the formation of parishes which has been explored in Perthshire (Rogers 1992). Furthermore Barrow suggested that such meeting-places may also have served early shire units. The evidence for links between *comhdhail* place-names and estate centres has relevance here but this may also help to explain the process by which church centres became associated with such meeting places. As referred to by Barrow (1992: 220; see section 2.4.2.2), medieval grants of land in Scotland were also known to be associated with the provision of an established assembly site to be used for the management of legal matters relevant to an estate. We may also consider here the process of infiltration of Gaelic into the NE of Scotland which arguably was also pre-empted here by the growth of monastic settlement with strong influences from the Gaelic-speaking west. The close association of *comhdhail* place-names with early church centres and places of devotion may therefore reflect the

preoccupation of the early church to establish sites for the provision of law following received patronage of new estates. The possibility that such sites may have appropriated preexisting locations where traditional law had been practiced by the Pictish judicial caste must also be considered.

4.2.1.5 *Comhdhail*: boundary locations

An examination of 19th-century maps gives a preliminary impression that a proportion of *comhdhail* place-names may have been located near medieval boundaries. Seven examples have been identified but a comprehensive study of this phenomenon has not been possible (Table 4.1, nos. 19, 52, 30, 24, 20, 27; see also *Clach na Comhdhalach* in Coigach which was traditionally associated with an old division between brothers who meet at a large stone, Watson 1926: 125). The association between *comhdhail* names and boundaries suggests that such court sites may have served as the setting for legal disputes that arose between the populations of neighboring parish and estate communities. This issue requires further investigation to characterize it fully but the examples cited above have interesting similarities with medieval assembly sites discussed elsewhere in this study (see section 6.5) and local assembly sites in Anglo-Saxon England (Pantos 2003).

4.2.1.6 *Comhdhail*: conclusion

The clearest feature to be resolved from the present study is the predominate association of *comhdhail* place-names with natural hills. This is an important indicator of the importance of 'natural places' to an archaeological understanding of medieval assembly sites. However *comhdhail* place-names also show associations to a lesser extent with a variety of different forms of sites which come within more conventional archaeological definition. This re-evaluation has provided further evidence for the reuse of prehistoric monuments for early medieval assembly settings and has given geographical definition to the issue by illustrating a concentration of megalithic settings in central Aberdeenshire.

This indicates the propensity for regional variations in the setting of assemblies, which perhaps resulted from regional cultural responses that had differing existing monumental remains to draw upon. Moreover this would have also been affected by regionally variable traditional perceptions associated with such sites, only some of which may have been open to appropriation, rejection or mutation. The close geographical correlation of *comhdhail* place-names with the Pictish kingdoms of the NE of Scotland may indicate that such examples not only represent early Gaelic nomenclature for courts, but also are the main source for the location of otherwise obscure Pictish early local judicial sites. This interpretation was not forwarded by previous scholars and is supported by indications in the archaeological evidence which may have the potential to expand understanding of the social and political reasons behind the display of early Pictish sculpture in the landscape (see section 6.7).

4.2.2 *Eireachd* place-names

Barrow also considered *eireachd* Gaelic place-names at the end of his study of popular courts in Scotland (1992: 228, 241-2, 245, Fig. 3). *Eireachd* is related to Old Gaelic *airecht*, later *oireacht*, meaning 'court' or 'gathering' (http://www.dil.ie/; Barrow 1992: 228; Watson 1926: 491). Barrow posited that *eireachd* might take the place of *comhdhail* in the Western Isles and highland areas of Scotland. Alternatively, Bannerman has suggested that *eireachd* place-names might represent larger or more important assemblies than *comhdhail* names and that therefore the significance of the distribution of the two are not comparable (Bannerman cited in Barrow 1992: 228). In medieval Ireland this refered to a public assembly of freemen and later in the medieval period more elite assemblies whose functiosn included resolving legal business (http://www.dil.ie/; Simms 1987: 176). Twelve examples from Scotland are considered here, drawn largely from the work of Barrow (1981; 1983; 1992: 228), which itself drew largely upon Watson (1926), together with two additions from other sources (see Table 4.2, nos. 2, 9). (Barrow's identification of the neighbouring Erikstane in Lanarkshire and Erikstane in

Dumfriesshire (1992: nos. 3.9, 3.10, 242) are recorded as two examples but are likely to refer to the same feature.)

Including the additional examples the general trend in the distribution of *eireachd* place-names remains in the Highlands and the NW, with a few outliers in Angus, Stirling and Dumfriesshire (Figure 4.5; Barrow 1992: fig. 3, 245). *Eireachd* place-names may have been preserved in the NW because of the relative importance of the sites and the particularly early stage at which such names became fossilised because of the changing organisation or appropriation of the institutions that they represent. The survival of *eireachd* place-names might represent the continued use of specific important early medieval assembly sites into to the later medieval period. However their survival as river or valley names may alternatively indicate the use of the element to refer to natural features, such as a river joined by many confluences or the meeting of multiple valley systems. Nevertheless such place-names, which appear to refer to large areas, may have been derived from significant assembly sites previously located within such territories, and perhaps indicated by the presence of other assembly-related place-names. For instance at the S end of Glen Ericht near the River Ericht is Courthill, the name of a farmhouse on the E side of Strageith Hill, NE of Blairgowrie (Tables 4.2, no. 11, 4.6, no. 35; Figure 4.5, no. 11). Immediately to the E is a four-poster stone circle positioned on a small knoll, to the N of which is a further large standing stone (Table 4.7, no. 35). The River Ericht also joins with the Cuttleburn, derived from the G. element *comhdhail*, just N of Blairgowrie by the site of the old parish church, and is nearby the Motehill and Meethill at Blairgowrie (Table 4.6, no. 13; Table 4.1, no. 20).

4.2.2.1 *Eireachd*: Hills, *Cnoc an Eireachd* and *Ard nan Eireachd*

Natural hills are associated with seven of the twelve identified *eireachd* place-names (see Table 4.2, nos. 2, 3, 4, 6, 7, 9, 12). Two *eireachd* hill sites are found in Trotternish on the Isle of Skye: *Ard nan Eireachd*, G. meaning 'point of the assembly', and *Cnoc an Eireachd* in Kilmuir parish (Table 4.2, nos. 6 and 9). These examples will now be discussed in more detail because they offer useful insights into the possible wider

significance of *eireachd* place-names and their link with medieval centres of lordship in NW Scotland. In addition, *Ard nan Eireachd* is an example not previously discussed by Barrow (1992). Both of these sites are associated with medieval castles that were seats of judicial authority and stewardship in Trotternish. *Cnoc an Eireachd* by Duntulm Castle on the W coast of the Trotternish peninsular, Isle of Skye, is on inspection clearly natural, with an exposed area of bedrock evident at the summit (NMRS no. NG47SW 3; Figure 4.5, no. 6; Figure 4.6). Pennant visited the site and referred to it as 'Chock an eirick, or hill of pleas' (Pennant 1774: 350; Figure 4.7). Later the same feature is referred to by the name Cnoc a'Mhoid, with the same meaning, and said to have been the setting for courts of the MacDonalds (Donaldson 1923: 178; Gordon 1950: 99; RCAHMS 1928: no. 538, 168). The natural hill is approximately 9m high and irregular in plan, though it has the appearance of a prominent mound. Two other low knolls are located to the W, one of which is associated with the remains of a rectilinear structure, visible as a low earthwork. The hill is on the landward side of a narrow peninsula, on the W tip of which are the remains of Duntulm castle. Duntulm was a residence of the Macleod and MacDonald lords of Trotternish, under the overlordship of the Lords of the Isles and Earls of Ross, from at least the 14th century (Miket and Roberts 1990: 55-6; see Figure 4.7). Prior to 1266, Skye was under the dominion of the King of Norway and Duntulm Castle is believed to be on the site of an earlier fortification traditionally called *Dun Dhaibhidh* and associated with Norse rule in the area (*ibid*: 55). The place-name Duntulm is thought to contain the Scandinavian element *holm*, meaning a small island, thought to refer to a small island opposite the peninsula (*ibid*). Another more likely possibility is a derivation from Gaelic *tolm*, meaning 'a grassy hillock' or 'hillock of round form' (MacBain 1911: 371; Miket and Roberts 1990: 55), which is from Norse *holm*, 'islet' or 'inch', but is also related to OE *holm* meaning 'mound' and German *holm* meaning 'hill' (MacBain 1911: 371). Duntulm would then mean 'the fort of the mound', in reference to *Cnoc an Eireachd* and perhaps indicating the long-term acknowledgement of the significance of this feature in relation to the fortification and reflecting the dun's topographic location. During the 14th and 16th centuries, Duntulm was the seat of the Lordship and Stewardship of Trotternish (Miket and Roberts 1990: 55-7). Although no courts are historically documented to have occurred at *Cnoc an Eireachd*, the close association of this site and

place-name with the regionally-significant elite residence appears to indicate that this was the setting for legal judicial dispute in the area, perhaps for Trotternish, overseen by the Duntulm authority. The relationship between Gaelic and Norse place-names in the Western Isles has been shown to be highly complex (Cox 1991: 479-93; Gordon 1963: 82), and as a result it is not possible to confidently attribute the place-name to a specific chronological period. The juxtaposition of the site with Duntulm castle may suggest that the two features, assembly site and elite residence, had a parallel development. The main Norse place-name in Trotternish is at Glen Hinnisdale further S, perhaps indicating that *Cnoc an Eireachd* was not the main focus for assemblies in the area during the period of Viking settlement (see section 4.3.3.1).

Also on the Isle of Skye, in the SW of the Trotternish peninsula, is *Ard nan Eireachd*, from Gaelic meaning 'Point of the Assembly', the name of an elevated peninsula SW of Cuidrach in the parish of Snizort (Figure 4.8). This is approached from the SE on a gradual slope rising to areas of exposed bedrock on the summit, to the W and N are precipitous cliffs. In the bay immediately to the NE, *Poll na h-Ealaidh*, is an island dun site called Dun Maraig (NMRS no. NG35NE 5) and along the coast to the SE is the later medieval hall-house of *Caisteal Uisdein* (NMRS no. NG35NE 1). The Stewardship of Trotternish was governed from *Caisteal Uisdein* for a short period following 1589 (Miket and Roberts 1990: 39) and *Ard nan Eireachd* may have been used as a court site in connection with this. The relatively complete form of the place-name may also suggest this late formation process. An early medieval forerunner to the site may be indicated by the proximity of Glen Hinnisdale, a ON *þing* place-name, meaning 'assembly' (see Table 4.8, no. 4; see Figure 4.8).

4.2.2.2 *Eireachd*: church associations

Eireachd hill sites are found in association with medieval church centres. For instance *Creag an Erachdais*, now in the parish of Kilmichael Glassary in Argyll, relates to a flat-topped outcrop or 'crag' which overlooks Crarae on the N shore of Loch Fyne (Campbell and Sandeman 1964: no.547, 89; NMRS no. NR99NE 21). Crarae point extends into

Loch Fyne below the site and was the location of the early medieval church site of Killevin, thought to be the old parish centre (see Table 4.2, no. 2). Within Erchite Wood, in Dores parish, is the site of a disused chapel and burial ground at *Acha' Chille* (NMRS no. NH53SE 1) which may have originally served the parish of Dores (see Table 4.2, no. 7).

4.2.2.3 *Eireachd*: conclusion

The small number of *eireachd* place-names in comparison to *comhdhail* place-names may be explained in one regard by viewing *eireachd* names as representing particularly large and important assemblies, as suggested by J.W.M. Bannerman (pers. comm. cited in Barrow 1992: 228). Nevertheless there are few indications within the physical nature or size of the *eireachd* sites that suggest their use for assemblies of a significantly larger scale than at *comhdhail* sites (see Tables 4.1, 4.2). However the size of the monumental focus for medieval assemblies need not always indicate the scale of gatherings held there (see sections 6.3.1 and 6.4). However it must also be considered what *kind* of assemblies *eireachd* place-names represent. For instance, were they solely judicial in purpose, large folk gatherings, or a combination of these? Watson's translation, which was also followed by Barrow, offered the sense 'assembly, court' (Barrow 1992: 228; Watson 1926: 491). Watson also added that 'the *eireachd* was, often at least, a court of justice' (*ibid*). A consideration of the individual archaeological settings and associations of the *eireachd* place-names can help further. For instance the two examples identified on the Isle of Skye appear to indicate a close association with secular places of authority that at different times were central to the lordship of Trotternish. This may suggest a link between *eireachd* sites and the expression of regional legal stewardship, or at least the tradition of such practices having occurred at these places. Furthermore if the examples of *eireachd* place-names which refer to an extended valley or river are understood to in fact indicate the wider region within which specific early assemblies took place, this might suggest that these assemblies were particularly large. An extended glen, for instance, might have become synonymous with an important assembly, although the

specific location of the gatherings occurred at a single site within the named area. This may for instance be the case with Glen Ericht in Perthshire and the candidates for assembly site at the head of the glen (Figure 4.5, no. 11; Table 4.2, no. 11). Also the mound at Struan at the head of Glen Errochty may have been similarly significant (Figure 4.5, no. 10; Table 4.2, no. 10). Furthermore such assemblies were perhaps associated with large customary folk gatherings, although organised around a specific important assembly comparable with the *óenach* of early Irish tradition, or perhaps given the Skye examples more readily comparable with the *oireachtas* of later medieval Ireland (see Chapter 2).

Eireachd place-names may therefore be understood as representing particularly significant early assemblies which have survived in the record of a small group of examples because in these cases the assembly sites were either subsumed within a later social landscape, as a court site, or the original place-name survived only in the name of the area or valley within which the assembly once took place, whilst the institution itself had faded. This may be the case at Airth in Falkirk which overlooks the burgh of Airth and neighbours Airth castle and parish church (Table 4.2, no. 4).

4.2.3 *Mòd* place-names

Gaelic place-names containing the element *mhòid*, which is the genitive of *mòd* meaning 'a court, trial or meeting', are considered in this section. *Mòd* is a loan word OE *mōt* or *gemōt*, 'assembly', 'meeting, 'encounter', later English 'moot' or 'meet' (MacBain 1911: 252; Pantos 2004a: 181-2). *Mōt* is also found in Norse with the same meaning and this may be an additional root through which the word was loaned into Gaelic, but not the pre-dominant source (MacBain 1911: 252). Thirteen examples are discussed here, the majority of which contain specific elements which refer to raised topographic features. The most common of these elements is G. *tom* meaning 'hillock', which also occurs in Irish and Welsh, and is related to Greek *túmbos*, 'cairn' or 'mound' and Latin *tumulus*, 'tomb' (MacBain 1911: 371). Also included here are place-names containing *boid* and *void* or *voit*, as these may be corruptions of *mhoid* or from *mòid* meaning 'a vow' (E.Ir.

moit), related to *bóid* and *votum* (MacBain 1911: 253), interpreted here with a legal meaning (see Table 4.3, nos. 5, 6, 13, 15, 16).

The distribution of *mòd* place-names and sites shows a notable cluster in the southern Highlands and SE Argyll adjacent the Inver-Clyde area (Figure 4.9). Another group is located along the NE end of the Great Glen, *Cnoc a'Mhoid* is an outlier in Sutherland (see Table 4.3, no. 5). *Cnoc a'Mhoid* on Skye is of doubtful antiquity and appears to be a later form for *Cnoc an Eireachd* by Duntulm Castle and so is excluded here but considered with *eireachd* place-names (Donaldson 1923: 178; Table 4.2, no. 6). As a whole the distribution of *mòd* sites can be said to extend through areas of the main S and N route-ways through the central highland massif. There is a notable absence of examples E of the highland areas of Perthshire or in Aberdeenshire. This is in marked contrast to *comhdhail* place-names, with only the two examples of *Clach a'Mhoid* impinging on the fringes of the *comhdhail* distribution (compare Figures. 4.2 and 4.3 with Figure. 4.9; see Table 4.3, nos. 13, 14). This may represent variations in the usage of medieval Gaelic between highland and Eastern areas of Scotland, but at this stage further investigation of the early place-name forms would be required to comment on this with more authority. However it is noteworthy that the main concentration of *mòd* place-names is within the territory of the three most southerly high medieval Gaelic lordships in this area of Scotland, namely Lennox, Menteith and upland Strathearn. These examples represent customary venues for local courts that underwent renaming as a result of the linguistic impact of English upon Gaelic nomenclature on the northern and western borders of the lowlands from the 12th century onwards. The documented association of specific examples with parallel 'Court' place-names indicates continued processes of Anglicisation during the late medieval and post-medieval eras (see Table 4.3, nos. 4, 9, 12, 16). Furthermore the uncorrupted form of many of the *mòd* place-names identified in these areas may also suggest that the sites in question continued to have social relevance as popular gathering places after the judicial function faltered or memory of such uses persisted within oral tradition. This might explain the clear documentation of such sites within 19th century surveys (see Table 4.3, nos. 2, 3, 4, 5, 6, 7, 12, 13, 15, 17).

4.2.3.1 *Mòd*: association with natural hills

The majority of settings apparently associated with *mòd* are natural features. Ten out of fifteen are characterised as hills and a further two are associated with seemingly natural boulders. In the absence of excavation some of these examples can only be provisionally identified as natural features (see Table 4.3). However, the common occurrence of natural features does indicate that these assembly sites were selected through the appropriation of existing landscape features rather than by the active creation of monuments. Nevertheless, this does not remove the possibility for the augmentation of pre-existing landmarks, for instance through the levelling-off of a minor hill summit or the erection of a sculptured stone (see *Tom a' Mhoid* in Fortingall, Table 4.3, no. 11). In two cases G. *clach* is the identifying element, which means 'stone' and is cognate with Old Gaelic *cloch* (MacBain 1911; 85; *cf.* 'Case study: Clochmabenstane' Chapter 5). The setting of these examples also appear to be natural features, but can be seen to have analogies in other assembly sites convened at stones and megaliths elsewhere in Scotland and England. For instance, the Rath of Kingussie in Badenoch is identified with a hill that was known by the post-medieval period as *Tom a'Mhoid*, and which was the site of a major regional court in 1380, but was also the location of a stone circle (see section 5.4.2.2).

Most of the identified *mòd* examples can only be documented in post-medieval sources but suggestions of an earlier coining exists in the form Tamavoid in Menteith, which is recorded in the 18th century as '2 acres of land commonly called Courthill or Tomnavoit, part of the Muir of Borland' (National Archives of Scotland GD15/87 1747-1785). This may have been a court site associated with the priory of Inchmaholme in neighboring Lake of Menteith but was probably subsumed within the barony of Cardross following the Reformation (pers. comm. Peter McNiven; see Table 4.3, no. 16). Similar forms of place-name are also found at Cnoc a'voide in Sutherland and 'Tomvoit' associated with *Tom a'Mhoid* in Stratherrick, both prominent natural hills (Table 4.3, nos. 5, 6; Figure 4.9). The preponderance of natural features has strong similarities with *comhdhail* place-names. For instance *Tom a'Mhoid* at Dunoon in Argyll and Bute appears to be associated with the centre of a large estate, parish church and the major

strategic medieval fortification of Dunoon Castle (see Table 4.3, no. 3). Moreover at Rosneath *Tom a'Mhoid* is close by the early church foundation of St Modan's which was at the centre of an extensive parish that straddled neighboring Gairloch and extended toward Dumbarton in the E (Watson 1926: 246-7). The place-name Rosneath has been identified as a significant pre-Christian cult centre by the occurrence of the Celtic element *nemeton* (Watson 1926: 246-7; see also Table 4.3, no. 4; see also section 6.2.2.1 for more on *nemeton* place-names), which apparently preceded the medieval parish church (Barrow 1998; 1998a: 56, 58, fig. 2.2). *Nemeton* sites are also thought to have been associated with early judicial process linked to cult practice (Watson 1926: 246-7). The assembly mound at Rosneath may conceivably represent the medieval adaptation of a previously existing place of judicial assembly, perhaps indicating this examples early medieval derivation.

4.2.4 *Chomhairle* place-names

G *Comhairle*, related to Old Gaelic *airle*, has the meaning 'council' or 'advice' and has been identified at a select group of places in Scotland (see Figure 4.10; Table 4.4). These include *Eilean na Comhairle* the 'Council isle' of the Lord of the Isles opposite *Eilean Mor* at the N head of Loch Finlaggan, on the Isle of Islay (Caldwell 2003: 63, fig. 25; Watson 1926: 304). Munro recorded the name as *Ellan na comharle* in 1549 and provided details of the traditional composition of the assemblies held here during the 14th and 15th centuries (Munro 1961: 57; section 2.2.2). *Eilean na Comhairle* was also the name of a crannog site in Eadarloch, now submerged because of damming and the Loch known as Loch Treig, E of Fort William (Morrison 1985: 66-8). This place-name survived in relatively late traditional accounts of the island, which was also known during the 1930s as the Treaty Island with the tradition that two chiefs had resolved a dispute there (*ibid*: 67). This is likely to reflect 19th-century accounts that the island was the location of a 'special meeting with the nobles of the district' held by MacMhicRaghnaill at *Tigh nam Fleadh* ('House of Feasts') located upon the site (Morrison 1985: 67, quoting

Diarmad). The district in question was Keppoch and the site was also known as 'Keppoch's Council Island' during the early 20th century (Morrison 1985: 67).

Another traditional name for the Eadarloch example was *Eilean Ruighe na Slighe* meaning 'the Island of the Sheiling of the Track' which is thought to suggest the island may have been significant as a stop-over point or 'hospice' when crossing between Loch Treig and the once neighbouring Eadarloch, which coincided with an old route between Glen Spean and Rannoch (Morrison 1985: 68). This may have been an attractive aspect for the site's use as a place of assembly. Furthermore the site is also preserved in Gaelic verse from the 17th century which refers to hunting practices and feasting in the area associated with the reoccupation of the site by Raonull Gorach, chief of Keppoch between 1554-1587 (Morrison 1985: 68; Ritchie 1942: 15-18). Ritchie was of the view that the name *Eilean na Comhairle* signified a secondary use of the site for meeting and that the labour which would have been involved in the construction of the site would never have been attempted for the 'convenience of occasional consultations' (Ritchie 1942: 18).When excavated the island was shown to be of artificial construction, with clear evidence for sustained occupation in the form of hearths, pottery and fragments of clothing, also associated with a number of metal and wooden finds including the remains of a sword dating to the 16th and 17th centuries, and from the latest deposits a coin of Mary Queen of Scots (Ritchie 1942: 24-69). Ritchie identified two phases of construction within the island and suggested that the upper platform had been rebuilt at a later stage coinciding with the evidence for 16th occupation and the traditional associations with the site (*ibid*: 69-74). The function of the site as a place of assembly may coincide with this later phase, and have involved a terminal period which purely associated with assembly practices without intensive occupation. This latter phase might account for stray finds such as the 16th-century coin that was found on or above the level of the highest hearth on the island (*ibid*: 69). However the association of a probable Iron Age island dwelling site at *Eilean na Comhairle*, Finlaggan, may have parallels in the arrangement at Eadarloch.

A further *comhairle* place-name is *Cnoc Chomhairle* near Fincastle in Perthshire (Watson 1926: 491). Cnoc Chomhairle, also known as Torr Chonneil, is a natural hill at 326m OD, which overlooks a dun site known as *An Caisteal Dubh* or 'Black Castle' to the E, at the end of a ridge above the E end of Loch Tummel (NMRS no. NN86SE 5;

Watson 1915: 21-2; 1926: 491). Research into *comhairle* place-names requires further investigation, especially given the preeminence of the Finlaggan example. Nevertheless those examples identified at present suggest that 'council' place-names may primarily indicate significant places of late medieval elite gathering. Such gatherings were not necessarily confined to judicial assemblies, but could incorporated a range of politically motivated meeting practices.

4.2.5 *Tulach* place-names

This section explores the significance of the Gaelic place-name element *tulach* for understanding the setting and practices of medieval assemblies in Scotland. Two key examples have been identified where historically-attested medieval courts were associated with elevated monumental settings identified by a *tulach* place-name. These include Tillydrone hill in Aberdeenshire (see Table 4.5, no. 1), associated with the Cathedral of St Machars, and Tullochan Knowe in Stirling (see Table 4.5, no. 15), with a nearby chapel site. Moreover recent studies, and additional findings presented here, indicate a correlation between medieval church sites and *tulach* place-names, which is presented here as further evidence indicative of the element's significance for assembly studies. Sites with place-names containing *tulach* are considered first, followed by a differentiated group identified with *mòr thulach* place-names.

   Tulach (Old Gaelic *tulach/tilach*; from the root *tu*, 'swell') can be translated as 'hill' or 'hillock' (MacBain 1911). *Tulach* is a common place-name element in Scotland. Nicolaisen (1969: 162) highlighted the general distribution of surviving *tulach* names in central and eastern Scotland. Anglicised forms of *tulach* place-names, including 'tilly-' or 'tully-', are found mainly in the regions of Aberdeenshire, Angus, Clackmannanshire and Fife. The impact of post-Gaelic Anglicisation upon place-names in these areas of Scotland has given rise to specific clusters of these forms of *tulach* names, for instance a concentration of 'tilly-' names in central Aberdeenshire between the rivers Dee and the Don and within Buchan (Nicolaisen 1969; 2001: 189). In particular Nicolaisen highlighted a concentration of *tulach* place-names which have a predominantly north-

eastern geographical distribution (Nicolaisen 1969, 2001: 189). The range of possible meanings suggested by Nicholaisen for Scottish Gaelic *tulach* includes 'hillock, knoll, mount, small green hill, low smooth hill or ridge' (2001: 189). Nicolaisen's translation therefore offers a solely topographical meaning for the use of *tulach* within Scottish place-names. Importantly this does not consider variation in the early medieval meaning of the element, which is here suggested to have differed from later usage. *Tulach* also occurs in various forms in the place-names of Ireland, where 'literally hundreds of names' have been identified throughout the townlands and parishes (Goblet 1932: 370-4; Nicolaisen 1968: note I, 166). Significantly, in Ireland *tulach* is also mentioned within early medieval legal tracts in specific reference to a 'hill of assembly', as medieval meeting and rallying places, and settings for inaugurations (FitzPatrick 2004: 30-1; Swift 1996: 19-20; Wagner 1970: 38). This suggests that, at least in Ireland, the early forms of *tulach* had an additional significance beyond being purely a descriptive term used to characterize minor topographic features such as mounds and rounded hills. Significantly FitzPatrick notes that 'in general the *tulach* does not have a specific archaeological manifestation. Although it may sometimes show itself as a mound, it more usually denotes a low hill with assembly connotations' (2004: 31). The medieval usage of *tulach* also referred to features of the Irish landscape which were used as venues for the exposition of legal and religious ceremonies. Wagner (1970) and Swift (1996) have emphasised that early *tulach* place-names were associated with the setting of various forms of assembly activities during the medieval period. Furthermore, Swift (1996: 19-20) emphasised that the settings of these assemblies were often the remains of prehistoric monumental mounds. Such activities could thus be of legal and/or religious significance, and, as FitzPatrick (2004: 30-1) notes, were often connected explicitly to the expression of lordship and sovereignty, including inauguration ceremonies, into the later medieval period (see section 2.3.6).

Nicolaisen's 1976 *Scottish Place-Names* did not refer to the possible significance of *tulach* place-names in this regard, and instead the complex phonological development of the term's usage in post-Gaelic-speaking Scotland is the main subject considered. On the basis of early cartographic evidence Nicolaisen identified surviving Gaelic forms of *tulach* found in parallel with anglicised settlement names, though usually derived from a

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neighbouring topographic feature. Such place-names were taken to 'presumably reflect fairly accurately the position of Gaelic when the maps were made' (Nicolaisen 2001: 190-1). The relatively late usage of Scottish Gaelic *tulach* to signify topographic features does not necessarily preclude the significance of this place-name element in Scotland in relation to medieval assembly practices. The possibility that some locations identified with the place-name *tulach* in Scotland may have possessed a similar social significance during the medieval period to *tulach* 'hills of assembly' known from medieval Ireland has recently been considered (Hall *et al*. 1998; 2000; 2005: 309). Recent findings from place-names studies in regions of central and eastern Scotland have strengthened the argument that specific *tulach* place-names may in Scotland be associated with monuments used for medieval assemblies. These findings highlight an association between religious and administrative centres that developed during the medieval period, and hills or small eminences associated with early forms of the place-name element *tulach* (McNiven 2004; 2005; Hall *et al*. 2000; 2005).

4.2.5.1 *Tulach* in Clackmannanshire, Fife and Perthshire

Simon Taylor (1995) has discussed the derivation of various *tulach* place-names located in the medieval extent of Fife. Here *tulach* is found in a great variety of surviving anglicised forms as an apparently descriptive term for minor topographical features (Taylor 1995: 255). However because of the element's common occurrence with P-celtic *pett* ('estate') and Gaelic *baile* ('farm, hamlet, settlement') elements in Fife, and as part of 'settlement-names' in Aberdeenshire, Taylor proposed that *tulach* place-names may often signify a 'mound suitable for occupation' or more succinctly a 'habitational mound' (Taylor 1995: 255). This may be the meaning of the element in the majority of cases elsewhere in Scotland (pers. comm. Dr Simon Taylor), occasionally indicating where medieval settlement was identified through proximity to a prominent rounded hill or mound, a *tulach*.

However analysis of the development of place-names in Clackmannanshire and Fife has also identified a small but significant group of generic *tulach* elements within the

names of important medieval parish centres (McNiven 2004). The majority of these have been identified in the region of Clackmannanshire, although this is likely to be a distorted concentration as this area has been most recently considered and the study was small in scale, only representing four cases. Further examples may be identifiable elsewhere in NE Scotland, such as the no longer extant medieval parish of Tulliedene or *Tulliechettle*, previously in the Diocese of Dunblane (Cowan 1967: 201; Hall *et al*. 1998: 170; *cf*. Nicoliasen 1969; see Table 4.5, no. 11). Significant archaeological and historical evidence has been identified in association with these centres. Such findings have raised the possibility that a link may exist between the apparent medieval social significance of these locations and the occurrence of early Gaelic *tulach* in the basic element of their place-names. In Clackmannanshire *tulach* place-names are associated with early church foundations at Tullibody and Tullicoultry (McNiven 2004; 2005). Furthermore, *tulach* names identified in the neighbouring region of Fife exhibit similar features. As a group the Clackmannshire and Fife examples include Tullicoultry, Tullibody, Tullibole and Tulliallan, all of which emerged as parish centres during the medieval period (McNiven 2005; Figure 4.11). It is significant that at all except Tullibody the ancient cemeteries of these parish centres contain early medieval sculptural pieces, signifying the elite patronage of burial rites and the ancient derivation of the foundations (McNiven 2004; 2005).

Various candidate features may be suggested for the *tulach* associated with these churches, including natural ridges and earthwork mounds and enclosures. For instance at the prime example of Tillicoultry, which means '(place of) the mound or hill(ock) of the back-land' (McNiven 2004) is a cemetery (containing a 11th/12th century coped sculptured stone) originally positioned on the edge of steeply sloping ground down to the Kirk Burn (Figure 4.11; see Table 4.5, no. 9). McNiven (2004) suggested that the sharp gradient of this topography may be indicative of the *tulach* in this case. Also Tulliallan, near Kincardine, Fife, is a medieval parish church with a hog-back memorial, dating to the 10th/11th centuries (McNiven 2005; Lacaille 1928: 106 fig. 9; Ritchie 2004: 18), that is associated with the site of a barrow 250m NE of the graveyard which may have been the *tulach* (Figures 4.11, 4.12; see Table 4.5, no. 10). This was composed of earth, measured c. 25m in diameter by 1.5m high, and was found to contain a Bronze Age

burial in 1958 (Scott 1958: 23). Another possibility may be at the 14th-century Old Tulliallan Castle (NMRS no. NS98NW 5) 1.5km to the SW located upon a 'large natural outcrop' and beside a prominent rise known as 'Norris Knowe' (NGR NS 92600 88900; Figure 4.12). Also a circular earthwork enclosure, 50m in diameter with a bank 2m high in places, is located c. 600m SW of Tulliallan medieval parish church (Yeoman 1992: 30) and this may alternatively have defined the *tulach* (Figure 4.12). The barrow by Tulliallan church does seem, however, to most closely fit the general topographic description as a *tulach*.

Tullibody in Clackmannanshire is also a medieval parish, recorded from the 12th century (McNiven 2004; Figure 4.11; see Table 4.5, no. 8). The lands of *Dunbodeuin* ('fort of bodwin') and *Tulibodeuin* ('mound or hill of bodwin') are mentioned in royal charters from the 12th century, and *bodwin* is derived from two British elements and can be translated 'white church' or 'white house' (McNiven 2004; 2005). McNiven suggests the *tulach* could relate to an extended natural ridge upon which Tullibody church is situated (McNiven 2004). The old graveyard of Tullibody was also subjected to considerable landscaping during the 19th century and modern development close to the site may have obscured the original elevation of the church site, perhaps indicative of the presence of the *tulach*, juxtaposed with the medieval church (pers. comm. Peter McNiven; *cf.* Alloa advertiser 20/1/2005).

The derivation of the place-name 'Tullibody' is shared with Tullibole, also a medieval parish in central eastern Scotland. Now situated within the region of Perth and Kinross though originally in Fife, the possible meaning 'mound or hill of the white church or house' is evident in the 13th-century forms of the place-name (Hall *et al.* 2005: 311; McNiven 2004; Taylor 1995: 118; Figures 4.11 and 6.25r; see Table 4.5, no. 12). The medieval parish of Tullibole was part of the diocese of Dunblane and was united with Fossoway parish during the early 17th century (Taylor 1995: 118). The rectilinear foundations of the old church taken down in 1729 are still evident (OSA 1791-9: vol. 18, 446-7). Two other rectilinear structures are also evident within the 'pear-shaped' graveyard enclosure (Figure 6.25r). It has been suggested that these structures may represent the sites of minor chapels or family mausoleums (RCAHMS 1933: 291, No. 554; visited by OS 1967). Also a spring head is marked on the 1st edition ordinance

survey map of the area W of the church enclosure which may have had devotional significance (Figure 6.25r). Furthermore a minor undulation in the topography within the church enclosure forms a low rise upon which stands a post-medieval memorial. The site was also clearly significant during the early medieval period. This is strongly suggested by the discovery of a Class III Pictish cross-slab, located within the church enclosure, and the remains of a tegulated coped monument (Allen and Anderson 1903: pt. 3, 375-6; Galloway 1879: 316-20). These associations have similarities with the other early church centres linked to *tulach* place-names in the neighbouring areas of present day Fife and Clackmannanshire (McNiven 2005). Moreover this phenomenon is identifiable at other church centres found in NE Scotland, also identified with early forms of *tulach* indicating the early derivation of such foundations (see section 4.2.5.2).

At Tullibole there are various possible candidates for the feature identified by the *tulach* place-name element. Immediately to the NE of the church enclosure is an area of higher ground comprising of a short tree-covered ridge (Hall *et al*. 2005: 311; Figure 6.25r). This appears largely to comprise of a natural outcrop (Figure 4.13). A further possibility is a circular earthwork located c. 100m to the SW of the church enclosure (Figure 6.25r). This is evident on the ground as a circular enclosure defined by a low earthwork bank c.30m in diameter and between 0.5m and 0.6m high, the interior of which is higher than the surrounding ground surface (Figure 4.14). The enclosure is situated within the grounds of Tullibole castle and is represented as a circular earthwork on the 1st edition and revised edition Ordinance Survey maps (Figure 6.25r). Based on cartographic evidence the earthwork appears to have been a conspicuous feature within the post-medieval pleasance of Tullibole Castle estate. However it is somewhat removed from the core of the Estate gardens, and off alignment with the main arrangement of the grounds. This may indicate that it pre-dates the post-medieval landscaping and is perhaps a pre-existing feature incorporated into the later estate's policies. Also the 'pear-shaped' enclosure of Tullibole church appears aligned toward this earthwork, where an entrance is located (Figure 6.25r). This arrangement of a curvilinear church enclosure and earthwork possibly used for early medieval assembly activities is encountered at other examples (see Figure 6.25a-s). The significance of such arrangements in regard to *tulach*-church sites will now be discussed more thoroughly.

4.2.5.2 *Tulach* in north-eastern Scotland

While it has recently been demonstrated for the regions of Perth and Kinross, Clackmannanshire and Fife that a close association exists between medieval parish / estate centres and place-names containing early Gaelic *tulach* as the primary element (Hall *et al.* 1998; 2005; McNiven 2004; 2005; Taylor 1995), *tulach* also occurs in similar arrangements throughout other areas of NE Scotland outside those lately given concerted attention (Figure 4.11). A select group of such *tulach* place-names are associated with medieval parish centres or can be identified in close proximity to a medieval parish church. This suggests that in NE Scotland *tulach* may in some cases have a significance beyond indicating a mound suitable for habitation. The archaeological remains associated with such locations are of particular interest regarding the question of whether some early *tulach* place-names in Scotland identify settings for early medieval assemblies, as illustrated for Ireland. The aim of this section is to make an initial assessment of the extent to which the association of *tulach* names with early churches may also indicate the site of assembly mounds or hills in Scotland. Additionally this is also intended to inform further discussion of the links between medieval churches and assembly sites illustrated in the first half of this chapter. Seven additional sites have been identified which exhibit the association of a *tulach* place-name, medieval church and mound, hill or other form of elevated feature, in two cases attested to have been used for medieval courts (Figure 4.11, 'Tillydrone', 'Tullochan', 'Tullich', 'Tough', 'Tullynessle', 'Tullywhull', 'Tulliemet').

4.2.5.3 Tillydrone, Aberdeenshire

Foremost among these examples is Tillydrone, by Old Aberdeen. Tillydrone or Tillydrens hill has been the target of modern excavation and is historically documented as the setting for medieval courts (see section 5.3.5; Figures 5.28, 4.11; see Table 4.5, no. 1). The site's proximity to the ancient church foundation of St Machar's, Old Aberdeen cathedral was noted in Chapter 5 (Figure 5.26). The 'tilly-' element of this name is likely to be an anglicized form of Gaelic *tulach*. This significant example reiterates the close

relationship of 'tulach-mound' and early church foundation, and the attested use of the site for the exposition of law by high status ecclesiastical authorities during the 14th century make it particularly noteworthy (see section 5.3.5). The close association of mound and church, and the possible judicial and ceremonial significance of 'tulach-mounds', suggests Tillydrone mound and Aberdeen cathedral may also have been the focus for earlier assemblies. Elements of the landscape around Old Aberdeen may also support this (see section 5.3.5.4). The earlier episcopal centre N of the Mounth may have been located at Mortlach (see section 4.2.6.1), in Banffshire, and it is striking that the occurrence of a raised feature associated with a *tulach* place-name is also seen there as well as at Old Aberdeen. This suggests that among the reasons for the elevation of Aberdeen as a diocesan centre during the 12th century was to the presence of a monument previously established as a legitimate venue for regionally significant judicial assemblies and ceremonial activities. This was the established 'mound of judgment' that would lend authority and functional stability to the Diocesan authority, and provide a traditional venue for the negotiation of the church's associated temporal responsibilities. Tillydrone is a highly informative example which offers insights into both early and later medieval practices, and the relationship between the Church in Scotland and the use of assembly mounds. Moreover Tillydrone supports the case for a connection between early Gealic *tulach* sites and the setting of medieval assembly practices in Scotland.

4.2.5.4 Tullich, Aberdeenshire

Further sites, largely in Aberdeenshire, which possibly were of similar significance may be noted. For instance the old parish church of Tullich in Aberdeenshire is an example of a *tulach-* mound and church site (Figures 4.11, 4.15 and 6.25s; see Table 4.5, no. 2). The village and parish church of Tullich are located 2.2km NE of Ballater, in the region of Braemar. During the middle ages the church was known as *Tulynathtlayk* or variations upon this (Cowan 1967: 201). The dedication was to saint Nathalan or Neachtan (Simpson 1922: 16-18; Scott *et al.* 1915-61: vol. 6, 98), which must be the personal name contained within the medieval place-name. This may refer to Nechtan son of Derile, king

of Picts (d.732) (Clancy 2004). Gibb (1878: 196) states that Tullich church used to be termed the 'mother church' of the district, though Cowan holds that Tullich is likely to have been a chapel of Aboyne because of the close association of both foundations in grants of the 13th and 14th centuries (Cowan 1967: 201). The present church contains late 14th-century structural elements (Simpson 1922). Surrounding the church are the remains of a circular stony bank approximately 1m high at its highest point, overlain by a modern enclosure wall (Figure 4.15). A slight ditch (c. 4.5m wide) lies on the outside of the bank, except on the N where a modern graveyard extension may have obscured it (NMRS no. NO39NE 2.00). The bank and ditch apparently represent the remains of the medieval church's *vallum*. No fewer than sixteen 'Celtic-type' cross-slabs are preserved within the church's enclosure and represent the extended use of the site for burial rites from the early medieval period. These monuments are accompanied by a Class I Pictish symbol stone that was discovered built into the fabric of the church in 1866 (Allen and Anderson 1903: pt. 3, 187, fig. 202; Figure 4.16). At Braehead of Tullich 145m to the N of the church is a low mound (205m OD) measuring 14m in diameter and located within an area of birch-wood (Figures 4.17, 6.25s). The summit is slightly hollowed, forming a low bank 4m wide around the top (NMRS no. NO39NE 60). This monument may be the *tulach* of the parish's place-name. Tradition records another candidate 0.8km to the E of the parish church. This was a mound, upon which an upright cross-slab once stood, until both mound and sculpture were destroyed in the 19th century during the construction of the Deeside railway line (Gibb 1878: 196; Figure 4.17). 'St Nechlan's fair' (presumably Neachtan) is also traditionally accounted to have taken place on the market stance of the old town of Tullich, and this was still the case in the late 19th century. Seemingly the market was convened near the old township, the remains of which are located to the NW of the church (Figure 4.17). The festival is accounted to have taken place on the 8th of January and was convened around a 3.7m high granite shaft, 'adorned with steps' and known as St Nechlan's Cross (Gibb 1878: 196). Some confusion seems to have occurred between this monument and the mound and cross described above. The cross-slab and mound E of the church was thought by Michie to be 'St Nechlan's cross' (1910: 111-23) and this may have been the '*tulach* of Nechtan' indicated by the place-name *Tulynathtlayk*. Feasibly both pillar and cross may have been the focus of gatherings in the

past. Perhaps the 'market-cross' of the now deserted township of Old Tullich served this purpose following the rejection of the cross-incised slab and mound? Moreover the composite cross and mound may have marked the medieval *termon* of *Tulynathtlayk* church, and the 19th-century fair setting perhaps was more significant for its proximity to the other mound adjacent to the township (Figure 4.17).

In the medieval parish of Tullich we again find the association of popular devotional and market assemblies with evidence for the extended ecclesiastical significance of the location. This might be expected for a significant parish centre, however the concern of early medieval elites for the display of monumental sculpture at and within the vicinity of the church foundation of Tullich must also be considered. This clearly emphasises this ecclesiastical centre's importance for socially significant and patronised monumental display, admittedly like many other early churches of district importance in Scotland. The church foundation at Tullich was clearly a prominent foundation from an early stage and was possibly a 'mother church' within the district. The prominence of this foundation coupled with the close proximity of a mound identified here with the accompanying *tulach* parish name has clear similarities with other examples discussed in this study and previously identified in Fife and Perthshire (section 4.2.5.1). The focus of sites in Ireland where *tulach* mounds and hills may have been associated with the activities and power centres of the early church are perhaps noteworthy here (Swift 1996). The early significance of the location of the church foundation at Tullich is supported by the extant Pictish symbol stone, for which a 7th- or 8th-century date has been suggested (Shepherd and Greig 1996: 34). This example seems to exemplify centres of the Pictish-speaking elite that were integrated with the cultural and religious framework of the early church, a process which perhaps increased apace from the 9th century onward. Such developments may feasibly have been overseen by a consolidated Gaelic-speaking elite. The spread of Gaelic into NE Scotland is likely to coincide with the initial development of the *tulach* element within the church place-name *Tulynathtlayk*. Moreover the possible utilisation of a 'tulach-mound' as the venue for assemblies of regional importance may have been a significant feature in managing the social cohesion of the district from the 9th century onwards. The association of a possible assembly mound with the hagiography of the patron saint may be envisioned to have

been a powerful legitimising support to any legal activities or proclamation made at such a setting. Much of this of course remains supposition, but further examples may also be cited in support of a wider trend.

4.2.5.5 Additional *tulach* medieval parish centres

Medieval parish centres in Aberdeenshire with generic *tulach* place-names of early derivation are also found at Tough in Mar, known as 'Tulich' during the medieval period, Tullynessle in Garioch, and Tullywhull (or Ordiquhill as this parish was later known) in Boyne (Cowan 1967: 199, 202; Figure 4.11; see Table 4.5, no. 5). At Tough the parish church is of modern construction but appears on record as an independent parsonage from the 13th century (Cowan 1967: 199; NMRS no. NJ61SW 25). The irregularly-shaped enclosure of the church is positioned upon a SW facing slope above the W bank of the Lyne Burn. Immediately beyond the enclosure wall to the E and SE is a steep slope down toward the burn. The interior of the burial ground on the SE side of the enclosure is 1m higher than the ground level on the exterior at this point (Visited by RCAHMS 1996; 1st edition OS 6":mile map 1869 'Aberdeenshire'). To the SW is a prominent hill at Tillymair and to the SE is higher ground at Tillykerrie (Figure 4.18).

Tullynessle parish church is similarly positioned (Figure 4.11; see Table 4.5, no. 4). Here the church is situated upon a terrace above the W side of the Suie Burn in the upland region of Garioch (Figure 4.19). Although no remains of the medieval church survive, the present church, built in 1790, is associated with a belfry dated 1604. The foundation is dedicated to St Neachtan and the church was among others confirmed to the Bishop of Aberdeen in 1157 (Cowan 1967: 202; Scott *et al*. 1915-61: vol. 6, 143-5). 1.4km NW of Tullynessle is the 15th-century tower-house of Terpersie Castle. The possibility remains that the medieval parish church of Tullynessle was located upon an elevation identified by the place-name element *tulach*, namely the slope upon which the church is presently positioned. This also appears to have been the location of a parochial church centre from at least the 12th century and the immediate area surrounding the

foundation appears to have had prolonged secular importance as a route-way and manorial seat.

The church of Tullywhull was dedicated to St Mary and was originally a chapel of Fordyce (Figure 4.11; see Table 4.5, no. 5). The parsonage and vicarage both passed with Fordyce to the canons of Aberdeen in 1272. Ordiquhill parish was formed in the early 17th century from the old parish and a new church was built on the site of the medieval chapel (Cramond 1886: 3). On the summit of Wether Hill 1.36km to the S of the church is a boulder shaped like a chair known as 'King's chair' and surrounded by a small 'boundary cairn' at 271m OD (NMRS no. NJ55SE 27; Figure 4.20). The location of this feature is shown to be bisected by the parish boundary on the 1st edition 6 inch Ordinance survey map (Figure 4.20). Furthermore, 1.45km to the NE of the parish church was the 'Gallows cairn' located upon the summit of Corn Hill at 216m OD (Name Book 1866: no. 25, 28; Figure 4.20). The parish of Tullywhull seemingly again provides fragmentary hints at a link between an early church centre, *tulach* name and judicial practices.

Such links may also be found at Tullimet in Atholl (Figure 4.11; see Table 4.5, no. 13). Tulliemet was a chapel associated with Logirait in the Diocese of Dunkeld. In a charter dated 1211x14 it was referred to as the chapel of '*Kilmichell de Tulichmat*', and was also mentioned in 1199 in a grant to Scone Abbey (Innes 1843: 35-6, no. 55; pers. comm. Adrian Maldonado). It is noteworthy that the lands of Tulliemet were associated with the office of a Toiseachdeor in 1508 (Gillies 1996: 132; MacNeill and MacQueen 1996: 190; Sellar 1989: 10). The possible judicial functions of this office are discussed elsewhere (see section 2.5.8), but the association with a possible *tulach* church site may be significant here.

4.2.5.6 Possible *tulach* assembly sites with churches

Numerous lesser examples of possible *tulach* assembly sites can be identified in NE Scotland. Thirteen other examples, which may derive their primary place-name element from *tulach*, are considered here (Figure 4.21). These examples are found in close association with medieval churches and other attributes of the surrounding landscape

indicating these localities' social significant during the medieval period. Tillyhilt and Tillycairn in Aberdeenshire are place-names in close proximity to each other in the parish of Tarves and adjacent to Ord Hill, the setting for a Justicar's court in 1236 and site of a post-medieval market stance (see section 5.3.2.2; Figure 5.13). Tarves became a parish centre from at least the 12th century. The church was granted to Abroath abbey by William I in 1189x99 (Cowan 1967: 195). The place-name Tarves has a derivation meaning 'bull-place' (Watson 1926: 242) which may indicate an early association with market activities or perhaps cult significance in the vicinity (Tillyhilt is 1.6km NW of Tarves village; see section 5.3.2.2). Also present is Tillyhilt castle mentioned in 1234 as *Tulielte* and as *Tulenahilt* in 1474 (Nicolaisen 2001: 189; Figure 5.13). *Tulielt* and *Tulligonie* are shown on Blaeu's 1654 map of Aberdeen and Buchan. Significantly 2km to the NW of this is the summit of the Hill of Courtstone (110m OD), a prominent hill situated in the NW corner of the parish of Tarves (Table 4.7, no. 1). A cairn of 'considerable height and extent' is recorded to have stood on the summit of the hill but was removed in 1832, when evidence for a cremation burial was discovered (Name Book 1868: no. 85, 23; NMRS no. NJ83SW 2). Unless the parish boundary has significantly changed or the later derivation of the place-name 'Courtstone' is erroneous, this may indicate a shift in the setting for judicial assemblies within the parish. The 1236 Ordhill court may also have been exceptional and dictated by proximity to perambulated properties, but the proximity of a *tulach*, *caput* and later market site seems to argue against this.

A further example is Tillywater, 1.6km N of Monymusk in Aberdeenshire (Figure 4.21). This place-name is shown on the 1st edition Ordnance Survey map of 1869 associated with a farmstead at the foot of a minor hill, c.240m from the E bank of the River Don (Figure 4.23). 0.42km to the N of Tillywater are the remains of a chapel known as St Finans (Figure 4.22). This foundation has been identified as a chapel mentioned in the early 18th century as associated with 'Abersnithick', the former name of the farm of Braehead a short distance to the N and on record from the 16th century. Alexander has identified 'Abersnithick' as a corruption of Eglismenythok, which was a property of the pre-Augustinian monastic community of Monymusk from at least 1210 (Alexander 1952: 136). The 'egles' element of this place-name may suggest a church of

early medieval origin at St Finans (Barrow 1983). The chapel's sub-rectangular enclosure is raised 0.5m from the surrounding ground surface on a south-facing terrace overlooking the surrounding area of the Don valley (NMRS no. NJ61NE 6). 1.3km to the SE of St Finan chapel is a prominent hill called Gallowhill (130m OD in height) which is recorded on the 1st edition Ordinance Survey map (Figure 4.22). On the higher ground immediately to the N of the chapel at Braehead crop-markings of a ring-ditch enclosure were identified (Shepherd 1989: 20). 1km to the N of this and by the NW boundary of the parish of Monymusk with Oyne parish, is Tilliehashlach (on the Oyne side) (Figure 4.22). Tilliehashlach is recorded on General Roy's map of 1747-55 as 'Tullyhasloch' (map sheet 29/1f). Close by to the NW are a cluster of 'Tillie/y-' place-names (Roy 1747-55: map sheet 29/1b; Blaeu's 1654 map of Aberdeen and Buchan) centred around the 16th-/early-17th-century tower-house of Tilliefoure, now known as the 'Place of Tilliefoure' (Simpson 1949: 126), on the S boundary of the extensive parish of Oyne. The site is first mentioned as a residence of the Earl of Mar prior to the property's confirmation to the Leslies of Wardhouse in 1508 (Simpson 1949: 126). This cluster of *tulach* names is closely associated with the boundary between two major medieval parishes, Monymusk and Oyne. On either side of this boundary are local secular and religious centres, the secular seat at Tilliefoure and early church at St Finans. The proximity of these centres stresses the medieval social significance of the locality, and this together with the border association suggests a possible location for a medieval judicial assembly site in the vicinity. Taylor's (1995: 255) assertion that such *tulach* place-names merely represent elevated terrain suitable for habitation may be relevant here, but the repeated occurrence of anglicized forms of *tulach* place-names and associated aspects of the medieval social landscape could be the kind of situation indicative of an early Gaelic assembly site in the area.

The place-name 'Tillioch' is associated with a prominent hill 1km to the SW of the village and parish church of Echt (*Tullioch* on Pont's map of the late 15th/early 16th century (map 11 Lower Deeside) and *Tullyhook* on General William Roy's map of the area (1747-55: map sheet 20/1c)) (Figures 4.21, 4.23). The hill at Tillioch is associated with multiple post-medieval parish boundary markers, which marked the division between Echt and Midmar parishes (1st edition OS 6":mile map 1869 'Aberdeenshire').

Also shown is the location of a cattle market stance at 'Market muir' 1.1km to the SE of Tillioch by the road S to Banchory on the River Dee (Figure 4.23). To the NW, near the border of the neighbouring medieval parish of Midmar is a cluster of '*Tilly-*' place-names, including 'Tillyranoch', and 'Tullyboy' and 'Tullydoff', all recorded on Roy's 18th century map of Scotland, and *Tulliboy* shown on Pont's map of Lower Deeside (Map sheet 11; Figure 4.24). All these place-names are visible associated with farmsteads in an upland region of the parish of Echt. As well as the parish boundary with Midmar parish to the W, the now absorbed parish of Kinerny was also close by to the N (united with Midmar in 1740) (Scott *et al.* 1915-61: 107-10). The cluster of *tully/tilly* names are all located on the W flank of the highest elevation in the area at Barmekin Hill (Figure 4.24). On the summit of Bamekin Hill is the multi-vallate hillfort known as the Barmekin of Echt at 274m OD (NMRS no. NJ70NW 1.00, NGR NJ72600714; Figure 4.24). Below the fort 730m to the S, on a summit of an extended southern spur known as Calton Hill were the remains of a substantial cairn (1st edition OS 1969; Name Book 1866: no. 28, 63; Figure 4.24). Again the associated *tulach* place-names may reflect Gaelic description of the undulating topography in this part Echt parish and its capacity for habitation. However the manner in which this concentration of place-names straddles the probable locality of the medieval parish boundary may be indicative of a assembly place for the communities in neighbouring estates throughout the immediate district. 0.65km directly to the SW of the farmstead of Tillyboy is a well-preserved recumbent stone circle at Sunhoney (Figure 4.24). This has a central platform 7m across and 0.7m high (NMRS no. NJ70NW 55), and 0.18km to the E of which is a possible ogam-inscribed stone (Youngblood 1998: 9; Figure 4.24), though the provenance of this is in doubt (pers. comm. Dr Katherine Forsyth). Given the density of archaeological remains at this boundary point, possibly including an early medieval ogam stone and the presence of multiple fossilised *tulach* place-names in the vicinity, it may be argued that this border zone was of extended significance as a focus for ceremonial and assembly activities in the locality.

Also, in the vicinity of the upland medieval parishes of Navar and Lethnot in Angus are various *tulach*-derived place-names (Figure 4.21). Although these could arguably be expected in an area of elevated topography characterized by numerous

glacial moraines, significantly, the place-name Navar is thought to derive from Celtic *nemeton* and indicative of a pre-Christian sanctuary or religious site, which can also have a judicial and assembly function (Watson 1926: 247; see section 6.2.2.1). This would allow for the possibility of a significant early assembly site in the vicinity, possibly at the head of Paphrie glen given a concentration of 'Tulloch' names here (Figure 4.25). Moreover, the close proximity of a meeting of parish boundaries and waterways, is an aspects of assembly sites noted elsewhere (see section 6.5). This site may have been appropriated during the medieval period under the authority of the Church, hence the association with 'Navar' parish church and the Gaelic *tulach* place-name. Overlooking Navar church to the S are two massive multi-vallate hillforts, White Caterthun and Brown Caterthun, located upon adjacent summits at 298m OD and 287m OD respectively (Figure 4.25). The possible early assembly site may have been located across the valley to the S of Lethnot and Navar churches, below the Caterthuns forts, or even at a prehistoric kerb-cairn, measuring 9.5m diameter and 0.5m high, on a spur of the valley wall by Lethnot (NMRS no. NO56NW 14; Figure 4.25).

Also in Angus, 3km N of Edzell Castle is a cluster of *tulach* place-names of possibly early derivation by Dalbog (Figure 4.21). These include 'Little Tullo' and 'Meikle Tullo' which are associated with farmsteads on the upper slopes of gradually rising ground W of the North Esk River (Figure 4.26). These are shown as *Tullorss* on Pont's map of North and South Esk (map sheet 40) and probably as *Meiklehillock* on Roy's military map of Scotland (map sheet 19/2f). The adjacent stretch of the River North Esk here defines the border of Angus with the SE region of Aberdeenshire known before 1979 as Kincardineshire. Below these slopes, 1km to the E of this place-name cluster is the village of Dalbog. The remains of a kerb-cairn known as Torrnacloch or 'knoll of the stone' has been identified immediately NE of Dalbog (NMRS no. NO57SE 4; 8.20). When removed in 1840 the cairn was found to contain a cist burial. Moreover, 230m to the NE of the cairn were the remains of a chapel. During the 19th century the site was known as 'chapel Kirkshed' and the globular enclosure within which both the chapel and cairn were located was known as 'chapel field' (Name Book 1860: no. 40, 59, 63; NMRS no. NO57SE 3; Figure 4.26). At 'Meikle Tullo' 1km to the NE was the site of a spring known as 'Mary well' that was thought to be associated with the chapel at Dalbog

(Name Book 1865: no. 40, 4; Figure 4.26). Despite the lack of historical evidence in this case, the repeated association of possible *tulach* place-names with a church foundation situated in close proximity to a monumental mound or cairn is striking. Furthermore the landscape is punctuated by sites associated with Virgin Mary and in the light of other examples it seems probable that local devotional assemblies, though now obscured, would have occurred in the vicinity of Dalbog in the past (*cf.* Black 1999). Furthermore the proximity of Neudosk on the opposite bank of the North Esk to the E is significant as it is a further place-name believed to derive from Celtic *nemeton* meaning a pre-Christian sanctuary and/or assembly site (Barrow 1998: 29-30; see section 6.2.2.1). The post-12th century administrative centre for the parish was a motte-and-bailey castle and medieval parish church at Edzell, but this need not have superseded localised traditional assembly practices or devotional beliefs associated with Dalbog to the N (Cowan 1967: 60). Dalbog may represent an early focal-place for religious and judicial gatherings in the area.

Further examples of the possible association between the medieval church and *tulach* place-names may be noted, though these are of less certainty. They include Logiebride in Perth and Kinross, where 'Tullybelton house' and 'Little Tullybelton' are situated on higher ground 1km from the medieval parish church (Figure 4.21). This is *Tillibelton* on Pont's 16th/17th century map (map sheet 24 Auchtergaven/Kinclaven Perthshire). Tyllybelton was the site of At Tillycorthie (NGR NJ883230), 4.4km NE of Newmachar in Aberdeenshire, there is a significant cluster of *tulach* place-names (Figure 4.21). These are situated within a 2km radius of Tillycorthie (*Tillicorthie* 1654 Blaeu's map of Aberdeen/Buchan). Tillycorthie itself is associated with a possible late-medieval tower-house and is adjacent to the parish boundary between Udny and Foveran Parishes (1st edition OS 6":mile map 1870 'Aberdeenshire'). Three kilometres to the NE of Tillycorthie is the Hill of Fiddes, upon the summit of which is a recumbent stone circle at 89m OD. Nearby are the remains of a chapel and burial ground of obscure origin (NMRS no. NJ92SW 1). The significant concentration of *tulach* place-names in the vicinity of Tillycorthie, located upon a boundary and in close proximity to a medieval elite centre again may indicate the presence of a *tulach*-marked boundary point and possible assembly places.

Further evidence for this may be identified at Tillyfourie where there are the remains of a possible chapel, and immediately to the N on the flank of Tillyfourie hill (361m OD) the remains of a recumbent stone circle with a raised central cairn (Figure 4.21). Two kilometres to the SE are the remains of Tillycairn Castle, a 16th-century tower-house. This is *Tullykairn* on Pont's map of Lower Deeside (map sheet 11), *Tillicarn* in the 17th century (Blaeu's map of Aberdeen/Buchan), and *Tullykarn* on Roy's military survey (1747-55: map sheet 29/1e). Furthermore in the parish of Meldrum a cluster of 'Tulloch' place-names exist in association with a natural hill at 180m OD, which appears as *Tulla* on General Roy's 18th-century map of Scotland (1747-55) (Figure 4.21). At the foot of this hill to the S is the 'Den of Tulloch'. Above this to the S, approximately 0.6km away, are the remains of a chapel known as 'St Mary's' associated with a natural spring known as 'Lady's well' that was visited by local people in the month of May up until the 19th century (Name Book 1867: no. 60, 15; NSA 1834-45: vol.12, 477; Figure 4.27). Another example can be found 7km NE of Aviemore where there is the small settlement of 'Tulloch' neighboured by 'Easter Tulloch' and 'Mains of Tulloch' to the SW (Figure 4.21). These place-names are found in association with the remains of a chapel at 'Chapelton' within an enclosure 15m by 15m (NMRS no. NH91NE 1; Name Book 1871: no. 1, 71; Figure 4.28). Further N in Ross and Cromarty, 2km W of Hilton of Cadboll on higher ground is 'Loans of Tullich' and 'Tullich farm'. *Tullich* is shown on the 1st edition OS map (1881) of the area (Figures 4.22, 4.29). The close proximity of this place-name to the early chapel and Pictish cross-slab at Hilton of Cadboll may be of significance.

Finally at Tillytarmont (*Tillentermend* 1534 (Nicholaisen 2001: 190)) on the border between Aberdeenshire and Morayshire, on the Aberdeenshire side, four Pictish Class I symbol stones have been discovered (NMRS nos. NJ54NW 11, NJ54NW 1; Figure 4.21). *Tillentermind* can be understood as *Tulach an Tearmaind* meaning 'girth hill' (Watson 1926: 259). 'Girth' in this case signifies the boundary of a church sanctuary, Gaelic *tearmaind* deriving from Latin *termon* (Watson 1926: 259). The sculptural fragments were uncovered on a thin strip of land NE of Tillytarmont farm that is located between the Rivers Isla and Deveron, just to the S of the confluence of these two rivers (Figure 4.30). 0.9km to the S of North Tillytarmont farm are the remains of a

recumbent stone circle at Arn Hill (Figure 4.30). This circle has a large central mound within its circumference, as with many of this type, often indicating an associated prehistoric burial (see RCAHMS 2007: 59-67). The general geographical setting is suggestive of a boundary point in the landscape, seemingly at the edges of an early church sanctuary and close to a major river confluence. Furthermore the presence of a prominent collection of early medieval sculptural remains suggests the locality was important for monumental display during the Pictish period. Such monumental display upon a boundary point in the landscape has been identified elsewhere (see section 6.5; *cf.* RCAHMS 2007: 118) and suggests the prominent role of movement and visual consumption of such sculpture at this apparently liminal location where gatherings may have occurred, perhaps near or upon sanctified ground. The active appropriation of prehistoric monumental remains nearby to Tillytarmont as a backdrop for assembly activities may have been an aspect of the early medieval use of this location (see section 6.3).

4.2.5.7 Tullochan Knowe, Stirling

Tullochan in Mentieth provides a further historically-attested connection between courts and a *tulach* site, from a seemingly different social context to Tillydrone (see section 4.2.5.3). This is somewhat of an outlier in comparison to the general distribution of *tulach* sites discussed here (Figure 4.11; see Table 4.5, no. 15). It is referred to in a court summons of 1557 as 'Tullochan alias Courthill in Watston', where a court of Archibald Napier of Merchiston was to be held on 21st January 1558 (National Archives of Scotland Ref No GD430/129, see http://www.nas.gov.uk; pers. comm. Peter McNiven). This can be identified with Tullochan Knowe a large flat-topped and turf covered cairn, located beside the settlement of Watston (RCAHMS 1979: 9, no. 29; pers. comm. Peter McNiven; Figure 4.31). A short distance to the E of this is the site of a chapel at Bridge of Teith (RCAHMS 1979: 31, no. 280; Figure 4.31). Though perhaps an example of lower social/political status, compared with Tillydrone, Tullochan Knowe, alias Courthill, nevertheless reiterates the possible association between '*tulach* monuments'

and the setting of judicial assemblies in Scotland, with further hints at the role of ecclesiastical associations.

4.2.5.8 *Tulach* Conclusion

Despite the fragmentary nature of much of the evidence presented above, the reoccurrence of *tulach* place-name clusters in association with medieval church and estate centres suggests that these place-names may be particularly significant for understanding early medieval social landscapes in NE Scotland. The two references to courts held at monuments identified by *tulach* place-names may be late survivals indicative of a more widespread phenomenon, although in general *tulach* assembly sites are likely to represent an early medieval phenomenon. It may be noted that the examples discussed here are occasionally found in the vicinity of monumental sculpture remains, monumental prehistoric remains, and/or boundary locations. The above examples of medieval church centres identified with *tulach* place-names are comparable with similar cases previously identified in Fife, Clackmannanshire and Perth and Kinross. To some extent the *tulach* element in the NE of Scotland, as in Fife, may relate to the creation of names between the 9th and 12th centuries to describe habitable topographic features, of upland and undulating terrain (Nicolaisen 1969: 162; Taylor 1995: 255). Nevertheless here it is posited that a specific group of *tulach* place-names may represent a distinct and early episode in the creation of these names. This group appears to be associated with important religious centres within the local medieval social landscapes of NE Scotland, and at significant boundary places. It is argued here that such examples stress the apparent close relationship of 'tulach-mound/hill' and the early church in eastern Scotland. This may be a result of similar processes of appropriation by the Gaelic church of customary assembly sites to those identified in Ireland (FitzPatrick 1997: 2; 2004: 173-93; *cf*. Swift 1996: 18-19). Such cases in Scotland may also represent the re-appropriation and development of places of gathering significant at the on-set of the Christian period and adapted by the Gaelic church from perhaps the 8th century. However these assembly places may essentially have been based on places of importance in the Pictish landscape

of the NE. Further examples can be cited in support of this relationship, this time in the particularly significant form of *mòr thulach* place-names.

4.2.6 *Mòr thulach*

This sub-section will consider the possibility that place-names of the form *mòr thulach*, meaning 'great or big *tulach*', are indicative of early historic places of assembly. The possibility of a correlation in Scotland between the location of medieval churches and elevated locations such as mounds has recently been highlighted (Hall *et al*. 1998; 2000; 2005; see 6.7.2). In particular, a case study centred around the implications of an evaluation of the landscape context of a group of early medieval sculpture has highlighted the possible existence of an obscured important church centre in the proximity of Murthly-Caputh parish, in northern Perthshire (Hall *et al*. 1998; Figure 4.33). Taylor has identified 'Murthly' as a place-name deriving from Gaelic *mòrthulach* meaning 'big mound' or 'big hillock' (Hall *et al*. 1998: 139; 2005: 309; see Table 4.5, no. 14). This has been taken to suggest the existence of a large monument that was possibly utilised as a venue for early medieval assembly activities within the area, through analogy with the early meaning of *tulach* in medieval Ireland (Hall *et al*. 1998: 139; 2005: 309). Murthly has a significant history as an important secular estate, with close links to the regionally important early medieval church foundation at Dunkeld and possible thanage (Hall *et al*. 1998: 139, 2005: 309). Close by at Caputh, on the opposite bank of the River Tay from Murthly, is *Mwtehill* or 'Mutehill', associated with a later medieval church site (see section 4.3.1; Table 4.6, no. 15). The proximity of early medieval sculptural fragments in the surrounding landscape was seen as significant in that these monuments may have been positioned to reference a nearby assembly site (Hall *et al*. 1998; 2005). Evidence for a close relationship between the setting of medieval assemblies in Scotland and the location of early medieval church centres with associated monumental sculpture can be noted in the accounts of medieval central places in Scotland by other authorities (Alcock and Alcock 1992: 222-7; Caldwell 2003: 66; Driscoll 2004: 91; Hall *et al*. 2000; Hall 2004: 45-7).

4.2.6.1 Mortlach, Banffshire

Mortlach in Banffshire is perhaps the most important example discussed here (Figure 4.33; see Table 4.5, no. 7). Here a significant early church foundation with early medieval sculptural remains is juxtaposed with a prominent mound-like feature apparently signified by a *tulach* place-name. Mortlach appears to have been the centre of an early bishopric N of the Mounth which was replaced by Aberdeen as the centre of the See during the 12th century (Woolf 2007: 300). Mortlach is a place-name derived from Gaelic *mòr thulach* ('big mound or hillock' and which in Old Irish could perhaps be translated 'big or great assembly mound, mound of judgment') (Hall *et al*. 1998: 139; *cf.* Swift 1996: 19-20, 21). This place-name is found 'at least five times throughout eastern Scotland' (Hall *et al*. 1998: 139), although none of these five names are associated with an early church foundation of such significance as Mortlach. The church is mentioned in a grant to the 'Bishopric of Mortlach' in 1063, but this document has been identified as spurious (Cowan 1967: 152; see Woolf 2007 for a recent and thorough discussion). A monastery apparently of the same name and associated with 5 other churches was confirmed to the Bishop of Aberdeen in 1157 (Innes 1845: vol. i, 3, 5-7; Cowan 1967: 152; Donaldson 1953: 115-6). Therefore details of the original charter may reflect a genuine earlier arrangement, despite the spurious derivation of the '1063' document (Cowan 1967: 152; Donaldson 1953: 115). In the 14th century the foundation of Mortlach church was traditionally dated to 1011-12 and attributed to Malcolm II who is said to have acted 'in gratitude for his success' in battle against a force of 'Norwegians' (Anderson 1922: vol. 1, 433, 525; Woolf 2007: 300). Woolf has suggested that this represents an adapted account of an event that should rather be associated with the reign of Malcolm III in c. 1065 when, in alliance with Magnus son of the Norwegian king Haraldr, Malcolm III defeated Lulach at Essie, 12km from Mortlach, to secure the Kingship of Alba (Woolf 2007: 302). The original diocese is said to have extended from the Dee to the River Spey, but Anderson notes that much of this detail is in doubt because of the late date of our sources (Anderson 1922: vol. 1, 433, citing Fordun's chronicle IV, 40). Mortlach church is dedicated to Saint Moloc or Moluag (d.592, Lismore) and the present church's fabric is largely modern, though lancet windows of 13th century date

appear to have been incorporated (MacGibbon and Ross 1897: vol. 3, 408-9; Simpson 1926: 275; Woolf 2007: 299). Woolf identifies Mortlach with a See focused around Moray, and encompassing much of the northern half of the Kingdom of Alba, from the River Dee to the River Ness, between perhaps c. 1065 and 1130 (2007: 309-10).

Little comment has previously been made about the setting of Mortlach, the archaeology associated with the site, and the surrounding topography. Mortlach church is situated in an elevated position, near the edge of a steep-sided terrace, relative to the river-valley floor and 55m W of the Dullan Water (Figure 4.34). This terrace is flanked by steeply rising ground to the W and slopes gradually downward to the S. The elevation of the terrace steps downward on the N immediately outside the church enclosure (although this may be the result of housing constructed in this area). The terrace joins with the rising valley wall c.150m N from its southern base. When the church is viewed from the E upon the adjacent valley floor the building appears to be situated upon a massive earthen elevation, which extends outward from the valley wall (Figure 4.35). This terrace, and perhaps the prominent natural rise which flanks it to the W, seems a likely candidate for the 'tulach' of the foundation's name.

Mortlach church is also closely associated with two early medieval sculptured stones. The first is a cross-slab known as the 'Battle Stone', designated a Class II Pictish symbol stone (Allen and Anderson 1903: pt. 3, 155-6, fig. 162-2A). On one face a cross is carved centrally in relief, with two 'fish-like monsters' facing each other above it and a quadruped beast facing to the right below. The other side portrays a mounted figure accompanied by a 'hound' at the bottom of the face. Above this is a horned beast's head or 'ox skull', a serpent, and a much eroded carving of a bird. The Battle Stone measured 1.83m in height and is 0.55m wide at the top (Allen and Anderson 1903: pt. 3, 155; Figure 4.36). Simpson records that 0.6m of the stone pillar is below the surface and wedged amongst stone settings, suggesting that the monument is in its original location (Simpson 1926: 275). This monument stands within the modern extension of the church cemetery and was described as standing 'in the middle of the field below Mortlach churchyard' in 1903 (Allen and Anderson: pt. 3, 155). 'St Molloch's' fair was formerly held around the Battle Stone (Simpson 1926), stressing the role of this locality as a venue for market and devotional activities during the post-medieval period, which may have

derived from earlier practices. The 'fair field' was situated by the W bank of the Dullan Water and on substantially lower ground than the church, which overlooks the site to the W (Figure 4.34).

During the digging of a grave in 1925, c.9m NW of the 'Battle Stone', a Class I Pictish symbol stone was discovered 1.8m below the surface (Simpson 1926: 274). Measuring 1.6m high, a 'Pictish beast' symbol is carved on one face of the stone above a curvilinear or 'scroll' symbol (Simpson 1926: 274-5; Figure 4.36). The composition of these carvings and form of the symbols in comparison to the 'Battle Stone' suggests the class I monument is earlier in creation than the less accomplished composition and style of the cross-slab. The find-spot of the symbol-stone and the location of the 'Battle Stone' are notably out-with the immediate vicinity of the church building, the site of which seemingly dates to at least 13th century. Taken together the sculpture suggests the extended significance of this locality from at least the mid-7th century and prior to the documented existence of a major church centre in the 11th century. The Battle Stone may date from the 9th/10th centuries (pers. comm. Prof. Stephen Driscoll) and its creation coincide with a transitional period leading up to the patronage of Mortlach within the Kingdom of Alba.

Mortlach was therefore clearly a place of significance to early medieval social elites in the region. The presence of the symbol-stone suggests the locality was appropriate for the display of patronized monumental sculpture by the Pictish-speaking elite of the region, possibly for the purposes of memorializing the dead and negotiating the rites to dynastic succession and the inheritance of land (see Driscoll 1988). This was set within an explicitly Christian context with the display of the 'Battle stone' at Mortlach, subsequent to the creation of the Class I stone. Such associations may indicate that Mortlach was the centre of an important estate unit, or had been a pre-11th-century monastic foundation, subsequently elevated to the status of a See in the 11th century. During the 8th and 9th century when Gaelic began to predominate amongst the elite of NE Scotland the place-name *mòr thulach* was perhaps developed to characterise the prominent elevated feature associated with Mortlach church. By this time the site in proximity to this feature would already have strong associations with the interests of the ruling elite. Such secular interests may have been superseded by the location's

association with the resting place of St Moluaig's relics, translated from Rosemarkie, and the establishment of the foundation as a mother church in the district (*cf.* Woolf 2007: 310). The historical evidence for a monastic church at Mortlach and the church's status as the mother church of the region by the 11th century suggests that the site had become a key focal point for the early Church's administrative and religious authority. This may also perhaps have been part of an early attempt by the kings of Alba to extend royal authority into the area (Woolf 2007: 309-10). The possibility remains that this essentially ecclesiastical role had gradually superseded and appropriated an older social function of this place as an important setting for assembly practices. This was perhaps centrally important to the judicial and religious interests of the early medieval elite of this highland region from the Pictish period. By the 9th century the monumental focus of such activities may have been the elevated terrace feature and neighbouring hill upon which Mortlach church was conspicuously located (Figure 4.35). The place-name was not merely a topographical signifier, and the meaning of *mòr thulach*, 'great-*tulach*' seems rather to have referenced the regional pre-eminence of the territory or institution for which the *tulach*-mound was the assembly site, which was subsequently appropriated to the later reformed church of the 11th century.

4.2.6.2 Mortlich, Aberdeenshire

Mortlich, the name of a prominent hill (summit 381m OD) located N of Aboyne and the River Dee in Aberdeenshire, may also be a place-name derived from Gaelic *Mòrthulach* (Figure 4.33; see Table 4.5, no. 6). The name is shown on the General Roy's 1747-55 map and the 19th century 1st edition OS map (6":mile 1869 'Aberdeenshire) as *Morlich* and *Mortlich*. The summit is bisected by the parish boundary between Coull and Aboyne parishes and a short distance to the NE was the boundary with Lumphanan parish, as depicted on the 1st edition OS map (Figure 4.39). Upon the flat summit of Morlich hill are the remains of a massive enclosure defined by a greatly robbed stone wall, perhaps Iron Age in derivation. Within the interior of the enclosure are the remains of a cairn (Feachem 1963: 104). Immediately to the N is a rock outcrop, previously mis-interpreted

as another cairn (Feachem 1963: 104). Extensive views of the surrounding area are available from the summit of Mortlich hill, and Feachem (1963: 104) states that 'the entire length of upper and middle Strathdee can be observed' from the summit. Such a prospect may be appropriate for the setting of a medieval assembly site. Immediately below Mortlich hill to the W is a forest-covered spur known as Gallow Hill (Figure 4.39). 1km NW of Gallow hill are the remains of a medieval motte and church at Coull. 2.5km to the SW of Mortlich hill is the forest-covered rise known as Court Hill (240m OD). On lower ground 0.6km to the W of this hill are the remains of a cross-incised stone known as St Machars Cross. During the 19th century this monument was known as 'St Muchrieha's Cross' and was positioned upon a mound that measured 7.6m in diameter and 0.9m high. Near to the cross was also a 'large stone with an artificial hollow' known as '*Cathair Mochrieha*', meaning the saint's chair (Ogston 1912: 343-6; Scott 1918: 167). Watson translated *Mochrieha* as 'my dear one' (1926: 331). The close proximity of these monuments to 'Court Hill' may suggest the significance of these religious and devotional symbols as legitimising settings and furnishings for early judicial practices in the vicinity. Mortlich hill is also relatively close to the remains of Aboyne old parish church, located 1.5km to the S. A Class II cross-slab was discovered below the grass-covered footings of the medieval church of Aboyne shortly before 1898 (Allen and Anderson 1903: pt. 3, 188-9). This fragment displays an Ogam inscription, a mirror symbol and the lower right-hand section of a cross-shaft filled with an interlace design (Allen and Anderson. 1903: pt. 3, 188-9). Mortlich hill was on the boundary between parish territories, the majority of which are comparatively low-lying relative to the hill's summit. The earthwork remains located upon the Mortlich hill may relate to a pre-medieval construction phase, during which the outcrop upon the summit was enclosed. The setting is quite distinct from Mortlach in Baffshire, but this need not preclude the interpretation of this nexus point in the landscape as having been appropriated for assembly practices during the spread of Gaelic into the region, or perhaps utilising a site already known for such practices. It is clear that further detailed place-name analysis of similar place-names is required, although from this initial reflection on known and possible sites *mòr thulach* place-names may have much to reveal about the setting of early medieval assemblies in NE Scotland.

4.2.6.3 Conclusion

A significant number of *tulach* place-names have been presented which are posited to have the specific Old Irish meaning of an 'assembly-mound' and are associated with important medieval church centres. Investigation of the archaeological remains found in the surrounding landscape and the comparison of territorial boundaries facilitates an understanding of how such places may have related to early medieval social organisation of the landscape and central locations. *Tulach* place-names associated with parish boundaries in some cases appear to suggest that extended raised locations were used to define the boundaries between early parochial units. Furthermore the occurrence of *tulach* place-names in association with medieval monumental sculpture, at boundary locations that can be characterised by river confluences or crossing points, is suggested here to indicate the location of early medieval places of elite gathering and ceremonial practice. It is noteworthy that two of the most significant church centres in Aberdeenshire are associated with a *tulach*-hill: At Mortlach, an important Pictish centre was to become a significant foundation of the later royally-patronised Church, and at Old Aberdeen, the centre of the medieval bishopric from the 12th century. The association of these centres with *tulach* monuments, and in the latter case the explicit record of the holding of court proceedings, strongly suggests that the early medieval Church authorities in Scotland were similar to early ecclesiastics in Ireland in their appreciation of important elite ceremonial locations used for the exposition of law and the value of associating their authority with such places. In Scotland this may be seen on a parochial level through the occurrence of *tulach* place-names as medieval parish names and the association of prominent mounds or mound-like hills with the religious centres of such parishes.

The archaeological evidence for the examples discussed in this section appears to corroborate the recent and detailed study of *tulach* place-names in Fife and Clackmannanshire (McNiven 2004; 2005; *cf*. Taylor 1995) and case studies examined in Perth and Kinross (Hall *et al*. 1998; 2005). It is still, however, probable that the majority of place-names containing Gaelic *tulach*, predominately found throughout NE Scotland, were created to describe minor raised topographic features or undulating terrain, indicative of habitable land, as Nicolaisen neatly surmised through comparison with the

south-westerly distribution of Gaelic *barr* place-names, and as Taylor has shown for Fife (Nicolaisen 1969: 136, map 2, 162, map 1; Taylor 1995: 255). The examples focused on in this section are, however, here considered to reflect an early episode of place-name formation, analogous to Old Irish *tulach* meaning 'assembly hill'. Further detailed place-name research will be required to confirm this with certainty, and though some of the less certain examples discussed here may subsequently prove insignificant, there are nevertheless indications of central cases where the 'habitation' derivation of *tulach* appears inadequate. Finally it is significant that this phenomenon in Scotland seems restricted to what were the main Pictish kingdoms of eastern Scotland (Figures 4.11, 4.21, 4.33). In a similar manner to *comhdhail* place-names (see section 4.2.1), the *tulach* examples discussed in this section may therefore represent appropriated Pictish assembly sites, although in this case perhaps indicating sites of particular consequence. The absence of examples from western Scotland may indicate that the phenomenon was restricted to the nascent Kingdom of Alba in the 9th and 10th centuries.

4.2.7 Other Gaelic assembly place-names

Further Gaelic place-name elements indicative of assembly practices may also be noted, though as with *comhairle* these are not explored at length in this study (see Figure 4.10; Table 4.4). These include *tional* with the meaning 'a gathering' perhaps specifically in regard to 'a muster' or 'rally' (Barrow 1992: 228; Watson 1926: 491). Examples include Knockytinnal, the name of a farmstead by a natural hill above the Duisk River, N of Barrhill in S Ayrshire (Watson 1926: 492; 1st edition Ordinance Survey 6":mile 'Ayrshire' 1857). Also *Cnoc Ard an Tionail* the site of a probable cairn on the summit of a highly prominent hill (267m OD), in Rogart parish, NW of Golspie, Sutherland (NMRS no. NC70NE 40). Moreover, *Cnoc an Tionail* is on Sanday island off the Hebridean island of Canna, and associated with a standing stone immediately to the SE (NMRS no. NG20SE 7; 2nd edition OS 1":mile map 'Isle of Skye' 1903).

G *aonach* in Scotland can have two quite distinct meanings, one referring to 'a place of union, an assembly, a fair or market' and the other 'a solitary place a mountain

top' (Barrow 1992: 228; Black 1999: 16-18; Watson 1926: 491). Watson cites four examples with the meaning 'fair or market', including *Tigh an Aoaich*, near Alness; *an t-Aonach* the name of a flat field on near Evanton which was the site of a market; and *Blar an Aonaich*, at Fodderty previously the site of a market (Watson 1926: 491). It is likely that these names refer to post-medieval market activities, and as fair sites are known to have been frequently created at this time or often changed location (Black 1999), the medieval significance of this place-name requires further investigation. However the coincidences of market activities and legal assemblies in medieval NW Europe suggests the possibility that G *aonach*, Old Gaelic *óenach* ('fair'), may in some cases indicate important early medieval places of assembly in Scotland.

G *dàil* from Old Gaelic *dál* has the meaning 'meeting', 'assembly' or 'parliament' (this is the modern name of the Irish Parliament), occurring in *comhdhail* discussed above. No systematic investigation has been made of other medieval forms of *dàil* place-name in Scotland but it may prove to be particularly significant for early and large assemblies. For instance Irish *dáil* occurs in the Tripartite Life of St Patrick, probably originally composed during the 10th century, in reference to an 'assembly of the Britons' probably in the Kingdom of Dumbarton, the centre of which was the hillfort at *Al Clud* (Taylor 2006: 17, 22, 41). Similarity with the common G element *dail*, 'a meadow' or 'dale', related to ON *dalr* (MacBain 1911; Jakobsen 1993: 33), would have to be taken into account in any thorough investigation and the ubiquity of this usage may make the issue particularly intractable. The coincidence of field names with places of assembly in early medieval NW Europe, especially in Scandinavia (Brink 2004: 209-10; see section 4.3.3), may suggest that both *dàil* and *dail* have something to contribute to the subject.

4.2.7.1 *Sgonn* place-names

Sgonn is G meaning 'lump, hill' (Taylor 1995: 233), and is included here because of its association with a small number of significant locations of medieval assemblies (see Figure 4.10; Table 4.4). The most well-known instance is Scone (Perthshire), the pre-eminent royal assembly site and place of medieval inauguration, though an alternative

reading is Pictish *Skon*, 'a raised support, bench, seat' (Taylor 1995: 233; pers. comm. Alex Woolf). Other examples of *sgonn* include Scooniehill by St Andrews and Scoonie by Leven both in Fife (Taylor 1995: 233, 252). Scooniehill refers to the E end of a long ridge overlooking St Andrews on the S, which during the early medieval period was known as Kilrymonth or *Rìghmonadh*, 'royal hill'. This survives in the name Wester Balrymonth at the W end of the same ridge (Alcock 2003: 225-7, fig.77; Taylor 1995: 198, 212; Watson 1926: 396-7). At Wester Balrymonth are cropmark remains of massive concentric ditched enclosures (NMRS no. NO51SW 23; Figure 4.39), which may indicate the location of an early historic royal centre. Given the proximity of both these place-names and the possible significance of the archaeological remains, this may be the location on an early historic place of assembly and/or setting for inauguration ceremonies. The link between the place-name evidence and the earliest history of the church of St Andrews has been previously mooted (Watson 1926: 397). The location of an early historic royal centre, such as that possibly represented at Wester Balrymonth, may have been among the reasons for the foundation of the monastery of St Andrews.

Scoonie by Leven in S Fife was also a significant early church site and is associated with an example of Pictish sculpture which depicts a hunting scene and ogam inscription (Allen and Anderson 1903: pt. 3, 347, fig. 360). The medieval church site, now in ruins, is located on the S rim of a rounded ridge which overlooks the mouth of the River Leven to S. During the high medieval period Scoonie was also a barony. Significantly Threipinch at the mouth of the River Leven below Scoonie was recorded in 1395 as the location for the head courts of the barony of Scoonie (Fraser 1888: vol. 2, no. 24; Taylor 1995: 249, 252). Threipinch derives from Scots *threip* meaning 'quarrel', 'argument', 'dispute', and *inch* meaning island or enclosure (Taylor 1995: 249). Taylor has suggested that *threip* may imply a place where legal disputes occurred as well as referring to a disputed piece of land (*ibid*: 249, 163; see section 4.4.1). Moreover Taylor noted an island at the mouth of the River Leven during the 14th century called Werdale which may possibly have been the site for the Scoonie courts (*ibid*: 249). The proximity of the early medieval centre at Scoonie may hint that the borders or islands of the Leven had been the setting for courts prior to the 14th century. Therefore although G *sgonn* may appear to generally be a topographically descriptive element, in specific cases the term

may have significance for the identification of medieval assembly sites. The identification of the above examples with important early medieval elite centres and places of medieval assembly may imply that in such cases *sgonn* had a specific usage indicating a 'seat' or 'platform' upon which early assemblies were convened. This argument is strengthened by a similar phenomenon of topographically descriptive terms such as G *tom*, 'a hillock' (see section 4.2.3), *cnoc*, 'a hillock' (Old Gaelic *cnocc*, Old Breton *cnoch* 'tumulus'), and *tulach*, 'a hillock' (E.Ir. *tulach*) (MacBain 1911: 371, 382; see section 4.2.5), place-names also found in association with elements indicative of assembly practices.

4.3 Germanic place-names

4.3.1 *Mōt* place-names

Mōt or *gemōt* is OE meaning 'assembly', 'meeting, 'encounter' (Pantos 2004a: 181-2) and is also found in Norse as *mót* with the same meaning, although interestingly Jakobsen gives the more specific translation 'meeting-place' (Jakobsen 1993: 82). In England this occurs in law-codes dating from the late 7th or early 8th centuries where it was used to identify a range of different assemblies that related to various scales of early institutions and territorial areas. These included the *witan*, shire and borough courts and smaller-scale hundred moots (Pantos 2004a: 181-2; see section 2.3.3). No such documentary material survives for early medieval Scotland. Nonetheless there is evidence for the occurrence of the term *mōt* in the place-names of Scotland, which can be interpreted as indicating the location of medieval assembly sites (Figure 4.40). *Mōt* survives within place-names in a variety of forms which exhibit transition into medieval Scots and Gaelic (see section 4.2.3 for Gaelic *mòd*). Examples include 'mute', *mwte*, 'moot', 'moat' and 'mote'. The possibility that Gaelic *mòd* may have been anglicised secondarily to *mōt* must also be born in mind. Confusion has occurred in the past between these forms and place-names derived from the related OF word *motte* or *mot*, which during the medieval period was used in reference to earthwork castles (Christison 1898: 15-17). This difficulty led to

common erroneous interpretations, especially during the 19th century when mottes (castle mounds were frequently confused with 'open-air' meeting places of the kind indicated by OE *mōt*. This problem was perhaps compounded by the misinterpretation of the common usage of the term *le mot* or *mota* in Latin medieval charters in Scotland to identify motte sites or L *fortalitium* (see sections 2.2.1 and 2.2.3). Furthermore the term mote survived into post-medieval English with the separate meaning 'heap' or 'speck of dust', or with a purely topographical meanings such as 'rounded hill' or 'mound' (Pearsall 1999: 929), most likely in use in S and E parts of Scotland. Here though we are concerned purely with the occurrence of names deriving from OE *mōt* or ON *mót* , 'assembly', and as such, where possible attention will only be given to those names of early derivation. This section draws together those examples where genuine early forms have been identified and cases with supporting archaeological or historical associations with assembly practices, or examples that are not obviously associated with castle mounds.

Seventeen examples have been brought together and identified as part of this study, ten of which have a pre-modern derivation. Almost all the settings associated with these place-names comprise of natural hills or man-made mounds, with five of the examples which cannot be precisely located. The distribution of *mōt* place-names in Scotland shows a marked concentration in the S, central lowlands and Perthshire, with a more diffuse spread in the NE and outliers in the SW and the Shetland isles. The absence of examples in the SE is noteworthy because if *mōt* place-names represented institutions associated with the earliest phase of Anglian settlement in Scotland, between the 7th and 8th centuries, then at least a fragmentary group of examples might be expected here given that during this period the area appears to have been within the boundaries of the Anglo-Saxon kingdom of Northumbria (Colgrave and Mynors 1969: Book IV, Chapter 26; Rollason 2003). The concentration of examples in the NE may suggest a later process whereby Gaelic *mòd* was anglicised to *mute* from the high and late medieval periods. Northumbrian control may tentatively be the explanation for the two outlying examples in Dumfries and Galloway, though there are probably more to be found, and Ayrshire, where the setting for the Sheriff's court of Prestwick was known as the Muthill from at least the 16th century (see Table 4.6, nos. 6, 7, 8; Figure 4.40). The Kyle district of Ayrshire was absorbed within Northumbrian possession in 750 and Whithorn in

Galloway was the centre of an Anglian Bishopric shortly before 730 suggesting early English nomenclature would have had an increasing impact on these areas from at least the 8th century (Nicolaisen 2001: 88-9). Similarly the two examples from Yell in the Shetland islands are likely to correspond to the initial phase of early medieval Norse settlement in Scotland during the 9th century (*cf*. Nicolaisen 2001: 112-3). The notable absence of examples from SE Scotland would however appear to lessen the possibility that the majority of examples discussed here reflect areas of early medieval Anglian settlement.

Examples from Aberdeenshire and Kincardine are more likely to have resulted from the effects of later English nomenclature in the context of the linguistic development of the medieval kingdom of Scotland from at least the 12th century. For instance *mōt* was used within a formal legal circumstance in reference to an assembly or court during the high medieval period, at a time when Gaelic was undergoing gradual retreat to English in the NE. In an assise of William I dated c.1180 describes the requirement that sheriffs were to hold courts within forty day intervals (not necessarily widely observed), and this was phrased in the vernacular as 'schiref sal hald his *mutis*' (Dickinson 1928: xiv, fn. 2, citing Innes *et al*. 1814-75: v. 1, 377,c. 19; the author's italics). The majority of the examples discussed in this section are likely to represent place-names created from at least the 12th century onwards and during the gradual process of centralisation that effected jurisprudence from this time. The naming of assembly sites in Scotland with *mōt* or 'mute' during this period could also involve the renaming of traditional venues for assemblies within the new linguistic environment. This would explain general lack of *mōt* sites in areas that were predominately Gaelic speaking during the medieval period. In specific cases *mōt* place-names can be seen to represent a later or parallel name for the site in question (see Table 4.6, no. 8, 10, 16). Such examples are nevertheless valid within the present discussion because they provide information about the changing nomenclature of assembly sites in medieval Scotland.

4.3.1.1 *Mōt*: associations and significance

A significant group of *mōt* sites in the region of Perthshire are found in association with important early churches. These include the important royal site of Scone associated with an important church and settlement, where the royal mound was designated the Mutehill from at least the 16th century, although this represents a retrospective coining by the legal authority Skene and may not necessarily reflect earlier medieval usage (see section 2.2.1). A non-royal example is found in the parish of Caputh where there is a substantial mound that was referred to in 1500 as the *mwtehill*, at which time the newly created parish church was built upon the summit (Hall *et al*. 2005: 309; Innes 1831: 312; see Table 4.6, no. 15; Figure 4.41). This is a large natural mound which is now substantially landscaped and the summit is now the site of a modern graveyard, the parish church having been moved to a new site nearby. It has been suggested that the mound may have undergone augmentation for use as a prehistoric burial site. Some 30m from the mound was the site of cairn known as the 'crosscairn'. Here a parallel has been drawn between the possible erection of a cross in proximity to the Caputh *mwtehill* and the documented use of a cross erected near the mound at Scone in the inauguration of Alexander III (Hall *et al*. 2005: 309; Taylor *et al*. 1990: pl. I, Bk. X, ch. 2). Although it has been noted that the sites are not comparable in stature the parallel is suggestive of the churches wider role in assembly practices. Caputh was originally part of Little Dunkeld parish which also included adjacent Murthly. Murthly is thought to be the locality of an important early church centre and is the find-area of numerous early medieval sculptural fragments (Hall *et al*. 1998: 129-44; 2005: 307-8). The association of monumental sculpture with medieval assembly sites is explored in more detail elsewhere (see section 6.7).

The lands of Caputh and Murthly are thought to correspond with medieval thanages, perhaps associated with the major early church centre at Dunkeld to the E (Hall *et al*. 2005: 310; Rogers 1992: 377, 393-7). The *Mwtehill* at Caputh may have functioned as the setting for of judicial assemblies associated with the management of such early estates under the authority of early medieval monastic centre at Dunkeld. From 1500 the assembly function of the mound clearly became defunct and the site was known after as the Kirkhill (OSA 1791-9: v. 9, 486). However the appropriation of the mound by

ecclesiastical authorities through using the site as the location of the new parish church in 1500 probably consciously took advantage of the persisting use of the place for gatherings of the surrounding area's population. This perhaps was an attempt to associate the foundation with the cultural memory of the setting's legitimate legal signficance and association with communal identity.

A 'mutehill' is also referred to at Dunkeld close to the cathedral and probable site of the early monastic church (see Table 4.6, no. 17). This is identified in a land grant dated 1442 which describes properties adjacent to the Cathedral and town of Dunkeld, among which was *terras de Mutehill* (RMS 1882-1914: vol. 7, 502, no. 1388). The same place-name is also mentioned in 1576 and in 1596 as *le Mutehill* (*ibid*). This was apparently S of the Chancellery croft of Dunkeld (*ibid*) and is here suggested to correlate with the vicinity of an apparently natural hill called Bishops Hill. This is a substantial oblong feature with a flat summit and the long axis aligned NE-SW. The hill's form is now largely obscured by forestry but possible terrace features are visible on at least the S and SE sides. The hill may be identified in Slezer's 17th century view of Dunkeld with a windmill on the summit (Figure 4.42). Dunkeld is likely to have been an important early medieval church centre, evidenced by numerous early sculptured stones from the site, and association with a reference to the church which received the relics of St Columba from Iona in 848-9 (Allen and Anderson 1903: pt. 3, 317, 342; RCAHMS 1994: 89-90, 96-7, 124). The proximity of this significant church site and 'mutehill' is striking, and is reminiscent of other medieval assembly mounds in Scotland (see section 6.7). The association of church and assembly mound at Dunkeld is evidence for ecclesiastical lords using such features to exercise their judicial authority (see also 4.3.1). The development of the assembly site possibly coincides with the period between the 10th and 12th centuries when the Bishop's Hill may have been used as the setting for legal proclamations and the head courts of the church's lands throughout Atholl. Prior to the 10th century, elite activity in the vicinity may have been focused at the nucleated fort at King's Seat which overlooks Dunkeld to the E and from the foot of which an early medieval sculptured stone was discovered (Alcock 2003: 184, fig. 55; Allen and Anderson 1903: pt. 3, 285; NMRS no. NO04SW 19).

A further *mōt* site identified by a property name and apparently close by a major church site is *lie mutland croft*, the name of a property associated with the burgh of Glasgow (Robertson 1846: 31; see Table 4.6, no. 11). This is also recorded as *le Muthall Croft* in 1454, *le Mutalcroft* 1487, *terras de Mutland* 1517, *lie Mutland Croft* 1527 and 1548 (Robertson 1846: 69, 87, 116, 174, 200). This appears to have been close by the Briggait on the N side of the River Clyde and SW of the Gallowgate (Murray 1924-32: vol. 1, vii, 186, fn. 3). Mann mentioned that a mound which may have correlated with the site of the *mutland* was removed during the 19th century (1938: 7). Mann recorded that the 'Mutehill' once stood by the Briggait and may have been artificial but had been removed during the post-medieval development of the city (Mann 1938: 7; NMRS no. NS56SE 13). If this did represent the setting for early assemblies then the site's position is interesting given that the focus of medieval settlement and the location of the Cathedral and Bishop's residence a considerable distance to the N on higher ground by the Molendinar Burn (see Driscoll 2002; NMRS no. NS66NW 8.00). This may indicate that the *mōt* place-name represents a feature which predated the 12th-century expansion of the medieval See and the setting for judicial assemblies for a royal estate adjoining the River Clyde adjacent to Govan and Partick on the W, and Rutherglen and Shettleston on the E. Alternatively the juxtaposition of the Mutehill to the medieval market (pers. comm. Stephen Driscoll) and execution site at Duke Street (pers. comm. Ewan Campbell), and the English form of the name, may indicate that a date from the 12th century is more likely. The location of the Justiciary Courthouse by the Briggait, built in 1809 is striking but seemingly a coincidental juxtaposition (NMRS no. NS56SE 115).

An example also associated with a significant medieval settlement is the Mutehill at Cupar in Fife. This is first recorded as the Mutehill in 1642, and though this name may have been in use before this date, when the same site was used for courts from 1400 it was referred to as the *Camehill* of Cupar (see Table 4.6, no. 10). The setting is an apparently natural and irregularly shaped hill located N of the burgh high street of Cupar and a short distance to the W of the site of Castle Hill, the presumed site of a royal castle (Simpson and Stevenson 1981: 3-4; see section 5.3.4.2). The late derivation of the Cupar 'Mutehill' place-name might suggest that this name was formed as a result of the late medieval use of the hill for assemblies. However Cupar was an important judicial centre

for the region from at least the 13th century and although no specific documentation survives which links Cupar's early courts with the Mutehill or 'Camehill' it is possible that the hill was used as a setting for assemblies before 1400. The earlier name Camehill appear to include the Scots element *kame*, related to ON *kambr*, and referring to the extended ridge formed by the hill (Jakobsen 1993: 64), but is unlikely to be related to G *comhdhail*, 'assembly'. Moreover, Cupar's regional significance developed at a relatively late stage from the 12th century, at the expense of the regionally significant early court site at Dalginch by Markinch (see section 5.3.4.2). Therefore what was to become known as the Mutehill of Cupar may not necessarily have been a regionally significant site during the early medieval period. Although we may suppose that the latter selection of the site for the head courts of Fife may have been influenced by the existence of an estate centre and assembly hill at Cupar which had been established here prior to the 12th-13th century (Simpson and Stevenson 1981: 13). However the designation of the site with the name Mutehill can add little to this argument because this place-name is only recorded in relation to the site immediately following the late medieval period. This suggests 'mute' could be used retrospectively to describe a historic assembly site that was not necessarily any longer in use. A case in point may be the late designation of the Moothill of Scone.

Another interesting juxtaposition which might indicate an early assembly site beside a centre of later medieval provenance is Motehill at Stirling, a prominent natural hill at the N end of Gowan Hill below Stirling Castle (1st edition Ordinance Survey 6":mile Stirlingshire 1865; see Table 4.6, no. 22). On the summit of Motehill are the earthwork remains of a fort, which overlooks the old bridge over the Forth to the E (NMRS no. NS79SE 3; RCAHMS 1979: no. 144, 19). The fortification remains may represent the site of a Jacobite battery positioned here during the siege Stirling castle in 1746 (Groome 1882-5: 381-2). This was traditionally the setting for the execution of the Duke of Albany, his sons and the Earl of Lennox in 1425 and also in 1437 of Sir Robert Graham following the assassination of James I (Groome 1882-5: 381-2). A large round boulder known as 'The beheading stone' was placed in an iron enclosure on the summit of the Motehill during the 19th century (NMRS no. NS79SE 5). Whether the place-name Motehill is of early derivation is as yet unclear but the association of judicial executions

with the site may not have purely resulted from the 'public' visibility of the location and might hint at the connection of earlier legal practices with the site.

To the N of Mugdock Castle in Dumbartonshire is a small hill known as Moothill (Table 4.6, no. 21). The castle was a seat of Grahams from the 13th century and the location of the head courts for Strathblane and the surrounding area (Smith 1886: 18). The name Moothill has only been identified from post-medieval sources but the location of the Moothill in proximity to Mugdock may indicate the earlier medieval significance of the location for judicial assemblies. The Moothill is oval in plan with a flat summit and measures 33m x 26m. When excavated in 2003 the site was found to be wholly natural, composed of bedrock, with the only finds indicating post-medieval hunting and estate activities (Driscoll 2003a: 128; NMRS no. NS57NW 2). The excavator also noted possible signs of leveling on the summit (Driscoll 2003a: 128). Evidence for the use of natural features elsewhere in this study suggests that the limited findings at Mugdock need not militate against the site's use for medieval assembly practices (see section 6.4). Nevertheless in the absence of further evidence or earlier forms of the place-name, the possibility that the site was a setting for medieval assemblies can only be inferred based on the association of Mugdock castle and Gallows hill c. 1km to the W.

Further examples of *mōt* place-names identified with mounds and hills include Mutehill, S of Kirkcudbright in Dumfriesshire (1st edition OS 6":mile map 'Kirkcudbright' 1854). Here a mound known also as the Moat is said to have stood adjacent to the farmhouse at Mutehill (Name Book 1849: no. 151, 79; NMRS no. NX64NE 20). A possible site may also be a low and elliptical mound by Kirkcudbright Castle known as the Moat Brae and said to have been used a burial ground for the old parish church (Name book 1850: no. 149, 101; NMRS no. NX65SE 40). Although this has been suggested as the platform for a pre-13th-century castle at Kirkcudbright a more likely candidate is the earthwork remains at Castledykes, a short distance to the SW (RCAHMS 1914: no. 262, 143). At Arbuthnott parish in Aberdeenshire the lands of *Mutelaw* and *Mutelawhill* were recorded in 1507 and 1512 and granted to James of Arbuthnott (RMS 1882-1914: vol. 2, 649, no. 3039, 809, no. 3728; see Table 4.6, no. 13; see also Cot Hillock and Candle Hillock by Arbuthnott, Table 4.1, nos. 37, 43). At Benholm in Aberdeenshire is Moat Hill which is identified with *terras de Mutehill*

granted to John Lundy of Benholme in 1485 (Name Book 1863: no. 4, 8; RMS 1882-1914: vol. 2, 343, no. 1631; see Table 4.6, no. 12). Stone cists were found upon the hill during the 18th century which may have correlated with the location of a removed prehistoric barrow or cairn (NMRS no. NO77SE 7; OSA 1791-9: v. 15, 238; RCAHMS 1982: no. 117, 18). The hill overlooks Benholm castle to the E, which incorporates a 15th century towerhouse (RCAHMS 1982: no. 229, 30). Moreover at mains of Ardiffery in the parish of Cruden was Moathill, where there was previously a mound, although Yeoman also posits this as a possible motte (Name Book 1868: no. 22, 66; NMRS no. NK03NE 21; Yeoman 1988: no. 38, 131). Similarly Meet Hill SW of Peterhead in Aberdeenshire has been designated the site of a motte (Bogdan and Bryce 1991: 26; NMRS no. NK14NW 139) but on the 1st edition Ordinance Survey map of the area is clearly marked as the site of a 'Tumulus' where a stone cist and urn were found in 1833 (6":mile map Aberdeenshire 1872). The place-name Meet Hill might rather derive from *mót* and indicate an assembly site, where a prehistoric monument was reused as a setting. In addition, Cocklaw 1km to the W of Meet Hill has similarities to place-names possibly derived from G *comhdhail* (see section 4.2.1).

Place-names are also found that derive from ON *mót*. Examples include Markamut in the parish of Yell, Shetland, which refers to the meeting of a boundary and is the name of burn which defined a parish boundary (see Table 4.6, nos. 19, 20). The unlocated Dalamot in Shetland has the meaning 'valley of the assembly' (Jakobsen 1993: 81-2, 213, 237). In the Shetland Islands *mót* place-names are greatly outnumbered by *þing* place-names and wholly restricted to the parish of Yell (Figure 4.40; see section 4.3.3.3). In this context, *mót* place-names may represent the location of small-scale estate-based assemblies from the earliest period of Scandinavian settlement during the 9th century.

4.3.1.2 *Mōt* place-names: conclusion

The place-names derived from OE *mōt* discussed in this section are found, where a location can be identified, to have been applied to mounds or minor natural hills. Further

examples are likely still to be found and here many possible cases have been disregarded because of possible confusion with merely topographical elements or early castle sites, although the possibility that assembly mounds were reused as motte sites must be noted (see section 4.3.4). Thorough topoynomic study is still required. Nevertheless from the material in this section it is clear that *mōt* place-names had a long-term application from the early into later medieval periods, generally coinciding with different episodes of the spread of English into Scotland. No evidence for the influence of Anglian settlement upon assembly nomenclature has been identified in SE Scotland. Broadly an initial episode may perhaps be identified effecting the area of Perthshire around the core of the Kingdom of Scots, which might have begun as early as the 10th/11th century. Significantly the two most important churches in the region are associated with *mōt* or mutehill sites (see Table 4.6, nos. 16, 17). This is unlikely to indicate extensive early English influence in elite society during this period. Rather this perhaps suggests the gradual infiltration of the English language into Scotland over this time and the eventual reinterpretation of existing nomenclature applied to established assembly sites. Arguably such assembly sites came into use and reached greatest social significance during the rise and expansion of the Kingdom of Alba. Crucially *mōt* place-names in this context may correlate with the transitory period through which the Kingdom of Scotland was to emerge from the proceeding Gaelic polity of Alba, with the renaming of existing Gaelic place-names then increasing apace from the 12th century.

The other broad episode relating to *mōt* place-names appears to have occurred during the later medieval period, perhaps from the 14th century onwards, when the term took on an anachronistic significance and was applied to pre-existing assembly sites through a process of re-appropriation, such as in the case of the Mutehill of Cupar. This re-appropriation can be seen to have occurred within a late medieval legal framework, which was based on an retrospective perception of sites that were understood to have been previously used for judicial assemblies. In essence these were renaming events which were couched in contemporary perceptions of past legal assembly practices. This process of the formation of such nomenclature was to have profound influence upon later, post-medieval understanding of early medieval assembly practices in Scotland. For instance such place-names appear to have influenced the 19th century preoccupation with

the phenomenon of the 'moothill' which continues to affect terminological usage today (see section 2.2.1). However, based on the evidence discussed in this section it is undeniable that *mōt* place-names represent significant evidence for the practice of medieval assembly in Scotland. Nevertheless, when this material is viewed in the context of the wider evidence for other place-names that are indicative of assembly practices we may clearly understand that *mōt* place-names contribute only one element of evidence toward a myriad of different linguistic and cultural influences which have affected the nomenclature of medieval places of assembly in Scotland.

4.3.2 Court place-names

Place-names containing the element 'court' have been provisionally investigated through the examination of secondary references to place-names such as 'Courthill' or 'Court Knowe' which may indicate the location of medieval assembly sites (Figure 4.43). Further exploration of this subject through comprehensive place-name analysis would no doubt greatly expand the number of sites. Here attention is drawn to examples with archaeological remains which may be indicative of the setting for earlier assemblies. These sources may contain fragmentary elements of medieval tradition. The meaning of 'court' applicable here is 'a body of people before whom judicial cases are heard' and more specifically 'the place where they meet' (Pearsall: 1999: 328). 'Court' is derived from Middle English via Old French *cort* and as such this term's usage in place-name in Scotland is likely to post-date the 11th century.

4.3.2.1 Court: distribution

The distribution of court name correlates generally with areas predominantly outwith Gaelic-speaking medieval Scotland (Figure 4.43). Exceptions include *Tom Na Cuirte* in Argyll and Bute, N of Inverary, though here *cuirte* may be a loaning into Gaelic of English court. Similarly *Bruach na Cuirte* also in Argyll and Court Hill by Rosemarkie

on the Black Isle are anomalous outliers (see Table 4.7, nos. 9, 11, 30). Another example of an interface between Gaelic and English is Courthill by Cardross in Menteith also known as Tamavoid (see Table 4.3, no. 16). However overall the distribution of 'court' sites has similarities to that of $m\bar{o}t$ place-names, discussed above (compare Figures 4.40 and 4.43). Generally more examples have been identified of possible court place-names, but these, but the majority of these are possible sites, not traced to medieval place-name forms. The more common occurrence of 'Court' names might nevertheless be expected if such place-names represent a later stratum of linguistic influence upon Scotland, namely Middle English from the 12th century. The formation of the nomenclature of such sites may to some extent correlate with the initial phases of Anglo-Norman settlement and appropriation of pre-exiting estates in Scotland from the 12th century onwards. Further examination of historical material would be required to evaluate this concept further. However it may be posited that 'Court' sites also represent the renaming of pre-existing places of judicial assembly which occurred with the spread of Middle English into S, central and NE Scotland during the medieval period. Underlying this phenomenon was perhaps the impact of a process through which English became increasing used within legal nomenclature and spread into the general parlance of the NE of Scotland post-12th century. This process of Anglicisation might be expected in areas such as Dumfries and Galloway that were affected by the imposition of Anglo-Norman settlement particularly during the 12th and 13th centuries. Examples include Court Hill by Monreiff near the *de Mundeville* residence in the parish of Glasserton, Wigtownshire, which was also the location of an early medieval cross that shows evidence of adaptation for use in judicial punishment (see Table 4.7, no. 20). Also at Anworth in Galloway, Court Knowe is in proximity to a motte and bailey castle at Kirkclaugh to the SW but is also associated with early medieval sculptured crosses (see Table 4.7, no. 19). A somewhat later process of change must also be taken into account when considering 'court' place-names, that of post-18th-century Anglicisation of Gaelic nomenclature. An example of which may be seen in Tamavoid referred to above. Nonetheless, this would not take away from the importance of 'court' sites for the understanding of the settings of early assembly practices, and the general distribution presented here offers an initial, if unrefined, assessment of the extent of this form of assembly nomenclature in Scotland.

Mounds represent the majority of monumental settings identified with 'court' place-names, if no longer extant examples are included (Figure 4.43). In particular a concentration of such examples in N Ayrshire and Strathclyde areas suggests a preference for mound sites in this region. A reasonable variety of settings is found in Aberdeenshire and especially Dumfries and Galloway which indicates no particular bias toward a specific form, though still there is the common occurrence of mounds and hills. Sites where the remains of forts are indicated are perhaps best understood as representing reinterpretation of existing features of the landscape. In some cases 'court' may have been used as a descriptive term in relation to the enclosure formed by dry-stone walling or earthwork ramparts rather than necessarily indicating assembly sites. Also confusion with Gaelic *corthie* ('standing stone') may account for a small number of examples (*cf*. RCAHMS 2007: 172). As with other place-name elements indicative of assembly sites discussed in this chapter a significant proportion of 'court' sites are associated with natural hills and elevated outcrop features (Figure 4.43).

4.3.2.2 'Court' place-names: medieval associations

Thirteen sites have possible associations with early medieval features, which include centres of secular and ecclesiastical authority and monumental sculpture (see Table 4.7, nos. 5, 6, 8, 11, 12, 17, 18, 19, 20, 23, 26, 27, 30). Examples include Court Hill in the parish of Glasserton, Wigtownshire, which is a natural hill at 80m OD that forms the N spur of Fell of Barhullion, and was originally the location of the 9th/11th century Monreith Cross (Forsyth 2003: 25, pl. xx-xxii; Table 4.7, no. 20; Figure 4.44). A further Court Hill is the name of a natural hill with an enclosure upon the summit which overlooks Whithorn from the E, the location of a major early medieval monastic site and centre of the Bishopric of Galloway. Near to the S of the hill was the location of a 7th-century sculptured cross, sited on a pilgrimage route and perhaps marking a sanctuary boundary, but also possibly indicating the authority and sanctity of the neighbouring court site (see Table 4.7, no. 17). Of particular significance is Courthill by Lunan in Angus which neighbours Cothill. Cothill has been identified as a G *comhdhail*, 'assembly', place-name

and indicates the location of an early medieval court site (Barrow 1992: 233, no. 1.20; see Table 4.7, no. 8 and Table 4.1, no. 39). This example may reflect the transition from a Gaelic place-name to English even though a slight migration of the place-name from the original location of the assembly site appears to have occurred. Such migration might be expected if the Old Gaelic or Gaelic element was no longer understood in the original form but rather the site was maintained because of the assembly practices which continued to be convened there.

Possible associations with the medieval church are noted at a significant number of sites (see Table 4.7, nos. 5, 6, 11, 12, 13, 15, 16, 17, 25, 30, 37). This is indicated by the proximity of these sites to important churches or the existence of traditions linking the sites to a given foundation. For instance Court Hill by Beith, in Aryshire, is a mound that was traditionally said to have been the court site relating to the immediate area that was used by the abbots of Kilwinning (Table 4.7, no. 13). Also in Ayrshire (south) is Court Knowe a mound located adjacent to the medieval parish church of Kirkholm (Table 4.7, no. 15). Moreover Court Hill by Dalry was close to the medieval parish church. Excavations during the 19th century have shown that this mound covered a possible early historic hall site, perhaps indicating the medieval adaptation of an earlier elite central place for judicial assemblies (Table 4.7, no. 12; Figures 4.43 and 4.45). Courthill by Whithorn in Galloway has already been mentioned and similarly Courthill by Rosemarkie may also have been significant for the neighbouring important Pictish church site and close by medieval cathedral at Fortrose (see Table 4.7, no. 30; Figure 4.43). Such associations are not definitive evidence of the medieval significance of such 'court' place-names but they do offer significant hints as to the possible ecclesiastical social context within which supposed assemblies may have occurred at these sites (see section 6.7).

'Court' sites are also found in association with important medieval secular centres. Fourteen such sites have been identified (see Table 4.7, nos. 3, 4, 6, 8, 9, 12, 16, 20, 23, 24, 26, 27, 29, 36). Examples include sites associated with late medieval elite residences such as Court Knowe which is adjacent to largely 15th-century remains of Cathcart castle (Table 4.7, no. 29). Moreover Court Knowe, near Strathmiglo, Fife, overlooks the 16th-century remains of Corston Tower (Table 4.7, no. 27). Also Court Hill

near Hawick is the site of a fort which overlooks a 16th-century tower (Table 4.7, no. 36). Court Stane, a large standing stone, in Aberdeenshire was traditionally identified as the setting for the barony courts of Mondynes (Table 4.7, no. 4). An apparently anomalous example is found at Tarbolton in Ayrshire, where the remains of a motte was identified as *le Courthill* in 1512 (Christison 1898: 14). This is understood to indicate the possible reuse of the motte for judicial assembly practices, which by the 16th century appears to have still been associated with some form of building used for sasine ceremonies of the barony (National archives of Scotland RefNo GD3/1/9/26/1, see http://www.nas.gov.uk; see section 6.6). In general however the associations discussed here offer further suggestions as to the possible social and chronological significance of these sites, and indicate a reasonable degree of diversity in the context within which they functioned.

4.3.3 *Þing* place-names

The ON element *þing*, which has the meaning 'assembly', 'parliament' is the predominant form used to describe assembly places in N Scotland. The aim of this section is to bring attention to archaeological remains associated with such place-names as previous analysis of *þing* sites in Scotland have largely overlooked the physical attributes of these sites which are vital for their understanding (see Fellows-Jensen 1993; 1996; Gordon 1963; Thorson 1965; an exception can be found in Crawford 1987). The *þing* or 'thing' is synonymous with a form of representative assembly which developed in pre-Christian Scandinavian society. Historical accounts of early Scandinavian institutions of assembly are among the most detailed available for early medieval NW Europe (Brink 2004: 205-6). Among the earliest recorded representative assemblies in N Europe were those convened at the Gulatinget in W Norway, the *Frostating* for N Norway, the *Althing* of Iceland, and Gamla Uppsala, Sweden (Brink 2004: 206-7; Crawford 1987: 204-5; Thorláksson 2000: 175-9). For instance the Gulatinget was active between 900-1300 AD. These examples represent the head-courts or *lagting* ('law court'), which were attended by representatives from a whole 'law province', had powers to change and formulate new laws, and adjudicate on specific cases. Norway was divided into four major legal

provinces, including the district of the Gulathing, which would adhere to the law code of the region's *lagting*. Orkney and Shetland are thought to have followed the legal customs of the Gulathing whilst within the sphere of Norwegian rule. Law-codes such as those from Norway dating to the 12th/13th centuries also appear to contain aspects of earlier customs. This evidence combined with the account of sagas written during the middle to later medieval periods, but purporting to describe events at assemblies between 800-1000, offer unique insights into the practices enacted at early *things* (Brink 2004: 206-7; Crawford 1987: 204-5). For instance surviving accounts of events at the Gulathing in the 10th century describes the use of hazel poles and ropes to define the boundaries of the court known as the 'hallowed bands' (Brink 2004: 205-6; Hamilton-Grierson 1924: 56, fn. 1; see section 2.3.4). Within this those involved in a given case would enter under the peace of the court along with the judges and lawspeaker who would pass their verdict. Such accounts suggest that the act of 'fencing' the court conferred a religious sanctity once it was physically defined. *Things* were originally a pre-Christian social practice and appear to have been closely related to pagan cult practice (Brink 2004: 205-6: 207), with specific pagan gods designated as protectors of judicial assemblies, such as Thingsus (from *þing*) and *Tius* (Hamilton-Grierson 1924: 57-8, fn. 7). Major *thing* sites such as Gamla Uppsala appear to have also been highly important cult sites and power centres. Assemblies at Gamla Uppsala were traditionally held during February and March in conjunction with a great fair and pagan celebrations (Price 2002). Gamla Uppsala is also the site of various migration-period burial monuments associated with a flat-topped *thing*-mound, the *Tingshögen* (Hedlund and Christinansson 1991: 105; Sundqvist 2001: 620-2). The site's role as a place of general assembly was also closely related to the centre's role as the place of inauguration for Swedish kings of Uppland (Sundqvist 2001: 622-3).

Later evidence suggests that the larger legal districts were divided into various small administrative areas. *Things* existed on various smaller scales in the Norse-speaking world, including the *bygdeting* or 'community court' that was attended by all the freemen in the surrounding neighborhood (Crawford 1987: 205). Traditionally all freemen were entitled to vote at the *thing*, freemen being largely made up of landowners, tenant farmers, some craftsmen, merchants and warriors. In Iceland eligible freemen who

could attend and have a judicial function at the *thing* were known as *þingfararkaup*, a term which referred to farmers liable to pay 'assembly attendance dues'. Nevertheless in Scandinavia the highest legal power lay with the king and other landowning elite, and so the authority of the *thing* could be dependant on the will of the king (Fitzhugh and Ward 2000: 175; Graham-Campbell 1980: 78-79).

Things were held regularly: the Althing of Iceland met more than once a year, including over a fortnight during summer and also the *Leid þing* or 'autumn thing' (Crawford 1987: 206). The Althing was founded in c. 930 and was exceptional in that the assembly was not overseen by a central executive authority in the form of the king. The Althing was the general assembly of Iceland where the island's four quarter districts were represented. Initially each quarter contained multiple lesser things which in all sent nine chieftains or *goði* to attend the *logrétta* or 'legislative court' at the Althing (in 965 the constitution was altered leading to additional district representatives being sent to the Althing). The *logrétta* was chaired by the 'lawspeaker' whom the *goði* elected. The *goði* would also each nominate one judge to sit on the *dómr*, the judicial court where private disputes were heard and decided only by unanimous votes. (From the late 10th century four judicial courts were held at the *Althing* to represent the district quarters, with a further 'fifth court' to settle legal deadlocks through voting decided by majority.) Both the *dómr* and *logrétta* convened upon the *Logberg* or 'law-rock' where proceedings could be seen and listened to by all free attendees of the *thing*. The *Logberg* is positioned adjacent to the *Þingvellir* ('assembly-field') where the general folk assembly would gather. This is at the head of Iceland's largest loch called Ölfusvatn or *Þingvallavatn* and by an important early church centre at *Þingvellir* church (Fitzhugh and Ward 2000: 175, 178, 181; Graham-Campbell 1980: 78-79).

At all levels of early medieval Scandinavian society the *thing* was the main avenue for legal dispute, where disagreements were solved and liability decided by collective debate. Essentially the *thing*'s main purpose was the maintenance of peace and social cohesion throughout the area served by the assembly. This has been argued to have been one of the main influencing factors which led to the conversion to Christianity in Iceland which was decided upon at the Althing at the end of the 10th century. The 'Lawspeaker', who was closely involved in this event, was a centrally important figure

within the *thing* system who passed judgement and from whom representation to the assembly could be sought. Smaller *thing* districts would also send selected representatives to act as judges at the regional court or *Lawthing*. Later medieval evidence for Orkney and Caithness in NE Scotland suggests that these representatives were known as 'roithmen' (ON *raðmenn* or 'right men', 'councillors') who would form the 'logretta' or 'body of judges' at the *thing*. Evidence for the organisation and holding of *things* in areas of Scandinavian settlement is among the most compelling available for the considerable social and political impact such migration had in various areas of the British Isles from the 9th-11th centuries. In N Britain and Ireland, Scandinavian settlers were to encounter various social landscapes populated by Celtic-speaking natives with their own cultural perspectives and social modes of practice. Major *things* were to develop along the NW seaboard of Britain, most famously at Tynwald on the Isle of Man and Thingmote in Dublin. Tynwald was the administrative centre of the Kingdom of Man from the 10th century and, as at Uppsala in Sweden, may have also functioned as an inauguration site (Broderick 2003: 77-8; Crawford 1987: 206; Fitzhugh and Ward 2000: 175; Graham-Campbell 1980: 78-79).

The organisation of assemblies on the Isle of Man has many similarities with other Scandinavian examples discussed above. The Tynwald formed the central 'general assembly' but there were also district courts for the N and S of the island and six smaller courts for each division or 'sheading' (from ON *séttungr* meaning 'a sixth part'). Numerous parish courts also existed within the sheadings. The Tynwald, as with other examples, has a central raised monument that acted as the focus for judicial assemblies, an associated enclosed level area adjacent to it (identified in the place-name Tynwald, ON *Þing-vollr*, 'assembly-*field*') and an important church centre. Nevertheless, the institutions of the Tynwald recorded in later documentation suggest that assemblies here had a considerable Celtic influence (Broderick 2003: 71-9, 82-3, 86-91). Furthermore the location of the Tynwald is associated with the remains of multiple prehistoric monuments (Darvill 2004: 218-24), including an enclosure which surrounded the original site of the Tynwald mound, suggesting the assembly monument may have pre-Norse origins. Moreover this archaeological evidence may support the argument that the Tynwald

assembly had appropriated an existing Celtic institution and site of an earlier regionally significant, ceremonial assembly and folk gathering.

Later historical evidence also suggests that the Western Isles of Scotland were closely linked into the organisation of medieval assemblies in the Kingdom of Man. The Hebridean islands of Lewis, Harris and Skye all sent representatives to Tynwald, and it may be inferred that the southern Hebrides (Islay and Jura, Mull, Coll and Tiree, and Eigg) also sent delegates (Crawford 1987: 205). 16th-century evidence presents the model that the Western Isles of Scotland were divided into four parts centred on the islands of Lewis, Skye, Mull and Islay, which was interpreted by Munro as following the Norwegian model of legal provinces (1961: 103-4). Such a model is likely to have developed as a result of the Western Isles governance by the Kings of Man from the 10th century within a unique social context of cultural hybridity between incoming Scandinavian elites and an existing native Gaelic-speaking society. This may have in turn influenced the development of the framework of lordship that emerged throughout the later medieval Lordship of the Isles between the 13th and 15th centuries.

4.3.3.1 *Þing* sites in Scotland

The archaeological evidence for Scottish *thing* sites has previously only been subject to brief discussion (see Crawford 1987: 206-8), and as such each site will be treated in some detail below. It is suggested here that the archaeological material indicates that the majority of *þing* sites in Scotland were established at places with pre-existing culturally significant. This includes the reuse of prehistoric monuments by Scandinavian settlers for the site of *things* and also the possible reuse of established early medieval assembly sites.

Eight archaeological sites are discussed in detail, which can with varying degrees of confidence be identified with recorded ON *þing* place-names in Scotland (Figures 4.46 and 4.47; Table 4.8). Tinwald in Dumfriesshire (Table 4.8, no. 1) is an outlying example from the group the evidence for which is discussed in greater detail as an extended case study. Other material discussed here relates to medieval parishes which have names containing the element *þing*. The majority of these parishes are located in the Shetland

Isles with the exception of Tinwald, Dumfriesshire and Dingwall, Ross and Cromarty (Figures 4.46, 4.48; Table 4.8, nos. 1, 2). Furthermore, the locations of four of the archaeological sites discussed in this section share the *þing* place-name element with the parish within which they are situated (Table 4.8, nos. 1, 2, 7, 8). The identification of parish units with place-names containing *þing* is here interpreted as evidence for the central role which early medieval places of gathering and communal disputation played in the formalisation of later medieval territorial divisions in Scotland. *Þing* sites are evidence of this process where Norse settlement had taken place in Scotland from the 9th century onwards. The fossilisation and survival of parish place-names containing *þing* are testimony to the significant impact Scandinavian modes of social organisation had in N Scotland and the outlying areas of Viking settlement (see Crawford 1987: 209-10).

The majority of the *þing* sites in Scotland represent locally significant institutions, which are likely to have served an area comparable to a single parish or group of minor estates. Particularly minor court sites may also be indicated by less well documented sites such as the 'doom-ring' (ON *dóm hring*, 'judgment circle') thought to exist at Scalabreck on Bernera and Papa Stour, Shetland (Crawford 1987: 208). Hibbert (1831) was of the view that circles of stones represented the remains of *þing* sites. Although no modern study has verified this in Scotland, stone defined enclosures are found at Scandinavian *things* (see Brink 2004: 211-2, fig. 9.4). A small number of centralised examples of *þings* can also be identified in Scotland. For instance, Tingwall parish in Mainland Shetland, where the head law courts of the Shetland Islands convened at the Law Ting Holm, was a place of appeal and judgement for communities up to 50km away (Table 4.8, no. 7). Also, Tingwall in Randall parish, Orkney has been seen as centrally placed in the archipelago, which may suggest this site had a regional significance during the early medieval period (Fellows-Jensen 1996: 23; see Table 4.8, no. 5). Furthermore, Hinnisdale on the Isle of Skye may represent the site of a district *thing* or assembly which served a populous beyond the immediate neighbourhood (Table 4.8, no.4). Such assembly sites may have been analogous to the hundred meeting places of Anglo-Saxon England which were gathering sites for multiple parish communities (Pantos 2004: 155-80). The more prominent Scottish *þing* sites are clearly not on a similar scale to the Althing of Iceland or Gulathing of Norway. Comparison seems unwise given the differences in landmass,

population and political autonomy of Scandinavian settlements in medieval Scotland in comparison to Iceland for instance. Nevertheless, major regional assembly sites may have existed which were obscured by the impact of later historical and linguistic change. This may have been the case in the Western Isles of Scotland, where *thing* sites established prior to the dominance of the Tynwald and the Kings of the Isle of Man may have been obscured by later resurgence of Gaelic in this area. These regional *things* would most likely have been located on the major Hebridean islands, such as at Hinnisdale (Skye) or at Finlaggan (Islay) where a forerunner to the later council site of the Lord of the Isles may have existed.

Clusters of Scandinavian settlement place-names can be identified in the vicinity of the majority of *þing* place-names in northern Scotland. For instance the location of Hinnisdale in Trotternish on the Isle of Skye, Tional on the Isle of Lewis, Thing's Va in Caithness and the Orkney and Shetland examples all correlate generally with the distribution of Scandinavian *staðir* and *setr* 'dwelling-place, farm' names (compare Figures 4.46 and 4.48). These settlement names have been argued to represent successive stages of Scandinavian settlement (Nicolaisen 2001: 113-19) and it is perhaps not surprising, but still encouraging, that the *thing* sites correlate with these distributions. A similar situation also generally exists with *bólstaðr* farm names (see Nicolaisen 2001: 120-22, fig. 7). The *thing* sites are most likely to reflect where the social institutions of these communities most confidently took hold.

The examples discussed in this section also demonstrate that colonising Scandinavian settlers may have drawn upon existing landmarks for the setting of assemblies, which native populations already associated with ancestral and legitimate authorities. In the N Isles this is manifest through the reuse of the remains of three Iron Age broch-mounds as *thing* sites, in mainland Orkney and Caithness (Table 4.8, nos. 3, 5-6). In the W the 14th- and 15th-century assembly site at *Eilean nan Comhdhaile* on Finlaggan Loch, Islay was also associated with the remains of an island broch or dun, and this may have influenced the adoption of this site as an important medieval central place (Caldwell and Ewart 1993). A subsidiary issue to this discussion is the complex interplay between the survival of Gaelic and Norse place-names in NW and N Scotland (Cox 1991; Gordon 1963). Moreover as part of this section the possibility is considered that pagan

and Norse-speaking settlers may have perceived locations chosen for *þing* sites as having potent supernatural associations, which would be appropriate for concepts of legal sanctuary and perhaps the casting of lots if cultic practices persisted (see section 2.3.4).

Dingwall, Ross and Cromarty

Dingwall is on record from 1227 (*Dingwell*) and derives from ON *þing-völlr* ('field of the assembly') (Fellows-Jensen 1993: 55-6; 1996: 24; Table 4.8, no. 2). The town of Dingwall in Ross-shire is where the River Peffer meets the Cromarty Firth (Fellows-Jensen 1996: 24; Watson 1904: 93). Numerous locations have been proposed for the *thing* site. The terraced flank of a natural hill called Gallowhill, located on the W edge of the old town of Dingwall, is among the candidates because of the judicial practice of execution suggested by the name (Bain 1899: 45; MacDonald and MacDonald in prep.; 1st edition OS 6" map 'Ross and Cromarty'). However, the name Gallowhill does not refer specifically to an assembly or court and the lack of early evidence for the place-name may instead suggest it relates to the site of a post-medieval place of corporal punishment. A more likely possibility for the focal point of the early medieval assemblies at Dingwall is the site of a low mound immediately to the N of Dingwall's medieval high street (Figure 4.49). The mound as been almost entirely destroyed by post-medieval activities. Adjacent to the site of the mound, to the NW, is the Parish church of St Clement's. This was a medieval foundation mentioned in 1455 (Scott 1928: vol. 7, 32). Crawford has discussed the correlation of dedications to St Clement's in the medieval Scandinavian world (1995: 19). The discovery of a class I Pictish symbol stone during the augmentation of the church building built in 1801 suggests that the foundation is situated upon a significant early medieval site (Allen and Anderson 1903: vol. 2, 56-7, fig. 55). The mound was referred to in 1503 as the '*montem* beside the town of Dingwall' within the resignation charter of the Duke of Ross who, when resigning the Earldom of Ross, specifically reserved the mound in order to retain his title. In 1672 what is presumably the same feature is referred to as the 'moothill' beside the town of Dingwall (MacDonald and MacDonald in prep.). Moothill (or 'moote-hill') is the term used by

later commentators to refer to the site (Watson 1904: 93; Dalrymple 1770: 58). *Montem* was also the term used to identify the mound at Scone during the 14th century, which was also subsequently referred to as the Moothill. The nomenclature used in relation to the moothill of royal Scone arguably may have influenced the 16th- and 17th-century terminology used to identify the Dingwall mound within legal documentation. The late medieval perception of the mound as having been legally connected to the possession of a secular title is a feature noted with other mounds identified as 'moothills' at this time (see section 6.6). The remains of the castle of Dingwall to the E of the mound site and by the mouth of the River Peffer suggests that this was the location of the earlier motte associated with the town (NMRS no. NH55NE 4.00). Therefore the mound opposite the parish church is unlikely to have been a castle mound.

Further evidence for the original characteristics of the mound suggests that this was the assembly site of the early medieval *þing* at Dingwall. In 1760 Bishop Pococke of Ossory and Meath visited Dingwall and commented upon the mound. He refers to a 'hill which resembled calvary' and 'a stone enclosure in ruins but fenced with a ditch' to the S of the church (Cordiner 1780: 64; Pococke 1887: 109; MacDonald and MacDonald in prep.). Pococke identified this as the burial place of the Earls of Cromartie. The reference to 'calvary' in describing the mound has been suggested by MacDonald and MacDonald to be an allusion to the stepped shaped cross-base of early medieval Irish high crosses found at Calvary in Ireland and that the mound at Dingwall was therefore being descibed as stepped in form (MacDonald and MacDonald in prep.). The evidential basis for this claim is not made clear, but if the mound had a stepped profile this would have striking similarities to other known *þing*-mounds in the Hiberno-norse cultural sphere, most famously the Tynwald Hill in Man and the Thingmote in Dublin, but also perhaps Tinwald in Dumfriesshire (see section 4.3.4; Table 4.8, no. 1) and possibly the Doomster Hill, Govan (Crawford 1987: 206-8; Darvill 2004: 229, fig. 10.6; Driscoll and Will 1996; 2003; 2004; FitzPatrick 2004: 46, fig. 5, 47; Figure 4.50). Also, 15km to the S of Dingwall is the remains of a stepped mound at *Tom Na Croiseige* (Tomnacross), also associated with judicial practices, and this may reflect the construction of a similar form of assembly mound in the district (NMRS no. NH54SW 7; RCAHMS 1979: 25, no. 193; Figure 4.51). The terracing of such mounds would facilitate the hierarchical division of

space within courts or inauguration ceremonies held on such monuments (see section 2.3.5).

In 1714 the first Earl of Cromartie erected a memorial obelisk upon the Dingwall mound and was buried within the mound. This act appears to reflect the continued belief that the ancestral right to the medieval title of Ross was closely bound up with the possession of this mound. This was markedly expressed in the Earl's wish to be buried within the monument and leave a lasting memorial which would associated his lineage with the lordship of Ross. The association of the mound with the title of Ross since at least 1503 has led to the suggestion that the mound may also have served as an inauguration site for the Earls of Ross during the medieval period (MacDonald and MacDonald in prep.). This has been argued to present the possibility that Norse rulers of the area, such as Earl Thorfinn in the 11th century, may also have been inaugurated at Dingwall (*ibid*).

The area around the mound at Dingwall was also known as the 'Hill yard' in 1819 and was set within an enclosure 60x50m. In 1791 a 'pyrimidal' obelisk was described as 'erected on a artificial mount, the bottom of which covers about two-thirds of an English acre' (OSA 1791-9: vol. 3, 20). In 1875 the mound was excavated into and the lead coffin of the first Earl of Cromartie was found, and notably other burials were also discovered on this occasion (Fraser 1876). If these burials were medieval, it might suggest the *þing* mound was developed from a barrow site, perhaps relating to early Norse influence upon the area. Since 1949 the mound has been the site of a car-park and was identified at this time as the 'Pyramid', likely to be a reference to the form of the commemorative obelisk on the mound, but also perhaps may have derived from a description of the profile of the mound as seen by Pococke in 1760 (MacDonald and MacDonald in prep.).

The geography of the coast and the course of the River Peffer are believed to have changed significantly since the medieval period (Bain 1899: opposite 1). In particular, the river was broader opposite the church, and tidal water inundated the areas E of the mound site (Bain 1899: opposite 1; MacDonald and MacDonald in prep.). Therefore the *thing*-field of the place-name may more practically have been located to the W of the church site, with the mound being the court site for judicial assemblies from at least the 9th

century, following the settlement of NE Scotland by Scandinavian populations. The parish church and mound at Dingwall also appear to have been located by an early crossing point and ferry over the Peffer. This situation has striking similarities to other early medieval assembly mounds in Scotland (see section 6.7). Dingwall also emphasises the close link between the location of early medieval assembly sites and important medieval church foundations. Dingwall is thought to be located near the southernmost extent of Viking settlement in NE Scotland. On this basis Fellows-Jensen suggested that the *thing*-site may have been a location where disputes between neighbouring Gaelic and Norse populations were resolved (Fellows-Jensen 1996: 24). The Dingwall *thing*-site may therefore have also been located at a major boundary, which was clearly also a place where important land and sea communication routes met. This may have influenced the importance of Dingwall as a focus for trade and political activity in the region. Moreover Crawford has drawn attention to the importance of the area around Dingwall for access to timber resources, explaining the eagerness of Norse earls of the Northern Isles, in particular Earl Thorfinn, to secure the area by force (Crawford 1995: 11). These landscape features assist in understanding why Dingwall was successively recognised as a place of social centrality and a legitimate setting for assemblies in Easter Ross. Moreover the characteristics of Dingwall's environment and the draw this had upon Pictish and Gaelic communities in the area no doubt also influenced the decision of Scandinavian settlers to convene the regional *þing* here. The presence of the Pictish symbol stone also indicates the pre-Norse significance of the site as a focal point, perhaps suggesting similar processes of appropriation identified in the NE of Scotland. The religious significance of the site would also have been paramount. Access to burial rights at the early church foundation of St Clements, which is notably located next to the assembly site, may also indicate that a pre-Norse assembly was located here.

Thingsva, Caithness

Thingsva (or Thingswa) a regionally significant assembly site from the 9th to 10th century, appears to have been convened at the remains of an Iron Age settlement mound (Figure

4.52; Table 4.8, no. 3). Thing's Va is located on a broad hillside SW of Thurso (Caithness) and is believed to be a corruption of ON *þing-svađ* with the meaning 'assembly-slope' (Thorson 1965: 75; *cf*. Crawford 1987: 206; Figure 4.46, no. 3). This can be compared with *Tingsva(d)-berget* in Norway, the name of a hillside in Gudbrandsdalen where an assembly is thought to have been held in 1280 (Thorson 1965: 75). Thing's Va in Caithness is now associated with the remains of a broch-mound, which may have acted as the focus for the *þing* (Figure 4.46, no. 3). The broch-site comprises a central mound measuring 33.5m in diameter and 4m high, which is partially enclosed by a bank and ditch (Figure 4.52; Table 4.8, no. 3). The central mound is therefore surrounded by a level area that measures 35m across which forms the impression of a terrace or berm between the mound and the enclosing ditch. The mound is turf covered and appears to be the remains of a broch, which perhaps could have been consolidated or heightened in preparation for medieval assemblies. The inner face of the main wall has been exposed and the length of the entrance passage-way with an associated 'guard-cell' are also visible where an unrecorded excavation was undertaken prior to the 20th century. Numerous other segments of walling within the interior, which may relate to later phases of construction, were also perhaps exposed by post-medieval excavations. Prior to excavation the monument is likely to have had the outer appearance of a turf-covered mound, and this may also have been the case in early medieval period. 60m to the SE are also the remains of a turf-covered cairn, was identified as a 'Pict's house' on the 1st edition OS (1877 Caithness-shire 1: 10,560). Both the broch-mound and cairn may have been utilised as the focus for assemblies in the Thurso area indicated by *thingsva*.

The reuse of the remains of Thing's Va broch for assemblies during the early medieval period is also suggested by the topographical situation of the monument. The broch-mound is located at 95m OD on the S side of a gentle E-facing slope that falls away from higher ground on the W towards the town of Thurso and the Caithness coastline. The sloping ground around the broch-site may have formed the 'assembly slope' of the place-name, with the monument acting as the focus for judicial activities of the assembly. This combination of a field-site or open area for assemblies (usually identified through a place-name) with a raised earthwork monument, usually comprising

of a mound or mound-like structure, is a feature repeatedly encountered at *thing* sites in Scotland and other areas of NW Europe (Figures 4.46, 4.47). Also of significance may be the use of Thing's Va Broch to define an angle in the civic boundary of the town of Thurso (Table 4.8, no. 3; Figure 4.52). Thurso is believed to be among the oldest Norse settlements in mainland N Scotland. The settlement's place-name derives from *Þórshaugr*, meaning 'Thor's mound', which may relate to a conical mound that was located in front of Thurso castle. This suggests the association of Thurso with a pre-Christian Norse cult site. Mounds were often perceived as sacred within migration period Norse religion and tradition (Thorson 1965: 71, 73). The re-use of the broch at Thing's Va may be understood through the lens of such a concept. The proposed re-use may therefore have been actively pursued because the broch-mound was perceived by incoming Norse settlers during the 9th and 10th centuries as a location associated with a perceived supernatural authority. Furthermore, the broch-mound may equally have been important to native populations as a place associated with a past ancestral authority. On this supposed basis the use of the broch for assemblies by Scandinavian settlers may have been intended to actively appropriate a site that was viewed as an ancestral power centre, therefore drawing upon the social legitimacy of the place for the enactment of legal disputes.

The proximity of *Thingsva* to the important Norse settlement of Thurso may mean that the institution represented the main assembly site for Caithness (Figure 4.46, no. 3). Another assembly in Caithness with close cultural associations with Scandinavian settlement in the area can be identified near Halkirk, located 10km S of Thurso. This is mentioned in the Orkneyinga Saga, which describes the holding of a *þing* session in 1222 on a hill above the bishop of Caithness's residence at Halkirk (Thorson 1965: 76-77). This is likely to refer to the pre-14th-century predecessor to Braal Castle, on the estate of Brawl, located immediately to the N of modern Halkirk. The assembly was convened by the local *bóndr* or 'free-holders' in response to rising tensions caused by the harsh collection of tithes by Adam the Bishop of Caithness. Events came to a violent end with the subsequent murder of Adam who was burnt to death. The site of the assembly is believed to have been at Sordale Hill which overlooks Brawl 2.5km to the NE. During the post-medieval period this was the location for the five day long St George's fair

(Thorson 1965: 76-77). The summit of Sordale hill is at 109m OD and is crowned with a chambered cairn known as *Cnoc Na Ciste* (RCAHMS 1911: 121-2, no. 442). Around the summit is a substantially level area which may have been the location for the fair and medieval assemblies, with perhaps the central cairn acting as a focus for gatherings. Another possibile location is a long cairn known as Gallow Hill also on Sordale Hill (NMRS no. ND16SE 17). The account in the Orkneyinga saga suggests that the 1220 assembly may have had significance beyond the immediate neighbourhood (Thorson 1965: 76). Present at the event was a man called Rafn *logmaðr*. Rafn's surname translates as 'lawman, lawspeaker' and he was an acting steward in the region for Rognvaldr Guðrøðarson (who had invaded Caithness with Willaim the Lion in the 1190s). Rafn is said to have attempted to advise the Bishop during the disputation in 1220 and this place of assembly was clearly of wider significance to the region (Thorson 1965: 76-7), perhaps also used for the Bishop's legal interests in the diocese.

Tinwhil, Isle of Skye

Tinwhil (or Hinnisdale) is one of the few *thing* sites identifiable in the Western Isles of Scotland and may represent a regional gathering place (Figure 4.46, no. 4; Table 4.8, no. 4). The place-name Glen *Tinwhill* is on record form 1733 and survives in the modern form Glen Hinnisdal and the River Hinnisdal located on the W side of the Trotternish peninsular in the N of the Isle of Skye. Tinwhil is thought to derive from ON *þing-völlr* or *-vellir*, 'assembly-field' or '-ground' (Crawford 1987: 208; Fellows-Jensen 1996: 23; Gordon 1963: 88-91). ON *þing-dalr* '-dale' or '-valley' may also be interpreted from the record and this form would complement well the Gaelic description of the location in 'glen'. The paucity of *þing* names in the Western Isles is thought to be a result of the process of 'corruption' into Gaelic. Presumably place-names associated with many local *thing* sites established during Scandinavian settlement in the Hebrides may have been obscured in this way (Gordon 1963: 90-1). Exactly where the Hinnisdale *thing* site was located is not entirely clear. This is because the glen identified with the place-name encompasses an extensive area approximately 10km long. Fellows-Jensen (1996: 23) has

suggested that the assembly site may have been where Glen Hinnisdal broadens out at the W end of the valley at Hinnisdal bridge, and where the river approaches the coast at the N end of Loch Snizort. Hinnisdal is conveniently placed for access from sea and landward communication routes and would therefore have been a appropriate location for a *thing*-site serving the wider Norse community on the W side of Trotternish and perhaps beyond (Gordon 1963: 90).

The location of an assembly site at Hinnisdal is also noteworthy because of the proximity of other significant locations in this area of N Skye. For instance at the S end of Loch Snizort are the remains of the island seat of the medieval Bishop of the Isles at Skeabost (NMRS no. NG44NW 3), close to one of the few examples of a Pictish symbol stone in the Western Isles of Scotland, known as Clach Ard (NMRS no. NG44NW 1). This concentration of significant early medieval remains highlights the long-term importance of Loch Snizort and the isthmus of Portree as a key landward route between the mainland and W coast of Skye, and stresses the significance apparent in the location of the Hinnisdal *þing* at the W end of this route-way. Moreover, in an arc to the W of Hinnisdal bridge, approximately 1km in radius, are the remains of a broch and two duns. One of these fortifications, Dun Santavaig is positioned by the coast, upon a prominent outcrop, and overlooking the mouth of the river Hinnisdal. These sites are indicative of late prehistoric and possibly early historic settlement in the immediate area. Furthermore the remains of the 16th-century tower-house of *Caisteal Uisdean*, 2km NW of Hinnisdal bridge, denotes this locality's importance as a seat of lordship during the late medieval period. Perhaps most significant is the proximity of the place-name *Ard nan Eireachd* 3km to the NW (Figure 4.8). This refers to a headland and translates as 'point of the assembly' (Table 4.2, no. 9). The headland is flanked by sheer cliffs on the W but has a gradual approach on the SE (from the direction of *Caisteal Uisdean*) and E, where a sheltered bay is associated with an island-bound Dun (*Dun Maraig*). The summit of *Ard nan Eireachd* is oblong and flat-topped, and has a flat exposed area of bedrock in the approximate centre. *Eireachd* place-names may identify the sites of particularly important assemblies or where comparatively large gatherings occurred (see section 4.2.2). This location may therefore represent an early medieval popular assembly site for the district's population. From the 13th century onwards following the defeat of the King

of Norway at the battle of Largs in 1263 the site may have persisted as a setting for court, but was progressively absorbed into Gaelic nomenclature. The proximity of *Ard nan Eireachd* to a late medieval castle site suggests the site may also conceivably have been used as a judicial site in connection with the late medieval *Caisteal Uisdean* (NMRS no. NG35NE 1) and Uistean (or Hugh) Mac Ghilleaspuig Chlerich's stewardship of Trotternish (see Miket and Roberts 1990: 38-43). Although given the attested warlike tendencies of Hugh, who was known as "the arch-demon of Clan Donald" (*ibid*), organized courts may not have been a common feature of the lordship of *Caisteal Uisdean* during the late 1500s.

Toingal, Isle of Lewis

Toingal is thought to derive from either ON *þingvöllr* or *þingvellir* and survives in the G place-name *Cnoc an Tiongalairidh* by the township of *Tolstadh a' Chaolais* on the W of the Isle of Lewis (Cox 1991: 484; Fellows-Jensen 1996: 23; Figure 4.46, no. 9; Table 4.8, no. 9). The place-name relates to an area of natural hillocks (Fellows-Jensen 1996: 23) and may refer to a local institution which originated to serve an isolated Norse community (Cox 1991: 484). Nearby to the *Cnoc an Tiongalairidh* is low-lying land on the coast of East Loch Roag which may have been appropriate ground for the grazing of horse for those attending the local *thing* (Fellows-Jensen 1996: 23).

4.3.3.2 Orkney Islands *þing* sites

Surprisingly few *þing* place-names can be identified in Orkney in comparison with Shetland, the other main area of Scandinavian settlement (Figures 4.46,and 4.47). Orkney shares this apparent deficiency with Caithness. This lack of *thing* place-names, and therefore lack of direct evidence for an habitual local court structure during the Viking period, is thought to have resulted from the impact of the subsequent joint Earls of Orkney's dominance over and centralisation of legal matters (Crawford 1987: 206). A

similar situation may have occurred in Caithness following the annexing of the region to the Kingdom of Scotland from the 13th century. Arguably local *thing* sites were not active late enough into the medieval period to have substantially impacted upon the place-names of Orkney, as they were to in Shetland (see section 4.3.3.3). There are two exceptions to this on the Orkney Mainland.

Tingwall, Orkney Mainland

The place-name Tingwall is now associated with a farmstead but occurred as *Á þingavoll* in 1145 (in the c.1700 edition of the Orkneyinga saga chapter 95 (cited in Fellows-Jensen 1996: 23)) and also as *Tyngwell* and *Tynwale* in 1492, which translates as 'assembly field or enclosure' (Fellows-Jensen 1996: 23; Marwick 1952: 121; Thomson 2001: 207). 100m W of Tingwall House, situated close by the coast, are the remains of 'Thing-voll' broch (OS 6" map 'Orkney' 2nd ed. 1900; Figures 4.46, no. 5, and 4.53). This was believed to have been the location of the thing (Name Book 1880: no. 15, 37; RCAHMS 1946: 80, no. 268). The remains of the broch consist of a large mound, heavily degraded on the NE side. An enclosing bank c.1m high survives on the W side (NMRS no. HY42SW 3; RCAHMS 1946: 80, no. 268). The fragmentary remains of stone structures are visible adjacent to the central mound. These structure are thought to be associated with the pre-Norse habitation of the broch (RCAHMS 1946: 80, no. 268). Although excavation would be required to established the chronological development of this site with certainty, it is a reasonable proposition that medieval assemblies at Tingwall used the remains of an Iron Age broch as the focus for meetings. Tingwall is centrally located in relation to the northern group of Orkney isles, which might suggest the *thing* had regional significance (see Fellows-Jensen 1996: 23). The later Earls were to centralise judicial practice in the Orkney isles at Kirkwall, which was more centrally-placed and close to the late Norse regional power centre with access to a good harbour.

Dingieshowe, Orkney Mainland

Dingieshowe or Dingy's Howe is in the parish of St Andrews and Deerness in the district of Upper Sanday on the E side of mainland Orkney (OS 1:2,500 map 'Orkney' 1st edition 1881; Figures 4.46, no. 6 and 4.54; Table 4.8, no. 6). This *thing*-site is another example of the remains of a broch being associated with a Norse place-name indicative of assembly practices. The place-name derives from *þing-haugr* meaning 'assembly-mound' (Crawford 1987: 206). The mound in question is here identified as the broch-mound of Dinieshowe which measures 7m in height, is conical in form and grass covered (RCAHMS 1987: 23, no. 103). Excavations in the 19th century revealed that the mound covered the remains of a broch tower and considerable domestic remains (Petrie 1873: 88). During the 18th century it was noted that the remains of out-buildings, possibly associated with the broch, were visible nearby (OSA 1791-9: vol. 20, 262). The mound is located on the western side of a thin stretch of land which connects Deerness to the mainland proper and is identified in the name Dingieshowe Bay on the S of this isthmus. This location also marks the boundary between the parishes of St Andrew and Deerness (OS map 'Orkney' 1st edition 1882). Dingieshowe broch-mound may have been the setting for local courts serving communities on either side of the Deerness isthmus and neighbouring parishes.

The Neolithic chambered tomb of Maes Howe, by Stenness on Mainland Orkney, has also been suggested as the meeting-place of a *thing*. Here a considerable concentration of runic inscriptions (numbering 33) carved into the burial chamber of the mound and the apparent adaptation of the enclosing bank of the monument during the Viking period have been taken to suggest a vested interest in the use of the monument at this time for assembly and/or cult purposes (Graham-Campbell and Batey 1998: 42, 61).

4.3.3.3 Shetland *þing* sites

Law Ting Holm, Shetland Mainland

Law Ting Holm on mainland Shetland is an example of a 'Lawting' or head court which served local *things* of an entire region. The Law Ting Holm is a small promontory of land that juts out into the N end of Tingwall Loch, in the parish of Tingwall and was the site for the head Lawting of Shetland until the 17th century (Crawford 1987: 206; Fellows-Jensen 1996: 22-3; RCAHMS 1946: vol. 1, 124, no. 1522; Figures 4.47, no. 7, and 4.55; Table 4.8, no. 7). The parish of Tingwall is first recorded as *a þinga velle* in a charter dated 19th May 1307 (Crawford 1987: 206; Fellows-Jensen 1996: 22; Jakobsen 1993: 125). The Lawting, or *loghþing* as it was referred to in the late 13th century, was the chief annual law-court with jurisdiction over the entire Shetland Islands (Fellows-Jensen 1996: 22). By the 16th century the position of Lawman-General of all Zetland was still in use and in 1532 Nicol Reid of Aith was elected to this office on the 27th July 'In the Ting holm of Tingwall' (Munro 1961: 99, fn. 8). This would suggest that the site was used for the investiture of the head legal authority in the region and as the setting for the head courts at least during the late medieval period. Little contemporary detail of the early procedures of this institution survive but elements of medieval practice may have survived into the early 17th century. At this time the 'circuit of the tings' was undertaken by Earl Patrick Stewart, in his role as justiciary of Shetland (Gomme 1880: 165). In 1602, 1604 and 1605 the Earl completed a circuit of the local *things* of Shetland, which were located at Sounburgh, Burray, Bressay, Walls, Aithsting, Delting, Fetlar and Unst. This circuit was completed with the holding of the Lawting at Tingwall during mid July or August. The procedure of the *things* is said to have included the calling of suits, followed by the fencing of the court, the 'grid' or the sanctity of the law-court was then proclaimed, and the names of the *raadmen* or *rothmen* ('councillors' or 'best men') and *laugrett-men* ('law-right-men' or lay judges) were called out. Proceedings closed with the deeds of the court being passed in the name of the judge (Gomme 1880: 165; Hibbert 1831: 132). Brand, writing at the beginning of the 18th century, offers a description of the Lawting at the Law Ting Holm (Brand 1701: 121-2). Brand suggested that the parish of

Tingwal was likely to have received its name from the Law-ting. Moreover Brand records that access to the holm was by use of stepping stones (these now form part of an exposed and turf-covered causeway to the promontory) and that on the Holm 'three or four great stones' were to be seen. The judge, clerk and 'other officers of the court' were believed to have used these stones as seats. Furthermore Brand relates that 'all the Country concerned to be there stood at some distance from the Holm on the side of the Loch' and that when a case was called, 'by the Officer' of the Lawting, those involved entered and retired from the court by way of the stepping stones. Brand notes that oral tradition survived in his day that the grass-lands of properties at the head of Tingwall Loch had been used for the grazing of the horses of 'Country Men coming to the Court', and that the owners received dispensation for the damage caused to their property in this way (Brand 1701: 121-2). In 1883 Tudor recorded that the stones mentioned by Brand 'on which the Ford (judge) and other officials sat, were torn up some time in the last century' for agricultural purposes (Tudor 1883: 497).

Munro noted the striking similarities of the setting of the Lawting on Shetland and *Eilean na Comhairle* in Finlaggan loch, Islay (Munro 1961: 99). Caldwell (2003: 71) however has rejected this comparison and does not see a strong Norse influence in the selection of Finlaggan as an assembly site. Certainly the history and archaeology of the sites are very different. Nevertheless the landscape setting of the sites do have similarities in that they are not immediately obvious as defensive locations. Both Finlaggan and Law Ting Holm are located at the head of valleys which confine the views available of the surrounding horizon, in a sense focusing the visitors' visual attention on the immediate site itself. The possibility also exists that both sites may have utilised the remains of a crannog. Brian Smith has suggested that the Law Ting Holm may have originally been a lake-dwelling (cited in Fellows-Jensen 1996: 23). The Gaelic character of assemblies at Finlaggan (Caldwell 2003: 71) and the distinctive landscape setting of the Law Ting Holm may suggest that the site of the Shetland Lawting had also been the location of a pre-Norse place of assembly (Crawford 1987: 208; Munro 1961: 99).

Also of significance in the landscape around the Law Ting Holm is the proximity of Gallowhill. This is a natural ridge that overlooks the *thing* site at 90m OD, 0.5km to the SW. 'Gallowhill' has only been traced on later maps of the area and this may have

been the place of execution for those sentenced at the Lawting, at least during the late medieval use of the *thing*. At the southern head of the Loch of Tingwall is also a standing stone (HU 4124 4203) and on a promontory on the W shore was the site of a chapel (HU 4156 4272). These sites are both connected by tradition to the activities of the Lawting. The Icelandic Annals state that Malise, who was a Norwegian royal official, and seven of his followers were killed by Earl Henry of Orkney, which tradition suggests occurred at the Loch of Tingwall standing stone. The possible proximity of this event to the site of the Lawting suggests the incident may have been connected to a legal dispute (Thomson 2001: 166). Shetland became relatively autonomous from the Earls of Orkney in 1195 when the Islands came under the rule of the King of Norway. The above incident is especially noteworthy in that it appears to have occurred after this date, and therefore the presence of an Earl near the Lawting site suggests the occurrence of an exceptional event. This was perhaps an assembly for the negotiation of captives because Earl Henry or Malise are said to have been made captive by the other immediately prior to the killing described above (Thomson 2001: 166). In the case of the chapel by the Loch of Tingwall, tradition related that criminals sentenced at the Law Ting Holm would be pardoned if they managed to touch the chapel (Name Book 1878: no. 1, 53). The extended use of the assembly site at the Holm has clearly imbedded the perception of the surrounding landscape with the cultural memory of the social significance of the Lawting.

The dimensions of the holm are as follows. The Holm is 25m E-W and 40m S-N. The causeway that connects the Holm to the mainland measures 43m on length and is 1.7m wide. The majority of the present strip of land giving access to the Holm is thought to have been originally submerged because the level of Tingwall Loch has been considerably changed since the 19th century. Where the causeway joins the Holm the remains of walling 'of no great thickness or strength' run off at right angles on either side and enclose the entire 'island'. On the landward side of the causeway traces of what may be a post-medieval field boundary extend outward also (Crawford 1987: 206; Graham-Campell and Batey 1998: 67; Martilla 2003: 28; RCAHMS 1946: 124, no. 1522). The relatively small size of the Holm in comparison to the Lögberg of the Iceland Althing has prompted doubt regarding the feasibility of the site to have functioned as the setting for the main law-court of Shetland (Munro 1961: 99, fn. 8, citing Einar Ol. Sveinsson).

However the Holm could conceivably have functioned as the court site at the core of the Lawting of Shetland, the centre of which was perhaps convened beneath a temporary canopy as at the Tynwald of Man (*ibid*: 100). The restricted size of the focal court-site may lend credence to the 18th-century descriptions of the highly organised control of access to the Holm, a necessity when large numbers of people were present. The *þing-vollr* of the parish place-name may be understood to refer to the large swath of grass-covered land immediately opposite the Law Ting Holm. This may have been the field within which the majority of the people attending the *thing* gathered, notably *outside* the 'fence' of the central court. This location coincides with that mentioned as the area upon which the assembly-goers were allowed to graze their mounts.

Another significant aspect of the Law Ting Holm is the site's proximity to the parish church of Tingwall, dedicated to St Magnus. The church is referred to in 1307. The coincidence of a medieval church with a place of assembly is a feature noted at other *thing* sites in Scotland and elsewhere, and also early medieval assembly sites in general. Crawford noted that this feature of the Shetland Tingwall is reminiscent of Thingvellir in Iceland and is witness to 'the church's growing interest in these legal assemblies, in oath-taking and in the full range of offences under ecclesiastical law' (Crawford 1987: 206). Moreover the majority of the other known *things* in the Shetland Islands are identifiable as elements within the names of parishes, although the precise locations of these *thing*-sites are mostly unidentified. Almost half of the parishes of Mainland Shetland have names ending in *–ting*, ON *þing* 'assembly, a parliament'. These include Delting, in the N of Mainland which is derived from ON *dalr-þing* (1490), meaning 'valley of the *thing*' (Jakobsen 1993: 125). Aithsting or *Edsting* in central W Mainland derives from ON *eiðs-þing* ('isthmus of the *thing*'); isthmuses are known to have marked the boundaries between parishes in the northern Isles (Jakobsen 1993: 36, 125; see also Dingeshowe, Table 4.8, no. 6) and the tendency for the location of assembly sites at such boundary locations is significant. Isthmuses are nexus points of land and sea movement. Such locations also offer prominent landmarks which could be used to define a focal place for assembly activities. Other parish *thing* names include Lunnasting (E of Delting) derived from ON *Lund-eiðs-þing* in 1490, meaning 'grove on the neck of land- *thing*' (Jakobsen 1993: 125). The *thing* site may have been at Lunna which is located on a thin isthmus.

Here the remains of the old parish church, which was believed to be on the site of an early monastic foundation, are located upon the summit of Chapel Knowe, and are associated with an enclosing earth-and-stone enclosure and possible Viking burial mound (NMRS no. HU46NE 4). Chapel knowe may have been the setting for the local *thing*. Further parish names include Nesting (ON *nes-þing* 1490), Sandsting (ON *sands-þing* 1355) (Jakobsen 1993: 125; see Table 4.8, nos. 13, 14). The survival of *thing* place-names in the parish names of Shetland stresses the close connection between the organization of the medieval parochial system and the established institutions of local judicial dispute. The closeness of this connection in Shetland may suggest that the later medieval parochial system was developed directly from the previously existing territorial framework of local assembly sites in pre-Christian Shetland. Pre-Christian judicial practice in Scandinavian Europe is widely accepted to have been closely connected with cult practices and pagan authorities. Similarities with *þing* place-names may be identified in the evidence for parishes identified with Old Gaelic *tulach* place-names (see section 4.2.5). For instance the association of *tulach* sites with church centers and medieval parishes is comparable with the Shetland *þing*, though the meaning of *þing* place-names more directly indicate assembly practices.

Thingstead, Delting, Shetland Mainland

This is the second *thing*-site in the Shetland Islands, together with Law Ting Holm, which may be identified with a reasonable degree of accuracy. Thingstead is a circular mound measuring 18m in diameter and 3.6m average height, which originally had an oval flat summit (Figures 4.47, no. 8, and 4.56; Table 4.8, no. 8). Its located by a bend in Kirkhouse Burn and approximately 100m S of Setter farm, which is 1km SW of the town of Voe at the head of the Olna Firth. The mound was known locally as 'thingstead' and believed to be the assembly site of the *þing* of Delting parish (RCAHMS 1946: 12, no. 1127). The location of the site at the head of the extensive U-shaped valley of Kergord would be an appropriate site for the Delting or *Dala-þing*, which means 'valley of the *thing*' (Jakobsen 1993: 33-4, 125). The valley of Kergord forms an important N-S land

route-way, which extends 10km to the S from Voe to Weisdale and the firth of Weisdale Voe. Such a major nexus point of landward and sea-going communication and movement can be seen as an appropriate location for an assembly site given the need to gather the wider community at a central location. Also there may have been a degree of social legitimacy given to the site through reference to the symbolism conveyed by the holding of legal disputes at a place perceived as geographically central to the region. Moreover 600m NE of the *þing* mound were the remains of a chapel and burial ground (NMRS no. HU46SW 3; Name Book 1878: no. 6, 77), which is possibly further evidence for the involvement of the medieval church in the local judicial system in Shetland from the conversion onward.

In Shetland the place-name evidence for *thing* sites suggests the existence of a stable system of local and central assembly sites in use for much of the medieval period. This is thought to have been possible in Shetland, in comparison to the paucity of such evidence in Orkney, because of the ceding of the Shetland Islands from the over-lordship of the Earls of Orkney to the Kings of Norway in 1195. The *thing* system in Shetland most likely flourished from this time onward (Crawford 1987: 206). Additional, but now obsolete, place-names containing *thing* elements have been identified in medieval charters relating to Shetland. These include Thveitathing (1321 and 1322) and Raudarthing (1321), which both appear to refer to properties comprising specific portions of parishes (Jakobsen 1993: 126; Table 4.7, nos. 15, 16). These may represent the area within which the parish *thing* site was located or earlier *thing* districts which became obsolete and absorbed within a larger parochial territory.

4.3.4 Case study: Tinwald, Dumfriesshire

An outlier in terms of the distribution of *thing* names in Scotland, Tinwald in Dumfriesshire has been subject to detailed investigation (Table 4.8, no. 1; see Figure 4.46, no. 1). The parish of Tinwald is located in upper Nithsdale, NE of the town of Dumfries. The parish shared its name with the post-12th-century medieval lordship of Tinwald, and also the main village and parish church. The earliest form of the name is

Tynwald, recorded in association with one John de Mundeville who is first mentioned in Scotland c.1220 (Reid 1958: 78). The first element of the place-name derives from ON *þing* ('assembly'). The second element may be ON *vollr* ('field') but shows confusion with OE *wald* ('high land covered with wood') (Fellows-Jensen 1993: 56; 1996: 24). Based on the derivation of the name this assembly site was presumably associated with Scandinavian settlement in E Dumfriesshire between the 9th and 10th centuries (Crawford 1987: 206). Moreover the assembly site was clearly socially important enough to have generated the surviving place-name for the surrounding territorial division and medieval administrative unit. The area encompassed by the medieval parish may correlate with that served by the original *þing* assembly as was the case in Shetland.

Fellows-Jensen (1996: 24) noted that Tinwald is located close to the River Nith 'which marks the western boundary of the part of Dumfriesshire where Scandinavian names are of fairly common occurrence. To the west of the river, place-names are predominantly Gaelic' (*ibid*). Furthermore Nicolaisen (2001: 130-46) has suggested that the area of E Dumfriesshire, in which Tinwald is situated, can be associated with a specific phase of Scandinavian settlement. The distribution and form of Scandinavian place-names in E Dumfriesshire suggests that this should be understood as part of a wider pattern of settlement centred around the Solway Firth. The location of Tinwald correlates with the W extent in E Dumfriesshire of place-names such as ON *býr* (meaning 'a farmstead, a village') and ON *þveit* (meaning 'a clearing, a meadow, a paddock') (Nicolaisen 2001: 130, 133, fig. 9-10). Specifically *þveit* names are believed to be indicative of the secondary spread of settlement into upland areas that are characterised by lower quality terrain, perhaps requiring clearance of forestry for farming (Nicolaisen 2001: 136, 138). It is notable that Tinwald parish largely comprises of upland farmland and pasture. Additional evidence for Scandinavian settlement nearby to Tinwald is available in such place-names as Torthorwald that is located 4.5km SE of Tinwald. Torthorwald contains Gaelic *torr* 'a hill' and the ON personal name *þorvaldr*, which Nicolaisen (2001: 143) suggests was a place-name coined by Gaelic-speakers to describe the property of a Scandinavian neighbour or by a bi-lingual *Gallgael*. Perhaps significantly Torthorwald was to become the centre of a medieval estate and site of a one of the major castle in the district; David de Torthorwald was witness to a charter of

Robert de Brus 1245 x1295 (Corser 2005: 46, 54). This process of development into the medieval period has similarities with the history of Tinwald parish and estate from the period of Scandinavian settlement onwards.

The apparently anomalous location of Tinwald in comparison to the other *þing* place-names in Scotland is not problematic when the Dumfriesshire example is understood in the wider context of Scandinavian settlement in neighbouring N England. This sphere of settlement should be seen as distinct from that originating from Ireland and the N Isles during the 10th century, and was associated with elements of E Scandinavian Danish populations via N England (Nicolaisen 2001: 144-5). Tinwald should thus be seen as perhaps more closely related to cultural developments surrounding the rise of Viking Dublin and York than the examples from N Scotland.

The second element of the place-name Tinwald suggests that the specific site of the *þing* was defined by an enclosed, and presumably level, space which was perhaps at an upland location and defined by a clearing within a wood (Fellows-Jensen 1996: 24). The majority of Tinwald parish is characterised by upland SW facing slopes, encompassing large enclosed fields given over to agriculture, with upland pasture above to the E, which extends to higher ground above to hills of approximately 200m OD. The village and parish of Tinwald were positioned on an important route-way leading from the coast on the S, and Dumfries to the SW, which bypassed the wetlands of the Lochar Moss (Figure 4.57). This may have placed Tinwald at an important meeting-place of communication routes in upland Dumfriesshire during the medieval period.

A consideration of the local setting of the place-name Tinwald identifies two possible candidates for the location of the early medieval *thing*-site. These are the site of Tinwald Motte with neighbouring parish church and lower-lying field-site at Tinwald downs. The secondary element of the place-name, OE *wald* or ON *vollr*, suggests that the *thing*-site either comprised of a field, perhaps a level enclosed space, or a cleared area located on a 'high land covered with wood' (Fellows-Jensen 1996: 24).

Tinwald Motte is adjacent to Tinwald church, recorded as an independent parsonage in 1427 (Cowan 1967: 198). The church is likely to be on the site of an earlier foundation, indicated by a prominent curvilinear earthwork bank on the S (Figures 4.58, 4.60), which is also apparent on the W and N where the bank has been revetted by the

churchyard enclosure wall. Immediately to the SE is Tinwald Motte, a low mound eroded by ploughing (Figures 4.60 and 4.61, note 'Moat'). Adjacent to this on the SE is an oblong and level area, bounded in this direction by the Kirkland burn. The mound was identified as the *le Mote* near the church of *Tynwald* in 1455 when the site was used as the setting of a sasine ceremony for the delivery of lands, within the lordship, to an heiress of the De Mundeville family (Fraser 1873: vol. 2, 434). At this time the site was identified as the *capitale messuagium* (*ibid*) and is likely to have been the location of the De Mundeville residence at Tinwald since at least the early 13th century (Corser 2005: 54; Reid 1958: 78). Following the abandonment of the motte as a residence, it was used as a legally legitimate venue for assemblies associated with the sesine of land during the 15th century. Although the site was apparently in use as a motte from at least the 13th century it is suggested here that the mound-site and field may have originally been used as the location for a *þing* between the 9th and 11th centuries and the medieval form of the place-name (*Tynwald* in 1335-6, *Tynualde* 1477 and *Tynwald* 1522) (Williamson 1942: 20), presents the possibility that the mound-site (now Tinwald Motte) and adjacent level field may have originally been used as the location for a *þing* between the 9th and 11th centuries.

Geophysical survey and analysis of aerial photographs of the site have identified features likely to be associated with the 13th century mote and bailey, including possible bailey enclosure, ancillary structures, and also indications of a possible structure on the summit of the mound (see Figures 4.62, 4.63, 4.64). In addition to the bailey enclosure, the geophysical results and aerial photographs indicate the remains of a second enclosure associated with the mound and encompassing the level area to the S. It is most clearly identifiable on the aerial photographs as a linear cropmark running from N to S (W of the mound) and turning eastward as it approaches the Kirkland burn (see Figure 4.62). This correlates with the location of a faint magnetic anomaly in the geophysics results (Figures 4.63, 4.64). This large enclosure appears to be separate from the possible 'bailey' enclosure, and may be the remains of a bank and ditch feature associated with the use of this location as a *þing* site. Excavation would be required to fully validate this interpretation, although other possible explanations of the feature such as a roadway or field boundary seem less feasible given the size and shape. Another possibility is that the

larger enclosure represents a phase relating to the occupation of the motte, distinct from the smaller bailey, or forming an additional outer defence. Nevertheless the enclosure may indeed have defined the *vollr* of the site's place-name with an earlier mound (prior to adaptation as a motte) acting as a foci for assemblies, as is attested at other *Þing-vollr* sites (see Table 4.8, nos. 2, 5). No evidence is present that suggests the prehistoric origins of the larger enclosure at Tinwald, as has been identified surrounding the mound at Tynwald on the Isle of Man (Darvill 2004: 220-224), but the possibility remains and would not preclude such an enclosure's use for early medieval assemblies. Also, based on the alignment of the larger enclosure at Tinwald this feature may have continued N, as it shows no signs of turning E in this area unlike the bailey enclosure, and may have approached the site of the parish church.

The geophysics results suggest that the mound may have originally had a terrace around the circumference of the earthwork, and this is a significant feature for the understanding of the site. This feature is also faintly apparent at the site in the form of a minor change in gradient half way up the mound's flank, though this is not recognisable around the whole circumference: ploughing has effectively smoothed the profile of the mound resulting in the low and spread earthwork visible today (see Figure 4.60). Nevertheless the geophysics, and also to some extent the aerial photographs, suggest that the original profile of the mound was 'stepped' (Figures 4.62, 4.64. This feature may have resulted from the site's adaptation for use as the platform for a timber castle and this terraced arrangement has a superficial similarity to Garpol Water motte, the medieval residence of the Kirkpatricks, 24km NE of Tinwald (Corser 2005: 52, fig. 3.6). The terracing at Tinwald Motte may represent a regional style of earthwork castle specific to this area of Dumfriesshire. Other stepped mounds are identifiable in Dumfriesshire, at Lincluden adjacent to a 12th-century Benedictine nunnery although the date and nature of these terraces remain unclear (NMRS no. NX97NE 5). A second example at Lochwood Mount 17km NE of Tinwald, the medieval seat of the Johnstones in Annandale, represents the site of their timber castle , which was superseded in by a neighbouring towerhouse in the 15th century (Corser 2005: 47, fig. 3.3, 52, 54; *cf.* RCAHMS 1997). It is again unclear whether the terraces in this case result from later landscaping.

An alternative explanation is that the terracing relates to the use of Tinwald Motte as a *þing* site. Terraced mounds are a recognised feature of *þing* sites found in the areas bordering the Irish Sea. Thingmote in Dublin, although no longer extant, is believed to have been terraced on the basis of 17th-century illustrations (FitzPatrick 1997: vol. 1, 76-7, fig. 13). Most famously Tynwald Hill on the Isle of Man has three terraces thus accommodating four levels or tiers, and though the terraces were broadened in 1979, the stepped profile of the monument is believed to be ancient (Darvill 2004: 219, fig. 10.1, 222). Also the Thingmount in Cumbria has a stepped profile. Doomster Hill at Govan also may have had a terrace (Driscoll 2004: 90, fig. 3.7). An example from NE Scotland can perhaps also be found in the now lost *þing* mound at Dingwall, which may have been stepped (MacDonald and MacDonald in prep.; see section 4.3.3.1). It is attractive to view the terraced mound at Tinwald in the context of these examples and suggest that the stepped profile was an original feature incorporated during the site's use for early medieval assemblies.

Another place of gathering in Tinwald parish is also recorded. As late as the first half of the 19th century annual popular gatherings were held at Tinwald Downs, 2km S of Tinwald village. This another possible candidate for the original site of the early medieval assembly site, although in this case the meaning of the place-name element *wald* does not appear to as closely describe the location of Tinwald Downs. Nevertheless if ON *volr* is in fact included within the place-name by Tinwald then Tinwald Downs would be a relatively good fit. Here horse races were held in September on a open expanse (now covered by housing estates between Locharbriggs and Heathhall, see Figure 4.57). This coincided with the holding of assemblies in Dumfries and the compulsory attendance at a muster known as the 'siller gun' at which the men had to appear armed with a 'firelock' and answer to their name (Gomme 1880: 263; NSA 1834-45: vol. 4, 16). Such practices may derive from medieval traditions of popular gathering in the district. A large bronze three-legged pot dating to the 12th-14th centuries found in the vicinity may derive from such gatherings (Williams 1968: 16). Furthermore a 'Celtic' carved stone head found in a garden wall nearby to Tinwald Downs suggests a prehistoric cult significance for the locality. A similar head was also found at Lochar Moss a short distance to the E (Dodds 1972: 36-7). A square enclosure identified on General Roy's

map as 'old intrenchments' was located nearby to the SW of Tinwald Downs (Figure 4.57). This straddled the Dumfries to Moffat road and may have been the remains of a Roman fortification. By Tinwald Downs to the W are Auchenkeld Hill and Auchencrieff Loch which the Dumfires to Moffat road passes between. Also by the road here were the settlement of Lochthorn and Dalscone wood. These are place-names similar to the aforementioned Auchen names in that they may contain elements which refer to enclosures defined by forests or wooden circumferences. The Tinwald Downs races may represent a tradition of popular assembly quite apart from the elite assemblies held at the estate centre of Tinwald motte and the focus of religious gatherings at the parish church. This interpretation is restricted by the lack of early historical evidence for assemblies at Tinwald Downs but the site presents an additional candidate for the location of the early medieval *þing* of the parish's place-name.

4.4 Other assembly place-names

4.4.1 *Threep* place-names

Scots *threep* has the meaning 'quarrel', 'argument' or 'debatable', can be a noun or a verb, and in place-names may either apply to a property or feature over which a dispute has occurred or alternatively a place where disputes were convened, specifically in a legal context (Taylor 1995: 163, 249, 252; *cf*. Barrow 1998). The Scots term is derived from OE *þréapian* and in Scotland can indicate processes of boundary formation underway in the 12th-13th centuries during which time Old Scots became widespread throughout much of the lowlands (Barrow 1998: 68; Figure 4.65). Also included is 'Callange' from the OF calenge, 'challenge, dispute' relating to disputed land (Taylor 1995: 217). These place-names might relate to records of perambulation events used to define boundaries, but here the main interest is the identification of examples indicative of the siting of courts. Taylor (1995) refers to six examples of the element in Fife, perhaps most significant among these for the present discussion was Threipinch in Scoonie parish at Leven on the S coast of Fife (Table 4.4). This was identified during the 14th century as the location for the head

courts of the barony of Scoonie, with the element *inch* perhaps indicating an enclosure or island within which the courts were held. A further significant example is the simplex form 'Dripps' in Lanarkshire, where 14th century courts are documented to have been held upon a small mound crowned with a standing stone (see section 5.3.3.2). Dripps is also at a meeting of parish boundaries and the common association of assembly sites with boundary locations (see section 6.5) may indicate that other *threep* names relate to the location of courts rather than a designation of the dispute status of a property division. *Threip* commonly occurs as a specific element in place-names throughout lowland Scotland (Taylor 1995: 163, 252) and examples include Threip Moor in Dumfriesshire, E of Thornhill, and Thripmuir S of Balerno near Edinburgh which is 5km from the meeting of three regional boundaries (1:50000 Ordinance Survey Landranger 2002 map 65). Threepland by the Threepland burn in East Renfrewshire which is on the regional border with South Lanarkshire (1:50000 Ordinance Survey Landranger 2002 map 64). Threepwood in North Ayrshire is at the meeting point of three regional boundaries and by Cuff Hill, which Black notes was the site of St Inan's fair and proposes as a possible G *comhdhail* ('assembly') place-name (Black 1999: 18; for Threepwood see 1:50000 Ordinance Survey Landranger 2002 map 63). Threepwood in Galston parish also in Ayrshire is close to Gallow Law and may indicate a location used for judicial practices (see section 4.2.1). An outlier may be identified at Threapland in Moray, E of Elgin (1:50000 Ordinance Survey Landranger 2002 map 28) and at the significant Threpland in the historic lands of Rayne, Aberdeenshire. The boundaries of Threpland were the subject of dispute between the Bishops of Aberdeen and the Abbots of Lindores in 1259 and again in 1521 (RCAHMS 2007: 142, citing Innes 1845: i, 386). On the latter occasion a meeting is said to have been arranged, though the location is not given, and a cross-incised boulder at Cairnhill is thought have been a boundary marker resulting from these disputes (*ibid*). Examples such as this may not necessarily indicate the kind of firmly established assembly sites discussed as part of this wider study. However they should remind us of the often responsive natural of medieval legal dispute, which could react to circumstance, and included perambulatory practices increasingly visible in the record from the 12th and 13th centuries, often required to establish the extent of property before

an authoritative assembly, as legal activity was not always restricted to set traditional sites.

4.4.2 Brithonic place-names

Welsh place-name elements which might indicate medieval assembly practices include *llys*, meaning 'court', *gorsedd* meaning 'court, mound' or perhaps 'assembly mound' cognate with Old Gaelic *forad*, and OW *dadl* 'assembly-place' which is cognate with Old Gaelic dál (Charles-Edwards 2004: 95-105; see sections 4.4 and 4.2.1). These terms occur in early Welsh laws before the 14th century (Charles-Edwards 2004: 95, 97, 101). No systematic attempt has been made in Scotland yet to investigate the occurrence of these words in place-names. A possible example may be cited in Galloway: Leswalt NW of Stranraer has been argued to derive from W *llys* 'court' and *gwellt* 'grass', perhaps meaning 'grass court or enclosure' (MacQueen 2002: 93; Watson 1926: 180; Table 4.4). Based on the medieval forms this derivation is not certain (MacQueen 2002: 93). Nevertheless Brooke drew attention to the associated but lost place-name *Men-y-brig* that was the name of an extensive medieval estate and, it was argued, may be equated with the Ravenna Cosomgraphy's *Brigomono*. Brooke has argued that the combination of a 'court' name and estate indicates an important site of extended antiquity, and supporting the equation with *Brigomono* (Brooke 1996: 115). McCarthy concurs with Brooke's proposal within a discussion of the possible focus of the early historic kingdom of Rheged at the Rhinns of Galloway (2004: 127). Moreover in support of the significance of Leswalt and *Men-y-brig* McCarthy drew attention to the proximity of a hillfort at Tor of Craigoch, and motte and broch at Innermessan across neighbouring Loch Ryan (*ibid*). A setting for the court site could be at Moat Hill on high ground in the S of the parish, and might suggest an Anglicisation of the original name (see Table 4.6, no. 8). If Leswalt does indicate a British 'court' then this would be a significant survival and raise the possibility of further examples in central and S Scotland.

A further, and to some extent indirectly significant, place-name is Govan in Strathclyde. Clancy has argued that Govan derives form Cumbric *gwovan* meaning 'small

crest, hill or promontory' referring to the now lost Doomster Hill that was located adjacent to the medieval parish church (1996; 1998). Doomster refers to a significant medieval legal office in Scotland, found also in early Man, and the association of this indicator of medieval assembly practices with the possible Cumbric name of the hill may indicate that the feature was the setting for assemblies during the existence of the British Kingdom of Strathclyde between the 10th-11th centuries (Driscoll 1998c).

4.5 Analysis of assembly settings

Figure 4.66 illustrates the relative frequency of the types of settings used for medieval assemblies in Scotland based upon identified place-name evidence and post-medieval sources. Each category is divided into 'Strong' and 'Possible' sites which reflects the degree of certainty to which a given site has been identified (discussed in Chapter 3), with the percentage of the total sample that each category represents. A group percentage has been given for those categories which include a minor proportion of examples. The sample of sites considered here totals 202, of which 59 are strong identifications and 143 are possible. The single most common type of setting is a natural hill, with 35% of the sites discussed here identified as hills (see Figure 4.66). These vary from discrete mound-like features to extensive and prominent elevations. Four of the sites focus on natural outcrops located on hills. The implications of the use of natural features as assembly sites in Scotland for the understanding of medieval assembly practices is explored in Chapter 6. In some cases the common use of natural features for assembly sites could indicate that these were places preferred for local, low-status judicial assemblies, with jurisdiction over a parish or estate. Barrow envisioned that such small-scale institutions were indicated by *comhdhail* place-names (1981; 1992), which form 32% of the total sample. However as shall be seen in Chapter 5, natural sites can occur with high-class assemblies, where a third of historically-attested sites are associated with natural hills (see section 5.3.4; Table 5.1). Natural sites therefore need not be a general indicator of low-class or popular status for an assembly site (see section 6.4 for further discussion).

However, when considered together, natural settings are outnumbered by examples with archaeological remains by twenty-six sites. If the mound and cairn sites (many of which are turf-covered) are considered as a single group, they almost equal the number of natural hills identified, sixty-eight compared to seventy-one respectively (see Figure 4.66). This is also the case when only 'Strong' status sites are considered. One possible interpretation of this is that natural hills were not always culturally differentiated from existing mounds or cairns during the medieval period. From a functional point of view, natural hills, mounds, or cairns may have been equally selected as court sites because of their elevation and recognisable significance as a *place*. This is not to suggest that court sites were selected purely as convenient landmarks, rather that an aspect of the no doubt culturally diverse reasons for the selection of sites was that they were visibly recognisable as individual focal points within the landscape. This relatively simple concept is also applicable to the use of megalithic sites which represent 8% of the total sites identified in this Chapter. Further examples also represent prehistoric monuments, such as Coldrain cairn (Table 4.1, no. 55; Figure 4.67) and Court Law in Angus (Table 4.7, no. 5), indicating that prehistoric remains represent a significant proportion of the sample. This is also reflected in historically attested sites where eleven of eighteen sites have evidence of prehistoric origins (see section 5.4; Table 5.1). Existing features of the landscape were clearly important for the selection of outdoor medieval court sites.

Although a defined focal point was a significant factor in this selection, the cultural understanding of such sites must also be borne in mind. For instance the use of broch-mounds in Scotland within the Scandinavian cultural sphere may have been related to the cultural preconceptions of mounds and existing monuments that were shared by Norse settlers in the N (see Ellis 1977: 99-120). Similar forms of perceptions, though less well documented, may also have influenced the use of prehistoric monuments or old forts and enclosure sites that represent under 5% of the sample (see Figure 4.66). The evidence for the possible reuse of Pictish court sites represented by *comhdhail* place-names also indicates that the adoption of an assembly setting might depend on it's established pedigree for such practices. Regional variations in setting types, such as stone circles focused in the NE, may represent variation in cultural responses to such monuments and the extent to which they were recognised as legitimate court venues. The possibility that

mound, cairn, standing stone or enclosure sites may have been constructed specifically for assemblies remains feasible, although unproven until further archaeological excavation is undertaken. As a whole the analysis of the substantial body of sites identified by the place-name evidence in this chapter is presented as support for the widespread practice of holding courts at open-air settings from the early medieval period in Scotland. From the discussion of different place-name elements provided above it is clear that these practices occurred within varied and changing linguistic and cultural contexts.

4.6 Conclusion

This Chapter has examined the evidence for the settings of medieval assembly sites in Scotland as identified by a review of place-name material and post-medieval sources. Some two hundred examples have been considered. A much needed archaeological horizon has been added to the predominantly toponymical dialogue regarding the location of medieval assemblies in Scotland. *Tulach* place-names have been argued in specific cases to represent early medieval assembly sites at natural hills or mounds. A key finding of this new perspective on the issue has also been the identification of a general trend toward natural elevated locations, mainly hills, for the setting of assemblies. Barrow in his survey of *comhdhail* place-names (1981; 1992) provided the first indication of such a trend but this has now been shown to hold true for a wide range of sites identified by different place-names and traditional accounts. This trend is interpreted as a common feature, though not entirely exclusive to, assemblies that were constituted on a local scale and which broadly represented institutions of minor political significance. Such findings have important implications for the understanding of medieval assembly practices as an archaeological question. These implications are explored further in Chapter 6. However here it is sufficient to note that natural features such as hills and to a lesser extent outcrops were adapted during the early medieval period, from perhaps at least the 9th century, onward as the setting for the local provision of legal dispute throughout Scotland. Such natural venues can be seen as the arenas within which customary law was expounded and socially constituted throughout Scotland.

Other forms of setting also form significant proportions of the sample, though to a lesser degree than natural features. Mounds and cairns occur in just under two fifths of the sites discussed in this chapter, which indicates close parallels with the location of medieval courts elsewhere in NW Europe (see section 2.3.2), particularly allowing for subsequent loss. The specific case of *þing* assembly sites indicates the use and apparent reuse of mound-like monuments as the foci for assemblies, but also the importance of the open areas around these focal monuments that are often indicated by a specific element in the place-name evidence. In this regard the Scottish *þing* examples exhibit similarities with *þing* sites found elsewhere in NW Europe. The case study of Tinwald in Dumfriesshire explored some of the challenges of identifying the setting of an early medieval assembly site through the examination of a range of evidence, including remote-sensing data. This identified two main candidate sites, one of which, Tinwald Motte exemplified the possible long-term continuity of early estate and parish centres that may also have been based upon elements of an underlying early medieval social landscape. Again the role of open areas and level spaces associated with *þing* sites was identified as an important factor in the setting of assemblies. This feature suggests that our definition of the setting for assemblies should not necessarily be restricted to the dimensions of a given archaeologically described monument. Rather the definition of the extent of assembly sites should also be open to encompassing the immediate vicinity around such features as part of the setting for assemblies as a whole. This issue is particularly important when attempting to define the possible extent of the archaeological sensitivity of medieval assembly sites (see section 7.5 for further discussion).

Strong evidence for the reuse of prehistoric monuments was also an important aspect of these sites. This phenomenon is understood to indicate the medieval appropriation of such remains for both practical and perhaps ideological reasons (see section 6.3). Regional trends in the choice of assembly settings were also identified, brought about by variations in pre-existing monument types in different areas, and also perhaps different local cultural responses to prehistoric remains during the medieval period. In comparison to hills and mounds, substantially fewer examples of prehistoric remains were identified as assembly settings. This may indicate that prehistoric monuments were generally appropriated for particularly significant assemblies or where a

specific monument type was commonly found in a given area, such as recumbent stone circles in Aberdeenshire. The use of megalithic monuments in particular is a common occurrence among the historically attested assemblies, discussed in Chapter 5, many of which appear to indicate the location of regionally significant assemblies. Therefore although clearly prehistoric monuments were used for small-scale local courts, as Barrow (1981; 1992: 227) also has shown for *comhdhail* sites, in the majority of cases (approximately 82%) other forms of setting were chosen. The tendency toward natural hills and mounds would indicate cultural, social and political factors at work which made such sites more feasible for these kinds of assemblies. These issues will be explored more fully in Chapter 6, following the discussion of historically attested settings of medieval assemblies in Scotland in Chapter 5. However the evidence presented in this Chapter has defined the most commonly occurring trends in the settings of medieval assemblies in Scotland within the methodological restrictions of this study.

Chapter 5: The setting of historically-attested assemblies, 12th-16th centuries

5.1 Introduction

This chapter examines the settings of assemblies dating from the 12th to the 16th centuries which are identified by medieval historical documentation. The documentation comprises of charters and late medieval notary records (see section 3.4.1), which refer to the occurrence of medieval courts. The identified settings can be characterised as two groups, one comprising of mounds, cairns and natural hills, and the other of megalithic monuments, including stone circles and standing stones. This chapter is divided into three main sections. The first section provides comment on the general geographical distribution and variation in form of the settings. Additional examples that are not discussed in detail later in the chapter are included in this general section because they either cannot be identified with a definite setting, or because references to medieval assemblies occurring at the site are contained only within post-15th-century historical material. This general comment is followed by two sections that consider the types of setting in detail: the first examines assembly settings comprising of cairns, mounds and hills; and the second considers megalithic settings. Each section discusses a sample of eight sites in detail, and offers comment on the group as a whole. Each of these sections also has an accompanying case study, which was chosen for its exceptional historical and archaeological evidence. These case studies explore in more detail the physical setting, landscape and social history of the assembly sites, and comment on the contribution these examples make toward the understanding of specific research issues. The case studies are Tillydrone mound at Old Aberdeen, Aberdeenshire, for the 'mounds, cairns and hills' section (5.3), and Clochmabenstane stone circle by Gretna, Dumfriesshire, for the 'megaliths' section (5.4). General comment is provided on thematic issues which arise form the historically-attested sites in a conclusion at the close of the chapter.

5.2 Distribution and form

Figure 5.1a, b presents the general distribution of the key sites discussed in this chapter and Table 5.1 gives full details. This shows a clear concentration in the NE of Scotland, with outliers in central Scotland and Dumfriesshire. This distribution may arguably reflect the coverage of the documentary source material used to identify such sites, rather than an absence of similar medieval assembly practices in other areas of Scotland. For instance the lack of west coast examples is to some extent likely to reflect the limitations of this study, but perhaps also the lack of specific kinds of historical records for this area before the late medieval period. Outside royal or ecclesiastical contexts (see section 2.2.2), local assembly practices for courts do not appear to have been documented by medieval contemporaries in the NW to the extent that those occurring in lowland areas of Scotland were (or at least modern scholarship has not as yet adequately scrutinised material relating to the NW). Rather, oral tradition is likely to have predominated in the W, and so such practices can only be glimpsed through ethnographical accounts following the close of the medieval period, and through place-name evidence (see sections 2.2.2 and Chapter 4). Exceptions can be highlighted for elite assemblies in the NW. For instance, in the reference to the holding of a council at Kildonan in the Isle of Eigg, following the death of John Lord of the Isles in c.1386, by the high steward Ranald who was the eldest son of John by his first marriage. This comprised of 'a meeting of the nobles of the Isles and his [Ranald's] brethren' where the staff of lordship was controversially given to his brother who was nominated by MacDomnall and Donald of Isla (Munro 1961: 100-1, quoting Skene). The precise setting of this assembly is unclear but it may have been within the medieval church at Kildonan or at an outdoor setting in the vicinity.

Some historical examples are not discussed in detail within this chapter because they are dealt with elsewhere and were deemed more directly relevant to other issues. For instance the holding of a gathering in 1222 at Sordale Hill in Caithness is discussed within the *þing* site section in Chapter 4. This expands the distribution of historically-attested examples further N and may represent an incidental glimpse of general practices in Caithness and other areas of the N. Also Tullochan Knowe in Stirling is a turf covered

cairn that was attested in 1557 as the site of local court, but is considered in detail in Chapter 8 with other examples associated with *tulach* place-names (National Archives of Scotland Ref No GD430/129, see http://www.nas.gov.uk; RCAHMS 1979: 9, no. 29). Other examples such as the Law Ting Holm on Shetland have compelling evidence for early medieval and medieval use as courts but lack the specific pre-16th-century historical documentation to allow inclusion in this chapter, and are covered instead in Chapter 4. Examples that lack an identifiable or possible setting, or where the setting has been lost to the extent that no possible site can be identified, were also excluded from the distribution presented in Figure 5.1a and are instead shown in Figure 5.1b. For instance, while the Muthill of Prestwick was the setting for a Sherriff's court, no site has been identified, possibly due to the extent of modern development in the area. The use of the Muthill for this purpose has only been traced as early as the 16th century, despite probably having earlier significance given the associated place-name (see section 4.3.1; Table 4.6, no. 6). Similarly the Knoktoscheok in Ayrshire where the thrice yearly capital pleas of Carrick were held in 1505 is not presented in detail in this chapter because the possible site of courts, a mound by Girvan, is no longer extant and has only been traced to the 16th century (see Tables 2.1, no. 6, and 4.9, no. 9). However the meaning of the place-name as 'Knock of the *Tòiseachd*' suggests this now lost mound site may also have been significant in for earlier medieval assembly practice in Gaelic speaking Carrick. This is also the case for 'Toscheochhill' in Kyle attested in the 16th century, though the location of this site has not been established (see Table 2.1, no. 4).

The lack of examples from the SE of Scotland could suggest the absence of outdoor assembly practices in the region between the 12th and 16th centuries (Figure 5.1a), but secondary evidence does not seem to support this. For instance, the Homeli Knoll, a natural coastal promontory by Coldingham in the Scottish Borders was traditionally said to have been the site for the courts of the neighbouring Priory (Figure 5.1b; Table 4.9, no.17).

It is also important to reiterate that royal courts or parliaments are not considered in this chapter. In general from the 13th century royal assemblies were held at key burghs, royal castles and abbeys (Duncan 1966; Oram 2004). This is in direct contrast to the sites discussed in this chapter, the majority of which concern the holding of courts for matters

affecting elite tenurial pleas at a variety of outdoor locations. Many of these appear to have been held at traditional sites.

The sample size for this chapter is relatively limited compared to Chapter 4 and though this is perhaps to be expected, over scrutiny of the distribution shown in Figure 5.1a seems unwise. However it is noteworthy that many of the examples discussed here are linked to documentary records from ecclesiastical foundations, and this may represent a particular interest by the church in the NE of Scotland to engage with traditional venues for courts to secure their landed interests and legitimate ownership of property through traditional means.

General comment can also be made about the types of settings encountered. For instance hills are marginally more common than other types, followed by stone circles and standing stones, though this difference is hardly enough to draw any detailed conclusion from. Fundamentally though, these examples show a willingness in late medieval Scotland to use natural elevated features and prehistoric monumental remains for the setting of courts. Arguably such a willingness only extended to specific social contexts, outside the mainstream setting of government and direct royal involvement. Cairns were also an accepted setting for courts, and it may be significant that a concentration of such sites occurs in Angus and Perthshire perhaps indicating a regional response to a type of monument found throughout Scotland (Figure 5.1a). This may to some extent reflect the available monumental remains, and their location at elevated positions in the landscape, also a frequent attribute of the court sites. This may also have been a factor which influenced the use of stone circles in Aberdeenshire (see section 4.2.1.2).

Mounds comprise a conspicuously small number of the settings, and the one example discussed in this chapter is, in origin, a prehistoric barrow. Again this is likely to be a factor of the survival and identification of the documentary material rather than an indicator that mounds were not used as commonly as other kinds of settings. This is suggested by the occurrence of numerous examples that are not included in the distribution for methodological reasons, but which nevertheless indicate the use of mound-sites for medieval courts. These sites include the lost Court Hillock at Kirriemuir (Angus), traditionally associated with the courts of the Earls of Angus and used for the

provision of law in the Regality of Kerriemuir during the 15th century (Table 4.7, no. 6). At Ellon the Earl's Hill or Moothill was traditionally associated with the Earl of Buchan's courts, though no clear link can be made between this site and an assembly at the *caput* during the 1130s (Book of Deer, no. 6; Table 4.9, no. 1; see section 6.6). A further example is found at Leuchars in Fife where on the 12th January 1500 a court is recorded to have been held *apud lie Welhill* beside the town (Dickinson 1928: xviii, fn. 1; RMS 1882-1914: vol. 2, 550, no. 2589). This is unlikely to relate to the remains of a large motte at Castle Knowe that was still occupied at this time, and located 0.5km N of the Romanesque parish church of Leuchars (NMRS no. NO42SE 5). *Welhil* may rather be the same site as *Bunnowis Hill* were a barony court was held in 1470. *Bunnowis* appears to contain the saint's name Bonoc and the 19th century 'St Bunyan's Well' by Leuchars may mark the site of the hill and thus also *Welhill* (Fraser 1867: vol. 1, lviii; 1st edition OS 6":mile map 'Fifeshire' 1855; pers. comm. Gilbert Márkus). More generally though, archaeological remains outnumber natural settings by a factor of three to one, indicating the relatively common use of monumental remains in comparison to natural sites.

The possibility of purpose-built monumental settings for medieval courts remains unresolved, but there is evidence for the augmentation of existing features during the medieval period. Rare examples of excavated sites provide evidence of this. These include an augmented hill at Tillydrone in Aberdeenshire, which was the site for bishops courts during at least the 14th century (discussed further in a case study below). Here, evidence for the artificial heightening of a natural hill, and a timber enclosure which encircled the summit, may have been associated with the holding of medieval courts at the site. However the dating of these features are not certain. Another excavated example is at Beechill in Angus, by Coupar Angus, where a kerb-cairn was the setting for the regality courts of Coupar Angus during the 17th century and possibly for courts of the neighbouring medieval abbey (Figure 5.2). Specifically in 1681, James Earl of Airlie was said to have held court on the '*Beitchell* Hill of Cupar in Angus, being the ordinary court-place of the regality thereof' (Gomme 1880: 190; RCHM 1871: 187). This was also traditionally the site of the gibbet of the same courts (Dennison and Coleman 1997: 21, 50, 69; Warden 1880-5:134). This may be the same site as that mentioned in 1460 as *Lauchil* or 'law-hill', which was then the court site of the bishop and commendator of

Coupar Angus Abbey. On the 18th January 1460 the bailie depute, Patrick Ogilby, held court at *Lauchil* and heard pleas concerning tenant rights on the monastery's lands (Rogers 1879-80: vol. I, 130, no. 72). If these are the same site, this may have also have been the assembly place for the royal manor bestowed upon Coupar Angus abbey by Malcom IV in 1159 at the Cistercian monastery's foundation (*cf.* Dennison and Coleman 1997: 39). A mound is also mentioned at Beechill in 15th century title deeds and appears to have been situated in the centre of the barony (Dennison and Coleman 1997: 21, 49, 50; Stevenson 1995: 197). Between 1480 and 1509 the hereditable porter of the abbey was granted tenant lands at *Baitscheill* (Beech Hill) (Dennison and Coleman 1997: 50). The mound site was originally 1.4m high, had the appearance of a mound with stone protruding on the surface, and an old thorn tree growing on it (OSA 1791-9: vol. 17, 11; Name Book 1864: no. 18, 20). Excavation of the Beechill site showed the site was a prehistoric kerb-cairn associated with numerous cist burials. One of these burials cut a palisade ditch which encircled the monument, and in this case the enclosure feature seems to be clearly prehistoric in derivation (Stevenson *et al.* 1995: 201-2, illus. 3, 207-9, illus. 7). Nevertheless this site illustrates again the common use of prehistoric monumental remains for medieval judicial assemblies, in this case where significant ecclesiastical centres held courts affecting immediate property interests (see section 6.3).

The examples covered in this chapter refer to courts from a diverse range of dates during the late medieval period. Seven sites have only one reference to an assembly, but these presumably reflect brief glimpses into more common practices than the historical material necessarily represents, as the majority have associated evidence suggestive of long-term and traditional use as court sites. The examples discussed below should be read as minor case studies in the first instance, but at the close of this chapter wider thematic conclusions from the group as a whole will be drawn.

5.3 Cairns, mounds and hills

5.3.1 Introduction

This section considers the archaeology of eight historically-attested assembly sites where the setting for courts can be identified as elevated monuments such as cairns, mounds or natural hills. The examples discussed here are assemblies documented between the 12th and 16th centuries. It is argued that these assemblies largely represent courts of local and in some cases regional significance, and although all medieval courts represented royal legal authority to some extent, centralised royal administrative institutions such as head sheriff courts are mostly not represented here (royal ceremonial and parliamentary sites are considered in Chapters 6). In this section it is considered what cultural and social reasons influenced and helped to legitimise the use of mounds and similar features for medieval courts. The examples are considered individually, drawing upon archaeological evidence and related information about social landscapes, and then comment is made on the group as a whole and the implications for the study. Cairn sites are considered first, beginning with the exceptionally well-attested site of 14th-century barony courts at the Hundhil of Longforgan in Angus. Mound settings are then followed by natural settings. An exception to this order only occurs in the discussion of the Carnconnan cairn site, which is accompanied by sections on two natural hill sites, because it was thought more effective to consider these sites as a group as they all illustrate court settings associated with the interests of the medieval abbey of Arbroath and form a useful comparison.

Eight sites are discussed in this section, followed by an extended case study of Tillydrone mound in Old Aberdeen, and general observations about the group will now be given. Of these nine sites, three can be identified with mounds of at least partial artificial construction (Table 5.1, nos. 1, 16, 18; Tillydrone, Stayt of Creiff and Meikle Dripps), two of which have evidence of prehistoric activity. Carnconnan in Angus is a cairn, as is the Hundhill of Langforgund, and these are likely to be of prehistoric construction. The significance of this historical reuse of prehistoric remains is discussed in Chapter 6 and further examples are provided later in the present chapter in the presentation of megalithic sites used for assemblies. Natural hills comprise four of the

sites discussed in this section (Ordhill in Buchan, Coleduns in Angus, Dalginch and Camehill in Fife; see Table 5.1, nos. 2, 8, 11-12). Early church foundations or ecclesiastical links are associated with five of the sites (see Table 5.1, nos. 1-2, 7-8, 11; Tillydrone, Ordhill, Carnconnan, Coleduns and Dalginch). Four of the sites are associated with evidence other than the documentary material that suggests their significance as venues for medieval assemblies prior to their first documented use (see Table 5.1, nos. 1-2, 8, 11; Tillydrone, Ordhill, Coleduns and Dalginch). Two of the eight examples are associated with Gaelic *tulach* place-names and early churches which may indicate the significance of these localities as assembly sites prior to the 12th century (see section 4.2.5).

All the examples discussed within this section are identified with references to judicial courts, of varying degrees of social repercussion. The predominance of legal assemblies in the record reflects the original intention behind the production of the documentary records considered here. These sought to represent the settlement of judicial disputes about the ownership of landed property, which was often associated with the practice of perambulation to define property boundaries. This material represents evidence from a period of transition in the social use of literacy in Scotland, which involved the increasing use of documentation to record legal transitions (Barrow 1973: 69). However judicial practice and ceremonial process was not necessarily recorded, as the document itself would form the legal contract as an outcome to such activities. Between the 12th and 14th centuries there does not appear to have been a social imperative to record more popular forms of assembly, such as markets and fairs, outside the burghs (Black 1999: 8-10; *cf.* Hall 2004 for an examination of the archaeological evidence from Perthshire). Reconstruction of medieval social landscapes through the study of place-names, archaeology and cartographic material can help to piece together less overtly political assembly practices. Through this process the examples here show further close links between the setting of medieval courts and popular assembly practices.

5.3.2 Cairn settings

5.3.2.1 Hundhill of Langforgund, 'Market Knowe', Longforgan, Perth and Kinross

This section discusses an example particularly important for the detailed account it provides of the procedures of a local court in the 14th century, including descriptions of legal officers present and their roles, but also because the assembly setting can be identified with the remains of prehistoric cairn. The Barony court of Longforgan (Figure 5.1a, no. 15) was convened during the 14th century at the Hundhil of Longforgan (RCHM 1872: xxiv, 410). It is suggested here that this location should be identified with an enclosed cairn known as Market Knowe, N of Longforgan village, Perthshire (Figure 5.3).

Longforgan, known as *Langforgund* in the 14th century, is located in a region of the Carse of Gowrie known as Easter Fowlis, 8km W of the city of Dundee and on the northern side of the Firth of Tay (Figure 5.3). The documentary record of late 14th-century courts of the barony of Langforgrund are among the most detailed accounts of the proceedings of a local court from this period known to survive. These accounts were preserved within the archival records in the possession of the Murray family of Ochtertyre, proprietors in the area at the end of the 19th century, and successors of the Grays in Easter Fowlis. During the majority of the medieval period Easter Fowlis was in the possession of the Lords Gray and it was at Longforgan that they held their head court of the barony of *Langforgund* (RCHM 1872: 410). Sir Andrew Gray had been gifted the barony of Longforgan, with other possessions in Angus, in a charter dated 1315 at the Abbey of Arbroath, by Robert I for his support of the Bruce cause (Warden 1880-5: 22-3).

A series of documents describe the proceedings of the barony court of Sir Patrick Gray on five occasions over four months during the year 1385 AD. Sir Patrick Gray possessed Fowlis and the barony of Longforgan (Philip 1895: 88). The documented courts are described as having all been convened at the '*Hundhil* of Langforgund' (RCHM 1872: xxiv, 410). The name *Hundhil* appears to indicate an elevated setting by the element *hil*, 'hill'. Based on archaeological evidence and post-medieval tradition the

Hundhil is here identified with a turf-covered cairn known as the Market Knowe. This survives in a dilapidated condition at over 50m OD, within an upland area previously known as the Moor of Longforgan, an open expanse situated upon a plateau of higher ground, 0.7km NNE of the parish church and village (OSA 1791-9: vol.19, 559; Philip 1895: 40; Figure 5.3). The Market Knowe (NMRS no. NO33SW 19) has been described as a cairn or 'stony mound' (visited by OS (R D L) 1964), and on recent field inspection is mostly covered by undergrowth (Figure 5.4) but has exposed cairn material on the E where the remains have previously been disturbed. The site is now situated within a Woodland Trust managed tree plantation called Huntly Wood and the landscape setting of the site is likely be different from that during the medieval period (Figure 5.5). According to tradition, prior to the plantation of Huntly wood the monument was prominently visible compared to its surroundings because the mound was noticeably grass-grown in comparison to the surrounding 'broom' land of the moor of Longforgan (OSA 1791-9: vol.19, 559; Philip 1895: 40). Therefore despite being constructed of cairn material the monument may have historically had the appearance of a grassy mound. Furthermore despite the monument's present enclosed and forested position, the monument would have been more prominent upon approach in the past. This may have been a practical feature which influenced the selection of the site for assemblies, because it was a recognisable landmark, and an effective and defined platform for public court proceedings.

Of note is the discovery of a fragment of a Pictish symbol-stone 240m W of Longforgan parish church (Figure 5.3). Although the stone is unlikely to be found in its original location, the objects discovery suggests the social importance of the vicinity of Longforgan prior to the 9th century AD. The symbol-stone was reused in a dyke and is a roughly rectangular fragment measuring 0.25m by 0.2m and 0.1m thick (Taylor 1966: 38; Figure 5.6). Furthermore a *comhdhail* (Gaelic meaning 'assembly') place-name has been identified within the parish of Longforgan, at Easter and Wester Cutles, attested in 1695, although the location of this name has not been recognised (Barrow 1992: 239, no. 2.25). This place-name represents the location of an assembly site associated with local judicial and popular gatherings during the early medieval period (Barrow 1992: 239, no. 2.25; see section 4.2.1). No connection can be made between the location of the *Cutles* and the

Market Knowe, but it is of note that the *Hundhil* also represented a local court site in the 14th century.

During the 12th century Longforgan was referred to as a royal *manerium* and was one of four which made up the province of Gowrie, confirmed to Scone abbey by Malcolm IV (Grant 1993: 78). In the 1160s Longforgan was also identified as a shire, indicating that before the territory was formed as a barony in Robert I's reign (1306-29) it had been a thanage (*ibid*). It is feasible that the legal setting for the later medieval barony court preserved the place of legal assembly used for the earlier royal manor.

The present parish church of Longforgan is thought to preserve the site of the medieval church (Hutcheson 1904: 64-7). The parish church is also in close proximity to a late-medieval baronial residence at Castle Huntly (Urquhart 1956: 4; OSA 1791-9: 472, vol. 19; Figure 5.3). The site of the parish church is visible from the Market Knowe. These features of the cultural landscape of Longforgan parish indicate that the baronial assembly site was but one site significant for the administration and social cohesion of the surrounding region during at least the late medieval period.

14th century court records

The five accounts of courts at the *Hundhil* offer detailed insights into the proceedings of this local judicial institution during the 14th century (RCHM 1872: xxiv, 410; *cf*. Dickinson 1937: lxxxv; Headrick 1913: 368, fn. 3; Gomme 1880: 176-82; Philip 1895: 87-9). All the courts were convened in order to resolve the validity of claims by specific individuals to lands within the barony of *Langforgund*. The accounts were recorded in vernacular Scots. Aspects of the proceedings can be identified as similar to earlier medieval legal practices in Scotland and are likely to have derived from long-standing judicial procedure. Key among such practices was the 'fencing' of the court, by which the boundary and sanctity of the court was demarcated and convened. This practice is most clearly documented in early medieval Scandinavian legal procedure but also became widely documented in Scottish legal practice (Dickinson 1959: 155-9; RCHM 1872: 410; see sections 2.3.4 and 2.4).

The first of the courts was held on the 16th January 1385. Proceedings began with the fencing of the court. The confines and sanctity of the court's boundary defined and re-instated, the authority of the *Serjeant* or *Sergand* (Sergeant) of the court was acknowledged. Lord Gray presided over the proceedings in the presence of '*mony nobillis*' who made up the body of the barony court (RCHM 1872: xxiv, 410). The *Serjeant* was the officer of the court, in this case one Robyn Jopson, who following the 'fencing' read to the assembly his citation. This detailed the issue under consideration and the processes which led to the convening of the session. He also detailed those involved in the litigation and the lands under question. The *Serjeant* stated that he had summoned directly those involved to appear 'at the Hundhill in Langforgund', and this was testified by witnesses (RCHM 1872: 410). The properties under question were all tenant lands within the Barony of Longforgan that were claimed by various named individuals, the majority of which were involved '*throw reson of his spouse*' (RCHM 1872: 410). A further detail of the Sergeant's account alludes to an event in November of the previous year, when the claimants were summoned by the Sergeant to the *Hundhil* court at the chief places of the tenant lands in question. This identifies the *Hundhil* as the venue for the head court of the barony and surrounding tenant lands. Moreover this illustrates the practice of lower-grade legal procedures occurring at subordinate central places (in this case the chief residences of local lesser nobility) within tenant lands associated with the barony.

Those summoned were to support their claim to the debated lands by the presentation of a relevant '*chartir or ewydens thai halde or clemys to hald*' (RCHM 1872: 410). By the late 14th century the importance of documented land-rights had become increasingly important for the defining of the legal ownership of land or a free tenant's claim to their status. Based on the rare insight supplied by the *Langforgund* barony-court records into the proceedings of a 14th-century court, the local baronial seat and associated assembly site appear to have been important venues for the public display of such documentation. However, in the case described by the Langforgan accounts the relevant '*chartir or ewydens*' were never forthcoming (RCHM 1872: xxiv, 410).

A number of other interesting aspects of the proceedings may be highlighted. The first recorded meeting of the court on the 16th January did not resolve the matter under

discussion because of the absence of the summoned individuals mentioned above. After deliberation by the court a '*distraint*', or fine, of six cows was placed upon each of the truant tenants (RCHM 1872: xxiv, 410). Proceedings were brought to a close by the declaration of this decision by one Robert Laurenson, the '*Dempster*' or Doomster. The Dempster was an office that had developed from the earlier *judex*, a gradual change which had occurred throughout the 13th century. This was part of a long-term process by which the office gradually became marginalised from a central judicial authority to a minor court functionary by the 16th century (Dickinson 1928: lxix-lxx, n. 8; Innes 1872: 97; MacQueen 1990: 82; see section 2.5.1). In the Longforgan case the *Dempster* also announced the reconvening of the court and a further summons to take place at the Hundhill on the 3rd February of the same year (RCHM 1872: 410). Significantly Robert Laurenson was also the *Dempster* of the King's court and his presence exemplifies that such baronial courts derived their power from, and were representative of, royal authority (Dickinson 1928: lxvi-lxviii; RCHM 1872: xxiv, 410; MacQueen 1990: 82). The case under consideration was not resolved until a fourth meeting of the Hundhill court, following courts held on the 3rd and 25th of February and 8th of March 1385 (RCHM 1872: 410). In the absence of sufficient support for the claimants' rights to the tenant lands in question, deliverance was spoken that directed for the holding of a final court on the 21st day of April of the same year, to coincide with the passing of Easter (RCHM 1872: 410). This decree states that '*mony gude men thair beand, decretyt that the lande…aucht to dwell yn to Sir Patrick's Grayis handis*' (RCHM 1872: 410). This statement reveals the presence of other figures at the proceedings who were clearly involved in the deliberative legal process. The term 'good men' is likely to refer to various local worthies and landowners, men of good repute whose word was one of the foundations of medieval legal deliberation. This court's decision is termed Sir Patrick's '*dome*' or doom, meaning the lawful judgment of the court. In the event this '*dome*' was deferred on the third meeting of the court to a fourth and final session, so that, we are told, the tenants were to have a final opportunity to prove their claim through '*lauch*' (law) or '*with tretys grace*' (representation by third parties) (RCHM 1872: 410). With the claimants' failure to appear the final judgment was described at the Hundhill on the 21st of April. All the tenant lands were to '*dwell in the handis of… Sir Patrick and his ayeris*'

(RCHM 1872: 410). This decree was given '*throw the moutht*' of the king's '*demstare*' who was again present (RCHM 1872: 410). This judgment was to hold until the tenants might seek to recover the lands either through '*grace trety or prosces of law*' (RCHM 1872: 410). The court and process of deliberation about the case was then stated to be at an end and no further record concerning the issue was identified by the MSS commission (RCHM 1872: xxiv, 410).

The account of the court proceedings was contained within a single long roll of parchment which comprised of several pieces stitched together (RCHM 1872: 410). This document was clearly intended to be a secure record as legal proof of the Grays' and their successors' claim to the lands in question, and to be available should any further legal dispute arise concerning the properties. The tense of the accounts suggest that the records were written up following the events described. Given the detail we may be relatively certain that the author was either present at the courts in the capacity of a clerk or notary, or produced a record based upon the description of a first-hand account. The *Langforgrund* documents provide rare details of the proceedings of a 14th-century baronial court (RCHM 1872: xxiv, 410; Headrick 1913: 368, fn. 3; Gomme 1880: 176-82; Philip 1895: 88). The documentary evidence for the 1385 courts is therefore especially valuable for the light it throws upon the workings of such local and small-scale courts, as on the whole the surviving notorial evidence relates to the undertakings of Sheriffs courts after the 15th century (Dickinson 1928: xi-lxx).

The superior *caput* of the barony of *Langforgund* was the Sheriff's court of Perth (RCHM 1872: xxiv, 410). Nevertheless it is also apparent that such a local institution as the *Hundhil* barony court could attract the presence of royal officials, the *Dempster*, and representatives of the sheriff's authority, the *Serjeant* (Dickinson 1928: xxxix). The presence of the King's Dempster may have been a result of a previously established hereditary obligation upon him (Dickinson 1928: lxvii). For instance, if he was originally a vassal of Lord Gray or from a family traditionally active in Easter Fowlis, perhaps in a similar fashion to the Dempster's of Angus who were resident in Careston parish, and were also royal officials (Dickinson 1928: lxviii; Warden 1880-5: vol. 2, 67). However, the presence of such a royal official may also have been a factor that stimulated the production of such a uniquely detailed record of the 1385 proceedings and may imply the

rarity of the royal Dempster's presence at the Hundhil. The Dempster's presence may also indicate a royal interest in local property matters. This royal interest may also have been influenced by Lord Partick Gray's political standing, as he was said to have been favoured by Robert II and given the appellation '*Consanguineus Noster*' (Warden 1880-5: 23), 'Our Kinsman'.

The *Hundhil* and Market Knowe

The *Langforgund* example is also important because of the link that may be made between the documented *Hundhil* and surviving archaeological evidence. The Market Knowe is here suggested as the likely site of the Hundhil and medieval courts of Longforgan. This identification is however not certain, and is based largely on post-medieval tradition and discoveries of medieval material culture at and around the Market Knowe. The place-name *Hundhil* is presumed to have been lost. The most likely derivation of the place-name *Hundhil* appears to stress the sites judicial function, this is from OSc *hund* meaning 'hound' and referring to 'hounding out', meaning the instigation of legal counsel in cases of homicide with provenance from 1375, notably contemporary to the Langforgan court accounts (see Hume 1797: vol. 1, 435; www.dsl.ac.uk). Less feasibly *Hundhil* might derive from 'hundred hill', from OE '*hund*' meaning 'hundred', usually used in reference to a subdivision of a county or shire in England which had its own court (Pearsall 1999: 693). However the use of this term, which was most commonly used from the Anglo-Saxon period for subdivisions in northern England, seems out of place in Easter Fowlis and has not been identified in Scotland. On the other hand, the origins of the Gray family from Chillingham in Northumberland, who were descended from kinsmen of William the Conqueror (Warden 1880-5: vol. 2, 22-3), could perhaps account for the importation of the designation 'hundred' for the Longforgan court site, through admittedly this seems perhaps an unlikely possibility in the 14th century. Another possibility is that the influence of Northumbrian settlement in SE Scotland may have affected the nomenclature of the site, this would push the significance of the location as

an assembly site back into the early medieval period, but gain this must be seen as unlikely because *wapentake* were more common in N England (see section 2.3.3). The absence of further medieval forms of the place-name limits further discussion of its origins.

The Market Knowe is a circular cairn approximately 30m in diameter and 2m high (Figures 5.4 and 5.7). A broad ditch and outer bank surrounds the central cairn. The ditch measures between 2m to 4m in width, and this may have been used to delineate the fence of barony courts held here (NMRS no. NO33SW 19). The cairn, which is now grass-covered, giving the outward appearance of a mound, has been severely affected by robbing. A 'rim around the edge' of the summit has been interpreted as a feature resulting from such robbing activity (NMRS no. NO33SW 19; see also Philip 1895: 241). A berm separates the mound from the surrounding ditch, this feature being best preserved on the N side. During the 19th century this monument was interpreted as a 'Roman Camp' (Name Book 1861: no. 52, 45). This doubtful association may have contributed to the development of a local name for the monument, recorded by the OS in 1964, as the 'Roman Knowe'. It is significant that the village markets of Longforgan were traditionally held at the site since at least 1633, when the town received an act in favour to that effect in 1662 (Philip 1895: 241). Two markets were held, one in one the first Wednesday of June and the other on the first Wednesday of October (Philip 1895: 241). These appear to have been the main agricultural markets for the surrounding area, where farm servants were hired and cattle sold. These markets continued to be held at the Market Knowe and the moor of Longforgan until the early 18th century, and were superseded in 1807 by the establishment of a new market in the village (Philip 1895: 40, 241). The 19th-century 'Market Muir' plot can be seen on the E side of the village on maps from this period (1st edition OS 6":mile map 'Perthshire' 1867). The selection of the Market Knowe over the village of Longforgan for the setting of the 17th century markets may suggest that this monument was used for such purposes prior to the official sanctioning of such practices. The post-medieval practices associated with the site were presumably the derivation of the principal surviving place-name for the monument (OSA 1791-9: vol. 19, 559) and is the name taken here to have superseded the usage of the medieval place-name *hundhil*. This change in place-name may conceivably have

coincided with the end of the monument's use for judicial purposes and the progressive post-medieval use of the venue solely for market activities. The association of market activities with medieval court sites is a feature found elsewhere (see for example 5.4.4).

The OS Name Book for the parish mentions the discovery of stone coffins containing human remains at the site 'many years ago' (Name Book 1861: no. 52, 45; *cf.* Philip 1895: 40). Crawford suggested the site was a possible castle-mound or bell-barrow (OS 6" map, annotated by OGS Crawford 1939). The morphology of the monument has led to the identification of Market Knowe as a Wessex-type bell-cairn (RCAHMS 1933; NMRS no. NO33SW 19). The monument may indeed have prehistoric origins, and the discovery of 'coffins' would suggest the cairn's use for inhumation, although the limited evidence cannot at present date such use. Nevertheless, medieval activity upon the Market Knowe is strongly suggested by the discovery, in the late 18th century, of a coin hoard within the Market Knowe (OSA 1791-9: vol. 19, 559-60; Philip 1895: 40). This was accounted to have been contained within an earthenware pot and to have included 700 silver coins, of which most displayed the name 'Edward' and on the reverse '*London Civitas*', and a small proportion '*Alexander Dei gratia*' and on the reverse '*Scotorum Rex*' (the hoard was subsequently divided and sold, OSA 1791-9: vol. 19, 559-60). These coins may reasonably be suggested to date to the 13th or 14th centuries (Bateson 1997: 5).

Furthermore, recent metal detecting has identified other material culture of medieval date in the locality of the Market Knowe (Zealand 1992: 73). The finds include a lead papal *bulla* which was found in top-soil associated with 5 sherds of red-ware pottery that have been provisionally dated to the 'medieval/post-medieval' period and a bronze strap buckle of a zoomorphic design dated 'c.13th century or later' (Zealand 1992: 73). The papal *bulla* (Dundee Museum ascension no.(DUNMG)1992-261) is in poor condition and has been given a broad date range by Sinclair of c.1150-1550 (Pers. comm. Mark Hall, information from Christina Donald, Dundee Museum). Also reported from the vicinity was a 'copper-alloy toggle or buckle, two unidentified fragments of metal and six sherds of pottery' (Zealand 1992: 73). A worn Roman coin dating to Hadrian (AD 117-138) was also found on the same occasion. The find-spot was recorded as 'in the vicinity of Market Knowe, Longforgan', and other general information provided suggests these discoveries were made within the area of two neighbouring arable fields that are located

immediately S of the Market Knowe cairn (Zealand 1992: 73; Figure 5.3). These fields form a considerable level area which on the S falls gradually away to the village of Longforgan. The material may derive from dropped personal items associated with the judicial and market activities likely to have occurred in the vicinity of the Market Knowe. Although the stray finds do not allow a comprehensive analysis of medieval activity in the vicinity, the papal seal and bronze strap buckle may be realistically appreciated as the type of personal and legislative items that could contribute to a material culture of medieval assembly in Scotland (*cf.* Hall 2004). Furthermore, the bracketed dates provided for these items fall loosely within the recorded use of the *Hundhil of Langforgund* for judicial assemblies, and are earlier than the first documented use of the site for markets, thus also providing tentative support to the identification of the Market Knowe as the *Hundhil*. The combination of informative archaeological and historical information relating to the Longforgan example constitute amongst the most useful account available for medieval Scotland of the practices and setting of a small-scale and locally-significant judicial institution. In this case the historical remnants of this institution were the continuation of market activities at the site into the post-medieval period.

5.3.2.2 Medieval courts of Arbroath abbey: Carnconnan, Coleduns and Ord Hill

Carnconnan, St Vigeans, Angus

The location of a head court of the Abbey of Arbroath in the region of Angus discussed in this section is a prime example of the use of cairn for such purposes. The setting for these courts, between the 13th and 15th centuries, was at a prominently located cairn known as Carnconnan (Figure 5.1a, no. 7; Table 5.1, no. 7,). Justiciary courts and open-air courts of religious houses are also recorded to have been held upon prominent hills, mounds or cairns, and the present section will be followed by a discussion of two other documented sites. These are *Coleduns*, in the parish of Kingoldrum, also in Angus and linked to Arbroath Abbey, and Ordhill in Buchan, Aberdeenshire, the site of a justiciary court, where Arbroath defended its landed interests in Buchan during the 13th century.

In Angus the abbots of Arbroath held their head courts from at least 1254 AD at *Carnconnan* (Innes 1848-56: vol. 1, 322; Warden 1880-5: vol. 5, 121-2). In 1254 parties in a dispute concerning the bounds between the lands of Conan and Tulach (possibly modern 'Tulloes' approximately 5km W of Cairnconan Hill) met on St Alban the Martyr's day *super Carnconnan* (Innes 1848-56: vol. 1, 322; Gomme 1880: 191). Furthermore, in 1375 a charter confirming the Abbey's lands in Glammis to John Lyon stated that he was in turn bound to pay suit at the abbot's head court ('*unam sectam curie nostre capitali*') at *carnconan* (Gomme 1880: 191; Stuart 1867: vol. 2, xli). Thirty-four years later, in 1409, an inquest was recorded to have been held *apud Carnconane*. The subject of the inquest was the inheritance by Alexander of Ouchtirlowny from his brother William of the lands of Kennymekil in the parish of *Kincoldrum* (Kingoldrum). The proceedings were presided over by the bailey of what was by this time the Abbot's regality (Gomme 1880: 191; Stuart 1867: vol. 2, xli; Warden 1880-5: vol. 5, 122). These accounts provide evidence for the extended use Carnconnan as a court site for over 150 years. This record is likely to be only a partial representation of the active use of *Carnconan* during this time because head courts usually convened during each year, and often on three occasions throughout the year (see section 2.4.2).

Alexander II (1214x49) granted the Abbey of Arbroath rights of free forestry over the lands of Conan and Dumberach Innes (Jervise 1863: 498). Subsequently, Robert I bestowed the 'park of Conan, and Dumbarach in warrenry' to the Abbey, and Conan then remained with the foundation until the reformation (Innes 1848-56: 40, 76, 162, 220; Jervise 1863: 498). On the basis of these confirmations it would seem unlikely that the Abbey's head courts convened upon the lands of Conan prior to 1214x49. The site may however have been a venue for judicial courts whilst still directly in royal hands, and the rights to convene courts may have been associated with the lands of Conan from an earlier date. Moreover, a family under the surname of Conan appear to have been associated with the domain from the time of William I (Jervise 1863: 498). The grandson of one *Dufyth de conan* is mentioned as present at a perambulation in a charter of Arbroath dated 1219 (Innes 1848-56: 162). The elevation of Arbroath occurred under the patronage of Willaim I in 1178 (*cf.* Warden 1880-5: vol. 5, 122), and the abbots' right to hold courts at Carnconnan may have been bestowed at this time.

Carnconan(*e*) or *Carnconnan* can be identified with Cairnconon Hill 9km NW of Arbroath and on the W side of the large parish of St Vigeans (Figure 5.8). Surmounting the hill are the remains of a cairn at 183m OD. The cairn was described as a 'large clearly artificial and probably sepulchral cairn' during the 19th century (Stuart 1867: vol. 2, xli; OS Name Book 1859: no. 80, 25). At present, the monument appears less well-defined because of the effects of quarrying and a forest plantation on the N and E sides, and more recently the construction of two radio mast stations on the NW flank (Figure 5.9). Some confusion arises from the account of the OS Name Book. This stated that the cairn was removed prior to 1859, but this account is likely to have overstated the impact of an episode of destructive activity and the site may have been obscured by a forest plantation, as later authorities describe the cairn as still extant (OS Name Book 1859: no. 80, 25; NMRS no. NO54NE 11). In the 1970s the site of the cairn was identified with the position of a 19th century triangulation point, where a 'knoll or possible remains of the cairn' was measured at approximately 20m in diameter (RCAHMS 1978a: 7, no. 1). Field inspection of the site suggests that previous commentators have understated the extent of the remains, and the monument can be characterised as a substantial, though damaged, cairn, which is located on the N end of Cairnconon Hill. Exposed areas of cairn material comprise largely of 10cm to 30cm diameter angular slabs of red sandstone. On the lower slope of the eastern side of the hill are the remains of a souterrain, excavated during the 19th century, indicating prehistoric settlement in the vicinity (Jervise 1863: 498). The cairn may have been a prehistoric burial monument, located in a prominent position, and perhaps dates from the Neolithic or Bronze Age.

From the documentary evidence, the social significance of the monument during the medieval period is clear. The landscape setting of the cairn can also further the understanding of this. Cairnconon Hill was located next to the parish boundary of St Vigeans with that of Carmyllie. The hill is upon the E side of the boundary, and based upon the division as shown on the 1st edition OS map of the area, the hill was located within a distinct angle in this boundary, which ran around the S, W and N side of the hill; approximately 0.4km from the cairn (Figure 5.10). On the Carmyllie side of the boundary, immediately to the S of Cairnconon Hill, is a megalith known as Cauld Stane, which was accounted to have originally marked the line of the parish division (Jervise

1863: 498; Figure 5.10). At Grange of Conon, 1.3km to the SE of Cairnconon Hill, are the remains of a chapel, believed to have been a cell dedicated to St Vigean (this is not to be confused with the better known medieval parish church and Pictish foundation N of Arbroath; Figure 5.8). Excavations in the 1950s at Grange of Conon revealed the remains of a chapel aligned E to W and measuring 12m x 5.8m. Human remains were also uncovered in the vicinity in the latter half of the 18th century (NMRS no. NO54SE 1, visited by OS (JLD) 1958). A well at the site, still in use, known as 'St Vigean's well' implies the location of a medieval chapel strongly associated with the saint's cult. St Vigean was an Irish saint active during the 7th century. The parish within which Carnconnan is located, and the early medieval parochial church which proceeded Arbroath Abbey were also dedicated to St Vigean (Hay 1899: 12-3; Jervise 1863: 498; Miller 1860: 123-5).

Within the adjoining parish of Arbirlot, to the S, is Cuthlie, a place-name identified by Barrow as deriving from *comhdhail*, G. 'assembly' (Barrow 1992: 233, no. 1.22; see Table 4.1, no. 40; Figure 5.8). Barrow also identified a *comhdhail* place-name in the modern parish of Arbroath and St Vigeans, mentioned in 1612 as Cuthill furd, the location of which remains obscure (Barrow 1992: 237, no. 2.17). Carnconon and this *comhdhial* site need not be equated, the role of the former as head court for the wider district may suggest the local institution represented by the latter was a distinct assembly site. Carnconon is likely to represent the regional court at which significant disputes concerning the Abbey's landed interests were negotiated, which affected properties as far a field as Kingoldrum (25km away).

Coleduns, Kingoldrum, Angus

The parish and domain of Kingoldrum also contained a site where important courts were convened during the 13th century. Courts took place in 1253 at *Coledunes* and in 1256 at *Coleduns* (Innes 1848-56: vol. 1, 226, no. 294, 228, no. 295; *cf*. Barrow 1973: 98). Assemblies held here appear to have deliberated upon the disputation of lands in the immediate area. Barrow (1992: 226, 237, no. 2.16; see Table 4.1, no. 23) considered this

place-name to have derived from G. *comhdhail*. Barrow also suggested that the name may include the Old English word *dūn* meaning 'a down or rounded hill', indicating the assembly site used a natural hill (Barrow 1992: 226). The location for the site was suggested to be at NO320575 on the basis of comparative documentary evidence (Barrow 1992: 237, no. 2.16; Figure 5.1a no. 8; Table 5.1, no. 8). This location corresponds to a 'conspicuous rounded green hill' (Barrow 1992: 226) 2.5km NW of Kirkton of Kingoldrum parish church, and overlooked by Kinclune hill to the S and Mile Hill (409m OD) to the SW (Figure 5.11). On the 1st edition OS (1865) this location is situated upon the parish boundary and is covered in extensive forestation (Figure 5.12). Of possible significance is a 'small pile of stones' or cairn shown on the parish boundary a short distance to the N of the location suggested by Barrow. 1.5km to the S is the wooded Baron's Hill. The Quharity or Carity burn 1km to the N of Barrow's location for the site defines a valley running W to E (Figure 5.11). To the SW the parish boundary with Lintrathen parish was by Strone Hill (335m OD) 2.5km to the W, where a 'cross-cairn' appears to have defined the division on the SW side of the hill. This boundary line appears to have been moved eastward from this location after the 15th century (Fenton 1946: 34-6). To the S of Strone hill is the 'Gallow burn', which also defined the parish boundary in 1458, and nearby to the S is a cairn called 'Gallow knowe' (Fenton 1946: 34-6). A *comhdhail* place-name in Lintrathen parish at Cothelhill is associated with the 'Gallow knowe', and is also near to the parish church, located on the E side of the Loch of Lintrathen (Barrow 1992: 232, no. 1.19; Figure 5.11; also Table 4.1, no. 31). This information helps to situate Coleduns in its immediate medieval parochial landscape, and in relation to neighbouring assembly sites that were probably of similar social significance. The details of the parish landscape around Coleduns have direct relevance for the medieval legal disputes negotiated at the courts held at this site.

Lintrathen parish was in the possession of Alan Durward during the 13th century who was also Justiciar of Scotia. The 1256 assembly on *Coleduns* was concerned with the boundaries of Durward's Lintrathen lands and the abbot of Arbroath's possessions in the parish of Kingoldrum (Innes 1848-56: vol.1, 228, no. 295). The boundary as described in the document suggests that the modern parish division, in the upland areas of the parishes around the site of *Coleduns*, may correlate closely with the 13th century line

(Fenton 1946: 35). Therefore the assembly site at *Coleduns* appears to have been located upon this boundary line, and prominently placed within the lands of Kingoldrum and the NE upland portion of Lintrathen parish. In 1253 the court at *Coledunes* was concerned with a disputation between Sir Thomas de Rettre (Rattray) and the Abbot of Arbroath over the northern bounds of Kingoldrum and Glencarity (Innes 1848-56: no. 294; Fenton 1946: 35). Glencarity corresponds with the Quharity or Carity burn N of the probable site of *Coledunes* (Figure 5.11). The document describes the perambulation of these bounds, and the convening of an assembly at the hill of *Coledunes*, presumably being the focus for the legal negotiation and final formalisation of the boundary in question. The 1253 proceedings were convened in the presence of the then Justiciar of Scotland and Earl of Buchan, Alexander Comyn, and the Earl of Mar and the Bishop of Brechin were also present (Innes 1848-56: no. 294; *cf*. Barrow 1973: 98). *Coledunes* would appear to have been the venue for the holding of courts, from at least the mid 13th century, that were specifically concerned with the disputation of lands relevant to the domain and parish of Kingoldrum and neighbouring Lintrathen. The abbots of Arbroath and powerful members of the elite within the medieval Kingdom of Scotland clearly acknowledged this site as a legitimate venue for the legal disputation of property. While the hill may have been selected on the basis of practical concerns, in that the site was close to the perambulations being undertaken, the place-name suggests that the location had long-term significance as a local assembly site.

The probable setting of this court site upon the boundary between the territories of Lintrathen and Kingoldrum is significant. This suggests that among the reasons for the legitimacy of this place as a venue for judicial disputes was the perceived significance of the locality as a legal sanctuary, which was located upon a disputed boundary. In this sense the liminal situation of the setting was its attraction for assembly practices (see also section 6.5). Furthermore the upland location of the site and the use of a broad and curving hill suggests the possible symbolic significance of the visual aspect of the site, as the location appears to have overlooked the territory under question. The convenience of a large open venue that could accommodate various interested parties when assembled may also have been significant. The documentary record of assemblies at *Coledunes* and the attendance of highly powerful religious and secular representatives, including the

highest representative of royal judicial authority in the person of the Justiciar of Scotia, denotes both the authority of the interested parties and also the acceptance by 13th century elites in NE Scotland of the legal legitimacy of such an open-air hilltop setting for local landholding disputes. This suggests awareness among the secular and ecclesiastical elite of medieval Scotland of the significance of local and small-scale assembly sites, which in some cases were of early medieval derivation. The possibility that the place-name *Coleduns* or *Coledunes* derives from G *Comhdhail* (although Barrow (1992: 226) expresses some caution regarding the etymology of this) may suggest that the location was also used to negotiate locally relevant disputes between the 9th and 12th centuries when Gaelic spread into the region and was used in the formation of place-names. Based on the general distribution of *comhdhail* place-names in NE Scotland this name may also indicate that Coleduns was used as the setting for assemblies during the Pictish period (see section 4.2.1).

Ord Hill, Buchan

Ord Hill in Buchan was the venue for a court on 3rd August 1236, the subject of which was again the landed interests of the Abbey of Arbroath. This was presided over by the Justiciar of Scotia, Walter FitzAlan, who was also the King's Steward and a major land owner in Renfrewshire and Ayrshire. Also present were the Sheriff of Aberdeen, the sons of the Earls of Buchan and Angus, four barons and landowners, three judices and many others ('*multis aliis*') (Innes 1848-56: vol.1 no. 227; *cf.* Barrow 1973: 117). The court was concerned with the settlement of two landed disputes between the Abbot of Arbroath and the Countess of Buchan in one case, and the same Abbey and one Philip of Feudarg, modern day Meldrum, in the other (Innes 1848-56: vol. 1, no. 227; *cf.* Barrow 1973: 117). This court is another example of an assembly presided over by a justiciar where powerful ecclesiastical representatives defended claims to land at an open-air hilltop venue situated within the district of the lands under question. *Ordbothbachfynin* is the place-name as given within the 1236 document (Innes 1848-56: vol. 1, no. 227). This has been identified as Ord Hill in Buchan (Pers. comm. Dr Mathew Hammond). Ord Hill (NJ

86290 31995) is a prominent hill at 106m OD situated within the parish of Tarves, in the region of Buchan, and now part of Aberdeenshire (Figures 5.1a, no. 2 and 5.13, 5.14; Table 5.1, no. 2). Notably the location of this site is approximately mid way between the *caput* of Buchan at Ellon on the River Ythan and Old Meldrum to the SW, which were the seats of the two secular parties involved within the 1236 court. The Summit of Ord Hill is 1km NE from the parish church of Tarves, and overlooks the site of a tower-house at Tillyhilt by the Raxton Burn (Figure 5.13; 4.2.5.6 for more on Tillyhilt). Raxton Burn is a tributary of the River Ythan and flows around the W and N base of Ord Hill.

The documentation of the 1236 proceedings at Ord Hill is likely to have been created as a result of the involvement of the Abbey of Arbroath, and the site may have been utilised for such purposes on other occasions of locally relevant disputes. The proximity of Tillyhilt, and the parish centre to the S, suggests the significance of the locality of Ord Hill as a socially important place prior to the 13th century (see section 4.2.5.6). The derivation of the place-name Tarves from Gaelic meaning 'bull-place' (Watson 1926: 242) may hint at something of the early significance of this place as the location of early fairs and markets. Furthermore the location of the 'market stance' of Tarves upon the N side of the summit of Ord Hill during the post-medieval period may reflect the survival of the social significance of this location as a venue for popular and economic assembly activities after the judicial legitimacy of the site had faltered (Figure 5.14).

5.3.3 Mound settings

5.3.3.1 Stayt of Crieff, Strathearn, Perth and Kinross

This example discusses the historical and archaeological evidence for the holding of regionally important courts at a prehistoric barrow site during the 14th century, close to the town of Crieff, now in Perth and Kinross (Figure 5.1a, no. 16). Crieff, in upper Strathearn, was a comital power base of the Earls of Strathearn (Neville 2005: 125). During the 13th and 14th centuries the last of the autonomous medieval earls are

documented to have held courts *apud Creffe*, though the precise setting is not recorded (Innes 1837: nos. 13, 14; Lindsay *et al*. 1908: nos. 133; Neville 2005: 125). Earl Robert and Earl Malise II both dated charters at Crieff (Neville 2005: 117-8). The parish church of Crieff was also patronised by relations of the medieval Earls and their associates during the 13th and 14th centuries (Neville 2005: 117-8). In 1306 Earl Malise III met King Robert I *'a boys de Creff ou sa gents furent assemblees'* (Neville 2005: 118, quoting Palgrave 1837: 320). The precise location of the 13th- and 14th-century courts, and other assemblies, remains unclear (Neville 2005: 119), but traditionally was said to have been the same setting as the later 15th-century Steward of Strathearn's courts at the Stayt of Crieff (Headrick 1913: 368; Porteous 1912: 48-51).

By 1320 the Earldom had been annexed to the Crown and it is in the court records of the Stewartry of Strathearn that the first detailed contemporary references to an open-air court near Crieff can be identified. The accounts are preserved in two notarial instruments, written in the vernacular, which each record the convening of the Steward's court on 12th May 1475; one of these is specifically stated to have occurred at the 'Stayt of Crieff' (RCHM 1872: 418; Gomme 1880: 183-5). The court convened in the presence of Sir William Murray of Tullybardine, then Steward of *Strathern*, and his deputy John Murray of Trevyne. The subject of the court specifically stated to have convened at the Stayt was the disputation by one James Heryng, representative ('prolocutor') for one William Talzour, of the legal legitimacy of one Master Thomas Murray to have acted as procurator for one John Strang in the matter of a certain cause, the details of which are undocumented (RCHM 1872: 418; Porteous 1912: 35-6). The second instrument records the declaration by the same James Heryng of the false nature of a certain judgment previously declared 'from the mouth' of *Vylzam reyd* (William Reid) the *dempstar* of the Steward's court (RCHM 1872: 418). Reference is also made to the '*Serjeant* or officer' of the court (RCHM 1872: 418; see sections 5.3.2.1 and 2.5.5). Given the contemporaneous dating of these two documents and the mention of many of the same individuals within each account, these courts may both describe a court held at the Stayt of Crieff.

The Stayt of Crieff was a mound located approximately 1km SSE of Crieff town centre, which was levelled and ploughed over in November 1860. Based on the historical

material this can confidently be identified with the setting for the courts of the late medieval Stewards of Strathearn (Headrick 1913: 366; Porteous 1912: 51; Figure 5.15). A description of the site, contemporary with the levelling of the mound, was published in the local press and largely informed later accounts of the archaeology (Headrick 1913: 366-7, quoting *Strathearn Herald*, 17th and 24th November and 8th December 1860; Porteous 1912: 48). Based on these accounts, we may be reasonably certain that from at least the 15th century the setting for the courts of the Stewartry of Strathearn was the remains of a prehistoric burial mound. In the course of the levelling, two cist burials containing human remains were discovered, one of which contained a 'Food-vessel' urn dating to the Bronze Age (Headrick 1913: 365-8). The OSA describes the mound as a 'circle of 12 yards diameter' and states that this was 'lately surrounded with a low wall of earth and stone' (1791-9: vol. 9, 598). This description of the monument as a 'circle' prior to the destruction of the monument appears to be a simple characterisation of a circular mound. The Historical Manuscripts commission's 3rd report described the monument as a 'large sepulchral mound' ten years after the monument's removal (RCHM 1872: 418). Headrick described the site as a 'low mound' (Headrick 1913: 366). Porteous noted that the 'mound was circular… was enclosed with a low turf wall, while on either side, for many years, stood an ancient larch tree' (1912: 48). The enclosing wall of turf would appear to have been a post-medieval feature, which was already dilapidated by the early 19th century (NSA 1834-45: vol. 10, 497). The NSA notes that in the first half of the 19th century a 'blasted tree' stood within the centre of the monument, though the OSA does not mention a centrally positioned tree (NSA 1834-45: vol. 10, 497; OSA 1791-9: vol. 9, 598). The presence of a solitary and centrally-placed tree on the mound may have been significant during the medieval period given the prominent role of trees in medieval Gaelic assembly tradition (FitzPatrick 1997: 20).

Examination of aerial photography shows the remains of an extensive prehistoric monumental complex that survives as crop-markings in the vicinity of the barrow. A Neolithic cursus has been identified running N from the northern bank of the River Earn, passing the site of the barrow, and has recently been identified by excavation further N of the Stayt barrow site (Brophy 1999: 122; Cachart 2006: 131). Furthermore the remains of a palisaded enclosure is located across the eastern ditch of the cursus (Brophy 1999: 122,

128). 200m NE of the barrow site is a standing stone, now in use as a gate-post at Duchlage. In the field adjacent to the E are the remains of an enclosure associated with a possible pit-alignment and pitted-enclosure (NMRS no. NN82SE 277; Figure 5.15). These remains are diagnostic of monuments dating from the Neolithic to Bronze Age periods. The late medieval courts at the Stayt of Crieff may well have had earthwork and megalithic remains of numerous prehistoric monuments as the physical backdrop to legal proceedings. The cursus and megalith may have been particularly prominent as they are located adjacent to the barrow site. The earthwork remains and megalith may conceivably have been utilised as foci for market or sporting activities associated with the medieval courts. The relatively low-lying and open-field topography around the Stayt of Crieff may also have played a role in the selection of this site for assemblies. Such an area could accommodate large gatherings, which may have been involved in popular assembly activities which may have occurred in tandem with the central court proceedings upon the barrow mound, and similar areas are often found elsewhere in association with the monumental foci for medieval assemblies (see for example section 4.3.3).

The place-name 'Stayt' is derived from the 1475 account of the Steward's court (RCHM 1872: 418). '*Site of* Stayt of Crieff' is marked on the 1st edition Ordinance Survey map, with the outline of the mound's location marked with a dashed line (Figure 5.16). Documented courts continued at the site during the 16th century and the extant record renders the name in various forms, including 'Scait', 'Skait' and 'Skath' (Neilson and Paton 1918: 438-9; RCHM 1879: app. 711-15). For instance in 17th-18th November 1500 a record of a civil complaint by John, Lord Simpill, against John, Lord Drummond and Steward of Stratherne, concerned the unlawful distraint placed on absentee suitors to the Steward's head courts held at the 'Skait of Creif' (Neilson and Paton 1918: 438-9). Also in 1560, during an action held in Perth before the Sheriff of Perth brought by Lord Drummond, the hereditable successor to the Stewarty, reference was made to documentation of the 'Court of the Carss' at Crieff in 1358 (Porteous 1912: 49). Lord Drummond attempted to establish his claim to annual rents from the lands of Pitcairns (Porteous 1912: 49). This account probably refers to the court of Robert Earl of Strathearn and Steward of Scotland held on the 8th May 1358, recorded by charter to have occurred *apud creff* (Lindsay 1908:109, 222; Neville 2005: 125; Porteous 1912: 49). This

16th century retrospective reference to the 14th-century court of Earl Robert appears to have been the basis of later authorities' beliefs that the 15th-century venue for the courts of the Stewartry at the Stayt of Crieff was also the location for earlier medieval courts held by the Earls in the vicinity of Crieff (Headrick 1913: 368; Porteous 1912: 48-51).

'Carss' is derived from Scots *Carse* meaning 'low and fertile land; generally, that which is adjacent to a river' (Porteous 1912: 48; www.dsl.ac.uk). This meaning describes accurately the original location of the mound S of Crieff, on low-lying ground approximately 500m NE of the River Earn, where this waterway bends eastward below the main crossing point that leads into Crieff from the S (Figure 5.15). 'Scait', 'Skait', 'Skath' and 'Stayt' are suggested here to most likely derive from Scots *skaith*, which significantly was used in legal contexts to refer to damages incurred by an unlawful act, such as in cases of bloodwite, 'bood-fine' i.e. assault (see Dickinson 1937: lxxxiii, fn. 3, lxxxiv, xcvii, fn. 3, cvi). This derivation makes a clear connection between the OSc nomenclature of the mound site and its use for judicial practices during the late medieval period. Another notable suggestion was made by Headrick for the derivation of Stayt from the Scots vernacular *Stede* or *Steid*, meaning 'place' and cited the term's use in Balfour's 1891 *Handbook of court of session practice* to signify the location of a court, as evidence of the place-name's judicial importance (Headrick 1913: 365, fn. 1, quoting Balfour). Again the association of a Scots term possibly used in a judicial context, appears to emphasise the importance of the Stayt of Crieff as an example of a mound which has well-attested use for open-air legal practices during the late medieval period. Porteous suggested another attribution for the place-name Stayt, deriving it from Gaelic *sgeith*, meaning 'overflow as a river, spread as water' (Porteous 1912: 48; MacBain 1911). Porteous suggests that *sgeith* is synonymous with Scots *carse*, signifying a marsh or a haugh (Porteous 1912: 48), which may reflect continuity in the 1560 reference to the 'court of the *carss*' at Creiff, but is not a meaning which would reflect the documented extended use of the site for judicial practices. Therefore the possible judicial associations of the name are favoured here, with perhaps a late 16th-century shift in the name toward a topographical description, in *carse*, as the site went out of use for courts.

The place-name Crieff is derived from Gaelic *craoibh* with the sense 'at tree place', which may in turn be a translation of Brythonic *pren* (Hall *et al*. 2000: 175;

Watson 1926: 351; Rogers 1992: 320-5). This derivation of the place-name and the later association of Crieff with assembly activities might raise the possibility of an early medieval cult significance associated with this location; or the identification of a centrally important place defined by a clearing within forestation; or perhaps a culturally significant tree. However the surviving documentary evidence is not sufficient to link such a place with the late medieval use of the Stayt of Crieff barrow.

The assertion by previous commentators, that the Stayt of Crieff was the location of medieval courts of the Earls of Strathearn at Crieff prior to the 15th century seems unsustainable on the basis of the surviving evidence (Hall *et al*. 2000: 175; Headrick 1913: 368; Porteous 1912: 48-51; Rogers 1992: 320-5). Nonetheless, the evidence does suggest that during the late 15th century, when detailed notorial records of legal proceedings came into widespread use, the mound south of Crieff was in use for centrally important courts affecting the wider Stewartry. Few other candidates for the location of medieval courts at Crieff can be identified. The Gallowhill, situated 1km to the NW of the site of the Stayt (Figure 5.15), is a flat-topped mound measuring 60m in basal diameter and 20m diameter across the summit. This was believed to have been the location of the 'Gallows of Crieff' until 1746 (NSA 1834-45: vol. 10, 497). The gallows were referred to in Sir Walter Scott's *Waverley* as having been located on the western end of the town of Crieff during the early 18th century (Porteous 1912: 51-55). The recorded use of the town gallows are post-medieval in date (Porteous 1912: plate I between 50-1, 51-55). The Gallowhill has also been interpreted as a possible motte (Roy 2001: 75). An archaeological evaluation on the monument in 2001 revealed mostly modern intrusions and evidence for the use of the mound for the site of a sheep market that is documented to have taken place at the site into the 20th century (Roy 2001: 75). No clear link can be made between this site and the Earls' medieval courts.

The post-medieval fair of Crieff was also held in the open-air by the Duke of Perth and had its own legal procedures and conventions (Gomme 1880: 183). Furthermore by the 17th century judicial courts were convened within the tollbooth of the burgh that was constructed 1684-5 (Porteous 1912: 54-5). Prior to this the importance of the settlement of Crieff as a power centre from the 13th to 16th century is evident. Crieff was also the centre of a medieval parish and the location of an important cattle market at

least during the post-medieval period (Neville 2005: 117-8; Porteous 1912: 235). The location of an open-air venue for law courts on low-lying and level ground below the settlement and immediately N of the River Earn is a significant arrangement, both economically and symbolically. Crieff was located within the thanage of Strowan and at the eastern bounds of the Earl's demesne lands, but also within one of the prime arable parts of Strathearn (Hall *et al*. 2000: 172, illus. 11; Neville 2005: 117). Strowan is located in an upland territory to the W of Crieff and appears to have been an early place of assembly. Assemblies at Strowan are thought to have been associated with a church located upon a prominent mound and an exceptional early medieval cross-slab; now known as the Crieff Burgh Cross following its post-medieval move to the town (Hall *et al.* 2000: 176; 2005: 314, fn. 52). The use of the Stayt of Crieff as a setting for courts may represent a later medieval adaptation of the barrow site, following the waning of the early medieval prominence of Strowan as a focus of power. Furthermore the geographical location of the Creiff court site at the eastern extent of the Earls' demesne land may be significant. The Steward's courts clearly served the wider Strathearn region, and the location of the court site upon the border of the Earls' demesne lands may reflect the pre-stewardship role of the Stayt of Crieff as a mediating site for the wider Earldom.

5.3.3.2 Meikle Dripps, South Lanarkshire

Meikle Dripps is a further example of a mound having been used as the setting for courts in association with a minor territory (Figure 5.1a, no. 18; Table 5.1, no. 18), although in this case the mound is also associated with an extant monolith, which is specifically mentioned in the historical documentation referring to the site (Fraser 1863: vol. 1, 129, no. 10, 380). The site is referred to in a charter dated 1371 which states that Robert Maxwell, Lord of Mearns, was to retain the mound with a stone upon it at *Drypps* (Dripps) for the holding of courts when necessary to serve the newly bestowed lands of Dripps in the barony of Kilbrideshire, county of Lanark (Fraser 1863: vol. 1, 129, no. 10, 380; *cf*. Welsh 1983: 30). The confirmation was to Sir John Maxwell Lord of Nether Pollock and his spouse Lady Isabella (Fraser 1863: vol. 1, 380). The mound in question

survives on the summit of a natural ridge of bedrock, a short distance above Meikle Dripps farm to the NE. The mound measures 21m E to W by 15m N to S, and is situated on the N edge of the ridge's N facing slope (Figure 5.17; NMRS no. NS55NE 53). From here an extensive view of the Strathclyde basin is available to the N. On the S flank of the mound is a large prostrate stone measuring c.0.75m long. This may be the stone referred to in the 1371 charter, which has perhaps subsequently fallen. The site is situated overlooking a regional boundary approximately 200m to the NW, which may respect a medieval division and was the meeting place of four parish boundaries around the White Cart River during the 19th century (Figure 5.18; 1st edition OS 6":mile Lanarkshire 1864). Significantly the place-name Dripps was derived by Barrow from a simplex of Scots *threep*, meaning dispute, disputed or in reference to a place for legal dispute (Barrow 1998: 68, 71, fig. 2.10; see section 4.4.1). This attribution appears to indicate that the place-name identifies the medieval use of the site for courts. Meikle Dripps provides a rare historically-attested site for W and central Scotland, but may represent the kind of elevated feature that continued to be used for the courts of relatively minor territories, outside the influence of progressively centralising royal and burgh jurisdictions.

5.3.4 Natural settings

5.3.4.1 Dalginch, Markinch, Fife

Dalginch is a significant example of an early regional court site. Dalginch was the medieval estate within which the head courts of Fothrif and Fife convened prior to a shift in the focus of judicial authority in Fife to Cupar during the 12th to 13th century (Cooper 1947: 88-9; Taylor 1995: 163; Figure 5.1a, no. 11; Table 5.1, no. 11). However, this example is also significant because it shows the difficulties that may be encountered when attempting to identify the specific setting of an historically-attested place of assembly, even in the case of a once relatively important site. Such difficulties are compounded in the case of Dalginch because the site became marginalised in the midst of the medieval period and much of the evidence has been obscured behind complex place-

name histories. Fortunately Taylor has explicated much about the development of the place-names of Dalginch and Markinch (1995: 163). Based on this work and associated evidence the general area around Cunin Hill NE of Markinch may be reasonably identified as the location of the regional courts at Dalginch, but a specific setting remains illusive and only possible candidates can be suggested; these are discussed below.

Taylor has identified the derivation of the place-name Dalginch, in Gaelic *dealg* meaning 'thorn' and *innis* meaning 'inch' or 'island' (Taylor 1995: 163). This name here has the specific meaning of 'a piece of land marked out from its surroundings by a thorn-hedge, with reference to the area within which the legal proceedings would take place' (Taylor 1995: 163). Dalginch survives today in the name of Dalginch farm in Kennoway parish. However the place-name appears to have migrated since the 12th century. Dalginch originally was the forerunner of the late medieval Brunton estate that was located at the S foot of Cuinin Hill, and Cuinin Hill was previously known as Dalginch Law (NSA 1845: vol. 9, 663; Taylor 1995: 163; Mason 2007; Figure 5.19). Furthermore, Dalginch was originally within the medieval parish of Markinch, and because of the close links between Markinch (G. *marc-innis* meaning 'horse-inch') and Dalginch these names should be considered as closely related (Taylor 1995: 163). Significantly, Dalginch and Markinch are located upon the medieval border between the early medieval territories of Fife and Fothrif, indicating that the Dalginch court formed a focal point in the medieval landscape, where legal proceedings that affected people up to 35km away occurred (Taylor 1995: 163).

The historical basis for the identification of this example is found in a 14th-century complication of legal treaties, the *Regiam Majestratem*, but contained within an entry which purports to date to the reign of King William I (1166x1214) (Cooper 1947: 88-9). The record is concerned with the process of law regarding cases involving the theft of cattle and identifies the chief places in the provinces of Scotland where representation should be sought for the challenge of such suits. Warrantors were directed to present legal challenges at *Dalginch* for Fife, and at Inverness for Ross and Moray, Aberdeen for Mar and Buchan, *Rait* for Athol, Cluny for Stormont, and Forfar for Angus (Cooper 1947: 88-9; Taylor 1995: 19, 157). These locations appear to have been important venues for regional judicial assemblies. In the case of Dalginch, this record seems to identify the

early medieval forerunner to Cupar which developed as the setting for the head justiciary court of Fife in the latter half of the 12th century (Cooper 1947: 88-9; Simpson and Stevenson 1981: 13). Clunie also appears to have been a significant early medieval centre (RCAHMS 1994: 90-1, fig. B-C, 105, fig. A), suggesting that the other documented judicial sites are likely to represent pre-12th-century regional centres.

Notably the majority of the centres mentioned in the *Regiam Majestratem* were the centres of sheriffdoms by the 12th and 13th centuries, associated with a fortified *caput* or a significant earthwork castle mound. For instance Inverness, Aberdeen, and Forfar were sheriffdoms, Rait was the *caput* of Atholl where Walter Comyn held a council in 1231 (Rogers 1879-80: no. 34), and at Clunie there are the remains of a major earthwork castle mound associated with a royal residence and later medieval residence of the Bishops of Dunkeld in Clunie Loch (RCAHMS 1994: 90-1, 106). The possibility remains that the core of the medieval Dalginch estate was a castellated site of earth and timber, although no remains of such a feature can now be identified at Dalginch and Markinch. Dalginch does not appear to have been of regional significance during the later medieval period, unlike the other listed sites in the *Regiam Majestratem*. This was a result of the marginalization of the site, in preference of Cupar, by royal authorities and the Earls of Fife from the late 12th century. However Dalginch seems to represent a regionally significant gathering place that was in use prior to the 12th century and that does not appear to share the attributes of a *caput* of the later sheriffdom system. Dalginch may thus be a significant example of an early medieval regional court site, perhaps not necessarily based around an early estate centre but important for its geographical location.

At present only a general area has been identified within which the setting of the medieval courts at Dalginch may have been located. This includes a complex of significant features on, and in the vicinity of, Cuinin Hill. The wooded summit of Cuinin Hill (137m OD), previously called Dalginch Law (NSA 1845: vol. 9, 663) is the location most clearly linked to the place-name Dalginch, and thus the court site, in the landscape around Markinch. Cuinin Hill is crossed by an ancient route-way, which begins by Northhall cemetery 400m to the SW of the summit. This leads NE over Cuinin Hill to Starr, where numerous thoroughfares meet, and once crossed an extensive moss known as

Starr Moss (Figure 5.19). This route-way survives in the form of a deeply cut hollow-way, which may have medieval or earlier origins (Figure 5.20). If so this suggests the Dalginch court was located upon an important avenue of movement in the landscape, a feature arguably appropriate for a regional gathering place. Field inspection across Cuinin Hill failed to identify any further historic remains which might relate to the medieval use of the landscape (this was hampered by forestry on the W side of the hill). However the summit could feasibly have been used for large assemblies; it is a broad and relatively level area, which on the E is open to extensive and gentle sloping fields with views over Starr.

A further possibility for the court site is a low oval hill or mound located at the SW foot of Cuinin Hill at Northhall. This may be the site of the *innis* feature identified in the Dalginch place-name, if the broad meaning of an 'island' (perhaps also surrounded by a thorn barrier) is interpreted from the place-name (Figures 5.19 and 5.21). The Northhall feature appears to be natural and has a flat summit, although this may be the result of leveling for the post-medieval cemetery that now covers the hill. The hill is also surrounded on three sides by the course of the Back Burn, which flows into the Leven to the S. If this reflects the medieval geographical situation of the Northhall hill, the feature could perhaps have been described as an *innis* in reference to an 'island' or promontory formed by a meander of the Back Burn.

Markinch Hill has previously been suggested to be the assembly site, although this is here argued to be unlikely. Markinch Hill is located immediately to the SW of Northhall and Cuinin Hill (Figure 5.19). This is a prominent and elongated natural ridge which extends NE to SW, and is situated on the N extremity of Markinch village at 91m OD. The hill is approximately 360m long and 100m wide, and on the SW side has been severely mutilated by a post-medieval sand quarry (1st edition OS 6":mile map Fifeshire 1856). The entirety of the N flank and NE side the Hill has been augmented with broad terracing from the base to the summit (RCAHMS 1933: 209, no. 422; visited by RCAHMS in 1925). Laing suggested the terraces were 'designed as an arena for spectators to witness the sports and contests of medieval times on the field at their base' (Laing 1876: 5). However, the morphology of these features suggest they are the remains of cultivation terraces (Graham 1939: 290, 305, 315), although this has not been

established by excavation. The field N of Markinch Hill was known as the 'Playfield', at least during the 19th century (1st edition OS 6":mile map Fifeshire 1856; OSA 1791-9: 551-2), which may relate to it's use as a golf course. Playfield appears to have been marshland prior to draining (NSA 1834-45: vol. 9, 663). The terraces are unlikely to have been practical platforms for assembled participants at the early medieval courts of Dalginch because the distances to Cuinin and Northhall hills are impractical, and the heights which separate the terraces (3-4m) seem unworkable for such purposes. Others have suggested the terraces may have been defensive structures (NSA 1845: vol. 9, 663) but there are no medieval analogies in Scotland for defensive works on such a scale or so irregular in plan. The Bishop's Hill at Dunkeld (see Table 4.6, no. 17) and Castle Hill at Clunie (RCAHMS 1994: 105, fig. A), both in Perth and Kinross, also have terraces but this is the extent of the similarity. Although the involvement of Markinch Hill in medieval assemblies seems improbable, we must at least allow that multiple features in the landscape NE of Markinch may have played a role in medieval regional assemblies at Dalginch, and these may have included assembly practices beyond purely judicial procedures.

Taylor (1995: 163) interpreted the place-name Markinch as possibly identifying the location of an enclosure within which the mounts of elites attending judicial proceedings at Dalginch were corralled. This mention of horses within the early place-name evidence may also refer to associated market and sporting activities occurring in conjunction with the judicial assemblies at Dalginch. Furthermore, the place-name '*marc-innis*' might also refer to beasts under dispute within the neighboring court (Taylor 1995: 163).

The N road from Cupar passes immediately to the W of Markinch Hill, going through a narrow gap in the terrain and emerging on the S side at the village and parish church of Markinch. Situated by this 'gap' is an 11th/12th-century cross slab called the 'Stob Cross' (Figure 5.19). This may mark the sanctuary boundary of the medieval church of Markinch (Taylor 1995: 157). On the other hand the erection of the cross in a modern base by the E entrance to Balbirnie house may also suggest that a post-medieval and anachronistic pre-occupation with the cross is behind its present location. This would

suggest that this location and monument may not be significant for the landscape of the neighbouring assembly site.

The church of Markinch is immediately to the S of Markinch Hill at the core of the old village and is situated upon a prominent mound-like rise, similar to other important early medieval church foundations in Scotland, some of which may have been early assembly mounds (Hall *et al.* 2005: 310-11; see section 6.7.2; Figure 5.22). The church is mentioned from the early 11th century and has a square tower probably dating to the 11th or 12th century and closely paralleled at St Regulus Tower in St Andrews, Dunblane, Dunning and Muthill – all centers of the Culdee Church (MacGibbon and Ross 1896-7: vol. 1, 193-6; Taylor 1995: 70). The close proximity of the pre-12th-century church foundation to the regional assemblies at the early medieval estate of Dalginch is a feature reflected at other important examples of assembly sites in Scotland (see 6.7). The association between the place-name Markinch and the early use of this name to identify the medieval church and parish, coupled with the name's possible description of assembly activities, are compelling features. This further stresses the close relationship between the adoption of sites by the early Gaelic church and the venues of important early medieval assembly sites.

The largest concentration of prehistoric monuments in the region are located to the NW of Markinch at Balbirnie and Balfarg (Mercer *et al.* 1988: 61-7). The upstanding remains of the henge and monolithic monuments of this complex were likely to have been a conspicuous aspect of the early medieval landscape, when passing through the Markinch gap from N to S Fife. The location of Dalginch and Markinch on higher ground 1.5km from this extensive complex of monuments has close parallels with the early medieval assembly sites and royally patronized church foundations of Forteviot and Scone (see section 2.2.4). Markinch is also considered to be geographically central to the region (Taylor 1995), stressing the sense that this location has been a long-standing place of gathering and communication. Although Dalginch may have been a royal estate there is no record of a palace or *civitas* in the vicinity such as is supposed for Scone and Forteviot (see section 2.2.4). Nevertheless, an important assembly site was clearly located in proximity to the village of Markinch. Further archaeological fieldwork is required to clarify the identification of the core setting for the regional courts at Dalginch. This may

also help to assess the extent to which the focal setting for assemblies may have changed during the medieval period. This may also further develop an understanding of the role played within the regional courts at Dalginch by the various landscape features located N of Markinch village.

5.3.4.2 Camehill, Mutehill of Cupar, Fife

The Mutehill of Cupar is a natural hill that was used as the setting for the head courts of Fife from at least the late 13th century and exemplifies that centrally important judicial venues could utilise natural hills as settings. Furthermore Cupar's regional significance developed at a relatively late stage, at the expense of a earlier setting at Dalginch. This example therefore exemplifies how the social significance of assembly sites might substantially change during the extended medieval period (Figure 5.1a, no. 12; Table 5.1, no. 12). From the 13th century Cupar was to emerge as the key judicial centre in the region of Fife (Simpson and Stevenson 1981: 13); prior to this Dalginch appears to have been the pre-eminent place of legal resort for Fife and Fothrif. This shift arguably coincided with the widespread increase in the centralisation of royal legal authority and the formalisation of the infrastructure of sheriffdoms throughout Scotland. The Sheriff of Fife is first mentioned as witness to a charter in 1212 (Taylor 1995: 22). The *caput* of Fife was at Cupar. In 1239 David of Wemys, the Sheriff of Fife, reserved the 8th part of the fines of the courts of Cupar to Dunfermline Abbey (Millar 1895: 122; Simpson and Stevenson 1981: 13). King Alexander III held an assembly at Cupar in 1276 which strongly suggests Cupar was a centre for legal dispute and administration at this time (Simpson and Stevenson 1981: 13). By 1328x81 Cupar is recorded as a burgh, although the burgh may have been elevated during Willaim I's reign prior to this (Simpson and Stevenson 1981: 14). The burgh tollbooth came into use as the venue for courts in 1478 (Dickinson 1928: xiii; Innes *et al*. 1814-75: vol. ii, 117a). Prior to this, the judicial courts at Cupar are believed to have been held upon a low ridge to the N of the high street, which is now known as the East Moat Hill or Motehill (NMRS no. NO31SE 1; Figure 5.23). This feature survives as an irregular low ridge, aligned W to E, and located within

a bend of the Lady Burn, which is situated to the NE of the hill (Figure 5.24). The ridge is steep-sided on the S, E and N, but rises gradually from ground level on the W to the highest point on the eastern summit, which has a flat top. An irregular spur extends toward the N from the E end of the ridge. This spur has a lower-lying flat top that is detached from the main ridge by a depression, through which a modern path passes. Upon the northern flank of the ridge are terraces, currently in use for recreational paths. The East Moat Hill is now incorporated within a park area and has been planted on the summit with an avenue of trees which extend along the W section of the ridge (Figures 5.24 and 5.25). To the W of the East Moat Hill is a smaller low ridge of a similar shape known as the Moat Hill (Figure 5.23). This feature may not be related to the assembly site and perhaps derives its name from misleading post-medieval tradition (see below).

The 'Mutehill' was illustrated on James Gordon of Rothiemay's 1642 insert pictorial plan of Cupar on his map of Fife (Figure 5.26). Based on the location of the Mutehill it would appear to coincide with that of the East Moat Hill. The historical references to courts at Cupar are likely to relate to this site, which during the late medieval period was also known as the Camehill. For instance, at an inquest in 1400, Sir John Erskine protested the legality of a court held by the Duke of Albany and Earl of Fife, Robert Stewart, that was said to have been '*sedens apud montem qui vocatur Camehill de Cupro in Fyff*'', meaning 'seated upon the mound which is called the Camehill of Cupar in Fife' (Fraser 1888: vol. 2, no. 31; Dickinson 1928: xiii., fn. 5). Sibbald, writing in the 18th century, informs us that the Mutehill was also known as the *Camhill* (Sibbald 1710: 100). Sibbald noted that in 1449 Robert Levingston was Sheriff of Fife and that 'at this time the sheriff-court did sit on the Camhill of Cowper' (Sibbald 1710: 100). 'Cam' was suggested by Sibbald to derive from Gaelic meaning 'crooked' describing the form of the low ridge (Simpson and Stevenson 1981: 3-4). This is perhaps cognate with ON *Kambr* meaning 'a crested ridge of hills; comb' (Jakobsen 1993: 64). However, Camehill seems more likely to derive from the Scots noun 'Kame' meaning a 'comb, *long narrow steep-sided ridge, crest of a hill*' (http://www.ordnancesurvey.co.uk, see glossary of Scots place-names in Britain). In Sibbald's time the Mutehill was also known as the Castlehill ridge because the feature was believed to have originally extended to Castlehill on the E side of the town and was thought to have constituted the

'northern rampart of the town' (Sibbald 1710: 100; Simpson and Stevenson 1981: 3-4). The NSA entry for the parish identifies the Moathill as a 'singular mound' by the Lady Burn that ran in a 'serpentine direction' to the Castlehill, and beginning a 'quarter of a mile' from the confluence of the burn with the River Eden (1834-45: vol. 9, 3). In the middle of the 'mound' was the highest point, forming a peak which, significantly, was known as the Moothill, where tradition related that the Earls of Fife would 'hold their councils of war, and dispense the awards of Justice' (NSA 1834-45: vol. 9, 3). The description of the location of this 'mound' suggests the author is describing the East Moat Hill (Figure 5.23). The assertion that the feature extended further E to the area of Castle Hill in the first half of the 19th century seems problematic based on the 17th century illustration of the Mutehill (Figure 5.26). The name of the hill to the W of the East Moat Hill, is Moat Hill, and though this is quite similar in general form it is substantially smaller than the East Moat Hill. This minor, irregular elevation may derive its name from the 19th century tradition that the East Moat Hill originally extended further W and E to form a continuous ridge across the N side of Cupar (NSA 1834-45: vol. 9, 3). This tradition now seems unlikely to have had a historical reality. The present form of the East Moat Hill may to some extent have been affected by post-medieval quarrying (Coleman 1996: 48). Nevertheless, it still has a clearly identifiable summit that, based on tradition and supported by cartographic evidence and medieval historical references, was the setting for courts at Cupar from at least the 14th-15th centuries (Figure 5.24).

The *Mons Placiti* of Cupar is mentioned in an entry of the Register of the Great Seal of Scotland dated 1497 (RMS 1882-1914: vol. 2, 502, no. 2360), and this can also be identified with the Mutehill or Camehill of Cupar. The author of the OSA entry for the parish of Cupar translated *Mons Placiti* as 'Statute Hill' and associated this directly with the 'Moat Hill or Mote Hill' (OSA 1791-9: vol.17, 162). The OSA author also identified this as a venue for the ordinance of medieval law rather than a defensive site (OSA 1791-9: vol. 17, 162). Leighton, probably drawing on the statistical accounts, styled the Mutehill as 'Moothill' and identified it as the location where the lords of Fife held courts (Leighton 1890: 8). The historical *Mons Placiti* of Cupar should be identified with the late 14th century Camehill. The place-name Mutehill, in use by the 17th century, may have derived from the traditional associations of the site as a setting for medieval courts that

persisted subsequent to the location's abandonment for assembly practices. On similar grounds, this came to be identified as a 'Moothill', latterly identified with the summit of the ridge NW of Cupar high street (Figure 5.23). This feature survives as the East Moat Hill where Cupar's pre-burgh legal assemblies took place. The importance of Cupar as the economic and judicial centre of Fife was still reflected in the settlement's status as the county town of Fife prior to the 1975 reorganisation of local government (Simpson and Stevenson 1981: 1).

In 1996 a commercial watching brief was carried out at the western end of the East Moat Hill (Coleman 1996: 48). The core of the W end of the ridge was found to be natural. Signs of 19th-century quarrying were encountered, with evidence of backfilled household rubbish dating to the Victorian period (Coleman 1996: 48). The eastern area of the ridge was not affected by the works and the excavator suggested that the sequence at the W end need not be continued in the E. Furthermore the excavator suggested that although the general appearance of the ridge was suggestive of natural origins, this may not have detracted from the feature's reuse as 'a defensive earthwork or as a meeting place' (Coleman 1996: 48). The ridge has also been provisionally identified as a motte (Stell 1972: 17, no. 158). However, on the basis of monument's present irregular morphology (Figure 5.25) this interpretation seems unlikely, and a more probable location for the medieval castle of Cupar seems to be Castle Hill, located to the E of Mutehill and at the end of the burgh high street (Figures 5.23 and 5.26).

Conversely, the location of the medieval parish church of Cupar appears to have been outside the core of the burgh settlement. The site of the medieval parish church, of which no upstanding remains survive, was N of the town and S of Kinloss House (Figure 5.23). This location has been proven by excavation (Hall and King 1999: 72-86; Lamb 1895: 123; OSA 1791-9: vol. 17, 140). The old parish church of St Christopher's, which was also dedicated to the Virgin Mary (Boyd 1971: 1), was 0.75km NW of the Mutehill. The church foundation is on record from 1154x78, when the church was granted to the Priory of St Andrews by Duncan Earl of Fife (Hall and King 1999: 72). The parish church was moved within the burgh in the early 15th century (Hall and King 1999: 72). The Lady Burn lay between the medieval parish church and the Mutehill and the

proximity of these monuments is not particularly striking, perhaps indicating a closer link between the Earl's medieval residence at Castle Hill and the assembly site (Figure 5.23).

The Mutehill's close physical association with the burgh of Cupar is noteworthy. This may not necessarily indicate a direct link between the assembly site and development of the town, which largely came into its own from the 15th century, but rather should draw our attention to the Mutehill's role as an aspect of the Earl of Fife's power centre at Cupar from the late 12th century. In this context, the proximity of the Mutehill to Castlehill, the most likely centre of the medieval *caput*, is significant. Moreover, the situation of the assembly site *between* the old parish church and Castle site suggests that these three elements may have been the key features of a regional administrative centre at Cupar between the late 12th and 15th centuries, and perhaps earlier (Figure 5.23). This regional centre may have been formed from elements of a pre-existing estate centre. Such a process may have coincided with the formalisation of the parochial system in Scotland from the 12th century, and also the rejection of the early medieval regional court site at Dalginch on the W border of Fife (see section 5.3.4.1). The use of the Mutehill of Cupar for the Earl's head court therefore seems to be part of a process of administrative centralisation which occurred in Fife from the 12th century.

Robert Stewart, Duke of Albany's assumption of the Earldom coincides with the first clear historical references to courts at the Camehill. This may represent Albany's attempts to propagate and conciliate his power in Fife by using as the setting for his head courts the Mutehill (or Camehill), which by the end of the 13th century was understood to be the legitimate platform for central judicial authority in Fife. Subsequently, from the late 15th century both the old parish church (Hall and King 1999: 72) and Mutehill of Cupar became marginalised, with the development of the later medieval burgh aligned on the location of the *caput* at Castle Hill. This example is therefore particularly useful as it illustrates the process of social change that could affect the setting of assemblies during the late medieval period in Scotland, and is also an important example of a regional legal centre, where royal and comital judicial authority was enforced.

5.3.5 Case study: Tillydrone mound, *Aberdon*, Aberdeenshire

5.3.5.1 Introduction

The following example of Tillydrone or Tillydrens mound in Old Aberdeen has been considered in detail because it is a rare example of a mound site identified with historically-attested assemblies that has been the subject of modern excavation (Figure 5.1a, no. 1). The holding of two courts by the Bishop of Aberdeen in 1382, close by the cathedral of Aberdeen, is recorded in that foundation's cartulary (Innes 1845: vol. 1, 143). The most probable candidate for the site of these courts is a mound previously known as Tillydrone motte, which is located immediately to the W of the Cathedral of St Machar in Old Aberdeen, or Aberdon as it was previously known (Dennison *et al.* 2002: 10, 27; Ferguson 1949: 79; Murray 1924-32: 187, n. 1; Figure 5.27). These documents describe a dispute between the Bishop of Aberdeen and one Johannes Crab of the barony of Murthill over certain tenements in the neighbouring burgh of *Aberdon*. The second of the two documents is a settlement addressed to the Bishop. Following the address, it is stated that *Willelmus de Camera* the *attornatus* (the tenant representative) of *Johannes Crab*, a tenant of the Bishop and Cathedral of *Aberdon*, was present at the Bishop's court held *'apud montem capelle beati Thome iuxta canoniam de Aberdon'* on the final day of July in the year 1382 (Innes 1845: vol. 1, 145-6). This description translates as at the 'hill of the chapel of St Thomas the Martyr beside the canonry of Aberdeen' (Gomme 1880: 191; Innes 1845: vol. 1, 143; RCAHMS 2007: 173). The basis for the identification of this site with Tillydrone mound will now be discussed. This is followed by an account of the archaeological evidence and discussion of the implications that the associated historic landscape has for our understanding the site's use for medieval courts.

5.3.5.2 Identification of the mound site

Ferguson was inclined to interpret the description of the court site slightly differently from that given above. His translation located the courts *in* St Thomas's chapel *by* the

'Mount' (Ferguson 1949: 79). This requires some attention because it calls into question the use of a mound and outdoor setting for the assembly. It is significant that *capelle* would appear to be in the ablative in both texts that refer to the court, and furthermore that *montem* is transcribed in the accusative. This would strongly suggest that the verb here refers to the holding of a court *at* or *upon* the *montem* with the preposition *apud* here referring to the accusative. Thus the ablative form, *capelle*, here describes a chapel 'by' or 'at' the hill near to the Cathedral and its associated community. Despite Ferguson's translation he was still inclined to accept the 'generally held' view at the time of his writing that Tillydrone mount was the legal centre of the dominion of Old Aberdeen (Ferguson 1949: 79). Ferguson's evidence for this was unfortunately never forthcoming, although he also refers to analogy having provided a 'strong presumption' for the holding of a court 'under the open sky' at the Tillydrone mound, suggesting Ferguson was aware of other examples of this practice though he provides no details (Ferguson 1949: 79).

More recent commentary has been less forthright and has raised the possibility that some other mound near the Cathedral, other than Tillydrone, may have been the court site (RCAHMS 2007: 173). However, the prominence of the Tillydrone mound in comparison to any other elevation in the vicinity, and the close spatial relationship between St Machar's and Tillydrone, is taken here to indicate that this is the most likely candidate. Tillydrone mound appears to be the only prominent elevation neighbouring the Cathedral in Slezer's 1693 image of the burgh from the S (Figure 5.28). A map of the burgh dated 1661 also shows Tillydrone mound, marked as Tullidrens Hill, as the most distinctive hill in the vicinity of the church (Figure 5.29). Although the Kettle Hill is also shown on Rothiemay's plan, this would seem to be a group of low hills, which is not consistent with the documentary evidence for the court site, which refers to a singular mound.

The Tillydrone mound may also have been an early medieval place of assembly. The place-name Tillydrone appears to contain the Gaelic element *tulach*. The 'tilly' or 'Tulli' part of this name is likely to be an anglicized form of Gaelic *tulach* (see Nicolaisen 1969). The association of this place-name with a major medieval church centre indicates that *tulach* might in this case be used with the sense 'assembly mound', rather than merely 'habitable mound' as is likely in the majority of examples (see section

4.2.5). However Ferguson's view was that the 14th-century documentary evidence was 'not necessarily proof of continuity' for the use of the Tillydrone mound for judicial purposes from an earlier period (1949: 79). Conversely the documented courts could represent the re-appropriation, by the 14th-century diocesan authorities of Old Aberdeen, of a pre-existing assembly site as the setting for courts in a new social context. The absence of the *tulach* element from the site's place-name as represented in the 14th-century record should, however, introduce a degree of caution in the identification of this site as an early medieval '*tulach*-mound' assembly site. Nonetheless, the court site was clearly perceived as a legitimate venue for important legal disputes by the ecclesiastical authorities in 1382, and this legitimacy was most likely based on precedent. The participation and resolution of the 14th century legal proceedings suggests the site was also meaningful to general contemporaries. The precise reasons for this cannot be known for definite, but one possibility is that the site was already an accepted and traditionally legitimate venue for previous courts when the 1382 courts were convened.

5.3.5.3 Archaeology

The Tillydrone Hill is 30m in diameter and 7m in height with a flat oval summit measuring 9m by 5m (Figure 5.30). Simpson and Webster identified the mound as a probable motte (1972: 180), but the results of recent excavations do not support this (Cameron 2002). The excavations in 2001 investigated into and around the mound (Cameron 2002: 3; see online details at SCRAN project 602, source SMR Aberdeen City Council, www.scran.ac.uk). No conclusive evidence was recovered which could date any of the remains to the medieval period, and the findings did not suggest that the site had been used as a medieval manorial platform, such as a motte. Although the core of the hill was found to be natural, the original natural summit had apparently been artificially flattened. The site was only partially excavated with a series of small trenches (Figure 5.31). Evidence was found for late prehistoric settlement on the summit and, most significantly, overlying this was evidence for the construction of a timber enclosure which may perhaps relate to the use of the site for medieval assemblies. Above this was

evidence for the substantial artificial heightening of the hill, and the use of the summit for a 19th-century triangulation point (Cameron 2002: 3). Post-medieval tradition also held that the mound was artificial in origin and was possibly used for a beacon, although no clear evidence for this was found during excavations (Name Book 1867: no. 69, 67; Visited by OS (JLD) 12 September 1952).

Inserted into the top of the natural mound and above it were numerous archaeological features. These included a substantial stone structure, only partially excavated, on the SW side of the summit that was interpreted by the excavator as the remains of a prehistoric burial mound. Overlying this was a stone-lined feature associated with charcoal deposits and orange burnt sand. This was interpreted as a hearth, and a sherd of Samian pottery was found beneath a stone which lined this feature (Figure 5.31). Charcoal deposits were also found on the SE of the summit, from one of which a radiocarbon date of 170 +45 AD was produced (Cameron 2002: 3, 7). This suggests that the hill had been utilised during the Iron Age. Further prehistoric remains were found on the E side of the natural summit in the form of post-holes (0.3-0.4m in diameter), and these may be the remains of a structure associated with the hearth or burial feature (Figure 5.31). Finds within and above these post-holes included worked flints and a copper alloy ring probably dated to the late Bronze Age or Iron Age (Cameron 2002: 3; NMRS no. NJ90NW 8).

Dug around the summit was a shallow slot which probably supported wooden planking (Cameron 2002: 3; NMRS no. NJ90NW 8; Figure 5.31). This would have formed a fenced enclosure around the summit and, although the excavator interpreted this as a defensive palisade of prehistoric fortification (see Cameron 2002: 3), it may alternatively have been a relatively insubstantial feature linked with the site's use for medieval assembly practices. On SE this feature was supported by a stone revetment, from which a reused saddle quern was retrieved, and on the SW by a minor earth bank (Figure 5.31). No additional dating evidence was retrieved from these features, although significantly the slot for the timber enclosure was cut into charcoal deposits from which a 2nd-century AD date was recorded (Cameron 2002: 3; NMRS no. NJ90NW 8), indicating that the enclosure post-dated the prehistoric remains. Moreover, geophysical survey and excavation around the base of the hill failed to identify a ditch, and this further indicates

that Tillydrone hill is unlikely to have been adapted for use as a motte (Cameron 2002: 3; NMRS no. NJ90NW 8; Figure 5.31).

The upper 2-4m of the mound had been artificially heightened and this overlay the archaeological remains on the natural summit, described above. The upper deposit consisted of a homogenous soil that contained no finds. The excavator suggested the artificial heightening may have resulted from 18th- and 19th-century activities relating to the mound's use as a beacon platform (Cameron 2002: 3; NMRS no. NJ90NW 8). However no evidence for an appropriate structure or any burning was found on the summit. Another possibility is that the mound had been heightened for the purposes of medieval assemblies, perhaps to elevate the practices enacted upon the summit to make them more visible. However this augmentation of the mound also appears to have lessened the space available on the summit, which may have been counter-productive for assembly practices. A further possibility is indicated by the discovery of the remains of a 19th-century triangulation point on the summit, associated with a appropriately dated fragment of clay pipe (Cameron 2002: 3; NMRS no. NJ90NW 8). The heightening of the mound may therefore have been undertaken by the 19th century surveyors to accommodate a suitable platform for the triangulation station. However the difficulty of dating the augmentation of natural mounds have been illustrated elsewhere (see Driscoll 2003a)

It is important to note that interpretations of the excavated findings provided to date have not taken into account the possible use of Tillydrone Hill for the setting of 14th-century courts. Admittedly, although no 13th- or 14th-century pottery was found this kind of material indicative of settlement should not necessarily be expected at a court site. The fence enclosure found on the original natural summit may feasibly have been used to define the bounds and sanctuary of a medieval court. The lack of remains conclusively dating to the medieval period precludes any definitive statement, but conversely no evidence has been retrieved that precludes such an interpretation. The cutting of the slot for the enclosure into the 2nd-century AD charcoal deposits indicates that the enclosure was constructed at some point between the 2nd century and 19th century. The slight construction of the enclosure would, arguably, not have constituted a particularly effective defensive feature. Also, the restricted space on the summit suggests that any

fortification could only have functioned merely as a fighting platform, though analogies do exist for medieval timber towers, such as at Abinger in England (Kenyon 2005: 13-17). If such a timber enclosure were associated with medieval assembly practices it would suggest that relatively permanent structures could be created to define the limits of medieval courts. Such structures would perhaps not seem necessary for the short intervals of use associated with assembly sites, and evidence from the early medieval Scandinavian world suggests that court fences were constructed in a relatively ephemeral manner, such as with temporary wooden poles and rope (Brink 2004: 206). Nevertheless, if we consider that medieval court sites were likely to be used on multiple occasions throughout the year, and that the legitimacy of such sites was paramount to their effectiveness as assembly venues, then the construction of a more permanent structure seems plausible.

Two possible candidates for archaeological features associated with the use of Tillydrone mound for medieval assemblies can therefore be identified. These include the interior of the timber-fence enclosure, with associated bank and revetment, and the elevated man-made summit. Given the restricted space available on the artificial summit and the possible post-medieval use of this feature, the timber enclosure would seem more likely as a setting for medieval assemblies, although this is far from proven. Another possibility is that both these features could be associated with different phases of the site's use for medieval assemblies, which may have demanded different organisation of space depending on the social context. Furthermore if we accept that the timber structure had a defensive function then the mound could be seen as the site of a $11^{th}/12^{th}$ century elite fortification associated with an estate centre at Old Aberdeen. This fortification may have gone out of use with the granting of the estate to the Bishops and the site then adapted for use as an assembly site by the addition of material to the summit.

5.3.5.4 Historic landscape

The location of the mound offers insights into the possible reasons for the selection of the Tillydrone mound as the setting for assemblies during the medieval period. The mound is

situated 250m W of Aberdeen Cathedral and these two monuments are partially inter-visible, despite the intervening barrier of a modern tree plantation. This important example appears to reiterate the close relationship of 'tulach-mound' and early church foundation (see sections 4.2.5 and 6.7.2). The close association of mound and church, and the possible judicial and ceremonial significance of 'tulach-mounds', suggests Tillydrone mound may also have been the focus for early medieval assemblies.

The wider topographical location of the mound also indicates the social significance of this locality from an early stage. Tillydrone mound is situated on the edge of a precipitous slope, which falls away to the N toward the lower reaches of the River Don (Figure 5.27). Here the river forms a wide bend before entering the sea to the E. The sea is visible to the NE from the summit of the mound. The position of Old Aberdeen by the sea and the mouth of the River Don made this place an effective centre for trade and communication (Dennison *et al*. 2002: 6-7, 13). This is likely to be among the factors which influenced the development of the medieval burgh of Old Aberdeen (Dennison *et al*. 2002: 6-7, 13) and may also have influenced the development of an early estate centre here, and the establishment of Aberdeen as the new centre of the Bishopric in c.1157. The occurrence of a raised feature associated with a *tualch* place-name at both Old Aberdeen and Mortlach, where the old episcopal centre may have been located prior to the early 12th century, is striking (see sections 4.2.5.3 and 4.2.6.1). This suggests that among the reasons for the elevation of Aberdeen as the new diocese centre, during the 12th century, may have been the presence of a monument previously established as a legitimate and regionally significant venue for assembly and ceremonial activities. Such an established 'mound of judgment' associated with the early estate centre would have lent legitimacy and functional stability to the Diocesan authority's base of operations.

There is also evidence to suggest that an earlier important church foundation already existed at *Aberdon* prior to the 12th century (Donaldson 1953: 115-6). A Pictish cross slab and 9th-century or later ring-headed cross indicate the early medieval date of Christian settlement at Old Aberdeen (NMRS no. NJ90NW 9.07; pers. comm. Prof. Stephen Driscoll). The original foundation of *Aberdon* was dedicated to St Machar and the early medieval church is thought to have been located in the vicinity of the Cathedral (Dennison *et al.* 2002: 10, e.n. 24; Ferguson 1949: 79). The significance of the close

spatial arrangement between the early church and mound is given further emphasis by the apparent connection of these two monuments by an ancient road-way (Ferguson 1949: 79). This road-way was known as the *via regia* and led toward the W from a junction immediately W of the Cathedral, and passed close by the southern flank of Tillydrone mound (Ferguson 1949: 76; Figure 5.30). From the road junction by the Cathedral the route-way also led S, leading through the Chanonry and becoming the high street of the medieval burgh. From here the road led directly to the later sister burgh of Aberdeen at the mouth of the Dee. This early arrangement has been reconstructed from descriptions of the *via regia* found in the medieval burgh records (Ferguson 1949: 74-6, 75; Figure 5.32) and may also be seen in Gordon of Rothiemay's 17th-century plan of Old Aberdeen (Figure 5.29). From the junction by the Cathedral a route-way also led northward. This continued down the steep southern bank of the River Don, passing immediately below the mound and crossing the river at a location known as Bogforth, where there appears to have been a fording point and ferry (Figure 5.32). This route-way is supposed to have then led further N, being the inland route to the *caput* of Buchan at Ellon. Ferguson makes reference to the possible significance of this connection to Ellon as the route-way used to drive cattle to the burgh market at Aberdeen (Ferguson 1949: 76-7, 88). This may reflect earlier practices and hints at further links between court assembly sites and the setting of market activities.

Another significant aspect of the landscape associated with the early centre at *Aberdon* was the extent of the medieval estate and parish associated with the church and core of the diocese. This territory is historically known to have straddled the River Don, encompassing lands on both sides of the river (Ferguson 1949: 77; see also map of St Machar's parish in RCAHMS 2007: 144, fig. 8.5), with the ford, meeting of route-ways, church, and mound comprising the centre of the domain. This territorial and monumental arrangement has distinct similarities with other key early medieval assembly sites and elite central places in Scotland. These include the early medieval royal centre of Forteviot (associated with the now lost Haly Hill and early church) and the Doomster Hill and early medieval church at Govan (Aitchison 2006: 47, fig. 17; Driscoll *et al*. 2005: 152, fig. 9.10). Both sites are situated within parishes that originally straddled either side of major rivers during the medieval period, with the core monuments situated adjacent to strategic

crossing places. Excavations at Govan on the site of Doomster Hill have also shown that the mound was connected to the adjacent early church by a medieval road-way (Driscoll 2003: 80), an arrangement which has striking similarities to the layout of early *Aberdon* and the Tillydrone mound (pers. comm. Dr Dauvit Broun).

Another significant aspect of the Tillydrone mound is the position of the monument adjacent to the location at which tidal waters reach to the highest point on the River Don (Figure 5.27). This location at the meeting of fresh and salt waters is a feature shared with other early medieval assembly sites in Scotland (see section 6.2). This natural phenomenon is likely to have facilitated trade and water-going traffic to the site and encouraged the development of the medieval burgh. The phenomenon may also have been a contributing factor which influenced the development of an early medieval central site here, the presence of which is shown by the early church foundation and possibly also by the association with a *tulach*-mound. This place may have been a site of cult significance during the Pictish dominion of the NE and prior to the spread of Gaelic into the area from the 9th century. Such tidal points, and confluence locations, are suggested to have been important within pre-Christian Pictish religious beliefs (Aitchison 2006: 33, 65; Nicolaison 1997: 117). The later appropriation of such sites as church and estate centres, where important assemblies occurred, should perhaps be seen as a similar process by which pre-Christian '*tulach*-mound' sites were appropriated by the early church in Ireland (see section 4.2.5).

5.3.5.5 Conclusion

In this case study it has been shown that Tillydrone hill is the most probable candidate for the setting of courts referred to in 1382 and held by the Bishop of Aberdeen. This identifies the mound site as the setting for courts concerning landed disputes in the district immediately associated with the Bishop's properties around Old Aberdeen. Furthermore the associated medieval historic landscape and place-name evidence suggest that this site may have been used for similar purposes during the early medieval period. The rare insights provided by archaeological excavation at the site have for the first time

been considered in relation to the site's identification as a medieval assembly site. This presents a reasonable case for the construction of a minor timber enclosure on the summit of the mound, at an undetermined date during the medieval period, in order to define the boundaries of courts held on the summit. This feature may feasibly have been associated with the 14th-century use of the site, but evidence for the artificial heightening of the hill also introduces the possibility that different phases of augmentation correlate with changing modes of assembly practices. Perhaps the most significant conclusion to be drawn from this case study is that a compelling argument has been made for the assembly site having been a fundamental feature in the development of a significant medieval estate at *Aberdon*. It may have been among the key endowments of the diocesan centre when moved to here in c.1157.

5.4 Megalithic sites

5.4.1 Introduction

This section covers the evidence for assemblies held at prehistoric sites identifiable from their megalithic construction. Eight examples discussed here present the details of the archaeological remains at each assembly site and information about social history and the purpose of the recorded assemblies. Included within each study are reflections upon the details of judicial proceedings recorded for each site, which may reveal how the monumental spaces were utilised. Archaeological evidence is drawn upon to reconstruct the immediate medieval social landscapes. This material has significant implications for our understanding of the use of megalithic sites as the setting for medieval courts and assemblies.

Seven historically-attested assemblies held at megalithic sites are discussed below. These examples are discussed separately because they help to explicate specific issues and are associated with secure historical material. Four were held at stone circles or the likely remains of such monuments, and three were held at singular standing-stones. The discussion of these sites is followed by a final example, that of the Clochmabenstane,

which is presented as an extended case study. Other significant features associated with these places and relevant to our understanding of medieval assembly places are also explored. For instance, specific megalith court-sites were found to be located in proximity to boundaries and other prominent archaeological remains. Two of the sites (Huntly and Migvie) are associated with early medieval sculptured stones.

The use of megalithic monuments for judicial assemblies in Scotland between the 13th and 16th centuries is here considered to reflect the acceptance by medieval elites of the legal legitimacy of such places as court venues. The majority of the cases discussed in this section are located in the NE of Scotland, with the important exception of the Clochmabenstane (Figure 5.1a, and Table 5.1, nos. 3, 4, 5, 6, 10, 13, 14, 17). This geographical distribution may in part reflect the derivation of the source material consulted, but is likely also to reflect the abundance of recumbent stone circles and preserved megalithic sites throughout Aberdeenshire and neighbouring regions (RCAHMS 2007: 59, 60, fig. 5.23, 61-72).

The practice of holding medieval courts at stones also occured in the isles and N regions of Scotland, although it is somewhat less firmly attested in the historical material. For example in the Isles of Orkney the 'Hirdman Stane' was the location for the taking of oaths into the 15th century (Stuart 1867: vol. 2, xlii). Orkney district courts are said to have commonly been held at standing stones, and by the 16th century the term 'a stane' and 'court' had become synonymous (Stuart 1852: vol. 5, xxxix, 391-2; Stuart 1867: vol. 2, xlii). Cnoc an Eadraiginn on the Isle of Colonsay is a natural hill, upon the summit of which is a standing-stone which was believed to have been used as the venue for courts by the MacDuffie chiefs of Colonsay (Grieve 1923: 294-6). Furthermore the place-name *Clach na Comhdhalach* in the parish of Lochbroom in Ross appears to signify the site of a stone associated with the holding of early medieval assemblies (Watson 1926: 125, 492; see section 4.2.1). Also *Clach A'Bhreitheamh*, or 'Stone or rock of the Judge', in Knapdale, Argyll may indicate the site of a medieval court (see Table 2.1, no. 2). Such examples indicate that the eastern and lowland distribution of the majority of cases discussed in this section, may derive in part from a bias in the survival of historical material for these areas; the dependence on oral tradition in the N and W; and the methodology used for this study (see section 3.4). Those examples identified in the E and

S of Scotland will now be covered individually, with stone circles considered first, followed by standing stone settings.

5.4.2 Stone circle settings

5.4.2.1 Candle Hill, Old Rayne, Aberdeenshire

On 2nd May 1349 a court was convened by William, Earl of Ross, in his role as Justiciar of Scotland N of the Forth, at Candle Hill stone circle, 500m SE of Old Rayne in the region of Garioch, Aberdeenshire (*apud stantes lapides de Rane en le Garuiach*) (Grant 1930: 57, fn. 3; Gomme 1880: 192; Innes 1845: vol. 1, 79; RCAHMS 2007: 173; Stuart 1867: xli, fn. 2; Figure 5.1a, and Table 5.1 no. 3). The court was concerned with a dispute between the Bishop of Aberdeen and William of St Michael, who was accused of deforcing the officers of the Bishop. This was done in the presence of many nobles of the 'king's court' over one day (Innes 1845: vol. 1, 79; Stuart 1867: xli, fn. 2). The recumbent stone circle at Candle Hill, which has also been known as Tap o'Mast, is the clearest candidate for the court-venue because it is the closest megalithic structure to Old Rayne (500m SE) and the most prominent in the parish. Candle Hill stone circle is located at 126m OD overlooking the River Urie to the S, which originally comprised of twelve stones that formed a circle with a diameter of 18.3m (Figure 5.33). A single recumbent stone, displaying cup-markings, is flanked by two pillar stones, and was associated with a fourth stone positioned toward the centre of the circle and parallel to the recumbent. This arrangement formed 'two sides of a parallelogram' the other sides of which comprised of dry stone walling (Coles 1902: 527-31; Callender 1935: 71; NMRS no. NJ62NE 1). On a plan of the stone circle from 1832 this walling feature is shown as curvilinear earthwork adjoining the main recumbent stone (Figure 5.34). Coles suggested that this arrangement may have been an augmentation made to the prehistoric monument as part of the site's use as the venue for the head courts of the district, though he did not comment further on this (1902: 529). Possible analogies for this feature can be identified at other recumbent stone circles in the region, where parallel stones are associated with

the rear of the recumbent stone. These features, seen at Ardlair and Easter Aquhorthies, are thought to have symbolised a blocked passageway and be contemporary with the monument as a whole, though the feature at Candle Hill does not seem to directly parallel these examples (see RCAHMS 2007: 61, 66). The feature at Candle Hill might also be the remains of a secondary burial cairn. More detailed dating evidence would be required to resolve this issue, but the origins of the internal feature with medieval activities is perhaps not the most feasible explanation. Nevertheless this does not preclude the reuse of this feature for medieval court proceedings. For instance the space enclosed by the dry-stone wall feature may have been used to delineate the organisation of practices undertaken within the stone circle during medieval courts.

For the description of the Candle Hill stone circle's original form, Coles drew upon notes made by Dalrymple during excavations at the site in 1856-7, the impact of which left the monument in a highly mutilated state (Coles 1902: 528). An oblong area of cairn material was discovered underlying the centre of the circle and at the base of this was a central urn burial within a lined pit. Around this central pit, 0.6m metres away, were further pits containing deposits of cremation burials. Between two stones on the eastern side of the circle a further pit 1.5m deep was also discovered, which contained 'black mould' and fired boulders. Further urn burials were found in the years following the excavations in the immediate surrounding area (Coles 1902: 528-31). Based on recent findings from radiocarbon dating, recumbent stone circles are thought to date to the Bronze Age (RCAHMS 2007: 67). At Rayne the possibility exists that the monument was augmented during the medieval period.

Rayne was an important location during the medieval period. The *villa* and 'shire of Rane' were part of the original endowment of Aberdeen in the 12th century, and the Bishops possessed the *manerium* and chapel at *Rane* (Innes 1845: vol. 1, 88, 117, 164; NSA 1845: vol. 12, 424; Stuart 1867: xli). By at least the 15th century Rayne was also an important market site, as in 1472 Bishop Elphinstone was authorized to erect a market cross and court house at Rayne (Jervise 1875-9: vol. 2, 308). On this basis 1472 may mark the latest date during which Candle Hill was used as the district court site. The Bishop's residence at Rayne survives as the ploughed-down remains of a 'homestead' moat on the NE side of the village (Figure 5.35). Boece records that Bishop Alexander

Kyninmund (1329-40) built a residence at Rayne, where he often spent the summer and autumn (Moir 1894: 8, 9, 113). The residence was said to have not been completed before Kyninmund's death and therefore is likely to have been in use at the time of the assembly at Candle Hill in 1349. In 1845, few upstanding remains of the moat were said to be visible, though the centrally rising ground and surrounding moat of the site were remembered to have been extant in 1840 (NSA 1845: vol. 12, 424). In 1991 small-scale excavations were carried out which uncovered the line of the ditch, 2m in depth and 6m across the widest point. This ditch contained sherds of 14th century pottery from the lowest deposits. Evidence for a stone-mortared structure and large stone roofing-slabs were also found within the interior of the moat (Greig and Sheperd 1991: 31). The close proximity of the 14th century Bishop's residence and chapel to the site at Candle Hill is significant (Figure 5.35). Clearly the legitimacy of the site of the stone circle as a venue for judicial assemblies was such that, in comparison, the possibly substantial buildings of the Bishop's homestead (even if not fully completed) were not deemed appropriate to house the Justiciary court in 1349. While the Bishop's chapel, associated with the Old Rayne residence, was deemed appropriate as the setting for the absolution of certain of the bishop's husbandmen in 1383 (Innes 1845: vol. 1, 164; RCAHMS 2007: 163), the moat site was not appropriate for the 14th-century court.

Candle Hill was identified as a place-name possibly deriving from G. *Comhdhail*, meaning 'assembly' (Barrow 1992: 224, 236, n.2.6; see section 4.2.1). This name is one of a group of 'Candle' place-names in Aberdeenshire, which includes Candle Stone near Ellon, also identified by Barrow as a *Comhadhail* name (Barrow 1992: 224, 231, n. 1.7; see Table 4.1, no. 16). Barrow omitted the other Candle Hill place-names on the basis of his 'own fence-sitting' and in his own words 'somewhat illogically' only included the Rayne example from among a series referred to by Alexander (Barrow 1992: 224, fn. 23; Alexander 1952: 32; see section 4.2.1). The association of this early Gaelic element perhaps indicates that the Rayne stone circle was of long-term significance as a location for legal assemblies serving the surrounding area, and prior to the documented 1349 Justiciar's court held there.

Various elements of the landscape around Candle Hill also suggest the long-term and complex significance of this location. Approximately 450m to the west of Candle

Hill stone circle is the site of St Lawrence's holy well (Figure 5.35). This is now no longer visible but was still extant in 1867 at the foot of the cultivated slope leading down from Candle Hill (Name Book 1867: no. 77, 73; NMRS no. NJ62NE 8). The St Lawrence Fair was held at Rayne in early August into the 19th century, and comprised of a large horse market of regional significance (Groome 1882-5: 240). This may be the survival of a pre-Reformation event and stresses the links apparent between the occurrence of popular religious and market assembly activates in close proximity to medieval judicial assembly sites (see for example 5.4.4). 0.75km N of Candle Hill is Gallow Hill at 127m OD, which may have been the execution site for the post-medieval courthouse of Old Rayne burgh of Barony (Groome 1882-5: vol. 6, 240; 1st edition OS 6":mile map 'Aberdeenshire' 1870). The old road leading from Kintore in the SE to Rayne is visible on 18th- and 19th-century maps, and appears to have passed immediately to the S of Candle Hill stone circle and the nearby holy well (General Roy's 1847-55 map 29/1c; 1st edition OS 6":mile map 'Aberdeenshire' 1870). This is believed to have followed the general line of a Roman military way leading from the S to the camp at Durno which has been located 2km SE of Candle Hill (St Joseph 1977: 141-2). People making their way from the W to St Lawrence's Fair were said to have followed the old road, called the Lawrence road (Lewis 1846: 246-59), and the Candle Hill stone circle would have been a conspicuous feature passed during journeys to the saint's well.

Old Rayne was located in the SW corner of the parish of Rayne, and the border with the parish of Culsalmond and Oyne is close by to the village to the W (Groome 1882-5: 240; 1st edition OS 6":mile map 'Aberdeenshire' 1870; Figure 5.35). Just over 1km to the SE of Candle Hill is another conjunction of parishes with medieval origins at the confluence of a minor burn with the River Urie. Here the parish of Rayne meets that of Logie Durno to the E and the large parish of Oyne to the S (Groome 1882-5: 240; 1st edition OS 6":mile map 'Aberdeenshire' 1870; see map of medieval parishes in RCAHMS 2007: 144, fig. 8.5; Figure 5.35). The meeting of boundaries is a feature of medieval assembly sites, which have evidence of long-term usage, identified elsewhere (see section 6.5). The early significance of this meeting of boundaries is further suggested by the original location of four Class I Pictish symbol stones (one of which displays a ogam inscription arranged in a circle) at the Moor of Carden, 1.5km SE of Candle Hill

(Allen and Anderson 1903: vol. 2, 175, fn. 1, 176-77; 1st edition OS 6":mile map 'Aberdeenshire' 1870; *cf*. RCAHMS 2007: 118, fig. 7.3; Figure 5.35). This location is on high ground above the meeting of boundaries and is a similar distance NW of the confluence of the Gadie burn with the River Urie (Groome 1882-5: 146-7; 1st edition OS 6":mile map 'Aberdeenshire' 1870). Additionally a symbol stone was also identified 1.5km E of Candle Hill at Newton of Lewesk (Ritchie 1916: 279-85) by the boundary with Logie Durno parish, and approximately 1km W of Old Rayne above the Shevack Burn in Oyne parish, was another symbol stone nearby an exceptional inscribed stone displaying ogam and undeciphered Latin inscriptions now at Newton (Allen and Anderson 1903: 178-9, fig. 193, 198-9, fig. 214-5; Figure 5.35). These stones may indicate the boundary of early estate territories, possibly Pictish in origin, and perhaps places of interface and movement between such units (see section 6.5). The use of Candle Hill for early Gaelic legal assemblies may indicate the appropriation of a previous Pictish gathering place. The situation of numerous symbol stones at significant boundary points in the landscape around Candle Hill may suggest these monuments were erected at key points of approach to an early medieval assembly site at the stone circle. Such symbol stones may then be understood as highly potent objects of display for the expression of kin relationships and rights to property (see Driscoll 1988 and Forsyth 1997), the effectiveness of which was bound up in their erection in the landscape at important nodal points around a significant district assembly site. The use of Candle Hill stone circle once Gaelic spread into the NE may be indicated in the place-name, and is the main direct evidence for the use of the site for legal disputes in the area during the early medieval period. Such practices would appear to have been maintained into the later medieval period, with the site continuing in use though within different social and political environments, which, with the development of the diocese, involved the setting in events with greater implications for the region. This was indicated during 14th century when the Bishops of Aberdeen developed a residence at Old Rayne and continued to utilise the local court site at Candle Hill, perhaps until the early 15th century when the settlement then became the main focus for such practices.

5.4.2.2 Rathe of Kingussie, Badenoch, Highland

On the 10th October 1380 Alexander Stewart, Lord of Badenoch, also known as the 'Wolf of Badenoch' and youngest son of Robert II, held a court within a stone circle by Kingussie, on the N side of the River Spey, central Badenoch in the diocese of Moray (Innes 1837: 183-7; cf. Barrow 1992: 226; Gomme 1880: 190; Grant 1930: 57; Lelong 2002: 80-1, 114-5; MacBain 1890: 154-5; Neilson 1890: 117; Stuart 1867: vol. 2, xli; Figure 5.1a, no. 14). In the cartulary of the Bishops of Moray, the venue of the court is referred to as the '*stantes lapides de Ester Kyngucy*' and '*le standand stanys de le Rathe de Kyngucy estir*' (Innes 1837: 183-7). This place is now the location of the new parish church of Kingussie, constructed in 1792, and traditionally also the time when the standing stones were removed (Henshall 1963: 1; Lelong 2002: 115; Oram 1996: 15-6; Figure 5.36). Significantly the parish church is located upon an eminence that was 'a mile and half from the eastern verge of the parish' (NSA 1834-45: vol. 14, 76) called *Tom a'Mhoid* or Moothill (Figure 5.37). Lelong describes this as 'a large, flat-topped knoll, with steep sides to the south, east and west and a longer slope to the north side, the easiest route of approach' (Lelong 2002: 115). The W side of the mound has been affected by revetment walling for the church's graveyard. The hill appears to be natural.

The documentary account of the 1380 assembly supports the view that the court bounds were defined by the circumference of the stone circle at Kingussie. Alexander Stewart's court was convened with the intention that all land holders within the regality of Badenoch would produce written titles in support of their land rights for examination at the court. The Bishop of Moray, taking exception to this, contested the jurisdiction of Stewart's court over church tenants, and significantly the Bishop is accounted to have been present but remained outside the court as a sign of his refusal to acknowledge the authority of the proceedings (Grant 1930: 57-8; Innes 1837: 183-4). This also indicates that the court was convened in the open-air (Lelong 2002: 115) and that a clearly defined enclosure delineated the visible confines of the court's authority whilst in session. The standing stones on the summit of the *Tom a'Mhoid* could conceivably have comprised an effective 'fence' within which the 1380 court proceedings could function. However, the place-name element *rath* in Rathe of Kingussie refers to an earthwork bank and ditch

(Alcock 1981: 150-80), and suggests an earthwork may have been associated with the stone circle and perhaps contributed to the definition of the court space on the *Tom a'Mhoid*.

Alexander Stewart's caput was at Ruthven castle, just over 1km SSE from the moothill and on the other side of the Spey floodplain (NMRS no. NN79NE 1.00; Figure 5.36). This was the location for the formal reconciliation between the Lord of Badenoch and the Bishop of Moray following the court at the standing stones on the 10th October (Innes 1837: 184-7; Stuart 1867: vol. 2, xli, fn. 3). The Bishop was to lease the land of Rathmorchus for which three suits had to be paid at the head court *apud Bruneth*, modern Birnie S of Elgin (Innes 1837: 189; Stuart 1867: vol. 2, xli, fn. 3). The change of venue and initial selection of the standing stones at Easter Kingussie as a court venue by Alexander Stewart is significant. This may reflect the initial intention to utilise a site recognised in the late 14th century as a legitimate and traditional venue for the negotiation of proprietary issues throughout Badenoch. Kingussie was a royal thanage and the 'Rath of Kingussie' closely associated with the moothill is suggested to have been the ceremonial and administrative centre for this early territory (Barrow 1989: 9; Lelong 2002: 114). A stone circle was not necessarily perceived as a legitimate court site by the episcopal authorities in Morayshire in 1380. The refusal of the Bishop to acknowledge the court's authority and the subsequent reconvening to the castle hall at Ruthven may in this case reflect the rejection by the Church authorities in Morayshire of a prehistoric monument, which may have been perceived as a pre-Christian edifice, as a suitable venue for judicial proceedings affecting the Church's property. Nevertheless contemporary diocesan authorities were convening high-status court proceedings at megalithic monuments elsewhere in Scotland during the late 14th century (see for example Candle Hill, Old Rayne, section 5.4.2.1). The objection may alternatively relate to the location's perception as a 'popular' and locally relevant court site, not deemed to be appropriate for the negotiation of the Bishop of Elgin's wider landed interests. More specifically, the contention between secular and ecclesiastical representatives associated with the convening of the 'Rath of Kingussie' court may reflect the specific political tensions which existed between Alexander Stewart, Lord of Badenoch, and the Bishop of Moray (Grant 1930: 58), a conflict violently expressed in the burning of Elgin Cathedral ten

years later in 1390 following Bishop Alexander Bur's excommunication of Stewart (Grant 1930: 58).

Kingussie was also the site of an early medieval church. This was known as St Columba's or '*Cladh Challumcille*' and is thought to have been originally located on the left bank of the Gynack burn at the W end of the village (Lelong 2002: 91; Name Book 1869: no. 7, 36; Figure 5.36). The church would therefore have been situated immediately W of the moothill, which may have lain just outside the earthwork vallum of the monastic foundation. Until 1860, St Columba's Fair was held at Kingussie during midsummer (Lelong 2002: 91). This arrangement of an early church, associated with devotional and perhaps market assembly activities, in close proximity to an assembly mound (in this case also associated with the remains of a megalithic site) and adjacent to a secular caput (Ruthven, on the opposite bank of the river Spey) is a feature identified at other important early medieval assembly sites in Scotland (see section 6.7.2). The Kingussie example again strongly suggests the central role outdoor assembly venues such as mounds and prehistoric monuments played in the development of early medieval estate centres. Such centres appear to have developed along a tripartite model, with the focus for a range of secular, devotional, economic and judicial activities having developed around a traditional assembly site, early church and elite residence. The cultural associations which were connected by the late 14th century with the standing stones of the 'Rath of Kingussie', were clearly strong enough to warrant the convening of a district head court there. The associated aspects of the estate centre at Kingussie hint that the 1380 court was not a singular event, and this example reiterates the willingness of the medieval elite in Scotland to utilise megalithic remains as the setting for significant legal proceedings that directly affected their landed interests. The Kingussie example also shows that such willingness may not have been universal during the 14th century. The contention caused by the Kingussie court, between the Bishop of Elgin and Lord of Badenoch, may have been in part caused by Alexander Stewart's attempts to reinstate a traditional assembly site, which by the late 14th century had become culturally ambiguous (see section 6.3).

5.4.2.3 Standing stones of Huntly, Aberdeenshire

This example examines the late medieval record of the holding of a sheriff-depute court at the standing stones of Huntly (*apud lie standand stanis de Huntlie*) in 1557 (Gomme 1880: 192; Stuart 1867: vol. 2, xlii, fn. 4; vol. 1, vi, fn. b), which is important for its association with a stone circle, early medieval sculpture and market site. The court was concerned with a cause brought by James Gordon of Easter Migvie against George Forbes, son of Umquhile Alexander Forbes also of Easter Migvie (Stuart 1867: vol. 2, xlii). The site used for the court is likely to have been the remains of a recumbent stone circle located in the market place of Huntly, which contained a stone carved with Pictish symbols (Stuart 1867: vol. 1, vi, fn. b; NMRS no. NJ53NW 1; Figure 5.38). Also known as the 'Standing Stanes of Strathbogie', this was the location for a meeting in 1594 between the Earls of Argyll, Huntly and Errol before the battle of Glenlivet or *Altihullichan* (Coles 1902: 569; Historic Scotland scheduling document 1997). The stone circle originally comprised of five upright stones averaging 1.4m in height and a sixth larger stone forming the recumbent with flanking pillars. The diameter of the circle was reconstructed by Coles (1902: 569) as between 12.2 and 15.25m, based on the position of the two stones that remained by the late 19th century. These stones are now located by a statue of the Duke of Richmond in the centre of Huntly town centre (Figure 5.39). One displays a Pictish 'horseshoe' symbol and the faint remains of a double disc below, and measures 1m by 0.76m by 0.45m (Allen and Anderson 1903: pt. 3, 166, 'Huntly' n. 1, fig. 176; Coles 1902: 569-70; Stuart 1867: vol. 1, 41, pl. 131). Of note is the close proximity of Huntly Castle, the site of the motte and bailey known in the 12th century as the 'Peel of Strathbogie', which was continually built upon and remodeled until the 17th century (NMRS no. NJ54SW 9.00; Figure 5.38). This is 900m NNE from the market place and stone circle, overlooking a major crossing point across the River Deveron, and adjacent to this water's confluence with the River Bogie to the NE. The presence of a Class I Pictish symbol stone at the stone circle court site suggests this location also had an elite social significance prior to the 9th century. Furthermore the proximity of the standing stones of Huntly, and the associated Pictish symbol stone, to a major confluence may also suggest that this location was perceived to have had cult significance during the

pre-Christian Pictish period of the 1st millennium AD (see section 6.2). The documented use of this site for late medieval judicial proceedings and as a parley site may be indicative of the re-appropriation of an early medieval place of assembly. The site may also have been used for judicial purposes between these periods, but became the focus for market activities during the formation of the settlement in proximity to the elite residence at Huntly Castle.

5.4.3 Standing stone settings

5.4.3.1 Moor of *Pethcorthin*, Easter Pitcorthie, Fife

This example considers a record relating to the holding of a Justiciary court, in the presence of a full court of Fife and Fothrif, 'in the moor of *Pethcorthin*' on 3rd April 1266 (Anderson 1899: 2-3, n. 8). *Pethcorthin* can be identified in modern day Pitcorthie House and Easter Pitcorthie farm in SE Fife (Figure 5.1a, Table 5.1 no. 13). The place-name Pitcorthie contains G. *Coirthe*, meaning 'pillar, standing stone', and identifies this locality with a prominent monolith. Between Pitcorthie House and Easter Pitcorthie is a large standing stone (Barrow 1992: 226; Taylor 1995: 108), which is here suggested to be the possible site of the 13th century court and perhaps also the location for earlier courts for the local area. The standing stone is in a prominent location, positioned in a level field 300m NW of Easter Pitcorthie and at just over 50m OD (NMRS no. NO40SE 14; Figure 5.40). This overlooks low-lying ground to the S and the coastline beyond, and has higher ground to the N. While the standing stone at Pitcorthie may have functioned as an effective monumental focal point for the 1266 court site, it is not explicitly indicated by the reference to the '*moor of Pethcorthin*'. Nonetheless the megalith is situated within an extensive open area, now under farmland and adjacent to Easter Pitcorthie Farm, and this may have been utilised for the assembly, with the megalith perhaps providing a landmark at which the court was to convene, and a focal point around which events formally proceeded. Furthermore the Gaelic meaning of the place-name suggest this location had been associated with the presence of the megalith since the early medieval period.

The standing stone at Easter Pitcorthie is a red sandstone block, 2.36m high, 0.23m thick and 3.12m in girth at the base (Figure 5.41). Nine boulders are arranged in a circle around the monolith, 0.3m from its base. These boulders are relatively small in size and are now largely buried as a result of ploughing activity. They may derive from clearance, although their organised layout might suggest the boulders are a prehistoric feature, perhaps the remains of a kerb. Alternatively they may have resulted from activities post-dating the original erection of the standing stone, which might conceivably have included medieval assemblies. On the S face of the monolith are a series of carvings, including 33 cup markings. An 'impression like a small foot' has also been identified on the upper portion of the S face (RCAHMS 1933: 48, no. 88), although this feature has also been described as a 'dumb-bell' shape (NMRS no. NO40SE 14, visited by OS 1929). Upon inspection the feature seems likely to have derived from the weathering of at least two cup markings. Nevertheless such a feature may have been culturally significant during the medieval period when the area in the vicinity of the stone was the focus for assembly practices. During excavation in the 1850s the base of the stone was found to be 'two feet' below ground, and underneath it ash deposits and possible human remains were discovered (Name Book 1853: no. 80, 86). This may suggest the presence of a cremation burial, and that the erection of the Pitcorthie standing stone at its present location is likely to date to the prehistoric era, perhaps the Neolithic period. If so this would exclude the possibility of the 'footprint'-shaped marking being actively used in medieval ceremonies because presumably for this the monument would have to have been prostrate. It may nonetheless have possessed traditional associations for medieval contemporaries.

The charter record for the 1266 justiciary court contains a detailed account of the case under dispute, including the agreement settled upon and the individuals who were involved within the proceedings (Anderson 1899: 2, n. 8). This records that the court came to a settlement in the presence of Adam, Earl of Karrick (Carrick), who on this occasion was acting in place of Sir Alex Comyn, Earl of Buchan, and Justiciar of Scotia. The assembly comprised of a 'full court of Fiffe and Forthref', and the Justiciar's court was the highest regional court of appeal representing the crown's authority (Barrow 1973: 98; see section 2.5.2). The Pitcorthie settlement was the resolution of a dispute

between Sir Richard Siuuarde (Seward) Lord of Kelli and Sir Richard Chamberlain Lord of Gibbetistan with his spouse Dame Johanna (Anderson 1899: 2, n. 8). The detailed description provided of the bounds of the lands under dispute suggests that the assembly at Pitcorthie was likely to have been preceded by perambulation activities. Both disputants' seals were affixed to a portion of the document, which is dated the Monday next after the feast of St Michael, 3rd April 1266 (Anderson 1899: 2, n. 8). Among the notable witnesses to this were the Sheriff of Fife (Sir Randulf of Lascelis) and Thomas Squire the 'King's Judge' (Anderson 1899: 2, n. 8), who were significant judicial officers and were presumably also closely involved within the proceedings at the Pitcorthie court.

The majority of the place-names mentioned in this document, as disputed lands, can be identified with existing places in the neighbourhood surrounding Pitcorthie. For instance, the Pitcorthie standing stone is in Carnbee parish, previously known as Kellie (Taylor 1995: 257). Kellie castle (MacGibbon and Ross 1886-7: vol. 2, 125-33) is situated 2km NE of the East Pitcorthie standing stone and Sir Richard Suuarde of the 1266 agreement was Lord of Kelli (Figure 5.40). Other place-names that can be traced to modern counterparts include *Gibbetistan* (Gibbleston, 1km N of E. Pitcorthie), *Belighistoun* (Belliston, 1.5km N of E. Pitcorthie), Balmalkin (Balmakin, c.1km NW of E. Pitcorthie), Casgengrey (North, South, Easter,Wester Castengray, c.3km N of E. Pitcorthie), and Kinbrachmond (Kilbrackmont place, c.3km W of E. Pitcorthie) (Anderson 1899: 2, n. 8; see Figures 5.40 and 5.42, Easter Pitcorthie shown as *E Balcorthy*). The close proximity of the court site to the disputed lands mentioned within the 13th-century account is striking (Figure 5.40).

If the Pitcorthie court site was chosen for this particular dispute, this would explain the location's proximity to the properties under contestation, but it does not necessarily directly account for *why* the specific venue was selected from among other possibilities within Kellie parish. Pitcorthie can not be said to be centrally-placed in relation to the disputed properties, and it is on lower-ground compared to the majority of the places mentioned in the 13th-century dispute, meaning the court-site did not overlook the disputed lands (Figure 5.40). However the long-term importance of the court-site may be indicated by the location's position beside a significant boundary. Approximately 1km to S was the meeting of the parish boundaries of St Monance, originally Abercrombie

parish, Kilconquhar parish and Kellie (Taylor 1995: 89-90; 1st edition OS 6" map 'Fifeshire' 1855; Figure 5.42). This situation has similarities with other medieval assembly sites in Scotland (see section 6.5), and may indicate that the Pitcorthie moor and standing stone had a pre-existing significance as an assembly site. The holding of the justiciar court at that location may therefore represent an explicit move by the royal judicial authorities to adopt a previously established court-site, that was used within the Parish of Kellie for local legal disputes. Moreover Kellie was a thanage during the 12th century (Grant 1993: 80) and the Pitcorthie site may represent early thane's court venue. Also the disputed lands in the Pitcorthie case appear to have been located within at least two of the neighbouring parishes (Figure 5.42). This may indicate that the setting for the justiciary court was an established venue used for the settlement of legal disputes that affected neighbouring parish territories.

5.4.3.2 Dull, Perth and Kinross

In 1264 on the Thursday next after the feast of St Scholarstica the Virgin (10th February), pleas (L. *placita*) were held before the Prior of St Andrews court at Dull in Atholl (Grant 1930: 58; Innes 1872: 206-7; Thomson 1841: 349; Figure 5.1a, no. 17; Table 5.1, no. 17). This was convened near a large stone situated to the W of the dwelling of Sir Thomas, the Vicar of Dull (Innes 1872: 206-7; Thomson 1841: 349). Dull was the location of an important early church, possibly consisting of a monastic settlement that was associated with St Adamnan, and which was mentioned in an Irish Life of St Cuthbert (MacDonald and Laing 1970: 129, 131-2). Numerous early Christian cross-slabs and sanctuary crosses have been discovered within the present parish church-yard and in the vicinity of the neighbouring village, including a 9th/10th-century cross and an 8th-century incised cross with inscription that was uncovered during recent excavations within the parish church (NMRS no. NN84NW 66, NN84NW 13; Allen and Anderson 1903: pt. 3, 315; Will and Reid 2003: 105). A cross located within the neighbouring village to the E has been suggested to have marked the sanctuary boundary of the old church, along with two others now at Weem to the E of Dull. Although the early Christian provenance of these

monuments has been doubted (MacDonald and Laing 1970: 131), recent excavations within the church have confirmed the early significance of the site (Will and Reid 2003). Significantly the 'large stone' of the 13th-century historical account could have been one of the larger sanctuary crosses near the church at Dull.

There is evidence for considerable prehistoric and early medieval activity in the area around Dull parish church and on the floodplain of the River Tay situated to the S (Will and Reid 2003: 132). Many megalithic alternative candidates exist in the vicinity of Dull for the *magna petram* ('large stone') court-site of 1264. Two stone circles located approximately 500m SW of the Parish church, and a further possible four-poster circle to W of the former, seem unlikely candidates for the court venue because of the emphasis in the account on a singular monolith (Figure 5.43). Nevertheless the account may signify a prominent stone from among a group, as at Clochmabenstane, Dumfriesshire (section 5.4.4). The relationship of the documented court site to the residence of the 13th-century vicar of Dull is the clearest indicator of the site's location within the historical text. Although this residence has not been located, for practical reasons it may arguably be assumed not to have been located upon the floodplain of the River Tay, but rather on higher ground at the margins of the valley floor, where the majority of settlement around Dull is positioned today (Figure 5.43). On these grounds perhaps a more feasible example for the court-stone may be found in a singular standing stone at Nether Tullicro, located approximately 600m E of Dull. This monolith measures 1.3m high by 0.8m by 0.45m. Thirty-five metres SSW of it is an outcrop with a shallow hollow on the upper surface (NMRS no. NN84NW 1; Figure 5.43). The place-name 'Tullicro' may be derived from G. *tulach*, and the association of such a place-name with the early church at Dull could be indicative of the location of an early medieval place of assembly (see section 4.2.5). Less than 0.1km S of the standing stone at Nether Tullicro is a circular raised earthwork with a level surface, and although this has been preliminarily identified as the remains of a homestead site (NMRS no. NN84NW 37) it may in fact be the 'tulach mound' identified by the neighboring place-name.

Further possibilities for the Dull site exist in the form of cupmarked stones and outcrops located in a field immediately W of Dull Parish church and village; the largest of these is an outcrop that measures 3.5m by 2.3m by 1.7m, and has one cup-mark on the

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NE (NMRS no. NN84NW 27; Figure 5.43). Also of note are three barrow mounds situated in a group approximately 1.5km SW of Dull, which were identified as 'mote'(s) on the 1867 OS 6" map of the area ('Perthshire'; NMRS no. NN74NE 4). These are located adjacent to the major confluence of the River Tay and River Loyn. On the opposite side of the valley overlooking this confluence is a burial cairn and further stone circle at Croftmoraig (NMRS no. NN74NE 146, NN74NE 12), and 1km to the E of this is the 'Tullichuil' burn that flows into the Tay opposite, and to the S, of Dull (1867 6" map 'Perthshire'; Figure 5.43). Less than 1km NW of the confluence of the Tay and Loyn was the 15th century seat of the Manzies family at Comrie Castle, now the site of a later towerhouse (NMRS no. NN74NE 29). The landscape in which Dull is situated clearly contained many highly visible remains of prehistoric activity, concentrated upon the Tay valley floor and neighboring the meeting of important waterways. Dull was to become a significant ecclesiastical centre during the early medieval period and a focus for the interests of lordship in the immediate region. The continued significance of this area was no doubt in part because the location is at the meeting of important route-ways, leading to the highland regions of Loch Tay, Fortingall in the W and Atholl, Strath Tay, Dunkeld in the E.

The vested interest of St Andrews in Dull during the late 13th century is clear from the direct involvement of the Prior of St Andrews at the head of the 1264 court and the specific mention of homage being made before him on this occasion (Innes 1872: 206; Thomson 1841: 349). This is further stressed by the record of a formal homage made before the Prior, Sir J. of Haddington, by Andrew son of Gilmur who was *Clerauch* ('Cleric) of Dull within the Priory of St Andrews in 1269 (Innes 1872: 207). This interest is likely to stem from the ceding of Dull to St Andrews by Dunkeld in the early 13th century [1203x10] (MacDonald and Laing 1970: 132). The selection of the 'large stone' at Dull for the holding of pleas by the Prior of St Andrews seems unlikely to be a singular event resulting from the selection of a convenient landmark neighboring the vicar's residence. As discussed above, the evidence for monuments in the vicinity of Dull Parish church suggests the long-term significance of the locality during the medieval period. Evidence from the details of individuals present at the 1264 court suggests the involvement of significant judicial officials and various local landowners whose names

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suggest a thriving Gaelic linguistic sphere in the Appin of Dull area during the mid 13th century (Thomson 1841: 349; Innes 1872: 206). Among those present were Gilcolm Makgugir, MacBeth Makkyneth and most significantly Ewayn the *Judex* (Thomson 1841: 349; Innes 1872: 206). The presence of the 'Doomster', as Innes refers to this individual's title, whom was said to have witnessed the homage of leigmen of the Prior of St Andrews, alludes to the process of judicial pleas also occurring on this occasion. The presence of the *judex* or Gaelic *breithem* suggest that the 'pleas' probably constituted the holding of a formal court. Moreover the *breithem*, in their role as keepers of legitimate legal tradition and process, may have been instrumental in the selection of the setting for the court. The Prior of St Andrews may therefore have sought a cue from the resident legal authority for the area by convening his court at an accepted and traditional court site for the church lands of Dull. Moreover Dull was a royal thanage in the 13th century and the court site might also represent the utilisation of a district assembly site also associated with this office (see Grant 1993: 79). The location of the megalithic court site near to the parish church of Dull is significant for our understanding of early assembly sites in Scotland (see section 6.3). The possible eagerness of the St Andrews authority to respect a pre-existing location for the district's courts may be understood in the context of St Andrew's relatively recent acquisition of Dull from Dunkeld in the first half of the 13th century.

5.4.3.3 Graystane of Cluny, Aberdeenshire

In a charter dated 1468, lands in the baronies of Obeyn, Cluny and Mgymar in Aberdeenshire were granted by the Earl of Huntly with the provision that three suits should be made at the three head courts of the baronies which were held at the *graystane* of Cluny (*tria placita capitalia tenenda apud le graystane de Cluny*) (Gomme 1880: 192; Grant 1930: 57, fn. 3; Murray 1924-32: vol. 1, 25, fn. 3; Spalding Club 1843-69: vol. 2, 48, fn.*a*; Figure 5.1a, Table 5.1 no. 4). Further mention is made of the barony court in 1548 and 1614 (Brown 1923: 95; Huntly 1894: 225; Spalding Club 1847-69: vol. iv, 404; RCAHMS 2007: 173). Jaffary identified this site with one of three major standing stones

in the parish of Cluny, the description of which matches a monolith at 'Woodend of Cluny', which is the largest of such monuments in the area (Coles 1903: 86-7; NMRS no. NJ71SW 2; Figure 5.44). This is located 2km E of Castle Cluny, the site of a motte and later towerhouse recorded as 'lie Peillis of Cluny' in 1535 (Simpson 1949: 131-2; Figure 5.45). The Woodend of Cluny megalith is a massive standing stone of grey whinstone positioned on the E side of the Ton burn. The monument measures 3.3m high, is roughly square in section and on the N side of the base packing stones are exposed (NMRS no. NJ71SW 2; Figure 5.44). The standing stone is situated upon the crest of a ridge, immediately adjacent to the meeting of the parish boundaries of Cluny, Kemnay (N) and Monymusk (SW), defined by the course of the Ton burn (Coles 1903: 87; Spalding Club 1843-69: vol. 2, 49; see 1st edition OS 6":mile map 'Aberdeenshire' 1869). Woodend is perhaps the most convincing location for the regional head court because the monument's exceptional form sets it apart from others in the area. Also significant are the boundary location which may have been perceived as appropriate location for assemblies affecting the wider region, and the immediacy to the baronial seat of lordship at Cluny castle. Alternatives in the form of recumbent stone circles in the general surrounding area are perhaps less convincing because of the singular form of the name *Graysta*ne and their greater distance from Cluny. No systematic search was made for all recumbent monuments because critical assessment of the established literature about the court site was used to guide this investigation not typologies of prehistoric megalithic monuments.

Other sites of interest exist in the parish of Cluny and in the vicinity of Woodend of Cluny. One kilometre S of this is a recumbent stone circle at Balgorar. Between Woodend and this stone circle is the farm of 'Tillysoul' (Figure 5.45). Two further monoliths are associated with the circle to the E, and W of Castle Fraser, originally a 15th century residence (NMRS no. NJ71SW 3; Shepherd 1994a: 152). The recumbent stone circle at Balgorar is at 130m OD, originally had eleven stones and, similar to others in Aberdeenshire, had a central circular mound (NMRS no. NJ71SW 3; Logan 1829: 201). Overlooking this site under 1km to the S is Gallowhill, the site of a large cairn shown on an 18th century estate map, and 'Courtcairn' farm (Thompson and McGowan 1996: fig.4e 'Braeneil and Croft of Walkend'). The farm of Greystone in the neighbouring parish of Skene (8km E of Castle Cluny), where multiple stones identified as 'rubbing stones' were

located (NMRS no. NJ70NE 79), is another, perhaps less likely, candidate for the 15th-century court site because of the distance from the documented zone of interest.

The 15th-century significance of the graystane of Cluny was recorded within a charter originally held within the charter room at Castle Forbes, Aberdeenshire. The document was dated at Aberdeen on the 8th July 1468 and accounts that Alexander Earl of Huntly, with the consent of his son and heir apparent, granted to his son-in-law William Lord of Forbes 'the lands of Abergarden, in the barony of Obeyn; the lands of Tullyfour and Tulikery, in the lordship of Tullich, in the barony of Cluny; and the lands of Suthnahune, in the barony of Mgymar' (Spalding Club 1843-69: vol. 2, 48, fn. *a*). Each of the baronies mentioned within this confirmation would have contained a head secular residence and seats of lordship (the predecessors of Tillycairn castle, 16th century, and Midmar castle, 1570). Tullyfour ('Tillyfoure') and Tulikery ('Tillycairn') are to the W of Cluny and Midmar adjacent to the S. The identification of the 'graystane' monolithic site, in the 1468 charter as the venue for the head court of the district is a statement of the active social significance of this place as a setting for the courts of the district. This would identify the barony of Cluny as the superior secular domain in the area and here the proximity of the court to the residence at Castle Cluny is noteworthy. The holding of the head courts in the open-air, at a prominent and ancient landmark, and by a significant boundary place suggests the traditional legitimacy of this location as a court site, notably in preference to the local elite residence. This may also indicate that at least during the 15th century the cultural perception of the '*graystane* of Cluny' was of an assembly site with an extended history of earlier use, and this legitimacy seemingly continued into the early 17th century.

5.4.3.4 Stone of Migvie, Cromar, Aberdeenshie

In a charter dated 1358-9, the Earl of Marr granted lands in Strathdee, in the Earldom of Marr, to Duncan son of Roger (*Carta Comitis de Marre concessa Ducano filio Rogeri*) with the provision that he pay suit at the three annual head courts held at the *stone of Migvie* in Cromar (*placita capitalia apud lapidem de Mygveth in Cromarr tenenda*)

(Spalding Club 1847-69: vol. 4, 715-6; Figure 5.1a, no. 6). A candidate for the 'stone of Migvie' is a sculptured monolith discovered 'a few feet below the ground level' (Name Book 1866: no. 56, 60) within the churchyard of Migvie parish church. This is a Class II Pictish symbol stone (Allen and Anderson 1903: vol. 2, pt. 3, 191-2, fig. 208; NMRS no. NJ40NW 2; RCAHMS 2007: 11, 126, fig. 7.12; Figure 5.46). This monument may conceivably have been the focal point for a judicial assembly to convene around, and although found buried within the present churchyard, this does not preclude the monument having been appropriated within secular assembly practices but means this interpretation is by no means definitive.

Migvie church is an early medieval foundation dedicated to St Fillan, and granted to St Andrews in the 12th century (Scott *et al*. 1915-61: 543). The footings of the old church are still visible within the present enclosure (NMRS no. NJ40NW 2). To the SW (0.4km) is the site of Migvie Castle, first mentioned in 1268 and the chief messuage of the Lordship of Cromar (Simpson 1949: 81; NMRS no. NJ40NW 11; Figure 5.47). The holding of the head courts of the district at the 'stone of Migvie' must therefore be understood in relation to Migvie's significance as the chief residence in Cromar and the location of an important early church foundation. The Migvie cross slab is in close proximity to both church and castle. The possible selection of the Migvie sculptured stone for the open-air regional courts of Cromar may have been rooted in the understanding by 14th-century contemporaries of this monument as a traditional and powerful symbol of lordship in Cromar and the Earldom of Mar. However given the monument's situation when discovered, as noted above, its identification as the documented 'stone of Migvie' remains only a suggestion.

Another possible candidate might be the Pictish symbol stone previously located upon a hill known as Tom a'Char in Coldstone parish, which neighboured Migvie to the S. Tom a'Char is 500m S of the site of the old parish church of Coldstone, dedicated to St Neachtan of Mortlach (NMRS no. NJ40NW 5; Figure 5.47). The place-name of this natural feature means 'hill of the chair or throne', derived from G. *tom*, 'hill', and *cathair*, 'chair' (Gomme 1880: 265; NSA 1845: vol. 12, 1072). This place-name may suggest the location of an early court site, perhaps in reference to traditional associations with the seating of a medieval judge, Gaelic *breithem*, or the association of the site with

the judicial practices of lordship. The site is now greatly damaged by 19th-century quarrying (NSMR no. NJ40SW0069), but was originally the location of a Class I Pictish symbol stone which is now at Tillypronie, a considerable distance to the N, in Migvie parish. The stone is an irregular shape and 1.02m high (Allen and Anderson 1903: pt. 3, 179-80, fig. 194; Figure 5.48). The presence of this monument, at a possible assembly site, is suggestive of the earlier elite social significance of this locality prior to the 9th century. Moreover the site may also have been reused for assembly practices during the late medieval period in connection with the lordship of Migvie.

5.4.4 Case study: Clochmabenstane, Gretna, Dumfriesshire

5.4.4.1 Introduction

The Clochmabenstane is the most extensively documented example of a megalithic site recorded as having been utilised for the setting of medieval assemblies in Scotland. Clochmabenstane is the name of a standing stone near to the northern shore of the mouth of the River Esk, which becomes the Solway Firth at this point, 1km SW of Gretna in Dumfriesshire (RCAHMS 1920: 92-3, no. 263, fig. 67; RCAHMS 1997: 110, fig. 102; Figure 5.49). This monolith is documented to have been the site of medieval border meetings between the marches of Scotland and England, a venue for regional courts, and perhaps also a market site, from at least 1398 (Innes *et al.* 1814-75: vol. 1, 413-6; Bain 1881-8: vol. 3, 675, 2, 7; Neilson 1899: 254, fn. 4).

5.4.4.2 Description

The place-name Clochmabenstane refers to the larger of two surviving monoliths at the site, which is likely to have originally been part of a stone circle. The Clochmabenstane is a granite boulder located 0.49km S of Old Graitney farmhouse, and is 2.3m high and 5.5m in circumference (Figure 5.50). In 1982 the Clochmabenstane fell over. Excavation

of the shallow pit within which the monolith had stood retrieved a radiocarbon date of 2525 +/- 85 BC (Crone 1983: 16-20; Figure 5.51). The OS Name Book (1858: no. 22, 73) states that the site was the remains of a 'druidical circle' which was formerly composed of nine stones placed in an oval plan enclosing about half an acre. The Statistical Account recorded that in the latter half of the 18th century there were 'a number of white stones placed upright, and inclosing half an acre of ground in an oval form' (OSA 1791-9: vol. 9, 267). By the mid 19th century the majority of these monoliths had been removed for agricultural purposes, leaving only the 'Lochmaben Stone' (NSA 1841: vol. 4, 267) and one other minor boulder now in a modern-fence line 23m NNE of the main monolith (RCAHMS 1981: 9, no. 22; Figure 5.52). This monument represents the remains of a Neolithic stone circle or 'megalithic oval' (Crone 1983: 16, quoting Burl 1976; RCAHMS 1997: 110, fig. 102). The space enclosed by the 'oval' plan of this megalithic monument may have been used to define the judicial sanctuary, and the stones to mark the fence of the medieval courts held at the Clochmabenstane.

The considerable size of the Clochmabenstane (height 2.3m) may account for the megalith having survived the late 18th- and early 19th-century agricultural improvements in the area, in contrast to the majority of the original group (NSA 1841: vol. 4, 267; RCAHMS 1997: 54). This might also imply that the Clochmabenstane was large in comparison to the rest of the stones, as the diminutive size of the only other surviving stone also suggests. Furthermore the specific identification of the 'Clochmabenstane' in medieval accounts, which during the 15th century became corrupted to 'Loumabanestane' (Neilson 1899: 256), suggests an emphasis upon a singular and prominent monolith rather than a monument comprising of multiple stone pillars, such as a stone circle. This emphasis, which was to survive in 16th-century identifications of the site (Bain 1890-2: vol. 2, 281), may imply that assembly practices enacted here utilised the Clochmabenstane as a focal point around which activities were organised. This may have involved the presiding judge or wardens taking up a dominate position at the Clochmabenstane.

The majority of the stone circle is likely to have been located to the NE of the Clochmabenstane because on all other sides the land falls away to lower ground. The monument is located on the SW edge of a low plateau at 10m OD, which extends 400m

to the NE (Figure 5.49). The location of the Clochmabenstane is elevated in comparison to its immediate surroundings, with lower ground to the W and S. This may have resulted in activities undertaken within the stone circle appearing raised and prominently visible to on-lookers located on the adjacent lower ground, facilitating the general viewing of judicial proceedings within the stone circle or around the main megalith (Figure 5.53). Although these suggestions are clearly suppositions, they are offered here as relevant considerations because of the credible and extensive documentary evidence that exists for the use of this site as the setting for regionally important medieval courts.

5.4.4.3 History and place-name

During the 14th century the meetings of the West March of the Scottish borders convened at *Clochmabenstane*, or Lochmabenstane as this was termed by the 15th century (Innes *et al.* 1814-75: vol.1, 413-6; Neilson 1890: 127, fn.4; Radford 1952: 36; Rae 1966: 50). The place-name Clochmabenstane contains the G element *cloch* meaning 'stone', and therefore translates as 'Mabon's Stone'; the English element 'stane' being a tautology (Watson 1926: 181; RCAHMS 1920: 93). 'Maben' is from Welsh *mab* (Old Welsh *map*) meaning 'boy, youth; son' and is cognate with Gaulish *Maponus* 'the divine youth', a god whose cult existed in Iron Age northern England and SW Scotland, and who was, during the Roman occupation, often equated in a military context with Apollo (Crone 1983: 16; Radford 1952: 35-8; Rivet and Smith 1979: 395-6). Clochmabenstane has been identified with *Locus Maponi*, a place-name referred to in the 7th-century manuscript of the Ravenna Cosmography, and thought to indicate a native tribal meeting place that was active during the Roman occupation of southern Scotland (Crone 1983: 16; Rivet and Smith 1979: 395-6). This identification has however been disputed, and *Locus Maponi* has been alternatively suggested to apply to Lochmaben, a village 30km NW of the Clochmabenstane. Lochmaben is thought to identify a sacred 'lake or pool' (British *loc-*) and refers to the Castle Loch, on the southern shore of which is Lochmaben Castle and on the northern side are the remains of an extensive motte and multi-valliate enclosure of the 12th-century *de Brus caput* (Radford 1952: 35-8; RCAHMS 1997: 189-90, no.1255; Rivet

and Smith 1979: 395-6). Nevertheless the place-name 'Clochmabenstane' still appears to identify the stone circle site with the cult of a regionally-significant Iron Age deity, and perhaps also the tribal affinity associated with the adherence to such a cult, and it might suggest the location of an additional tribal meeting place, perhaps of the Brigantes tribe (*cf.* RCAHMS 1997: 169-70).

From 1398 the Clochmabenstane was recorded as the venue for border disputes (Innes *et al*. 1814-75: vol. 1, 413-6). Such meetings appear to have been associated with other forms of assembly activities such as the ransoming of prisoners and the holding of markets (Bain 1881-8: vol. 3, 675, 2, 7; Neilson 1899: 254, fn. 4). Neilson postulated that a form of market was a 'constant characteristic of such assemblies' (Neilson 1899: 254), stressing the association between popular market activities and places of established judicial assembly in the medieval Scotland. By 1409 and 1472 the site's name was corrupted to *Loumabanestane*; in 1485 it was *Lowmabanstane*; and in 1494 *Loughmabanestane* (Neilson 1899: 256). The Battle of the Sark that occurred on 23rd October 1448 was referred to by contemporaries as 'the battell of Lochmaban stane', as recounted in the Asloan Manuscript 1513x42 (Neilson 1899: 256, fn. 1; Thomson 1819: 18, 40; Figure 5.49). The association of a battle site with this assembly site is a feature identifiable at other border meeting places and assembly sites elsewhere in Scotland (see section 5.4.4.5). In the 16th century Wharton refers to the site as the '*loghmaben Stone standing in Scotland, wher we have beyn accustomyd to keipe days of marches*' (RCAHMS 1920: 93, quoting Wharton; Bain 1890-2: vol.2, 281). This indicates that by the 1500s the site was still in use for border courts and that the place-name had shifted close to the modern form Lochmaben Stone (see 1st edition OS 6":mile map Dumfriesshire 1862).

Neilson (1899: 254-5) suggested that similarities between medieval documentary references to the *Sulewath*, or 'great ford' across the Esk, recorded prior to the 15th century, and the Clochmabenstane indicated that these features were closely related. For instance both *Sulewath* and Clochmabenstane are recorded as the location for courts of the West border wardens and the Clochmabenstane is thought to have been near a major fording site. This led Neilson to suggest that these two place-names represented the identification of different features of the same place, that was in use for similar purposes

during the 14th and 15th centuries (Neilson 1899: 254-5). In support of this Neilson posited that during the medieval period the Clochmabenstane was near the northern end of the *Sulewath* or 'great ford' across the Esk, which was a major historic crossing place between the kingdoms of England and Scotland (Neilson 1890: 127, fn. 4; Radford 1952: 36). In 1698 during her brief journey into Scotland, Celia Fiennes recorded her crossing on horseback over the ford, through the tidal waters at the mouth of the River Esk and near the River Sark (Morris 1947: 203; Figure 5.49). This at the least indicates the feasibility of a major fording place over the tidal waters of the Solway, and in the vicinity of the Clochmabenstane, and the possibility of it having existed during the medieval period.

The place-name *Sulewath* is thought to mean 'great or muddy ford', and is believed to have later become applied to the entire firth between Dumfriesshire and Cumbria, now known as the Solway (Neilson 1890: 127, fn. 4; RCAHMS 1920: 93). The earliest reference to the name was in 1218 (Neilson 1899: 278). Reginald, King of the Isles, was conducted to give homage to Henry III of England (1216x72) at three possible locations, including *Sulewad*, Carlisle or Lancaster (Bain 1881-8: vol. 1, 696). The regional significance of the location was described in more detail within the mid-13th-century laws of the Border Marches. In 1249 the border 'sheriffs and jurors' for the West March, which included Dumfries and the county of Carlisle, under the laws dictating the border country between Scotland and England, 'ought to answer at *Sulewath*' (Innes *et al.* 1814-75: vol. 1, 413-16, 414; Neilson 1899: 278). These courts were intended to negotiate disputes arising between parties on different sides of the border. Specific legal code was set aside for such cases. The location of courts at *Sulewath* and the details of this code were reiterated in 1280 and 1292 (Bain 1881-8: vol. 2, 183; Stevenson 1870: vol. 1, 357). In the 13th century, the River Esk defined the border line in this area and among the clauses of the March laws was the provision that, in cases of cattle being disputed across the border, trial by combat may be averted by the admittance of one party's fault and the legal claim decided if the disputed cattle were driven across the River Esk (Neilson 1899: 279). Claims for damages would be acquitted and trial avoided if the disputed beasts crossed the midstream in safety (Neilson 1899: 279). The crossing over the Esk at the Solway is also mentioned in the accounts of Edward I's campaigns

into Scotland during the 13th century (Neilson 1899: 279; Topham 1787: 129). This major crossing point was clearly a highly significant route-way and landmark which was regionally important as a place of gathering because of the social liminality of the ford's location upon a major medieval boundary.

The Clochmabenstane is located close to the present national border, which follows the line of the River Sark just over 1km to the E of the monument (Figure 5.49). The Sark came to define the border from 1552, when the boundary was shifted northward from the 13th- and 14th-century border at the River Esk (Neilson 1899: 280). Prior to this the Esk-Cheviot-Tweed line was established in 1092 when the English frontier was advanced by the capture of Carlisle (Barrow 1962: 4; Radford 1952: 36). Before this the southern most extent of the border, and the Kingdom of Cumbria or Strathclyde was defined by the Rere Cross in the North Riding of Yorkshire, where Yorkshire and Westmorland meet. A significant assembly site for this early arrangement appears to have been at the River Eamont, as in 926 (prior to the annexing of the Kingdom of Strathclyde in 945) Constantine King of the Scots and Eugenius of Strathclyde made homage to King Athelstan at Eamont Bridge near Penrith. It is also the location of a complex of prehistoric henge monuments where early medieval assemblies may have been held (Aitchison 2006: 64; Barrow 1962: 3; Radford 1952: 36; Topping 1992: 249-64). Significantly among these henge monuments is the largest of the group, Mayburgh henge, that contains a single monolith at its centre, all that remains of a more extensive stone circle (Topping 1992: 249-64), perhaps comparable with Clochmabenstane as a choice for an assembly site. The Clochmabenstane was however not always adjacent to the boundary between kingdoms before the first historically-recorded use of the site for assemblies in the first half of the 14th century. This has been taken to suggest that the Clochmabenstane was only significant as a meeting place following the 11th century (Radford 1952: 36). Nonetheless despite the border only moving to the Sark line in 1552 the Clochmabenstane was in use as a border meeting place during the 14th and 15th centuries. This suggests that the site was a significant meeting place despite the lack of a landward proximity to the border.

However perhaps this is misleading, and more significant is the location of the Clochmabenstane at the head of the major fording place across the firth, which would

have situated it upon an important route-way, but also near a different kind of boundary location. This ford would have crossed the natural division between Dumfriesshire and Cumbria at its most westerly point, through the tidal waters at the mouth of the Esk. Fords across the Solway were historically used by armies crossing between Cumbria and Dumfiresshire (Barrow 1962: opposite 1). The southern end of the Clochmabenstane crossing may have led to Rockcliffe, Cumbria, in the West March of England, also recorded as a border meeting place during the late medieval period (Neilson 1899: 280; Rae 1966: 50). Rockcliffe is on the northern side of the lower reaches of the River Eden, the other major river which flows into the Solway from the E (Figure 5.54). The form of the coastline at the mouth of the River Esk seems likely to have changed since the medieval period with the gradual westward increase in the size of a promontory between the mouth of the Esk and Eden. This is suggested by the apparent growth of the Rockcliffe Marsh, also known as Sarkfoot Point, as seen on 17th century and 20th century maps ('A survey of the Solway Coast', bound within Adair 1703, accessed on Scran; Bartholomew 1912: pl. 18 'Solway' 1":2mile; *cf.* Neilson 1899). Detailed paeleoenviromental research would be required to further reconstruct the historic form of the E Solway. The direct references to Clochmabenstane and Rockcliffe as assembly sites after the late 14th century may reflect a concern for the specific description of locations on either side of the border at which assemblies occurred by this time, in contrast to earlier generic references to both of these assembly site as the 'great ford' by the single name *Sulewath*.

5.4.4.4 Historic landscape

The Clochmabenstane is positioned upon the SW edge of a low plateau, which forms a raised and reasonably flat expanse that extends approximately 0.4km NE from the megalith, at an average of 10m OD. The battle of the Sark in 1449, also known as the 'battell of Lochmaban stane' (Thomson 1819: 18, 40), is thought to have occurred across this raised area, immediately NE of the stone circle (Neilson 1899: 256, fn. 1; 1st edition OS 6":mile map 'Dumfriesshire' 1862; Figure 5.49). Battles may also be seen as a form

of human assembly, in this case with the purpose of resolving dispute through formalised physical conflict, rather than reasoned negotiation within a framework of law. However medieval conflict was, arguably, conducted within a specific framework of convention, which possibly included prearranged, and to some extent ritualised, preambles (Davies and Fouracre 1986). The co-incidence of the Clochmabenstane assembly site with the location of a late medieval battle may have occurred because this place was a strategic location in the wider landscape, but also because it was known as a place of gathering and collective mediation across the border, and was thus selected as an appropriate setting for formalised conflict (see section 6.5).

The raised area extending NE of the Clochmabenstane is also notably flat, open and distinct from the unstable ground of the nearby estuarine coast (Figure 5.49). This area may therefore have also been an appropriate location for the market activities recorded at the 'Solway water' on the Scottish side of the border in 1319 (Bain 1881-8: vol. 3, 675, 2, 7), which Neilson equated with the border court site at the Clochmabenstane, on record from 1398 (Neilson 1899: 254). Ransoms are recorded to have been paid and the 'buying of beasts … and other goods from the Scots' at the 'Solway water' in 1319 (Bain 1881-8: vol. 3, 675, 2, 7). The close association of judicial, market and conflict activities which seemingly occurred within the vicinity of the Clochmabenstane emphasises the multiplicity of medieval assembly practices and the possible correlation between the settings of such activities. These forms of assembly may often have occurred on the same occasion, had distinct legal practices and conventions, and were convened at monuments perceived as legitimate venues for the collective negotiation of various forms of contentious social interaction.

Approximately 0.5km to the N of the standing stone was a mound by Old Graitney Farm (Figure 5.49). This was removed shortly before 1851, and was thought to have been a 'Viking boat shaped barrow', although no burial remains were found when the levelling occurred (RCAHMS 1981: 31, no. 211). The proximity of the mound to the Clochmabenstane may have been significant, and such a feature could feasibly have been utilised for early assembly activities or have been a castle mound and predecessor to the neighbouring tower-house. Such an interpretation must be approached with caution however as minor mounds are a common aspect of the natural topography throughout

Dumfriesshire. Also by Old Graitney was a tower-house built in 1535 and destroyed in 1585, believed to have been located 180m S of the farmhouse (RCAHMS 1981: 25, no. 153; Figure 5.49). The proximity of such a structure to the Clochmabenstane stresses the locality's social and strategic importance during the latter medieval period.

5.4.4.5 Other Border meeting places

The Clochmabenstane was one of multiple assembly sites along the Border Marches of Scotland that were used for the setting of regionally important courts. Other Border March sites are considered in this section to illustrate the diversity of settings that were used for these courts and to discuss the historical derivation of such sites. The border lands between the medieval Kingdoms of Scotland and England were historically defined by territories that were legally designated as the 'border marches' (Neilson 1890: 127-31). The episodic disputes and hostilities that arose between individuals on either side of the border were negotiated at key places of judicial assembly for each region along the border from at least the 13th century onward (Neilson 1899: 278). These same sites may also have been used for locally relevant disputes, as well as negotiation of political relations between the medieval Kingdoms of Scotland and England. Barrow has illustrated that locations used for boder meeting places in the high medieval period coincide with places significant within the early medieval division of space along the Tweed-Cheviot boundary line (Barrow 1962: 15-20).

The border meeting places were often located at important fording places across major rivers, such as the Tweed and Esk, and upon other communication route-ways, such as the passes over the Cheviot Hills (Rae 1966: 50; Figure 5.54). These locations appear to have been used as venues for the settlement of localised disputes and in some cases can also be shown to have been associated with the holding of market activities and festivals. The *Leges Marchiarum*, reputedly dated to 1249, designates the four chief places of assembly for the marches of the border lands of the Kingdom of Scotland, where the wardens of the neighbouring domains were to convene their discourse (Neilson 1890: 126). At this time *Camisfurd* or *Hamisford* was the meeting place of the East

March (those 'between Dedey and the sea'); *Reddenburn* for the Middle March (those 'above Dedey' burn); *Gamelspath* was identified as the meeting place for Redesdale and Coquetdale; and *Sulwath* was the meeting place for Dumfries and Cumberland (Innes *et al.* 1814-75: vol. 1, 413-6; *cf.* Barrow 1962: 18-19; Figure 5.54). These places can be identified with varying degrees of accuracy with existing locations and associated archaeological remains. The sites are associated with evidence suggestive of the long-term significance of these localities as venues for assemblies and places of strategic and social significance.

Camisfurd was cautiously identified by Neilson (1890: 127. fn. 1) as corresponding to present-day Coldstream, however a more authoritative designation is given by Barrow, identifying the name with *Et-Hamesforda* which was recorded in the 12th century as another name for where Norham castle had been built (Barrow 1962: 19). When recorded in the 12th century this name already appears to have been relatively obsolete, and is derived from OE meaning the 'the ford of the north ham' (*ibid*). This locates the assembly site at an ancient crossing over the Tweed, located between Coldstream and Berwick-upon-Tweed. The precise location of the assembly site remains unclear. Historically there was also a ford across the Tweed opposite Coldstream that is a short distance from the mouth of the Dedey (now the Duddo Burn); this tributary defined an ancient boundary between the East and Middle Marches, designating the dividing line for the assembly territories during the medieval period (Barrow 1962: 18; Neilson 1890: 127, fn. 1; Innes *et al.* 1814-75: vol. 1, 414). This was an ancient boundary division and represented the immemorial boundary of Norhamshire, on the S side the lands from the Dedey to the sea traditionally being under the Bishop of Durham's authority and above the Dedey subject to the earl and sheriff of Northumberland (Barrow 1962: 14-5, 18). Coldstream is also associated with the remains of an early medieval Northumbrian church at Hirsel (Cramp 1984: 1). By the old ford, traditionally associated with the invasion path of medieval armies crossing the border, are the remains of an earthwork castle at Peter's Plantation on the S side of the Tweed. To the NW of Coldstream on the E side of the River Leet is a motte known as 'The Mount' by Castlelaw. Two kilometres from Coldstream to the SW are the remains of the motte and bailey castle of Wark on the southern bank of the Tweed. By Wark castle to the W is Gallows Hill (Stell 1972: 181).

This landscape reflects Coldstream's strategic importance as a significant parish centre, its location upon a major communication route-way and fording point, and at the meeting point of numerous significant boundaries.

The site of *Reddenburn* in the Middle March is 5km W of Coldstream and can be more readily identified with modern day 'Redden Burn' (Neilson 1890: 127, fn. 2), which joins with the Carham Burn and shortly afterwards meets the River Tweed (Figure 5.54). Redden Burn is where historically the border-line took a significant turn S away from the Tweed toward the Cheviot's reflecting the impact of the natural routes of movement on territorial divisions in the region (Barrow 1962: 15). *Reddenburn*, also recorded as *Revedeneburn*, is in the parish of Sprouston, and defined the border between Scotland and England in 1222 and was an Anglo-Scottish trysting-place at this time (Bain 1881-8: vol. 1, no. 832; Barrow 1962: 16). To the N of the Redden Burn was an historic ford across the Tweed which led to the village of Birgham and into the Scottish Borders. The treaty of Birgham was negotiated in March and July 1290 at which the marriage treaty between Lady Margaret and the son of Edward I was concluded (Duncan 1966: 38; Neilson 1890: 127, fn. 2). The *parliamentum Scocie* held at Birgham in March 1290 was attended by a considerable number of powerful elites, which included twelve bishops, twelve earls and thirty-four 'monastic superiors' (Duncan 1966: 38). The close proximity of *Reddenburn* to the border of the East March is significant (Figure 5.54). *Reddenburn* was to continue as a significant parley site and meeting place, and was the most frequently used of border meeting sites in the Middle March (Rae 1966: 50), perhaps also involving local disputes between the Middle and East Marches.

During the 16th and 17th centuries, Reddenburn continued in use as a meeting place and was mentioned in parley records on forty-nine occasions, whereas neighbouring Coldstream was the location for 'days of truce' eighteen times between 1513 and 1603 (Rae 1966: 50). The popularity of the location is likely to have been because of the ease of access for meetings between neighbouring border wardens and meetings between representatives of the Middle and East Marches (Rae 1966: 50), and the established status of these places as focal points in the landscape. The proximity of Sprouston, a royal complex and possible Anglian palace site evidenced by crop-mark remains of timber halls and enclosures (Smith 1991: 261, 264, illus. 2), under 2km W

from the head of the Redden Burn, strongly suggests the early medieval significance of this locality as an elite central place and venue for assemblies. This association may reflect the long-term strategic importance of this area, as medieval territorial divisions coalesced around major fording places across the River Tweed.

Gamelspath, another major border meeting place mentioned in the 13th century, also exhibits evidence of the reuse of a location with long-standing strategic and social significance. Also recorded as *Kenmylispeth*, this was identified in 1249 as the meeting place for Redesdale and Coquetdale, near the midst of the border regions (Innes *et al.* 1814-75: vol. 1, 413-6; *cf.* Barrow 1962: 18). Neilson identified this with the 'fountainhead' of the River Coquet in the Cheviot Hills, on the boundary line of the Scottish Borders with Northumberland (Neilson 1890: 127, fn. 3; Rae 1966: 50; Figure 5.54). This was the location where the medieval route-way known as 'Gamelspath' crossed the border. Here this route-way followed a section of the line of the Roman road known as Dere Street, the Anglo-Saxon name for this road, which may have in turn utilised a prehistoric artery that defined a N to S route along the ridge-way of the Cheviot Hills (see Barrow 1962: 18). The significance of this location is further suggested by the meeting of other route-ways with Gamelspath from the W. Three major boundaries also converge at this location. The boundaries included a kink in the national line following a N to S trajectory and the boundary between three parishes, the division between two of which followed the line of the River Coquet toward the E on the English side of the border. In the NE angle of these boundaries are the earthwork remains of a Roman fortification at Chew Green known as 'Ardfines Camps', which straddles Dere Street or Gamelspath. The site of the Roman fortifications were also associated with the site of the medieval village of Gamelspath or *Kemylpethe*, which can be identified with the location for parleys and judicial courts of the Middle March from at least the 13th century. The site of the medieval village set within the earthwork remains of the Roman encampment is the most probable candidate for the setting of border assemblies at Gamelspath. Excavations undertaken at 'Kemylpethe' in 1883 by Hodges identified the remains of a Norman chapel, but little remained of the Roman camp in the vicinity of the church and no mention is made of the discovery of further medieval settlement remains (Blair 1910:

162). Meetings may have occurred within the Chapel at Gamelspath as, also was the case at Gretna in the West March (see below).

Gamelspath figured prominently within border conflicts between the 15th and 16th centuries (Rae 1966: 50). The location was recorded as having been used as a crossing point by both English and Scottish forces during this period (Rae 1966: 50). Similar use is recorded for a neighbouring border crossing-point at *Redeswire*, 7.5km to the W of the Gamelspath crossing (Figure 5.54). *Redeswire* is accounted as a meeting place after the 13th century (Rae 1966: 50). In 1400 *Redeswire* was the location of a skirmish where a Scottish force was routed by Sir Robert Umfraville (Hodgson 1820-58: vol. 2.1, 155-62). A border meeting at *Redeswire* is also accounted in 1575, which descended into a conflict known as the 'Fray of Redeswire'. This meeting was originally to have convened at *Kemelspeth* (Gamelspath) under the behest of the Scottish border wardens but was relocated to *Redeswire* (Hodgson 1820-58: vol. 2.1, 155-62).

From the 16th century *Gamelspath*, *Redeswyire* and *Cocklaw* (or *Hexpathgate*) were all sites, in the area of the Middle March, of what were termed 'days of Truce' (Rae 1966: 50-1; Figure 5.54). Cocklaw is identifiable NE of Gamelspath on the national border-line, where another ancient route-way crossed the boundary through the Cheviot Hills. During the 17th century onwards *ad hoc* organisation of border gatherings are more visible in the record. This situation at the close of the medieval period was in marked contrast to the ceremonial organisation of one-day meetings at the apparently well-established and stable venues of the 13th century (Rae 1966: 50-1). Prior to the breakdown of the system, border meetings usually took place over one day and were organised into a three-fold procedure. First was the preliminary organisation, which included the convening of the meeting and the presentation of bills under consideration. This was followed by the delivery of the relevant accused and finally the redress was dispensed (Rae 1966: 50-1). This simple breakdown was the essential format of the 'one day truce' border meeting between representatives from across the national border until the 17th century (Rae 1966: 50-1). In general organisation this court procedure was similar to the other regional and local courts held elsewhere in lowland Scotland (see section 4.2.4).

The meeting places of the western regions of the borders included *Sulwath* and the Lochmabonstone, Kershopefoot, Tollerkirk, Rockcliffe, Kirkandrews, Canonbie, and Gretna Kirk (Rae 1966: 50; Figure 5.54). The majority of these sites are settlements and churches. These kinds of venue reflect the types of locations for meetings that were held set back from the border, in the hinterlands of the Marches. Such meetings occurred at the major towns and abbeys in the area, which included venues such as Jedburgh, Kelso, Dumfries, Alnwick and Carlisle (Rae 1966: 50). *Sulwath* is referred to in the March Laws 1249x1292 as a meeting place (Neilson 1899: 278; Radford 1952: 36, Bain 1881-8: vol. 2, 183; Stevenson 1870: vol. 1, 357) and appears in contrast to represent an important open-air assembly site. This may indicate a more traditional assembly site, perhaps in use prior to the 13th century when the border moved to the Esk line. The *Sulwath*, which is possibly the same site as the Clochmabenstane, should be seen as distinct from the majority of other border meeting sites in the region, which are clearly associated with medieval centres of settlement and may thus in some cases be of latter derivation as assembly sites.

5.4.4.6 Conclusion: Clochmabenstane

The Clochmabenstane is an exceptionally well-documented late medieval outdoor assembly site, and is here presented as an illustration of the practice of using megalithic remains as the setting for assemblies in medieval Scotland. If the identification of the Clochmabenstane with the historical feature known as the *Sulewath* is correct (and the topographical similarities and historical evidence appears to support this) then this megalithic site would seem to have been used as the setting for courts, markets and as a staging place for conflict from the early 13th to the 16th centuries. Furthermore the place-name evidence suggests that this site may have been a site of regional gathering during antiquity, prior to the post-Roman and early medieval periods. This sets Clochmabenstane apart from the majority of other late medieval border meeting sites. The Clochmabenstane is a particularly well-documented example of a select group of sites located along the Solway-Tweed geographical line that were used as the key

regional meeting places in their respective areas. These sites include the four border meeting places referred to in the 13th-century March Laws, Camisfurd, Reddenburn by Sprouston, Gamelspath and *Sulewath* (Solway Water and Clochmabenstane). The traditional significance and long-term use of these places for assemblies can be understood as intrinsically linked to their geographical location at key places of sustained social significance. They are characterised by their position at important places of interface between neighbouring topographical and historical regions, being both places of movement and communication, as well as politically ambiguous. The Clochmabenstane's landscape situation can perhaps be seen to possess the most extreme versions of these features of the border meeting places. The Clochmabenstane's extended use as a assembly site indicates the medieval acknowledgement of this site's cultural significance. These existing cultural associations were not marginalised during the late-medieval period, but were rather embraced and appropriated, seemingly because of the site's continued social relevance upon a major boundary and the practicalities of the site's specific topography for the staging of diverse medieval assembly practices. An element of evidence still missing from the Clochmabenstane's history is contemporary medieval archaeology indicative of the site's use for assemblies at this time. Given the probable large numbers of people who used the site over the centuries, this may potentially survive as extensive artefactual remains in the top soil across the site. Such evidence, if systematically retrieved, could assist in defining the extent of the medieval assembly site and the organisation and date of practices held at and around the Clochmabenstane. Moreover the outstanding and compelling historical evidence for the medieval use of this megalith as an assembly site sets the other examples discussed in this chapter in a extended chronological framework between at least the 13th and 16th centuries. However the wider geographical location of the Clochmabenstance in the SW is anomalous in comparison to the general group's distribution, and is also distinctive when considered in relation to megalithic sites identified by place-name evidence and secondary sources alone (see section 4.5). This suggests that the Clochmabenstane's exceptional status amongst the megalithic examples also reflects the site's unique status as a megalithic site in the SW and Scottish borders region, which in origin is likely to derive from the site's distinctive role in the landscape and history of the region.

5.5 Conclusion

Through the detailed examination of individual examples this chapter has highlighted a number of important trends associated with historically-attested medieval assemblies in Scotland. Between the 13th and 16th centuries, settings for outdoor courts included natural hills, mounds, cairns, stone circles and standing stones. Similar settings were also identified in a smaller number of examples from the late 12th century and early 17th century. This evidence agrees closely with the indications from place-name evidence and traditional sources discussed in Chapter 4. The sites discussed in this chapter represent the settings for a range of courts of different degrees of judicial authority. These include the head courts for entire districts, associated with large land-owning powerhouses, such as Arbroath Abbey, to lesser barony courts, and the occasional setting of a justiciar's court as part of an ayres. Four of the courts were presided over by a justiciar (Figure 5.1a, nos. 2, 3, 8, 13) with only one Sheriff's court (Figure 5.1a, no. 5). They should be considered as mostly traditional venues closely linked to rights of hereditable jurisdiction for the holding of courts.

Of note is the evidence for a peak in the use of these settings during the 13th and especially the 14th centuries (Figure 5.55). Despite the paucity of evidence from the 12th century, which probably derives from limited practices in literacy during this time, the peak in activity during the 14th century represents a glimpse into the final stages of such assembly practices before a general decline. The social factors behind this decline are no doubt many, but amongst them are likely to be the gradual centralisation of judicial practices and the growth of indoor venues for courts, including burgh tollbooths and local courthouses (*cf*. Oram 2004; RCAHMS 1996). Again it is important to note that other examples are likely to be uncovered through further historical research, but it seems likely that the general chronological trend of changing assembly practices identified here would remain intact.

Links have also been identified between the Church and historically-documented sites. Four examples were the courts of powerful ecclesiastical authorities, both monastic and episcopal, which illustrates the Church's involvement in hereditable jurisdiction and openness to the use of traditional venues for courts. Connections were also identified with

market activities or neighbouring centres of commerce at a significant number of sites where courts were held (Table 5.1, nos. 1, 3, 5, 9, 10, 12, 15). Both these forms of activity were defined by legal conventions and may have mutually sustained the use of particular settings for gatherings. Nine of the sites show indications of having been long-term and traditional sites for assemblies prior to the first historically-attested use. Indeed these court sites may have developed from earlier places of popular gatherings, and this might explain the close association of market activities in some cases. Market activities appear to have out-lived the judicial purpose of the settings in some cases (Table 5.1, nos. 2, 5, 15). Among the indicators that may identify the long-term significance of such sites is their proximity to medieval territorial boundaries, which although not scrutinised systematically in this chapter is covered more thoroughly in Chapter 6. This is an important phenomenon which may suggest the role of medieval assembly sites as places of legal mediation between neighbouring communities. The scale of such communities are likely to have varied in size depending upon the significance of the court site. This is among the wider themes that will be explored further in Chapter 6. However the present chapter has provided an outline of the types of traditional settings used for open-air courts in late medieval Scotland. Moreover a preliminary chronological model has been provided for the persistent use and decline of what were in some cases essentially early medieval assembly settings, which were adapted within the changing social structure of late medieval Scotland and development of Common Law (see also section 2.4.2).

Chapter 6 Associations and Settings

6.1 Introduction

In this chapter various thematic concepts are considered in relation to the historic cultural associations which can be identified in proximity to or at medieval assembly sites. These include associations with places of pre-Christian religious significance; proximity to medieval boundaries in the landscape; and the role of assembly sites in later medieval lordships and elite identities. Also discussed in this chapter is the possible social significance which may underlie the use of specific types of assembly settings, including the use of natural features and reuse of prehistoric monuments.

The chapter begins by considering associations of pre-Christian sites, and particularly the correlation of place-names indicative of cultic-assembly places and late Iron Age tribal meeting places with archaeological and other evidence indicative of subsequent medieval activity. This is followed by a discussion of evidence for the reuse of prehistoric monumental remains for medieval assemblies, considering the differing social and chronological circumstances within which such practices occurred throughout the medieval period. Also presented are possible theoretical approaches to the interpretation of this phenomenon, relevant examples from elsewhere in Europe and thoughts on the increasing evidence for the late medieval reuse of prehistoric monuments for court sites. Following this, interpretations of the considerable evidence for the use of natural places for medieval court sites are offered. This centres around the perceived requirement to consider such settings as an archaeological question, possible ways in which this might be done, drawing on established studies prevalent in prehistoric archaeology, and argues for the cross-over between the use of natural sites and other uses of existing landscape features for court sites (such as prehistoric cairns and mounds). The evidence for the correlation between assembly settings and medieval border locations is then considered, including what implications this phenomenon has for understanding the social significance of court sites and their place in the medieval landscape. This is followed by a discussion of evidence for the continued political and cultural significance of out-door assembly sites in late medieval Scotland, how these could be linked to elite

identities, titles to lordship and sites for sasine ceremonies. This is concluded with the a case study of Catter Law (Stirling), a centre of the Earls of Lennox, which includes presentation of the results of remote-sensing survey. First, the possible influence of pre-Christian assembly sites on the setting of medieval activities is discussed.

6.2 Pre-Christian tribal assembly sites and cult centres

The following section will consider the evidence for pre-Christian places of assembly in Scotland in use during the late Iron Age to early historic transition period. The socio-religious significance of these sites is discussed in relation to the archaeological remains associated with the possible locations for such gathering-places. This investigation is guided by reference to established place-name studies, with specific focus given to the fragmentary evidence for Celtic *Coria* (Rivet and Smith 1979) and *Nemeton* (Barrow 1998; Watson 1926) names, and other relevant place-names. Discussion is rooted in the interpretation of *Coria* place-names as evidence for late Iron Age 'tribal meeting places' (Rivet and Smith 1979: 316-21) and, in the context of this study, the consideration of evidence for the possible appropriation of specific examples for early historic and later medieval assembly practices. *Nemeton* place-names have similarly been isolated as evidence for pre-Christian gathering sites, although in this case with clear religious connotations (Barrow 1998: 25-32; Watson 1926: 244-50). Evidence for the ecclesiastical appropriation of such sites and use of the place-name element has been discussed previously (Barrow 1998), but here indications suggestive of the association of early historic assembly practices with *nemeton* place-names are also considered. This is presented as evidence for the wider influence of the setting of pre-Christian cult practices upon early assemblies, which has been identified as a feature of late antiquity and early historic assemblies elsewhere in Europe (Barnwell 2003; Brink 2003; Newman 1998). Moreover, the evidence is in a fragmentary form (*cf*. Barrow 1998) and this is understood partly to be a result of the incomplete survival of the record, as well as being suggestive of differences in the later histories of early cult-assembly sites in Scotland.

6.2.1 'Tribal meeting-places' and 'hosting-places'

Four names in the form *coria*, from the British meaning 'hosting-place, tribal centre' and cognate with L *curia* 'court, ward or assembly', were recorded for northern Britain within the Cosmography of Ravenna (Figure 6.1). The Cosmography derived from a 7th century source, but was based on the late antique writings of Ptolemy's *Geography*. Two of these *coria* place-names appear to be associated with sites of later significance, which are indicative of early historic central places where assemblies may have been enacted. These are *Coria* ('of the Dumnonii'), thought to survive in Barochan, Renfrewshire, and *Coria* ('of the Votadini') associated with the vicinity of Inveresk, Midlothian (Rivet and Smith 1979: 316-21; Figure 6.1).

Barochan is in the vicinity of a hill-top Roman fort in an upland area overlooking Paisley and the Strathclyde basin. The fort overlooks the site of a multi-vallate fortification evident mainly as crop-markings, which was recorded as the location of a later medieval castle (Figure 6.2). Below this to the NW was the earliest recorded find spot of the Barochan Cross, the finest example of a British free-standing sculptured cross, at least in the Strathclyde region, and probably dating to the 10th century (Driscoll *et al.* 2005: 146-48, fig. 9,7; Figure 6.3). Amongst the sculptured panels on the 2.5m high cross is scene depicting three figures, which has been suggested to possibly represent the enactment of an inauguration ceremony or a hagiographical scene (O'Grady 2003: 18, 69). The juxtaposition of sites and monument at Barochan is striking. This arrangement raises the possibility that early historic elites may have actively appropriated an earlier central place or location for popular gatherings which persisted from the post-Roman period. During the 10th century, Barochan then developed as a seat of power and perhaps setting for early legal enactments that included rites to legitimise the authority of a ruling class within the Kingdom of Strathclyde. Stylistically the Barochan Cross has close links with sculpture found at the early historic church and secular centres of Govan and Dumbarton stressing the role of the site in the wider political geography of 10th century Strathclyde, as well as linking Barochan with the relatively closeby mother church at Paisley (Driscoll *et al.* 2005: 146-48). Moreover, if the 'Coria of the Votadini' is correctly associated with the vicinity of Inveresk then this would be significantly close to

Edinburgh Castle, by Arthur's Seat, sites which are associated with Iron Age hill-top enclosures and a later early historic centre (Driscoll and Yeoman 1997: 221, illus. 151, 226-9; Rivet and Smith 1979: 320). Both these examples of *coria* places indicate that, at least in these cases, similar locations were chosen for central places and possible assembly sites during the late Iron Age and early historic periods, though the social and political context of such practices changed.

Coria place-names are likely to denote 'tribal gathering' sites in Scotland. Similar late Iron Age meeting sites are known elsewhere in Continental Europe (Roymans 1990: 30-3). Tribal gathering sites in Europe are thought to have been the main setting for communal decision making and disputation. Significantly, such meetings and practices may also have had a strong cult element, and their settings religious associations (Roymans 1990: 30). It is therefore worthwhile to briefly consider the evidence in Scotland for sites of religious and cult significance relating to the first half of the first millennium AD, up to the arrival of Christianity. Again place-name evidence is the key source considered here. An important example is the place-name *Locus Maponi*, which is sourced from the Ravenna Cosmography (Figure 6.1). *Locus* may relate either to a 'place', meaning a cult centre or meeting place, or 'loch/pool', now the more favoured interpretation (Rivet and Smith 1979: 395-6). *Maponi* has the meaning 'divine youth' and is thought to refer to a deity known from Roman Gaul, whose cult was active on Hadrian's Wall in association with Apollo. *Locus Maponi* therefore has the meaning 'Place or loch of Maponus' (Rivet and Smith 1979: 395-6). The name is thought to survive in the name Lochmaben in Dumfriesshire (Rivet and Smith 1979: 395-6) where, by Castle Loch, is Castle Hill, the remains of a multi-vallate earthwork castle that may have early historic levels (NMRS no. NY08SE 7.00). Radford believed that outer earthworks associated with the later royal castle a short distance to the S indicated the site of a prehistoric enclosure and possible location of the cult site (Radford 1952: 35-9), though this may in fact be remains of the medieval peel (RCAHMS 1997: no. 1266).

The association of the *Maponus* cult is also identifiable in the place-name Clochmabenstane, also in Dumfriesshire, on the N coast of the Solway Firth by Gretna (see section 5.4.4; Figures 5.1 no. 10, 5.48, Table 5.1, no. 10). The locale of Clochmabenstane may also be identified by the place-name *Maporitum*, meaning 'ford of

the Maponus' and referring to one side of a major ford, the other side of the ford being identified as *Tadoritum* (meaning 'ford of the Grandfather', perhaps also referring to a perceived divine presence) in the Ravenna Cosmography (see Rivet and Smith 1979: 412, 463; note Rivet and Smith did not associate this with the Solway and Clochmabenstane). Clochmabenstane was traditionally located at the N end of a major ford across the Solway Firth and the association of *Maporitum* perhaps further links this place to the pre-Christian cult. Clochmabenstane was the site of a Neolithic stone circle (of which only one large megalith and a possible further boulder remains) which was reused as the setting for regional legal assemblies and folk gatherings during the medieval period, taking the form of a major fair and cattle market. The use of Clochmabenstane for such medieval practices may have developed from the appropriation of the site's use as a place of extended and popular mass gathering. This popular use may have been in turn derived from the continued popular but non-religious use of a defunct pre-Christian cult site. (The use of the Clochmabenstane as an assembly site during the medieval period is discussed at length in Chapter 5.)

6.2.2 Sacred places and groves

Pre-Christian beliefs in the divine are also indicated by the well-known examples of the River Dee, in Dumfries and Galloway, and the Rivers Dee and Don in Aberdeenshire (Figure 6.1). These place-names are referred to as *Deva* and *Devona* in classical sources and derive from British *Deua* 'the goddess' and Celtic *deiuo-s* 'god', related to Latin *divus* (Nicolaisen 2001: 227; Watson 1926: 425-7). The names are among a group of river place-names which indicate the widespread pre-Christian belief in a divine presence within water. Watson (1926: 425-7) has noted that the wider belief in Celtic Continental Europe of divinity within water is closely paralleled in Scotland. Two references in Adamnan's *Life of St Columba* indicate pagan perceptions of the divine in water on the eve of Christianisation in NE Scotland (Watson 1926: 426; Anderson 1961: 142; 396-9). This belief perhaps tarried particularly long or was very prevalent in Pictish-speaking areas of Scotland in the initial half of the first millennium AD and prior to the general

conversion to Christianity. However Nicolaisen (2001: 117-91) has shown more specifically that the names of only a minority of Scottish river and smaller waterways have divine associations. Nevertheless, such associations are clearly present, and this minority may indicate the prominence of particularly important examples, or reflect the long-term effects of linguistic change on a previously more widespread phenomenon.

Nemeton, Celtic meaning 'sacred place, sanctuary or grove', is a significant place-name indicative of pre-Christian beliefs which is also found in association with water systems in a number of cases, as for instance the Neuway or Kirkhope Burn by the Manor Water in Peeblesshire (Barrow 1998: 27-9). In Devon, England, Nymet and Nympton derive from *nemeton* and were originally associated with water-ways (Barrow 1998: 27). Nicolaisen (1997) has highlighted the tendency of river confluences in particular to be associated with religious significance in areas of Pictish Scotland. This is most clearly illustrated by the common occurrence of early church sites at confluence locations in NE Scotland. Significantly this is also a feature which occurs at important early medieval secular and royal centres that are also found in association with early churches (see section 6.7). Similarly the confluence of major rivers with the sea may also have had religious significance in pre-Christian Scotland. This may be indicated by the occurrence of early assembly sites and church sites by the upper tidal reaches of a group of major rivers. The possible association of death with the meeting of brackish and fresh water has been discussed elsewhere (*cf*. Duncan 1975: 115). Examples include the River Ythan in Buchan with the Earl's hill, the Don in Aberdeenshire with Tillydrone hill, the Lunan in Angus with Courthill and Redcastle, the Tay with Scone and Earn with Forteviot in Perthshire (Figure 6.4), the tidal locations of which are identified on the 19th-century 1st edition 6":mile OS map of Scotland. The royal centre at Cadzow, probably also the hub of an early medieval shire (Barrow 2003: 30), was also possibly close by the old upper tidal reach of the river Clyde (see 1st edition OS 6": mile map 'Lanarkshire').

Other early river names also indicate an association with assembly. In this regard it may be significant that early Gaelic place-names derived from *eireachd*, 'assembly', are also found connected to major river systems in the NE of Scotland (see section 4.2.2; Figure 4.5). For instance the River Ericht in Perthshire derives from G *eireachd* meaning 'assembly' which begins at Strone, from Gaelic meaning 'confluence, place of streams'

(see section 4.2.2). Along the course of the River Ericht is Courthill (NO 18400 48060), and the Cuttleburn (G. *comhdhail*, 'assembly') flows into the Ericht N of Blairgowrie. Associated with this confluence is a mound known as 'Meethillock' and the old parish church called 'the hill church of Scotland' (see sections 4.2.2 and 4.3.1). Also, the Errochty Water (G *eireachd*, 'assembly') in Atholl (Barrow 1992: 242) joins the River Garry at Struan where a mound, early church and a group of early medieval sculptured stones are thought to indicate the location of an assembly site associated with Christian cult significance and a popular fair site (Hall *et al*. 2005: 311; see section 4.2.7). The Loch and River Ericht in Atholl are also derived from Gaelic *eireachd* (Barrow 1992). Such names may suggest an early historic link between the concept of assembly with river systems, which feasibly superseded the association of pre-Christian divinity with similar natural features during the first millennium AD in Scotland.

This issue may aid, to some extent, our understanding of Pictish religious belief systems during the first millennium AD and the reasons for the erection of Class I Pictish symbols stones at specific locations. For instance the common position of medieval parish churches, often associated with collections of Pictish sculpture, at confluences of major rivers and associated with *aber-* place-names in NE Scotland may derive from the appropriation of *loci* important to pre-Christian Pictish religious beliefs (*cf.* Aitchison 2006: 65; Nicolaisen 1996). A meaningful ethnographic analogy may perhaps be drawn with Hindu beliefs relating to the sacred quality of certain rivers and, more specifically, the special religious signficance of particular locations along the course of holy rivers (Thomas 1975: 34). Aspects of Hindu polytheistic beliefs may be supposed as an appropriate parallel for the Pictish non-Christian beliefs during the early 1st millennium AD. Such a suggestion echoes previous attempts to draw upon Hindu mythology and terminology to inform understanding of early medieval society in Ireland (Byrne 1973: 62; Duncan 1975: 115). The most prominent of rivers in Hindu beliefs is the Ganges, from which all waters in the world are mystically traced and invested with a powerful divine presence. It is interesting to note that not all points of the Ganges are equally sacred, in particular the confluences of the main flow with major tributaries are seen as principally sacred. For instance, the confluence of the Jumna at Prayag is a major centre of pilgrimage, where on specific holy days thousands assemble to the waters (Thomas

1975: 34-5). The ceremonial desposition of cremated remains within the Ganges links this divinity with rites of the dead and access to heavenly afterlife (Thomas 1975: 34). Similar concepts may have surrounded the apparent Pictish interest in confluence locations on major rivers in Scotland and also help to explain the eagerness of the early church to appropriate such places.

The examination of the original recorded find-spots of such Pictish sculpture can reveal that these monuments were initially displayed in the landscape around confluence points, at fording locations and by boundaries, seemingly marking the approaches to a focal point, which was later the site of a parish church. An example such as Old Rayne (see section 5.4.2.1) illustrates the possibility that such arrangements might reference an early medieval assembly site. The interpretation of symbol stones as monuments with the duel purpose as memorials of the dead and claims to inheritance and succession (Driscoll 1988) would make such marking of the approach to assembly sites socially and politically meaningful. Further examples of this are noted in Chapter 4 (see section 4.2.1), and an additional illustrative case may be seen at Inverurie, when the find locations of Pictish sculpture surounding the area of the medieval church site there are reconstructed (Figure 6.5). The associations of such places with the dead and claims to succession or inheritance may account for the early Church's interest to appropriate such sites and control access to burial rites. This may also account for why royal centres developed during the 9th and 10th century at lowland sites, by confluences, which may have previously been focal points for cult practice and assembly concerning the dead. For instance this may also be indicated by the concentration of Pictish sculpture at Rhynie (Aberdeenshire) close to a square barrow cemetery and the Water of Bogie (see RCAHMS 2007: 121. fig. 7.7). Such possibilities require further investigation, especially given the RCAHMS's recent findings regarding the landscape boundary positions of Pictish sculpture in the Don valley and the correlation of sculpture with prehistoric monuments (RCAHMS 2007: 122, fig. 7.8). Moreover, such arrangements of Pictish sculpture would have interesting parallels with the settings of Viking Age rune-stone monuments in Scandinavia which, though later in date, were also concerned with claims to inheritance and are known to have been arranged on the approaches to and at assembly sites (Brink 2004; Page 1999: 104; Sawyer 2003: ch. 3, 196). Furthermore the association

of early Anglo-Saxon cemetery sites as possible assembly places (Williams 2004; Semple 2004), may have parallels in a Pictish context if the focal points discussed here were associated with the dead.

6.2.2.1 *Nemeton*

As mentioned above, place-name evidence offers another avenue into sites of pre-Christian religious significance in the form of names derived from Celtic *Nemeton*, 'a sacred grove or religious sanctuary' (Watson 1926: 244). This term passed into Old Gaelic as *nemed*, in modern Gaelic *neimhidh*, and Welsh *nyfed* (Barrow 1998: 27-8; Watson 1926: 245). *Nemeton* place-names are also thought to indicate a sacred site which functioned as a form of meeting-place or setting for early judicial institutions (Watson 1926: 244). In late Iron Age and Roman Europe there are references to *nemeton* sites as the chief tribal gathering sites in districts of Gaul and Asia Minor (Byrne 1973: 27; Watson 1926: 244). Moreover *nemeta* were recorded in the 8th century as the name for pagan shrines in forest groves within a list of superstitions objected to by the early Church (Watson 1926: 244). In Old Irish legal tracts *nemed* was used in relation to those of noble or 'sacred' status, 'men of art', and significantly was used in relation to those in possession of judicial authority (Byrne 1973: 27; Kelly 1995: 246; Watson 1926: 244). Nemeton place-names are thought to be closely linked to locations of pre-Christian religious and elite social significance, which were often perceived as being geographically centrally placed. Such locations exemplify the close link between cult practices and the setting of assemblies in early European society (Watson 1926: 244-6). This was among the reasons that such places were often appropriated as Christian sites of worship and reverence (Barrow 1998: 25-32; Watson 1926: 246).

Nemeton names are therefore important for understanding the cult setting of assembly sites in pre-Christian Scotland. Here the extent to which this influenced the development of early medieval practices will be considered. In Ireland *nemed*, with the meaning 'sanctuary', is known to have been embraced by the early church through a process of appropriation (Barrow 1998: 27). *Nemeton* places might perhaps therefore be

similar to early gathering sites identified by *tulach* place-names in early medieval Ireland and also perhaps also in Scotland (see section 4.2.5). However caution must be exercised because Old Gaelic *nemed* is also known to have been used specifically to describe church sanctuaries within an early Christian context (Taylor 2006: 18). *Nemeton* names are also known from other areas of Britain, including Wales and Cornwall, and also less commonly in other parts of England (e.g. Vernemeton in Nottinghamshire, see Watson 1926: 244; Devon and Gloucestershire, see Barrow 1998: 27).

Notably, in Scotland *nemeton* names have been identified in association with ecclesiastical sites in a significant number of cases (Barrow 1998: 28-9, fig. 2, 32). This link with the medieval church is thought to strongly suggest the active appropriation of earlier pagan sites that, significantly for this study, may also have functioned as early meeting places. This illustrates the transformation of early cult-assembly sites into centres for Christian worship, community congregation and perhaps also burial. Nevertheless, Barrow (1998: 28) has pointed out that there is no way of assessing the original extent of *nemeton* names, which makes it difficult to be sure about the general reaction of the early Church to these sites. However, of the 23 *nemeton* place-names discussed by Barrow, over half were found to be associated with ecclesiastical features, including early chapel sites and other place-names indicative of ecclesiastical activity (Barrow 1998: 27-30, fig. 2, 32).

Additional features which indicate the importance of such places as the setting for early assemblies are found in association with *nemeton* sites in Scotland. A broad range of archaeological and place-name associations indicative of assembly practices or centres of elite authority have been considered, including some elements previously identified by Barrow (1998: 28) and Watson (1926: 247). Amongst the most commonly occurring of these associated features are hillforts. Driscoll has explored the possible role of hillforts in Iron Age religion (Driscoll 2004). A clear example of a nemeton association is Finavon, the name associated with a vitrified fort in Angus which contains a large well (Figure 6.6). When excavated in 1966 the fort yielded radiocarbon dates from between the 7th and 4th centuries BC (MacKie 1969: 16-18). Finavon was *Futhynevynt* in 1370 and was identified by Watson (1926: 250) with Old Gaelic *fid-nemed* meaning 'wood sanctuary'. Finavon or Finhaven was the medieval name of the parish now known as

Oathlaw. The church is NW of the hillfort by the confluence of the River Esk and Lemno Burn. The fort may be the 'law' or 'fort/hill' of the name Oathlaw, now the parish place-name (1926: 250). The inclusion of the element 'oath', though a late form, may be significant given the early judicial feature of *nemeton* sites, although it must be noted that no attempt has been made to trace early forms of the place-name. The evidence for Finavon appears to indicate the features of a pre-Christian sacred-assembly site, perhaps originally characterised by a grove or tribal tree. Significantly, the place-name is associated with a fortification which may have formed the focus for the cult site and acted as the central place for the immediate region, at least during the Iron Age. Finavon may have continued to be associated with collective judicial assemblies into the early historic period despite the apparent abandonment of the fort as a settlement. The proximity of a multi-vallate hillfort at Turin Hill (NMRS no. NO55SW 1.00) to the S may also have been significant for early historic elite settlement, though this need not detract from Finavon's role as a focus for gathering practices. It may also be significant for the continued appropriation of this *nemeton* site that the exceptional collection of Pictish symbols stones at Aberlemno (Allen and Anderson 1903: pt. 3, 205, 209) are located at the foot of the E terminus of the ridge upon which Finavon hillfort is situated.

Also associated with a hillfort site is Navar, the centre of a medieval parish in N Angus (Figure 6.6). The place-name Navar probably means '*nemed* of St Findbarr'. Navar is located at the N foot of a prominent ridge, upon the summits of which are White Caterthun and Brown Caterthun, two massive hill-top forts 2km to the SE. Navar is also notably associated with a large cluster of *tulach* place-names (see section 4.2.5.5). Nevay, Newtyle and the lost 'Neutober' form a cluster of *nemeton* names, also in Angus (Barrow 1998: 29; Hall *et al.* 2005: 310; Watson 1926: 247; Figure 6.6). Newtyle and Nevay are located at the E and N foot of Kinpurney Hill, on the summit of which is a major hillfort at 345m OD (NMRS no. NO34SW 7). Nevay is also significant in being associated with Kirkinch, the site of a mound upon which a later church is situated. Furthermore Nevay is positioned on the Angus/Perthshire border line, a short distance to the W of which is the exceptional concentration of Pictish sculpture at Meigle. A similar distance to the NE is Essie with an early medieval cross-slab and church (Barrow 1998: 29; Hall *et al*. 2005: 310-11). Similarly, to the W of Newtyle is the modern regional boundary and Hill of

Keillor, the site of a Pictish symbol stone located on a low mound (Allen and Anderson 1903: pt. 3, 207). This cluster of examples from Angus suggest the existence of a long-term focus for religious devotion in the area from pre-Christian cult site to differentiated medieval parochial territories. The evidence for early historic monumental sculpture in the vicinity, especially those examples most clearly situated in the landscape, may suggest the desire to display socio-politically pertinent imagery at the approaches to a regional assembly site. Furthermore possible assembly setting features such as the mound at Kirkinch (Hall *et al*. 2005: 310-11) may indicate a shift in the setting of assembly practices away from an earlier sacral-assembly site, perhaps originally associated with the Kinpurnie Hill fortification.

Two further examples of *nemeton* place-names near hillforts are found in Fife. Dunmore fort (NMRS no. NT19NE 10), SE of Loch Leven, is located on a outcrop upon the summit of Navitie Hill (c. 230m OD) overlooking the village of Ballingry to the S (Figure 6.6). This association was noted by Watson (1926: 247). Taylor has suggested that Navitie may have been the prominent 'sacred assembly place' (1995: 221) for the early historic province of Fothrif, and Dunmore fort among the ruling elite's residences during the use of the site. Possibly of significance is that Navitie Hill presently defines the regional boundary between Perth and Kinross and Fife councils (see section 6.5).

The other example from E Fife is Nevethy or *nevethin endoreth*, a medieval form which is not clearly identified, although Barrow (pers. comm. cited in Taylor 1995: 222) suggested Arnydie in the former parish of St Andrews and St Leonards SE of Ceres (Figure 6.6). *Nevethin endoreth* appears to have the meaning '*Nemed* of the dewar' (Barrow 1998: 28; Taylor 1995: 222). The 'dewar' was the keeper of holy relics who also is known to have had a judicial role as an overseer of oaths and pursuer of stolen goods (Dickinson 1941, referred to in Taylor 1995: 222; Barrow 1998: 28; Watson 1926: 264-5; see section 2.5.3). Significantly it is this legal role of the dewar which culminated in the position being closely comparable to the later medieval sergeand of the court (Dickinson 1941: 99; Watson 1926: 264; see section 2.5.5). The link between the office of dewar and a *nemeton* site is therefore particularly important for understanding the possible development of pre-Christian assembly sites into the early historic period, or at least the cult associations which could be linked to judicial practice in medieval Scotland. Taylor

(1995: 222) was cautious of the identification of Arnydie with *nevethin endoreth* on the basis of phonological problems, preferring the interpretation *ard-nith* meaning 'height of the people or territory of Nith'. Nevertheless he conceded that the location of Arnydie appears significant as a notably central position at the meeting of three medieval parishes, 'ideal for an important place of assembly' (Taylor 1995: 222). The location's proximity to the major broch and fort sites at Drumcarrow Craig (217m OD) (NMRS no. NO41SE 4) 2km N may also be significant for the understanding of this site. This association may support Taylor's (1995: 221) suggestion that Nevethy functioned as the sacred-assembly site for the Kingdom of Fife, in this case perhaps associated with an elite residence at Drumcarrow, in a similar fashion to Dunmore at Navitie in Fothrif (see section 2.5.3).

Tarrnavie is a place-name derived from Gaelic *tarr*, meaning 'punch or belly' in reference to a bulging spur or round eminence, and *neimhidh* Gaelic 'sanctuary' (Latin *nemeton*) (Watson 1926: 248; Figure 6.6). This name is also found in association with a major hillfort. Tarrnavie was described as the name of 'an artificial knoll… resembling a ship' (Macfarlane 1906-8: vol. 1, 121, quoted in Watson 1926: 248) in plan, which is located at the N foot of Craig Rossie, a prominent hill crowned by outcrop at 410m OD on the N side of the Ochil Hills, SW of Dunning. When inspected by the Ordinance Survey in 1967 Tarrnavie was deemed to be natural (NMRS no. NN91SE 5). Nevertheless, the NSA recorded in 1845 (vol. 10, 717) that a short distance to the E of the mound 'ancient armour and great quantity of human bones' had been discovered. These included, though all now lost, fragments of 'helmets', a possible gold or bronze 'hatchet' and a finger ring, which may have constituted a late prehistoric burial site, votive deposit or hoard of indeterminate date (NMRS no. NN91SE 5; NSA 1834-45: vol. 10, 717). Overlooking the site to the SE is Rossie Law, an undated hillfort defined by a single enclosure at 324m OD. A short distance to the W on a similar level to Tarrnavie is Castle Craig, a multi-vallate and probably multi-phase fortification (NMRS no. NN91SE 11; Sheriff 1985: 574-7). This seems again repeat the association of *nemeton* and hillfort, though in this case the early historic derivation of the site is unclear.

Further examples include the place-name *Medionemeton*, meaning 'middle shrine or sanctuary', recorded in the Ravenna Cosmography and thought to have been on the line of the Antonine Wall, perhaps at Bar Hill or Croy forts (Feachem, F.W. cited in

Hanson and Maxwell 1983: 216-7; *cf*. Barrow 1998: 26-7, fn. 14; Watson 1926: 246; Figure 6.6), although Piggott suggested Cairnpapple Hill in Lothian, where a long sequence from a Neolithic henge to Bronze Age cairn was associated with Iron Age or early Christian graves (Piggott 1974: 62; *cf*. Driscoll 1998a: 148). Duneaves in Fortingall, from the Gaelic *tigh-neimh* meaning 'house of the *nemed*' (Watson 1926: 247-8), is also associated with a fort to the N (Figure 6.6). The hillfort is Creag A'Ghiubhais, situated under 1km to the N and positioned on a spur on the N flank of the valley E of Fortingall. It is a tri-vallate fort now much obscured by forestry (NMRS no. NN74NE 10). Also at Fortingall is the well-known ancient yew tree at the church which Pennant recorded, and which Watson suggested may have been a sacred tree connected with the *nemeton* (Pennant, cited in Watson 1926: 248). Watson also noted that the 'remarkable bend in the of the Lyon' within which Duneaves is located would 'form a most suitable place of assembly' (1926: 248), although the river's course may have changed greatly since the medieval and pre-Christian periods. Nevertheless Watson (1926: 248) also referred to a field name on the farm of Duneaves called *Dail mo-Choid*, 'St. Coeddi's meadow or field' which may coincide with the appropriation of the setting for the *nemeton* into Christian hagiographical traditions and perhaps the setting for a devotional fair .

Newtyle in Atholl is also thought to derive from Gaelic *neimhidh* (Barrow 1998: 27, 29; Figure 6.6) and is close to a fort at Rohallion, although the proximity of the early medieval church centre at Dunkeld may here be more significant. Moreover there is *Creag Neimhidh* in Invernesshire (Watson 1926: 249), now Creag Nay (376m OD), which is approximately 2km N of Castle Urquhart, a fortification of regional significance active during the early historic period (Alcock and Alcock 1992: 242-67; Figure 6.6). Watson also noted the proximity of 'Temple Pier' of St Ninian's (Watson 1926: 249) to Creag Nay. There is an early church at Drumnadrochit to the W, but this need not negate the possibility of a pre-Christian assembly site also having existed here.

Finally Dumbarton Rock or *Alt Clud*, the key early historic fortification on the River Clyde, has also been associated with a *nemeton* place-name (Figure 6.6). The location of this example is not entirely certain and derives from an 11th-century gloss of the 8th-century Fiacc's Hymn which describes the birth-place of Saint Patrick as 'Nemthur' (Taylor 2006: 17-8; Watson 1926: 246-7). In the 10th century 'Tripartite Life

of Patrick' the saint is also linked with *AilCluaide* and said to have been born at *Nemthur*. Watson (1926: 246-7) derived this place-name from Celtic *Nemetodūron* meaning 'stronghold of the Nemeton' and citing an example of this in Nanterre, France. However Watson (1926: 246-7) was also clear that the association of this *nemeton* name with Dumbarton Rock is not definite and this has been reiterated recently by Taylor (2006: 18). Taylor (2006: 18) supports the suggestion that the site may have been near to Dumbarton, toward the W and within the large parish of Rosneath (Gaelic *Ros-neimhidh*, 'promontory of the *nemeton*') on the Rhu (eastern) side of Gareloch (Watson 1926: 246-7; Figure 6.6). It is clear that a *nemeton* site existed in the area, most likely associated with the tribal conglomerate of the Damnonians during the pre-Christian period (Watson 1926: 247). This perhaps emerged in the medieval period as an assembly site at *Tom A' Mhoid* ('Hill of the moot'), a natural spur overlooking Gareloch at approximately 100m OD in the parish of Rhu (Name Book 1896: 29; NMRS no. NS28NE 2; Figure 6.6; see section 4.2.3). This is notably located a short distance E of a dun or castle site which is enclosed by two ditches and on the summit by a c. 3m thick dry-stone wall (RCAHMS 1978: 15, no.89). This is thought to be the feature from which the neighbouring village and place-name of Shandon derives, namely Gaelic *Sean Dun*, 'old fort'. Even if this were not accepted as the *nemeton* site (and a more plausible candidate could be at Rosneath which also has a *Tom A' Mhoid* and an early church, see section 4.2.3) the Rhu example appears to exemplify the association of elite residence and assembly site.

As discussed above, the place-name Rosneath (Argyll and Bute) identifies a 'sanctuary' site upon a *ros* or 'headland' (Figure 6.6). This promontory forms the W side of the mouth of Gareloch, and on the N interior of which is a mound known as *Tom A 'Mhoid* (see section 4.2.3). Approximately 400m SW of this is the early medieval church of Rosneath which is associated with 10th-century sculpture and a curvilinear enclosure. 2km S is Gallowhill at 128m OD. A further example is Cnoc Navie (240m OD), N of Nonikiln near the Cromarty Firth, which is by a chambered cairn known as *Carn na Croiche*, 'Cairn of the Gallows' (NMRS no. NH67SE 11; Watson 1926: 249; Figure 6.6). Nonikiln is derived from Gaelic *neimheadh na Cille* 'the *nemed* of the church' and is associated with a cluster of *nemeton* names covering much of the adjacent area to the N and E. Nonikiln was a separate parish known as 'Nevoth' prior to the late 13th century

(Watson 1926: 249). Notably the remains of the early chapel at Nonikiln are close to another large chambered cairn (c. 53m in diameter) 250m W at Millcraig (NMRS no. NH67SE 24; Figure 6.7). This cairn is a possible candidate for the setting of assembly practices associated with the ancient religious centre located within the medieval parish of Nonakiln.

There is additional evidence for the association of *nemeton* sites with other place-names which might indicate the setting of early medieval assemblies. For instance Newtyle by the mouth of the River Ythan in Buchan is thought to contain the element *nemeton* (Barrow 1998: 29) and is associated with Cothill 0.5km to the S (Figure 6.6). Cothill has been identified as a place-name containing Gaelic *comhdhail*, translating as 'hill of assembly' (Barrow 1992: no.1.10, 232). The discovery of two gold torcs dating to the Bronze Age in the vicinity may also indicate the location of a prehistoric votive site indicating possible cult practices in the area probably prior to the *nemeton* site (NMRS no. NJ92SE 5). Craignity in Glen Isla (Perthshire), is another *nemeton* place-name (Barrow 1998: fig. 1, 31; Figure 6.6). This is by Tulloch, perhaps indicating a relevant mound or hill site (see section 4.2.5), and 2km SW of Gallowhill. Newdosk is a *nemeton* name which Barrow associates with an obsolete church by Kirkton of Balfour at the mouth of Glen Esk, Angus (Barrow 1998: 29-30; Figure 6.6). However, it is also noteworthy that 1km to the W is Dalbog, the site of an early church situated by a large prehistoric mound, both contained within a major enclosure. Dalbog is also associated with a cluster of *tulach* place-names and a discrete landscape of religious sites including holy springs (see section 4.2.5.6). This seems to repeat the association of a religious centre and possible setting for assembly practices.

Boundary locations may also be geographical settings indicative of assembly sites (see section 6.5) and four of the *nemeton* place-names discussed here are found at boundary locations identifiable as modern or earlier in derivation. These include the possible Arnydie, discussed above, located at the meeting of three parish boundaries; Ben Newe and Newe by Glenbuchat (Barrow 1998: fig. 1, 31) near the regional boundary of Aberdeenshire and Moray; Nevie (Barrow 1998: fig. 1, 31) in Glenlivet also by a regional boundary; and Newtyle in Angus to the E of the regional boundary with Perthshire (Figure 6.6). This phenomenon requires further investigation in Scotland, but based on

initial findings (see section 6.5) may indicate the continued significance of *nemeton* sites to define aspects of medieval territorial divisions and feasibly the setting for judicial assemblies.

Barrow (1998), and Watson (1926) before, highlighted the close links between *nemeton* place-names and early Christian sites, perhaps most clearly shown in Barrow's example from Kirkhope (Peebleshire), the site of a 6th-century early Christian inscribed stone, the Coninie Stone, and early church site (Barrow 1998: 28-9; NMRS no. NT13SE 3; Figure 6.6). Nevertheless, it is here suggested that *nemeton* sites had a multiplicity of developmental histories following the Iron Age. Among these developments was the appropriation of the traditional association of assembly practices, which may have only survived as popular gatherings, for the legitimisation of early medieval and later judicial meetings. Furthermore, an intermediary role of some of these sites may have occurred during the early historic period. This was characterised by the association of *nemeton* sites with fortified elite residences, or the sites of earlier hill-top enclosures, traditionally associated with elite authority, regional gatherings and a focus for cult practice.

6.2.2.2 Groves and trees

Finally we may also note a series of early Celtic place-names denoting 'groves' or clearings defined by a wood or hedge, which possibly indicate sites of judicial-cult significance. These include names in Brithonic *llanerch*, meaning 'a clear space, a glade', occurring in Lanark, in Lanarkshire (Watson 1926: 197, 356; Figure 6.6). It may be significant that Lanark was a major royal centre and demesne during the medieval period, a role which may have developed from its early medieval status, in turn perhaps adapted from a pre-Christian meeting-place. The element is also known in Barlanark near Glasgow, in two examples from Stirlingshire both surviving in Gaelic forms (*laraig*), Caerlanrig in Roxburghshire, and also in Kinross and Angus, near Kirriemuir (Nicolaisen 2001: 211; Watson 1926: 356) the seat of the Earls of Angus (see 'Courthillock', Kirriemuir below, this Chapter). Place-names indicative of thorn enclosures are also noted at medieval assemblies, and in particular two examples in Fife (originally) are

illustrative. These are Dalginch, meaning 'thorn-enclosure or island' containing Gaelic G. *droigheann* 'thorn', which was the setting for a major, probably early medieval, court site for Fife and Fothrif (see section 5.3.4.1; Table 5.1, no. 11) and Coldrain, meaning 'assembly place of thorns', associated with a flat-topped prehistoric burial cairn (see Table 4.1, no. 53). These examples also hint at the defining of assembly places with natural clearings or 'fences' constructed of wood.

Place-names in Welsh *perth*, 'bush, brake, copse', are also significant here, as Watson (1926: 356-7) notes that this is related to Gaulish *perta* ('wood, copse') and known to have been used in reference to a 'grove goddess'. In Scotland this is found most significantly in Perth, Perthshire (see Watson 1926: 356-7 for further examples; Figure 6.6). Perth on the Tay was a major royal centre for the majority of the medieval period, though Scone is more clearly an ancient site. It is interesting to consider that the site of Perth may have originally been in proximity to a sacred grove or sacral-assembly site during the late Iron Age-early historic transition, although this name may perhaps also have denoted deforested land suitable for settlement.

Relevant here are place-names from Gaelic *craoibh*, related to Welsh *pren*, 'a tree' (Watson 1926: 351). This is found in Crieff, in Strathearn, were the medieval Earls had a centre and where the later medieval Stewartry courts were held at a barrow known as the Stayt of Creiff (Watson 1926: 351; *cf.* Hall *et al.* 2000: 175; Figure 6.6; see section 5.3.3.1). It may be coincidence that the barrow court-site was described as having an individual tree upon the summit before removal in the 19th century (see see section 5.3.3.1), although the link between tree and assembly site is noted elsewhere. Moncrieff Hill in Strathearn, for instance, is an early historic example The place-name refers to 'hill of the tree', perhaps specifically a 'tribal tree', and is the name of a hillfort attested as a major Pictish royal centre (Watson 1926: 401; *cf.* Driscoll 2004: 61). *Mónad Croib* was referred to in 729 as the site of a royal dynastic conflict (Driscoll 2004: 81). Kinpurnie in Angus may also be noted, which has the meaning 'tree-place' (Watson 1926: 352), and is associated with a hillfort and *nemeton*. The association of sacred trees, around which tribal identities were focused, with medieval assembly sites and inauguration ceremonies is known from Ireland, where the rod of kingship or *slat na ríghe* used in inaugurations may stem from the cutting of this object form a sacred tree (FitzPatrick 1997: 20). A

similar phenomenon may perhaps be evident in the Scottish place-name evidence. The Gaelic element *bile*, 'tree, sacred-tree', is particularly significant here and may indicate the location of early medieval inauguration venues (Gondek 2006: 251; *cf.* Driscoll 2004: 79-81), as may names of similar meaning that are discussed here. However of the few *bile* place-names known, the majority appear to be directly associated with ecclesiastical sites or burial grounds. These include *Cladh a'Bhile*, meaning 'burial ground of the great tree', by Ellary in Mid-Argyll, the name of a disused burial ground and possible chapel site associated with an exceptional quantity of early Christian carved stones (Gondek 2006: 237, 251). Gondek has noted the possible association of early historic fortified sites in proximity to *Cladh a'Bhile* and the tradtion of local assemblies at Druim Fuar 3km SW as evidence for the examples role in an early medieval 'inaugural landscape' (2006: 248-9, 254; *cf.* Campbell and Sandeman 1964: 89). Another *bile* place-name is found on the Isle of Skye, NE of Portree, at Torvaig where a discussed chapel and burial ground are known as Bile Chapel (NMRS no. NG44SE 1). Also of possible signfiance in this case are two dun site that overlook the burial ground (NMRS nos. NG44NE 3, NG44SE 2). A further burial ground has been noted at *Cladh á Bhile*, a more easterly example, by Breakachy in Strathspey (NMRS no. NN69SW 3). These few examples perhaps indicate a vested interest of the early church in *bile* sites, perhaps indicating the approapriation of pre-Christian tribal centres associated with totemic sacred trees. The connection of groves, hedge enclosures, and special trees to pre-Christian religious sites, possibly with duel significance as judicial gathering sites, seems to be hinted at in the place-name material. This no doubt warrants further exploration as it may reveal more concerning the transition of assembly practices from the pre-Christian era into the early medieval period, and take forward the study of indigenous assembly practices in 1st millennium AD Scotland.

6.2.3 Conclusion

The varied and fragmentary evidence discussed above offers an important means to assess the close relationship between pre-Christian religious and assembly practices in

Scotland. This has of course been largely facilitated by Watson's (1926) and Barrow's (1998) seminal works on often illusive place-name evidence for early religious practices in Scotland. Here it has been shown that such place-names are to be found in association with a range of archaeological evidence suggestive not only of later ecclesiastic relationships, but also with elite settlement and judicial assembly practices. These associations appear not to be uniform and are likely to represent different later social histories of appropriation and abandonment at individual sites. This may reflect the gradual breakdown of the religious uniformity of such sites during the conversion period, and their reinterpretation with new political contexts. Generally though, such histories may include the association of pre-Christian sacral-assembly sites with fortified elite residences, which in specific cases were appropriated for use into the early historic period. Furthermore, where early religious centres were incorporated into significant ecclesiastical places of worship and/or cult sites, specific examples are closely associated with possible monumental settings for medieval assemblies, such as a mound or cairn. The apparently incidental association of early medieval monumental sculpture at some of these sites may indicate the active display in the landscape of elite and religious iconography because of their role as places of gathering and legitimate centres for early legal activities. This concept of the legitimacy of place will be explored further in the next section in relation to the reuse of prehistoric monuments as places of medieval assembly.

6.3 Prehistoric monuments

6.3.1 Medieval court settings

Chapters 4 and 5 of this study present a range of evidence for the reuse of prehistoric remains as the setting for early medieval and later courts. Monuments utilised in this way included barrows, cairns, settlement mounds, remains of dry-stone fort enclosures, earthwork enclosures and megaliths, including single standing stones and stone circles. These comprise 27% of settings discussed in Chapters 4 and 5. Moreover 65% of the

historically-attested examples discussed in Chapter 5 show indications of the reuse of prehistoric remains for court settings. This illustrates considerable interest in Scotland during the extended medieval period in prehistoric remains, or rather in features that are now identified as prehistoric monuments. It must also be borne in mind that prehistoric remains were likely to have been understood as part of a wider landscape of features accounted for through a range of traditional dialogues and cultural perceptions, be these secular, mythological or hagiographical in content. They may also have existed in parallel with conflicting interpretations. In an Irish setting this would be termed the *dindshenchas* of the landscape, by which all apparently ancient features of the landscape can be expected to have had some form of cultural meaning. This was explained through reference to traditional events in the past, possibly of a supernatural character. Such perceptions may be compared to Semple's illustration of the changing cultural meaning of burial mounds in Anglo-Saxon England (Semple 1998; 2004). However in the context of medieval legal assemblies, the use of prehistoric sites for such practices implies that cultural views of these places accommodated or enhanced in some way their use for specific collective legal activates. It may be supposed that a given prehistoric setting would, therefore, by necessity have to be both widely accepted as legitimate and also to some degree be functional for the enacted processes of the medieval court and symbolic aspects of space in early law (see section 2.4.2). The basis of such legitimacy and functionality is unlikely to have remained constant from the early to later medieval periods, even when a specific setting remained in use. These issues will now be considered in relation to the different forms of prehistoric settings used for courts.

6.3.1.1 Megaliths as court settings

Among a notable type of site used for courts are stone circles (see sections 4.2.1.2 and 5.4). In purely functional terms the reuse of circular enclosures defined by megaliths seems likely to have delimited the sanctuary or 'fence' of local courts. Stuart was aware of such reuse in the 19th century via the medieval historical record and, unlike many of his peers, correctly identified this as a secondary reuse of stone circles (Stuart 1867: vol. 2, xlii). Stuart also commented upon the impracticality of such practices, as evidence that

it was not the original function of the sites. He suggested that the perimeter of megaliths which form stone circles would have obscured the view for assembled onlookers, standing out with the circle, of court proceedings occurring within the interior (Stuart 1867: vol. 2, xlii). This argument however does not take account of the role of sound for the involvement of onlookers in courts, and that the emphasis of a clear boundary for court session may have been a stronger concern than the visual involvement of assembled people who were not directly involved in the legal process, the control of whose view and physical interaction with the court may have been a appreciable part of proceedings. Innes, in the absence of developed archaeological understanding of the chronology of the Neolithic and Bronze Ages in the 19th century, posited that the 'the circle of grey stones on the heath' (Innes 1872: 97-8) found throughout much of Scotland may have been settings for early 'Celtic' courts, comparable in significance to the Germanic *mallus*. Barrow has noted that the place-name and historic evidence illustrate that the stone circles must be included in the examination of medieval courts in Scotland, although he noted that 'their role may have been rather more accidental than Innes suggested' (Barrow 1992: 218). Although it is clear that stone circles were not the main venue for early medieval courts in general, it is argued here that the reuse of stone circles was neither entirely 'accidental' nor dictated purely by practical concerns.

Standing stones and stone circles can be interpreted as possessing basic physical elements of layout which would have made them functional settings for medieval courts. The most obvious of these at stone circles is the ability to form a clearly visible fence by which the boundaries of the court could be defined. This would provide the essential controlled space within which the processes of a court could be negotiated (see section 2.4.2). A useful example here is Candle Hill stone circle by Old Rayne, the possible site of early historic courts and probable location of a 14th-century justiciary court (see section 5.4.2.1). The site is now in a disturbed condition but record made during the early 19th century allows for the consideration of how the medieval courts may have used the layout of the megaliths to define a fence and maintain the *peace* of the court (Figure 6.9). This may seem a functional interpretation and relatively traditional, but need not be wholly rejected on these grounds as a more symbolic and culturally-based understanding of the selection of court settings can, arguably, be maintained in combination with such

apparently mundane interpretations. For instance the perimeter of a stone circle defining the boundaries of a medieval court would have also defined a symbolic division of space, facilitating the creation of a legal sanctuary, socially, politically and psychological powerful in the minds of contemporaries. Vivid evidence for this may be seen in the account of the Alexander Stewart's court at the standing stones of the *Rathe of Kingussie* in 1380, when the Bishop of Moray refused to bring himself under the jurisdiction of the court (and thus be compelled to acknowledge the Stewart's jurisdiction over the Bishop's lands and participate in the court proceedings under censure of the court's 'peace') by remaining *outside* the perimeter of the court (see section 5.4.2.2). The fact that the bishop would not cross the threshold of the court also indicates his acknowledgement of the boundaries symbolic power in his *mind* and those of contemporaries, even if he believed himself superior to its jurisdiction.

Relevant here is perhaps also the evidence for the use of perishable materials elsewhere in NW Europe to define the perimeters of medieval courts, and by the laying out of which the symbolic power of the court setting was invoked. Examples include the use of ropes and wooden poles from Viking Age Scandinavia (see section 2.3.4). It is feasible that such practices might have been used in combination with prehistoric remains in Scotland to adapt them more effectively for medieval courts. In this way the social significance and legal sanctity of prehistoric court sites, or indeed the monumental setting of any early court site, could have been perceived as 'dormant' until this was properly 'activated' by means of the fencing ceremony (the allotted responsibility of a specific official (see section 2.5)) possibly incorporating a physical act which adapted the space in a temporary fashion. For instance a temporary fence could feasibly have also been used in the case of single megaliths to form an enclosed space around the central monument. However because of the lack of archaeological evidence at present, such proposals must reigned in by necessity, although such secondary medieval reuse of megaliths may feasibly have not been taken into account by excavators of prehistoric remains (see for example excavations at Beechill cairn, Coupar-Angus; Stevenson 1995; see section 5.2). Such reuse may, however, prove difficult to identify even with excavation, as the archaeological signature of some 'fencing' activities could prove very slight.

Much the same processes of 'fencing' could also feasibly have occurred at cairns or mounds. The timber 'fence' evidenced at Tillydrone Hill, Old Aberdeen, where prehistoric settlement remains were also encountered, may be an example of a more long-term feature used to defined the bounds of a medieval court (see section 5.3.5; Table 5.1, no. 1). The Market Knowe cairn of Longforgan is also noteworthy here, as the enclosing ditch of this monument may have defined the court's fence, and the documented references to the 14th century sergeant 'fencing' the barony court could encompass physical acts as well as merely a vocal proclamation (see section 5.3.2.1). In this way the layout of prehistoric monuments may have provided physical prompts for the spatial organisation of medieval courts and their associated practices.

The reuse of stone circles identified in the place-name material (see section 4.2.1.2) has been argued to indicate the medieval appropriation of such sites for courts during the early medieval period, particularly in NE Scotland. This may have derived from practices begun within the Pictish kingdoms of the NE, with the settings subsequently having been appropriated into Gaelic nomenclature from c. 9th century and continuing a judicial role (see section 4.2.1.3). The use of stone circles for courts during this period may have been influenced by the concept that they represented places associated with an immutable past which could be referenced to provide a powerful notion of legitimacy within the essentially customary framework of law in early medieval Scotland (see section 2.4.1). The shift to the use of such sites for courts may have occurred with the development of linear concepts of time and the beginnings of literacy.

6.3.1.2 Liminality, social cohesion and convention

The liminal status of prehistoric monuments that were not directly associated with settlement but which could be the focus for early historic burials (see Driscoll 1998: 148), might have made them appropriate venues for legal disputes. The *dindshenchas* of a site may, therefore, have been the initial cultural association that was drawn upon to justify its use for judicial practices. Traditionally this perhaps identified prehistoric sites as liminal elements of the landscape. However the adoption of such sites for courts in the early

historic period perhaps indicates a shift in the cultural approach to megalithic remains, which may have involved the adaptation of traditional perceptions of megaliths to legitimise communal practices at these places. The liminal status of prehistoric sites may also have made such locations effective meeting places for neighbouring communities from across administrative boundary lines (see section 6.5). For instance such settings may been perceived as impartial because they were not always obviously associated with a political centre or elite residence (see section 5.4.4.5).

Perceptions of reused sites might also have hagiographic connotations. For instance the place-name of the head court of Arbroath Abbey at Carnconnan may identify the cairn setting with St Conan or St Comgan, an early medieval saint mentioned in the 9th-century Martyrology of Oengus the Culdee, and in the Aberdeen Breviary as a contemporary of St Fillan and St Kentigern (http://www.shca.ed.ac.uk/Research/saints, Saint Ref. NoST/JD/113). The association of St Adomnán and a cross-incised slab with *Tom a'Mhoid* in Fortingall, Perth and Kinross, may also be cited (Table 4.3, no. 11; see section 4.2.3).

In a more secular context, earlier cultural associations may have been substantially adapted and subsequently quickly overridden by the concept that a given court site was the *established* place to assemble for legitimate dispute. One of the possible meanings of the place-name Stayt of Crieff, the Bronze Age barrow used for the setting of a Stewartry court, is Scots *stede* which was used to refer to the setting of late medieval courts as 'the place' (see section 5.3.3.1). Also, the apparent conceptual stability of prehistoric monuments, as immemorial features of the landscape, may have provided a stabilising mechanism for medieval society, as established places for resort to legal negotiation and reparation before the assembled community.

In the largely oral-based society of early medieval Scotland, the court site, and in particular the prominent feature of prehistoric settings, may have been effective symbols for collective memory of past negotiations and resolutions of disputes. The collective experience at designated court sites, outwith the normal settings of everyday life, may have been a key process for obligatory conformity to early legal outcomes. Here presumably oaths would be made and social cohesion maintained through an imperative toward compliance when a legal decision was made before the assembly, the *boni*

homines of immediate peers and social superiors. This need not mean the acceptance of the early court as a form of 'folk-moot', as envisioned by 18th- and 19th-century scholars (Gomme 1880; see Pantos and Semple 2004 for summary). Increasing royal administration and function of the officers of the court would have been major influences upon compliance with legal distraints or sentence. Early Scottish legal process was defined by a framework of customary practice, which significantly would have been linked into the customary use of a specific place. The maintenance of such tradition would have rested in the person of a judicial caste and largely kin-based ruling groups, who were eventually superseded by representatives of royal authority (see section 2.4.2.1), but it may be supposed that the tradition of a court site's use would have been widely appreciated.

The significance of the reuse of space at prehistoric settings in medieval Scotland, and indeed elsewhere, can perhaps be effectively viewed through Ingold's concept of the *Temporality of Landscape* (1993). In this way the functional and cultural elements of court settings can be understood as meaningful 'taskscapes' of the medieval communities who gathered at such sites. Prearranged gathering at a court setting and the traditional processes of legal sessions would thus be made meaningful through continual, though often perhaps unspoken, referencing of the traditional significance of the setting and shared memories of past events at the court. The importance such courts may have had as opportunities to socialise, gathered as a community, must also be taken into account, though depending on the legal matters under consideration such gatherings may also have been fraught with tension.

6.3.2 Conclusion

Later medieval reuse of prehistoric monuments for courts should therefore be understood as occurring within a social landscape of established earlier medieval practices. The rare historical records which relate the reuse of prehistoric monuments from the 13th century onwards indicate the occasional appropriation of existing court sites by secular and ecclesiastical authorities (see section 5.4). The limited number of examples may to some

extent reflect the survival of the record and also the specific, exclusive circumstances of the record's production. Such examples may therefore represent only the tip of perhaps common practices in high medieval Scotland, which occurred out with the majority of royal and burgh centres, and remain at present largely concealed beneath the surface of the known documentary record. The gradual erosion of traditional court settings during the medieval period must also be taken into account, as practices were slowly centralised with the approach of the 16th and 17th centuries (see section 2.4.2.3).

However the continued use of outdoor settings associated with prehistoric remains indicates the essential conservatism of early Scottish legal practice, at least in a local context (see for instance Tullochan Knowe, Stirling (sections 5.2 and 4.2.5.7)). This also indicates the prerogative of land-holding elites to engage with traditional precedent as the basis for the sitting of civil courts. What may have underlain the imperative to utilise prehistoric settings for courts during the late medieval period in Scotland was that such sites were established through traditional precedent by that time as the *correct* place where the courts of a given territory had conventionally been convened. This of course could still allow for secondary legal practices such as perambulations to occur elsewhere. When, however, such precedents were eventually challenged during the late medieval period, it is perhaps likely that the cultural perspectives which underlay the sites' original reuse would have limited influence to avert the effects of centralisation and the move to indoor court architecture, which were instigated by royal and burghal practices from at least the 13th and 14th centuries (see Oram 2004; RCAHMS 1996: 1; see section 2.4.2). An important aspect of the reuse of prehistoric monuments to be borne in mind is that not all such monuments would necessarily have always been perceived by medieval contemporaries as distinct from prominent and anomalous natural features, and conversely natural features may have been confused with made-made features with accompanying traditional associations. This has profound implications for how the archaeologist should approach the investigation of medieval assembly sites and is explored further in the next section.

6.4 Natural places

Considerable evidence for the use of natural features as the settings for medieval courts in Scotland has been forthcoming as a result of this study (see sections 4.5 and 5.3). Such places include hills of various forms, rock outcrops, islands, river banks and fords, and, at least in an early medieval context, could also include more ephemeral features such as trees and forest clearings. It is argued here that the interpretation of these settings should be informed by Bradley's statement that 'Natural places have an archaeology because they acquired a significance in the *minds* of people in the past' (Bradley 2000: 35). As has been illustrated here, and in related studies (Pantos 2002), the investigation of medieval assembly sites can often by necessity depend largely on place-name evidence, historical material and cultural landscape studies of post-medieval traditions. It is also increasingly clear that monuments built specifically for the purpose of medieval assemblies constitute only a small proportion of the settings identifiable through such investigative processes, although admittedly more excavated examples are still required to clarify this and the derivation of many sites remain uncertain. The majority of settings considered in this study are nevertheless identified as man-made features, although a substantial proportion of these were apparently not initially created during the medieval period and as yet no purpose-built site has been recognised. There is an increasing sense that the setting of assemblies in Scotland were largely adapted from existing landscape features, despite the significant findings of Adkins and Petchey (1984) for the Secklow hundred mound in England. As such, it may be argued that natural settings should be considered along side other settings of man-made derivation that were not created during the medieval period because their use as assembly sites may have resulted, in some circumstances, from similar processes of cultural appropriation.

Modern Western philosophical dichotomies between what constitutes 'nature' and 'culture' (Bradley 2000: 34; *cf.* Thomas 1996) may not be appropriate for interpreting medieval perceptions of places used as the settings for assemblies. In the past, prominent natural features are known to have been confused with prehistoric monumental remains (Bradley 2000: 35) and this may also have been the case in medieval Scotland. As such, modern typological distinctions should not necessarily differentiate between

interpretations of *why* certain natural places or prehistoric monuments were used for the settings of assemblies. The organisation of the present chapter has differentiated prehistoric and natural sites as a means of reviewing past work; organising the discussion around typological categories which are not necessarily directly linked to distinction made by interpretation; and in order to introduce these interpretative concepts which have largely been developed in studies of prehistoric archaeology, but which remain relatively unorthodox in medieval studies. The implication of this is that a shift in perception must be employed by the investigator in order to consider natural settings of medieval assemblies as an archaeological question. For instance place-name and historical evidence for the extended use of a natural feature such as a hill for medieval assemblies arguably denotes the existence of significant group cultural perceptions which were rooted in place.

It seems premature to designate such sites as relating to low-status practices because they are settings which do not derive from artificial means, despite the common occurrence of such settings with for instance *comhdhail* court sites (see section 4.2.1; Figure 4.3). Tillydrone hill by Old Aberdeen shows that natural features could be used for courts by relatively high-status authorities (see section 5.3.5). The possibility that natural features, or indeed prehistoric monuments, were *augmented* for assemblies is an important one. This might for instance involve the insertion of a minor enclosure to define the boundaries of the court (see section 5.3.5), or feasibly the construction of terracing (see Tynwald Hill, Man or Doomster Hill, Govan). The preparation of surfaces for meetings may also involve levelling of a summit to form a platform to facilitate the setting better for assemblies. This may be grounds for encouragement regarding Driscoll's findings at the natural Moothill at Mugdock, N of Glasgow, where the summit may have been levelled, although dating such adaptation proved difficult (see Driscoll 2003a). Augmentation is therefore one means by which the archaeology of natural assembly sites (or reused sites) might be defined.

Another methodological implication is the possibility that artefactual residues may have been deposited at natural places as a result of accidental loss or more conscious activities associated with medieval assembly practices (see for instance the medieval coin hoards and additional finds at Market Knowe, Longforgan (see section 5.3.2.1)). This is a

consideration which feasibly applies across the range of assembly studies. Systematic fieldwork is required to define the potential of this subject. An approach will be to test the use of targeted and systematic metal detector survey and field-walking at medieval assembly sites. The use of survey methodologies developed in battlefield archaeology over the past few decades in the USA and Britain (Foard *et al*. 2005; Pollard 2006; Scott *et al*. 1989) may be of particular application to this question. Significantly, this may potentially be one of the main means by which the spatial organisation of *assembly practices* could be defined archaeologically, as distinct from *assembly settings*. Personal items and datable objects would feasibly provide evidence to inform discussion of individuals and social variation in people gathering at assembly sites, and could also contribute toward defining a *material culture of medieval assembly* (regarding fairs and markets, see Hall 2004: 44). The stray finds from the vicinity of Market Knowe, Longforgan, and the finds reported at the site itself, are encouraging in this regard (see section 5.3.2.1).

Natural assembly settings must therefore be considered as an archaeological question, and their interpretation not confined to statements regarding their convenience as landmarks. Although such mundane concerns as ease of access or the elevated visibility of a site may be relevant to discussion (and the frequency of natural hills suggests this was a concern (see section 4.5)), these concepts do not sufficiently take into account more esoteric cultural perceptions which might be associated with the settings of assemblies. These might include individual *dindshenchas* connected to a traditional site , or aspects of social landscapes, such as the use of common land identified at some Anglo-Saxon assembly sites (Pantos 2002: 203). From the wider recognition of natural assembly settings resulting from this thesis (in part expanding upon Barrow's (1992) initial findings regarding *comhdhail* place-names), it is hoped future studies may bring greater definition to the medieval cultural and social landscapes associated with such settings. This it is hoped will facilitate clearer definitions of the cultural value of natural sites in medieval society, as part of wider medieval archaeological dialogues. Natural settings throw into sharp relief a key issue of assembly studies, in that the historic practices under investigation may be extremely ephemeral within the physical record. Often only minor

hints to their prior existence are left in the historic cultural landscape, which the archaeologist must be prepared to heighten their senses to recognise.

6.5 Boundaries

Based on the material presented in this study and on work completed elsewhere in Britain and other areas of Europe, it is increasingly clear that medieval assemblies were often located at geographical locations characterised by the meeting of medieval boundary(ies), which could be of extended antiquity (*cf.* Pantos 2002: 12-13; 2003; Sundqvist 2001: 631). For instance, Pantos has shown a convincing correlation between the location of Anglo-Saxon hundred/wapentake and other non-hundredal sites with parish boundaries, as represented on 19th century county maps. 65% of Pantos' sample sites were located within 0.2km of a parish boundary and 85% were within 0.5km (Pantos 2003: 38-9, fig. 1). Of the 20 historically-attested court sites discussed in Chapter 5, 9 were in proximity to the conjoining of parish boundaries (see Table 5.1, nos. 3-4, 7-8, 10-11, 13, 15, 18). Proximity in these cases varied from below 0.1km to within approximately 1km. Similar associations were also identified in the material discussed within Chapter 4, with for instance 7 *comhdhail* place-names in proximity to parish boundaries (see section 4.2.1.5 and Table 4.1, nos. 20, 21, 23, 24, 27, 39, 52). Examples of Germanic place-names also considered in Chapter 4, and the candidate sites identified with them, were also associated with boundaries in 8 cases. These include sites such as Thing's Va broch in Caithness (see Figure 4.44), Dingieshowe on Mainland Orkney, and *markamut* on Yell in the Shetland Islands which contains the ON element *marka*, specifically referring to a boundary (see section 4.3.3.2 snd 4.3.3.3). Assembly places at major regional boundaries were also identified, such as Dalginch where a significant court affecting the ancient provinces of Fife and Fothrif was held at the boundary between these two historic territories, and this boundary also defined a medieval parish boundary (see section 5.3.4.1). The Clochmabenstane in Dumfriesshire is one of a series of sites used for court meetings between neighbouring communities along the medieval borderline between England and Scotland, many of which appear to be of extended antiquity (see section

5.4.4; *cf.* Barrow 1962: 18). This evidence provides an initial indication that boundary locations may be a significant feature in the positioning of medieval court sites in Scotland.

Why were places of assembly located upon or close to boundary locations and what would the social implications of this have been? A suggestion made for assemblies in early medieval England was that the settings for medieval meetings reused features already marking boundary lines, although Pantos (2003: 44-8, citing Gelling) argued that the most likely reason was the perceived and physical liminality of such locations. This, it is argued, may conversely have enhanced the association with communality as meeting places for neighbouring communities (Pantos 2003: 44-8). Also significant in this case was the correlation of ancient route-ways, elevated locations, communal land, and river crossings as liminal places associated with Anglo-Saxon meeting-places (Pantos 2003: 44-8). These are among associations also found at sites in Scotland. Courts held at bridges or fording places include the 'Furd of Sleoch (Sliach)', the setting for a depute-sheriff court of Aberdeenshire at Drumblait in November 1504 ('*to behaldin at the furd of Scleoth*' (Stuart 1867: vol. 2, xlii)), concerning a cause between the Laird of Gairtly and John Haliburton (*cf.* Dickinson 1928: xviii). The regality court of Spynie was held 'upon the water Syd of Lossie' (New Spalding Club 1890-1908: ii, 132, 134). The court of the Bishop of Moray was held at the bishop's bridge (*apud pontem episcopi*) in 1398, and a court of Kelso Abbey was held at the Bridge of Ettrick (*apud pontem de Eterig*) in 1298, which had been granted to the foundation by Alexander II in the first half of the 13th century (Chalmers 1807-24: 737, fn. z; Innes 1837: 212, no. 53; Innes 1846: 179, 217, 309; Stuart 1867: vol. 2, xlii, fn. 1-2). Moreover, the sites of *Camysfurd* and *Jedwart* (Jedburgh) *ouerburne* were designated meeting-places in the laws of the Border Marches in 1249. Also the 'the brig of Striveling' (Stirling) was said to have been the site where legal challenges should be made in Scotland for those in Lothian and Galloway (Stuart 1867: vol. 2, xlii, fn. 3). We may also note that the Doomster Hill of Govan was adjacent to an ancient crossing place over the River Clyde (Driscoll 2003: 77). Other sites near major crossing points include the Moothill of Scone by the River Tay, Forteviot on the Water of May, Old Aberdeen on the Don, and the Earl's Hill of Ellon on the Ythan (see sections 2.2.4, 5.3.5 and 6.6.2). These elite examples indicate the early juxtaposition of

assembly settings with fording places over regionally significant rivers, as has been identified elsewhere in Europe (Brink 2004; Pantos 2003; Sanmark pers. comm.). This association emphasises the importance attached to positioning of assembly sites at focal points of movement and communication. Fording places would also have been of strategic importance and formed crossing points over natural boundaries to movement defined by rivers, which may also of been social significant in defining territorial divisions.

Pantos (2003: 47) noted that the apparent liminality of assembly sites' geographical positions in Anglo-Saxon England may belie an essential communality in the social significance of such places' settings and use. In this way, borderland places of assembly are understood to be the meeting places for neighbouring communities, which although based in distinct territories would form wider social cohesion through shared experiences at an assembly site. The equivalent to the hundred unit in early medieval Scotland was made increasingly clear by Barrow's model for the Scottish shire (Barrow 2003: 7-56). The early medieval shire seems a feasible model for the territorial significance of some assembly sites located at multiple parish boundaries in Scotland if it is considered that the communities of multiple estate situated around a shire meeting place more effectively gathered across a border zone. For instance it has been noted that *comhdhail* place-names generally correlate with the distribution of recorded thanages in NE Scotland (Driscoll 1991: 98), and such sites may have been significant for the meeting of neighbouring communities, later defined by parish territories (see section 4.2.1.5). For instance Candle Hill by Old Rayne in Aberdeenshire is positioned at the SW side of Old Rayne parish near to the border of adjacent territories (see section 5.4.2.1; Figure 5.34). Moreover, Carnconnan, a head court of the abbots of Arbroath from at least the 13th century, is located in the NW corner of St Vigeans parish and in proximity to the boundaries of four other parishes (see section 5.3.2.2, Figure 5.10). This geographical location may also indicate that Carnconnan represented an earlier meeting-place for multiple minor districts, perhaps akin to the multiple-estates model proposed for the early medieval shire and its accompanying legal and ceremonial centre (see section 2.2.4).

The boundary location of court sites may also reflect the necessity for early law to deal with disputes between members of different communities. The court site would

therefore be a shared venue, theoretically providing an unprejudiced social setting to negotiate disputes. The range of meeting-places along the marches of the national border are perhaps the most prominent examples of this, where disputes between individuals from areas of separate Common Law were negotiated (see sections 2.4.2.1 and 5.4.4.5). Boundary assembly sites would also have been a key avenue for communication, socialising and exchange between neighbouring communities, providing a rare occasion for large gatherings of people and in some cases providing the opportunity for a range of economic, sporting and social activities. Pantos (2002: 86; 2003: 47) also notes tentative evidence for Anglo-Saxon court sites having been venues for general socialising and a wider variety of activities. By their nature such activities were less likely to be recorded than the outcome or occurrence of the main court session, but the occasional references to such practices at court sites in Scotland hints at a wider phenomenon (Chapters 4 and 5; *cf*. Black 1999; Hall 2004).

The boundary setting of medieval assembly sites therefore appears to have had a dual symbolic significance, in that it can denote both liminality and centrality, in a physical and social sense. An extreme example of this is royal Scone, which was traditionally perceived as being located in the centre of the Kingdom of Scots, but at the same time was traditionally located at the meeting of ancient provincial boundaries. With the coalescence of the Kingdom of Alba it was then propagated that the inauguration centre physically and symbolically reflected unity and overlordship, the site being encapsulated with the central territory of Gowrie (Anderson 1980: 141). This has parallels with the location of Tara in medieval Ireland (Byrne 1973: 47). Although such narratives of Scone's development may have been influenced by later medieval political ends (Broun 2005), this still represents the perceived geographical association of centrality and liminality which could be linked to an assembly and inauguration centre. If indeed inauguration sites share proximity to the meeting of boundaries with lesser assembly sites, such as court settings, this may be one regard in which the parallel roles of such places as gathering sites may be accounted for. The possible juxtaposition of early medieval assembly sites with pre-Christian cult centres may be, in some cases, one reason for this apparent ambiguity of landscape setting (see section 6.2). This aside, the apparent association of medieval boundary locations and the setting of assemblies in

medieval Scotland is here proposed as a useful indicator of the antiquity and wider social implication, beyond for instance a singular parish unit, of a given example. Further systematic investigation in the vein of Pantos' study of Anglo-Saxon boundary sites is however still required for Scotland, to bring clarity to the initial implications presented in this study.

6.6 Later medieval lordship, the reuse of medieval sites and assembly settings

6.6.1 Reuse of the *caput*

During the late medieval period in Scotland evidence for out-door assembly sites, largely courts, appears to indicate the reuse of the location of earlier medieval castle sites or assembly places. This section explores examples of this phenomenon and the possible reasons for such reuse. Issues discussed include the powerful role of convention and conservatism on the setting of legal assemblies in medieval Scotland. Particularly revealing in this regard are courts which apparently used earlier defunct medieval castle sites associated with the caput of sheriffdoms as the setting for courts between the 15th and 16th centuries. This suggests that the legal legitimacy of earlier caput sites was being deliberately referenced, so that the utilisation of the remains of such sites, or out-door locations beside such sites, as assembly settings contributed to the legal validity of the court's proceedings. Dickinson noted the frequent occurrence of 'later courts upon *motte*-hills, mote-hills or mute-hills' and argued that the original position of such castles as the legal caput of a sheriffdom accounted for such practices, so that a motte might have 'still retained its legal status' (Dickinson 1928: xii, fn. 4; *cf* 1937: lxxiv, fn. 4). For instance in 1414 an inquest was held into the inheritance of Donald Thane of Cawdor from his father Andrew at the hill of the castle of Inverness (*apud montem castri de Invernys*) (Dickinson 1928: xii; Innes 1859: 5). In 1493 and 1506 sheriff courts were held on the castle-hill of Banff (Dickinson 1928: xiii; Fraser 1888: i, 95; Spalding Club 1847-69: vol. iii, 581). In

1452 a sheriff court of Forfar was held on 'castle-hill' (*monetm castride*) of Montrose (Dickinson 1928: xiii; Fraser 1890: iii, 35) and in 1539 a head court of the burgh of Aberdeen was held at 'castle-hill' in the 'open air' (Dickinson 1928: xii, fn. 6; New Spalding Club 1890-1908: ii, 1). A forerunner of such practices is perhaps seen in a reference in 1299 to the holding of a justicary court by John Comyn, Earl of Buchan, beside the castle of Aberdeen at a location called 'Castlesyd' (Dickinson 1928: xii; Innes 1848-56: no. 231; for further examples see Dickinson 1928: xii, fn. 4).

Lesser courts also reused motte sites during the late medieval period. For instance, in 1442 a grant of the lands of Foulismowate to George Leslie of Fythkil specifically reserved the summit of a mound which was associated with the old messuage of the lands in question for the holding of courts (Dickinson 1928: xiii, fn. 10). Tinwald motte in Dumfriesshire was the setting for a seisin ceremony overseen by the depute of the sheriff of Dumfries (see section 4.3.4). This ceremony involved the handing over of a stone from the fabric of the old messuage to symbolise the act of seisin, earth and stone having been a common legal motif used in medieval property transactions in Scotland to symbolise the transaction or taking possession of property ('staff and baton' was also used as a formula in sasine). The legal importance of the motte site and traditional central place is clear in this case, though the active residence in Tinwald may have moved to different location by the mid-15th century (Innes 1872: 19; see section 4.3.4). A further example is the motte of Tarbolton in Ayrshire, which was referred to in 1511 as *le Courthill* near to the capital messuage, perhaps indicating that the castle site had been used for local courts between the c.15th to early 16th centuries. The entry, a charter of King James IV, also directs that sasine for the Barony of Tarbolton should be given at 'the house situated upon the Courthill of Tarbolton', suggesting that some form of structure was still present (Nation archives of Scotland RefNo GD3/1/9/26/1, see http://www.nas.gov.uk). By the 19th century the site was the setting for celebrations associated with the village June fair (Christison 1891: 214; Logan 1829: 201; NMRS NS42NW 3.00; NSA 1834-45: vol. 5, 748).

Further examples of the reuse of mottes in this way are also known from the SW of Scotland (RCAHMS 1914: vol. 1, xxxiii), and it is such references that may have caused confusion in the accounts of some 19th century commentators who interpreted the

remains of mottes as 'seats of justice' or 'moothills', rather than platforms for timber castles (Christison 1891: 214). Christison was aware of this problem, but posited that late medieval historical references indicated that the derivation of outdoor assembly mounds or 'moothills' was therefore a later phenomenon than the Anglo-Norman motte (Christison 1891: 214). As has been shown, assembly practices have an extended history from the early medieval period, but the possible reuse of medieval castle sites for assembly purposes seems likely to represent a distinctive later offshoot of this phenomenon. Underlying antiquarian misinterpretation of this phenomenon was perhaps a confusion between place-names referring to Old French *motte* and Anglo-Saxon *mōt* or *gemote*. Only when excavated examples of mottes increased during the late 19th and early 20th centuries was this situation clarified (Armitage 1900: 269-70; Christison 1898; Dickinson 1928: xii, fn. 4; RCAHMS 1914: vol. 1, xxxiii). However it is relevant to consider that mottes do appear to have had a use as indoor settings for assemblies in Scotland during the high medieval period (see section 2.5.6). Furthermore, by the late medieval period a minority of cases mottes were perhaps adapted as outdoor settings for assemblies, apparently because of their perceived legitimacy as places of earlier legal resort, which to some extent may have been sustained as a result of conservative practices associated with hereditable rights of jurisdiction.

6.6.2 Hereditable titles and assembly sites

Assembly mounds also appear to have a symbolic role in late medieval perceptions relating to claims to hereditable titles and lordships. This is seen by the specific mention of mounds and hills, that appear to have been at least perceived as earlier assembly sites and places of legal jurisdiction, within confirmations of hereditable titles and land grants. For example the Duke of Ross specifically retained the *montem* of Dingwall, later known as the 'mootehill', in the resignation charter for the Earldom of Ross in 1503, distinct from the castle of Dingwall, seemingly because the hereditable title was seen to be connected with possession of the mound (Watson 1904: 93; Dalrymple 1770: 58). This may have been where the Earls of Ross traditionally received sasine of their title (pers.

comm. David MacDonald, Dingwall), and is also likely to be the setting of the early medieval *þing* site associated with Dingwall. The burial of the Earl of Cromarty within the mound and the erection of a memorial obelisk on its summit was perhaps the ultimate act of appropriation and shows awareness of the symbolic role this moment had played in connection to the 'dignity' of Ross (Figure 6.10; see section 4.3.3.1). The remains of Ormond castle on Ormond Hill, in the Black Isle was also mentioned in regard to hereditary claims in a similar fashion (Dalrymple 1770: 58). In 1475 an inquest seised William Urquhart to the barony of Cromarty with the 'Mot Hyll and sheriffschip thereof', perhaps indicating the site of the motte and *caput* at Cromarty, which shortly afterward was adapted as the location for a towerhouse (Dickinson 1928: xii-xiii, fn. 1; NMRS no. NH76NE 2.00). This repeats the link between holding of judicial office and possession of the traditionally established *caput*.

Also significant in this regard are instruments of seisin for the title of the Earldom of Buchan, which by the late medieval period linked the 'dignity' to possession of the 'Earl's hill of Ellon'. This was the 'hill of Ellon' referred to in 1476 as the setting for the seisin of James Earl of Buchan to the Earldom (*super montem de Ellone*) (Dalrymple 1770: 61; NSA 1834-45: vol. 12, 903; Spalding Club 1847-69: iii, 5-6; Young 1998: 185). John Earl of Buchan was seised in the Earldom 'and Earl's hill of Ellon thereof' in 1547 (Dalrymple 1770: 61; NSA 1834-45: vol. 12, 903; Spalding Club: 1847-69: iii, 5-6), and it is similarly mentioned in 1519, 1574 and 1615 when Mary Douglas was bestowed with the Earldom of Buchan and 'Earl's hill' (Dalrymple 1770: 61; NSA 1834-45: vol. 12, 903; Spalding Club 1847-69: iii, 5-6). The Earl's Hill of Ellon would therefore appear to have been the inauguration mound for the Earls of Buchan at least from between the 15th and early 17th century.

The Earl's Hill was a large mound located by the River Ythan at Ellon (now in Aberdeenshire), by the 19th century known traditionally as the moothill, which was removed at the beginning of that century when the adjacent inn was developed (NMRS no. NJ93SE 3; NSA 1834-45: vol. 12, 903). The site is now a car park and the location of the mound is marked by a memorial, which attempts to recognise the location's past significance as an assembly site (Figure 6.11). Ellon was historically the chief seat of the Earls of Buchan and it is significant that the late medieval earls took possession of their

title here. Ellon was also a location for the earl's head courts, for instance in a grant by Earl Fergus dated 1214, suit was to be made to the thrice yearly head courts of Ellon (*tres sectas capitales curie mee de Ellon*) (Spalding Club 1843: 407-8; *cf.* Young 1998: 185), although there is no indication whether this was held on the 'moothill' or at the castle of Ellon. The castle is located c. 0.4km NE of the mound's site, and now comprises largely a modern manse, though fragments of a tower are dated to the 15th century (NMRS no. NJ93SE 29.00). Simpson in fact interpreted the 'Earl's hill' / 'moothill' as the remains of a motte and thus the earlier castle site of the Earl's at Ellon (Simpson 1958: 48-9). Earlier still in the 1130s the 'quenching' of church properties by Colbán *mormaer* of Buchan is recorded among the Gaelic notes in the Book of Deer and significantly was dated at Ellon, witnessed by all the good men of Buchan (Jackson 1972: 32, 35-6). This appears to indicate the occurrence of an assembly. It remains a possibility that the 'Earl's hill' or *montem* of Ellon was the setting for early medieval head courts of the Earldom of Buchan and may have been where the title was conferred before the 15th century. The attested significance of the site by the 15th century may therefore be understood as the continued use of a setting that was at least perceived as having been used by the earls for assemblies during the early medieval period. This use continued into the 16th century, although it is likely to have involved the reinterpretation of the site within new political circumstances, such as the rise of the Comyn Earls during the 13th century (see Young 1998) or perhaps more likely following their usurpation in the 14th century.

Similarly, Kerriemuir in Angus was traditionally the caput of the Earls of Angus, where the earls received seisin of the Earldom, their lands, and held their head courts and regality courts, down to at least 12th March 1632 (Warden 1880-5: vol. 4, 91). Traditionally the setting of these practices was associated with a mound called Court Hillock, now destroyed (see section 4.3.2). In 1496 it was referred to as the Greenhill and was specifically reserved by the Earls with an adjacent three acre parcel of land, which was presumably used to accommodate gatherings (Reid 1909: 29; see Table 4.6, no. 6). By the 17th century the Earls also held markets at Kerriemuir three time a year, although it has been suggested these were held on the elevated 'Market Muir' NE of the town, separate from the Court Hillock (Warden 1880-5: 89-90). The title of Earl of Angus is said to have faded with the Duke of Douglas in the 18th century who received £500

compensation in 1748 for the heritable office and jurisdiction of the regality of Kirriemuir, as a result of the legislated abolition of hereditable jurisdiction (Warden 1880-5: 87). The location of the site now only survives in street names.

The preliminary presentation of evidence discussed here hints at a 'cultural afterlife' of particular medieval assembly sites, or in some cases early castle-mounds, as important symbols of hereditable status and judicial authority into late medieval Scotland. Continuity of use may not be the only or even the main factor at work in this reuse of assembly sites and other central places as symbols for secular authority. It is understood for instance that legal frameworks and traditions in Scotland from the 14th century were greatly influenced by the treatise *Regiam Majestatem*, largely based on the 13th -century English treaties by Glanvill, and composed during a period when much of the governmental records of Scotland had been lost during the late 13th century with the campaigns of Edward I (Duncan 1993: 239-40). The Wars of Independence are thought to have had a highly destructive impact upon Scottish legal traditions of Common Law, with the loss of genuine national records, meaning that the ambitious attempts during the 14th century at experimentation in Scottish legal process marked a major shift in the understanding of traditional legal precedents from this time onwards (Barrow 2003: 70-1; Cooper 1944; Duncan 1993: 240, 270). Alternative views of the greater preservation of 'Celtic' aspects of Scotland's legal practices are also available (Barrow 2003: 57; Sellar 1989; see section 2.3.2). Influenced by contemporary political circumstance, the account by Fordun of Malcolm II, also found in the 14th-century treatise *Leges Malcolmi Makkenneth*, is particularly relevant here. Malcolm is presented as an authority of law from a 'good king' in a similar manner in which David I is cited from at least the late 13th century (Duncan 1993: 239-40). Fordun's famous reference to Malcolm II's reservation of 'the little hill (*monticulum*) of the royal seat of Scone where the kings… are accustomed to give out judgments, laws and statutes to their subjects' (translation from Duncan 1993: 243) as a symbol of the retention of the royal authority and title, after supposedly giving away the lands of the kingdom, may have had a profound impact upon contemporary and later elite perceptions of monuments seen as comparable to the Moothill of Scone (see section 2.2.1). In this way the Duke of Ross may have draw on this legal 'precedent' in an attempt to retain the hereditary title of Ross in 1503 (see

section 4.3.3.1). Furthermore the eagerness from the 15th century of the Earls of Buchan and Angus to retain legal possession of mounds associated with their traditional *caput* may perhaps be explained by the legal authority of the 14th-century account of the Moothill of Scone and Malcolm II, however fictitious these accounts may be shown to have been from a modern historical perspective. By the 18th century the long-term effects of this on later inheritance law appears to be evident in the appeal to the precedent of the Earl of Ross's 1503 resignation charter and specific mention of the 'moothill of Dingwall' as acceptable evidence in support of the heiress of Sutherland's claim to her hereditable title (Dalrymple 1770: 58).

The reuse of the remains of medieval central places and elite residences for medieval assembly sites may have also occurred prior to the late medieval period. For instance at Court Hill by Dalry, Ayrshire, a possible early medieval hall site appears to have been adapted for a later assembly mound (see section 4.3.2). Also, in the Earldom of Strathearn, a charter dated 1380 specifically reserved the *cathedra comitis* ('seat or chair of the earl'). This seemingly relates to the remains of a multi-vallate fort at Dunknock within the lands of Findony, Dunning, perhaps indicating the site's continued use during the 14th century as a centre of comital justice and or residence (RCHM 1872: 406; Neville 2005: 119-20; NMRS no. NO01SW 18). The reuse of an earlier site for a comital centre is also found in the Earldom of Lennox. This was at Catter Law, now in Stirling (though previously in Dumbartonshire), where the Earls of Lennox maintained a chief centre of judicial authority from the early 13th to 14th centuries. This example will now be explored as a case study, presented here and not earlier because of the examples importance for illustrating the association of places of legal assembly, elite residence and early centres of lordship within a 'native' earldom in Scotland.

6.6.3 Case study: Catter Law, Drymen, Stirling

6.6.3.1 Site description and history

Catter Law is a large flat-topped conical mound, located upon the lip of a N facing slope, overlooking the Endrick River flood plain, in the parish of Kilmaronock, 1km S of Drymen and 5km SE of Loch Lomond (Figure 6.12). This was the location for the Earl's of Lennox courts, with powers over 'life and limb' during at least the 13th and 14th centuries, but also appears to have been a site of earlier comital authority. Here the historical and archaeological evidence for the site are presented and discussed, along with the results of a remote-sensing and topographic survey. The summit of the mound measures 30m by 35m in diameter, and is 3.5m high on the S and 12m high on the N (Figure 6.13). It is thought to have been adapted from a natural spur in the river valley. A sparse forest plantation covers the site, and a 2m wide circular depression on the N side of summit is likely to have resulted from tree fall (Figure 6.14). At the S edge of the mound's summit is a large boulder measuring 0.8m by 0.7m, by 0.4m high which has a deep depression (depth 0.15m, diameter of 0.3m) carved into the centre (NMRS no. NS48NE 3; Figure 6.15). The W, S and E sides of the mound's base are surrounded by a shallow depression, on the exterior of which are the remains of a low bank, broken on the NE by a possible entranceway (Figure 6.16). The S and SE base of the mound have been impacted by the gardens of the adjacent 18th century Catter House. Catter Law has been previously identified as a motte (Stell 1985), but on the basis of morphology, historical record, and the results of non-intrusive survey, the site is here interpreted as the remains of an earlier elite residential site, perhaps indicative of a native building tradition, which was reused from at least the early 13th century as the setting for legal assemblies.

In post-medieval tradition, Catter was the site where medieval courts had been held and the Law ('hill') was known as Gallowhill or Moathill (OSA 1791-9: vol. 11, 206). The basin stone on the mound was also locally believed to be the site of the Earl's Gallows (pers. comm. resident of Catter House, 2005). This association with a gallows site has an historical basis. A charter issued 1333x1360 by Donald Earl of Lennox referred to 'our gallows at *Cathyre*', where the Earls reserved rights over 'life and limb'

in a grant to the Buchannans (based W of Drymen). *Cather* was also the site to which *reddendo* in goods for the land of *fynvoych* (neighbouring Catter to SE, now 'Finnich' by Catter Burn) were in the early 14th century to be brought annually on All Saints day (Dennistoun 1833: 45-6, 54, 57). In 1217, Earl Maoldomhnaich had also issued a charter from Catter which concerned confirmation of properties in Strathblane, c. 10km SE of Catter in SE extent of the earldom (Neville 2005: 121).

Cathyre (*Cather* / Catter) is derived from Gaelic *cathair* meaning 'fort' or 'city', related to Old Gaelic *cathir* and Welsh *caer* (MacBain 1982). Barrow has proposed that names derived from *cathir* 'might have lain behind the historical 'shire' in Scotland', indicating an administrative centre of these early multiple-estate units (Barrow 2003: 54; *cf*. Neville 2005: 95). Watson (1926: 222-3) identified Catter or *Cathair* as the 'seat of the ancient Mormaers of Lennox', in his discussion of the element *cathair*, genitive *cathrach* 'a circular stone fort'. Watson (1926: 223) also cited *Catherlauenoch* and *Kathermothel* both names of ancient 'districts' in Perthshire, which Barrow (2003: 37, map 10, 40, map 11) identified as early medieval shires. Driscoll also cited Watson's mention of Catter as a possible example of the kind of meeting places which might have been associated with the early medieval equivalent to the thaneage in Scotland (Driscoll 1991: 98). The use of the place-name element *cathair* at Catter Law may be descriptive of the main earthwork features of the site as a 'fort', indicating the high medieval perception of the place as the site of an earlier fortification. Moreover this meaning for the place-name may have existed in parallel with one indicative of an important early medieval administrative centre. Based on the charter evidence relating to Catter, Neville has suggested that Catter was the 'legal centre of the earldom' from at least the 13th century (Neville 2005: 121). The place-name evidence, and as shall be seen the archaeological evidence, may also indicate that this medieval legal role was based on a traditional precedent of the centre's political and administrative significance prior to the 13th century.

Comparison of the Catter Law mound with other sites identified as mottes in the Lennox indicates that Catter is distinct from what may termed the morphological norm for the area. The majority of other earth and timber castles in the Earldom survive as low platforms, occasionally surrounded by a ditch. The moated site at Balloch, contemporary

in its use to Catter, is low-lying at the head of Loch Lomond and is clearly more practical as a permanent residence of the Earls, their subsidiary officials and kin-group. The Earls also issued charters from Balloch in the 13th and 14th centuries (Neville 205: 117, 121). Recent geophysical survey there has indicated the remains of a complex of timber and stone built structures, including an anomaly perhaps indicative of a stonework comital residence with ancillary buildings (pers. comm. John Malcolm). Balfron motte is a low circular platform in the east side of the Lennox (NMRS no. NS58NE 1). The only comparable site to Catter Law in the immediate area is at Fintry, where the remains of what is identified as a motte is overlooked by hillforts at Dunbeg and Dunmore, though this does not have the important historical associations of Catter (NMRS no. NS68NW 6). Possibly, Catter Law may derive from an earlier tradition of construction than the other earthwork castle sites in the Lennox. For instance the site's place-name containing the element *cathair* is not comparable to other sites in the Lennox and the legal importance of the place to the Earls in their relations with major landed aristocracy hint at the site's antiquity and unique status prior to the 13th century.

6.6.3.2 Landscape setting

The landscape setting of Catter Law is also noteworthy: although now obscured by a garden tree plantation, the site is positioned to take in extensive prospects of the Endrick valley, with Loch Lomond visible to the W (Figure 6.17) and the routes to the Mentieth and Strathblane to the E. This appears to locate Catter Law at a nexus point of movement and communication in the landscape. The 18th century military way through the area passed the foot of the site immediately to the N, and an historic crossing place over the Endrick was located at Drymen Bridge, also adjacent to the N. Neighbouring Drymen was an important market and feeing fair town during the 18th and 19th centuries, and was on a drovers route. The pastures surrounding the floodplain below Catter and by Drymen bridge have been used for agricultural fairs from at least 1816 (National Park information notice, Drymen). Catter is also located at a major modern administrative boundary, between Dunbartonshire and Stirling (moved a short distance to the W in the 1970s), and

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this may reflect the line of earlier local boundaries, for instance the border between parishes (Figure 6.18). The site is therefore placed at a strategic location in the landscape of the Lennox, visually and strategically dominating the eastern heartland of the earldom, which straddles the River Endrick. The landscape setting would be appropriate for the site's use as a fortified power centre or judicial assembly site, and it is argued here that during its extended history Catter Law may have combined both functions at different times between the early medieval period and the 14th century.

6.6.3.3 Geophysical survey, Catter Law

Geophysical survey at Catter Law has identified a rectilinear anomaly on the summit of the mound (identified by both resistivity and fluxgate-gradiometer surveys), which is interpreted as evidence for the remains of a hall-like building (Figures 6.19a-c). The high resistance response of this anomaly may suggest the foundations of this building comprise of masonry or a rubble core. A bipolar response from the interior of the rectilinear anomaly may indicate the site of a hearth related to the occupation of the building (Figures 6.19a-c). Also a possible partition within the NE end of the building may be indicated by a linear anomaly in this area, perhaps the site of a private chamber, and a potential building feature is identifiable on the resistivity data at the SW end of the possible hall. Anomalies around the rim of the mound's summit may also indicate the line of a palisade (Figures 6.19a-c). Ground penetrating radar found no evidence to indicate that the depression around the base of the mound is a ditch, also unlikely given the gradient upon which the site is located. The feature may rather be an access roadway to the summit leading from the N 'gateway' (Figure 6.20; see Figure 6.16). Moreover the radar identified a internal feature within the body of the mound which may represent the profile of the original natural spur upon which the mound was constructed (Figure 6.20).

The possible building remains on the summit could relate to the 13th and 14th century use of the Catter as an administrative and judicial centre, or perhaps represent the footings of a 'hall house' comparable to the excavated 15th century example from the Peel of Lumphanan, Aberdeenshire (Newton and Talbot 1998: 663-4, illus. 7-8). The

anomaly at Catter is on a much larger scale than for instance the hall structures excavated at the 13th century Strachan motte in Aberdeenshire (Yeoman 1984: 320). The interpretation of Catter Law as a motte influenced by 11th and 12th century Anglo-Norman modes of earth and timber castle building does not appear to tally with the indications of the site's antiquity and Gaelic associations of the place-name. However the general form of the earthworks at Catter could be seen, based on an initial assessment, as comparable with other mottes in Scotland (Stell 1985). Although no bailey is identifiable (a loose candidate could be a level area adjacent to the E), mottes lacking such features are widely known (Yeoman 1988). The absence of a definite enclosing ditch is however more problematic. Moreover although superficially comparison with a castle site such as the Peel of Lumphanan (which has an enclosing, metalled road-way to the summit and flat-bottomed area around the base of a central mound (Newton and Talbot 1998; Figure 6.21)) appears appropriate, arguably the social context of the sites is significantly distinct. Perhaps then at Catter Law, which was developed within a largely Gaelic cultural setting, it is more appropriate to see the site in context of a local response to earthwork building traditions, possibly in a similar manner to the variety of early castle forms identifiable in the Lordship of Galloway (Oram 2000).

With this in mind, the rectilinear anomaly on the summit of Catter Law may alternatively relate to the remains of an early hall, perhaps indicative of an earlier medieval phase in the use of this site than that represented in the charters. For instance, it may be comparable with the 9th and 10th century halls at Goltho (Kenyon 2005; *cf*. Driscoll 1998: 42), or the Courthill of Dalry timber building (Scott 1989: 273, illus. 1), athough the possible structure at Catter Law appears to be longer and wider than both of these examples. The lack of excavated examples of comparable buildings from Gaelic lordships in Scotland restricts further detailed comment. However the overall morphology of the site's earthworks, with a raised central platform, incline interpretation toward a later date. The geophysical response from the summit may also represent multiple phases of habitation. Until excavation is undertaken the possibility remains that the late medieval courts at Catter Law were held out-doors, as the executions would have been, but the indications of a building on the summit should certainly keep this wholly open to debate. However the late medieval use of the site as an out-door setting, may

have been based on the prior association of the site with a comital residence and centre of power. Reference in the 17th century to 'ane old castle belonging to the ancient Earles of Lennox' at nearby Easter Catter (Macfarlane 1906-8: vol. 1, 353; *cf.* Watson 1926: 223, fn. 3) may indicate the focus of late medieval elite settlement adjacent to rather than at the mound at Catter Law.

In one sense the historical evidence for Catter indicates a relatively formulaic definition of the retention of baronial rights over courts of 'life and limb' by a comital authority and the identification of a local *caput*. However the indications discussed above of the site's antiquity and prominence as a legal centre seem to set Catter Law apart from other comital centres in the Lennox. This perhaps suggests that this site represents a location which had been important within the early medieval landscape of the earldom, as a central site for administration and the accretion of goods from the surrounding area, but also elite settlement. The site of the *cathair* was then to persist as socially significant into the 13th and 14th centuries, as a venue for the exercise of the Earl's judicial authority and gathering of *cain*, though crucially perhaps not as an active residence.

6.6.3.4 'Gallow Hill' sites

Catter Law should be seen as distinct from what may be called 'Gallow Hill' sites. This is a common place-name found throughout much of Scotland in association with a variety of different topographic and monumental features. Unchanged forms of many gallow place-names may indicate that these represent relatively late, post-medieval nomenclature, but in some cases may reflect genuine executions sites. Innes noted during the 19th century that 'the gallow-hill is still an object of interest and, I fear, of some pride, near our old baronial mansions' and also that he was aware of such locations where human remains had been found (1872: 59). Sellar (1991: 39) also notes the right of those with barony jurisdiction to put to death criminals on a 'gallows tree' or 'drowning pool'. Evidence for the use of hanging trees is predominately late, relating to the 1600s, though traditional associations may indicate earlier practices (Endersby 2004: 646-50). The term 'dule tree' from Scots meaning 'grief' or 'sorrow', possibly related to Gaelic *dolas*,

'grief', is known to have been used for such trees, and it may be significant for medieval practices that these features could be the focus for clan meetings, such as mourning for defeat in battle, and as a focus for the pride and identify of the clan lairds (Endersby 2004: 646, 650). Connections identified between totemic trees and medieval Gaelic polities in Ireland and possibly in Scotland (FitzPatrick 1997; Gondek 2006) suggests that this subject requires investigation in the future.

The archaeology of early medieval execution sites and cemeteries have been identified for late Anglo-Saxon England (Semple 2004: 146 citing Reynolds), though the same cannot be said for Scotland. No systematic investigation has been made of the phenomenon here, though such features have been noted when they occurred in proximity to assembly sites. The common proximity of 'Gallow' place-names associated with hills and mounds near centres of settlement may indicate sites associated with late practices of hereditable jurisdiction, prior to the mid-18th century. For instance this may be the significance of Gallowhill by Crieff, Perth and Kinross, perhaps associated with capital punishment, and for the adjacent burgh or medieval Stewarty court site a short distance to the E (see section 5.3.3.1). Where such sites occur in proximity to medieval assembly sites this has been noted throughout and the possible significance this might have for judicial practices commented upon. Further selected examples include Gallowhill of Ellon, a prominent hill NW of Ellon in Buchan, which is across the Ebrie Burn from Candle Stone, a *comhdhail* place-name and assembly site (see section 4.2.1; Table 4.1, no. 16). A rectangular enclosure has been identified on the summit of the Gallowhill and suggested as a possible site of the gallows (NMRS no. NJ93NW 42). Gallowhill W of Dingwall may also be significant in relation to the medieval court site here, but the place-name has not been traced and may feasibly relate to the post-medieval town's jurisdiction (see section 4.3.3.1). Moreover Gallow Hill is a natural ridge which overlooks the Law Ting Holm, on the Mainland of Shetland, the site of the medieval Lawting (see section 4.3.3.3). These may indicate connections between such 'gallow' sites and medieval practices.

When excavated, mounds identified with late gallow names have in some cases been found to derive from prehistoric burial practices, possibly indicating the reuse of existing landscape features perhaps in a similar manner to medieval court sites. For

instance Gallows Law, Kirkden parish, Angus, has been identified as a possible motte but was also found to contain a prehistoric cist at the beginning of the 20th century (NMRS no. NO54NE 6). Furthermore, Gallows Law in Fife was associated with a Bronze Age cist, but additional discoveries of numerous other graves are known at the site which may not have been prehistoric in derivation (NMRS no. NO51SE 7). Other examples include those with traditional associations such as Gallows Knowe by Dunning in Perth and Kinross, where a no longer extant mound was traditionally said to be where the 'medieval barons Rollo had their place of execution' (Name Book 1859: no. 25; NMRS no. NO01SW 10).

Place-names containing Gaelic *croiche*, 'gallow' in W and N Scotland may also be significant, such as *Torr na Croiche* by Kildonan in Sutherland, traditionally the execution site of thieves and the site of graves (NMRS no. NC92SW 54). A simple association with a 'Gallow' name may belie complex developmental histories of a given site, as shown at Gallowflat, Rutherglen, where a mound, apparently with a smaller mound on the summit, associated with late prehistoric finds (RCAHMS 1978c: 151, no. 298), had been substantially remodeled as part of a post-medieval garden landscape (vividly illustrated by the results of a geophysical survey (Figure 6.22, 6.23)). The role of court assembly sites as the venue for punishments has potential as an area of investigation (see for instance Court hill, Monreith in Galloway, in section 4.3.2.2,). The archaeology of medieval executions sites in Scotland is a subject which requires further investigation, particularly for its link to other forms of judicial assembly, and for instance the need to understand how the setting of gallow and pit sites, as part of the accoutrements of medieval lordship and jurisdiction, changed throughout the period.

6.7 Assembly sites and the medieval Church

6.7.1 Introduction

This chapter discusses the evidence for the association of the medieval Church in Scotland with assembly sites. There is considerable evidence for the association of

churches and Church interests with medieval assembly sites in Scotland. The physical juxtaposition of medieval churches, assembly sites and mounds in Perthshire has recently been explored (Hall *et al.* 2005: 309-12). Drawing on Morris (1989: 4) it was stated that 'linking churches with mounds and existing places of assembly was politically astute but would surely have had extra resonance through the association of high places with the giving of God's (moral) laws… Churches too were meeting places – holy ground where encounters took place between the human and the divine, between the earthly and the heavenly, the natural and the supernatural, the material and the spiritual, the temporal and the eternal' (Hall *et al.* 2005: 313, n. 43). Numerous examples were cited (Hall *et al.* 2005: 309) including the parish church of Caputh built on the summit of *Mwtehill* in 1500 (see section 4.3.1; Table 4.5, no. 15). Also noted were the early church sites of St Vigeans, Eassie, and Kirkinch by Nevay, all in Angus and all positioned on the summits of prominent mounds with exceptional collections of early medieval sculpture (Hall *et al.* 2005: 310; Figure 6.24; see section 6.2.2.1 regarding 'Nevay'). Also relevant is the medieval parish church of Markinch in Fife, an early medieval foundation, located upon a prominent, possibly natural, mound (see Figure 5.21). The medieval church of St Brides near Kildrummy, Aberdeenshire, is also positioned on a prominent mound (NMRS no. NJ41NE 3). The old church of Faskally, near Pitlochry, which was built on the summit of a prehistoric barrow has also been noted (Hall *et al.* 2005: 314, n. 61). St Duthus's chapel by Tain is the remains of 13th-century church positioned on the summit of a knoll which rises above the general level of the surrounding coastline (NMRS no. NH78SE 1; pers. comm. Mark Hall, Perth Museum and Art Gallery). The parish church built at Scone in 1624 was newly constructed on the summit of the Moothill, a shift from the original location of the abbey church now shown with reasonable certainty to have been located adjacent to the S of the mound.

Struan in Atholl is the site of the early church of St Fillan's (identified with three early sculptured stones, including Pictish symbol carvings, and a handbell) which is positioned on a natural knoll adjacent to a mound known as *Tom an Tigh Mhor*, 'knoll of the big house' (Hall *et al.* 2005: 311). Between the mound and the church was traditionally the setting of a fair, *Féill Faoláin*, which represents one of a range of practices deemed to be associated with comparable sites, including activities surrounding

'the dispensing of law and justice, the association with ecclesiastical authority and the holding of a fair' (Hall *et al.* 2005: 311). The powerful symbolism of the mound or hill in Christian scripture, and reflected in the cult of saints, has also been stressed (Hall *et al.* 2005: 311). This may certainly have been the driving force behind the positioning of churches on the summit of a mound, an act which would also obviously have made the place of worship more readily visible in the surrounding landscape and perhaps assisted the acoustics of the church bell and call to prayer (*cf.* Morris 1989). However this may only have been a factor when a church was directly located upon the *summit* of a mound; the juxtaposition of a medieval church adjacent to, or in the vicinity of, an assembly mound may indicate something quite different. A further relevant factor may be that the construction of a church on the summit of an earlier assembly mound would effectively render the monumental setting defunct for outdoor assembly practices, most probably of a secular nature. This may for instance be seen at Caputh in Perth and Kinross (see Hall *et al.* 2005: 311). Such an act of appropriation appears to indicate a commandeering of the social significance of assembly sites by the Church, or their intentional drawing upon the cultural memory of such sites' earlier social legitimacy as places of gathering.

However we must also explore the possible association of early medieval church sites beside or upon mounds used as assembly sites. Such associations are well attested elsewhere in Europe. For instance, the history of Tynwald Hill on the Isle of Man as an assembly site is closely linked to the adjacent chapel of St John's, the hill also being known in Manx as the *Cronk Keeill Eoin*, 'Hill of St John's Church' (Broderick 2003: 80). Other similar sites include the cathedral at Gamla Uppsala, and the medieval church near to the Lögberg at Thingvellir, Iceland (see section 2.3.4.1). The association of early churches with pre-eminent assembly sites can be understood as indicative of the progressively central role of the Church in the fabric of medieval society throughout Europe. This can not be separated from the active collaboration of royal and other secular elite authorities with the early Church to root Christian worship as an inseparable aspect of high-class assembly practices. From conversion events such as Paulinus's conversion of the Northumbrians at the royal centre and assembly site of Yeavering in c.627 (Colgrove and Mynors 1969: 189) to the close involvement of the Church in the development of early law, clearly seen in the proclamation at Scone in 906 by Bishop

Cellach and Constantine II, the Church had a vested interest in an association with assembly practices.

6.7.2 Juxtaposition of church and mound

The involvement of the medieval Church in assembly practices is perhaps not most clearly illustrated by the location of churches *on top* of monuments that may have been assembly sites. As noted above, this seems to indicate the usurpation of active legal or popular outdoor assembly activities by the interests of worship that were defined rather by church architecture. Moreover the positioning of churches upon an elevated location may have been dictated by religious imperatives, rather than be indicative of an earlier assembly site. Driscoll has noted that where churches occur at early medieval royal centres, the confines of church architecture within an early medieval context is likely to indicate an increase in the exclusivity of access to elite religious gatherings and ceremonies such as marriages and oath-taking, which involved contact with patronised reliquary monuments (Driscoll 1998: 173-7). However the juxtaposition of medieval church sites *beside* or in close proximity to assembly settings seems to indicate a more sophisticated construction of space, typified by the development of centres where the setting for the provision of legal dispute, and perhaps popular celebration, was physically located beside the focal place for congregational worship.

Numerous examples of the juxtaposition of assembly sites with medieval church centres can be identified in Scotland. Examination of Figures 6.25a-s shows that this is a widespread phenomenon, showing no particular bias to the apparent ethic/linguistic derivation of the assembly site, such as Scandinavian Norse or Gaelic. As has been seen in Chapter 4 a link may have existed between the development of parochial units in Scotland and the institutions and settings of early medieval assembly sites. In this way the basic administrative unit linked to an assembly site may have influenced the development of medieval parochial units, for which the religious centre of congregational worship and burial was the church, juxtaposed with the local court site. The juxtaposition of church and parochial assembly site can be seen as perhaps the most obvious physical

link which alludes to the medieval church's interest in the setting of assemblies. A parallel from a different context can perhaps be seen in the frequent juxtaposition of mottes, influenced by Anglo-Norman models, with medieval parish churches and parish centres; although this involved military considerations and concerns of suzerainty, mottes were also foci for judicial and lordly authority (Tabraham 2005; *cf*. Driscoll 1998). A prime example in Scotland is the position of Inverurie medieval parish church beside the Bass of Inverurie, deemed to be a classic example of a motte and the seat of Earl David of Huntingdon (Stringer 1985: 68-79). However where such sites are clearly located at centres of earlier significance, such as Inverurie, it may be possible that the motte-church juxtaposition mirrors an earlier arrangement, whereby an assembly mound was augmented for the purposes of a motte, post-12th century. Further excavation would be required to properly assess this, but it is interesting to consider that the processes of communality indicated by the location of judicial assembly mounds beside local centres of congregational worship, may have been recognised and appropriated during the later medieval period. This appropriation may have assisted the development of lordship and social control by the siting of fortified caput at recognised customary court-sites.

However, the juxtaposition of assembly mound and medieval church indicates a distinct and earlier developmental process. One issue of relevance may be the possible appropriation of pre-Christian assembly-cult sites for the location of medieval churches in Scotland (see section 6.2). In such cases we may posit that in general the assembly site was the primary feature, with the Church forming connections with established places of gathering throughout the early historic period. This may be most clearly seen in the common occurrence of a major church at royal centres. Barrow (2003: 54) has also noted that early monastic foundations such as Deer in Buchan may have been bestowed royal demesne territories, equivalent to early shire administrative units. Such grants might reasonably be expected to have the accoutrements of other multiple-estate centres, including a *caput* and assembly site (see Driscoll 1991: 98). At Deer this is perhaps borne out by the proximity of the place-name Quithel to Old Deer and the later Cistercian Abbey (to the W of the original monastery site). Quithel is a possible *comhdhail* 'assembly' place-name, and the *caput* associated with monastery was at Aden on the opposite bank of the Ugie Water from the church (see section 4.2.1.4; Table 4.1, no. 8;

Figure 6.26). Moreover the close association of assembly settings to other early monastic centres such as Dull, Dunkeld, Rosemarkie, Whithorn, Cararae and Rosneath may contribute to the understanding of this phenomenon (Tables 5.1, no. 17; 4.2, no. 2; 4.3, no. 4; 4.5, no. 17; 4.6, nos. 17, 30). In a royal context this may also be seen, most notably at Scone, and as Driscoll (2003; 2004) suggests at Govan too, but also at Forteviot if the juxtaposition of Haly Hill to the royal centre and church site (though the original location of this is not yet clear) is accepted as a parallel to other assembly mounds (*cf*. Aitchison 2006: 38-42, fig. 5).

It may be that the apparent interest in early assembly practices by the Church derived in some part from a concern to control burial rights. This may also have been accompanied by the Church's interest in associating itself with the setting of assemblies where hereditable rights were negotiated and secular power conveyed on the advent of a death among the landed elite or intermittent dynastic shift. The shift in elite settlement away from upland sites from the 8th century discussed by Foster (1998) and Driscoll (2004) may perhaps be understood in this context. The heightened interest of secular elites in the exclusive architecture of royal chapels in the late Pictish period (Driscoll 1998) may also have coincided with a desire for royal centres to be developed around the elite cemeteries. If it is supposed that lowland early historic centres such as Forteviot and the predecessor to Scone were associated with rites of the dead prior to their development as royal settlements in the 8th and 9th century then the changes brought about by the Church may perhaps be understood further. For instance the ecclesiastical control over burial rites, the promises of the Christian afterlife and the social stability inferred by models of old testament biblical motifs of kingship, may have been the prime influences behind the transformation of lowland pre-Christian cult centres into pre-eminent royal complexes. It is significant, therefore, that at least three of the traditional centres of the mormaers in the NE also have associations with assembly monuments, as for instance at Kerriemuir where the Court Hillock (Table 4.6, no. 6; Figure 6.25h) is a short distance to the W of the early church centre (indicated by a notable collection of sculptured cross slabs). The adjacent assembly mound and St Clement's church at Dingwall may also be noted for Ross (Table 4.7, no. 2; Figure 6.25d). However it must be pointed out that the traditional centre of the Buchan earldom at Ellon is significantly removed from the

ecclesiastical core of the region at Old Deer to the N (Table 4.8, no. 1; *cf.* Young 1998; see section 6.6.2). Nevertheless, centres of bishoprics at *Aberdon*, its predecessor at Mortlach (see section 4.2.6.1), Whithorn and Glasgow are also notably associated with possible early medieval assembly mounds or hills (see Table 4.5, no. 11; Table 4.6, no.17; Table 5.1, no. 1; see section 4.2.6.1). With these examples we may again be seeing fragmentary evidence for assembly sites, originally associated with early administrative units, around which the infrastructure of the medieval Church's temporal power was initially consolidated.

6.7.3 Church and hereditable jurisdiction

The role of the medieval Church in hereditable jurisdiction over landed property can be seen in the involvement of ecclesiastical authorities in the use of outdoor assembly settings as the venues for civil courts. In Chapter 5, various cases of ecclesiastics presiding over or involved in courts held at outdoor settings were discussed. This shows medieval ecclesiastics' awareness of and willingness to engage with legal gathering places, places that it is argued were set within traditional cultural landscapes. Examples include Dull, where the Prior of St Andrews heard pleas, held seemly at a megalith; Old Rayne where the Bishop of Aberdeen was prepared to partake in a justiciary court at a stone circle; and Carnconnan Hill where the Abbots of Arbroath and their representatives oversaw capital courts, apparently upon a substantial cairn of the same name (see section 5.3.2.2). It is perhaps likely, although in no way clearly documented, that aspects of Canon and Roman law would have been instigated by ecclesiastics, and latterly engaged with by their notaries at such courts (see section 2.4.2.1). If so this would indicate an essentially customary approach to the setting of judicial assemblies, paralleled by the well-attested general influence of continental systems of jurisprudence amongst the Church from the 12th century. Furthermore the vested interests of ecclesiastics in such traditional court settings is likely to have encouraged preservation in the documentary record of the use of such sites, although it may perhaps be supposed that secular

counterparts to these practices were widespread, even if not yet wholly represented in the written sources (see sections 3.4.1 and 5.1).

The judicial as well as religious role of the dewar has also been widely documented (see section 2.5.3). The use in legal process of medieval saint's relics, such as for the taking of oaths and the impunity of the officer who was custodian of them, may also have influenced positioning of churches in proximity to assembly sites. Indeed in medieval Scotland the proximity of a church, which might contain the remains or objects associated with a saint, to a court site may have invoked a religious incentive for the legal process to be followed peaceably under threat of retribution from the relevant saint. For instance, prior to the 13th century such associations may have played a role in the ecclesiastical supervision of judicial ordeals (see section 2.4.3). Again the cultural significance of court settings may have been a factor in this, as sites which show hagiographical associations or display overtly Christian symbols, such as a sculptured cross, may attest (see section 6.7).

6.7.4 Conclusion: assembly sites and the medieval Church

In summary, as in other areas of medieval Europe, the medieval Church in Scotland had an important role in the development and integration of the practice of law into wider medieval society. This was a reciprocal process whereby the early Church was integrated with traditional social landscapes and engaged with established centres of gathering. This process is likely to have begun with the conversion period and is exemplified on one level by the juxtaposition of monuments used as early medieval assembly settings, predominantly mounds, with medieval church foundations. In some contexts where the evidence for assembly practices is not from a contemporary historical source, the association of an early church foundation with a possible setting might be used as a preliminary indicator to inform the early provenance of the neighbouring assembly site.

6.8 Conclusion

This chapter has considered numerous aspects of historical features found in association with medieval assemblies and their settings. These included indications about the possible forerunners of medieval settings, and their later medieval cultural significance. The variety of themes covered in this chapter do not always appear closely related in content and implications for the subject as a whole. However it is hoped that these apparently dissimilar sections have, as a whole, illustrated the multiplicity of cultural settings within which medieval assembly sites in Scotland developed, functioned, changed in social significance or became marginalised. Discussion of early Celtic place-names, centred around *nemeton* and *coria* names, has emphasised the religious content of pre-Christian and to some extent early historic assembly sites in Scotland. This was reflected in the possible setting of assemblies during the transition between the Late Iron Age and early historic periods. The association of *nemeton* place-names and possible tribal centres with upland fortifications is presented as evidence for the settings of assemblies at the beginning of the early medieval and Christian period, approximately the 5th/6th century. Moreover it has been proposed that low-lying places associated with the focus for pre-Christian religious practices, possibly associated with the dead, were also significant as assembly places at this time, at least in NE Scotland. This is deemed particularly significant as the pre-Christian role of such sites may help an understanding of why the focus for elite assembly and settlement shifted to such lowland sites between the 9th and 10th centuries. Central to this process appears to have been the appropriation of such places by the early medieval Church, places often associated with notable natural features on rivers such as confluences and the upper reach of tidal waters. Therefore, in some notable cases it has been argued that an understanding of the developmental history of medieval assembly places cannot be divorced from an appreciation of pre-Christian sacral landscape from which such centres were appropriated at the onset of the historic period in Scotland.

An appreciation of the possible significance of conceptual landscapes was directly relevant to the discussions presented in this chapter concerning the reuse of prehistoric monuments, adaptation of natural features and the proximity of boundaries to medieval

assembly places. Discussion focused around the possible symbolic roles of assembly settings and the implications these had for the enactment of practices at such sites. Key insights included the now strong indications that prehistoric monuments of various forms continued to be employed in Scotland into the later medieval period for courts. Moreover, both prehistoric and especially natural settings were deemed highly important for the archaeological study of assembly practises and settings. This was because such features may act as important conduits by which the archaeologist is challenged to consider conceptual aspects of the use of these places as assembly settings. It was also illustrated that such considerations may also be made in combination with more functional interpretations, and that these dual aspects of the use of such settings may have been shared parts of the medieval experience of these places. Evidence for the common proximity of assembly settings to territorial boundaries was seen as indicative of the often liminal geographical position of assembly sites, which conversely may in practice have been an aspect of the communal role of such gathering points. Pertinent to this was the importance of medieval court sites as places where legal disputes arising between members of distinct territorially-defined communities could be settled. This aspect of communality also emphasises the role of court sites as venues for a range of additional collective social activities between neighbouring communities, and assists in the understanding of indications within the evidence for market and fair activities occurring at medieval court sites (see for example section 5.4.4).

The emphasis upon aspects of the landscape in this chapter and the diversity of practices at assembly sites has stressed the importance of a holistic methodological approach when investigating the archaeology of medieval assemblies. Furthermore, the potential for innovative investigative methods has been identified though a consideration of how an archaeology of natural assembly settings might be achieved. This included the requirement to include *augmentation* as an indication of assembly practices and also perhaps most significantly the potential of the *material culture of medieval assembly practices* (first discussed by Hall (2004) in regard to fairs and markets). Potentially the most innovative proposal for a future investigative approach to the latter subject area is the adaptation of systematic metal detector survey techniques used in battlefield archaeology for the investigation of assembly sites. This could help define the spatial

organisation of assembly practices at settings and inform aspects of dating, variations in the social class of individuals present at assemblies, help define types of artefacts indicative of assembly practices, and compliment the non-intrusive survey techniques used in the case studies presented in this thesis.

The discussion of later medieval responses to assembly sites has emphasised the changing cultural significance and role of specific central places during the extended medieval period. Key to this was the continuity of the legal significance of place in relation to the role of the *caput* from the 12th century onwards, which in some cases seems to have meant the re-appropriation of what had been an elite residence and fortified site into a late medieval assembly setting, possibly out-door in format. Apparently linked to this phenomenon was the role of tradition and perceived convention which led to the use during the late medieval period of settings for courts and sasine ceremonies that appear also to have been early medieval assembly sites. Central to this subject were the role of the Court Hillock of Kerriemuir, Earl's Hill of Ellon and Moothill of Dingwall as venues for the 'inauguration' of the late medieval Earls in Scotland, in the sense that these were the regional locations where sasine of the earldom's title and lands were taken from at least the 15th centuries. The possibility that these represent the continuation of early medieval inauguration sites, comparable with the Moothill of Scone and possibly the Doomster Hill of Govan, was also reiterated.

The chapter also included the consideration of the extended significance of a medieval central place, through the somewhat different context of the site of comital lordship at Catter Law mound in the earldom of Lennox. This presented an example of the management of access to judicial powers by secular elites within the cultural environment of an essentially Gaelic lordship on the fringes of the southern highlands. The new findings from geophysical indicating a building on the summit of Catter Law, combined with historic evidence for the 13th to 14th century judicial importance of the site encapsulate the importance of medieval elite residences as a particular type of assembly venue, related to the provision and management of lordship. Apart from the unresolved issue of dating the archaeology from the geophysical results, Catter Law exemplifies the role of at least perceived convention and connection with earlier central places in the setting of high to late medieval judicial practice in the Lennox. This may also be the case

for other Gaelic lordships in Scotland, and the need for further work on the settings of medieval execution and judicial punishment sites was isolated based upon initial indications of the correlation between such and court sites. These considerations were quite distinct from how this chapter was opened with an examination of pre-Christian assemblies, and as noted, diversity has purposely characterised this initial discussion of 'associations and settings'. However it is through the medieval Church that clearer connections may be made between these seemingly disparate strands, and in particular insights gained into the early medieval development of assembly settings in Scotland. The chapter was closed with an examination of the important involvement of the medieval Church in the setting and practices of assemblies in Scotland. This included illustration and discussion of the integration of the early church with the development of medieval legal practice, the early phases of which are perhaps most clearly shown by the spatial association of church foundations and assembly mounds in Scotland.

Chapter 7: Conclusion

This conclusion summarises the key findings from the complete study and highlights areas for future research.

7.1 Review of historiography

The review of recent scholarship on assembly practices and settings in N and W Europe presented in Chapter 2 stressed the widespread predominance of the use of mounds as monumental settings for open-air judicial and royal practices. This was set against indications of regional variation in the use of other features such as level 'field' sites or the *staffolus* of the Continental *mallus* and Anglo-Saxon England. The concept of viewing assembly sites as larger laid-out spaces or complexes, rather than as a singular monument, has resulted from recent considerations of landscape in regard to the subject. Therefore features such as mounds and other elevated settings associated with an assembly site can be considered as *foci* for central assembly activities, around which wider practices may also have occurred (such as in the case of the Logberg, Thingvellir, Iceland; see section 2.3.4.1).

The common crossover of the settings for popular and judicial assembly practices was also noted, and appears not to be restricted to 'Celtic' regions of early medieval Europe. There is widespread evidence for the association of early historic cult practices and pre-Christian religious centres with judicial and royal sites on the Continent, Scandinavia, England, Ireland, and possibly in Wales. This phenomenon appears to be related to the association of early assembly sites with cemeteries and elite burial sites in Scandinavia and England. Conversely, in Ireland and Wales there appear to be perceived ancestral and supernatural associations with assembly sites, but not necessarily active burial rites. This may be a forerunner to the medieval perception of judicial assembly places as requiring sacred settings. There is also widespread evidence for the presence of specific judicial castes or legal officials with early medieval cult associations. While it seemed possible that many of the phenomena recognisable in early medieval Europe

would be relevant to Scotland, the review highlighted the vital requirement for a general study of the subject in Scotland from which comparative analysis could be made with other areas.

The review of previous scholarship on open-air settings for legal assemblies in medieval Scotland in Chapter 2 highlighted the dominant place of the Moothill of Scone in historical, legal history, and antiquarian discussion of the subject during the 18th to early 20th centuries. This dominance derived from the considerable influence of the precedent set by Sir John Skene's translation of the *Regiam Megestatem* and usage of the Scots 'Moothill'. Coupled with this was the infancy of philology, related toponymics, and archaeology during the 18th and 19th centuries, which made the identification of wider analogies of open-air court sites in Scotland problematic. Confusion about the historically-attested use of megalithic sites for medieval courts occurred in early studies. This reflects a general uncertainty at the end of the 19th century regarding the physical settings of early legal practices in Scotland. The growth in place-name scholarship into the 20th century brought about a revitalization of the subject. The development of medieval archaeology as a discipline during the latter half of the 20th century and a seminal study of relevant early Gaelic place-name elements by Barrow in the 1980s has gradually led to a realisation of the archaeological potential of the subject. Archaeological consideration of the subject in Scotland has however largely focused on royal sites and particularly the medieval inauguration sites in Scotland at Scone, Finlaggan and Dunadd. Driscoll's (1998; 2003) investigation of the Doomster Hill, Govan, and localised investigations of assembly sites in Perthshire (Hall *et al*. 2005) are innovative exceptions and have demonstrated the wider potential of the subject. There is also a growing acknowledgement of assembly studies as a defined subject matter as a result of a group of significant publications and studies (Barnwell and Mostert 2003; FitzPatrick 1997; 2004; Pantos 2002; Pantos and Semple 2004). These works demonstrate the value of multidisciplinary methodologies for the investigation of the often ephemeral traces of medieval assembly practices.

7.2 Place-name evidence and early medieval assemblies

The published evidence for place-names in Scotland directly indicative or suggestive of assemblies were brought together for the first time, and further supplemented by the results of a preliminary survey of other possible examples. This culminated in the inclusion of over two hundred occurrences of assembly place-names. This corpus was used to illustrate distributions of different place-name elements in order to consider their linguistic and historic significance. The locations associated with these place-names identified a diversity of possible settings for early assemblies. Of the sites that could be identified with a setting, the largest proportion (45%) were characterised by archaeological monuments. These included earthwork enclosures, remains of dry-stone forts, islands, megalithic monuments, and settlement mounds, but the majority of settings were characterised by mounds and to a lesser extent cairns. The use of mounds as assembly settings has close parallels in many areas of NW Europe. However, the place-name evidence also indicated that a significant number (35%) of settings were natural hills and outcrops, a similar number to those identified as mounds or cairns (34%). Megalithic sites were the next most frequently occurring type (7%), and this confirms previous indications that the reuse of prehistoric monuments for medieval assemblies was not restricted to royal centres.

Reassessment of *comhdhail* place-names, their archaeology and landscape associations identified a particular link between natural hills and this place-name element compared with other names considered in Chapter 4. In NE Scotland a concentration of stone circles associated with *comhdhail* names was also identified. The general distribution, and associated historic landscapes and specific archaeological evidence at *comhdhail* settings was suggested to indicate the possible Pictish derivation of such court-sites, which were absorbed into Gaelic nomenclature. The long-term role of *comhdhail* place-names was stressed by the correlation of a significant proportion of such sites with medieval thanages (*cf*. Driscoll 1991; Grant in press) and the additional evidence for the continued use of these court-settings for later medieval franchise courts (*cf*. Barrow 1981; 1983; 1992). Further evidence for associations with church and secular centres of authority was also noted. G *eireachd* place-names and associated settings

demonstrated a link with general names for valley systems and rivers, but also focal points comprising of natural hills. Less common were *chomhairle* place-names which largely illustrate links with late medieval Gaelic lordship. The potential for *aonach* place-names, which are indicative of markets, to be associated medieval practices was also highlighted.

Gaelic *mod* place-names, from Old English *mōt*, show a clear link with mounds and hills. Their distribution is mainly along the SE extent of the highland massif and NE length of the great glen, along a historical zone of linguistic interface between Gaelic and English. Conversely, Germanic *mōt* was mainly located in the NE and central lowlands, with a significant small group in the SW. *Mōt* examples were argued to represent the early infiltration of English into the nomenclature of previously established assembly sites. This was suggested to correlate with two broad chronological phases: from the 10th and 11th centuries during the transition from the Gaelic polity of Alba to the Kingdom of Scotland; and later medieval phases possibly from the 14th century when existing judicial court sites were interpreted within a vernacular Scots legal context. This later phase may have corresponded with the adoption of English *mōt* into Gaelic as *mod* and the renaming of existing Highland court-places. The possibility that Anglian influence may account for sites in the SW must also be considered, but this would not account for the curious absence of *mōt* examples identified in the this study from the SE. A separate Old Norse influence was noted in two *mót* examples in the Shetland Isles. A similar distribution was illustrated for 'court' place-names which show a strong association with mounds and hills as possible settings. The derivation of the 'court' from middle English suggests these may relate to a general post-11th century linguistic infiltration and perhaps the renaming of existing assembly sites associated with estates and localised territories.

The occasional correlation between medieval court-sites and Scots *threip*, indicting sites of disputed properties or locations for judicial disputes, requires further investigation. Limited evidence for Welsh court place-names was found, though the minor possible examples noted suggested the important need for further research, although it is possible that the *gorsedd* mound was not prevalent amongst the Britons of S Scotland. For instance although the Doomster Hill at Govan appears to have a Brithonic place-name its meaning is not particularly indicative of assembly practices. A possible

derivation of Scone from Pictish *skon*, cognate with L *Scamnum* meaning 'seat', may suggests links with aspects of royal assembly, similar to OI *forad* and Welsh *gorsedd*.

The extensive investigation of *þing* place-names identified the archaeological signatures of these places in Scotland, and noted the main concentration in the Northern Isles. A close correlation with the names of parish churches and *things* may indicate the development of territories from assembly districts. Mounds were particularly common as settings and included reuse of the remains of 'broch-mounds'. The general distribution corresponds with the Scandinavian settlement in the N and NW of Scotland from the 9th century. The outlier in Dumfriesshire is likely to relate to settlement in N England and the Irish Sea. The link of valley or 'field' place-name elements such as *vollr* with a large proportion of the *þing* examples in Scotland has close analogies with other areas of Scandinavian settlement, and stresses the important role of level field or enclosure areas as the main space for general assembly, associated with a focal monument where the core of the court was convened. Indications of stepped mounds are found at Dingwall (Ross) and Tinwald (Dumfriesshire), which appear to have been similar to the form of the mound at Tom Na Croiseige (Inverness) (Table 4.9, no. 12) and Driscoll's proposed reconstruction of the Doomster Hill, Govan (see Driscoll 1998c: 102). These are part of a wider phenomenon of stepped assembly mounds focused on the Irish Sea region, perhaps developing from the model of Tynwald on Man from the 9th and 10th centuries. Geophysical survey at Tinwald, Dumfriesshire has produced strong corroborating evidence for the original stepped form of Tinwald Motte, a strong candidate for the *þing* site, which was then reused for a motte and bailey castle. However an alternative candidate for the *þing*-place might be the nearby Tinwald Downs where evidence for a post-medieval *wapentake* may have preserved medieval practices.

Chapter 4 presented the first attempt to define the archaeological and topographical signature of place-names indicative of assembly throughout Scotland. It is anticipated that further toponymic study will bring greater definition to this place-name evidence. In general, Chapter 4 reiterated the valuable role of the combination of place-name and archaeological evidence in the investigation of assembly-places.

7.3 Historically-attested assemblies

Historically-attested outdoor courts from the 12th to 17th centuries were associated with a variety of settings which included natural hills, mounds, cairns, stone circles and standing stones. The types of courts represented were also varied and included franchise courts for capital pleas and sites used on justiciary ayres for civil cases. A peak in the number of examples attested during the 14th century preceded a decline indicative of the general fading of open-air courts and increased centralisation of civil judicial practices. It is proposed that the examples discussed in Chapter 5 represent the persistence of customary settings for medieval law, which continued to be used in Scotland after their decline in England. A significant proportion of the historically-attested court settings discussed are associated with indications of their early significance as assembly sites, either through a place-name or historic landscape features. An association with market activities and fair-sites was also noted, further confirming a link between judicial and popular assembly activities at open-air sites. The willingness of the medieval Church to engage with apparently customary court settings was also illustrated by the involvement of ecclesiastical authorities at these courts.

Tillydrone (Aberdeen) provided a rare case study of an assembly site which has been excavated. A re-evaluation of the excavation results proposed that the minor timber enclosure on the summit of the natural hill has been used as a fence for medieval courts. This may have related to the 14th-century account of courts likely to have been held at the site by the Bishop of *Aberdon* (Old Aberdeen). The Clochmabenstane (Dumfriesshire) case study illustrated the use of a megalithic site for judicial and market assemblies over an extended period, from the early 13th to 16th centuries, and drew attention to the association with a battle site. This was shown to be one of numerous court sites along the national borders between England and Scotland which functioned as legal mediation sites for the neighbouring communities. The Clochmabenstane and other border meeting places appear to be sites of extended antiquity associated with strategic communication route-ways and crossing points over natural boundaries. Chapter 5 provided a preliminary chronological framework for the use of open-air settings for courts in high and later medieval Scotland, and placed this in context through the detailed discussion of the court

settings and associated landscapes. The results are interpreted as indicating the customary derivation of the use of such places for assemblies.

7.4 Associations and settings

Several themes of the historic associations identified with assembly-places and the cultural significance of their settings were explored within Chapter 6. The reassessment of place-name evidence relating to pre-Christian practices highlighted the connection between cult-judicial practice indicated by *nemeton* places and hillforts which also have other sacral associations. This also stressed the role of sacred groves and tribal gathering places as the forerunners of medieval assembly practices. The shift in the setting of elite centres during the last centuries of the 1st millennium AD to lowland royal sites was suggested to have incorporated a different kind of existing cult centres associated with culturally significant locales along river valley systems. The association in Pictish regions between these sites and early churches was argued to indicate the appropriation of pre-Christian centres. These cult locations were suggested to be associated with the dead and supernatural presences within a polytheistic belief system, perhaps comparable with Hindu pilgrimage centres at river confluences. It was posited that in Scotland these locations may originally have related to assembly sites focused on the rites of the dead, comparable with the role of pre-Christian cemeteries for assembly in early Anglo-Saxon England and Scandinavia.

This study has demonstrated that prehistoric remains were used for courts not just during the early medieval period but also during the high medieval and late medieval periods. The place-name evidence also indicated that this practice was not limited to royal centres and that prehistoric monuments may be seen as stable features of the medieval landscape which acted as symbols for collective memory of oaths and the judicial outcomes of Customary Law enacted at such settings. The physical attributes of megalithic sites may have been used to define symbolic aspects of medieval judicial space, such as the fence and extent of 'the peace of the court'. Previous discussion of the reuse of prehistoric remains for elite practices has focussed on the ideological

appropriation of such places. Here interpretation of lower-status assemblies at prehistoric remains focussed on the possible role of conceptual landscapes and the cultural stability of collective perceptions in maintaining their extended legitimacy as court sites.

The widespread use of natural places, particularly hills, identified in this study emphasises the need to consider such locations as an archaeological question. As with prehistoric sites, the interpretation of natural places as merely useful landmarks was viewed as inadequate, and more culturally-based approaches combined with functional interpretations were deemed necessary. The consideration of how to approach prehistoric and natural settings as a medieval archaeological question had implications for future research (see section 7.5).

Compelling connections between the position of medieval churches and assembly mounds were indicated. This illustrated the close interest of the early Church in Scotland with the processes of law and a keenness to be associated with customary places of gathering. The case study of medieval *tualch* place-names suggested specific examples had an early Gaelic meaning of an 'assembly-mound' comparable to Ireland. It also illustrated a widespread connection with medieval church centres in the NE of Scotland. A survey of archaeological and historical evidence relating to Mortlach suggested this as a possible early assembly-hill site associated with an important monastic church and pre-existing Pictish centre. The evidence for the involvement of later medieval ecclesiastical authorities within hereditable jurisdictions associated with open-air courts indicates a willingness to engage with customary judicial settings and to integrate with traditional practices that persisted in the medieval franchise courts.

The proximity of boundaries to medieval court sites was also identified as significant. This seems indicative of the inter-community role of courts and, drawing on Pantos (2003), suggests the significance of these places as *foci* for social communality despite their liminal geographical locations. Crossover between the setting of courts and market practices was also noted and suggested as perhaps relating to the derivation of judicial sites from popular gathering places. Market activities are an aspect of the use of open-air settings that may outlive their judicial purpose. The role of assembly sites within processes of lordship in late medieval Scotland was also explored through select examples. The legal afterlife of assembly mounds was illustrated by the connection made

between the retaining of ownership of a mound and secular titular claims. The case study of Catter Law explored the archaeology, history and landscape of this judicial centre of the Earls of Lennox. Geophysical survey identified a possible hall-like structure which suggests either the earlier medieval use of the site as a centre of comital authority set at a strategic position in the Lennox, or the provision of an indoor setting for the judicial practices indicated by 13th- and 14th-century documentary accounts. A bounded discussion of other execution sites identified an important area for future research. Other areas for future research identified by this study will now be discussed.

7.5 Avenues for future research

The extended case studies explored in this thesis have illustrated the effectiveness of a broad and multidisciplinary approach combined with site-based, non-intrusive fieldwork for expanding the archaeological understanding of assembly places. It is now clear that a wide range of sites identified in this study would also be appropriate for similar intensive investigation. This is particularly the case for the historically-attested sites discussed in Chapter 5 and detailed archaeological survey should be a priority here. The work already completed on these will allow definition of clear research questions tailored to each site, and a concerted campaign of surveys should provide a clear definition of common morphological and geophysical signatures. The general survey of place-name and secondary attested sites highlights the need for a campaign of topographical survey to supplement material in the SMR and fully acknowledge these places as a vital Scottish archaeological resource. The findings of the extended case studies will provide a basis for future site-specific investigations.

There is also a vital need for more rigorous place-name and historical investigation of medieval assemblies in Scotland than has been possible here in order to identify further sites and better understand assembly practices. In particular, the systematic study of notary protocol books may have the potential to expand understanding of later medieval judicial practices. Specific thematic areas for future research include the requirement of greater understanding of assembly-places and

practices in the NW and highlands of Scotland; further investigation of medieval inaugurations including non-royal sites for sasine ceremonies; and the multidisciplinary investigation of medieval places of execution and their relation to other judicial assembly-places in Scotland.

A significant implication of this study is that innovative approaches are required to define an 'archaeology of natural assembly-places'. Here augmentation of natural sites is a subject for investigation and archaeological recording. Also, the role of medieval material culture deposited at assembly sites is potentially very important. Stray metal-detected finds have been identified at a small number of sites in the study, but systematic investigation could reveal more meaningful samples. On this basis it is proposed that survey techniques developed in battlefield archaeology (Pollard 2006; Scott *et al*. 1989) could have an important application in assembly-studies. This would involve systematic recording of stray-finds retrieved by controlled sampling with metal detector survey, combined with the non-intrusive survey methods already advocated. To this end the author has instigated a pilot survey to investigate a sample of sites identified through this study. Retrieved finds have the potential to provide information about the date, kinds of activities, and spatial organisation of group assembly practices. This may also help define the extent of medieval archaeological remains at assembly sites in order to better understand the scale and kinds of activities enacted at them, but also to facilitate their definition and protection as archaeological sites. Material culture has the fascinating potential to further define assembly practices as an archaeological question, and to provide insights about the individuals who attended the judicial gatherings considered within this study. This thesis has established a broad ranging definition of the physical settings of medieval assembly places in Scotland. It is hoped that this will provide an appropriate foundation for the field of assembly studies in Scotland and contribute to wider understanding of the subject.

The Setting and Practice of Open-air Judicial Assemblies in Medieval Scotland: a Multidisciplinary Study

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Figure 2.1 Reconstruction of building E at Yeavering and associated structures
(Hope-Taylor 1977: fig. 57).

Figure 2.2 Aerial image of Gamla Uppsala showing linear migration period cemetery of burial mounds with adjacent Tingshögen mound (bottom right end) and neighbouring church (right edge of image) (from Persson and Olofsson 2004: 561, fig. 13; original image Halling 1926).

Figure 2.3 Thingvellir, Iceland showing the *Logberg* marked by a flag pole beyond the cliffs of the fault line and the plain below (Graham-Campbell 1994: 220).

Figure 2.4 Tynwald Hill, Isle of Man, by Grose 1787.
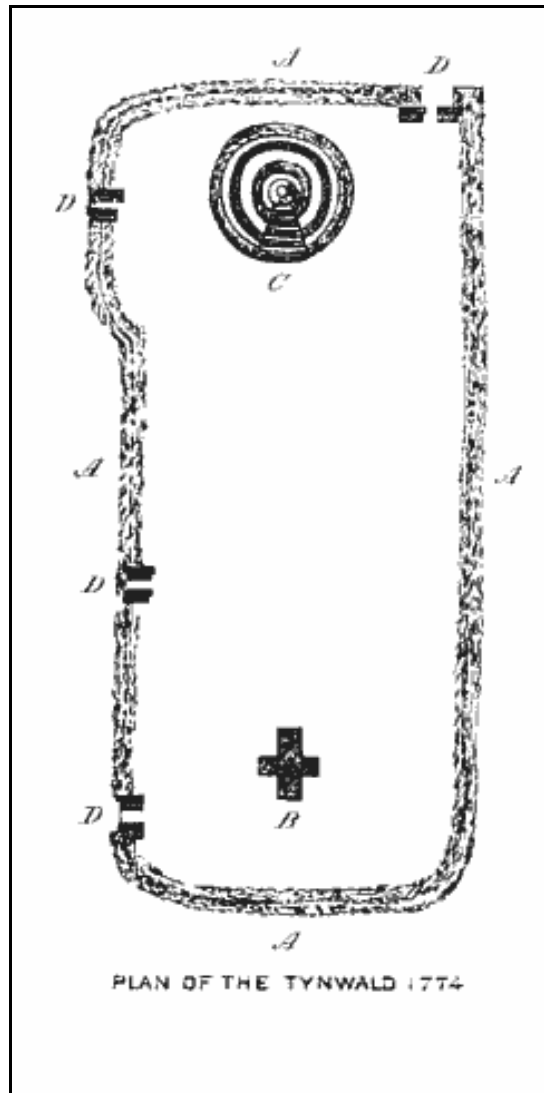
Figure 2.5 Plan of Tynwald Hill, oblong enclosure and St John's church by Francis Grose (Douglas 1793: 172).

Figure 2.6 Tynwald Day, Isle of Man showing Tynwald Hill assembly in progress and St John's to right (from FitzPatrick 2004: 150, pl. 14, original image Smith 1795).

Figure 4.1 Distribution of *comhdhail* place-names, surviving and modern names (i.e. found on
OS maps) (left), and obsolete names known only in documentary sources (right)
(from Barrow 1992: 243-4).
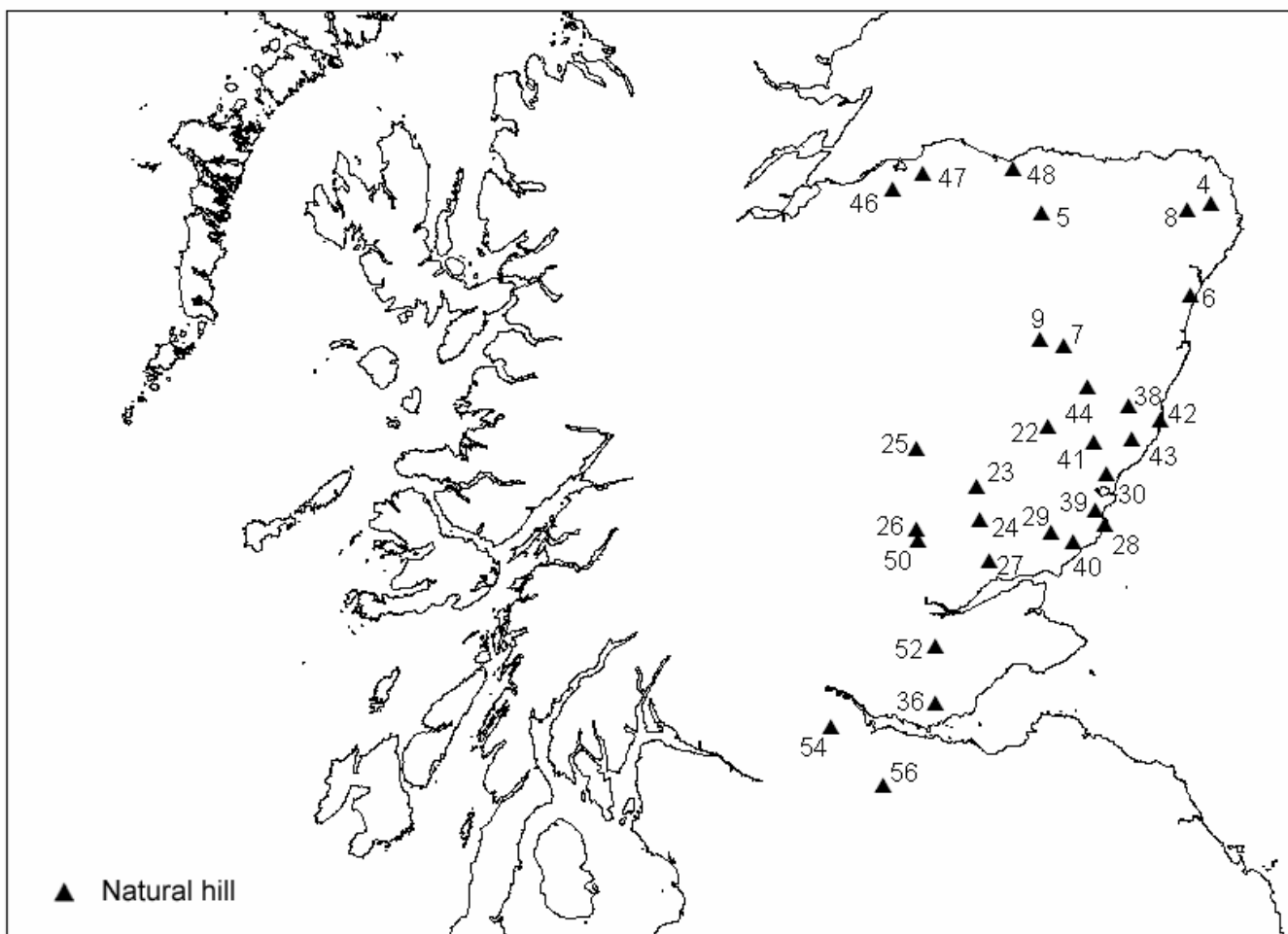
Figure 4.2 Distribution of *comhdhail* natural hill sites (see Table 4.1).
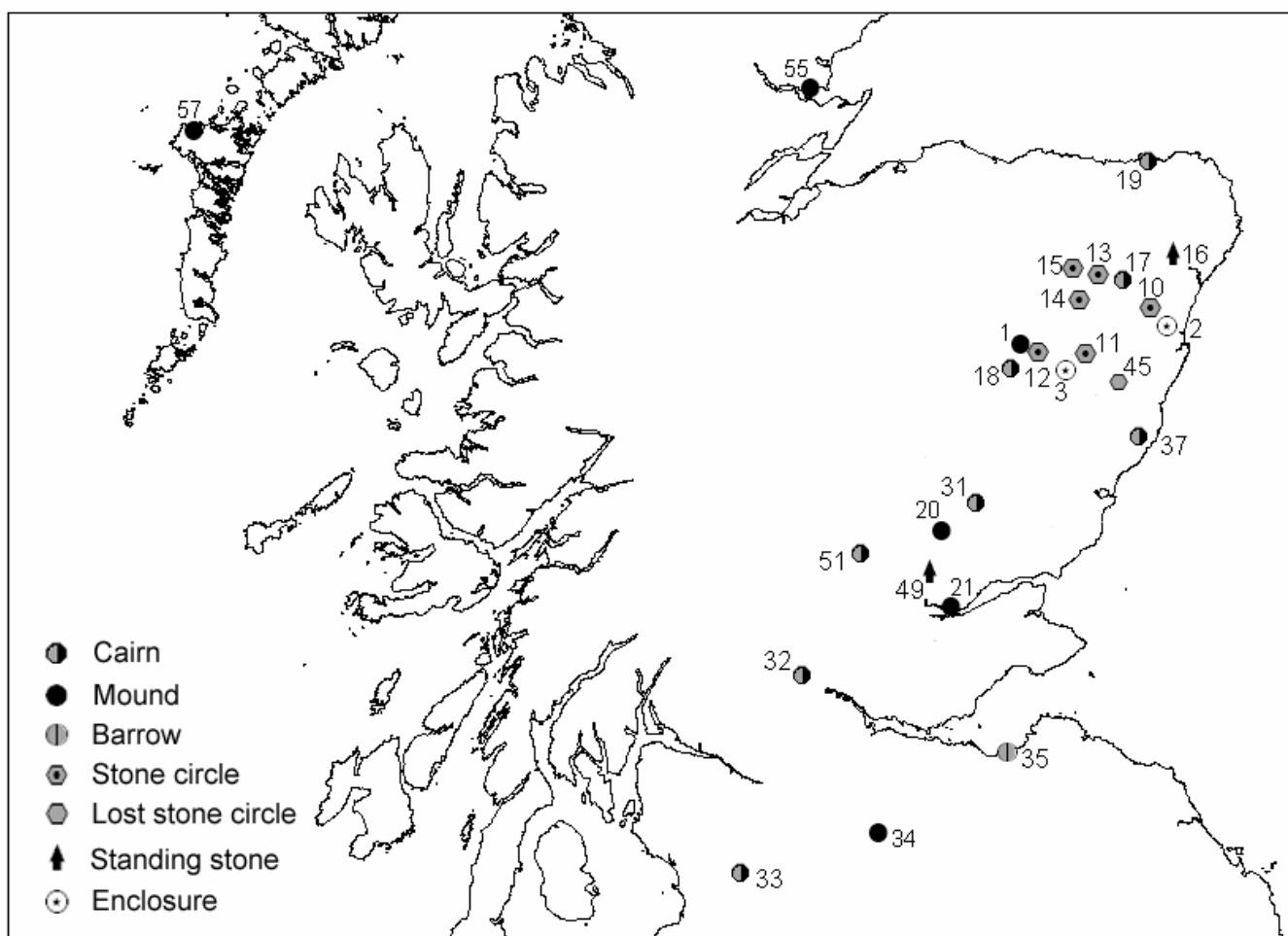
Figure 4.3 Distribution of *comhdhail* sites associated with archaeological features (see Table 4.1).

Figure 4.4 Standing stone on site of stone circle and inscribed with Pictish symbols at
Cothill, Craigmyle, Aberdeenshire (see Table 4.1, no. 11).
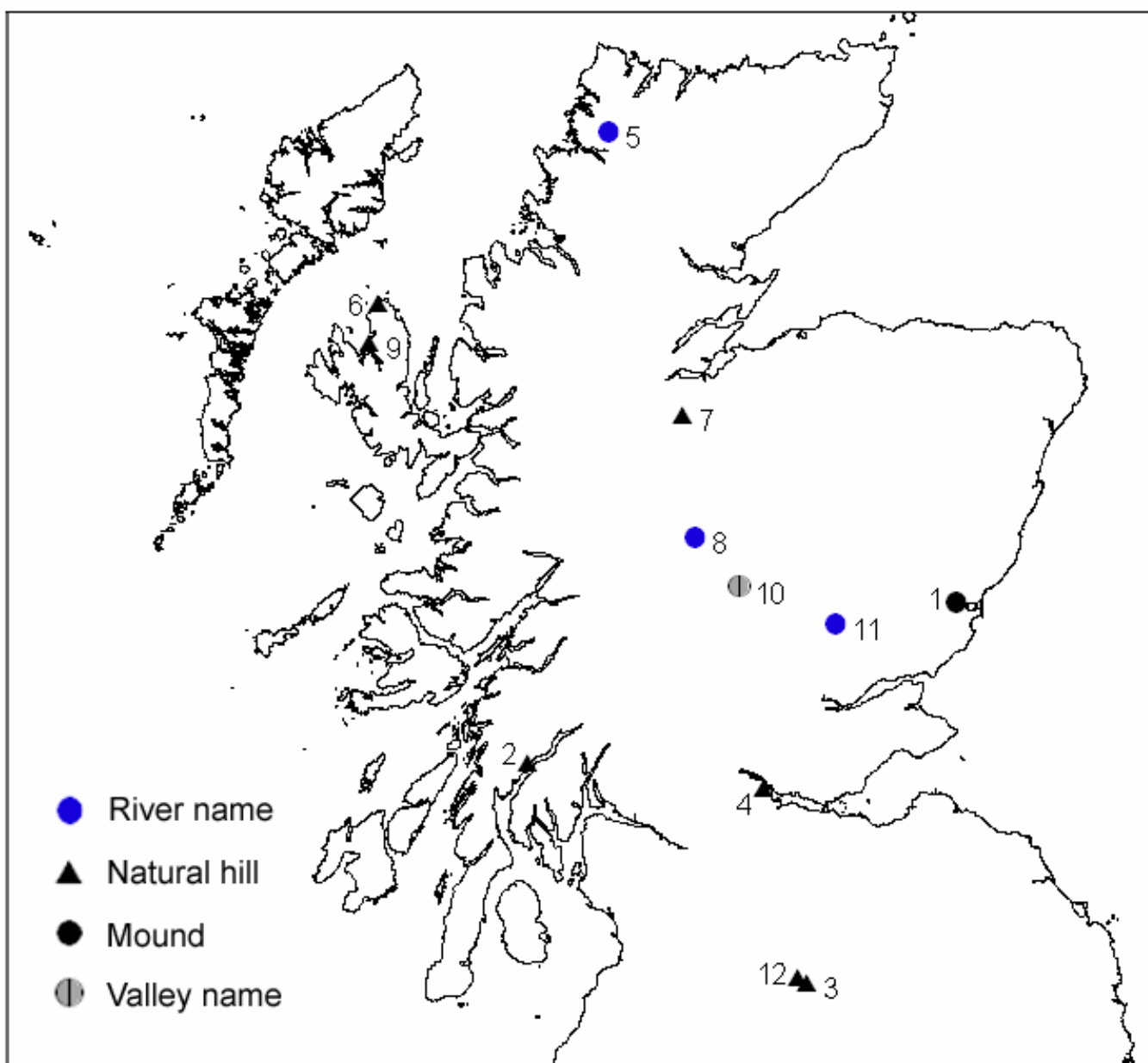
Figure 4.5 Distribution of *eireachd* sites (see Table 4.2).

Figure 4.6 (Top) *Cnoc an Eireachd*, Duntulm, Isle of Skye (from the SE).
(Bottom) Illustration by William Daniell in 1819 of Duntulm Castle with
Cnoc on right and Tulm Island off the promontory to left (from Miket 1990:
57).
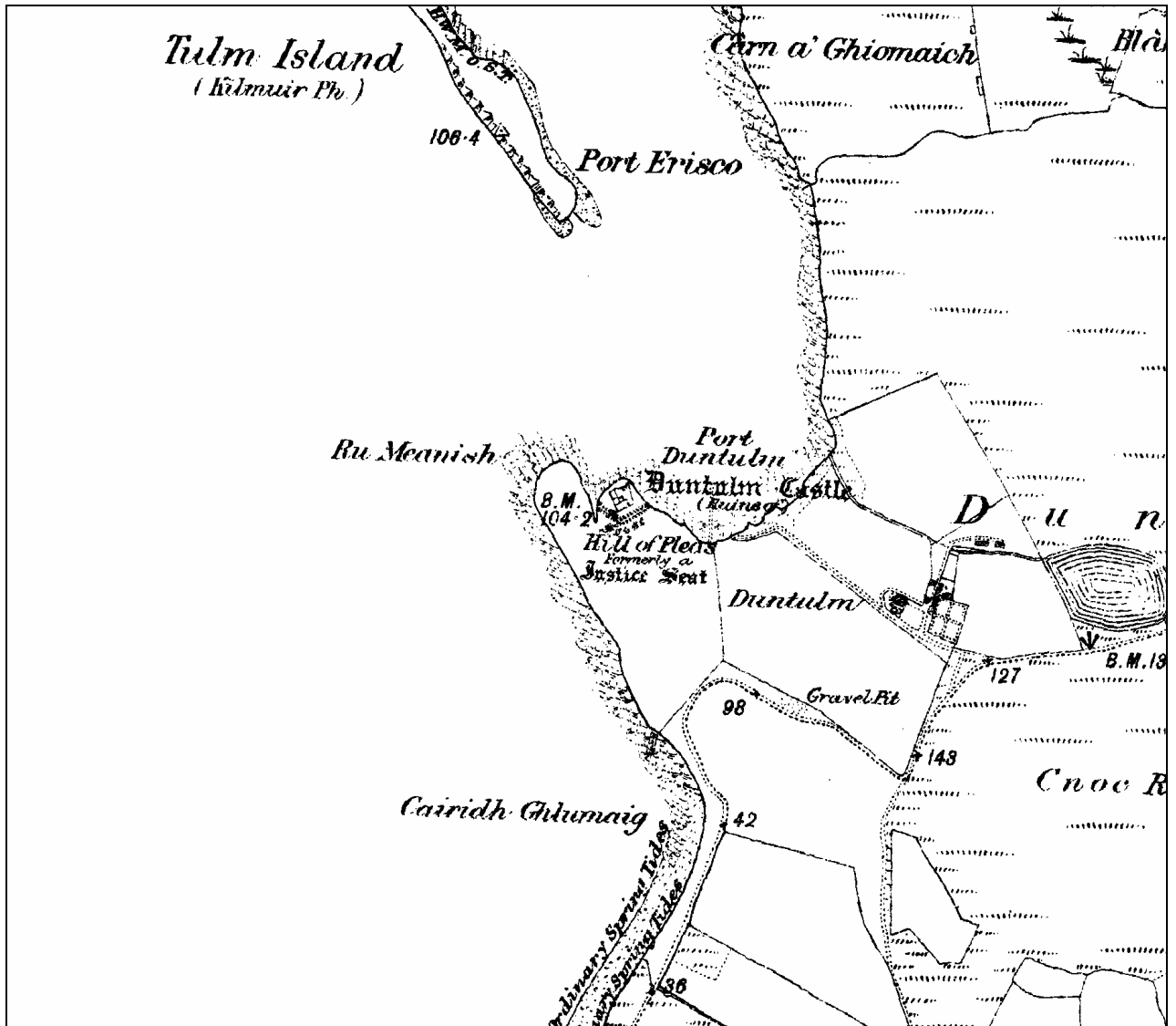
Figure 4.7 1st edition OS 6":mile map showing Duntulm Castle and 'Hill of Pleas', Isle
of Skye (1878 'Isle of Skye').
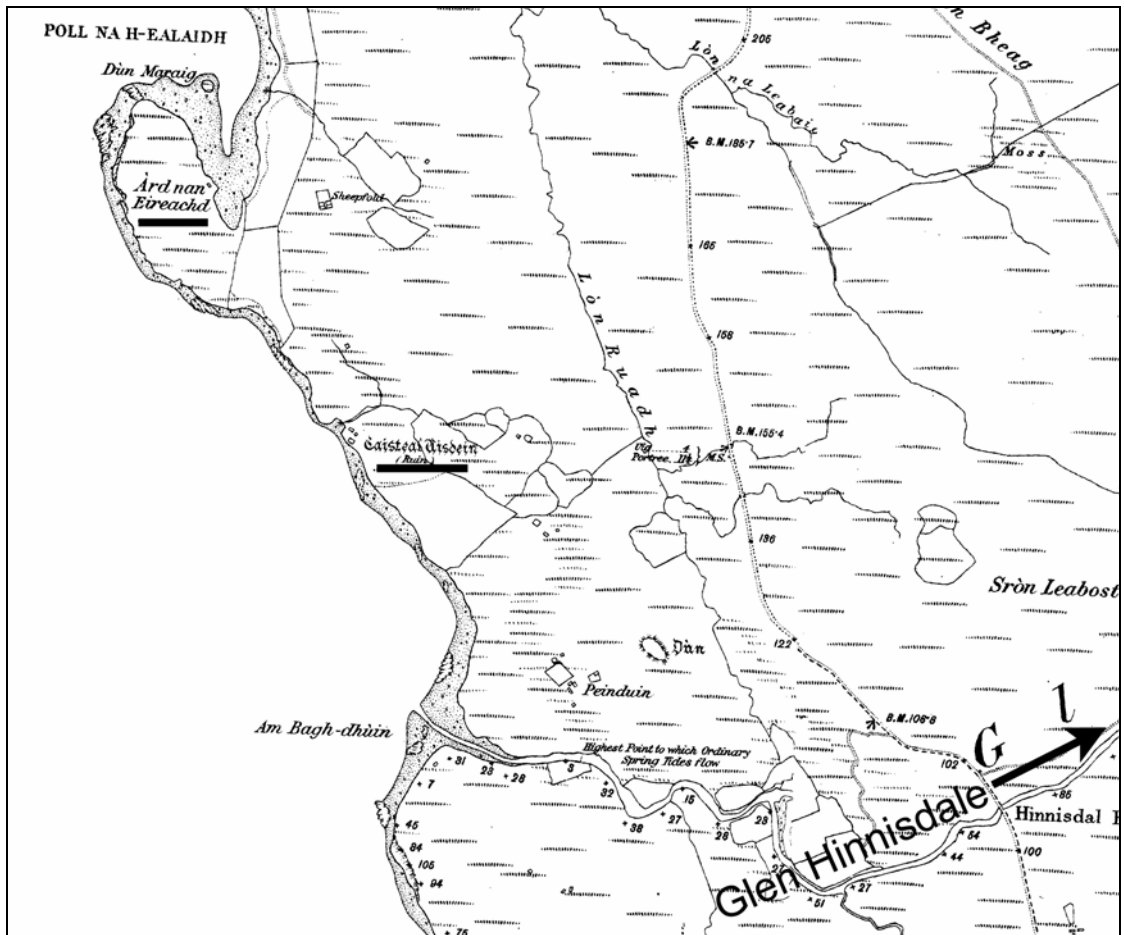
Figure 4.8 (Top) *Ard nan Eireachd*, Isle of Skye, from the SE.
(Bottom) 1st edition OS map 6": mile (1881) showing *Ard nan Eireachd* (top right), *Caisteal Uisdein* and mouth of Glen Hinnisdale.

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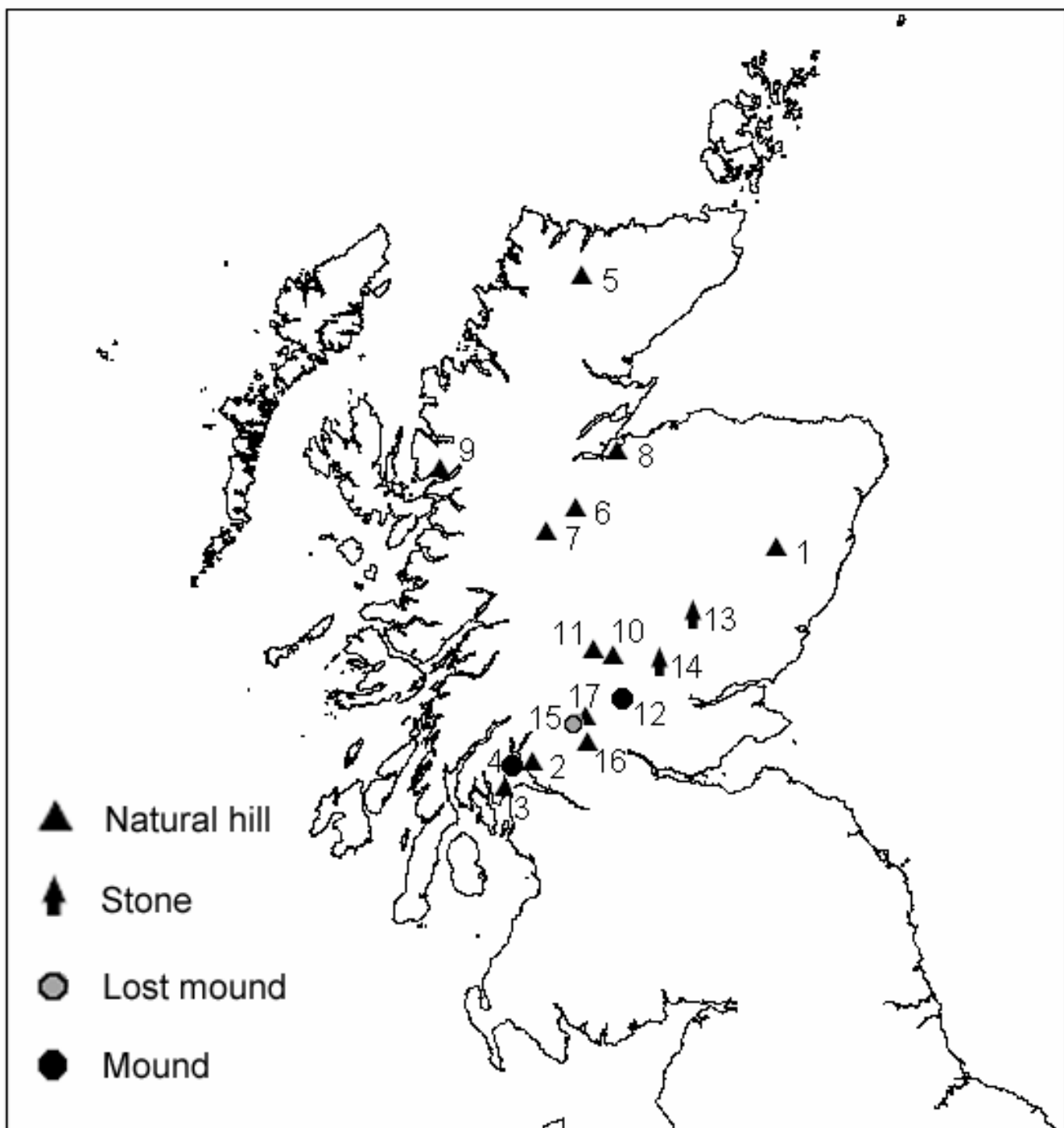
Figure 4.9 Distribution of *mòd* sites (see Table 4.3).
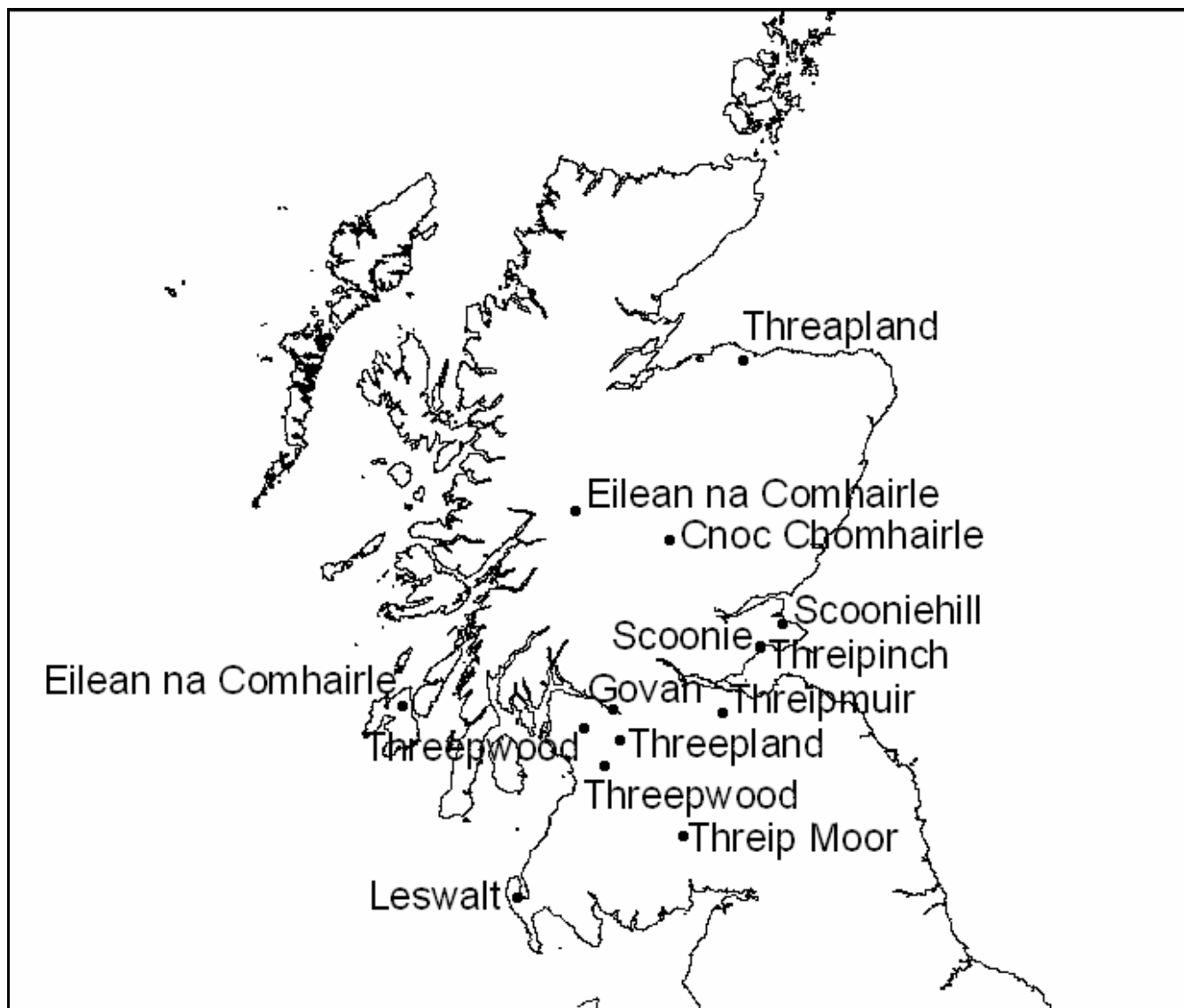
Figure 4.10 Distribution of miscellaneous sites mentioned in text (see Table 4.4).
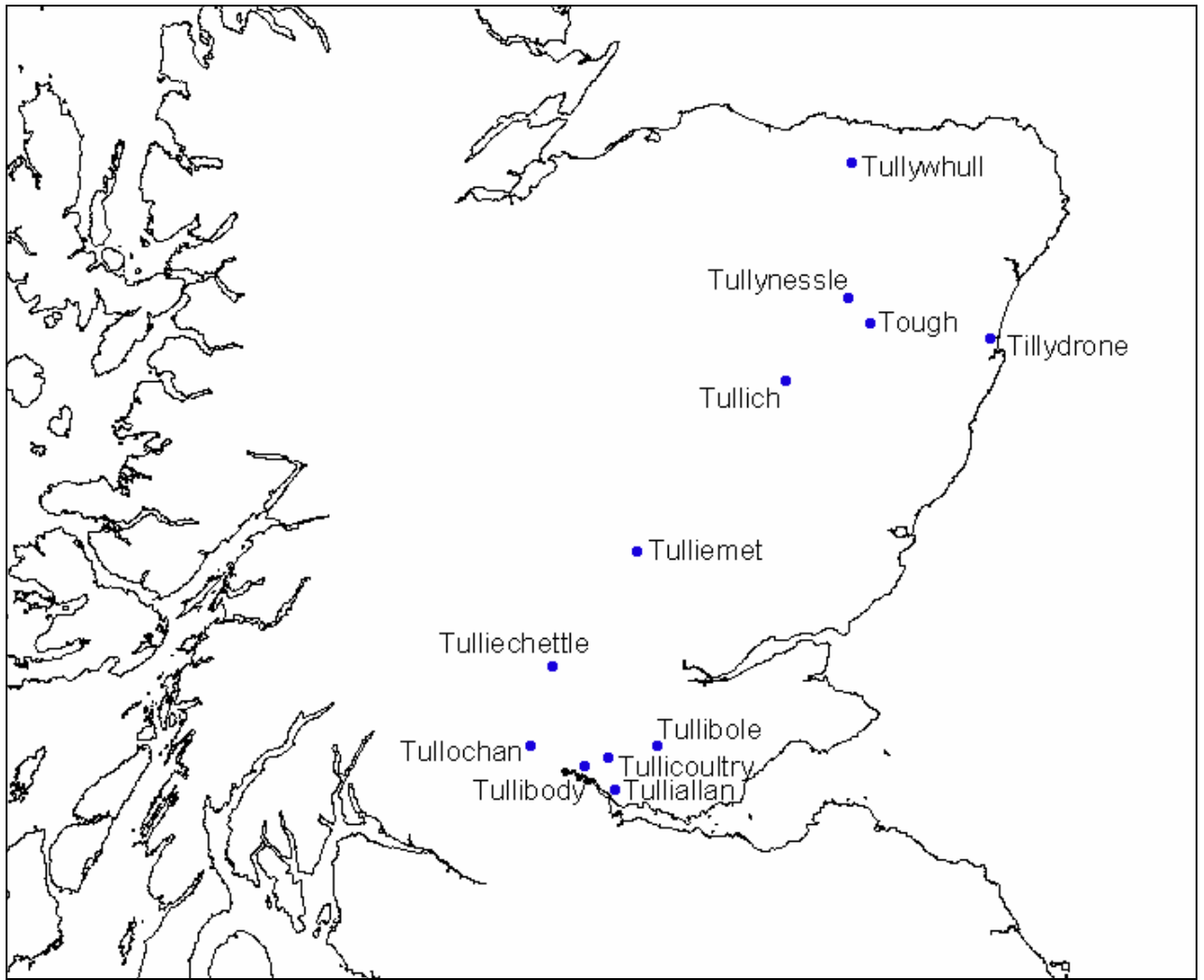
Figure 4.11 *Tulach* locations mentioned in text (see Table 4.5).
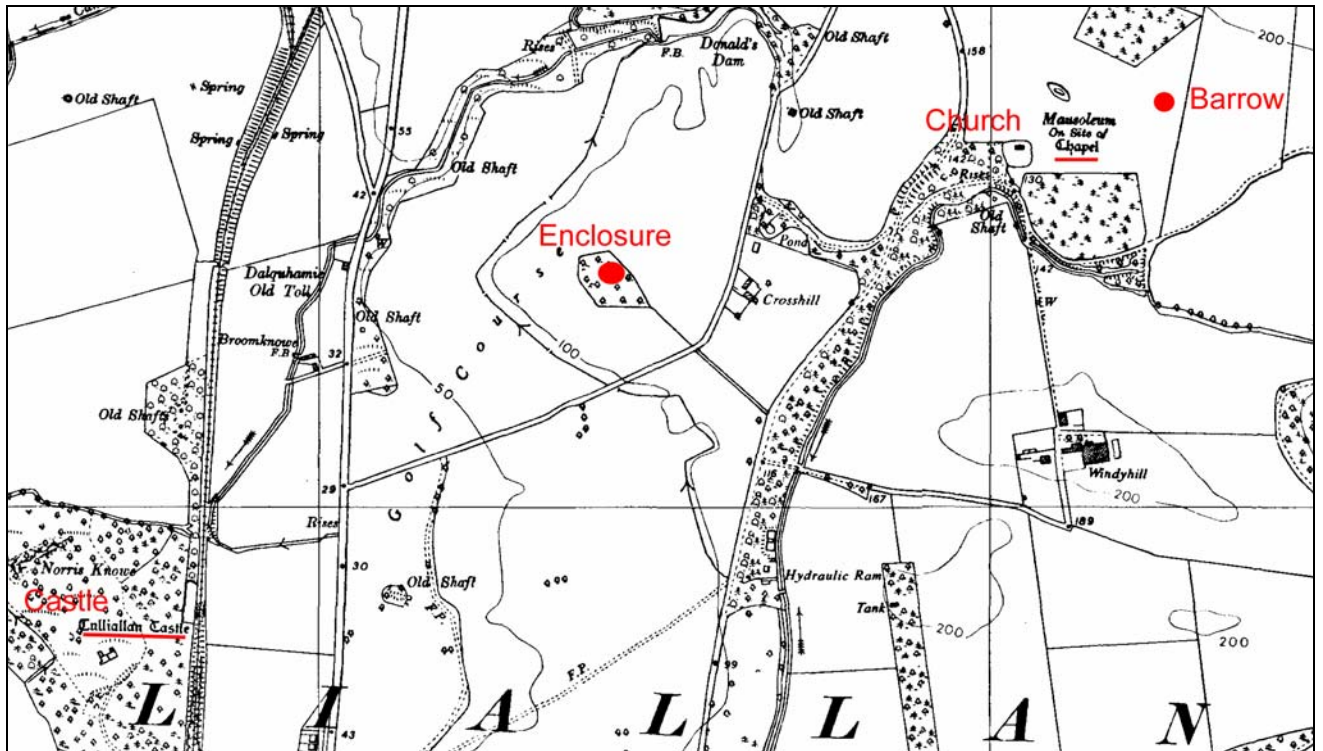
Figure 4.12 Tulliallan and candidate *tulach* features.

Figure 4.13 E end of the remains of Tullibole church with natural tree grown ridge in background.

Figure 4.14 Flank of Tullibole earthwork platform from NW.

Figure 4.15 Aerial photograph of Tullich old parish church.
(Shepherd *et al.* 1996: 34, fig. 43)
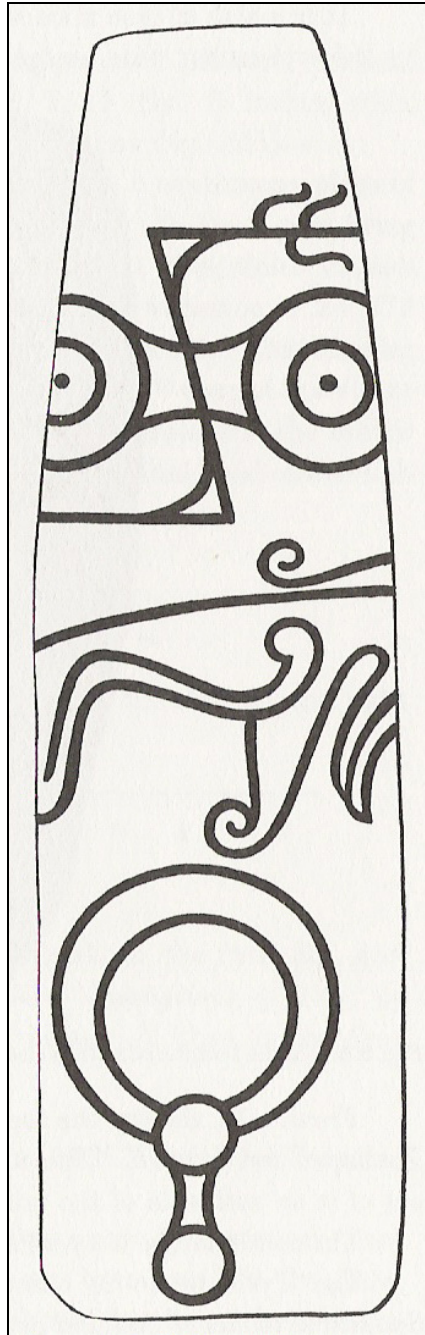
Figure 4.16 Class I Pictish symbol stone found at Tullich old parish church.
(Allen and Anderson 1903: pt. 3, 187, fig. 202)
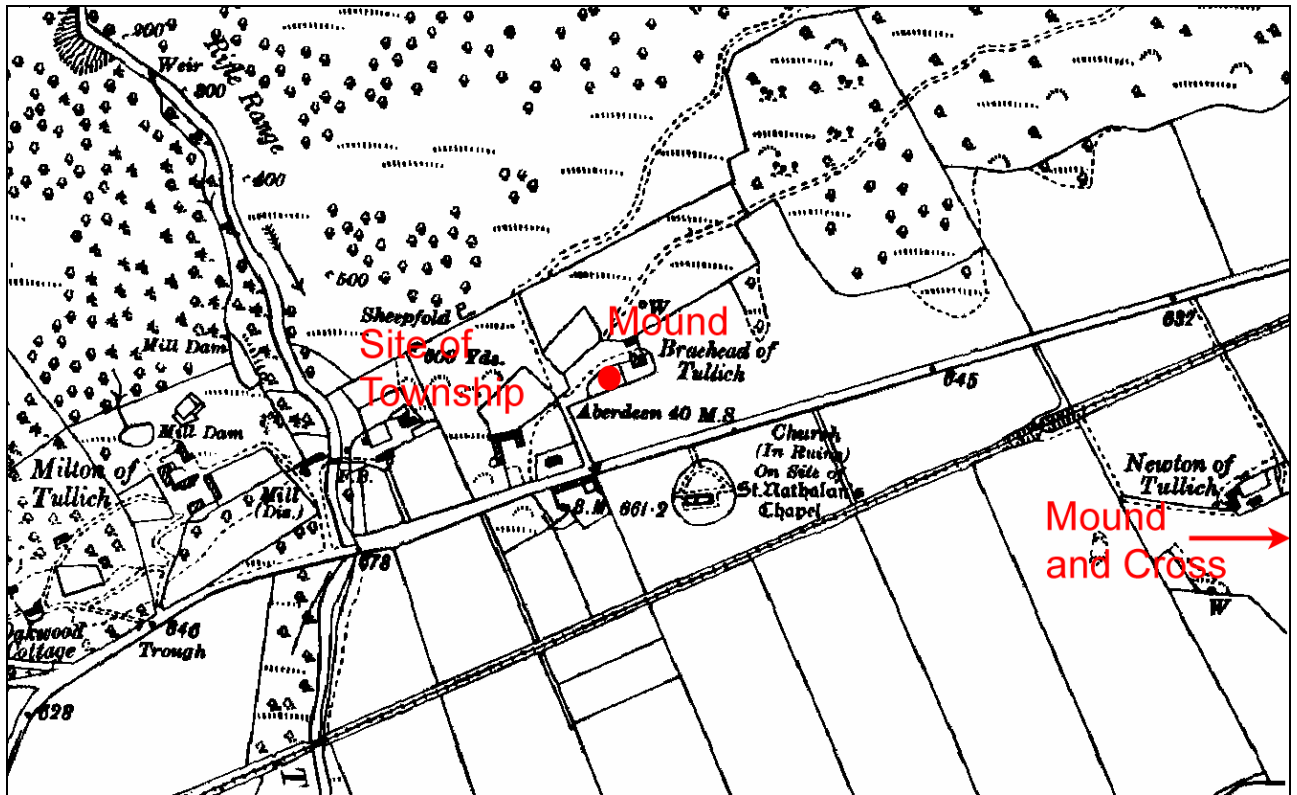
Figure 4.17 Tullich and candidate *tulach* features.
   (2nd revision OS 6”:mile map 1928 'Aberdeenshire')
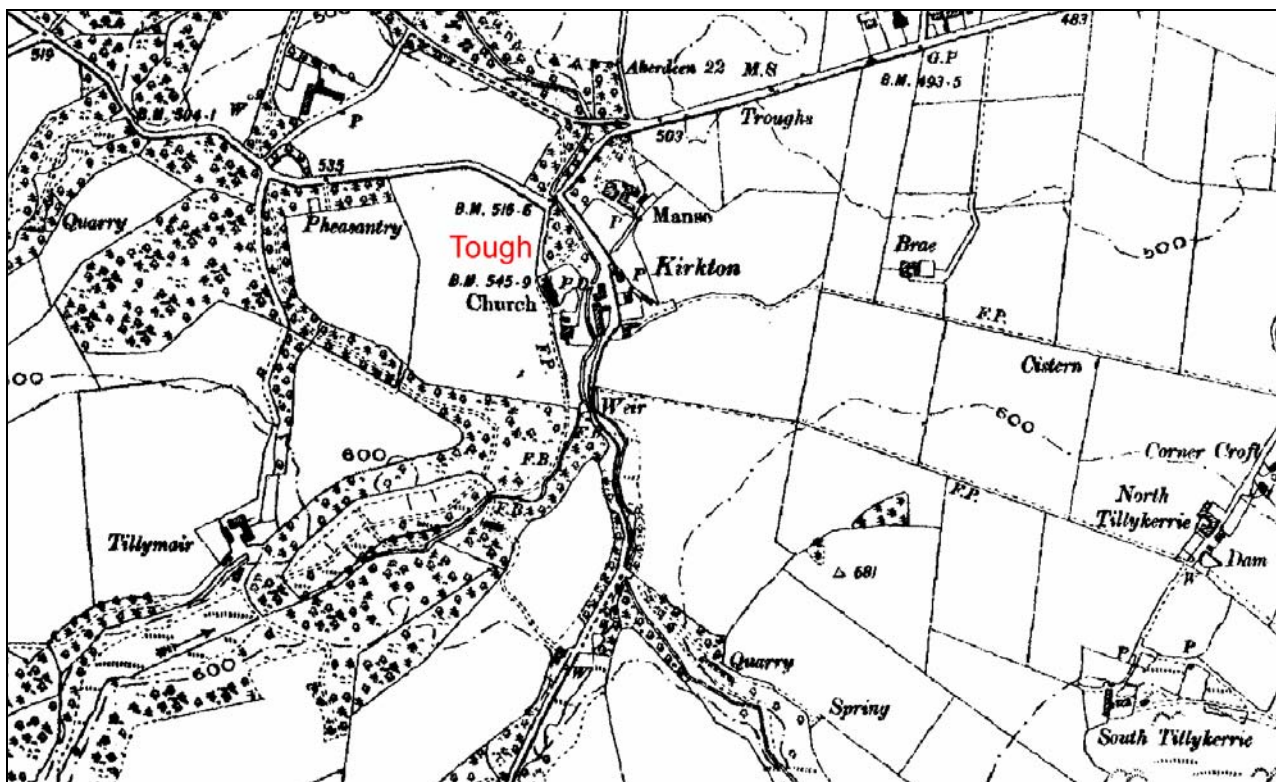
Figure 4.18   Tough parish church and environs.
(1st revision OS 6":mile map 1901 'Aberdeenshire')

Figure 4.19 Tullynessle church and environs.
(1st edition OS 6":mile map 1870 'Aberdeenshire')
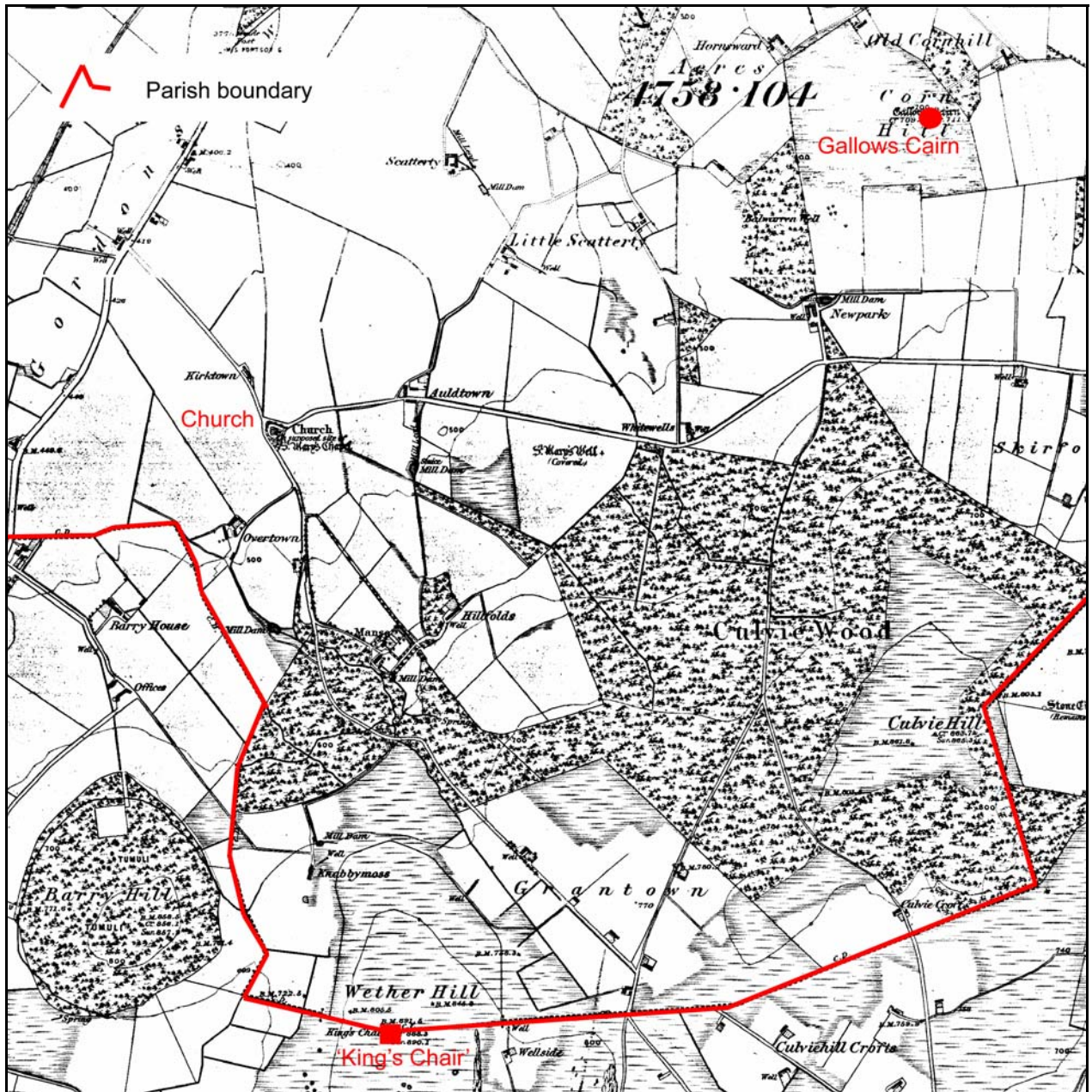
Figure 4.20 Tullywhull (Ordiquhill) and environs.
(1st edition OS 6":mile map 1874 'Banffshire')
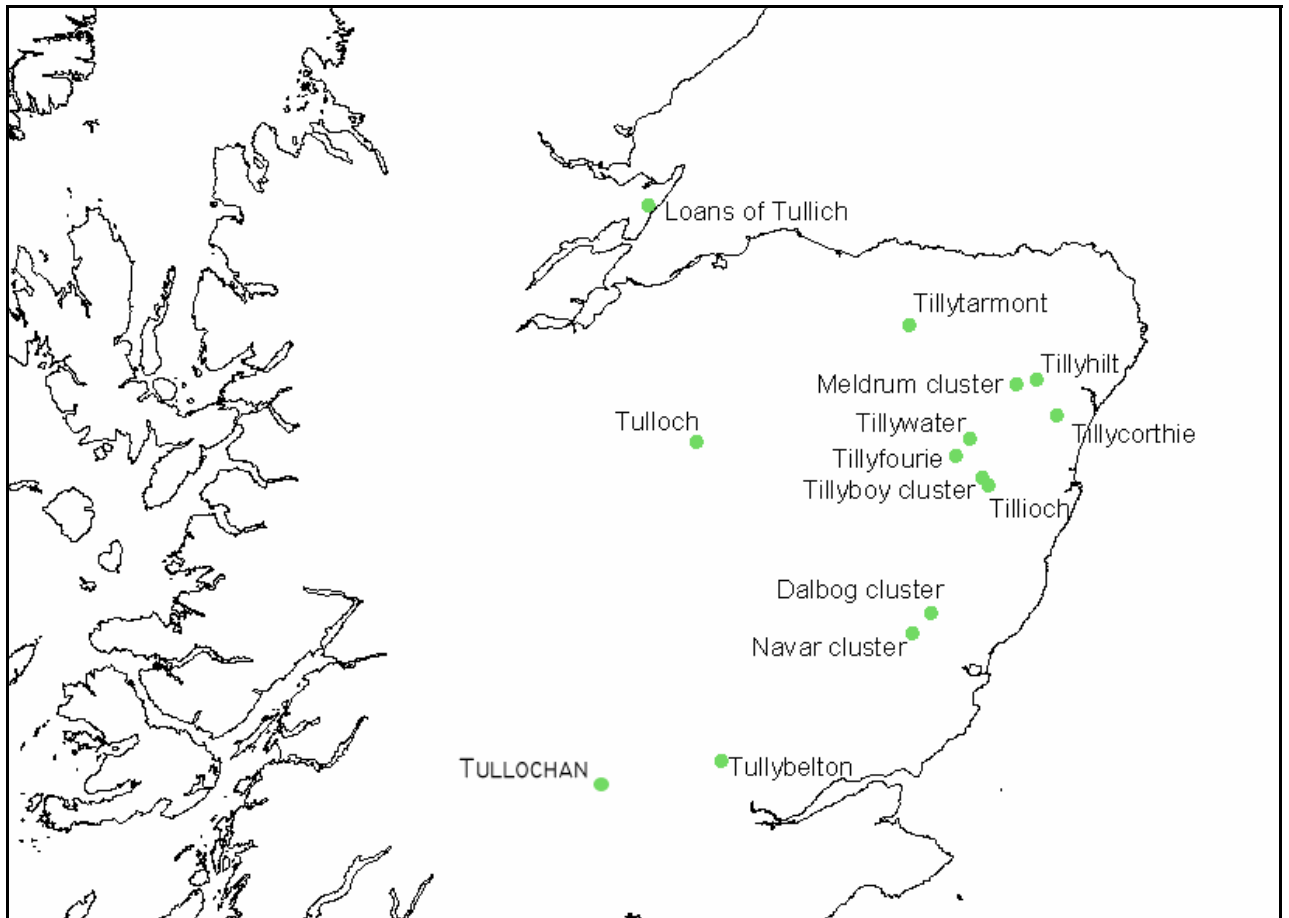
Figure 4.21 Possible *tulach* locations mentioned in the text.
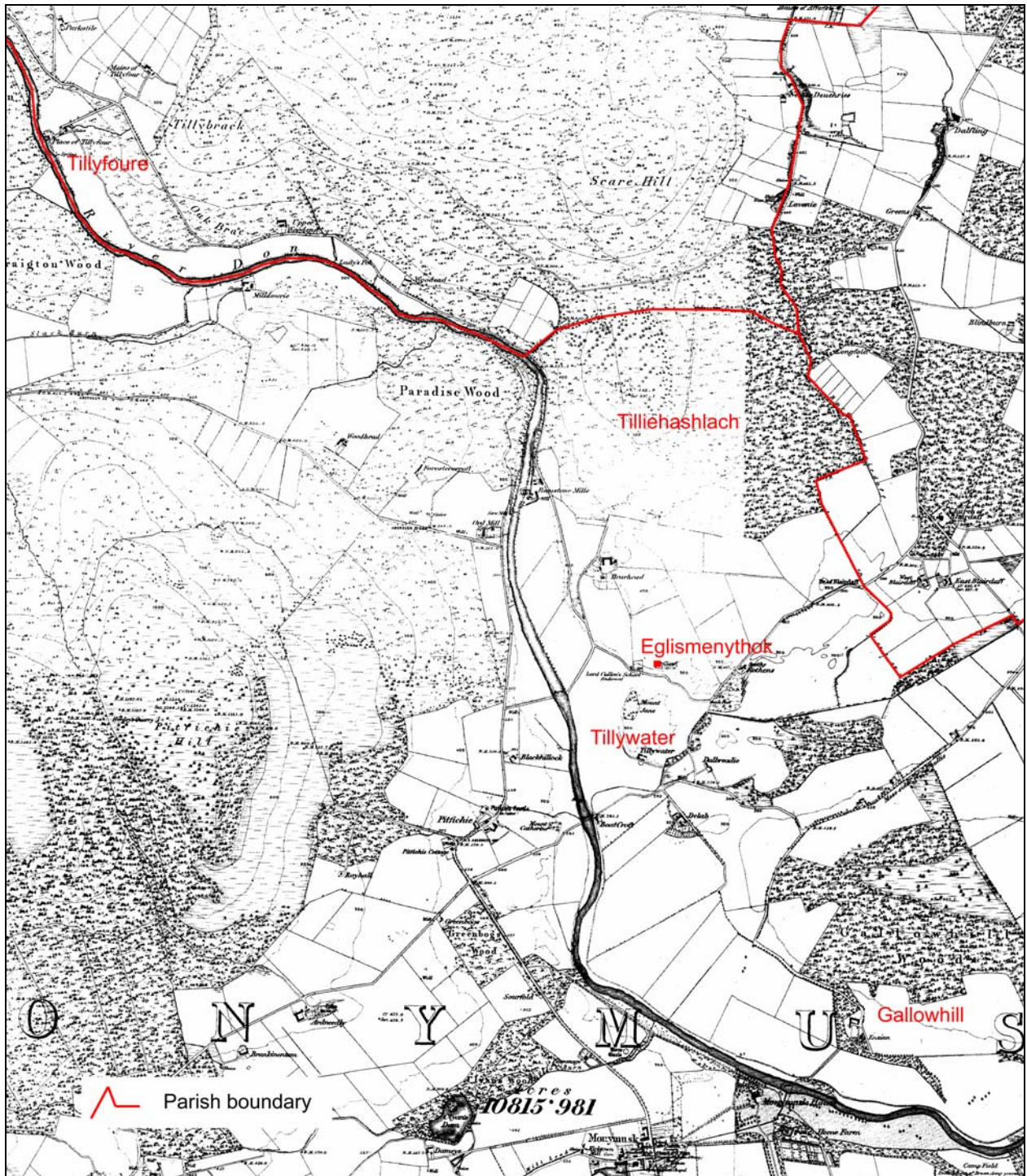
Figure 4.22 Tillywater, Egilsmenthok chapel and environs (Monymusk parish).
(1st edition OS 6":mile map 1870 'Aberdeenshire')
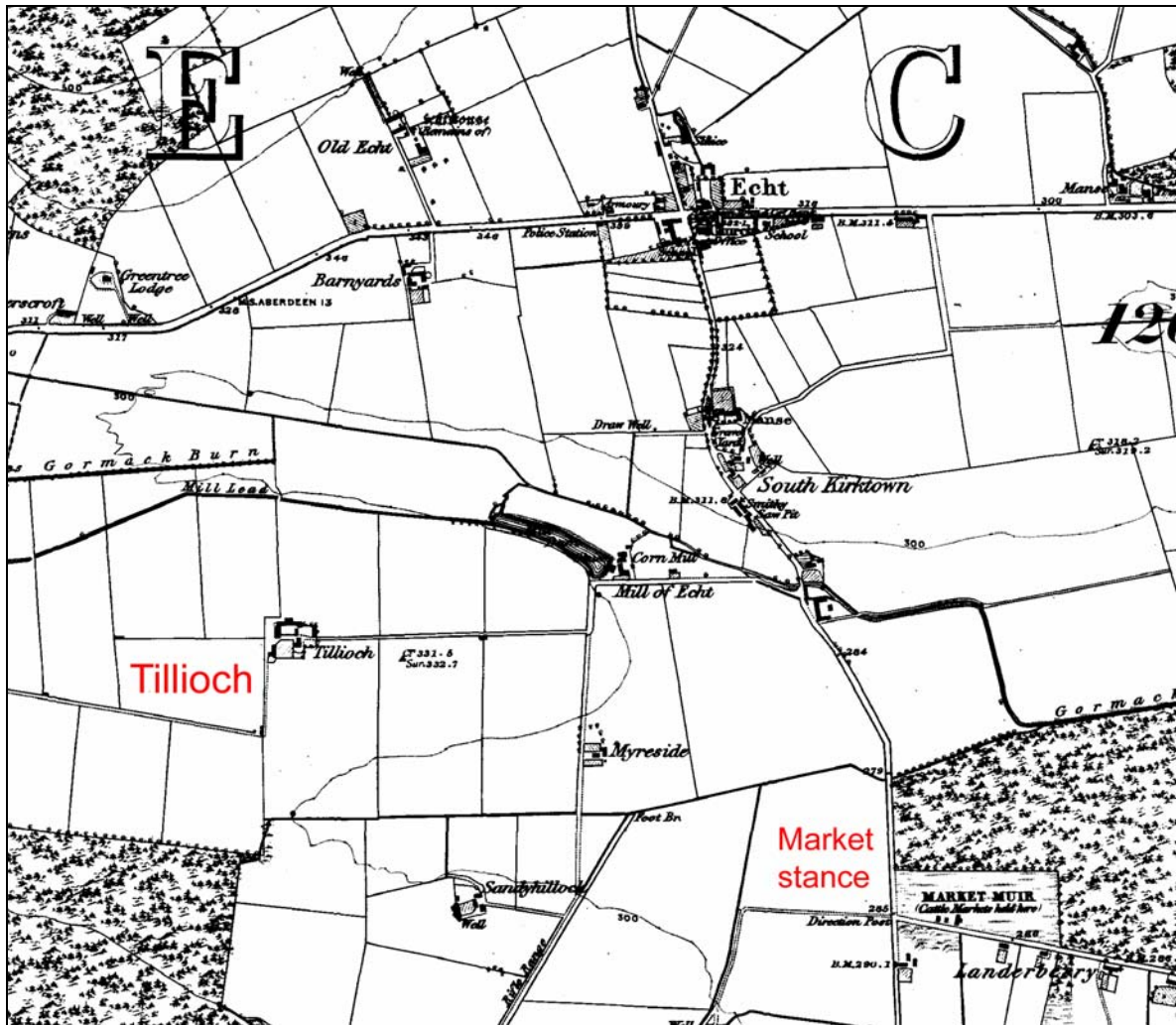
Figure 4.23   Tillioch, Echt and environs.
              (1st edition OS 6":mile map 1869 'Aberdeenshire')
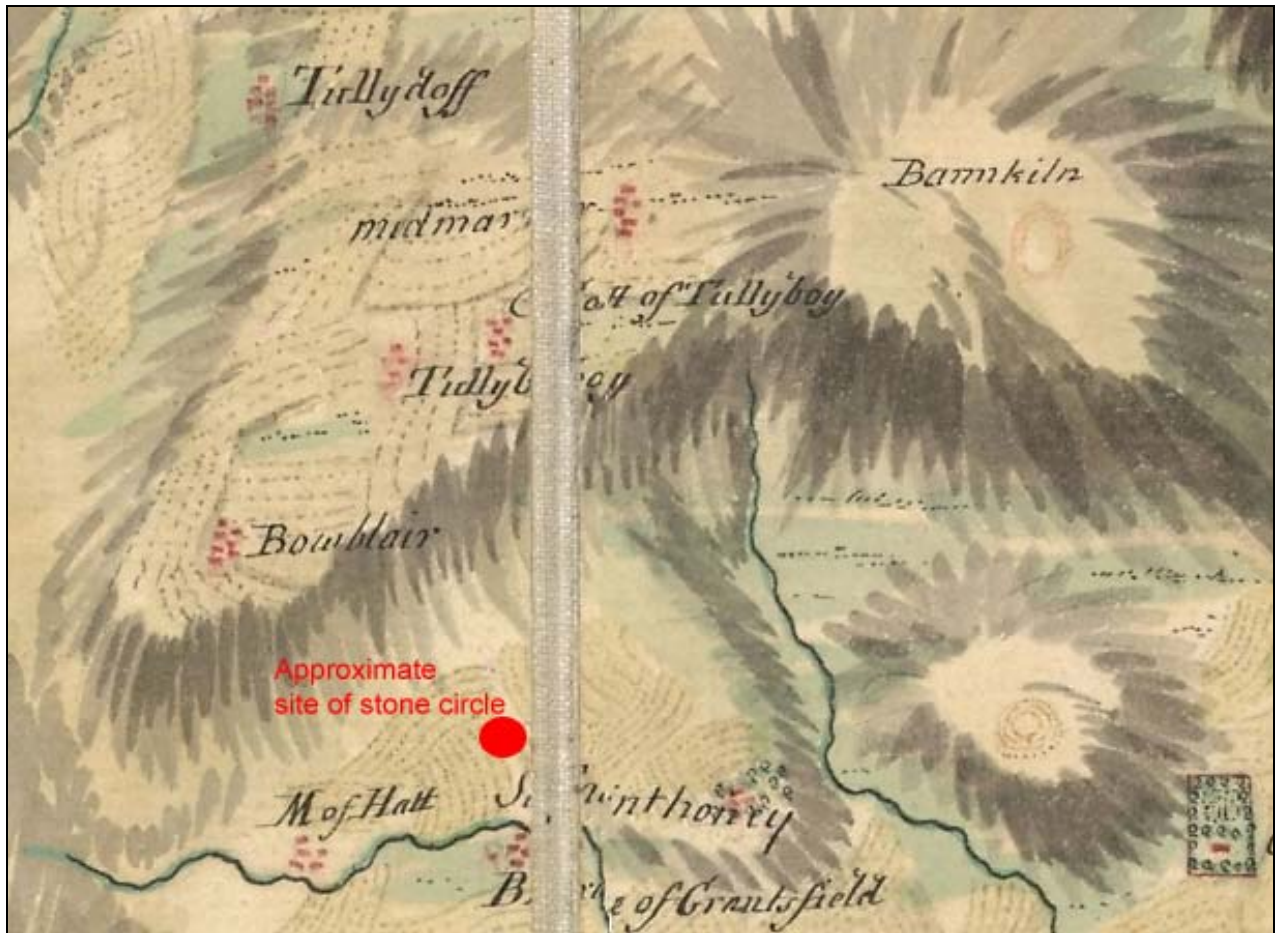
Figure 4.24 Tullyboy, Barmekin Hill and environs.
  (Roy 1747-55 map 20/1b, 20/1c)
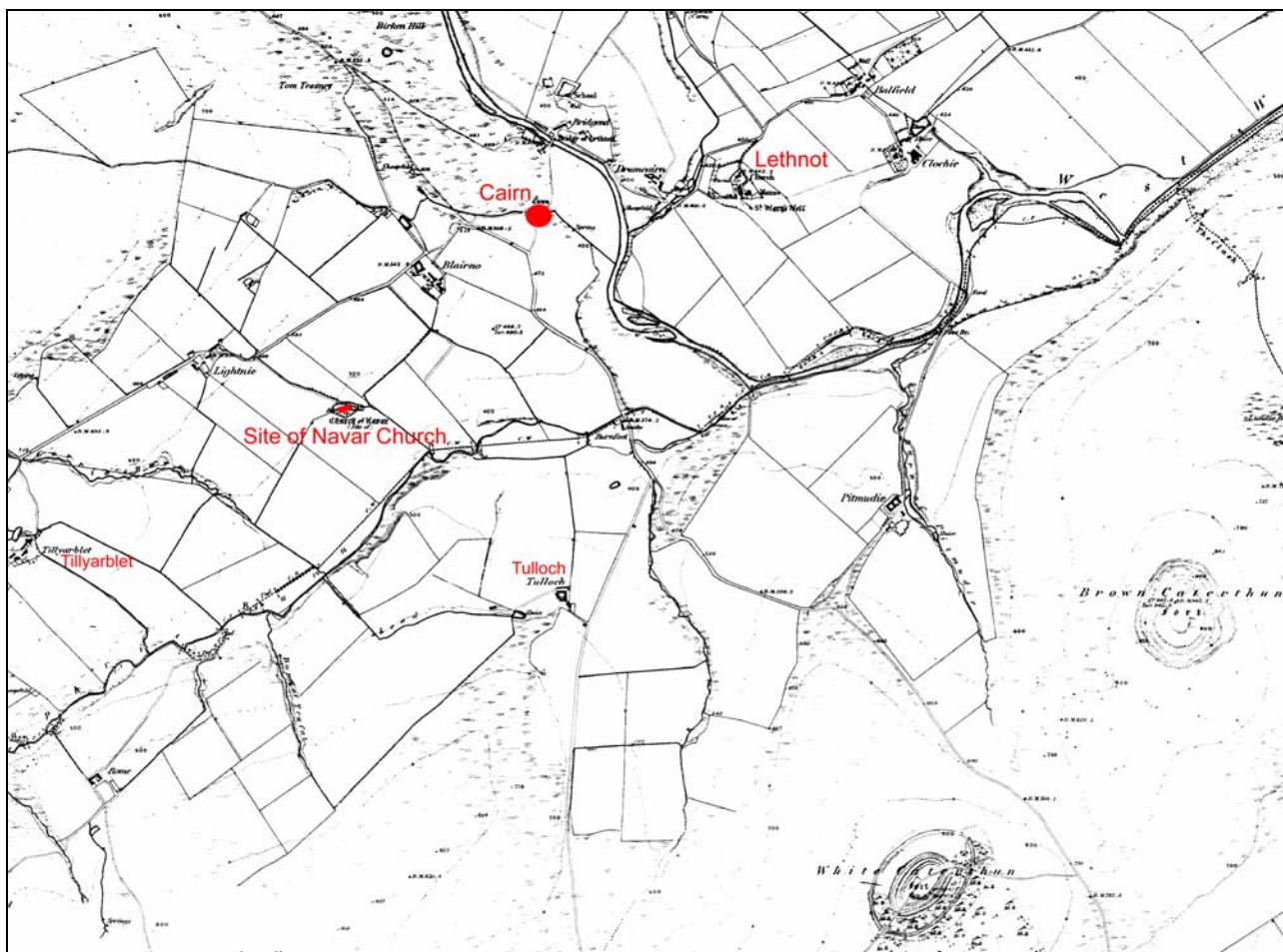
Figure 4.25 Navar and environs (1st edition OS 6":mile map 1865 'Forfarshire').
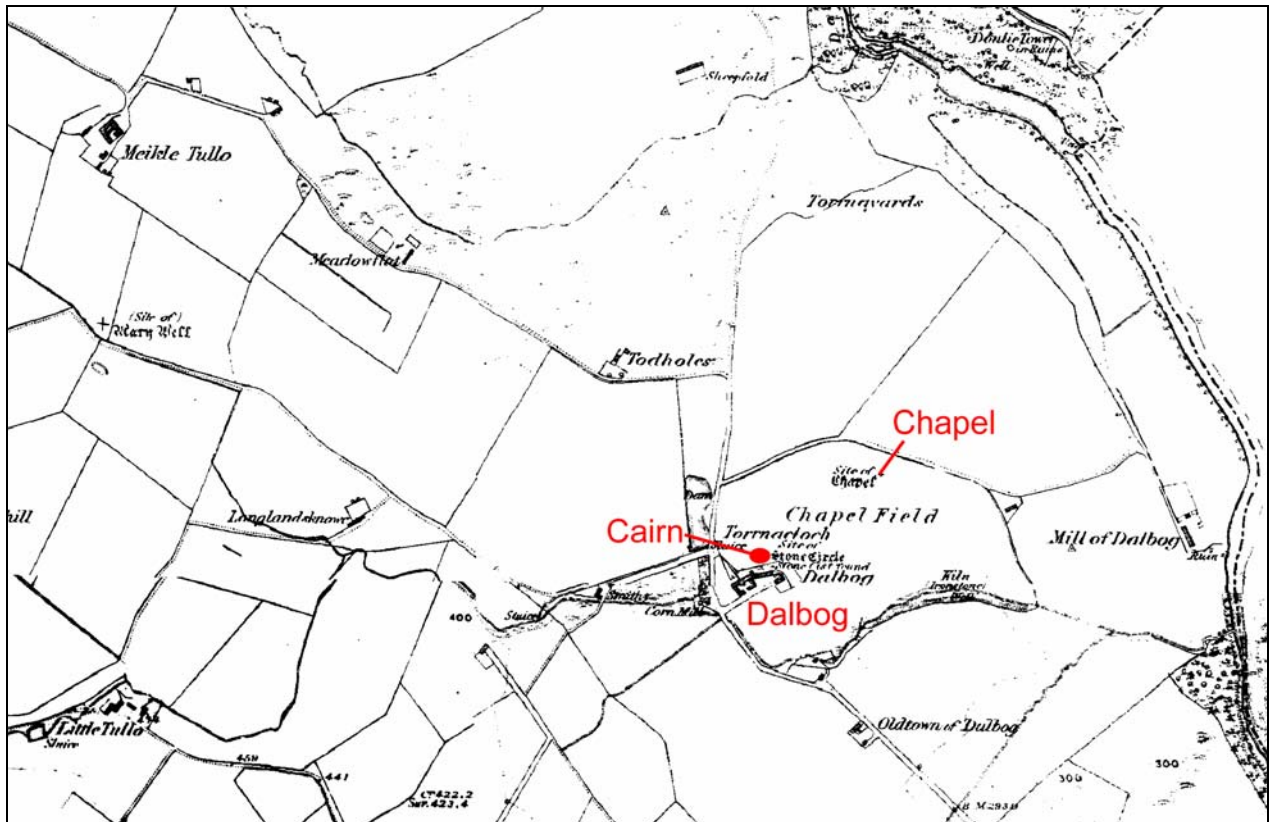
Figure 4.26 Dalbog and environs, river North Esk is to right of image beyond which is Neudosk (1st edition OS 6":mile map 1868 'Forfarshire').
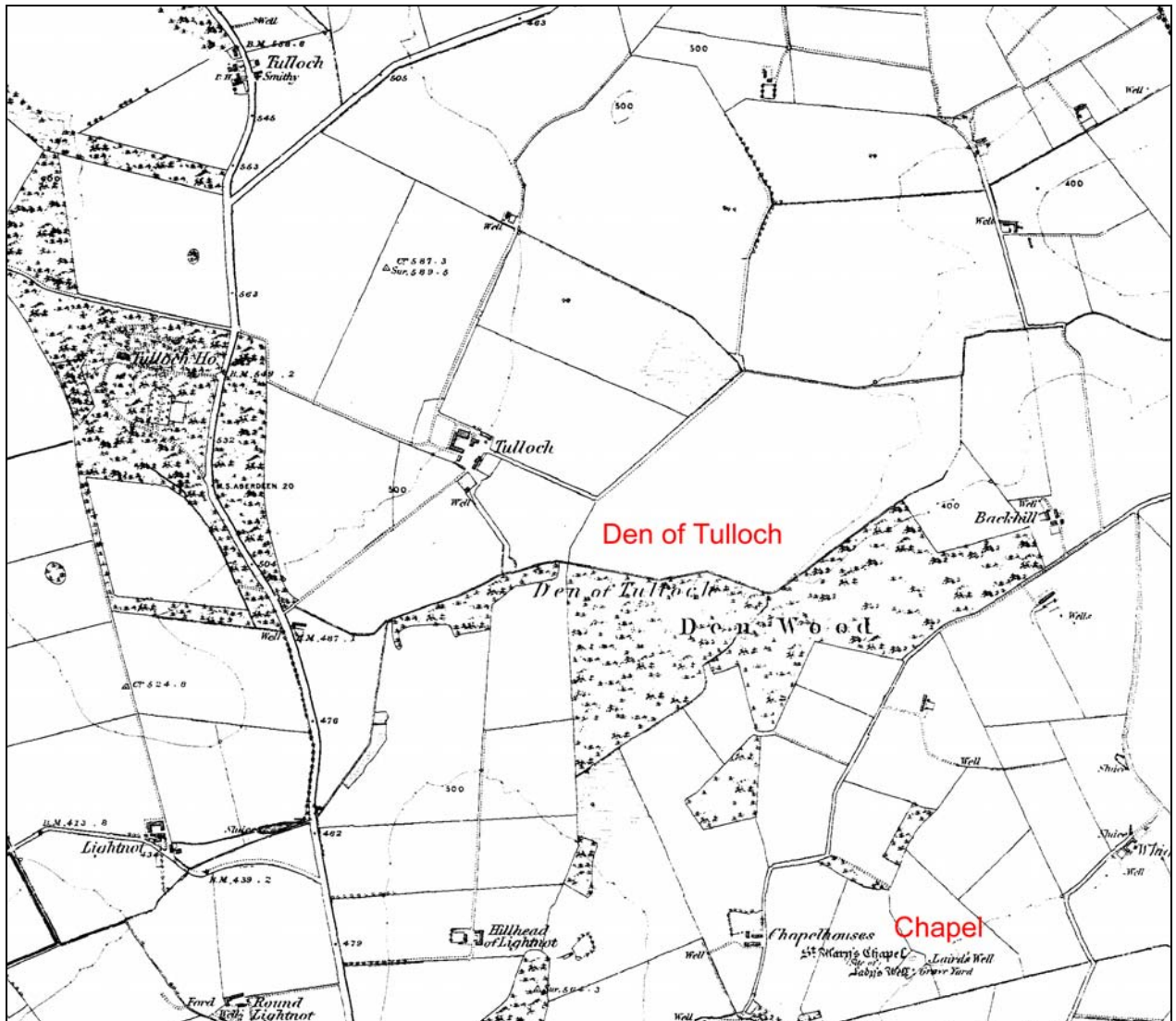
Figure 4.27 Tulloch (Old Meldrum parish), hill in the vicinity of Tulloch House (right
side of image), and St Mary's chapel (lower left).
(1st edition OS 6":mile map 1871 'Aberdeenshire')
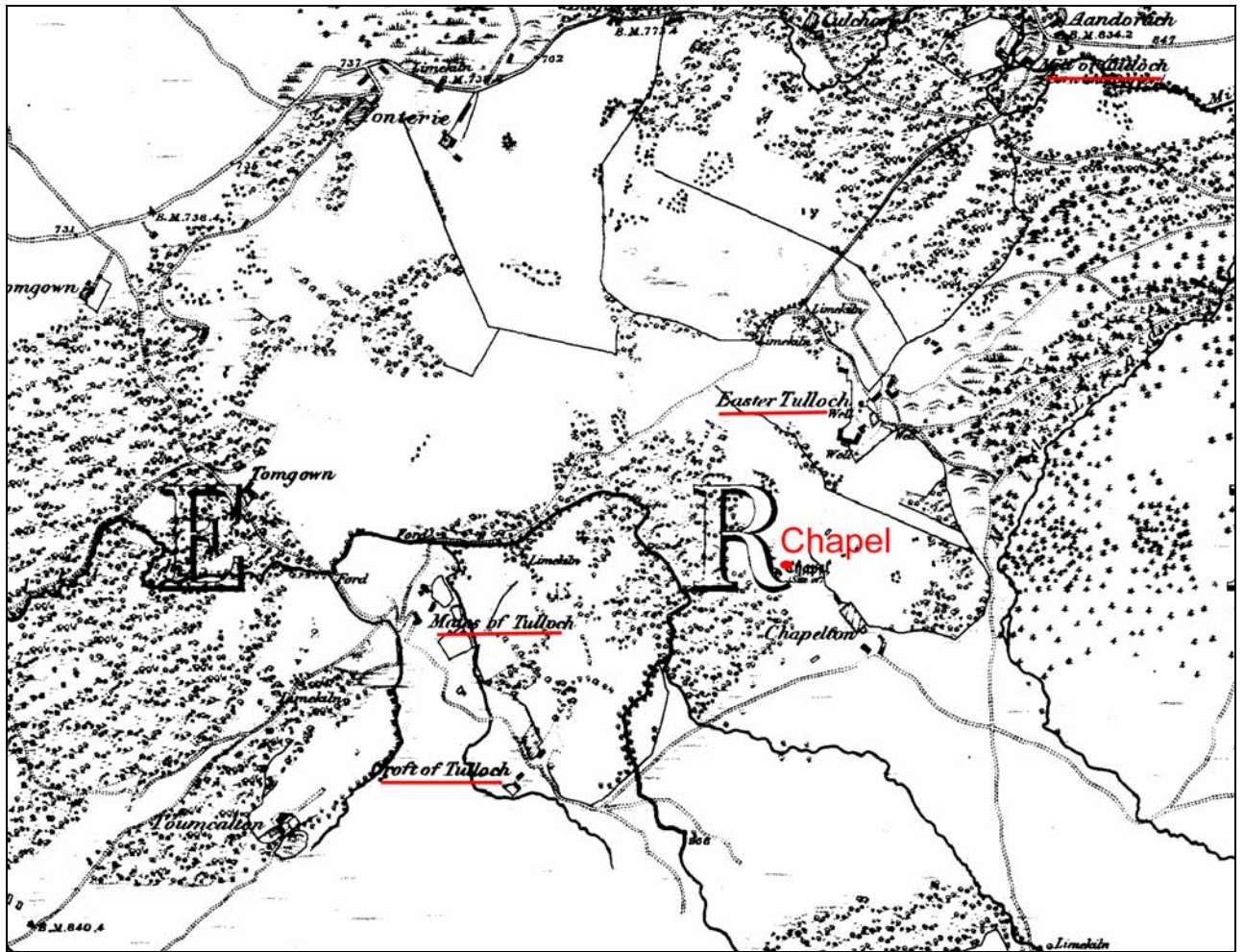
Figure 4.28 Tulloch (original feature in vicinity of Mains of Tulloch ?), and chapel NE
of Aviemore (1st edition OS 6":mile 1875 'Inverness-shire and Skye').
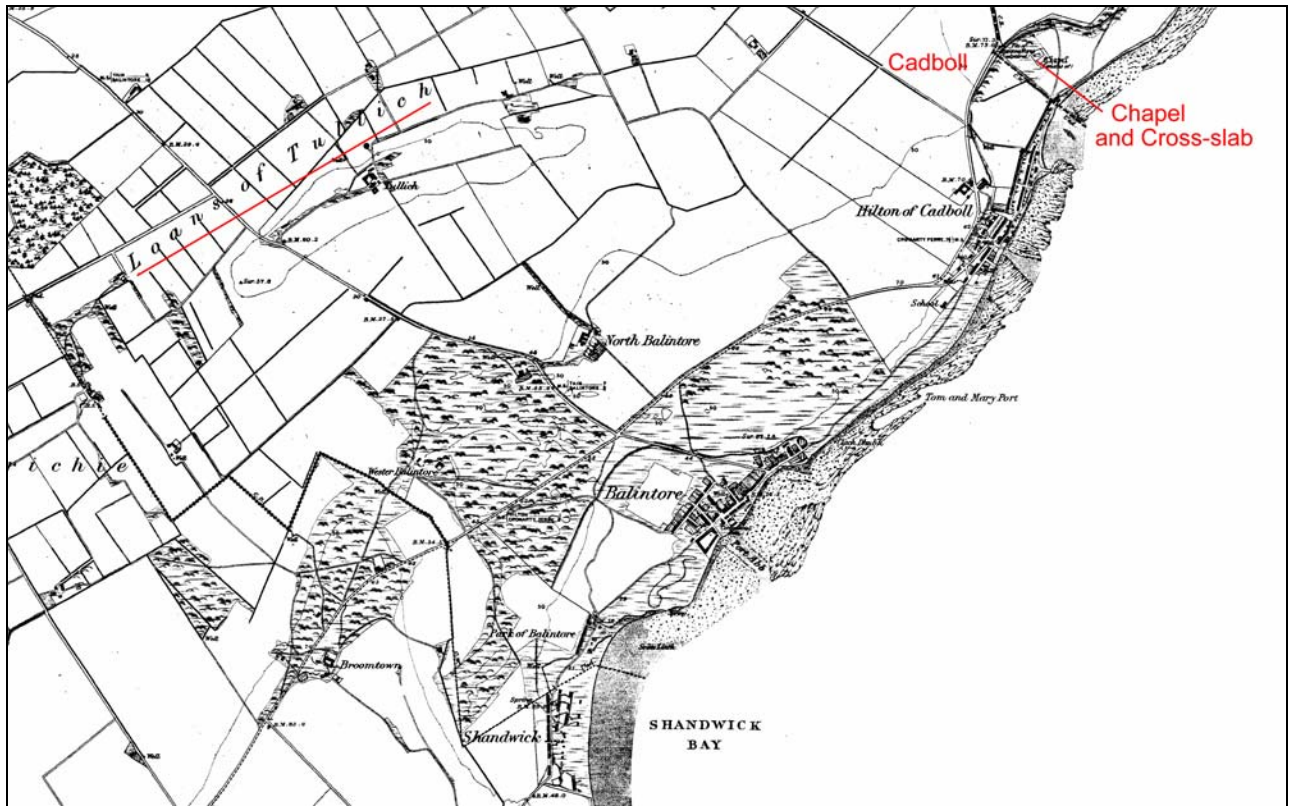
Figure 4.18 Hilton of Cadboll and Loans of Tullich, ridge identified by the name is at
'Tullich' (1st edition OS 6":mile map 1881 'Ross & Cromarty').
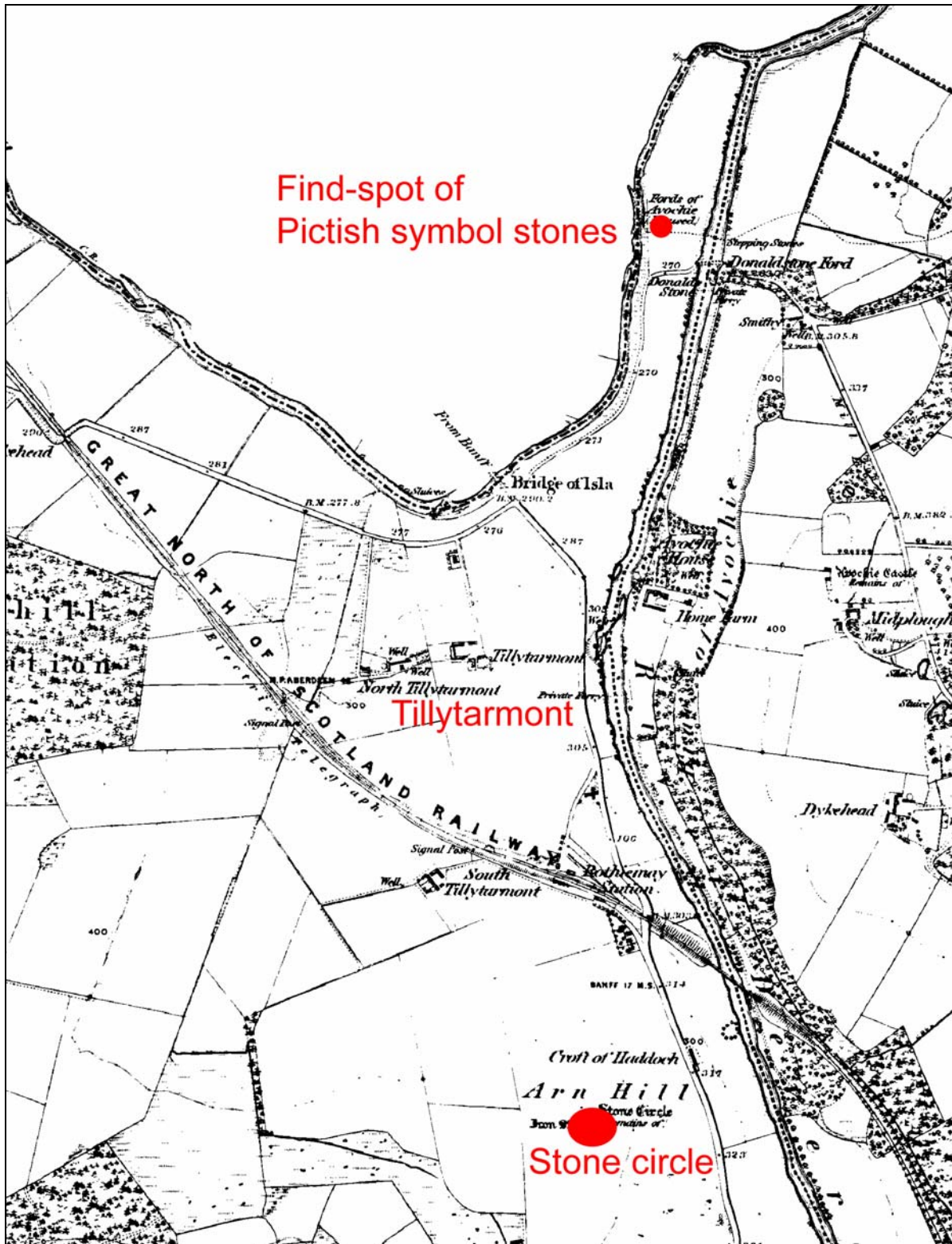
Figure 4.30 Tillytarmont and environs.
(1st edition OS 6":mile map 1874 'Aberdeenshire')

Figure 4.31 Tullochan Knowe and chapel site (OS 1:10000 map 1969).

Figure 4.32 Tullochan Knowe (from the S).
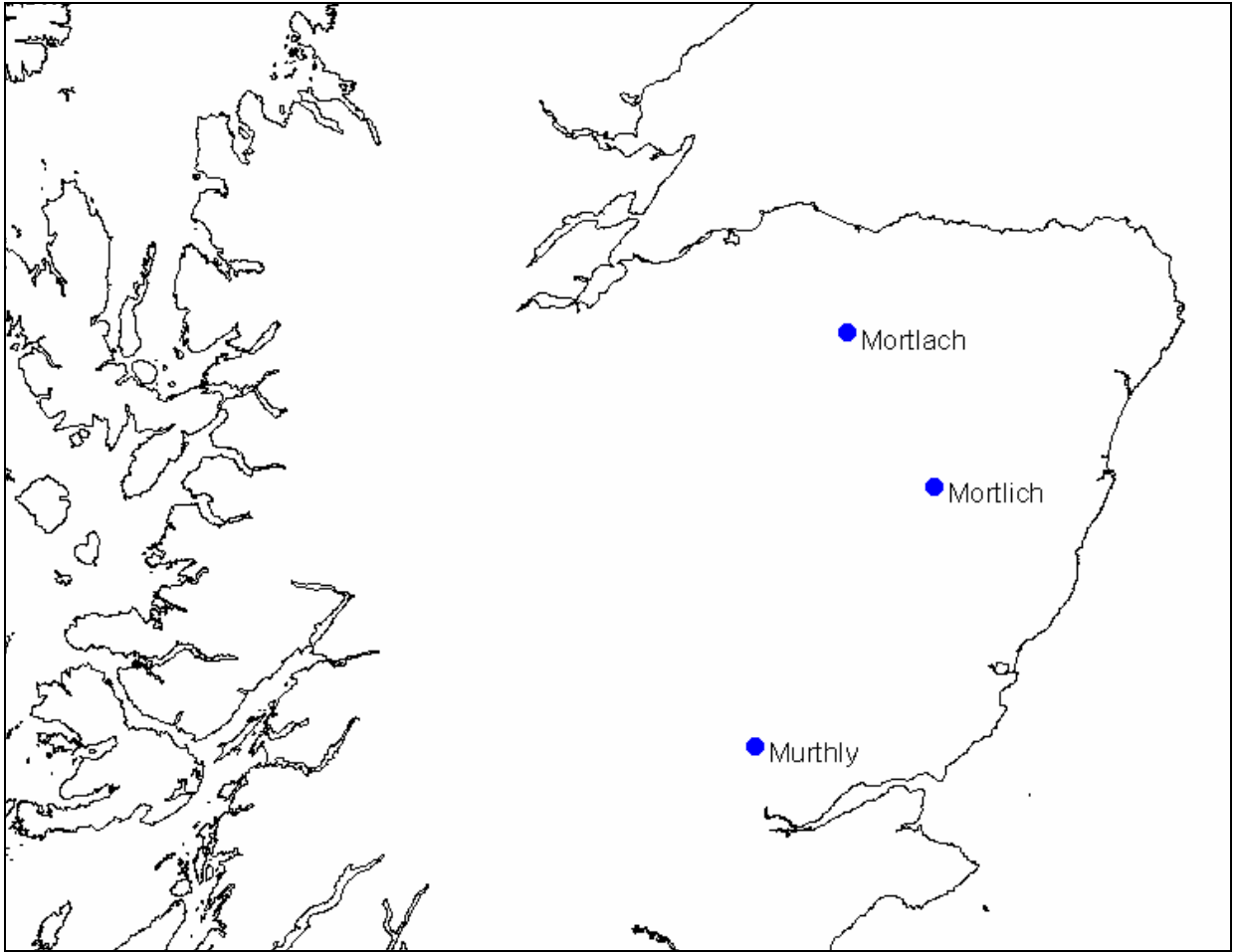
Figure 4.33 *Mòr thulach* examples in NE Scotland discussed in the text.
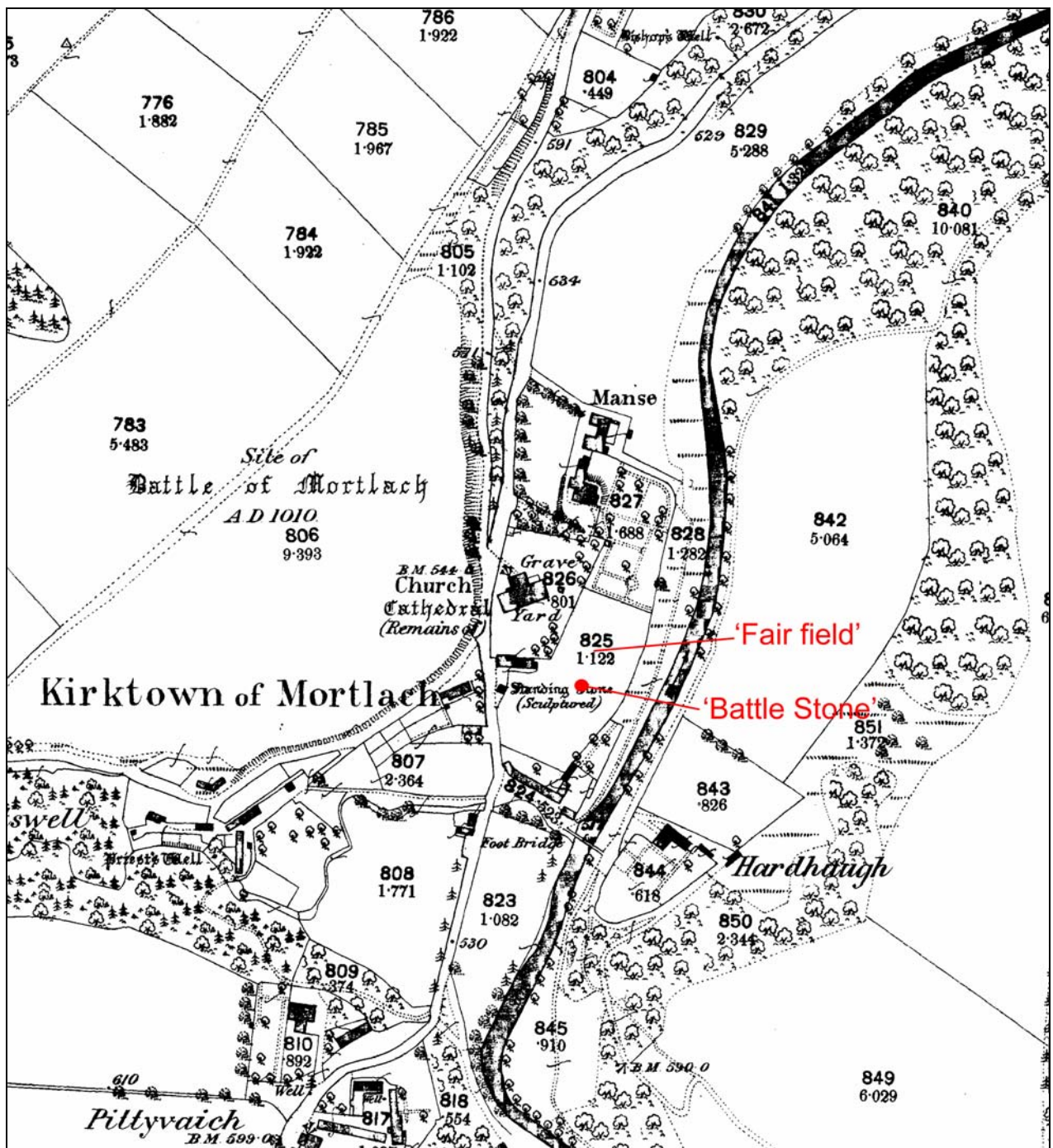
Figure 4.34 Mortlach church and features mentioned in the text.
(1ˢᵗ edition OS 1:2500 map 1871 'Banffshire')

Figure 4.35 Mortlach church from the E.

Figure 4.36 Battle Stone in original setting (left, image from Mortlach church archive) and now surrounded by modern graveyard (right).

Figure 4.37 Class I Pictish symbol stone from Mortlach.
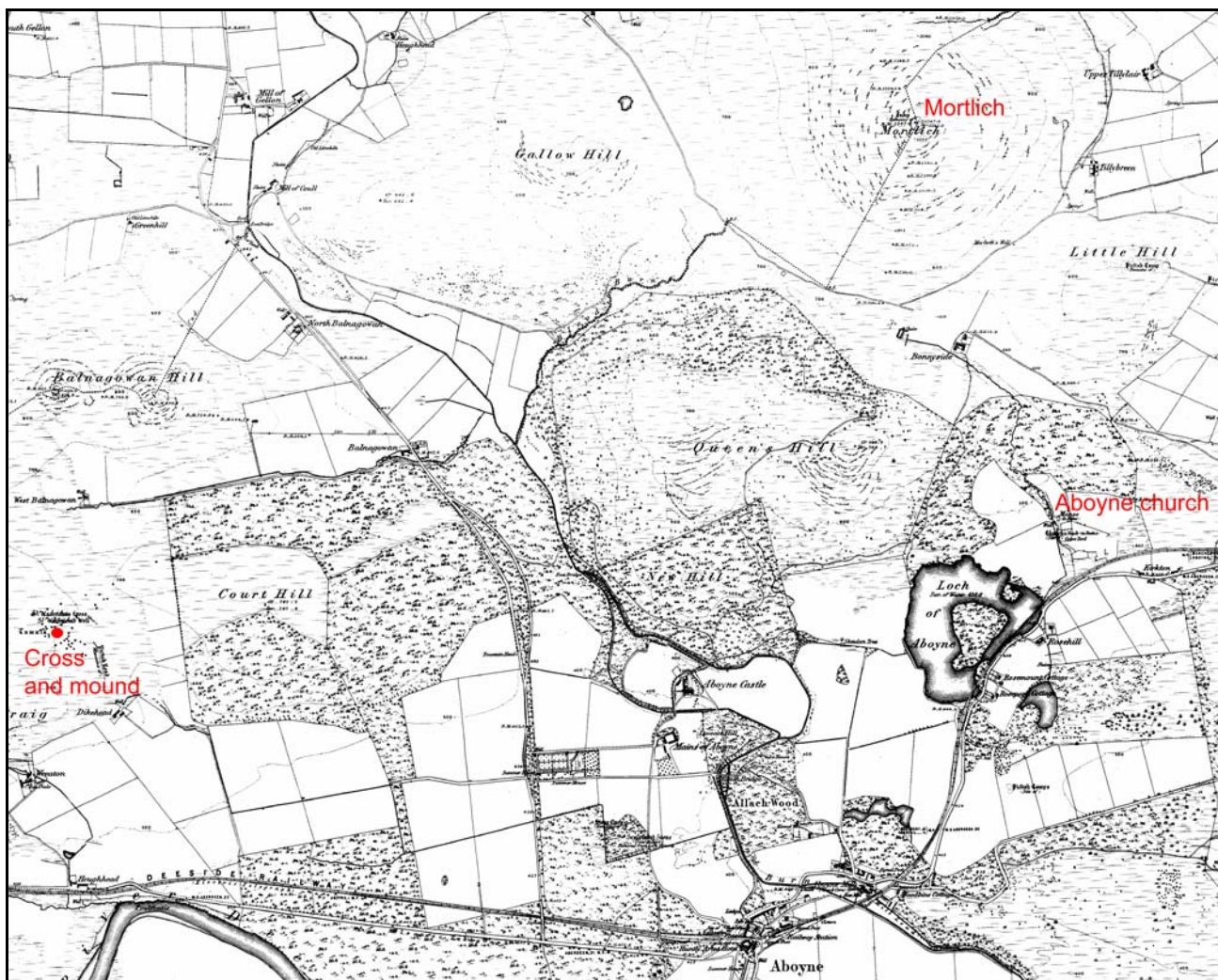
Figure 4.38 Mortlich and environs (1st edition OS 6":mile map 1870 'Aberdeenshire').

Figure 4.39 Aerial view of Wester Balrymonth (Fife) showing crop markings around summit of ridge possibly indicative of massive enclosure ditches (RCAHMS no. NO51SW 23).
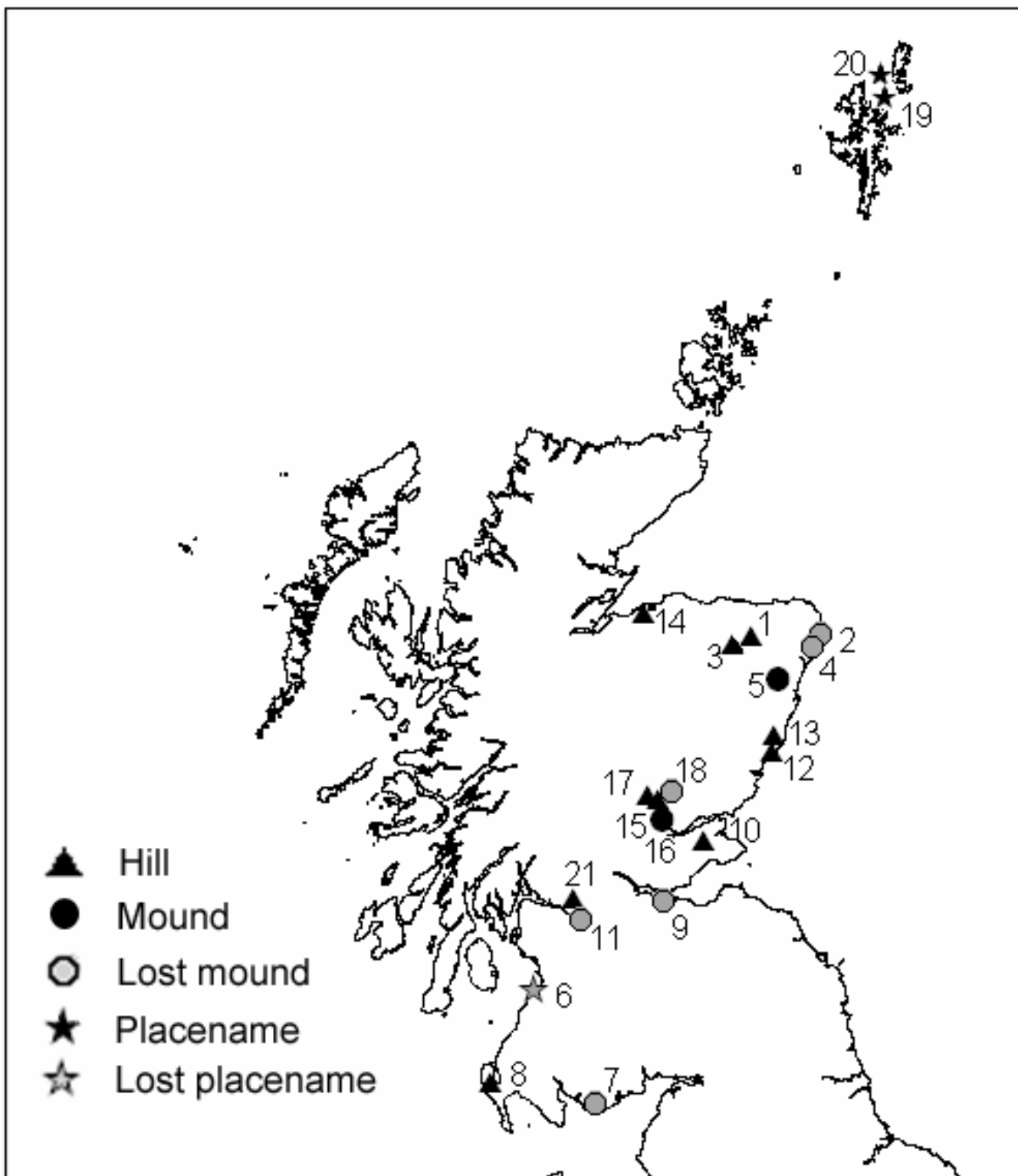
Figure 4.40 Distribution of *mōt* sites (see Table 4.5).

Figure 4.41 *Mwtehill*, Caputh, Perth and Kinross (from the NW).

Figure 4.42 Detail of engraving of Dunkeld showing Bishops Hill on left with windmill and neighbouring Cathedral, from 'Prospect of the town of Dunkeld', Slezer 1693 (from Cavers 1993: 41).
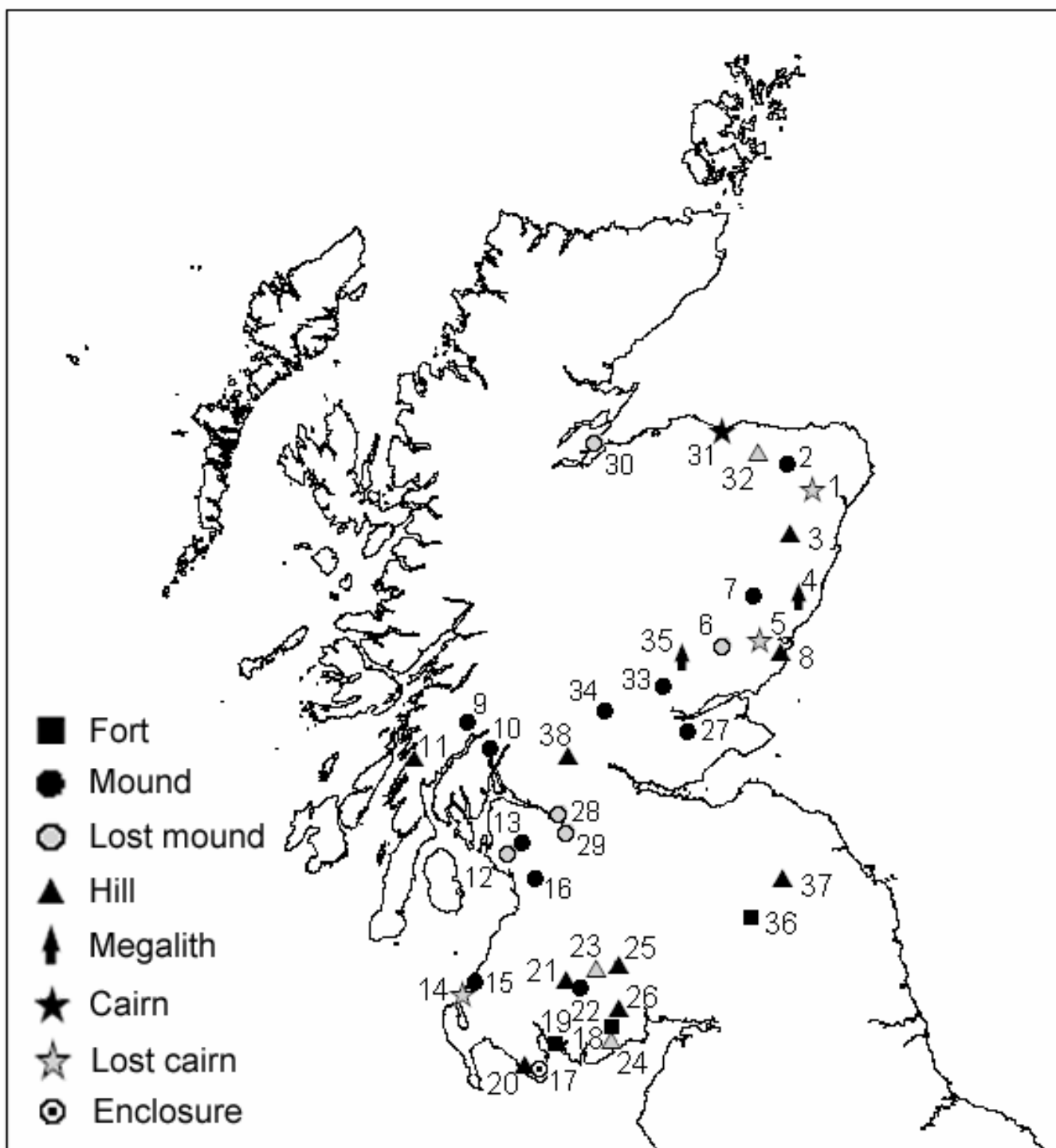
Figure 4.43 Distribution of 'court' sites (see Table 4.6).

Figure 4.44 Monreith Cross (from Forsyth 2003: pl. xx).

Figure 4.45 Detail of General William Roy's 1747-55 map of Scotland (map 04/7d)
showing Dalry with parish church and Court Hill (arrow).
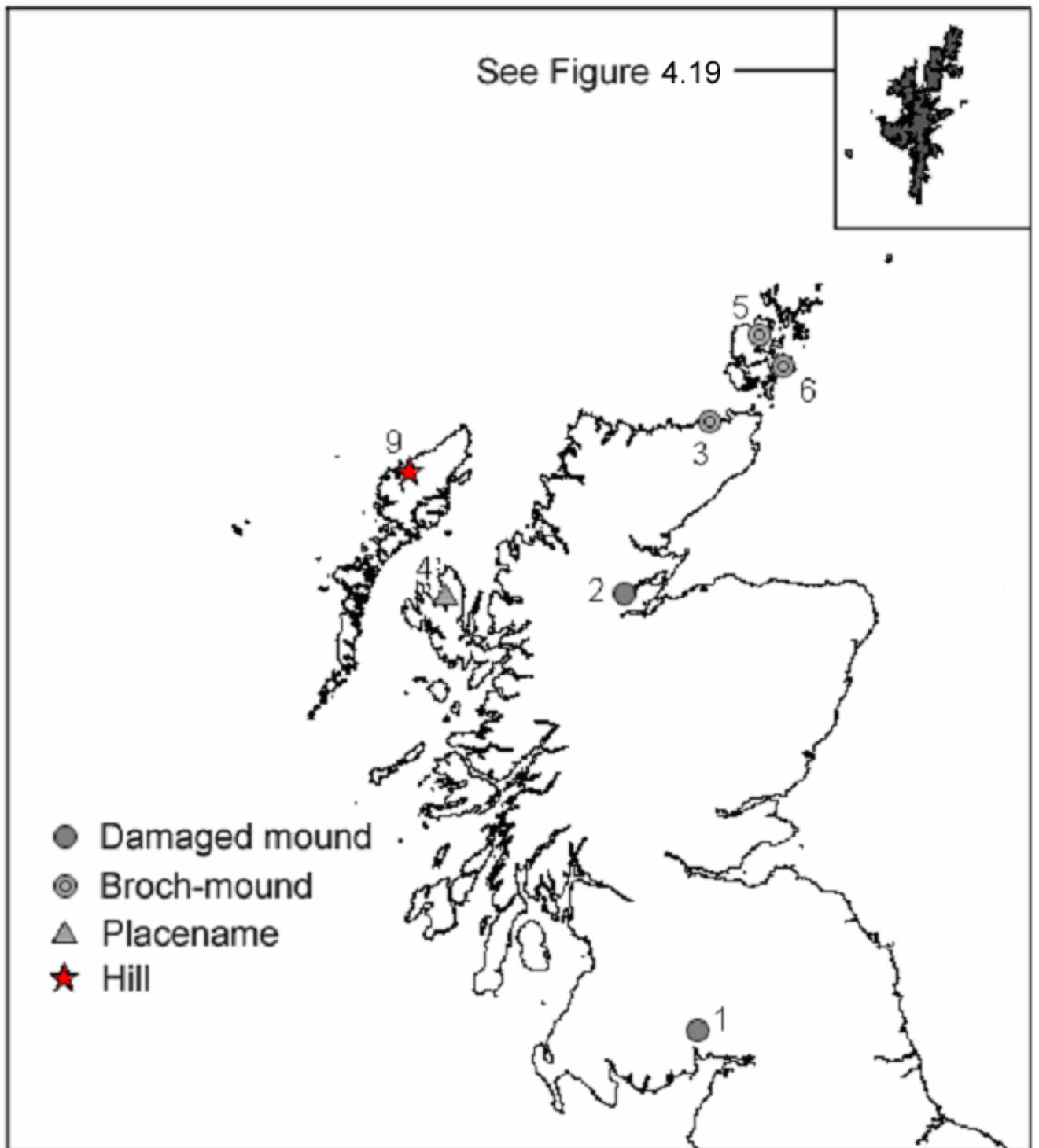
Figure 4.46 Distribution of *þing* sites (see Table 4.7).
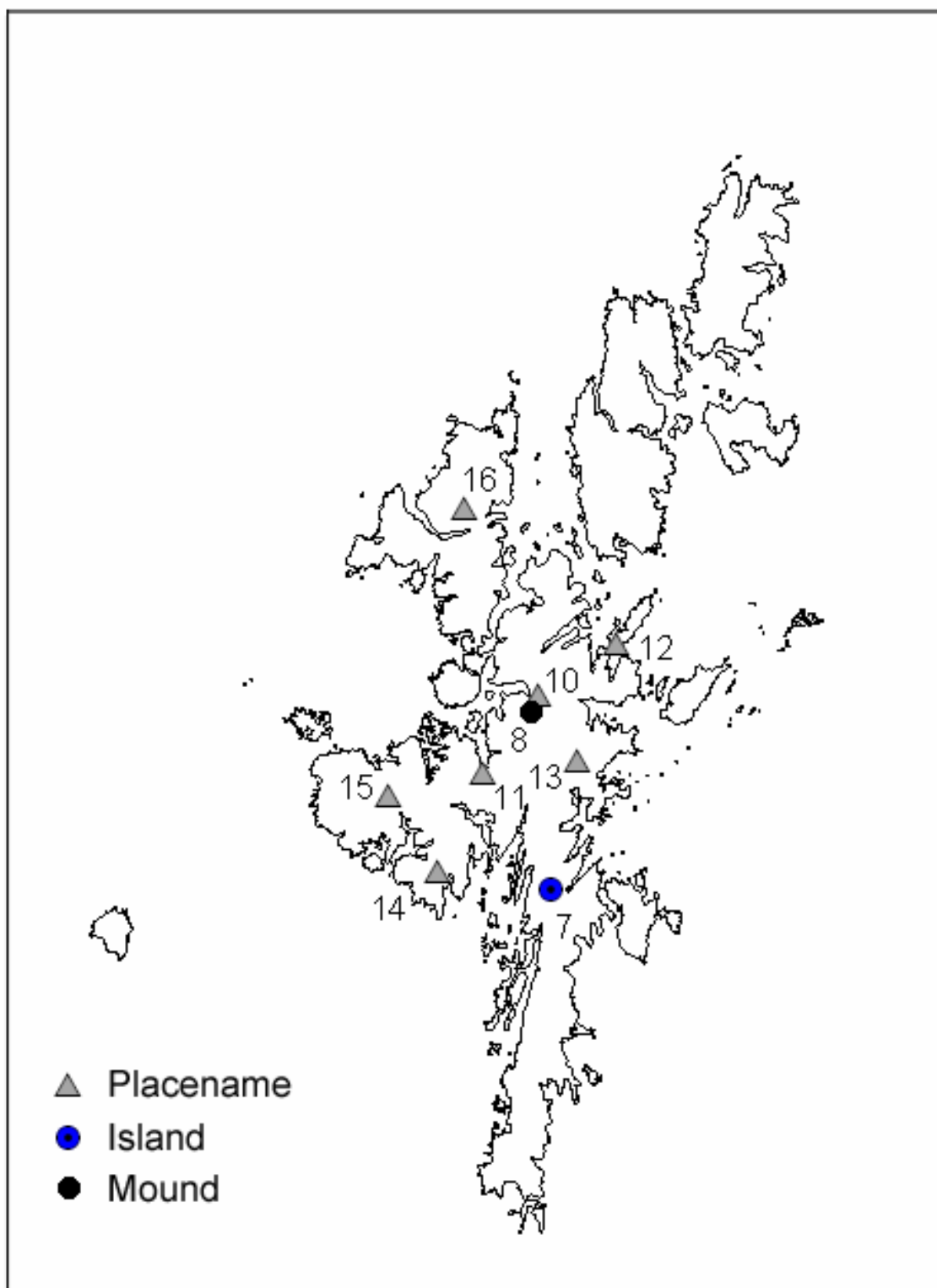
Figure 4.47 Distribution of Shetland *þing* sites (see Table 4.7).

Figure 4.48 Distributions of Scandinavian settlement place-names, (left) names containing *Stadir* (right) names containing *setr*, Shetland with 124 *setr* names (from Nicolaisen 2001: 114-5, figs. 5-6).

Figure 4.49 Detail of 'Plan of the Town of Dingwall' by John Wood 1921 showing the
probable remains of the *þing* mound surmounted by the Earl of Cromarty's
monument ©SCRAN
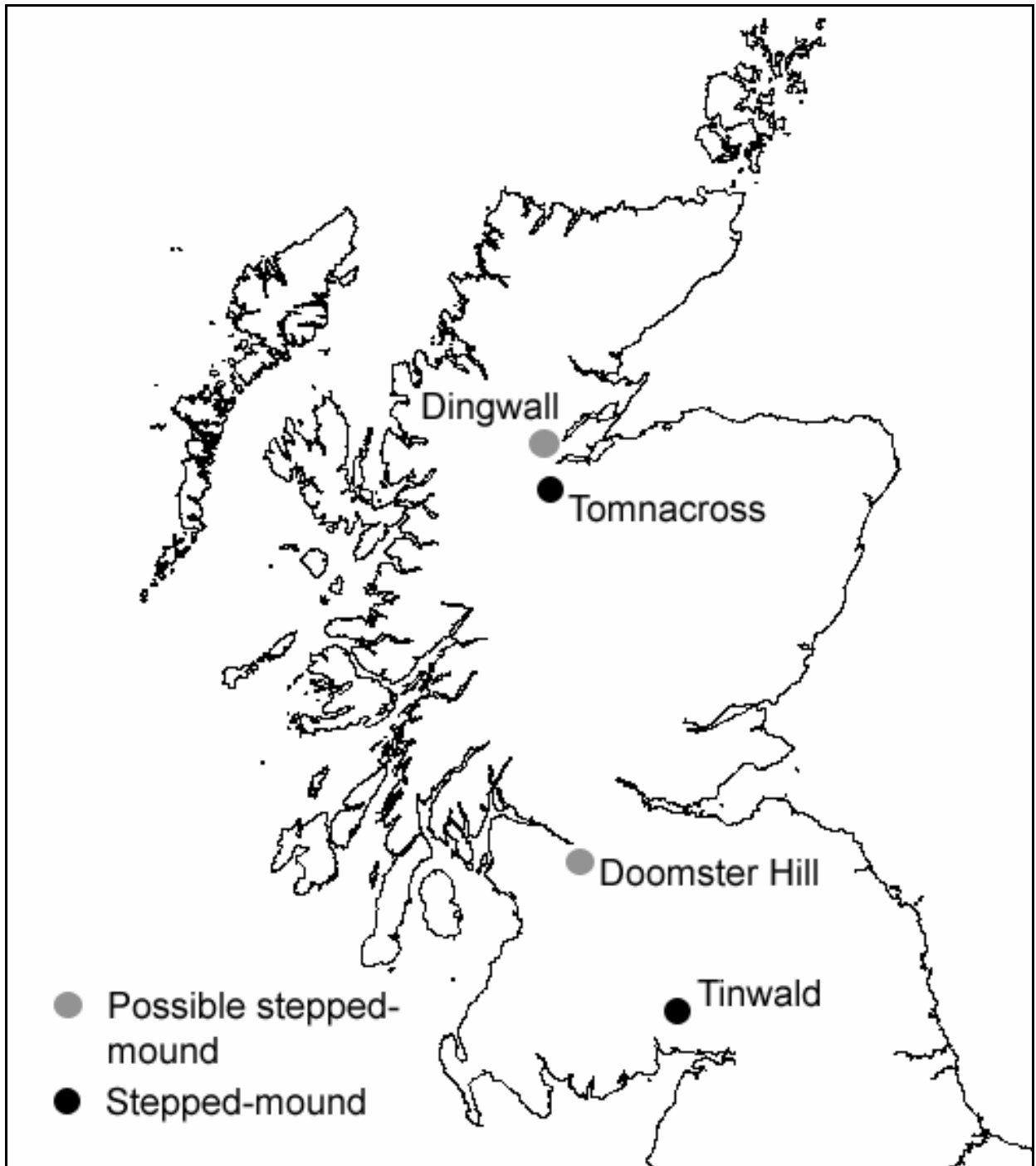
Figure 4.50 Assembly mounds with stepped-profiles in Scotland.

Figure 4.51 *Tom Na Croiseige* 'stepped-mound' (from NE).
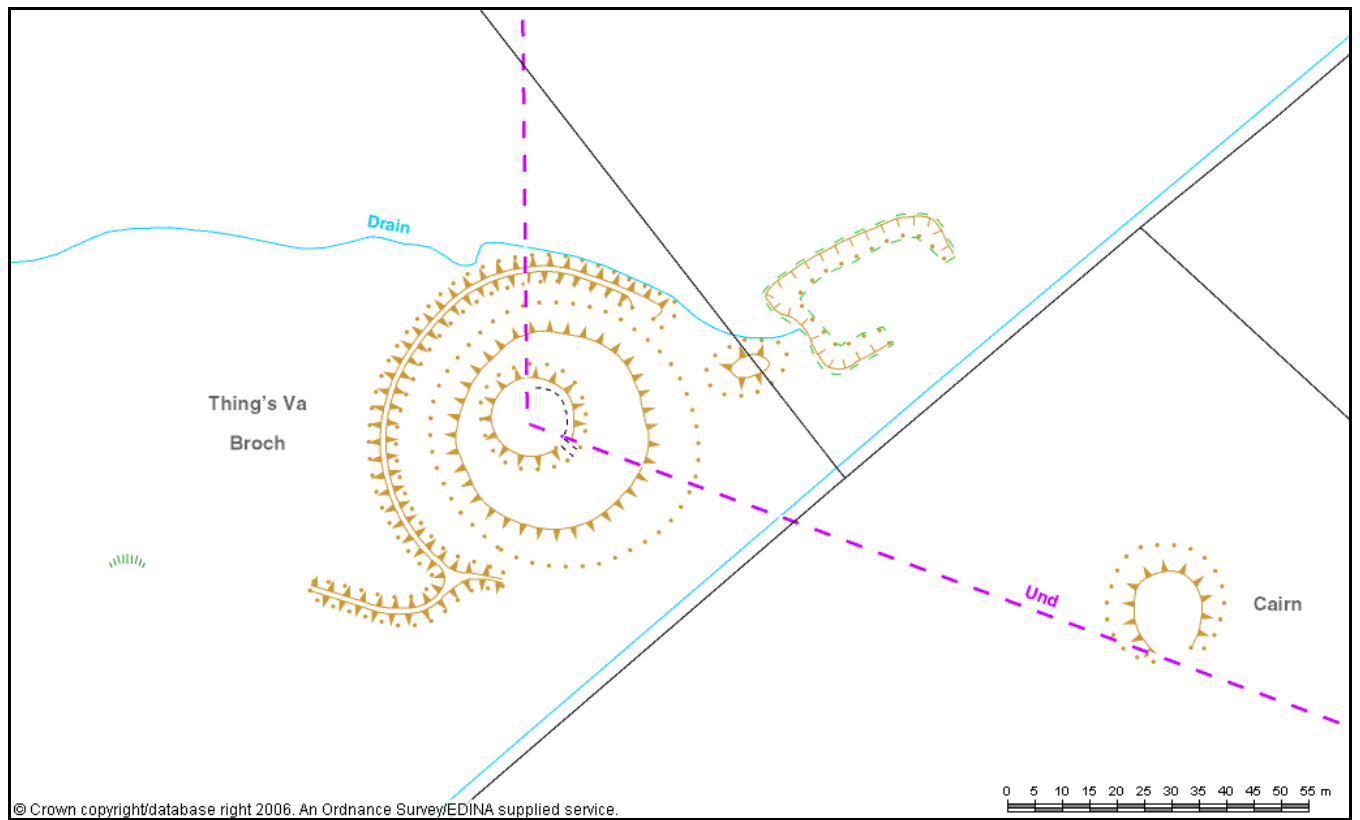
Figure 4.52 Plan of Thing's Va broch-mound, Caithness.
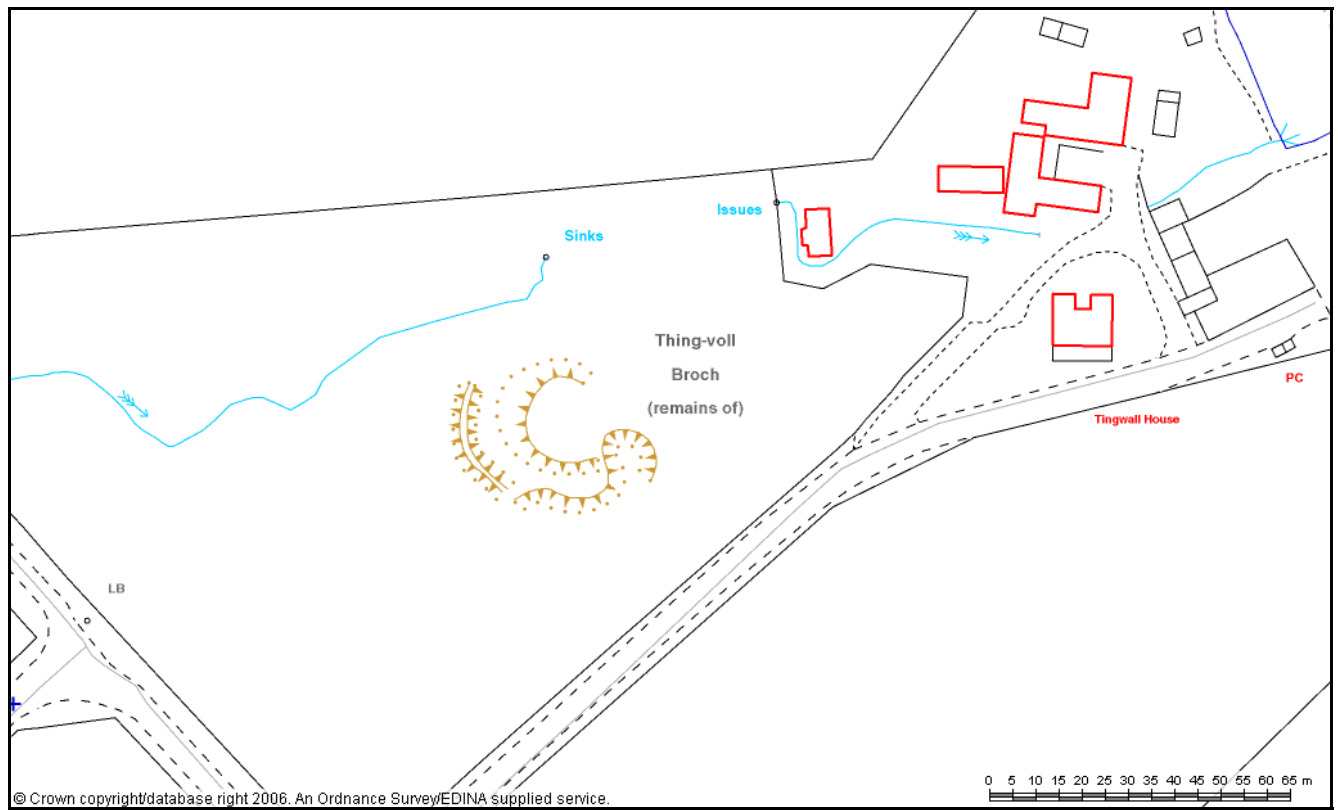
Figure 4.53 Plan of Tingwall broch-mound, Mainland Orkney.
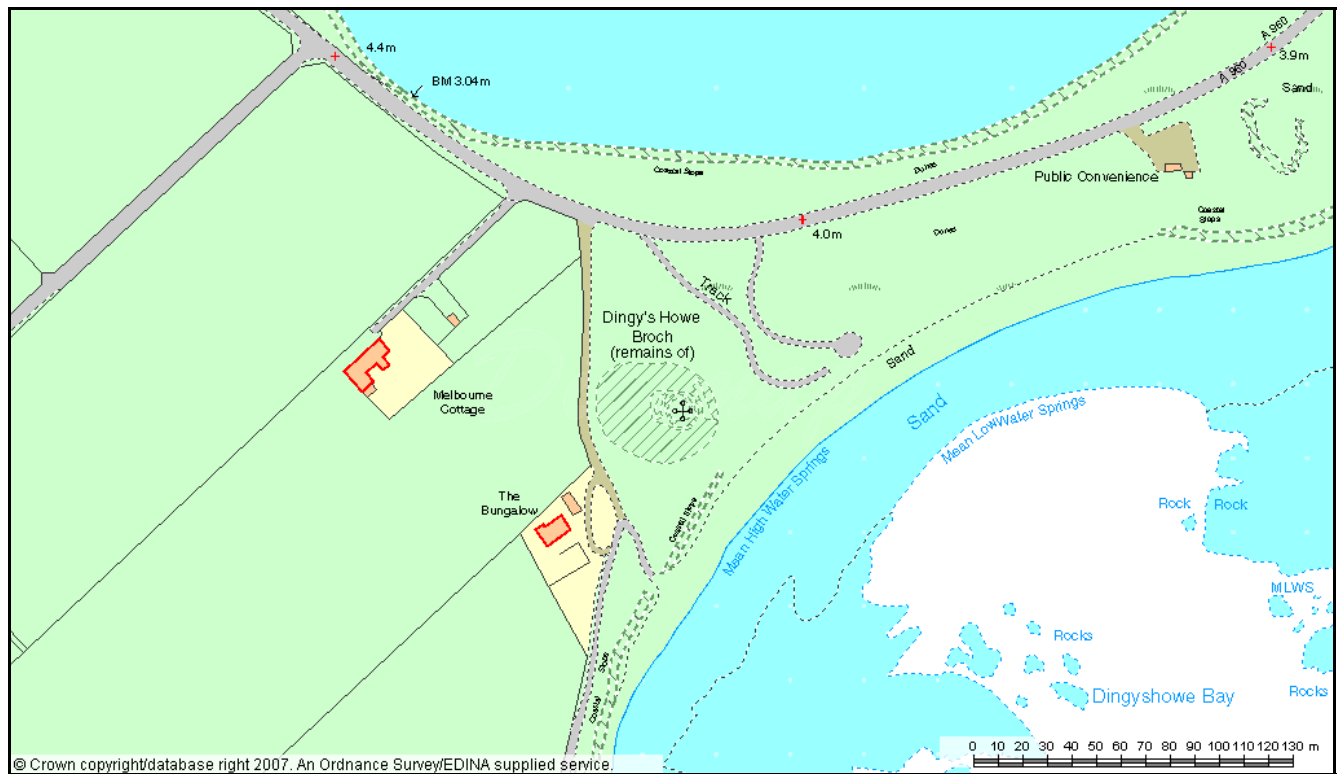
Figure 4.54 Dingeshowe broch-mound and neighbouring isthmus.
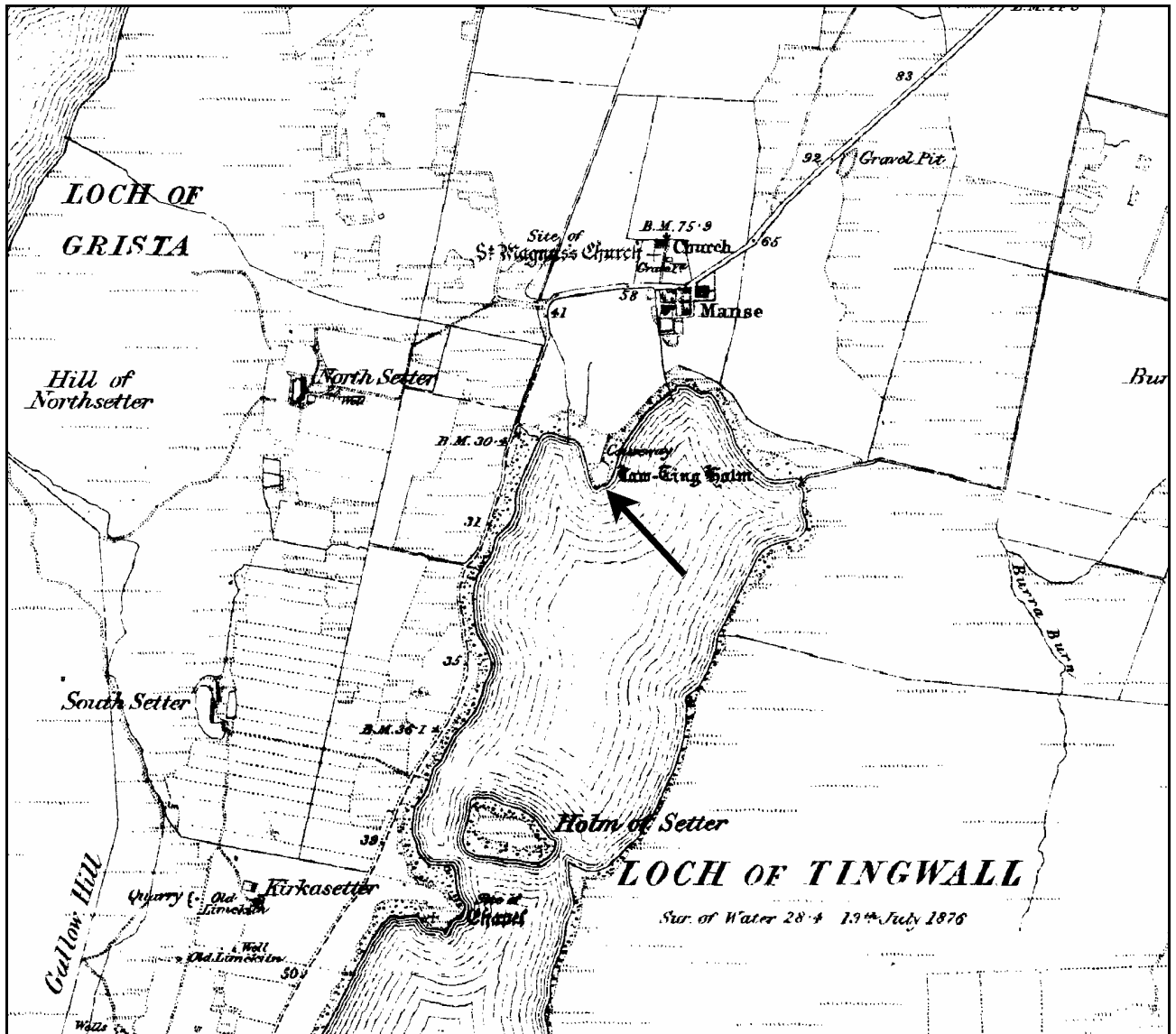
Figure 4.55 Law Ting Holm, Tingwall parish, Mainland Shetland.
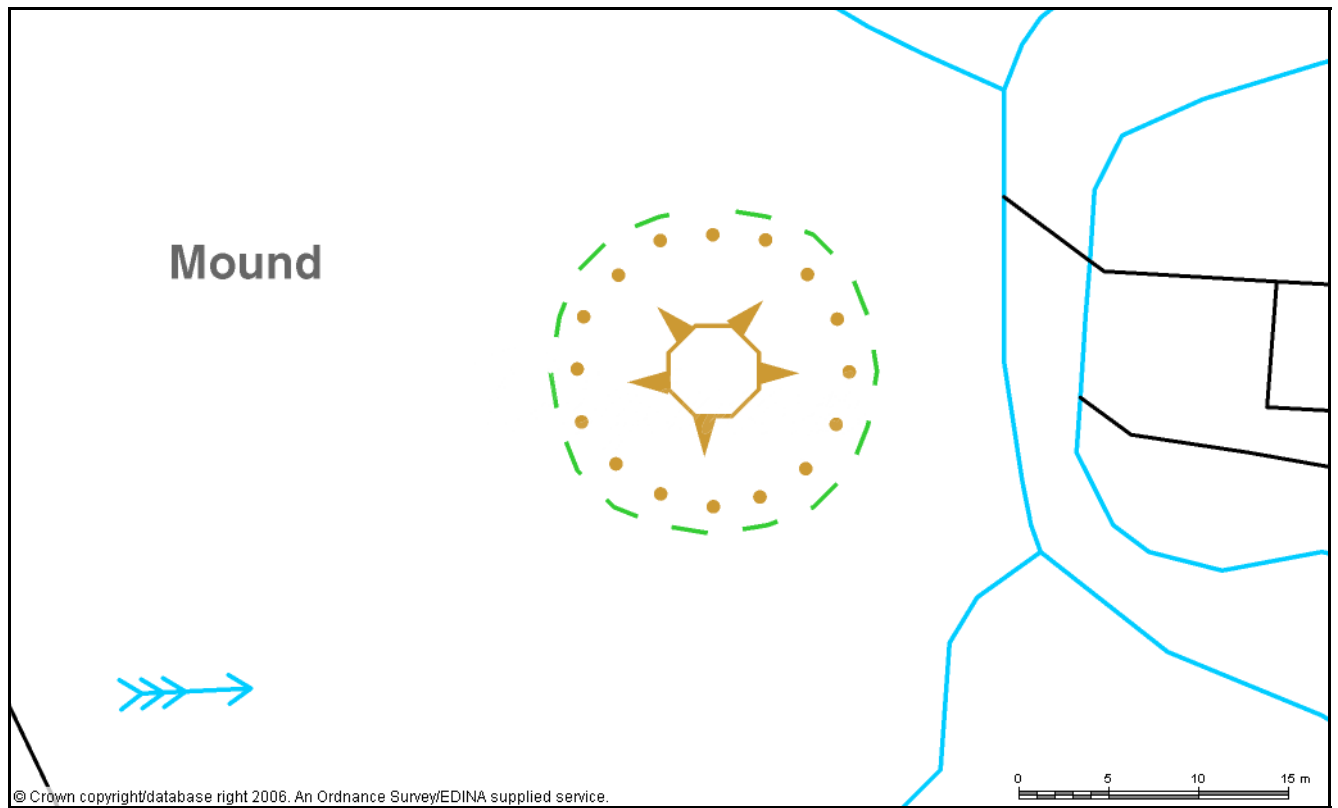
Figure 4.56 Plan of Thingstead mound, Delting parish, Mainland Shetland.

Figure 4.57 General Roy's map showing Tinwald parish, Dumfriesshire, note Kirk of
Tinwald S of Amisfield and motte marked with arrow (General Roy's map of
Scotland 1747-55, sheet 05/2f) © SCRAN.

Figure 4.60 Tinwald motte, from S (top) and NW (bottom).

Figure 4.61 Detail from 1st edition OS 6":mile map "Kirkcudbrightshire" showing
        Tinwald.
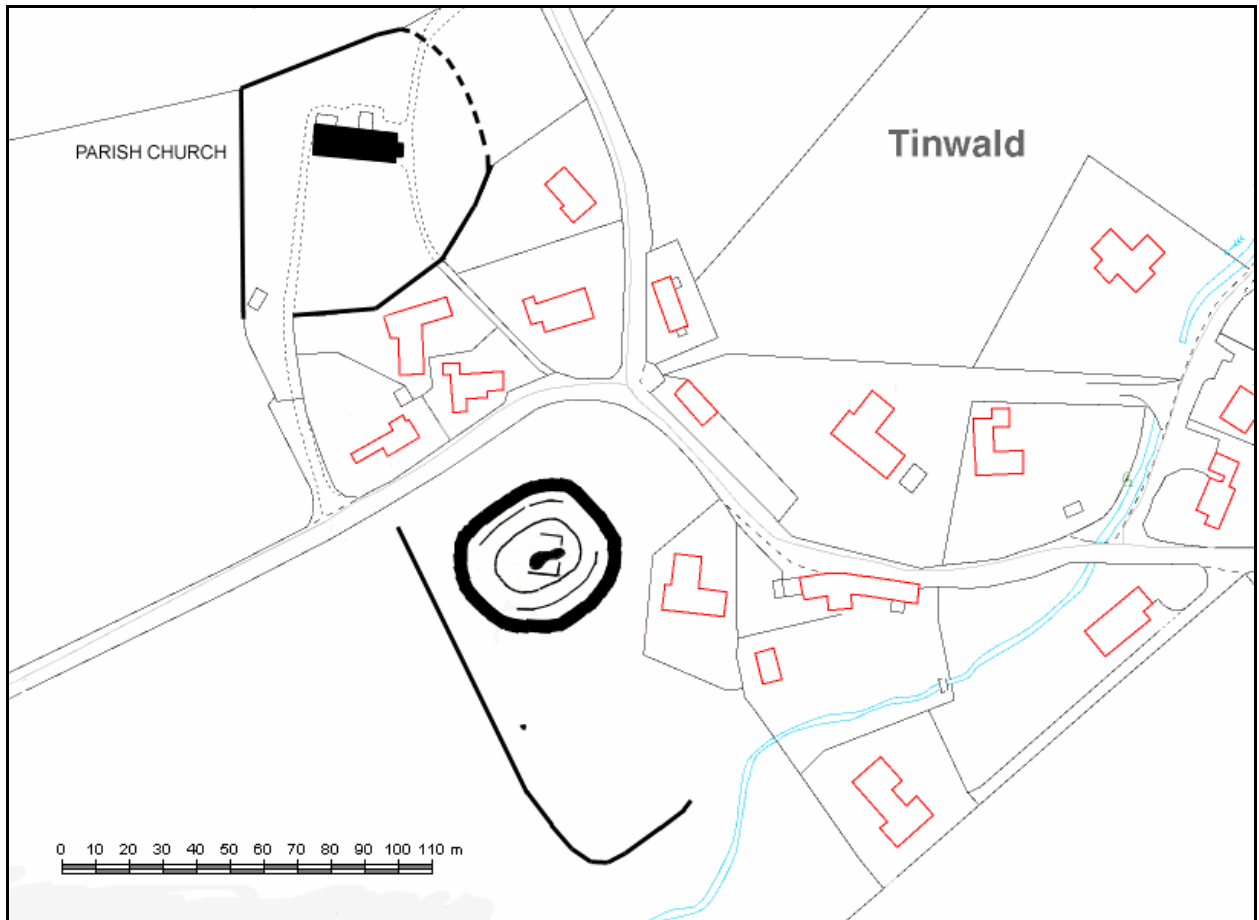
Figure 4.62 Sketch plot of cropmarks on aerial photographs, Tinwald.
Based on RCAHMS 1988 (top; no.16167) and 1987 (bottom; no.B24080).
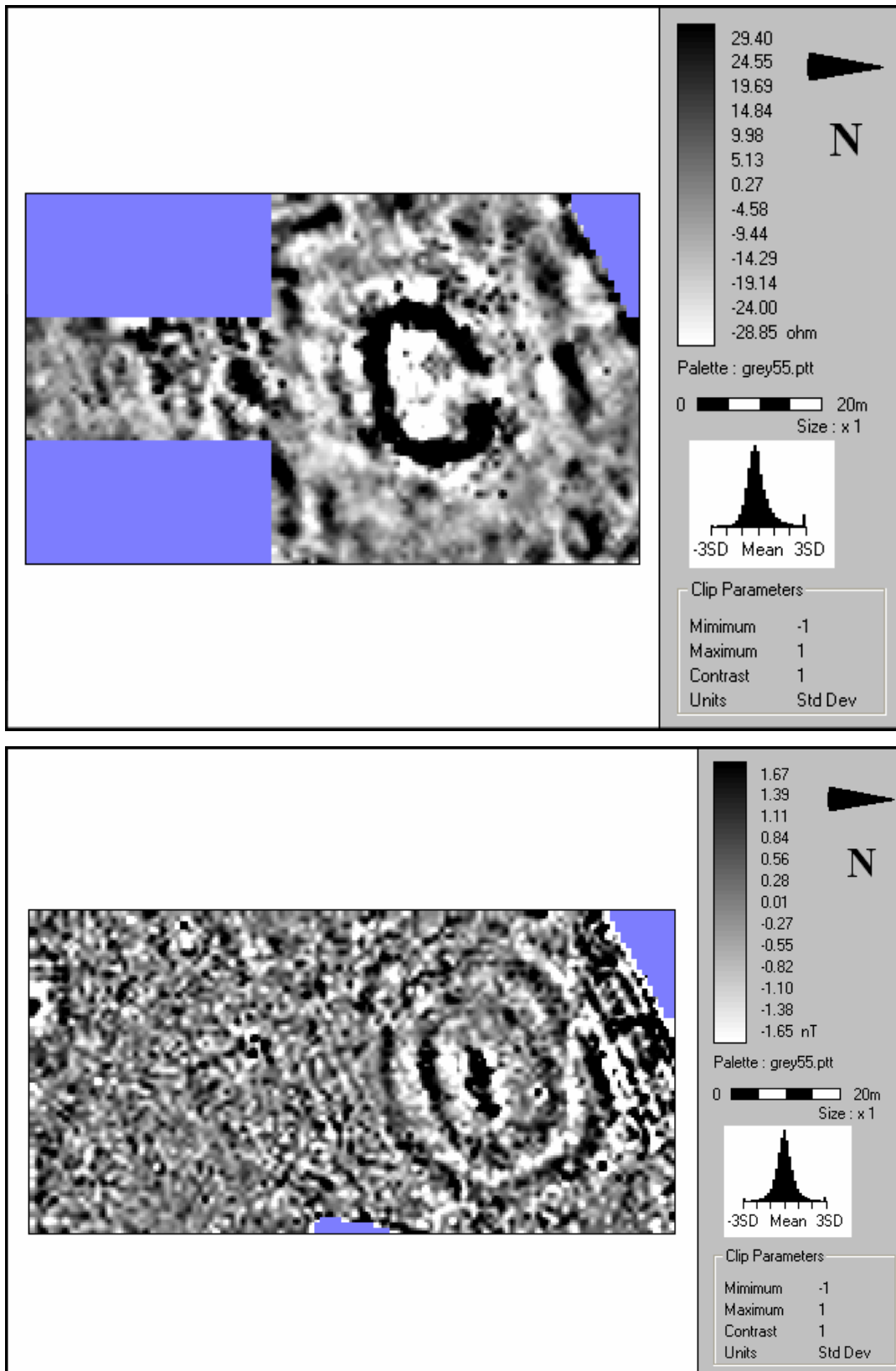
Figure 4.63 (Top) Resistivity survey results, Tinwald motte (Highpass filter and interpolated); (bottom) Fluxgate gradiometer results, Tinwald motte (Highpass filter and interpolated).
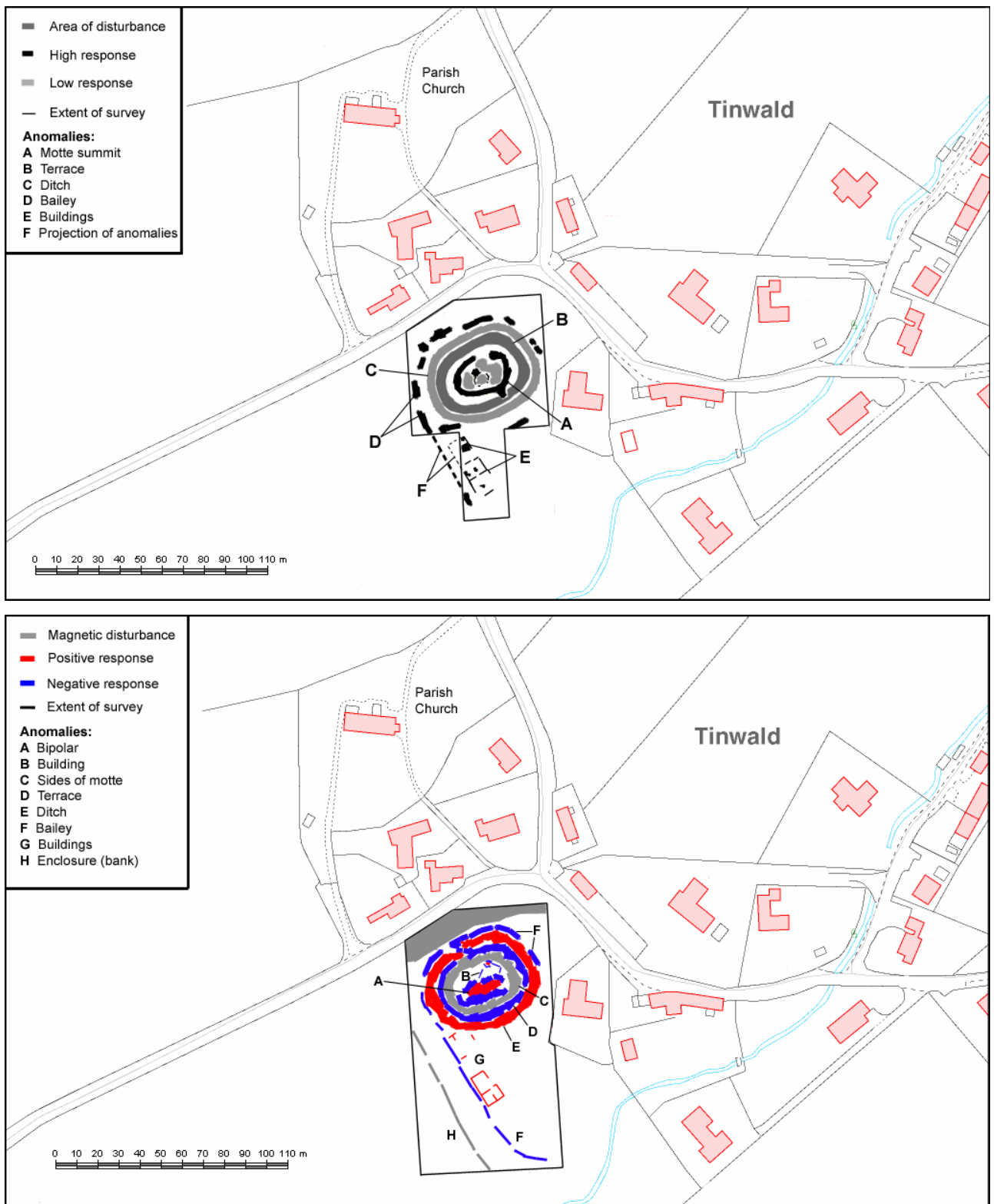
Figure 4.64 Interpretive plot of geophysics results from Tinwald.

Resistivity (top) and Magnetic (bottom).

Figure 4.65 Distribution of *Threep* place-names (from Barrow 1998: 71, fig. 2.10).

	Natural hill	Artificial mound	Cairn	Megalith	Island	Enclosure	Outcrop	Fort	Broch-mound	Tree	Unknown
Percentage of total	35%	24%	10%	8%	11%						12%
■ Possible	47	35	14	10	1	3	3	4	0	1	25
■ Strong	24	13	6	6	4	2	1	0	3	0	0
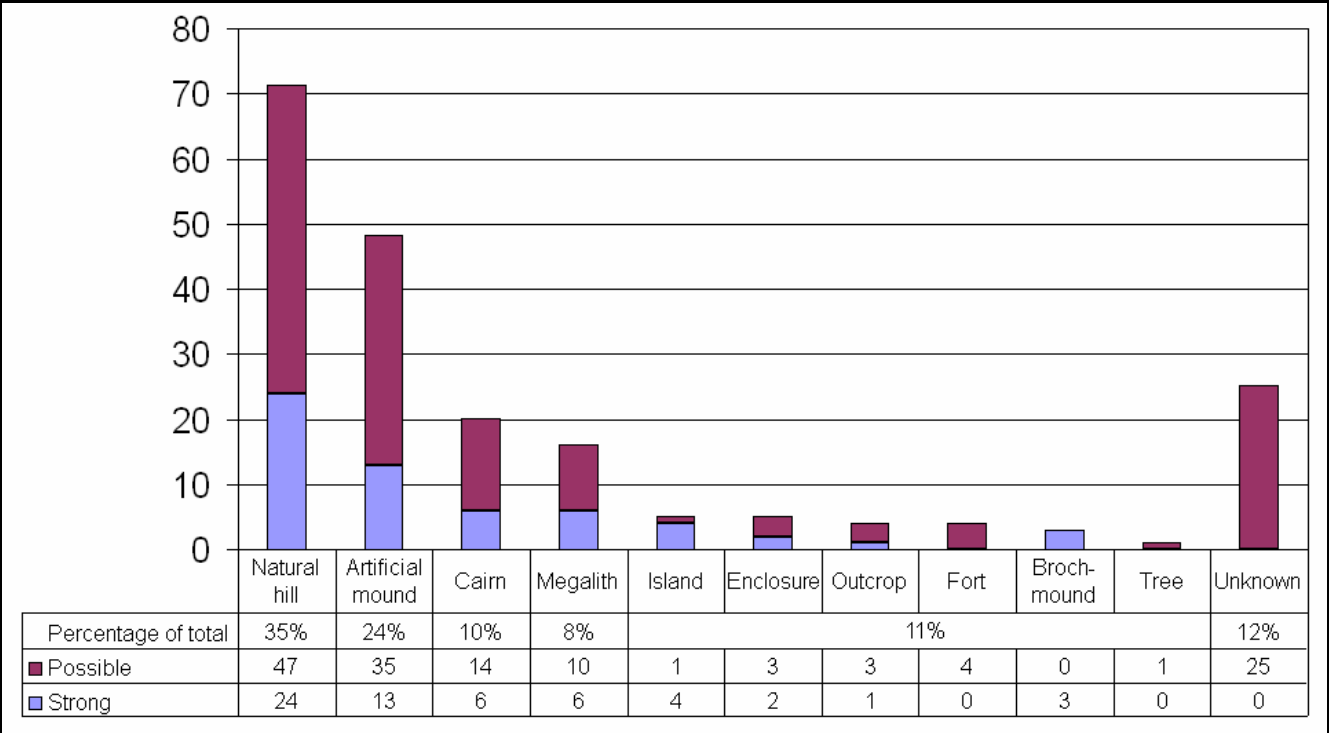
Figure 4.66 Settings of medieval assemblies in Scotland based on place-name evidence and post-medieval sources.

Figure 4.67 Thorn Knowe cairn, Coldrain, Perth and Kinross (Table 4.1, no. 53).
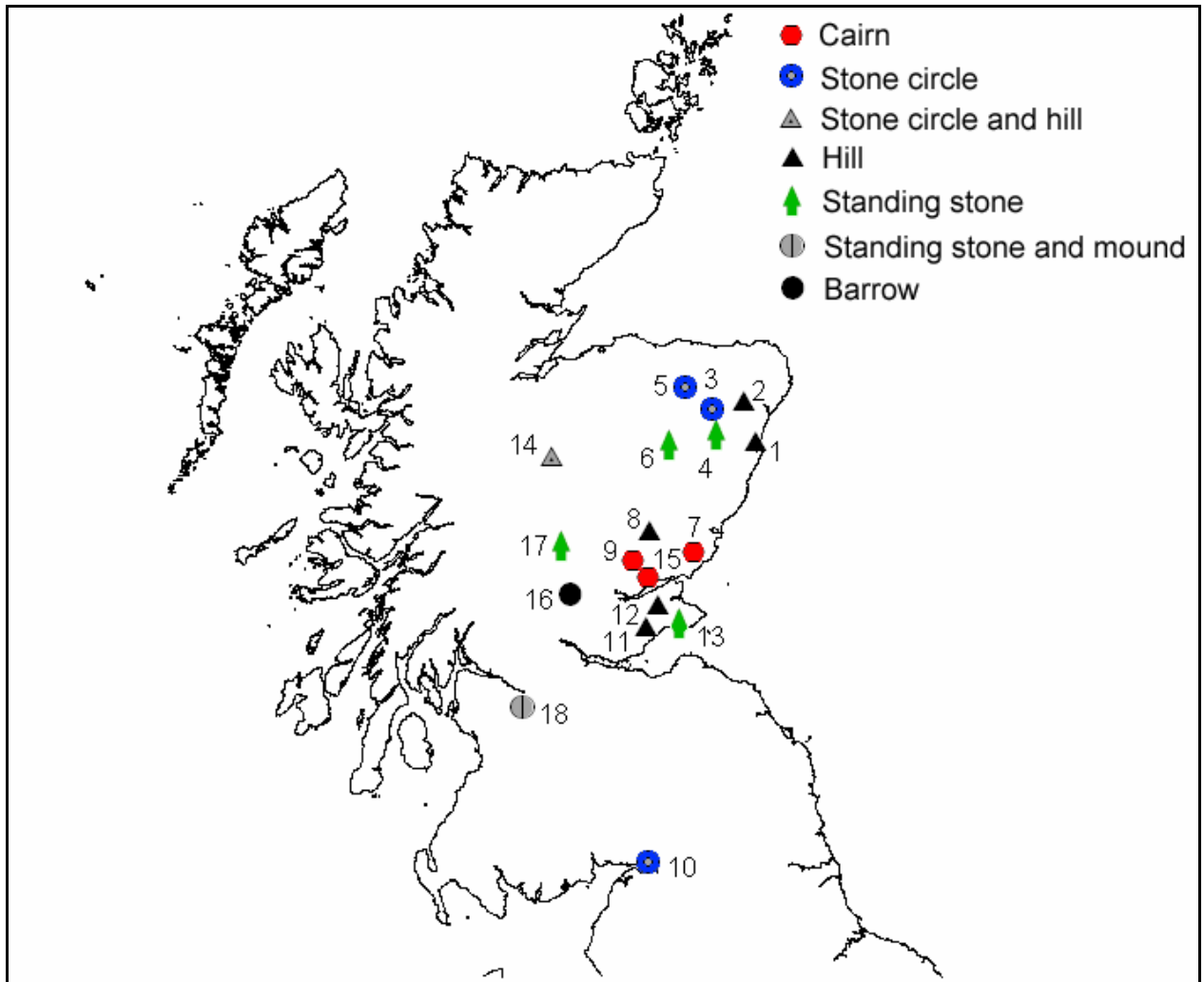
Figure 5.1a Distribution of sites mentioned in Chapter 5 and in Table 5.1.
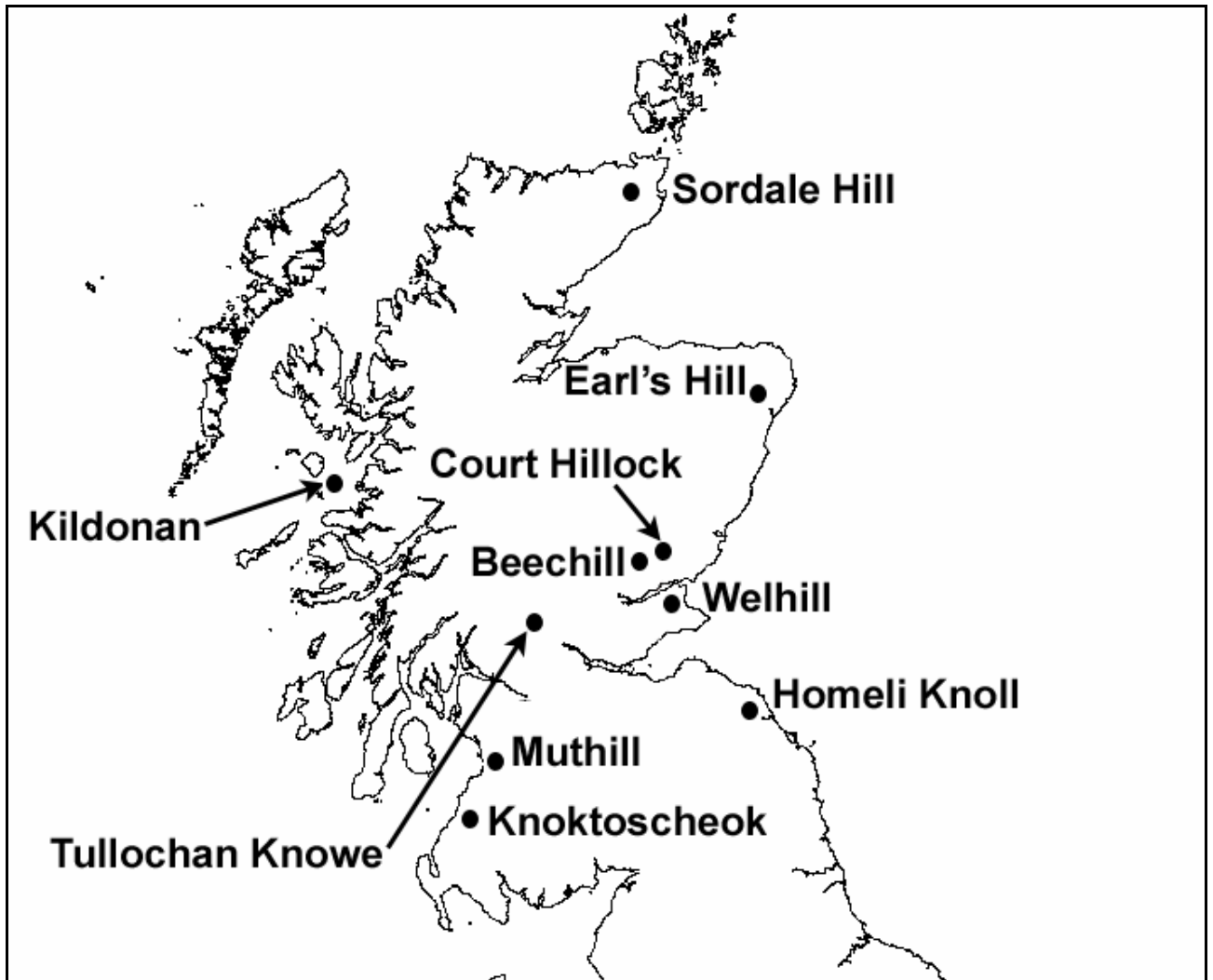
Figure 5.1b Map of additional sites mentioned in Chapter 5.

Figure 5.2 Beech Hill Cairn and Coupar Angus.
        (adapted from Dennison and Coleman 1997: 6, fig.2)
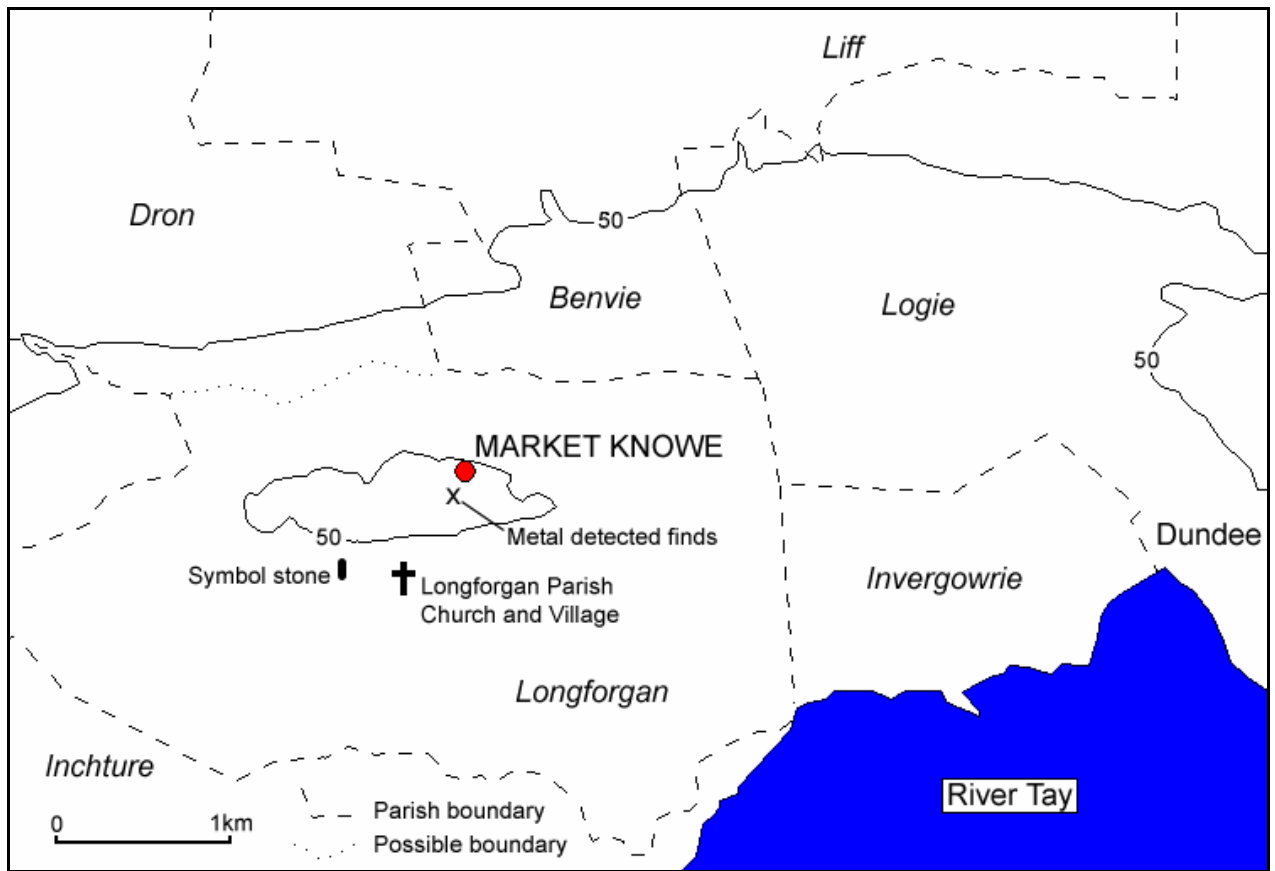
Figure 5.3 Market Knowe, Longforgan and neighbouring parishes.

Figure 5.4 Market Knowe from the N.

Figure 5.5 Aerial view of Market Knowe and Huntly Wood, site market with red circle
(N upwards, © Google).

Figure 5.6 Pictish symbol stone from Longforgan parish (source RCAHMS archive no.
SC 936579).

Figure 5.7 Market Knowe.
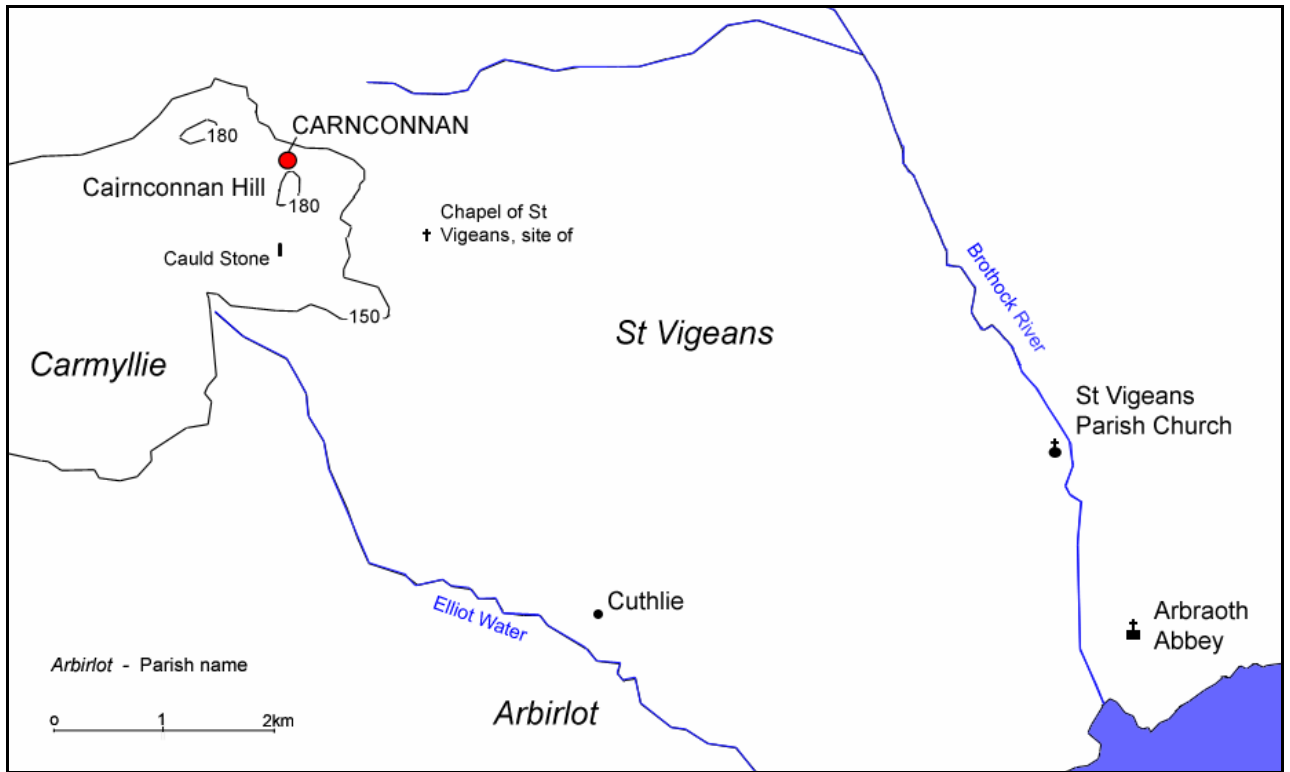
Figure 5.8 Carnconnan and environs.

Figure 5.9 Carnconnan cairn from the SW.
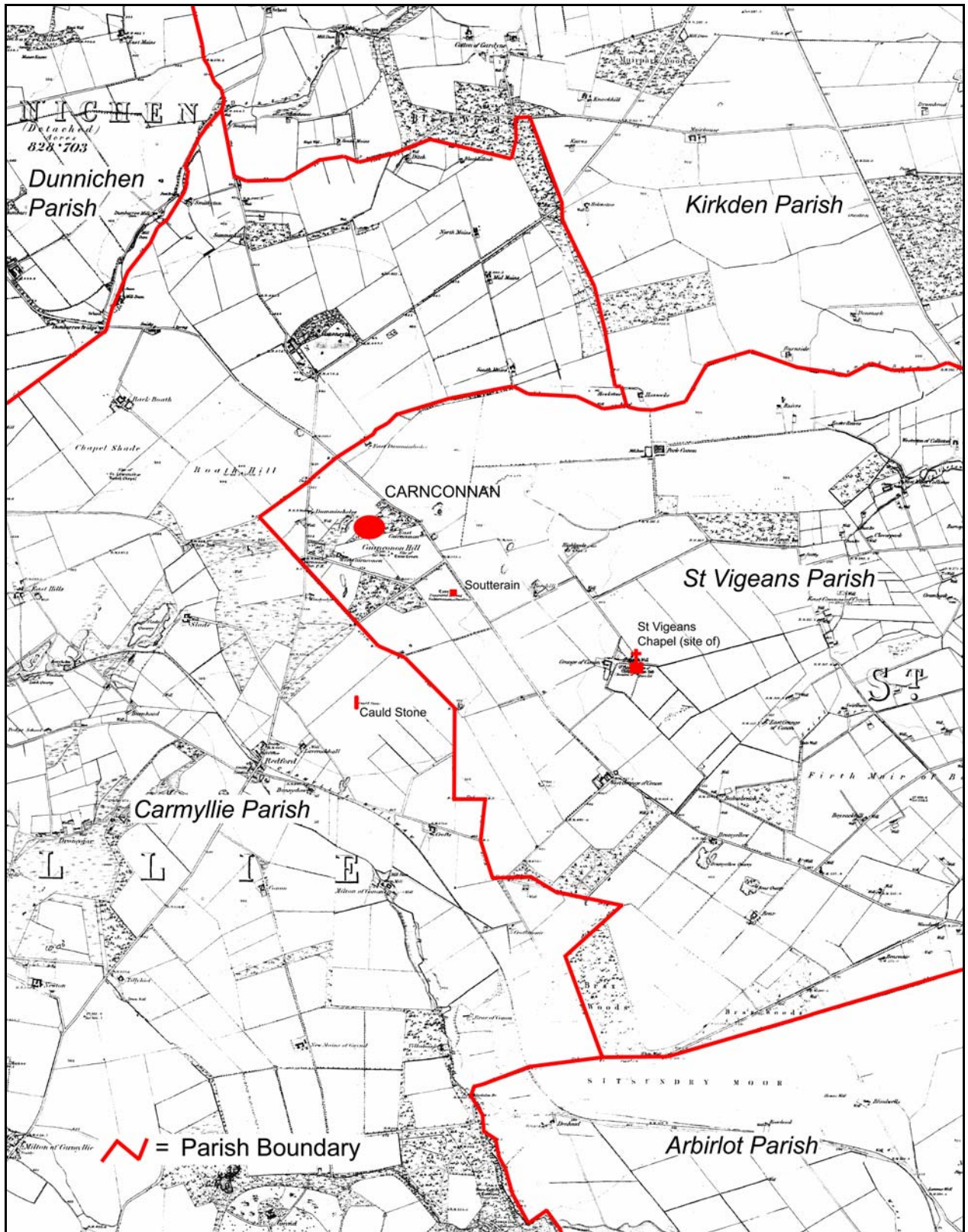
Figure 5.10 Carnconnan and neighbouring parishes (adapted from 1st edition OS 6":mile map Forfarshire 1865).
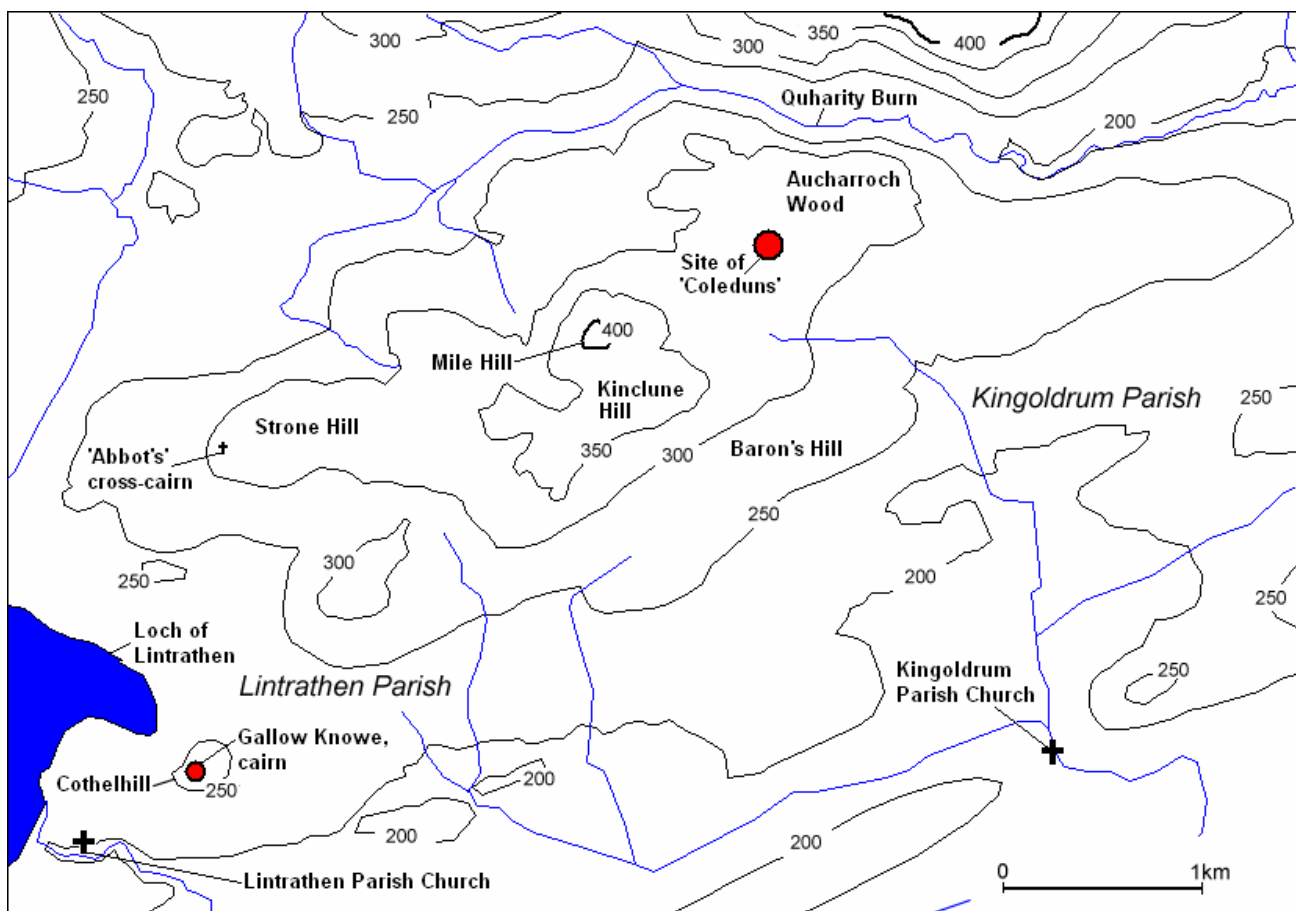
Figure 5.11 Coleduns and environs.
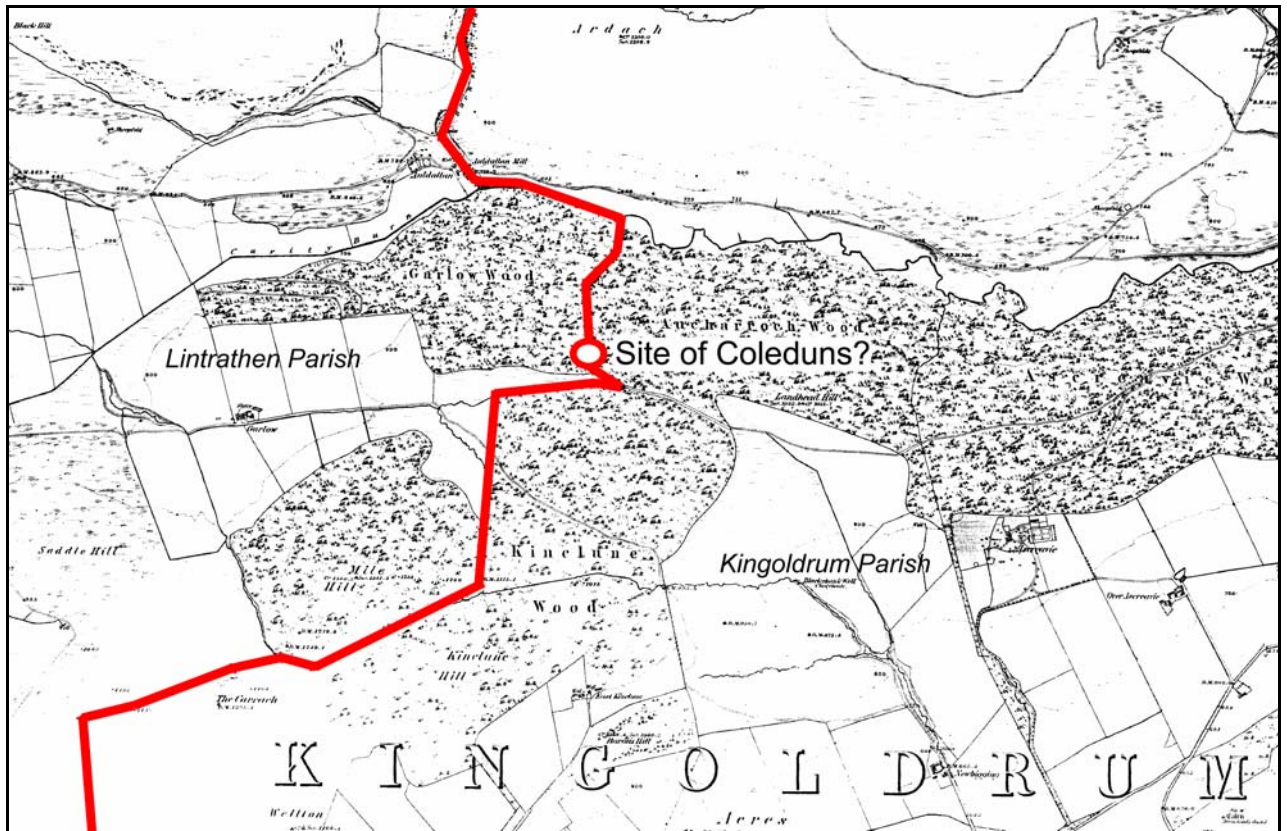
Figure 5.12 Possible site of Coleduns, showing boundary location (adapted from 1st edition OS 6":mile map Forfarshire 1865).
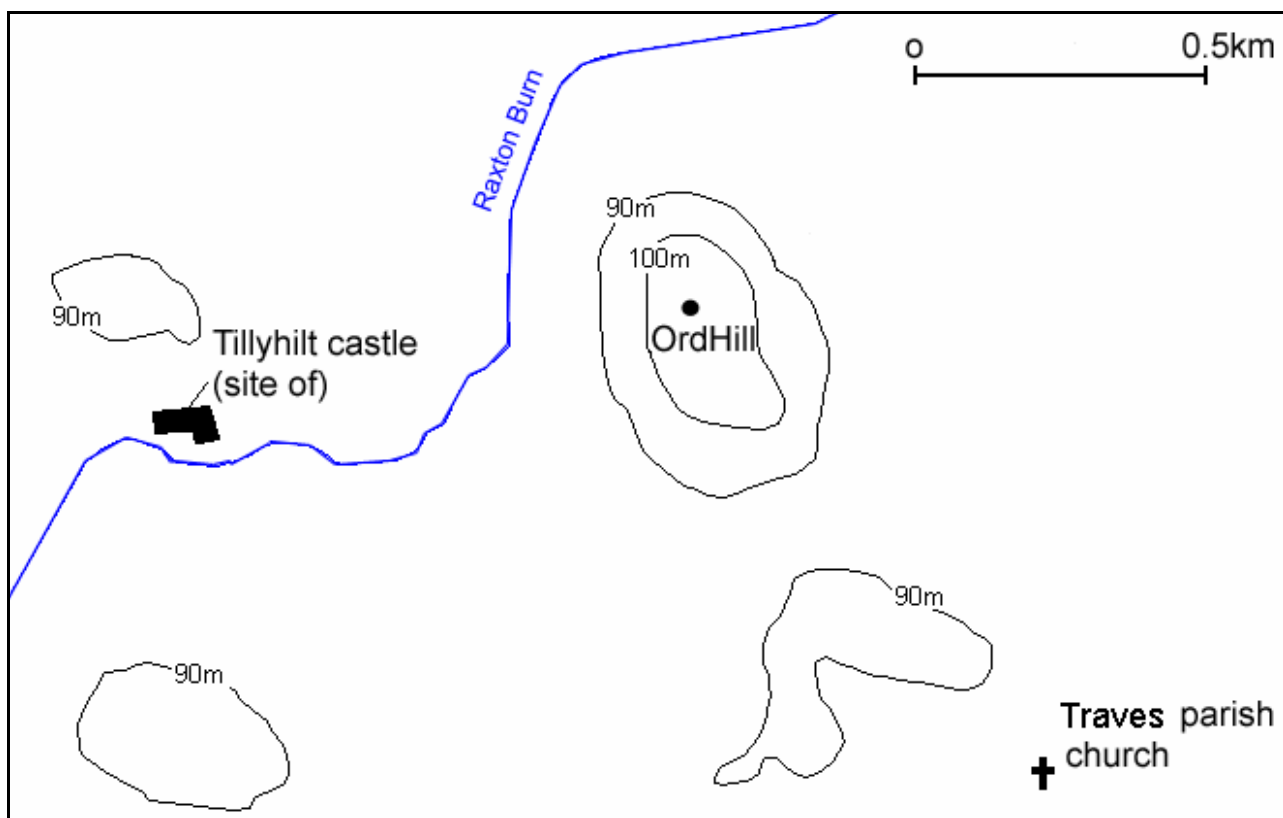
Figure 5.13 Ordhill and Tarves.
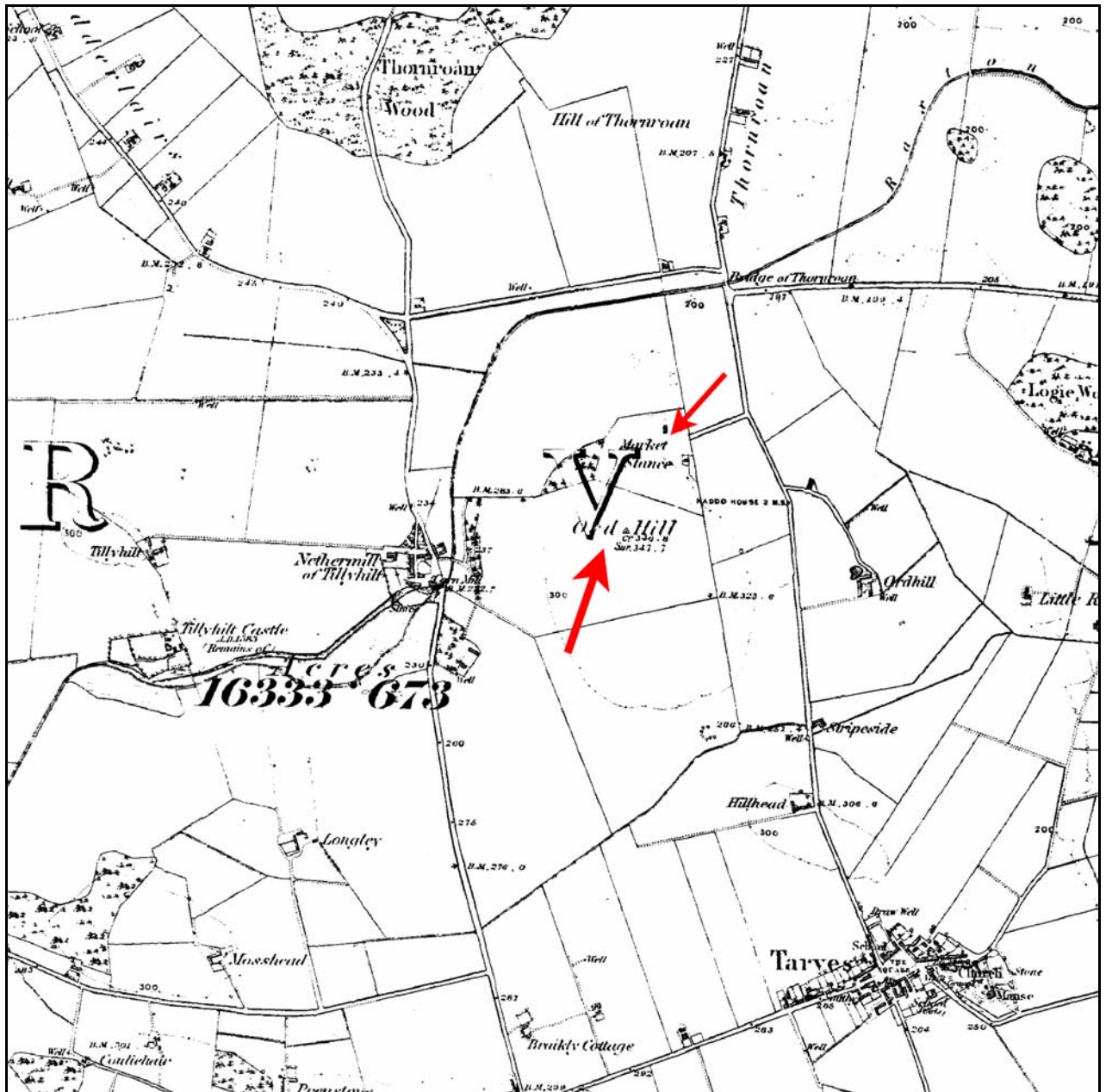
Figure 5.14 1st edition OS map of Ord Hill (large arrow), showing market stance (small arrow) (6":mile map Aberdeenshire 1871).
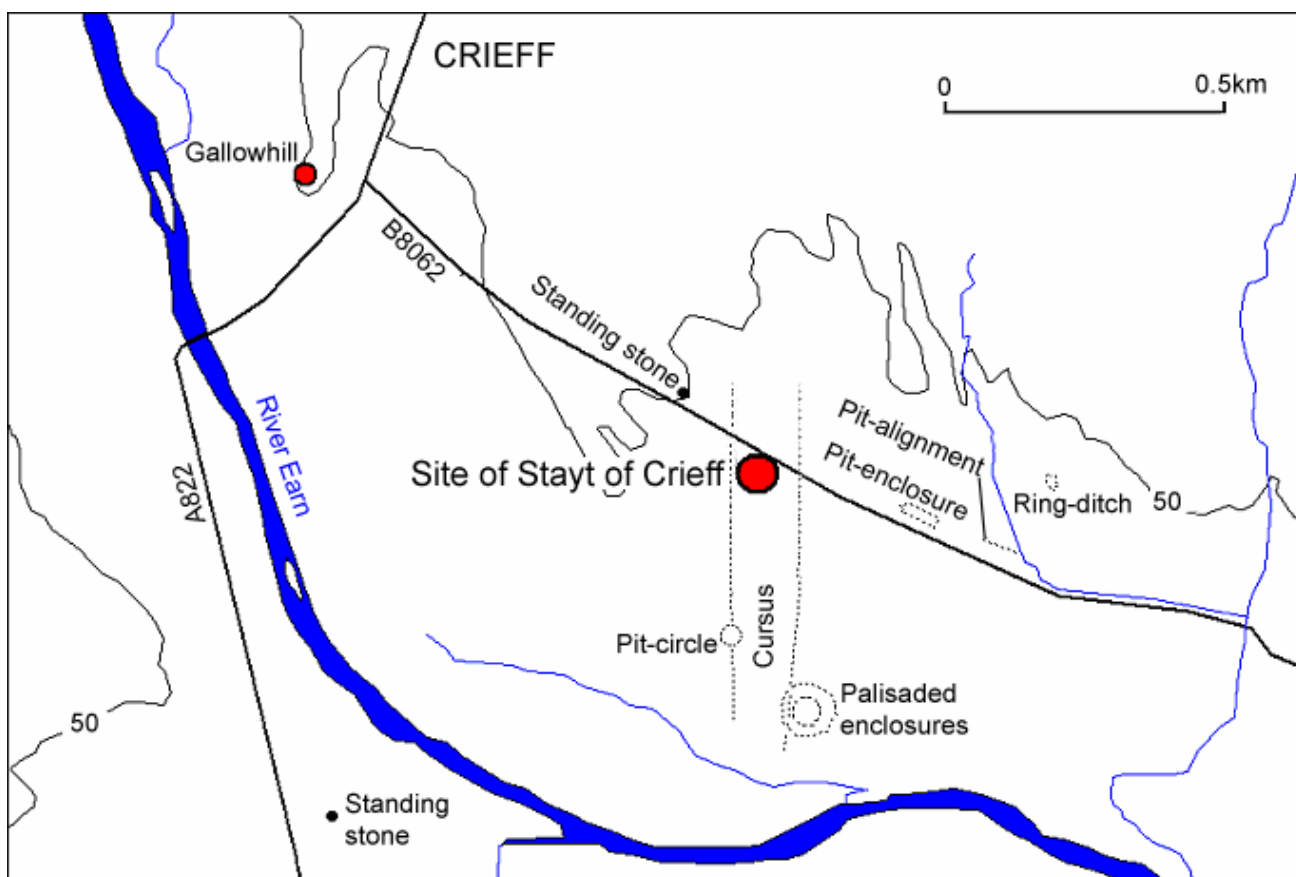
Figure 5.15 Stayt of Crieff and environs.
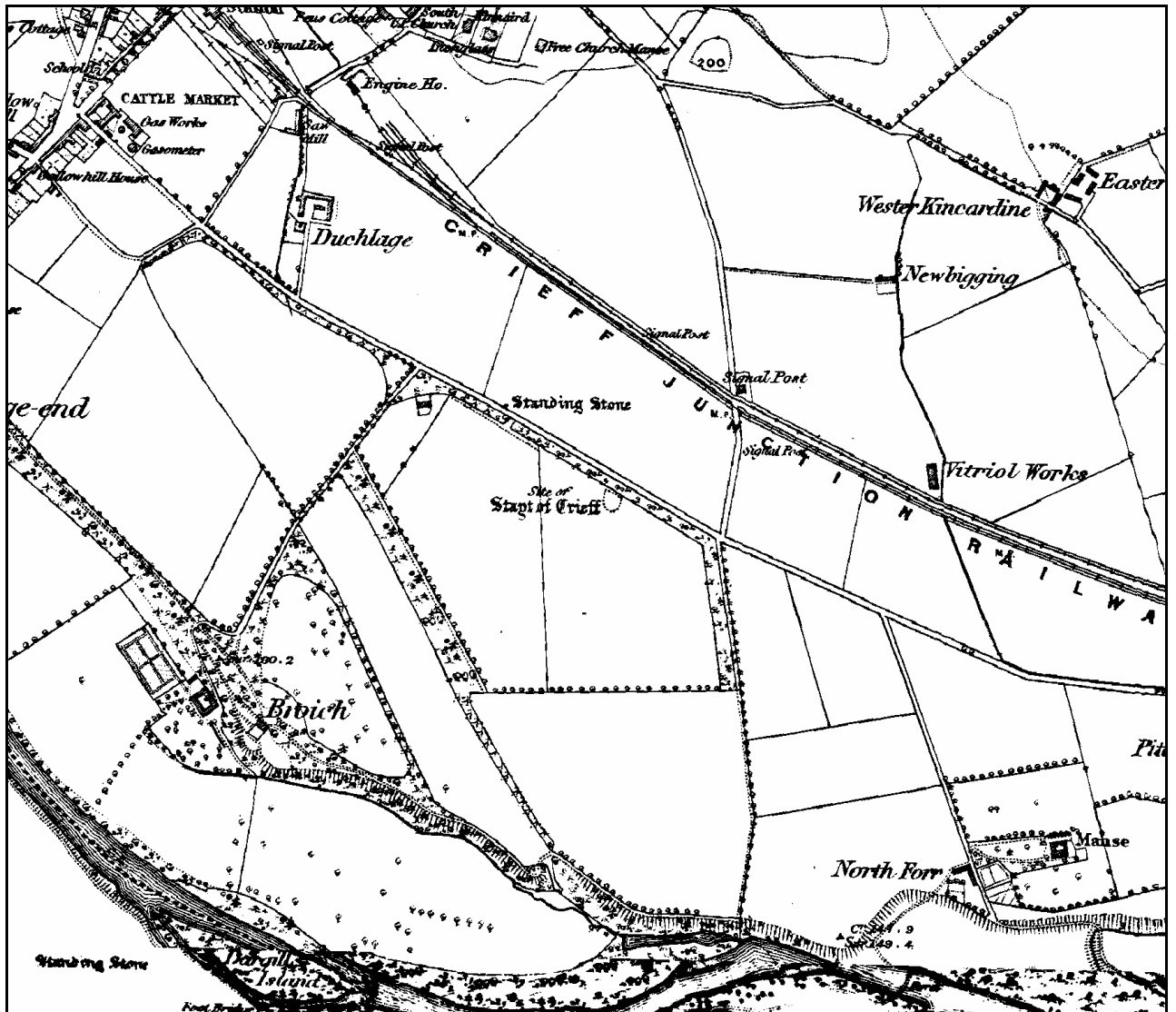
Figure 5.16 1st edition OS map showing 'Site of Stayt of Crieff' (6":mile Perthshire
1866).

Figure 5.17 Mound at Meikle Dripps, showing fallen stone (0.75m) on S flank (from SE).
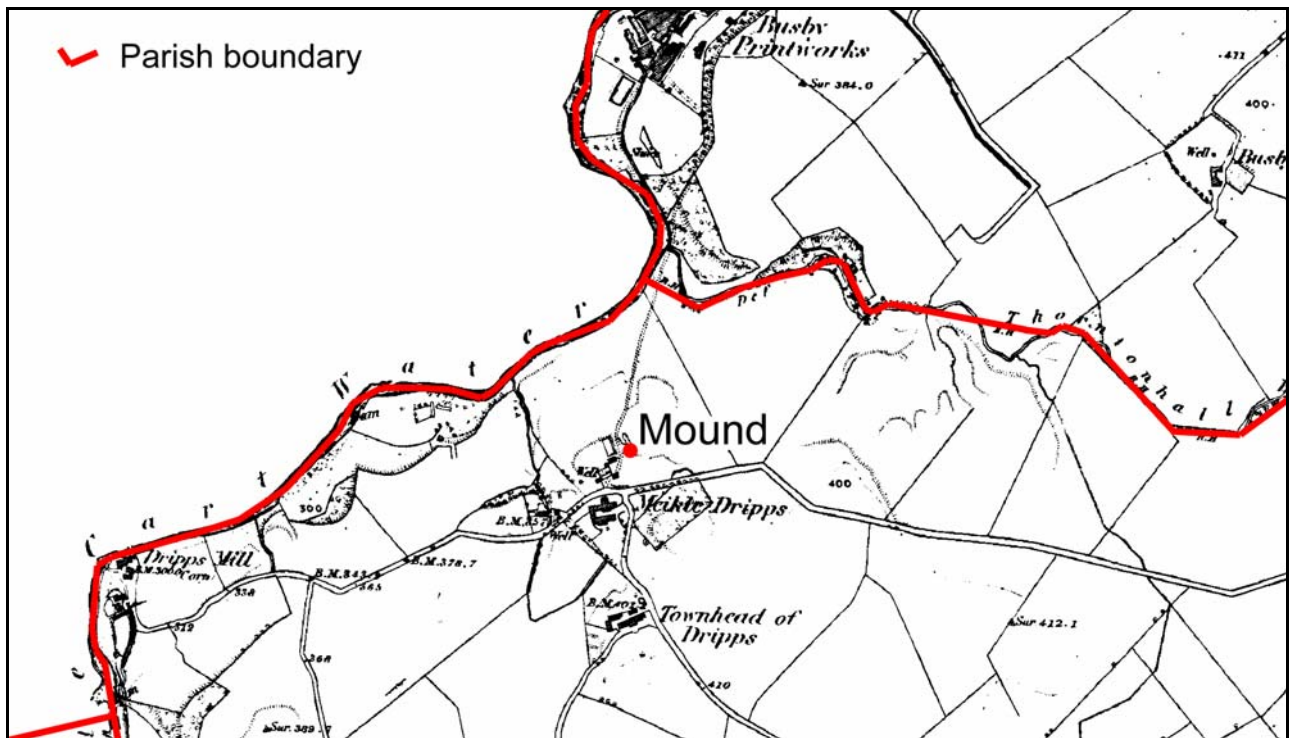
Figure 5.18 Meikle Dripps mound and parish boundaries (adapted from 1st edition OS 6":mile map Lanarkshire 1864).
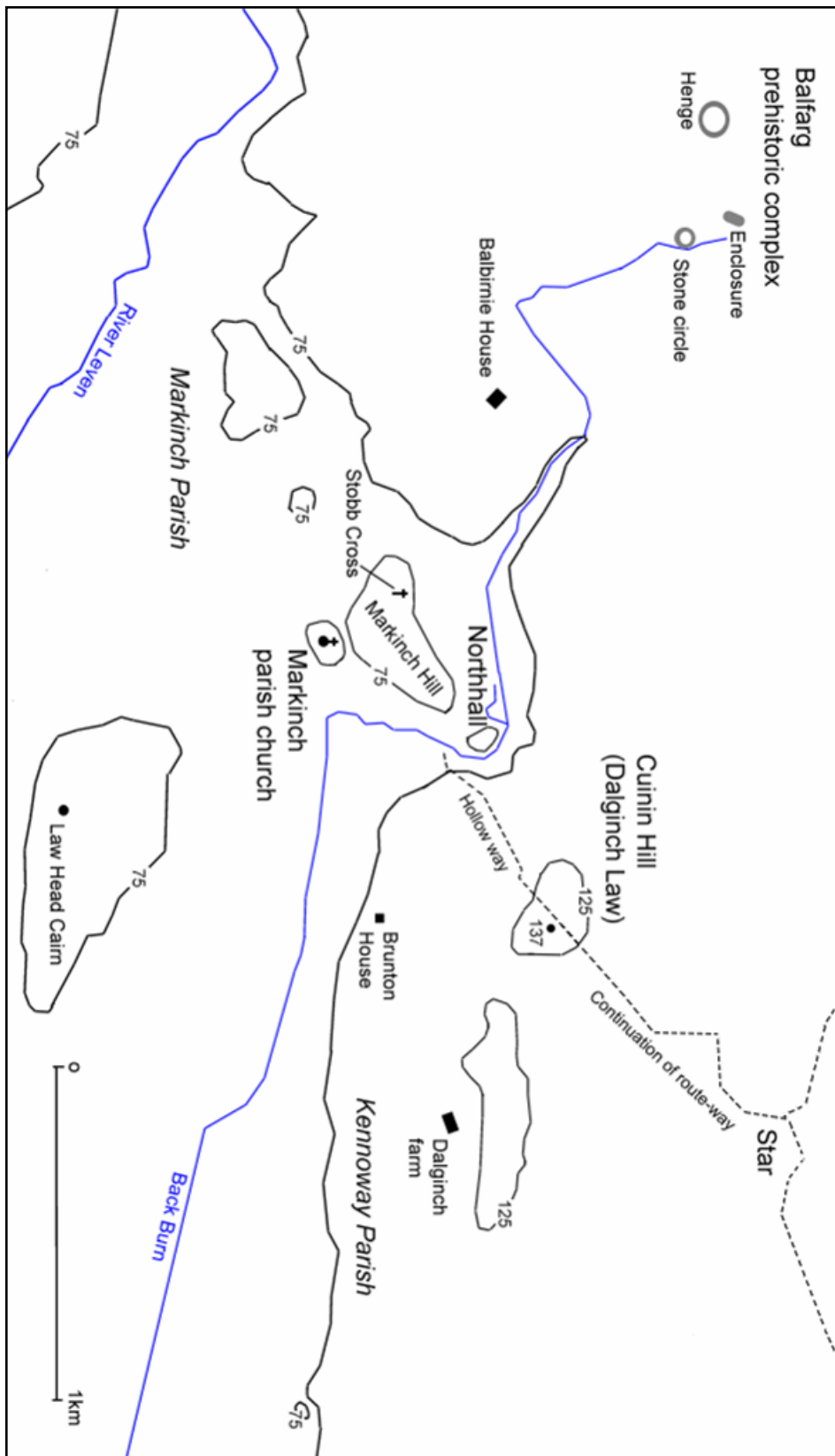
Figure 5.19 Dalginch Law and environs.

Figure 5.20 Hollow-way on west side of Cuinin Hill.

Figure 5.21 Northhall Hill and cemetery from the SE.

Figure 5.22 Markinch parish church on summit of mound with surrounding modern
           village from SE.
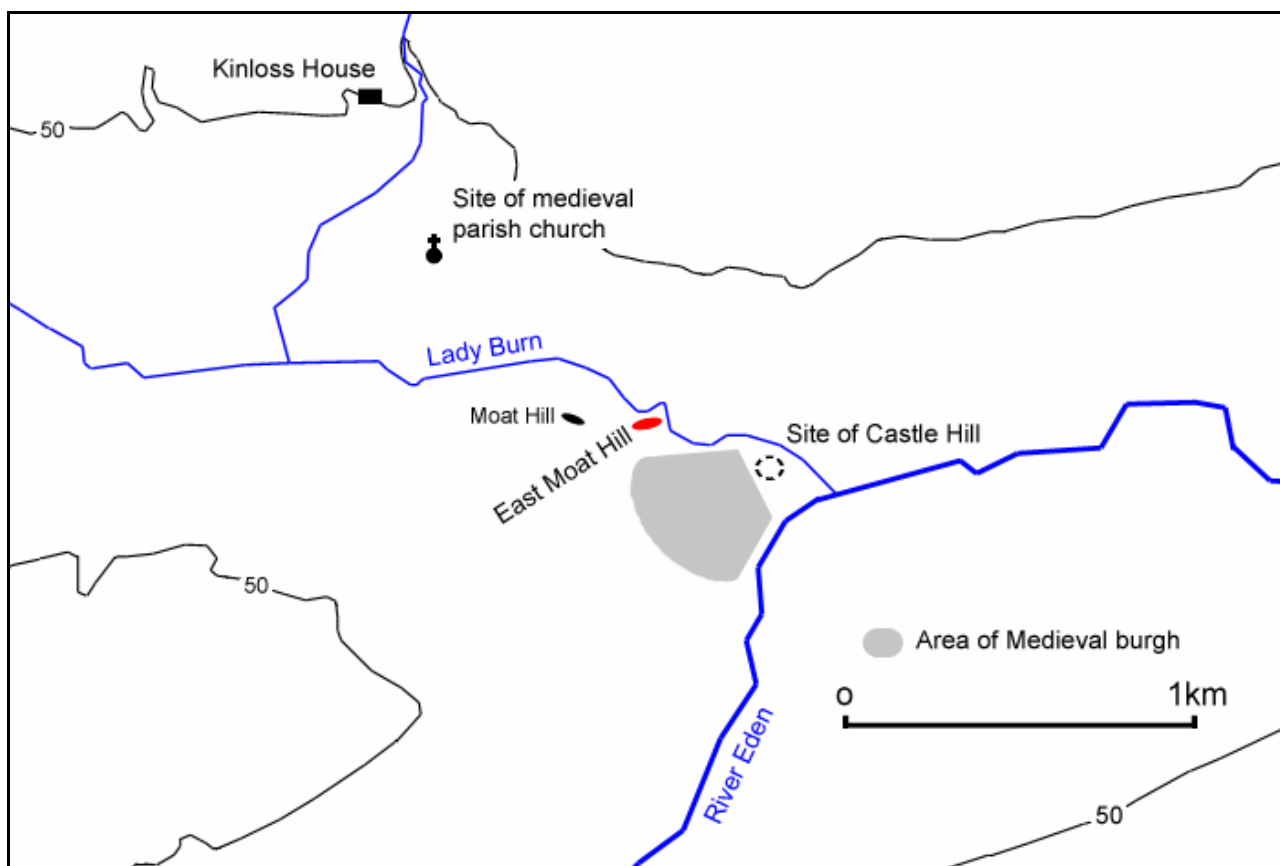
Figure 5.23 East Moat Hill (red), Cupar and environs.

Figure 5.24a East Moat Hill from the W.

Figure 5.24b East Moat Hill from SE.

Figure 5.24c East Moat Hill from the E.

Figure 5.24d East Moat Hill (Mutehill, Moothill) summit from the NE.
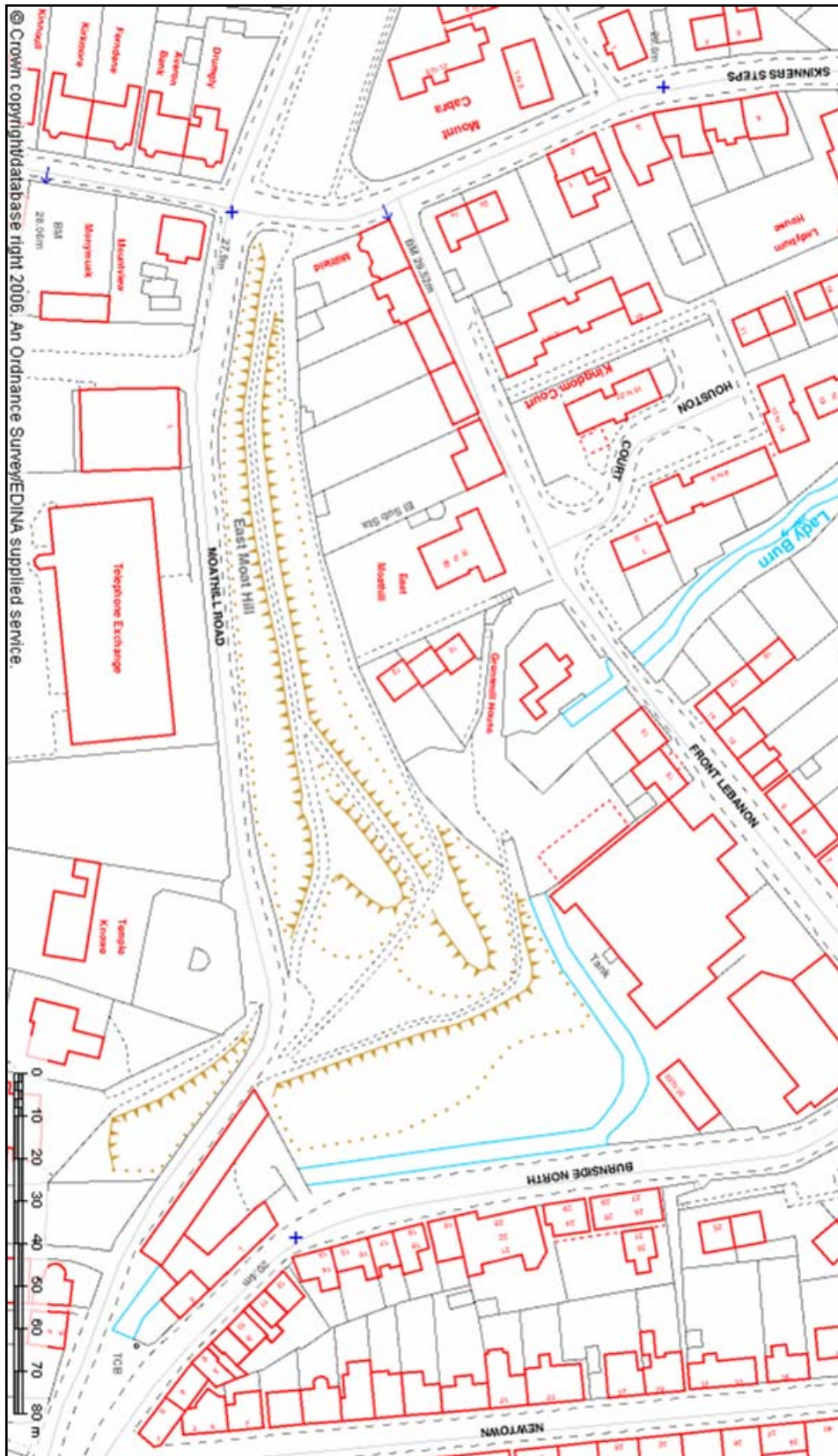
Figure 5.25 Plan of East Moat Hill.

Figure 5.26 Gordon of Rothiemay's 1642 insert plan of Cupar from map of Fife,
showing Mutehill [marked with asterisk] (www.scran.ac.uk).
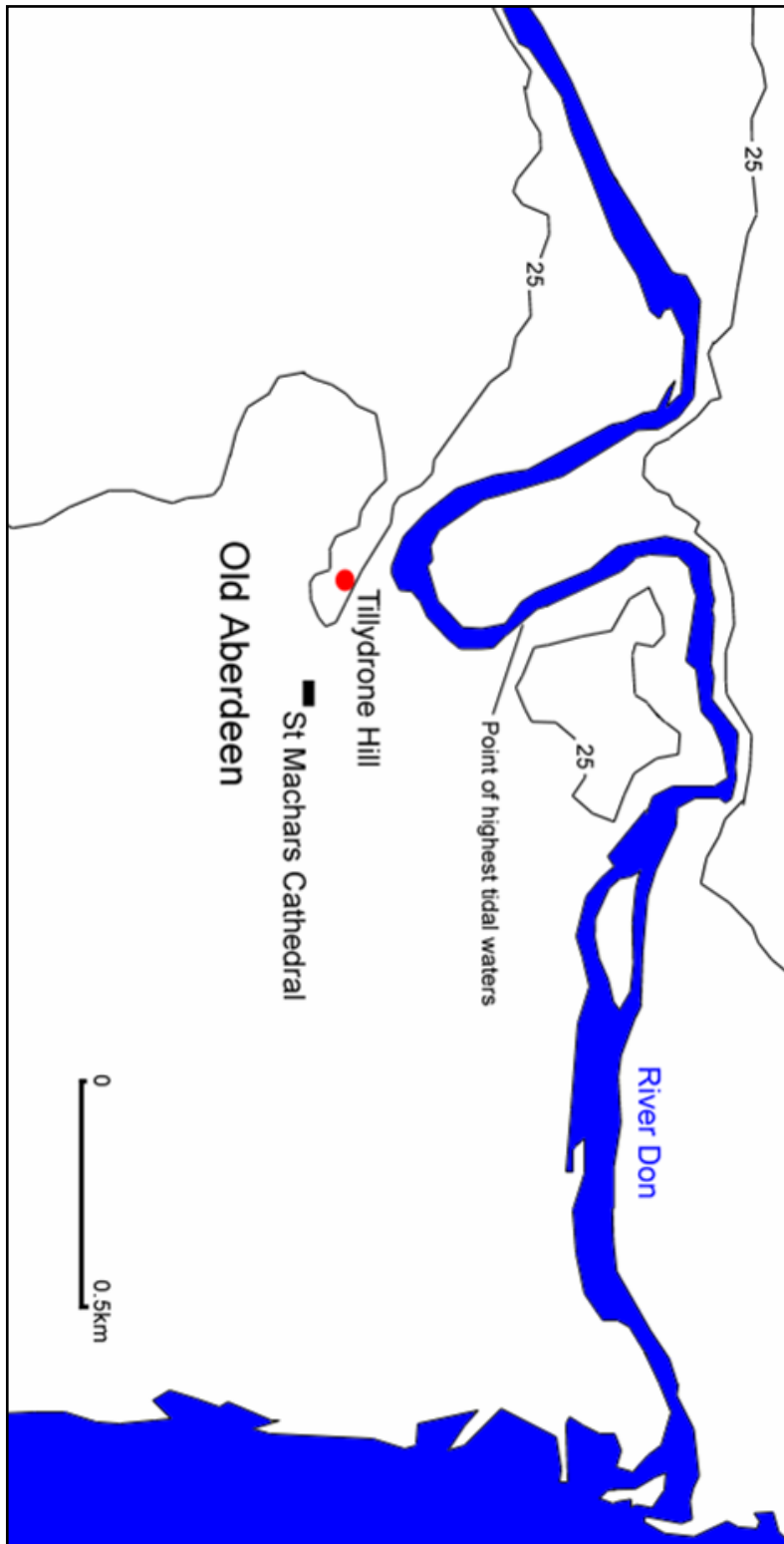
Figure 5.27 Tillydrone Hill and environs.

Figure 5.28 Detail of Slezer's 1693 prospect of Old Aberdeen, showing Tillydrone Hill
as a prominent elevation to the left of St Machars cathedral
(from Carvers 1993: 37, SL.20).

Figure 5.29 Detail of Gordon of Rothiemay's 1661 map of Aberdeen, showing
Tullidrens Hill by the Don and west of St Machars Cathedral
(www.scran.ac.uk).

Figure 5.30 Tillydrone Hill from SW.

Figure 5.31 Tillydrone Hill, plan of excavations (Cameron 2002, source
www.scran.ac.uk).

Figure 5.32 Reconstruction of medieval Old Aberdeen (Ferguson 1949: 75).

Figure 5.33 Candle Hill recumbent stone and flankers (RCAHMS 2007: 64, fig. 5.29).
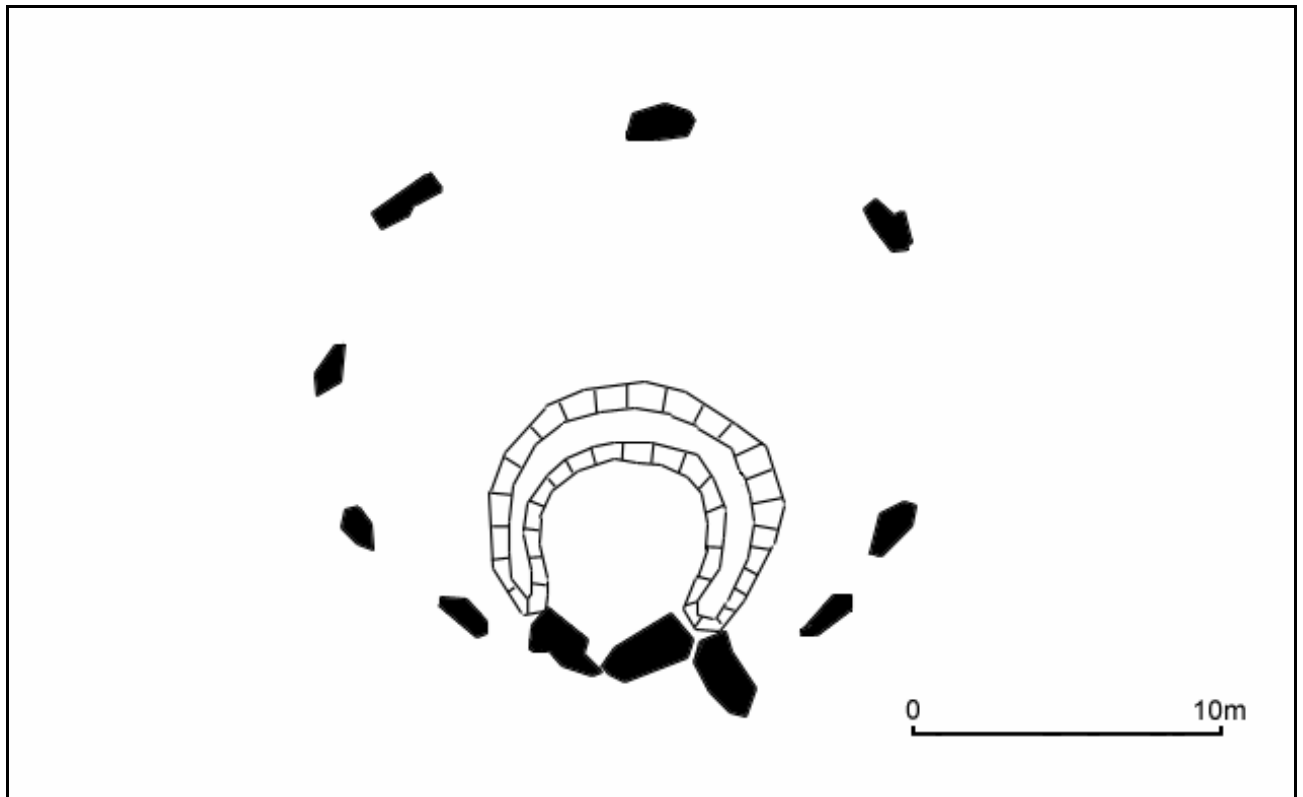
Figure 5.34 Original plan of Candle Hill stone circle (Adapted from an original plan by
Dalrymple, from album in Society of Antiquaries of Scotland Collection
1832, page 68 (reverse), source RCAHMS archive no. SC 730423).
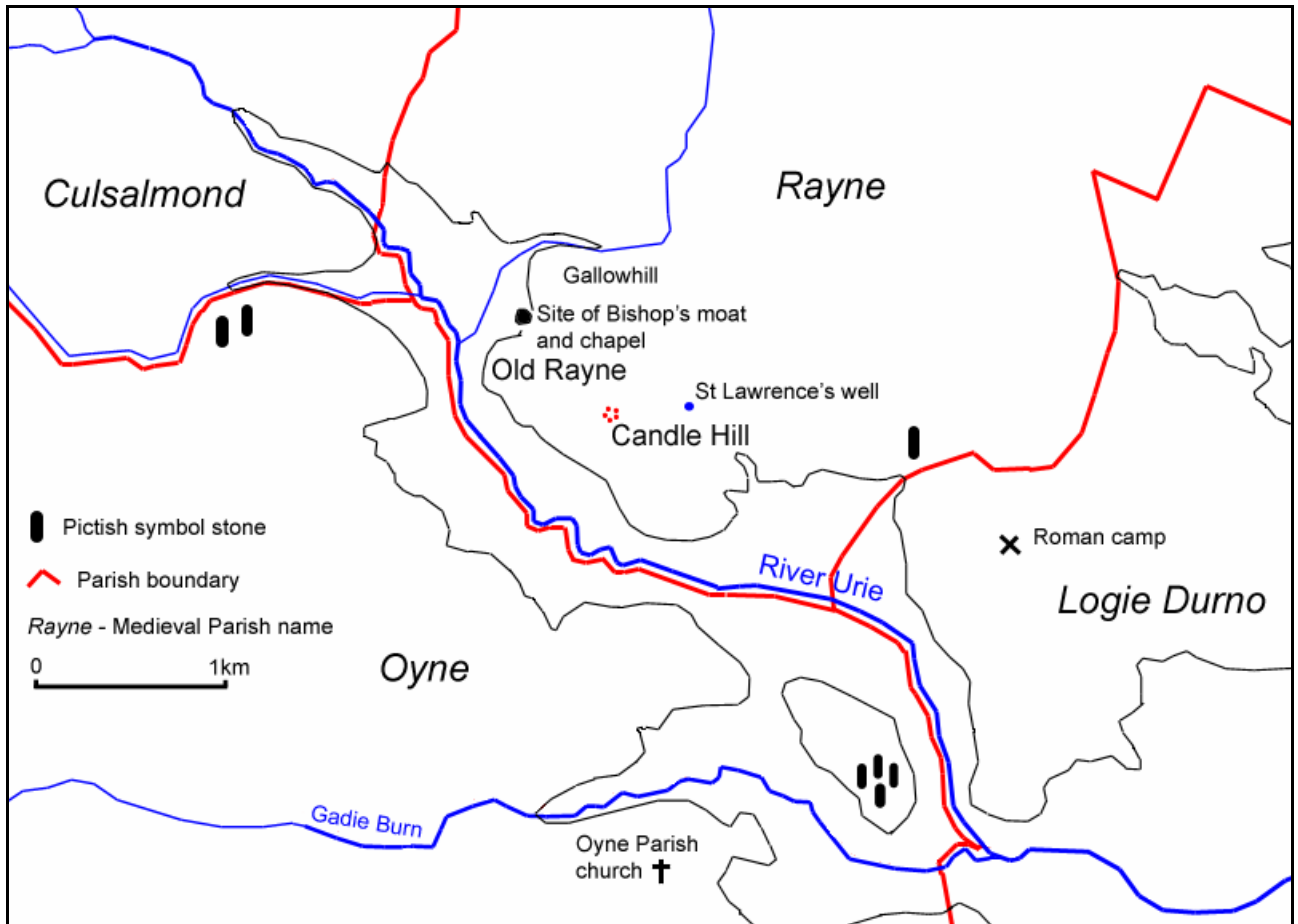
Figure 5.35 Candle Hill, Old Rayne and environs.
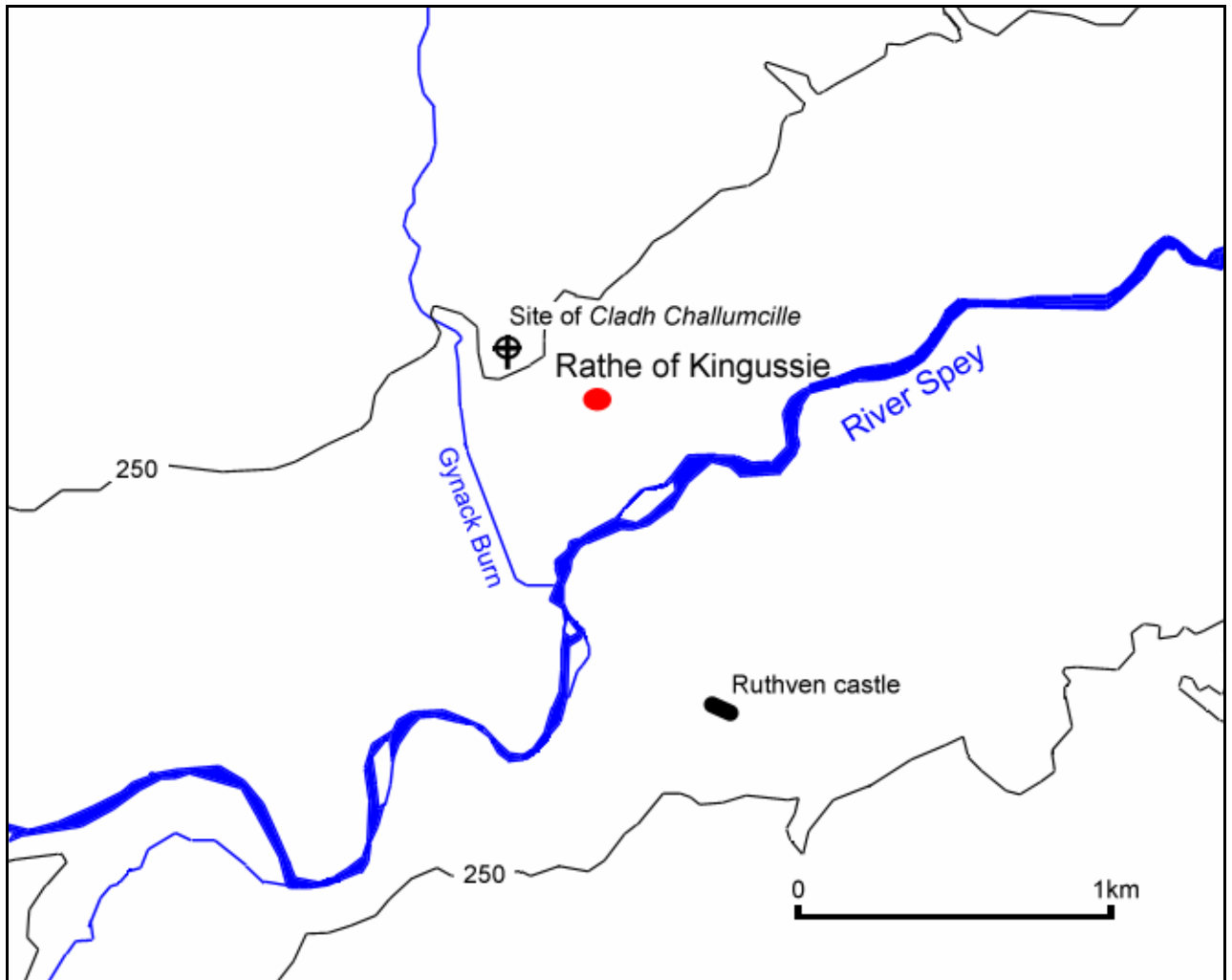
Figure 5.36 Rathe of Kingussie and environs.

Figure 5.37 View of *Tom a'Mhoid*, Kingussie from the N, showing 19th century church
and cemetery on summit.
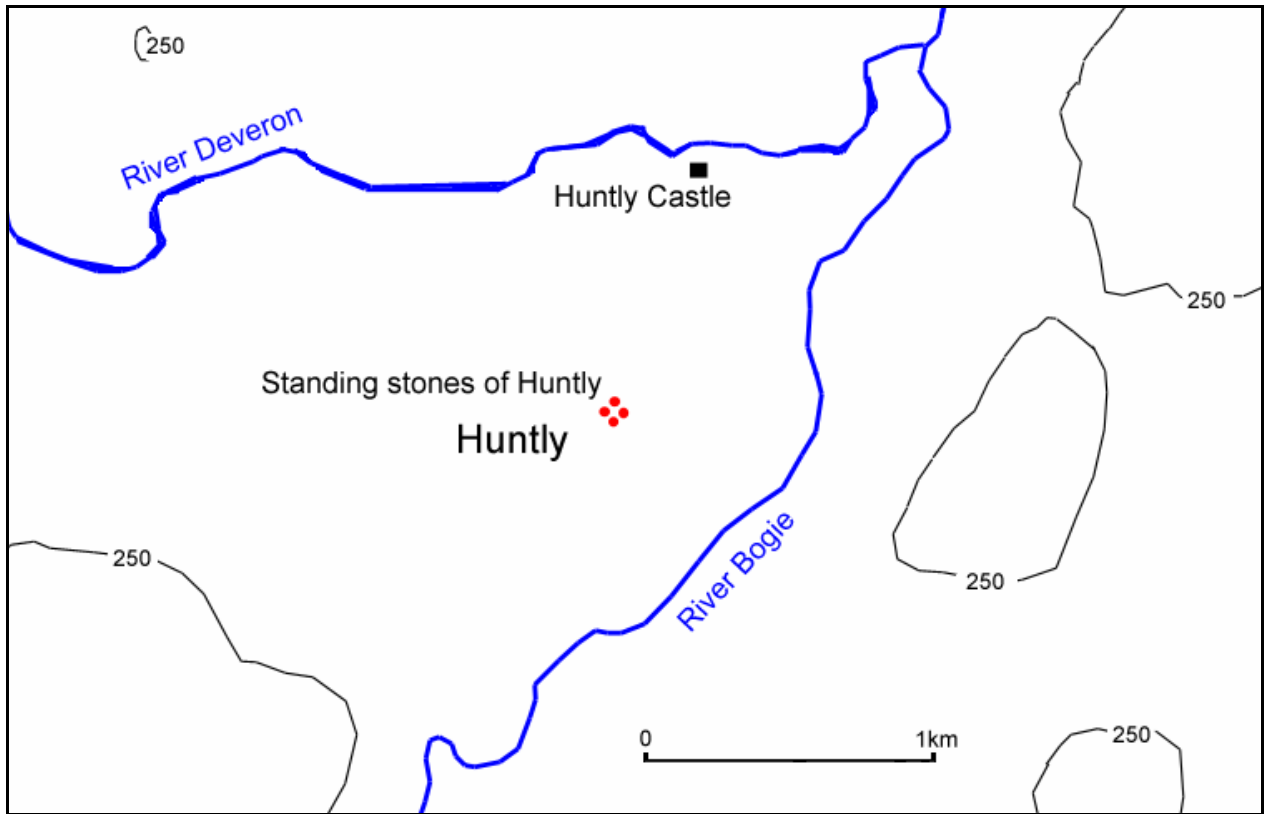
Figure 5.38 Standing stones of Huntly and environs.

Figure 5.39 Symbol stone in 1905 at Huntly old market place, part of the original stone
circle (RCAHMS archive no. SC 676585).

Figure 5.40 Easter Pitcorthie standing stone and environs.

Figure 5.41 Easter Pitcorthie standing stone from the S.

Figure 5.42 Detail of Ainslie's 1772 map of Fife, showing parish boundaries with
location of the Easter Pitcorthie standing stone marked.
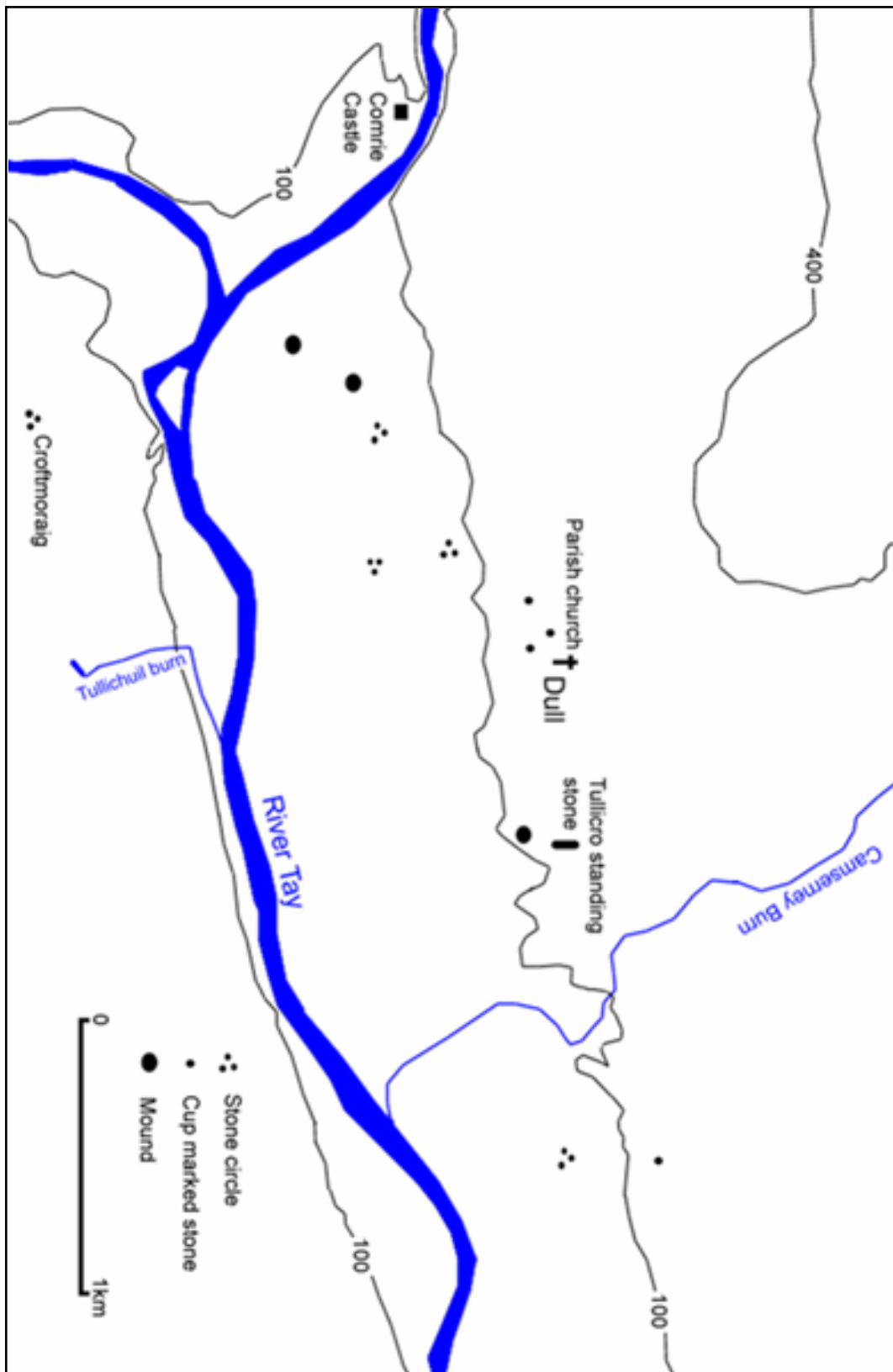
Figure 5.43 Dull and environs.
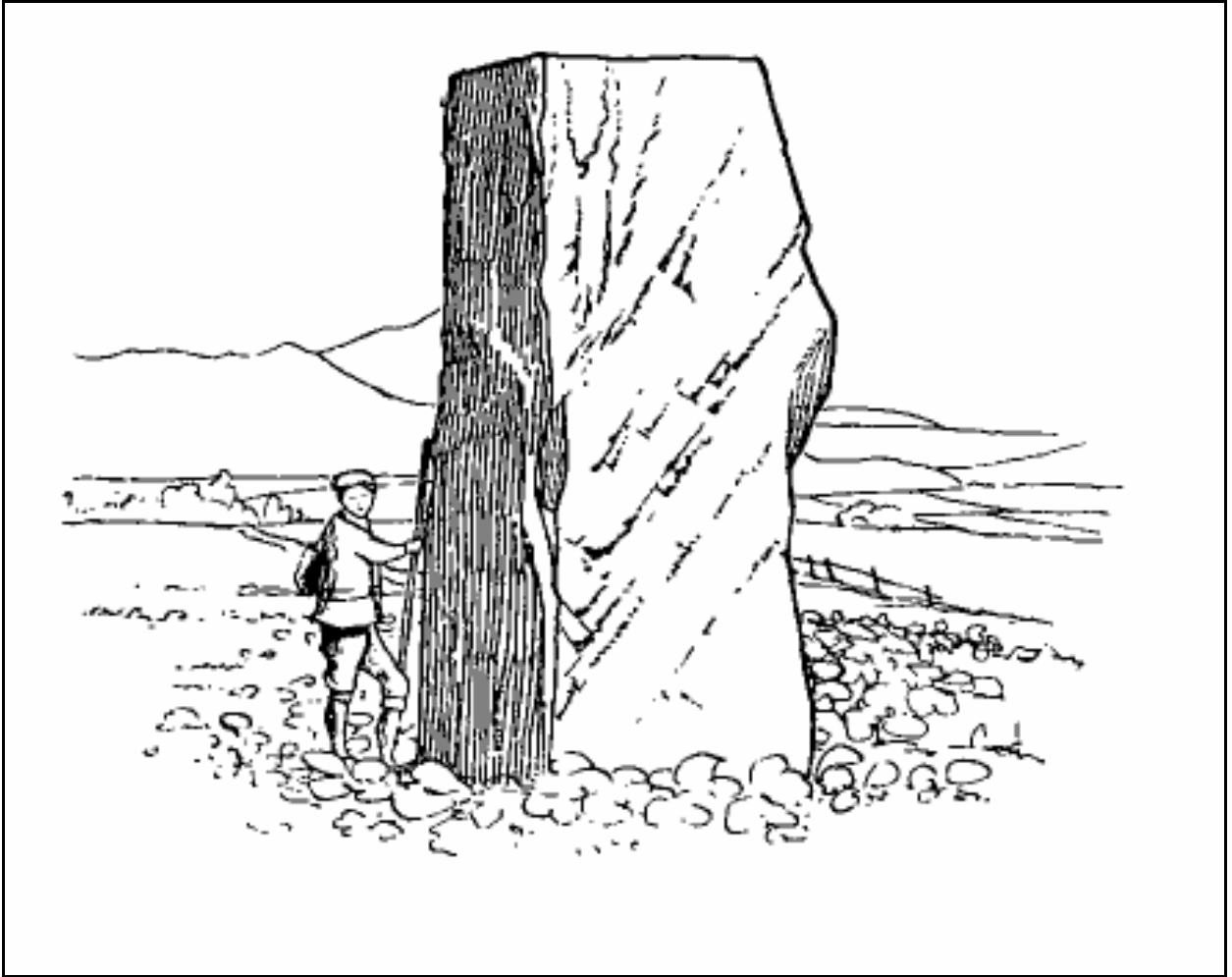
Figure 5.44 Illustration of Woodend of Cluny standing stone (from Coles 1902: 87,
        fig. 5).
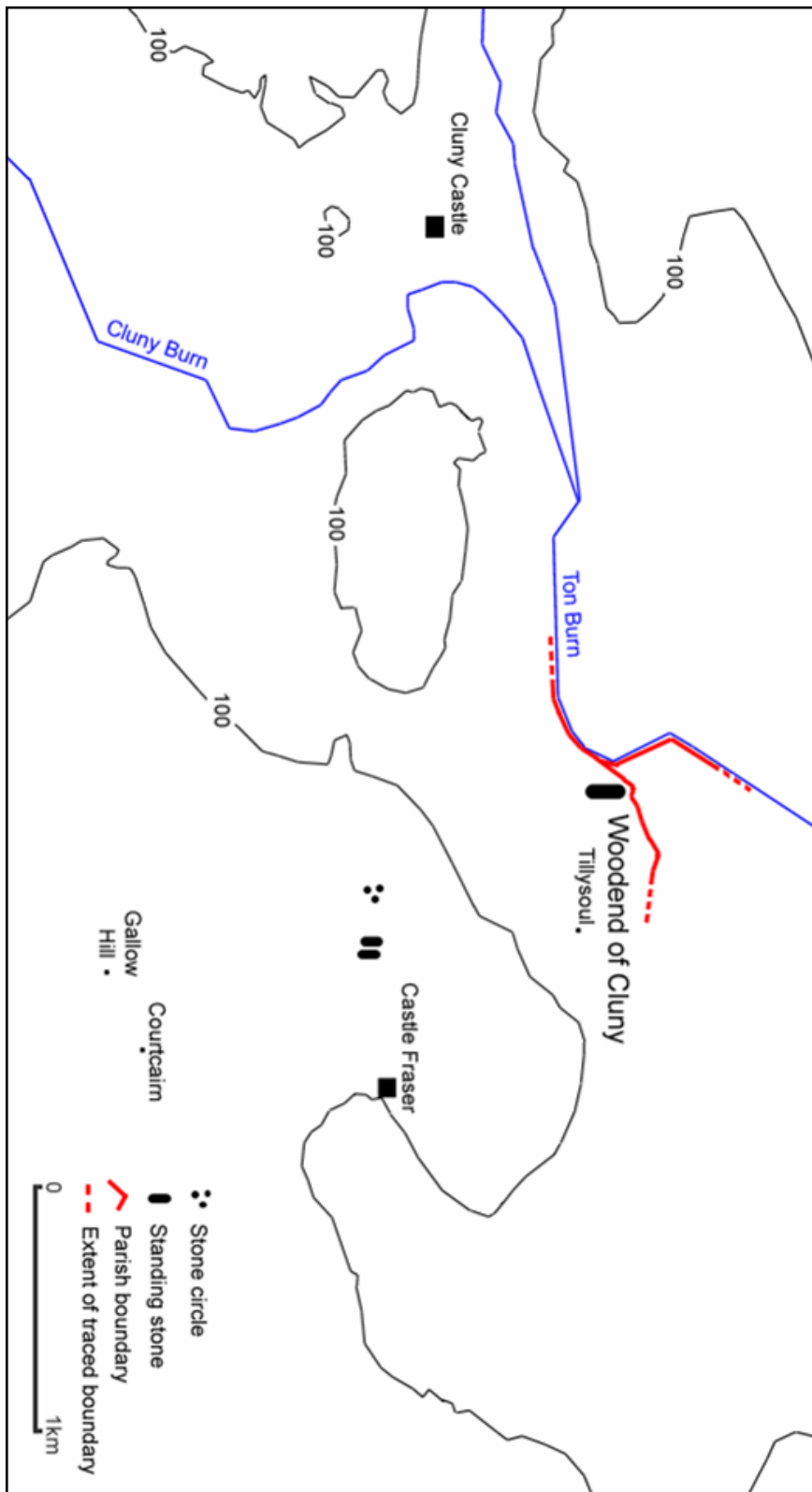
Figure 5.45 Woodend of Cluny standing stone and environs.

Figure 5.46 The Migvie cross (from RCAHMS 2007: 126, fig. 7.12).
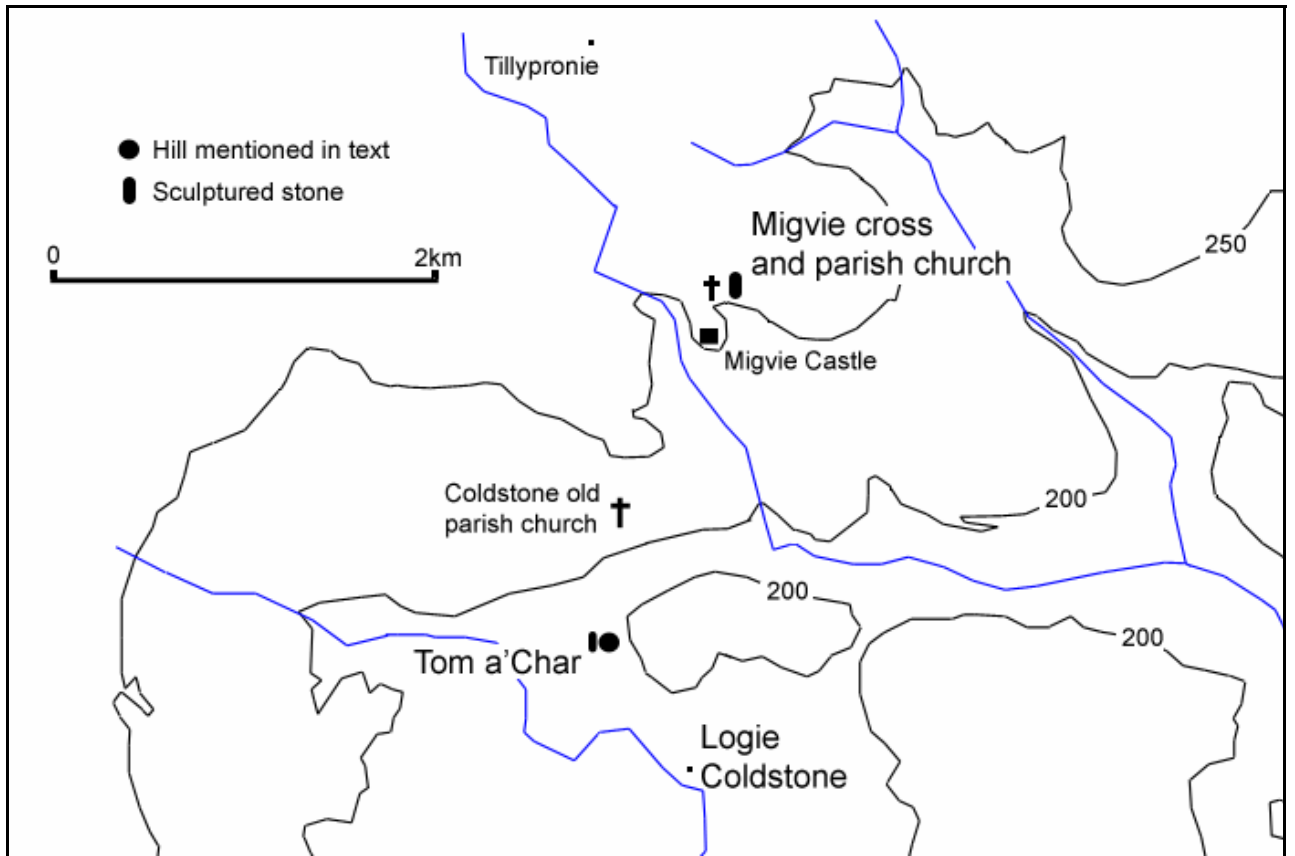
Figure 5.47 Migvie and environs.
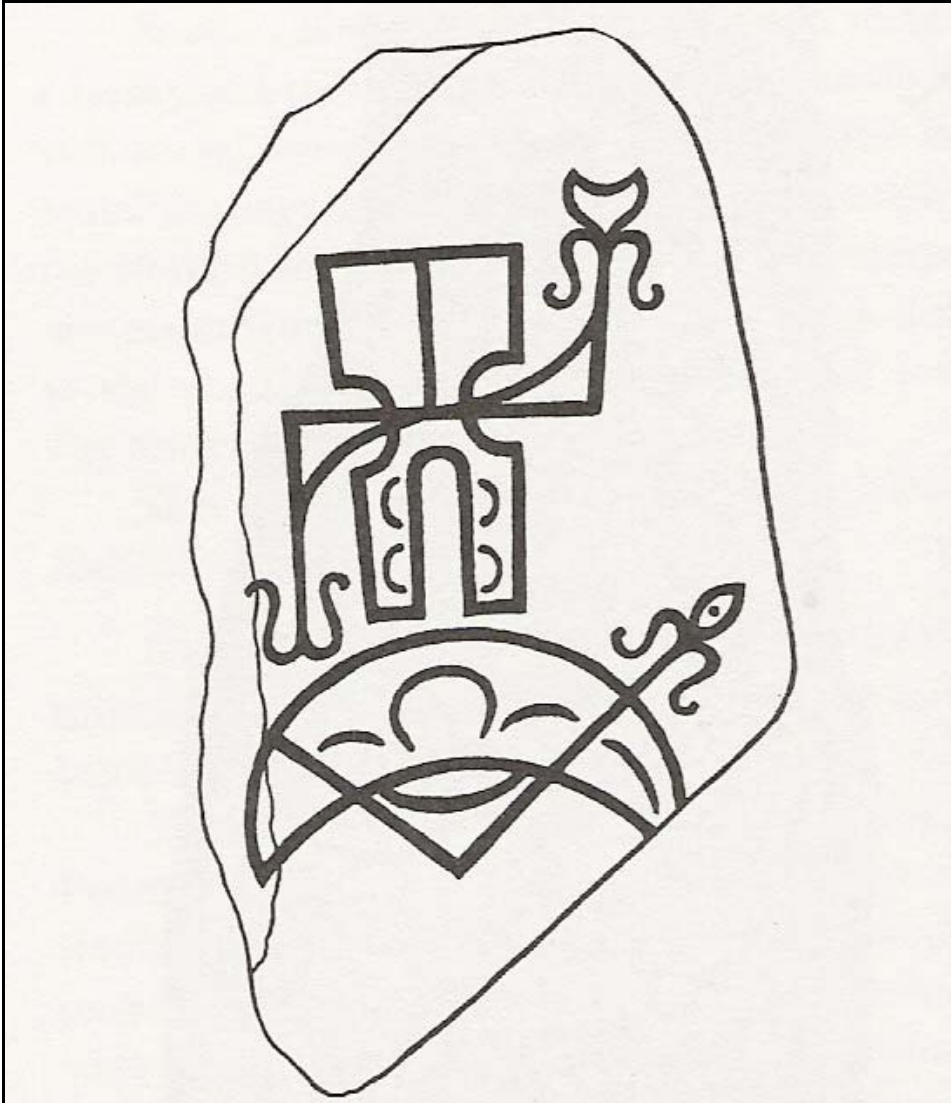
Figure 5.48 Pictish symbol stone previously on summit of Tom a'Char (from Allen and
　　　　　　Anderson 1903: vol. 2, pt. 3, 180, fig. 194).
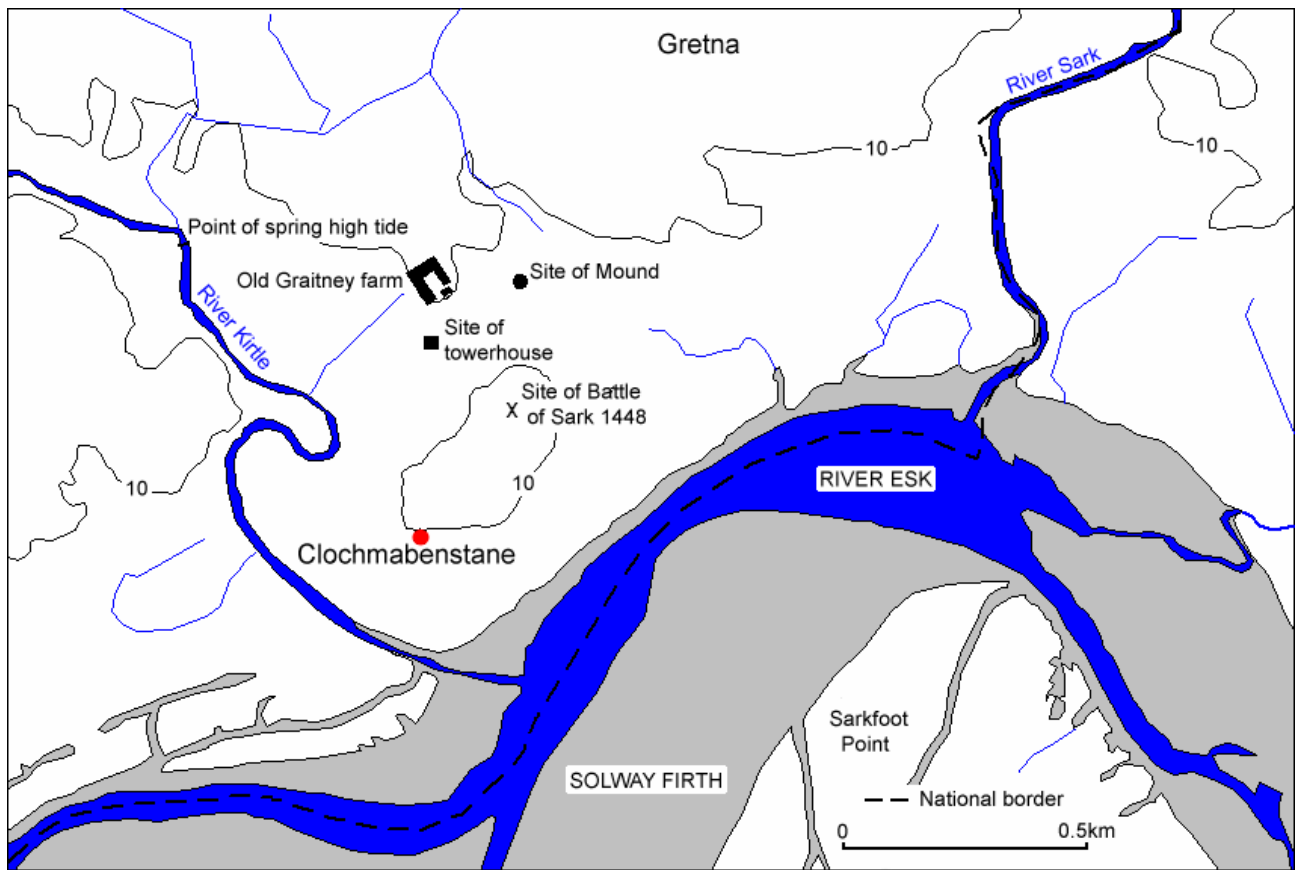
Figure 5.49 Clochmabenstane and environs.

Figure 5.50 Clochmabenstane from the N, showing Solway Firth in background.

Figure 5.51 Plan of Clochmabenstane from excavation report (Crone 1983: 17, fig. 1).

Figure 5.52 Clochmabenstane and associated boulder (source
http://edina.ac.uk/digimap/; base map OS copyright).

Figure 5.53 Clochmabenstane, showing elevated position viewed from the SW.

Figure 5.54 Map of Borders showing meeting places mentioned in text (from Rae 1966).
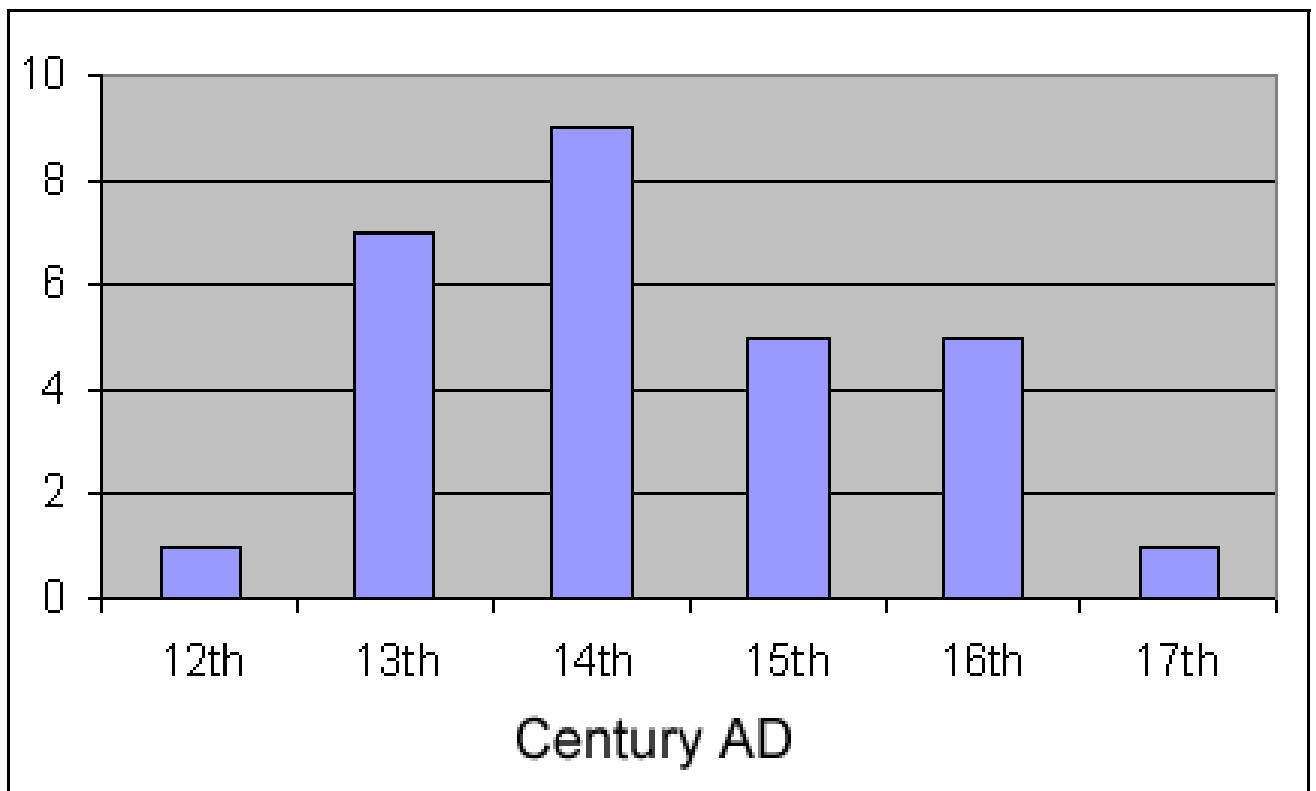
Figure 5.55 Number of historically attested open-air assemblies per century.
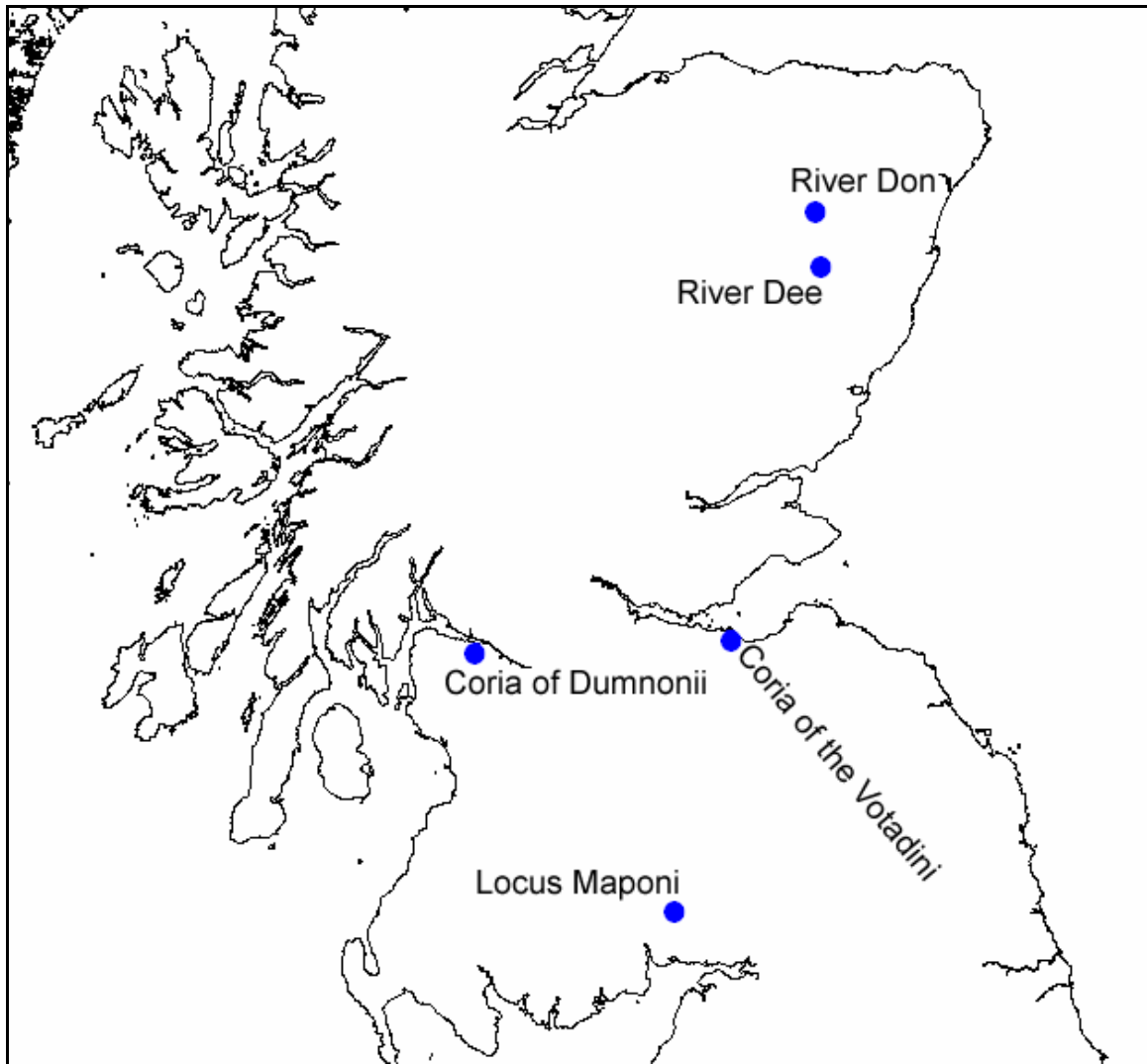
Figure 6.1 Tribal meeting places and *divus* names.
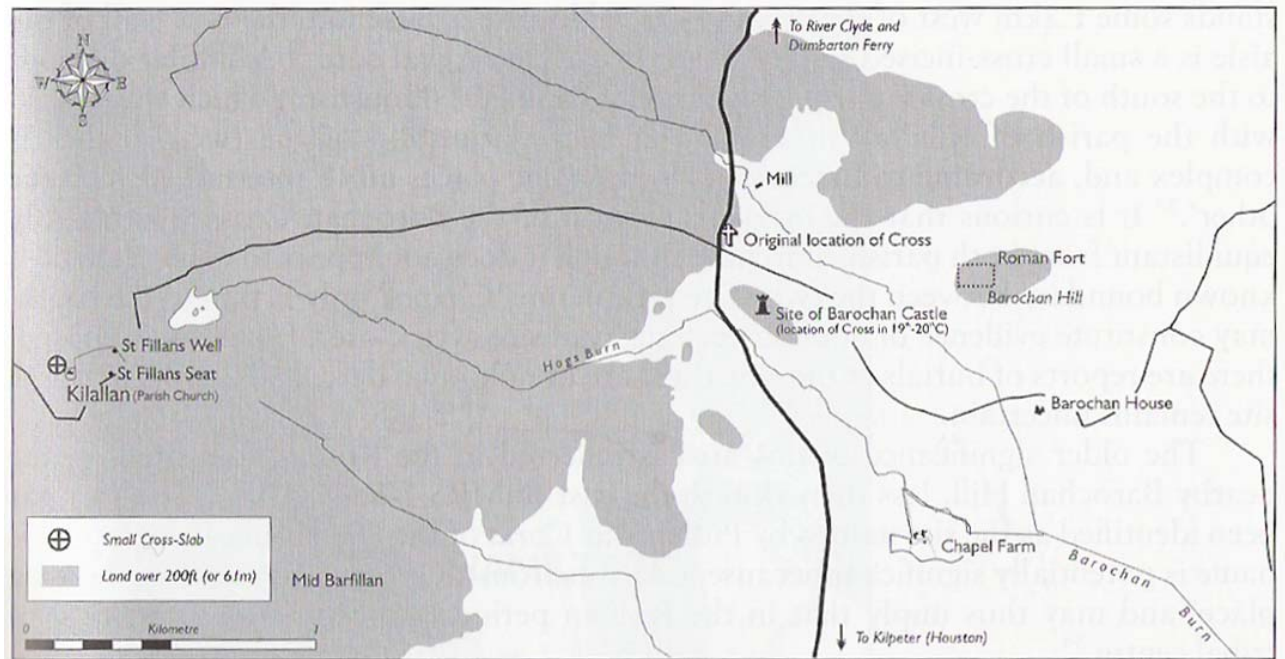
Figure 6.2 Barochan (Renfrewshire) and environs
(From Driscoll *et al*. 2005: 147, fig. 9.7).
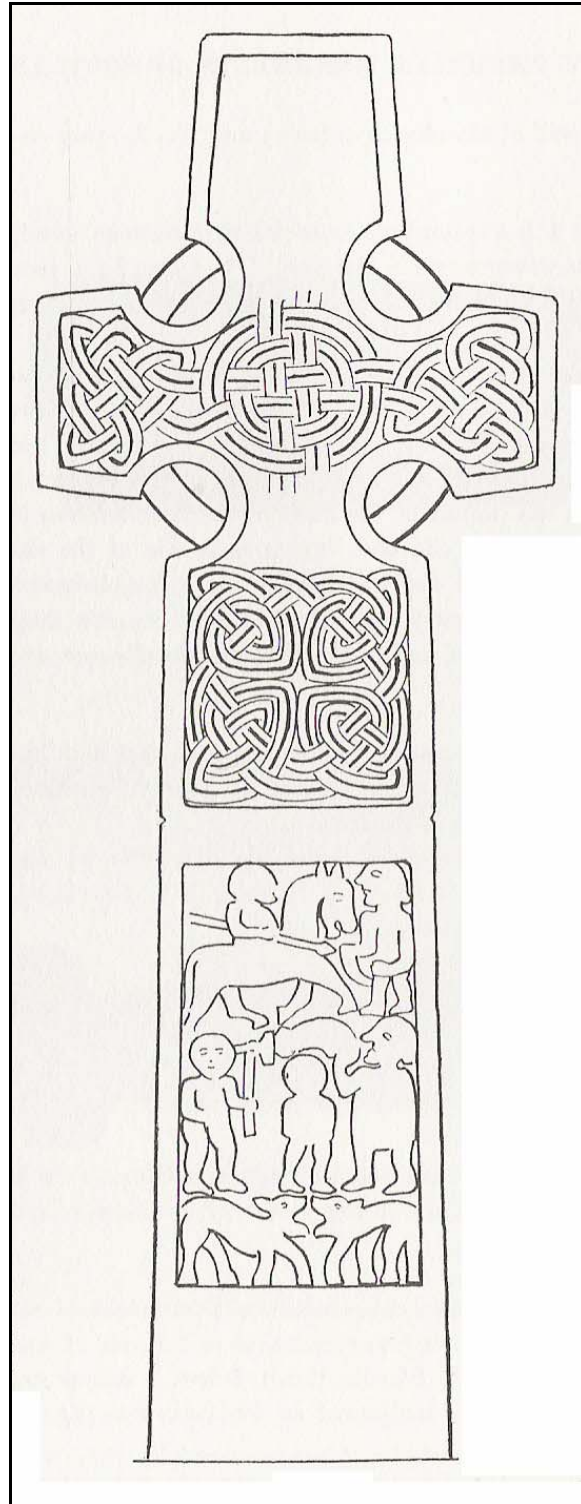
Figure 6.3 Barochan Cross face, lower panel showing figures mentioned in the text
(From Allen and Anderson 1903: pt. 3, 457, fig. 475).
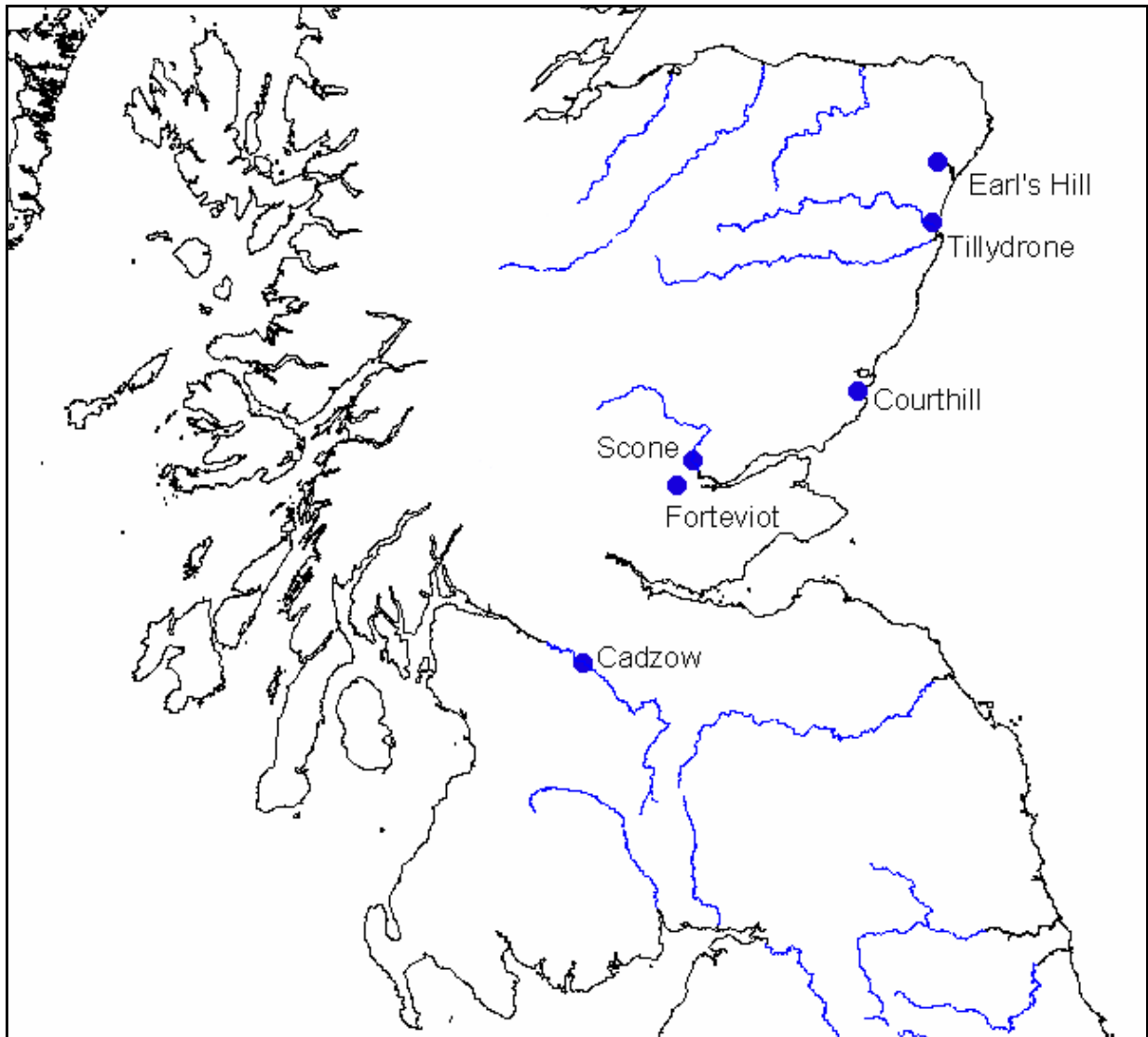
Figure 6.4 Assembly sites at highest tidal points on river.
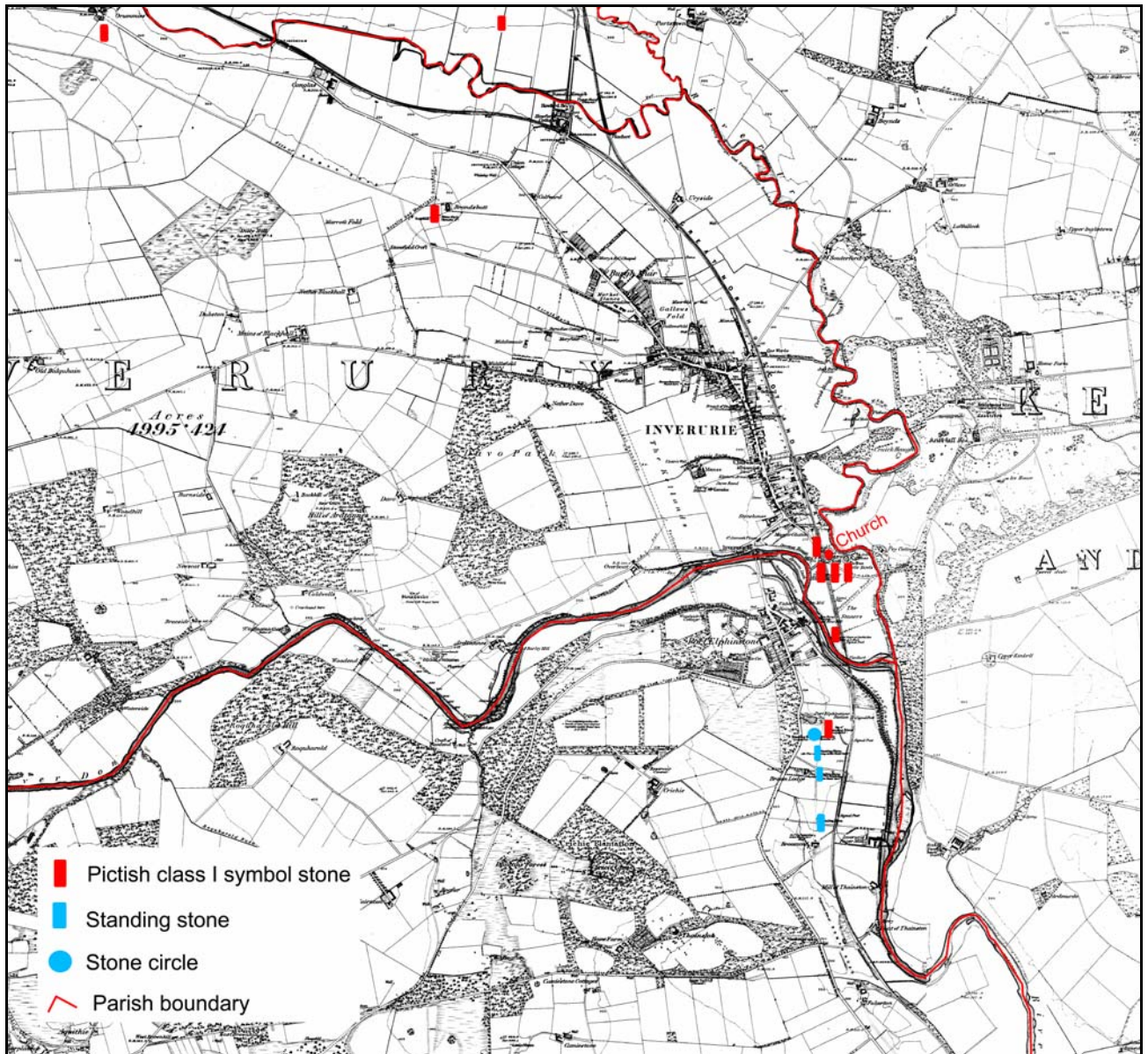
Figure 6.5 Inverurie confluence and environs.
(adapted from 1st edition OS 6:mile map 1870 'Aberdeenshire')

Figure 6.6 *Nemeton* sites in Scotland (adapted from Barrow 1998: 31, fig. 1).
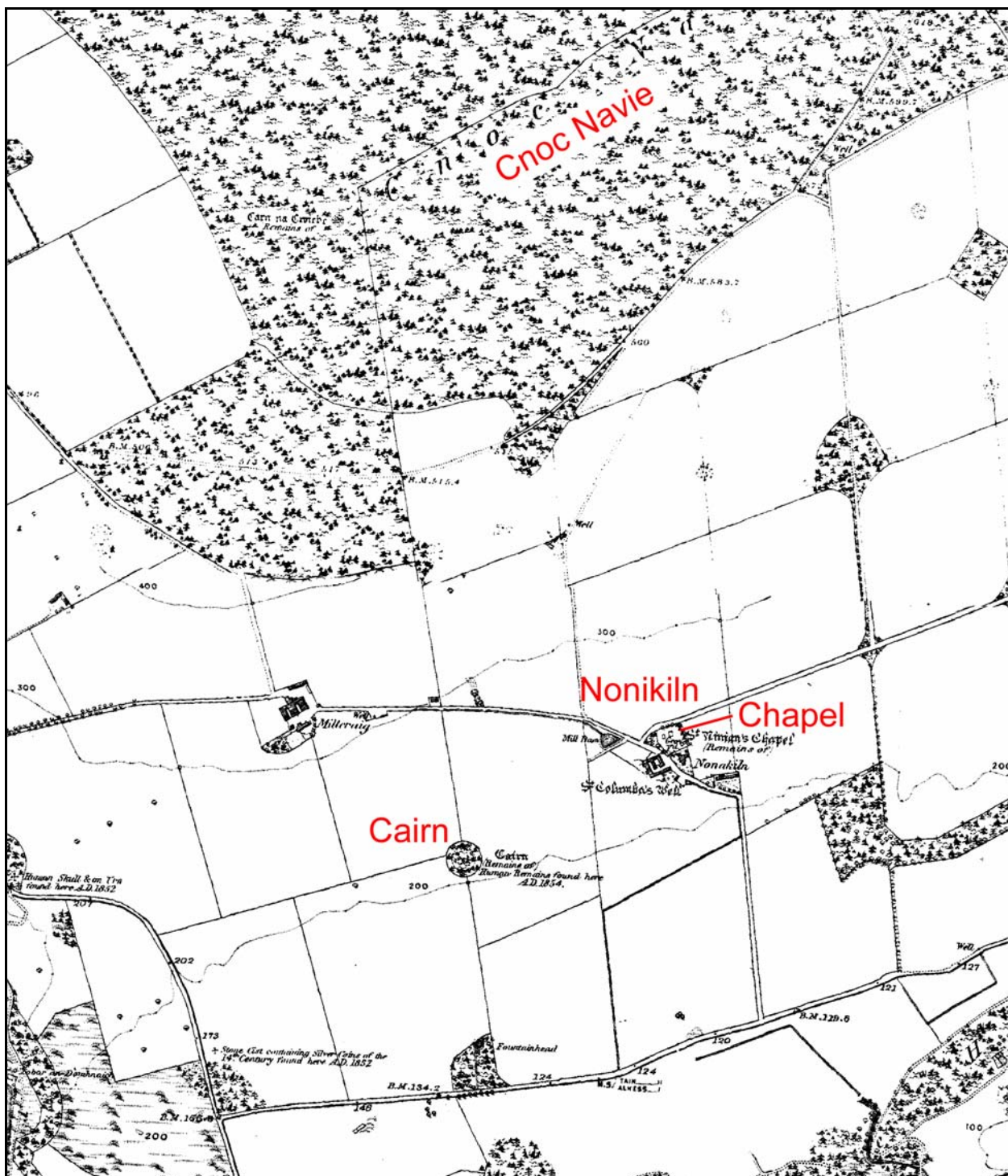
Figure 6.7 Nonikiln *nemeton* site, chapel and cairn.
(1st edition OS 6":mile map 1880 'Ross and Cromarty')

Figure 6.8 Transcription of Forteviot cropmarks S and E of village © RCAHMS
(from Alcock *et al*. 1992: 232, illus. 10).
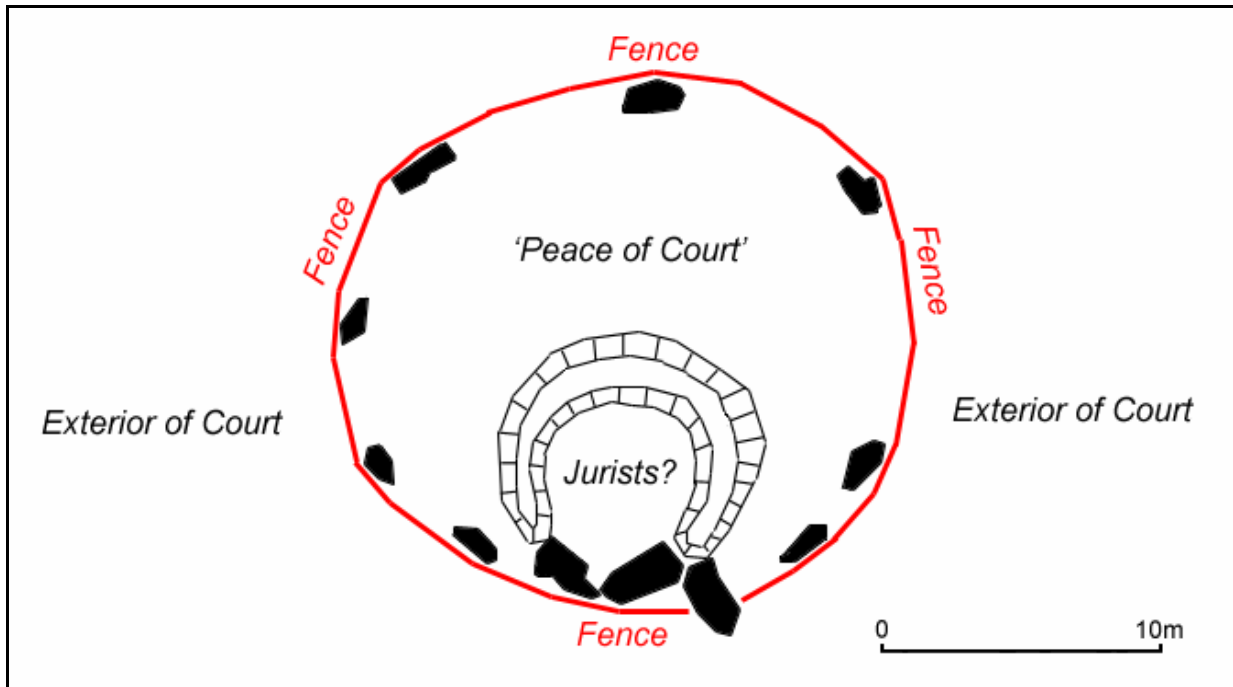
Figure 6.9 Candle Hill stone circle, Old Rayne. Conjectural plan of how the megaliths
may have been used to define the space of medieval courts (Drawn based on
original plan by Dalrymple 1832, source RCAHMS archive no. SC730423).
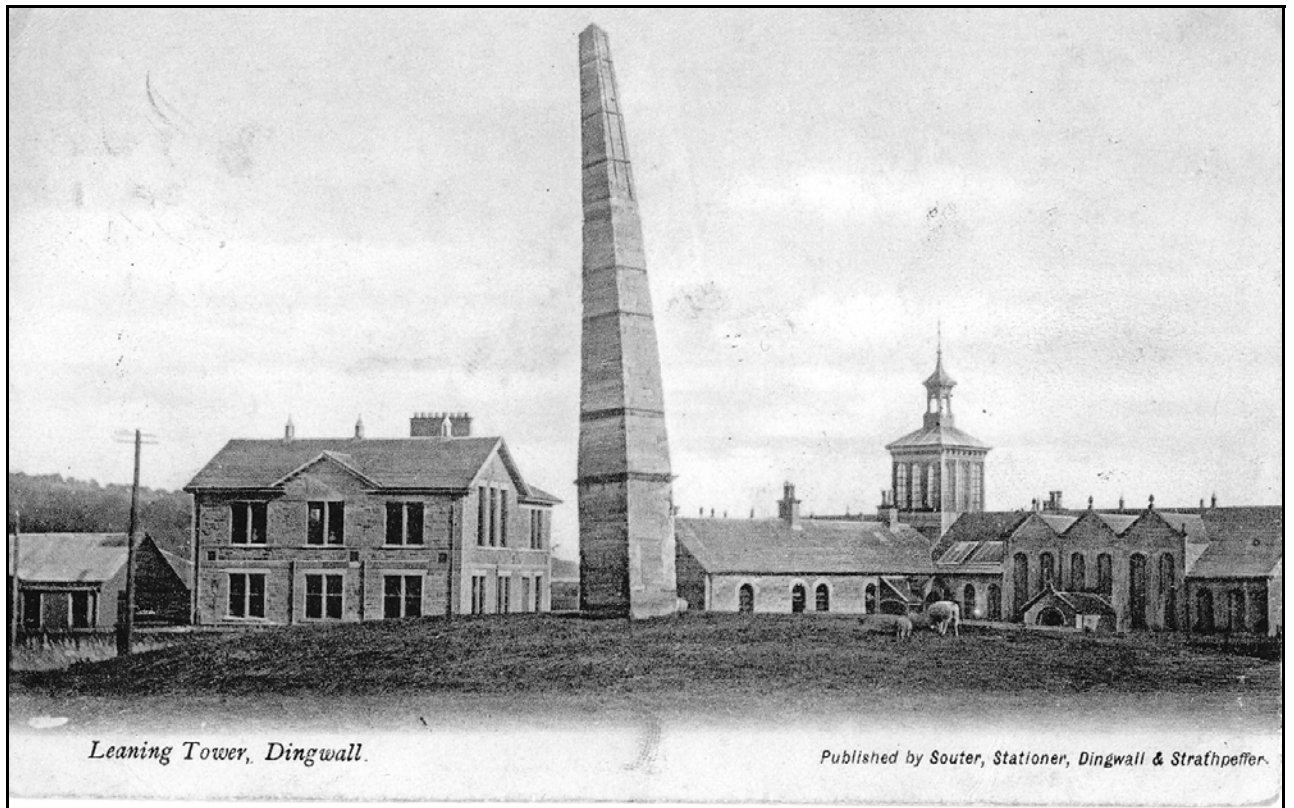
Figure 6.10 Dingwall mound with 1st Earl of Cromartie's memorial obelisk on summit
(Souter 1905, courtesy of David MacDonald, Dingwall).

Figure 6.11 Modern 'Moothill' memorial at Ellon, Buchan, on site of the Earl's Hill.
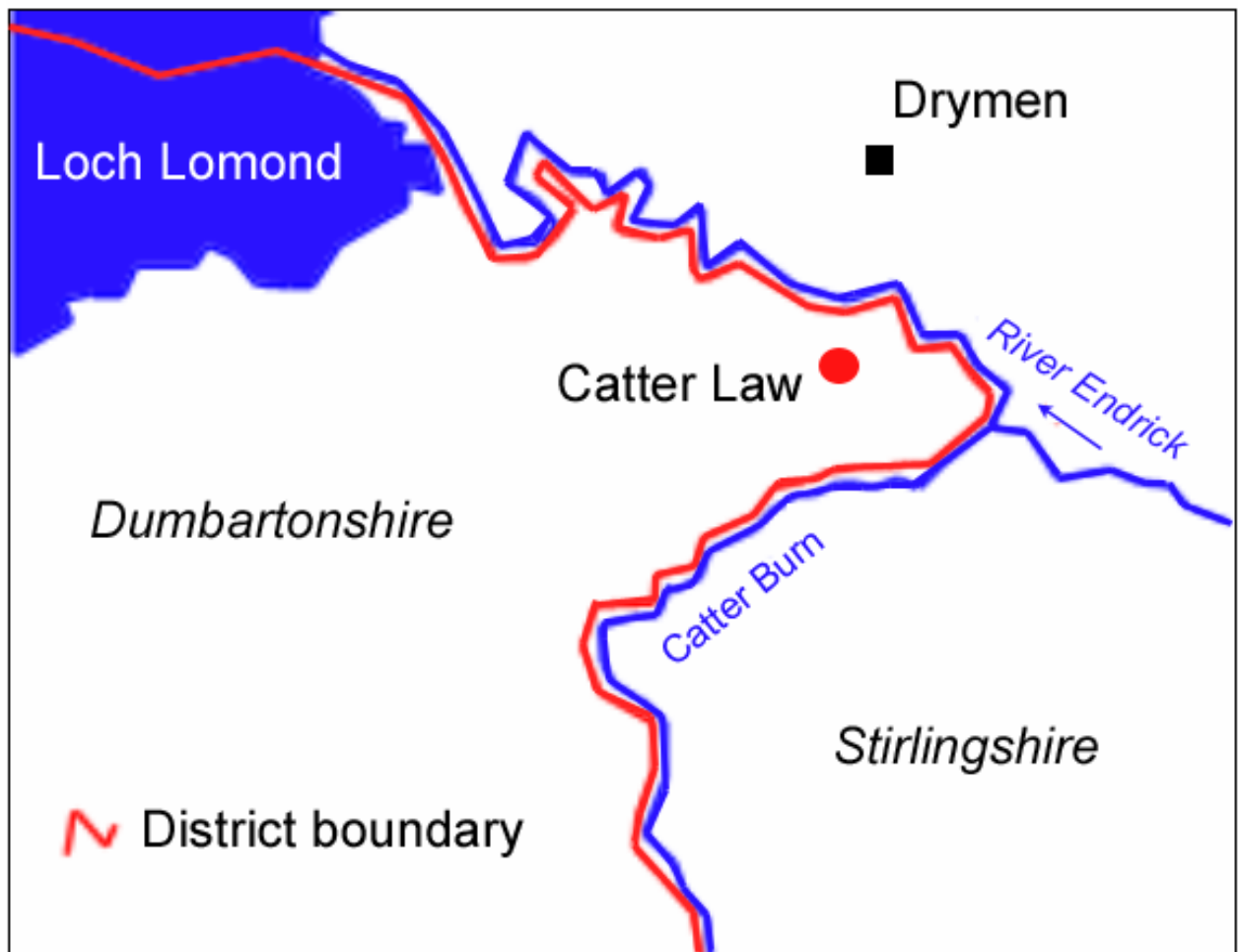
Figure 6.12 Catter Law and environs.

Figure 6.13 Catter Law from the S (top), N side of summit with radar in foreground
(bottom).
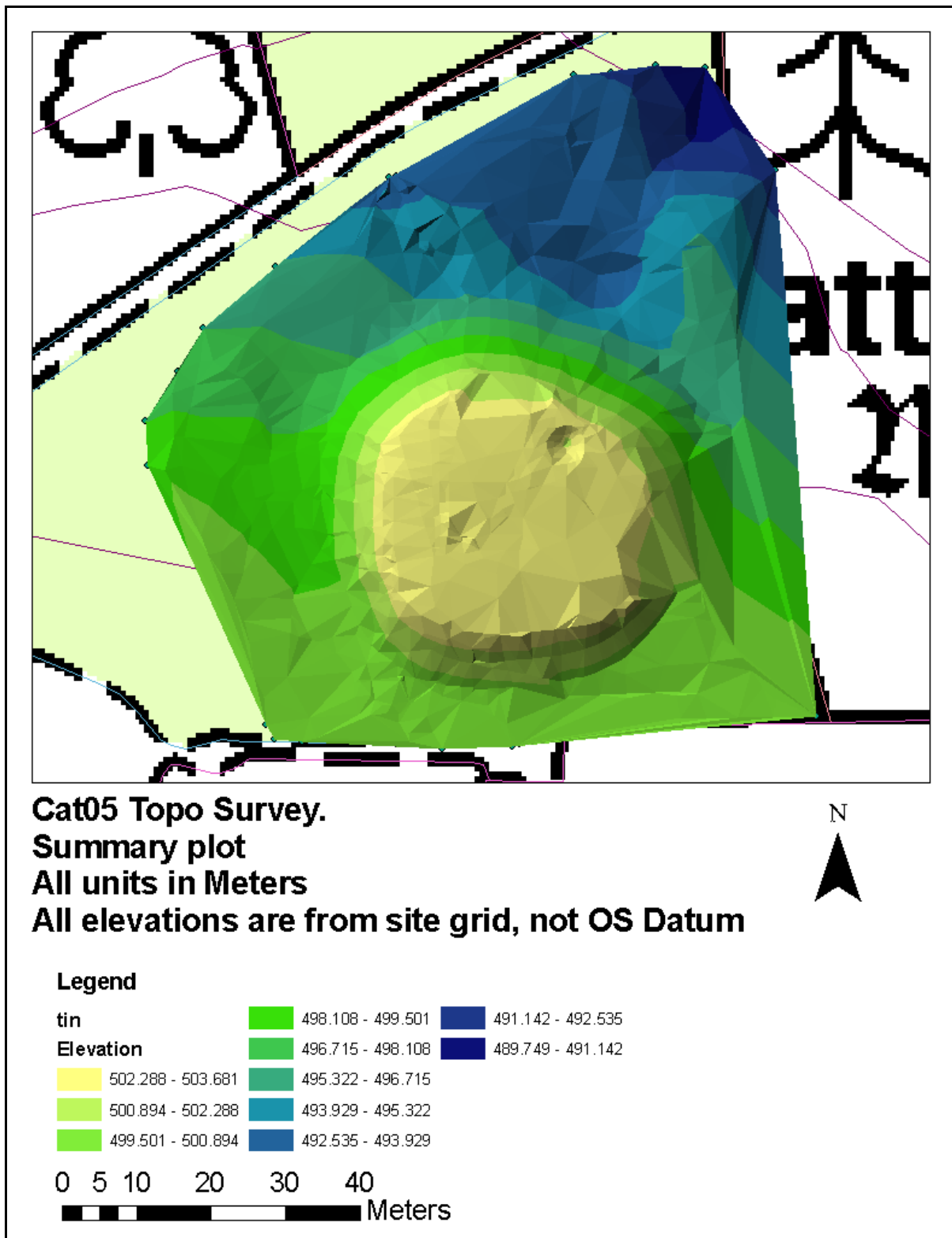
Figure 6.14 Topographical model of Catter Law (Courtesy of David Stott, 2005)
(NB. Breakdown in point density on SE side of mound due to vegetation).

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Figure 6.15 Basin stone at Catter Law.

Figure 6.16 'Entranceway' through bank surrounding Catter Law's N side
            (taken from S).

Figure 6.17 Vista to NW of Catter Law, showing Endrick River, floodplain and valley of
Loch Lomond beyond.
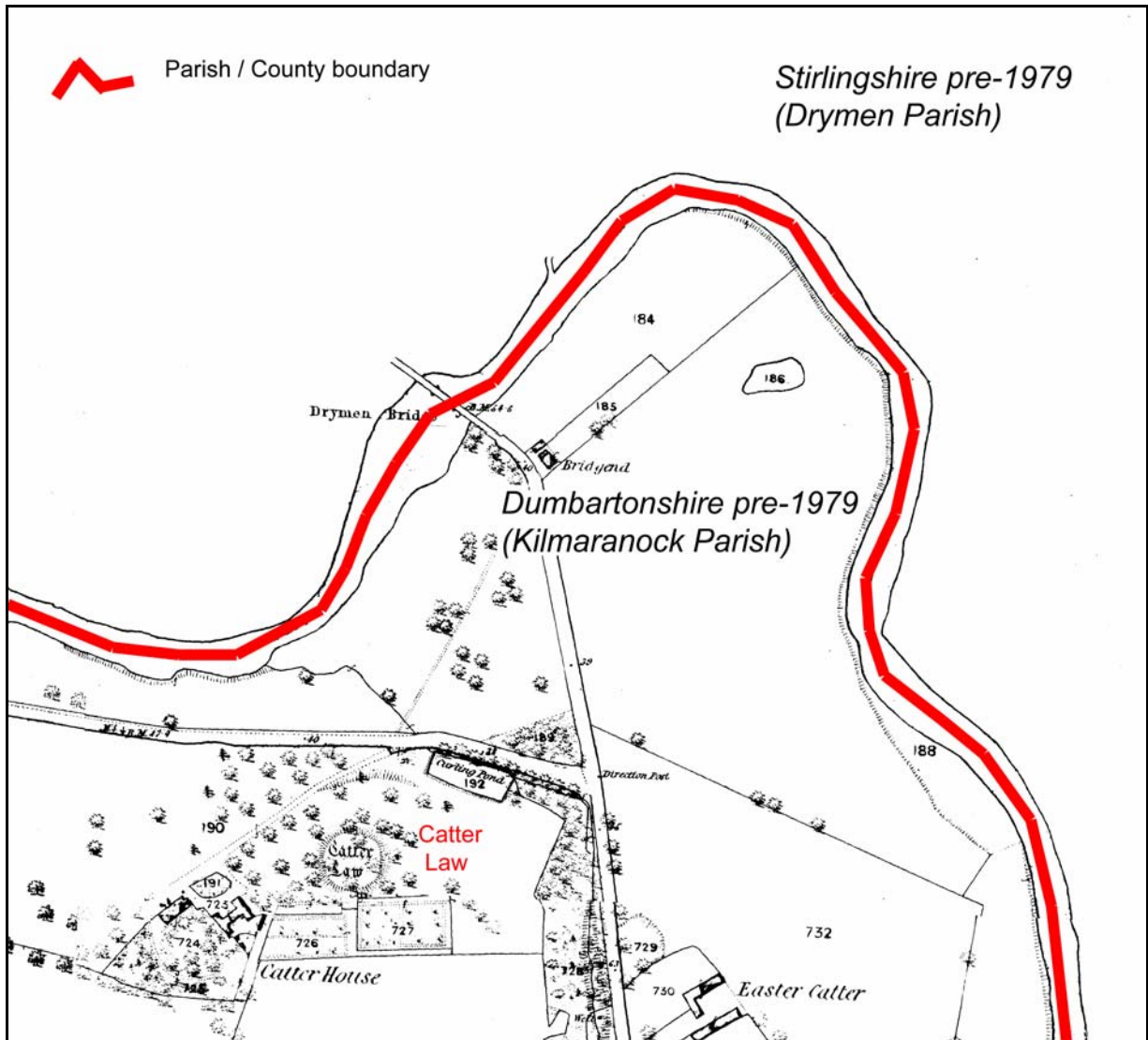
Figure 6.18 Catter Law showing proximity to parish and county boundaries
(adapted from 1st edition OS 1:2500 1862 'Dumbartonshire').
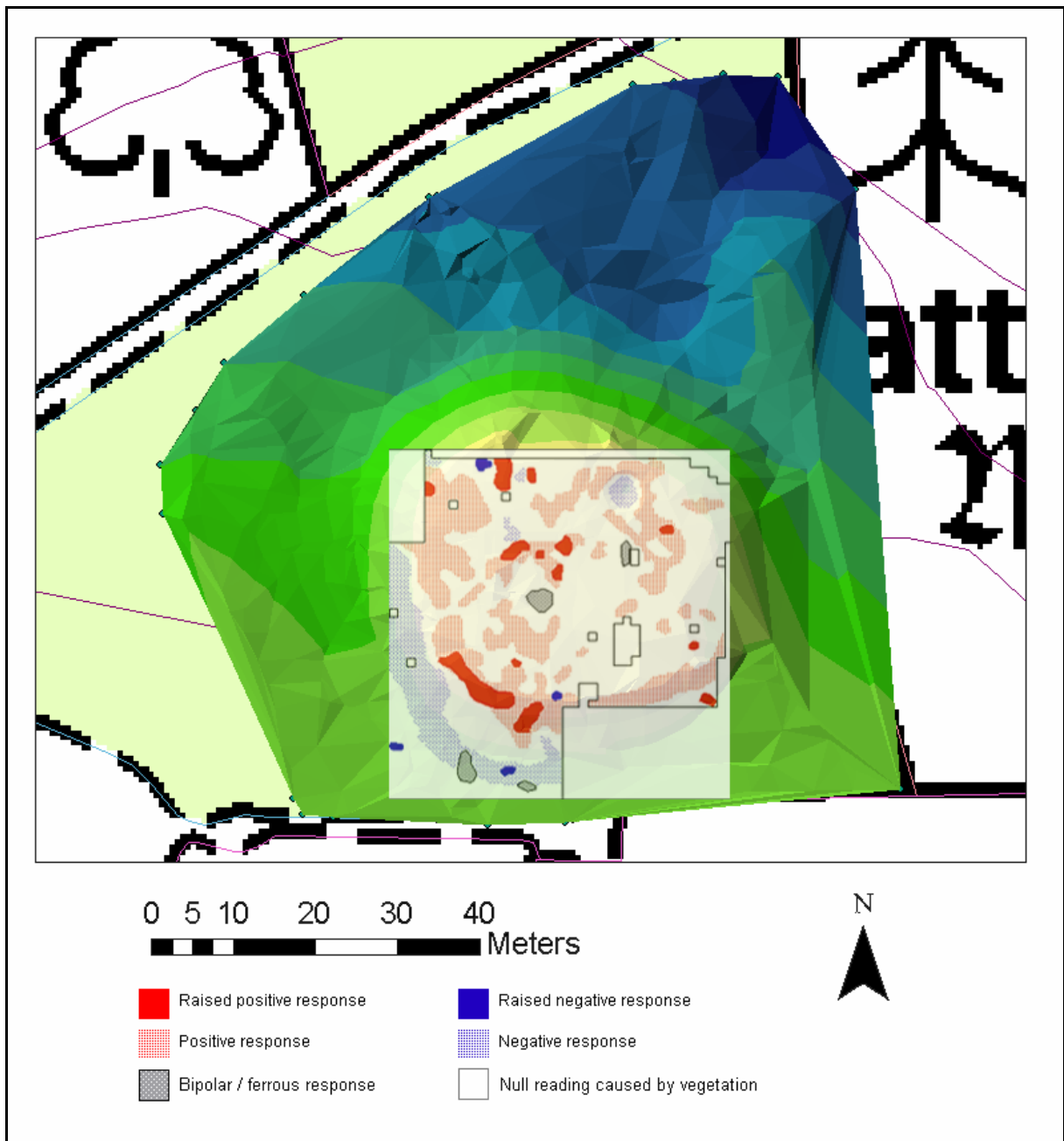
Figure 6.19a Interpretive plot of fluxgate-gradiometer data from summit of Catter Law,
superimposed on topographic model (see Figure 6.14).
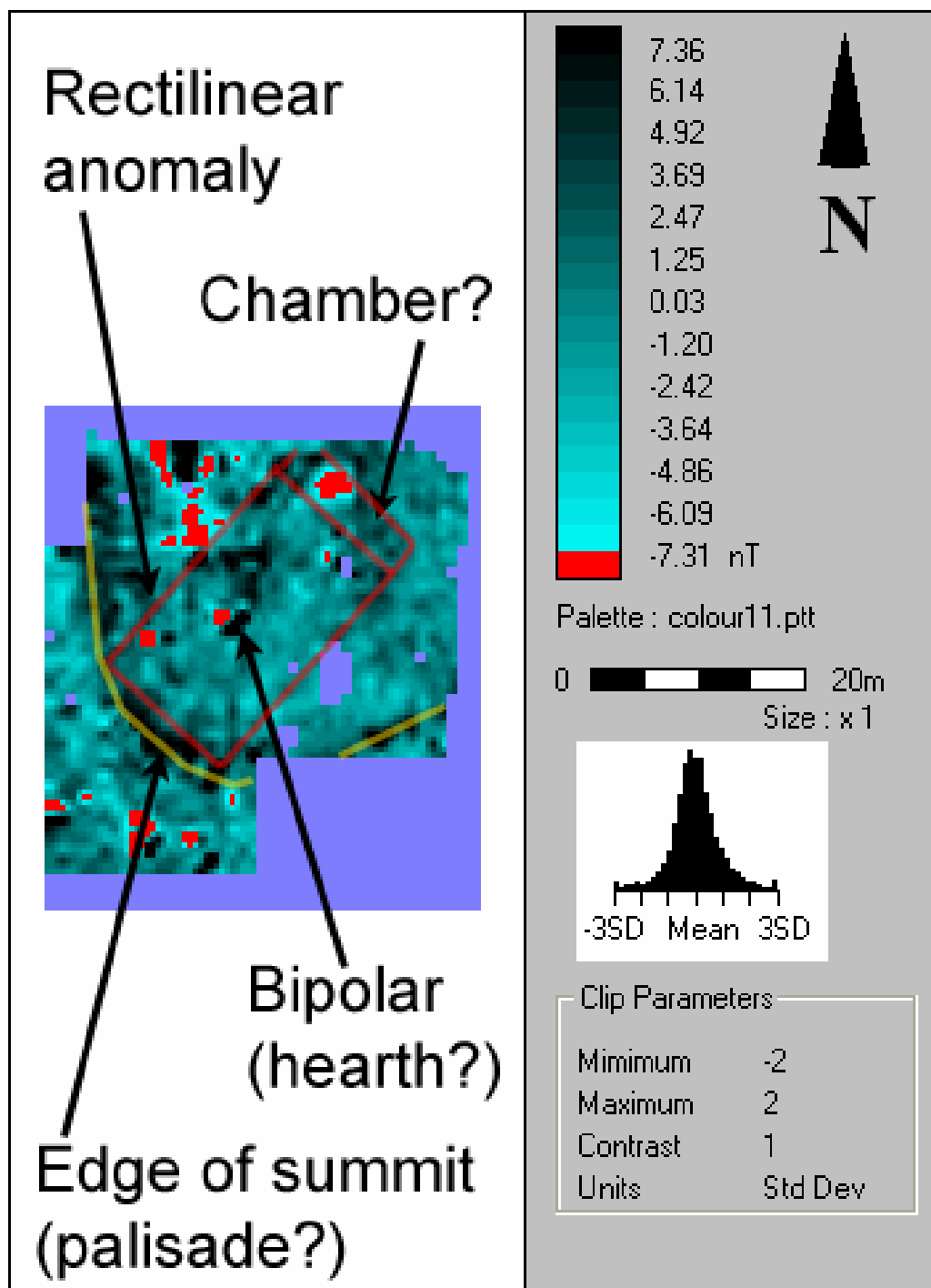
Figure 6.19b Fluxgate-gradiometer data from Catter law summit with interpretive
overlay (highpass filter, interpolated, colour palette).
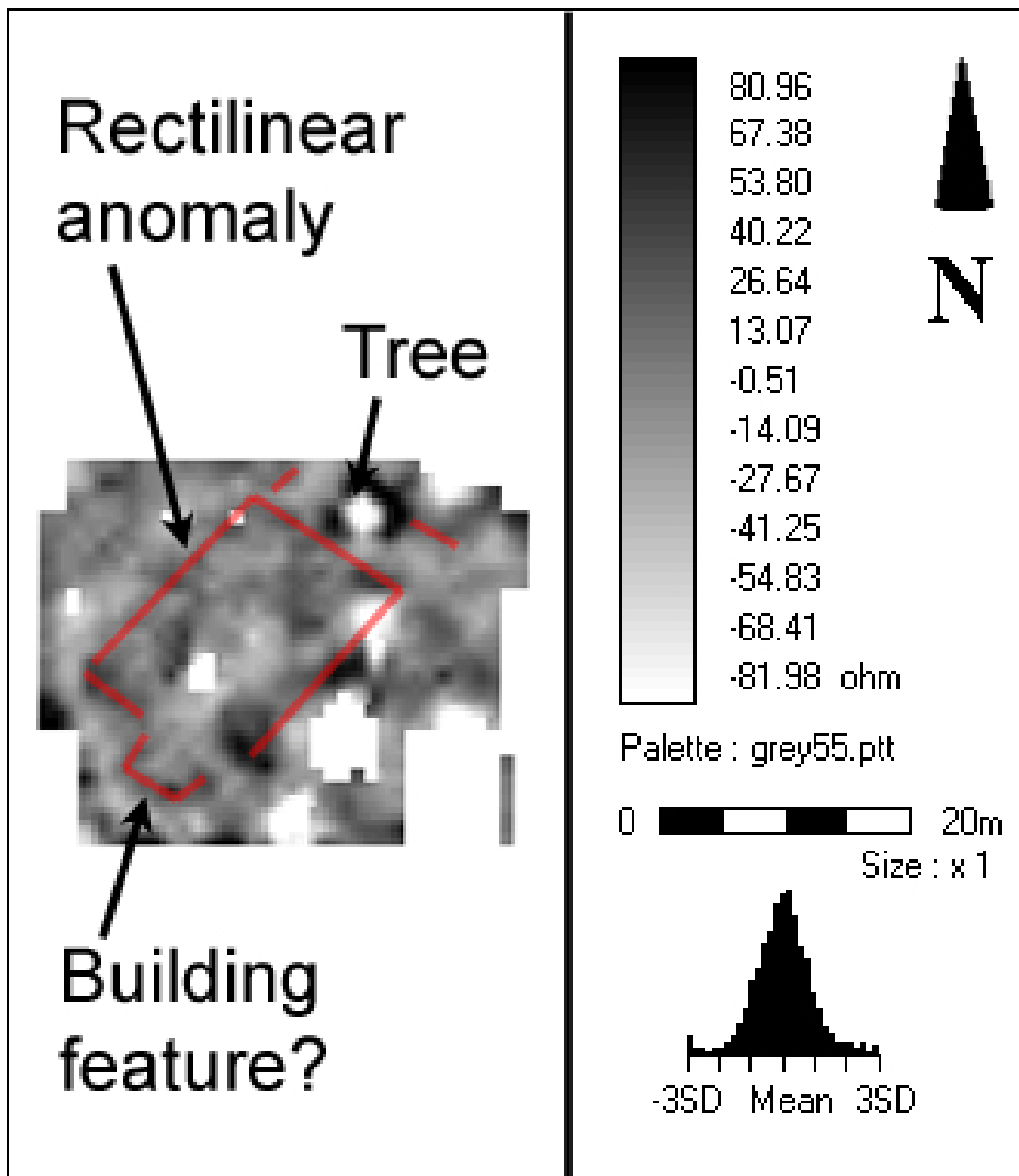
Figure 6.19c Resistivity data from Catter Law summit with interpretive overlay
(highpass filter and interpolated).
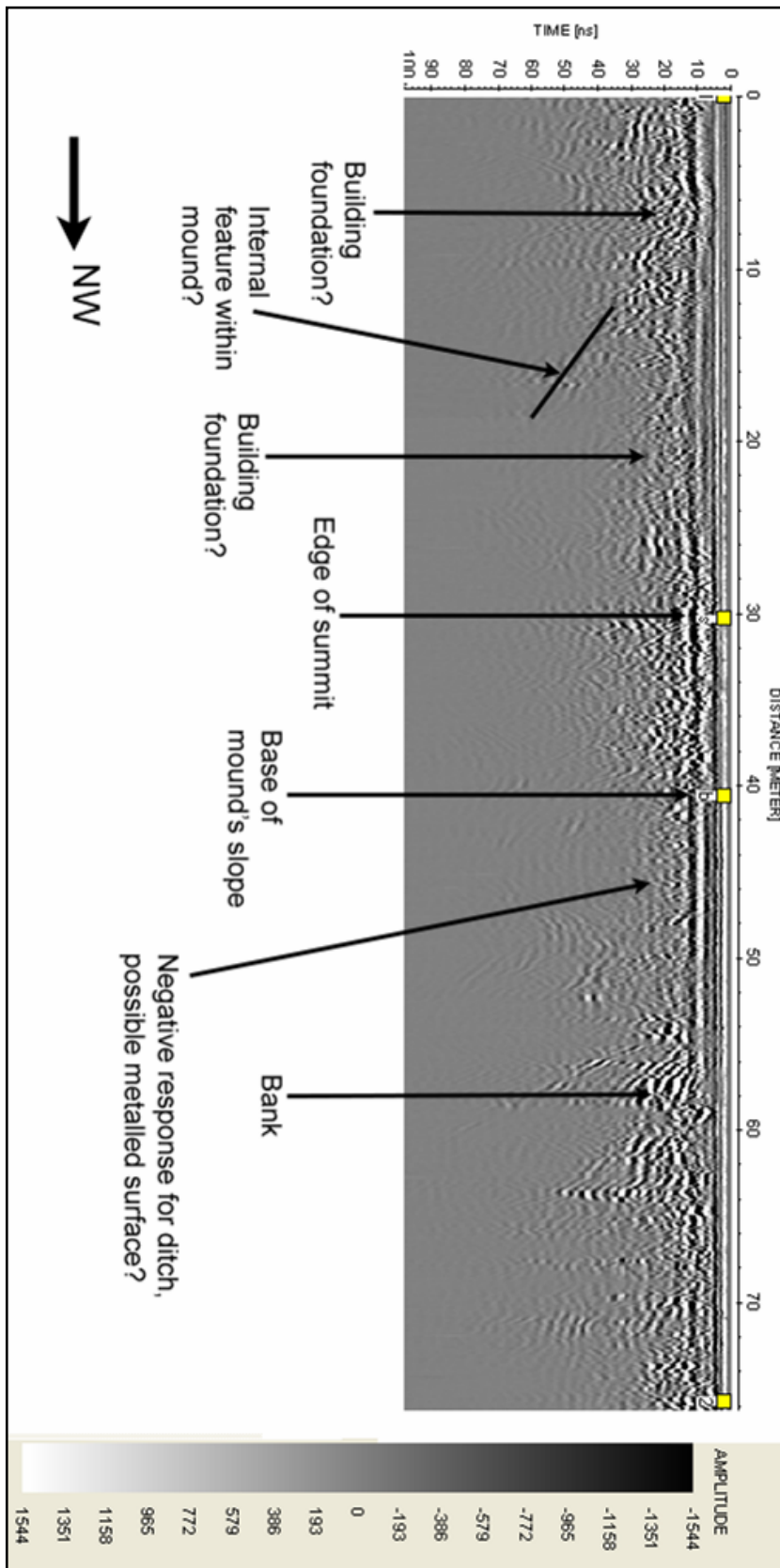
Figure 6.20 Radar profile of Catter Law (Not adjusted for topography).

Figure 6.21 Peel of Lumphanan location map and plan
          (Newton *et al*. 1998: 654, illus 1).

Figure 6.22 Gallowflat mound, Rutherglen, from the SE.
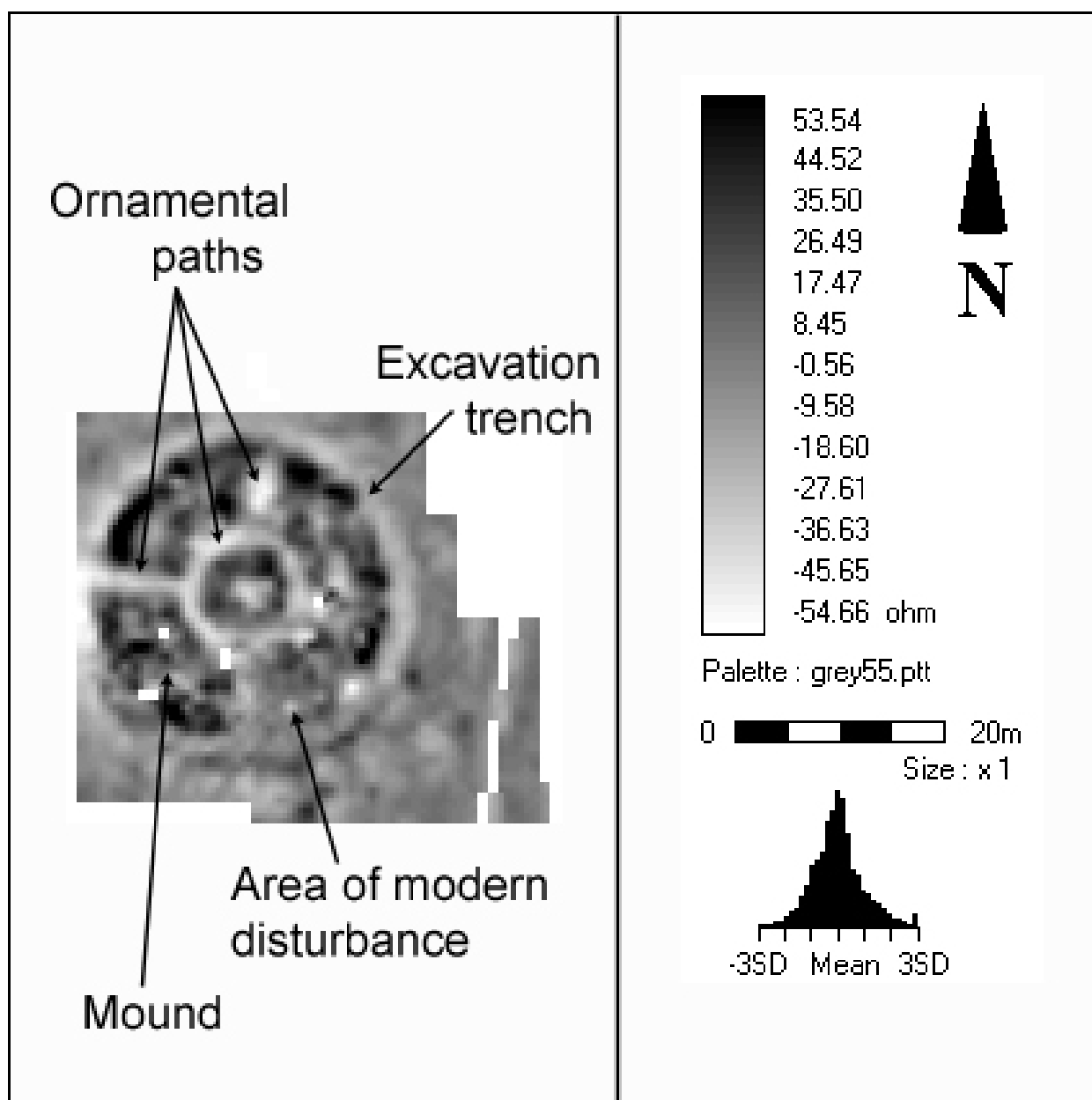
Figure 6.23 Resistivity data from Gallowflat mound, Rutherglen (Highpass filter and interpolated).

Figure 6.24 St Vigeans parish church on summit of mound.
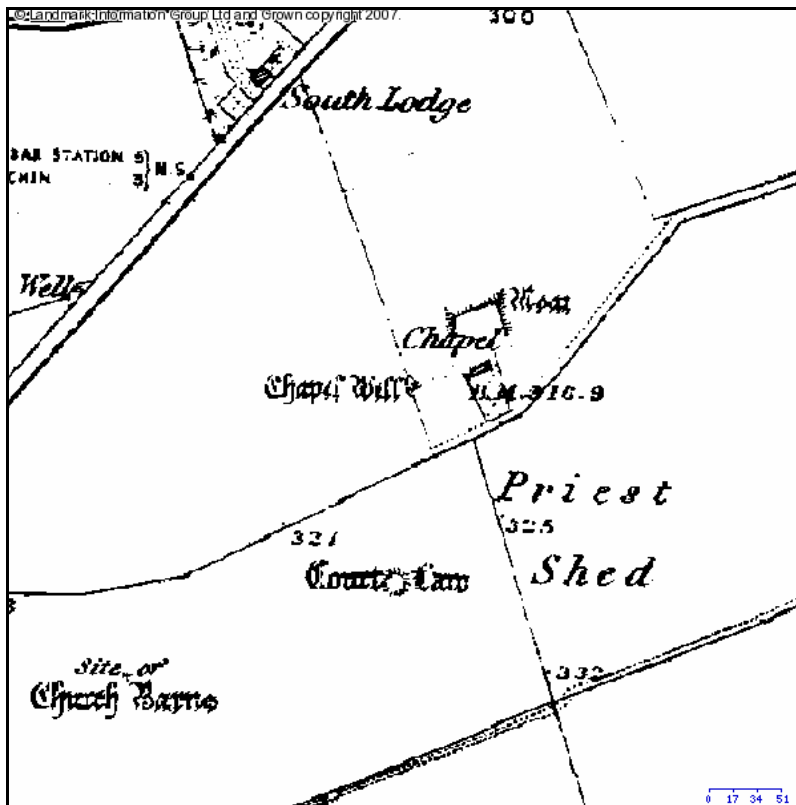
Figure 6.25a Juxtaposed Churches and Mounds. Aldbar, Angus (1st edition OS 6":mile 1865 'Forfarshire'; see Table 4.6, no. 5).
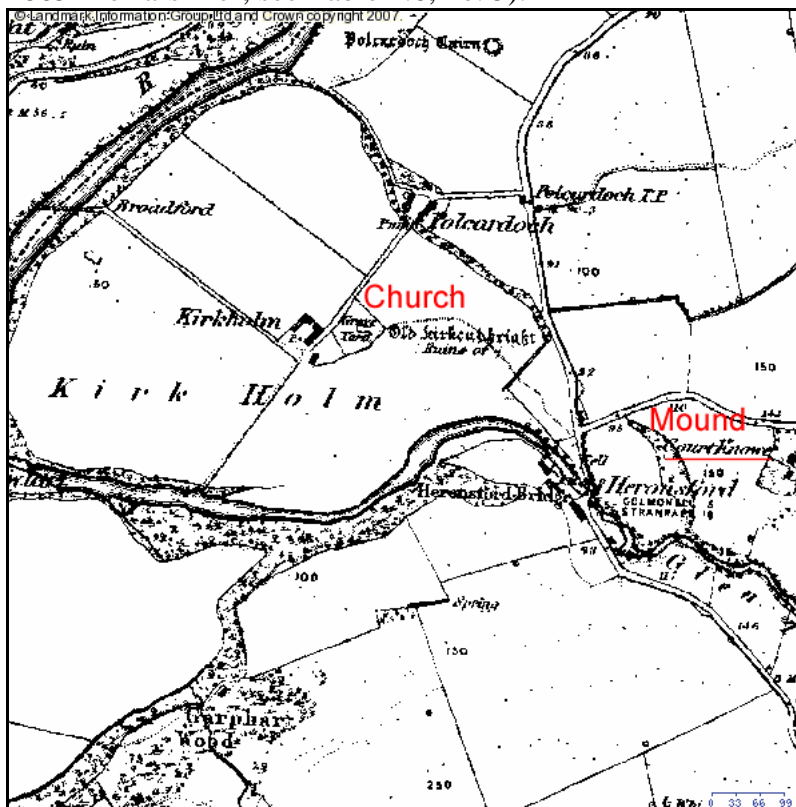
Figure 6.25b Juxtaposed Churches and Mounds. Ballantrae parish, S. Ayrshire (1st edition OS 6":mile 1857 'Ayrshire'; Table 4.6, no. 15).
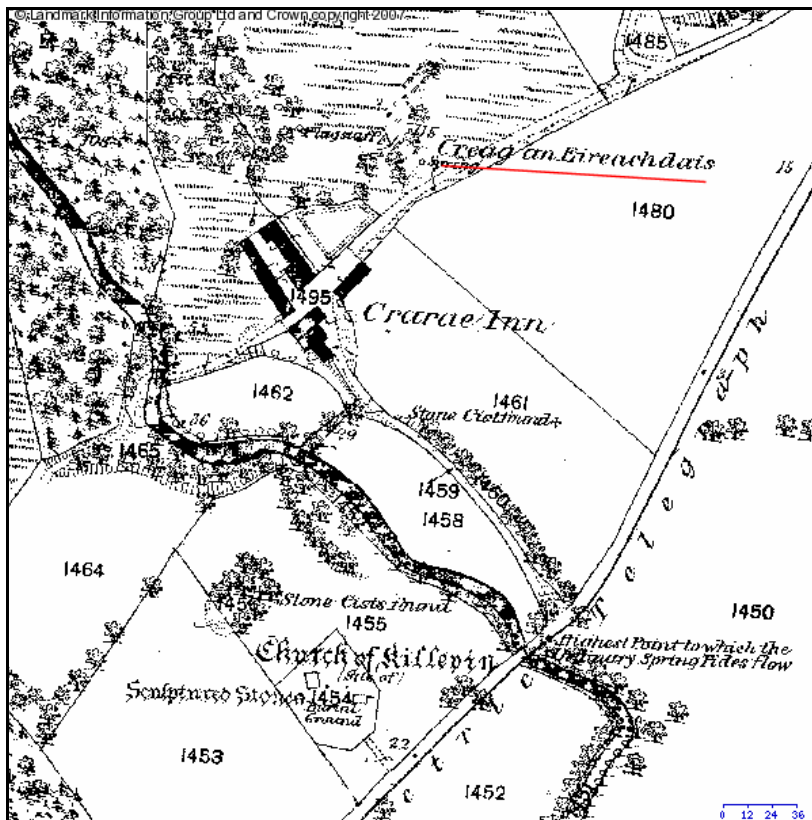
Figure 6.25c Juxtaposed Churches and Mounds. Crarae, Argyll (1st edition OS 1:2500 map 1866 'Argyllshire'; see Table 4.2, no. 2).
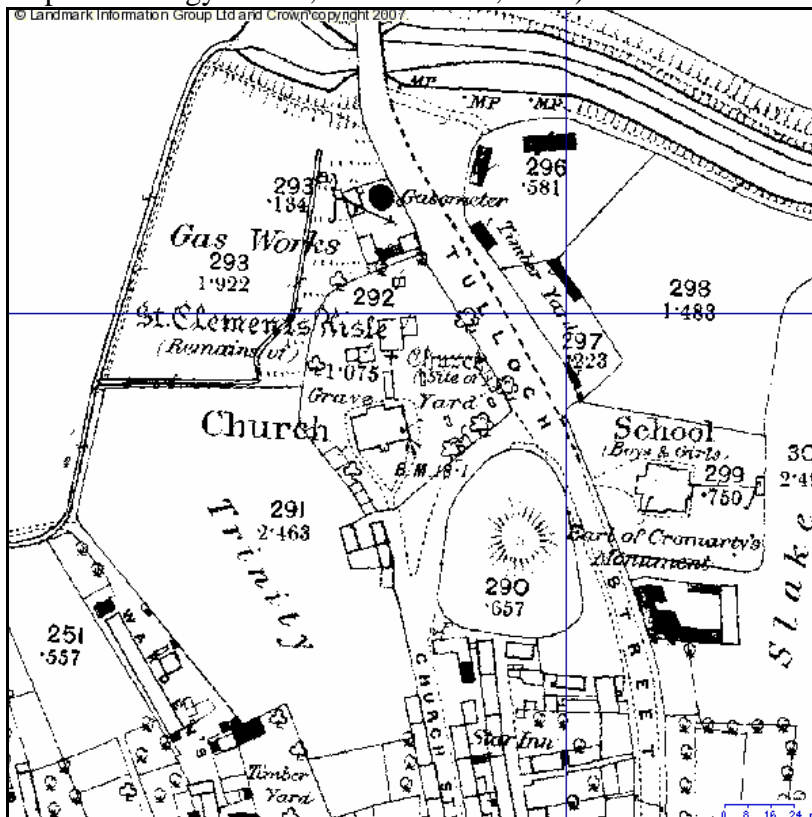
Figure 6.25d Juxtaposed Churches and Mounds. Dingwall, Ross (1st edition OS 1:2500 map 1876 'Ross & Cromarty'; Table 4.7, no. 2).
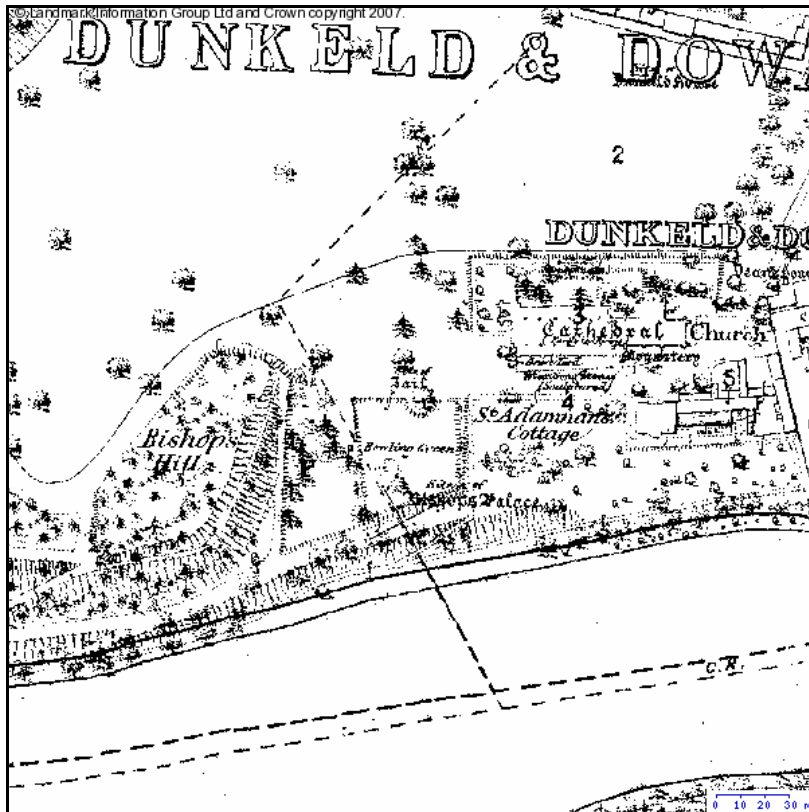
Figure 6.25e Juxtaposed Churches and Mounds. Dunkeld, Atholl (1st edition OS 1:2500 map 1867 'Perthshire'; see Table 4.5, no. 17).
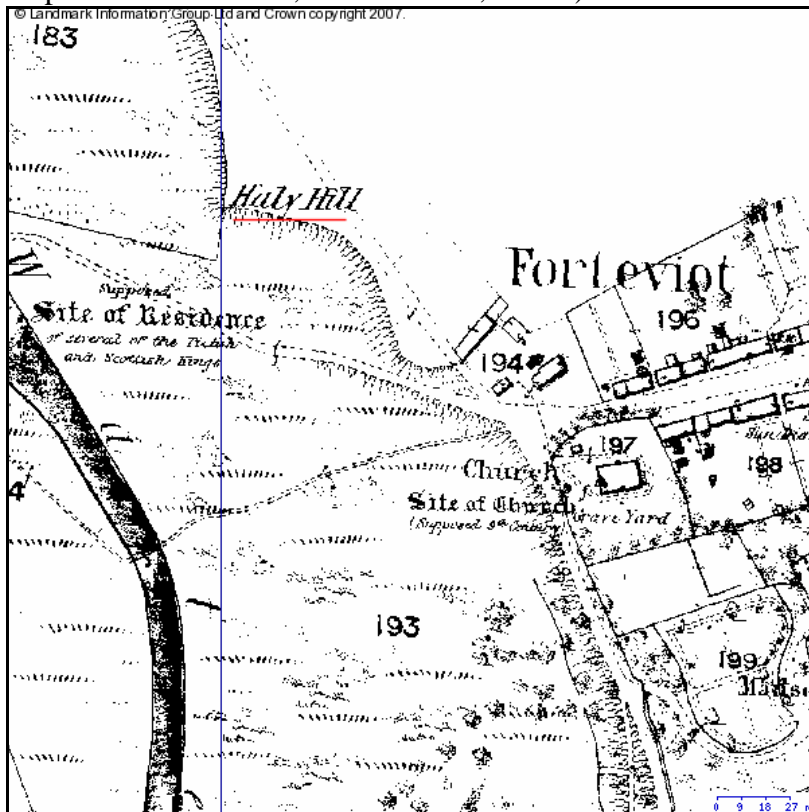
Figure 6.25f Juxtaposed Churches and Mounds. Forteviot, Perthshire (1st edition OS 1:2500 map 1862 'Perthshire'; Alcock and Alcock 1992: 228-30).
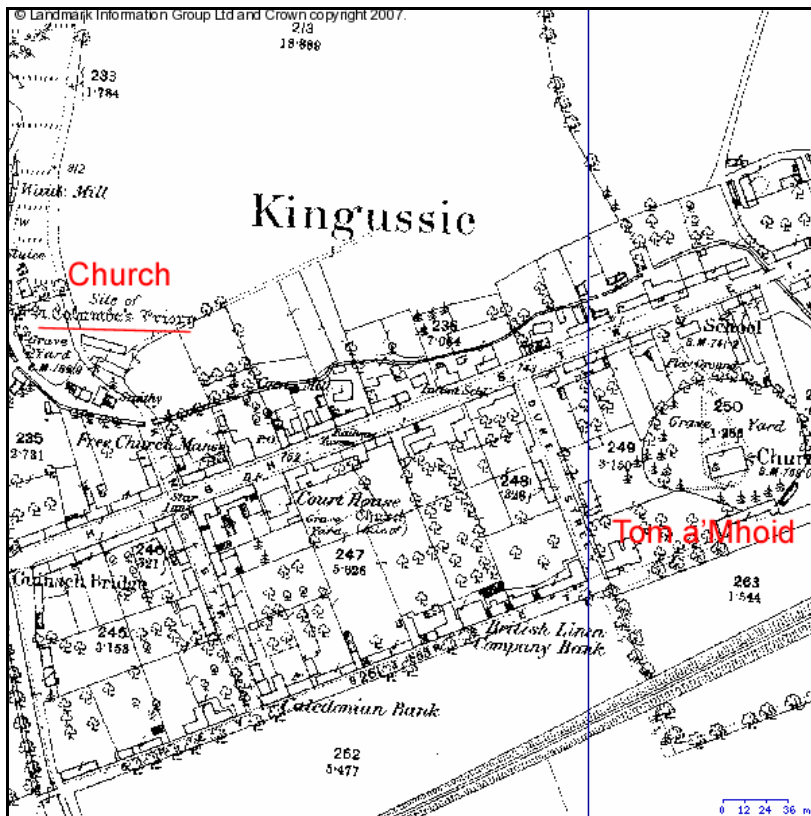
Figure 6.25g Juxtaposed Churches and Mounds. Kingussie, Badenoch (1st edition OS 1:2500 map 1871 'Inverness-shire & Skye'; see Table 5.1, no. 14).
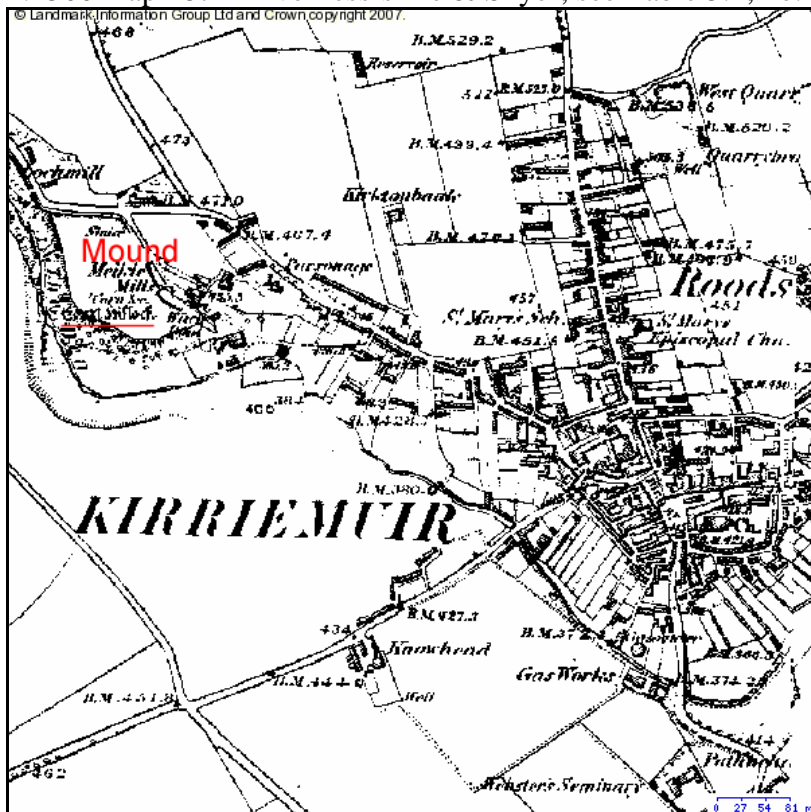
Figure 6.25h Juxtaposed Churches and Mounds. Kirriemuir, Angus (1st edition OS 6":mile map 'Forfarshire'; Table 4.6, no. 6).
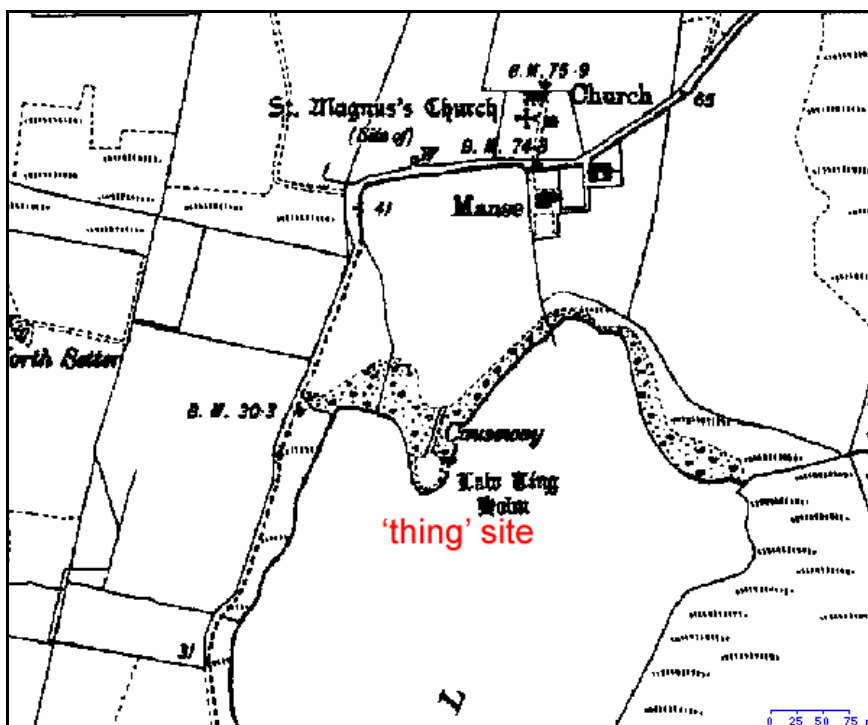
Figure 6.25i Juxtaposed Churches and Mounds. Tingwall, Shetland Isles (1st edition revised OS 6":mile map 1902 'Zetland'; see Table 4.7, no. 7).
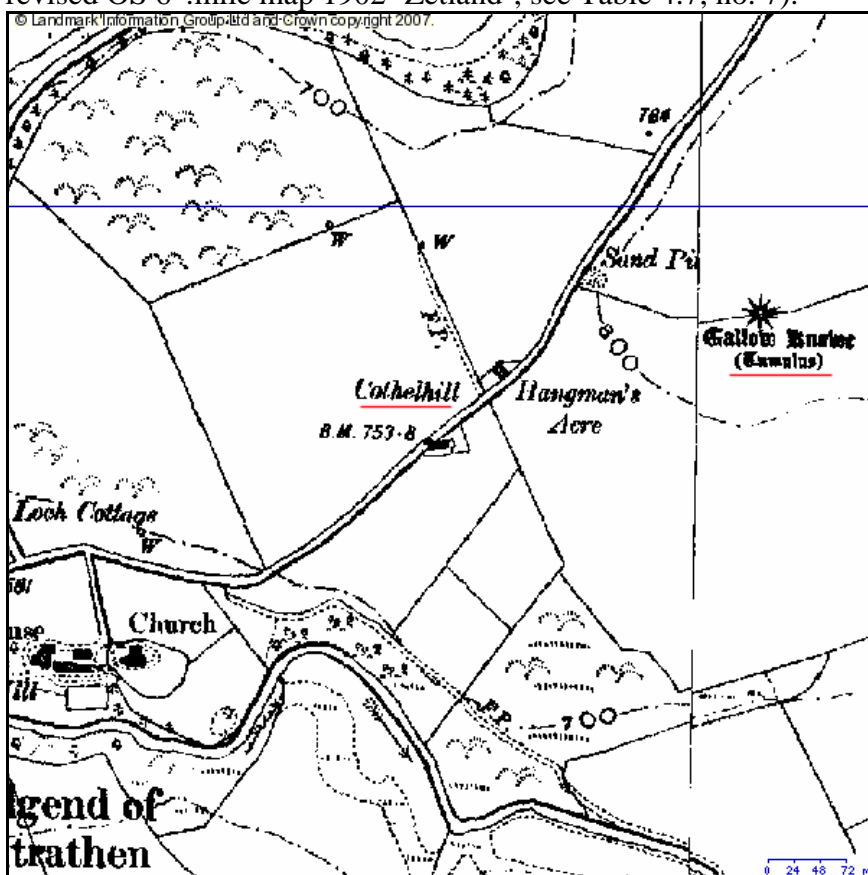
Figure 6.25j Juxtaposed Churches and Mounds. Lintrathen, Angus (1st edition revised OS 6":mile 1902 'Forfarshire'; Table 4.1, no. 31).
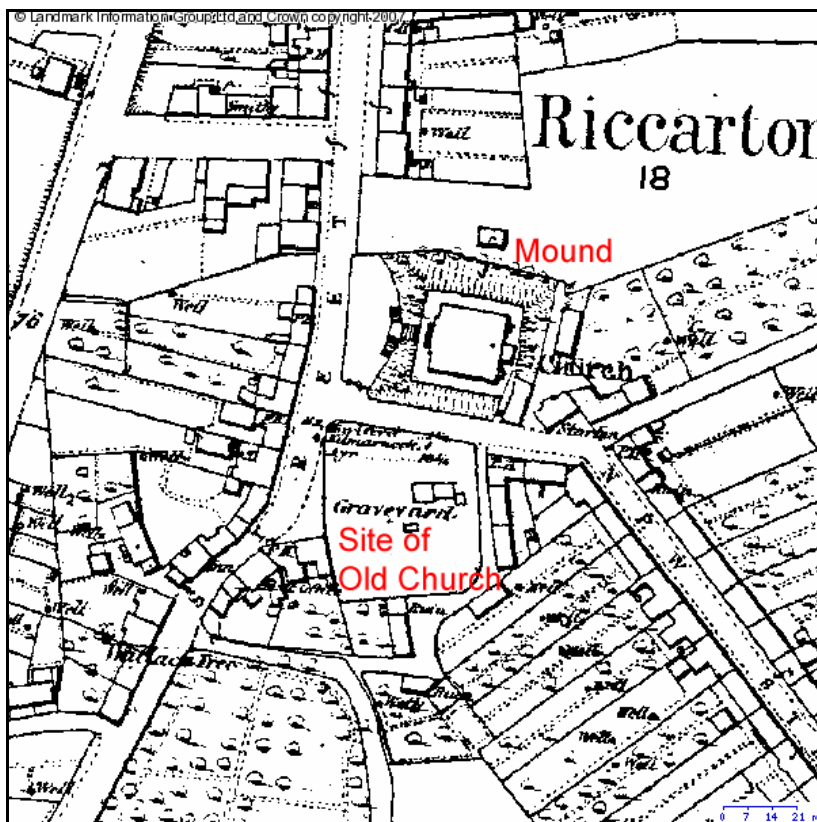
Figure 6.25k Juxtaposed Churches and Mounds. Riccarton, Ayrshire (1st edition OS 1:2500 map 1857 'Ayrshire'; see Table 4.6, no. 16).

Figure 6.25l Juxtaposed Churches and Mounds. Rosemarkie, Black Isle (1st edition OS 1:2500 map 1872 'Ross & Cromarty'; see Table 4.6, no. 30).
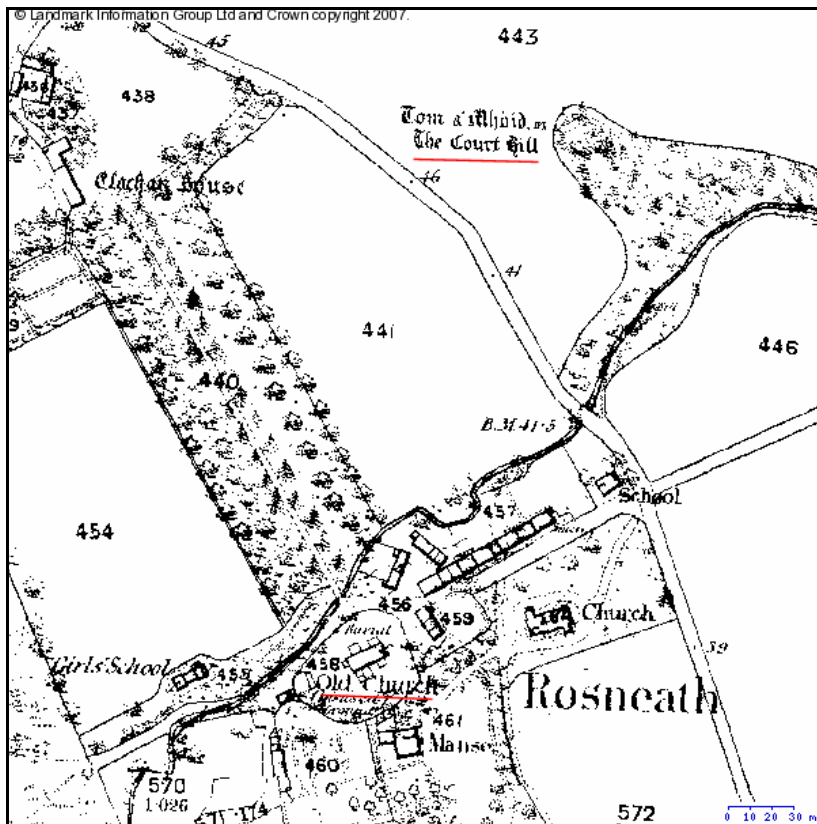
Figure 6.25m Juxtaposed Churches and Mounds. Rosneath, Argyll (1st edition OS 6":mile map 1865 'Dumbartonshire'; Table 4.3, no. 4).
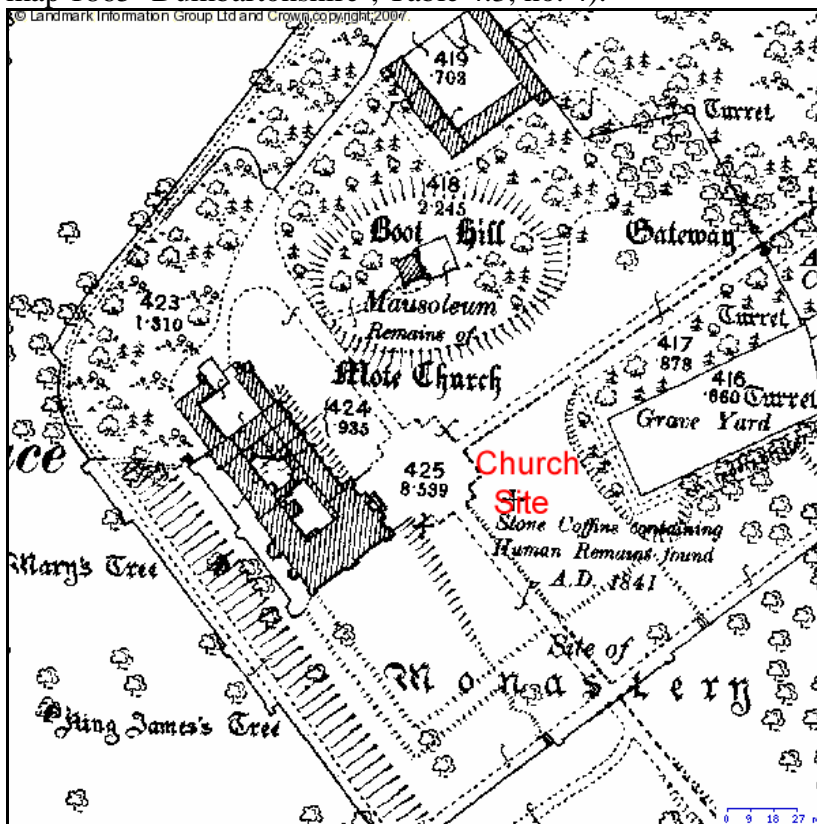
Figure 6.25n Juxtaposed Churches and Mounds. Scone, Perthshire (1st edition revised OS 1:2500 map 1901 'Perthshire'; Table 4.5, no. 16).

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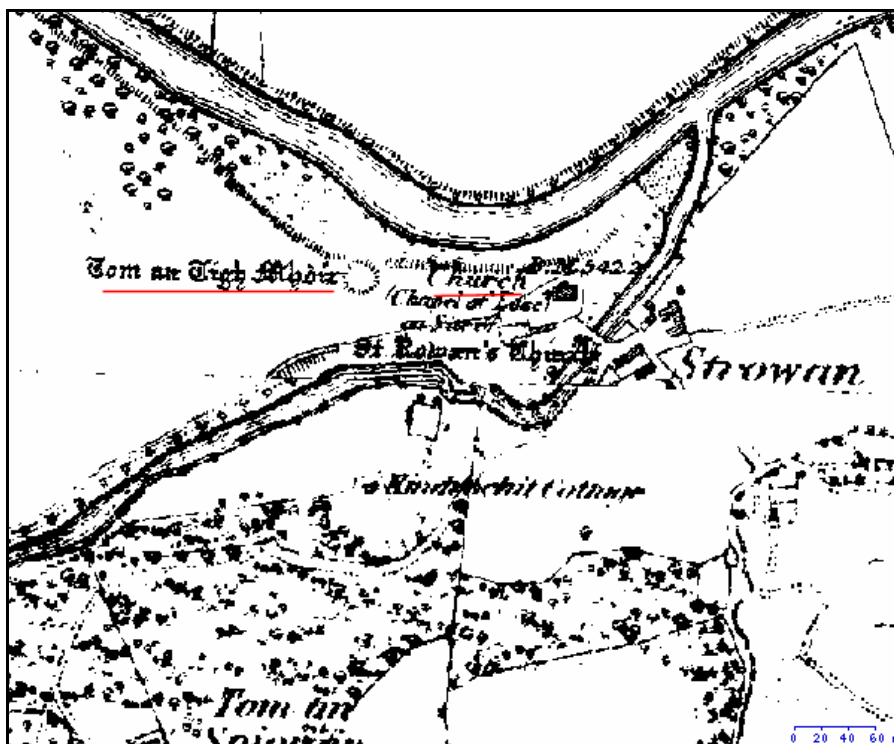
Figure 6.25o Juxtaposed Churches and Mounds. Struan, Atholl (1st edition OS 6":mile
map 1867 'Perthshire'; Hall *et al*. 2005: 311).
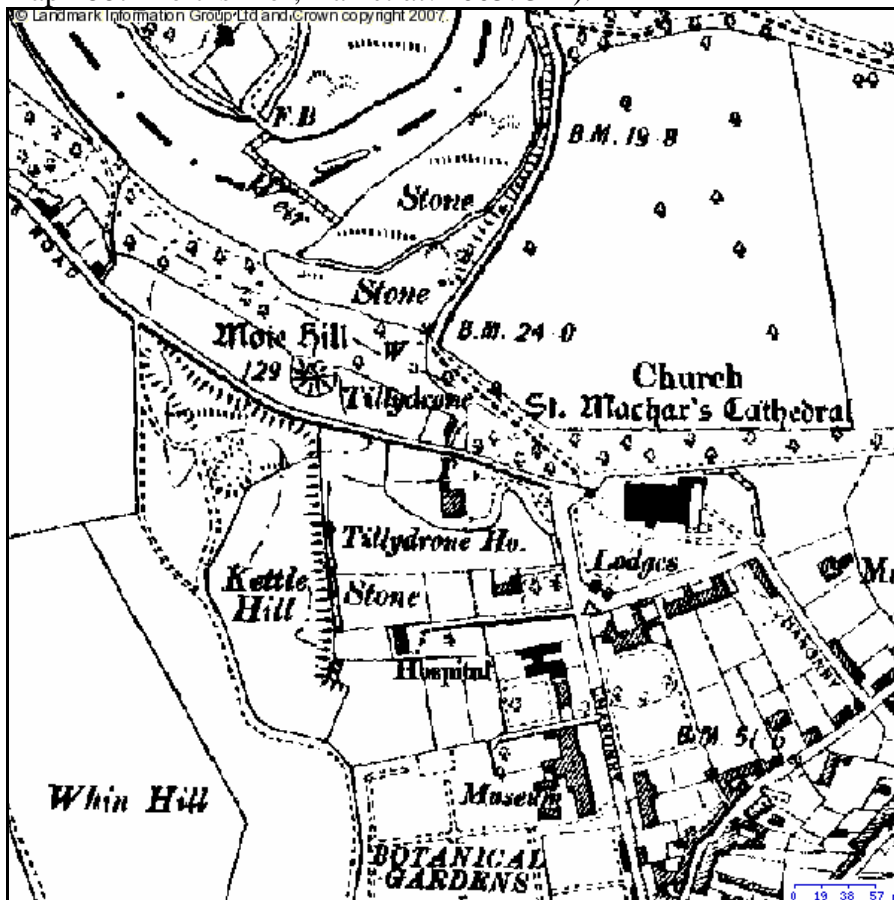
Figure 6.25p Juxtaposed Churches and Mounds. Old Aberdeen, Aberdeenshire (1st
edition revised 6":mile map 1902 'Aberdeenshire'; see Table 5.1, no. 1).
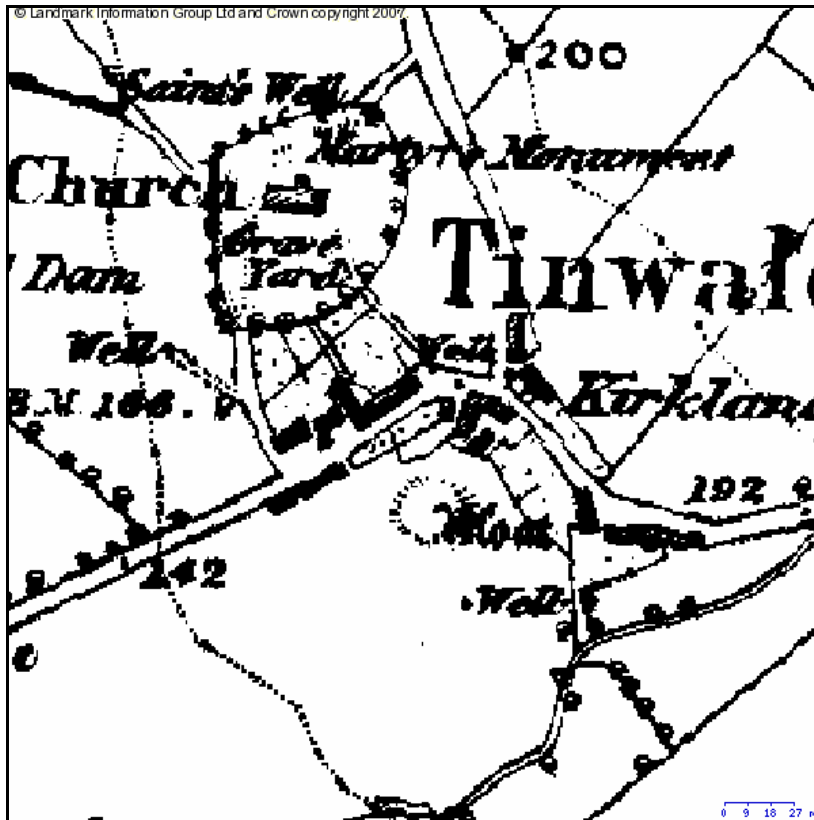
Figure 6.25q Juxtaposed Churches and Mounds. Tinwald, Dumfriesshire (1st edition OS 6":mile map 1861 'Dumfriesshire'; Table 4.7, no.1).
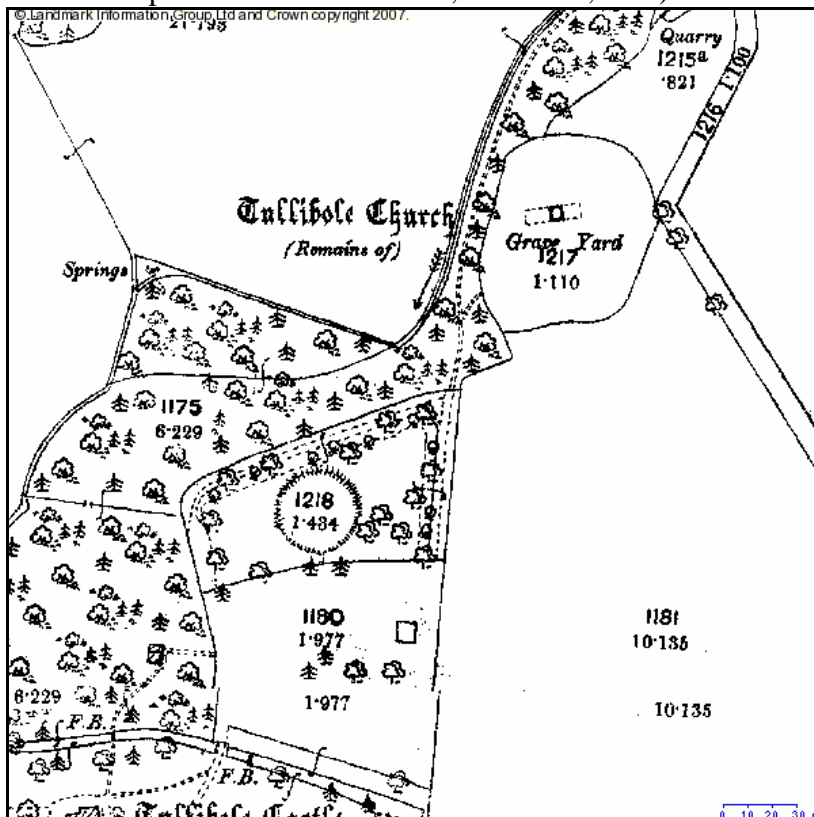
Figure 6.25r Juxtaposed Churches and Mounds. Tullibole, Perthshire (1st edition 1:2500 map 1896 'Fifeshire'; Hall *et al*. 2005: 311).

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Figure 6.25s Juxtaposed Churches and Mounds. Tullich, Aberdeenshire (1st edition 1:2500 map 1868 'Aberdeenshire'; see Chapter 8).

Figure 6.26 Deer Abbey and Quithel (Gaelic *comhadhail*, 'assembly')
(1st edition OS 6":mile map 1972 'Aberdeenshire').
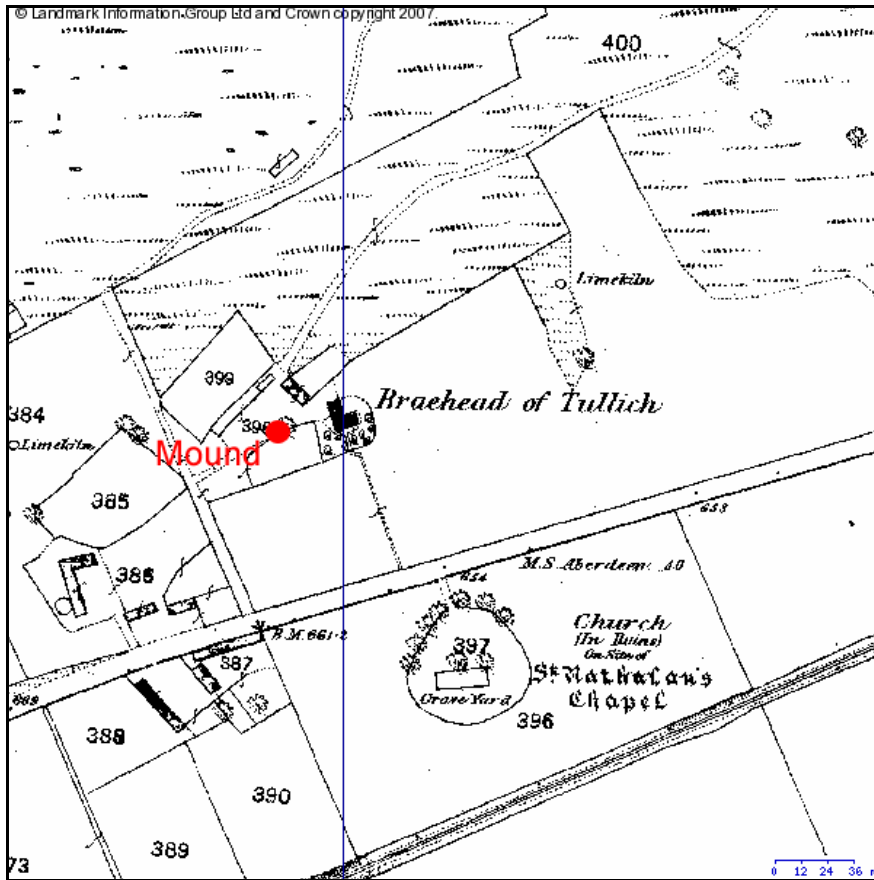
Table 2.1 Medieval legal offices within place-names

No.	Place-name	Type	Parish	NGR	Region	Status	Notes	General Reference(s)
1	Balnabreith	Mound	Careston	NO 52000 58000	Angus	Possible	Place-name possibly G for 'town of judgment' or 'farm of the judge', court site identified with mound (see general reference); Careston possibly derived from Kerald son of Malcolm who was judex of Angus in 1228 (Barrow 2003: 62; Innes 1848-56: vol. 1, xxvi); ring-ditch and barrow now visible as cropmarks at site (NMRS nos. NO55NW 69, NO55NW 65), possible location for local court? See Chapter 2.	Warden 1880-5: vol. 3, 68, 71
2	*Clach A'Bhreitheamh*	(Stone)	South Knapdale	NR 74200 61700	Argyll and Bute	Possible	No medieval place-name; 'Rock of Judgement', 'a Judge's chair' (see general references); destroyed c. 1892 (see general references); sketch of site shows 'massive block with rough steps up to a ledge' (Campbell and Sandeman 1964: 25, no. 168a); tradition of associated execution site (see general references); group of standing stones adjacent to S (NMRS no. NR76SW 1), tradition of battle between the MacInver and Campbell clans here (Campbell and Sandeman 1964: 25, no. 168).	Campbell 1995: 4; Campbell and Sandeman 1964: 25, no.168a; NMRS no. NR76SW 28
3	*Torr A' Bhreitheimh*	Hill	Killarow and Kilmeny	NR 30775 57660	Argyll and Bute	Possible	No medieval place-name; said to be 'judgment mound' of MacBrayne, meaning MacBreithamh or 'Son of the Judge', who were hereditary judges on Islay (Campbell 1995: 7).	1st edition O.S. 6":mile map Argyllshire 1882
4	Toscheochhill	Place-name	?	?	Ayrshire	Possible	Place-name '*Tòiseachd* Hill', 1539 and 'Toschokhill' 1587; in Kyle-Stewart, location not established possibly Ayr.	RMS 1882-1914: vol. iii, no. 2064; vol. v, no. 1266
5	Judge's Hill	Mound	Loudoun	NS 51890 38570	Ayrshire, East	Possible	Not medieval place-name; flat summit, promintory above burn, cut-off by ditch (see general reference).	Johnstone *et al.* 1994: fig. 32; NMRS no. NS53NW 11

Table 2.1 Medieval legal offices within place-names

6	Knoktoscheok	(Mound)	Girvan	NX 18500 98070?	Ayrshire, South	Strong	Place-name '*Tòiseachd* Hill'; capital pleas of the Carrick to be held here thrice yearly 1505 (see general reference); possibly same site as 'Knockushion' where head courts of Carrick were traditionally held, see Table 4.8, no. 9.	RMS 1882-1914: vol. ii, no. 2899
7	*Nevethin Endoreth*	Place-name	St Andrews and St Leonards	NO 44765 11065?	Fife	Possible	Only possible location identifed; *Nevethin Endoreth* C12-C13th place-name '*nemeton* of the dewar' (Taylor 1995: 222; *cf*. Watson 1926: 264-5); possibly at 'Arnydie' (see Taylor 1995: 222, citing pers. comm. G.W.S. Barrow); adjacent to three parish boundaries, Taylor notes ideal position for an important assembly site (Taylor 1995: 222); Broch and Fort at Drumcarrow Craig 2km to N (NMRS no. NO41SE 4).	Barrow 1998: 28

Table 2.1 Medieval legal offices within place-names

8	Doomster Hill	(Mound)	Govan	NS 55530 65760?	Glasgow, City of	Possible	C18th place-name remembered as 'Doomsterhill' ('Hill of the Doomster'), artifical mound, conical shape, traditionally courts of justice held (see general reference); c. 45m diameter by 5m high (NSA 1834-45: vol. 6, 690); 'sides of the mound were very steep, and the top was broad and flat' (Davidson Kelly 1994: 1, quoting Chalmers); reservoir inserted in summit in C19th possible timber lined burial found (NSA 1834-45: vol. 6, 690); site adjacent early medieval church of St Constantine (Govan Old Parish), adjacent ferry crossing over Clyde, opposite Partick royal estate; mound destroyed during expansion of Clydeside, excavations reveal C8th-C9th roadway lead from neighbouring church toward site of mound (Driscoll 1998c: 104; Driscoll and Will 1996); previous identification of a ditch around mound uncertain (pers. comm. Stephen Driscoll); possible stepped-profile based on 1758 illustration by Robert Paul, proposed as possible inauguration site (Driscoll 2003: 80-1); mound shown on Roy's 1747-55 map of Scotland on E side of Govan burn; see Chapter 6.	Driscoll 1998c: 104; Davidson Kelly 1994: 1-3; OSA 1791-9: vol. 14, 294
9	*Torr A' Bhreitheimh*	Enclosure	Arisaig and Moidart	NM 73750 70550	Highland	Possible	Place-name G *Torr A' Bhreitheimh* 'height or tower of the Judge'; place-name likely refers to areas of outcrop adjacent to NE; drystone enclosures close by to S (probably post-medieval, see NMRS nos. NM77SW 13, NM77SW 14); Castle Tioram 7km to W, C13th-C16th associated with C5th hanging-bowl (NMRS no. NM67SE 1).	1st edition O.S. 6":mile map Inverness-shire 1875-6, sheet clvii
10	*Eilean a' Bhritheimh*	island	?	?	Highland	Possible	Location not identifed; G 'The Judge's Isle', off the N coast of Sutherland (see general reference).	Watson 1926: 261

Table 2.1 Medieval legal offices within place-names

11	*Devoria de Seat*	Place-name	Dunkeld	?		Perth and Kinross	Possible	Location not identified; 1641 AD 'the Dewarship of Seat' in the lordship of Dunkeld (see general reference).	Watson 1926: 261
12	Severie	Cairn	Kilmadock	NN 70460 07920	Stirling		Strong	Place-name 'Severie' G *Suidhe a' Bhritheimh*, 'the judges seat' (see general reference); remains of grass covered cairn on knoll with exposed cist at summit, traditionally identifed with 'seat' mentioned in place-name (*ibid*.); tradition that this was seat of the Judge of Menteith (Watson 1926: 517, n. 261); extensive views from site (*ibid*.); tradition that people judged at 'stone' (cist?) and hanged at Kilbride near Dunblane (Watson 1926: 261); 'Dewar' family name traditionally assoicated with area (see Watson 1926: 261, fn. 1); 'Judges cairn' name of cairn 4km to SE (see general reference; RCAHMS 1994b: 6-7, 8, fig. 7, 9, 18; see no. 13, this table); possible 'annat' place-name 1km to SW indicative of early church site (see RCAHMS 1994b: 6, fig. 3).	NMRS no. NN70NW 33; Watson 1926: 261, 517
13	The Judge's Cairn	Cairn	Dunblane and Lecropt	NN 73940 05610	Stirling		Possible	Not medieval place-name; place-name refers to 'Judge', tradition that sheriff held courts here (see general reference); turf covered cairn 20m diameter, 1.8m high (RCAHMS 1994b: 6-9, 18); possible confusion with no. 12, this table.	Name Book 1863: no. 25, 11; NMRS no. NN70NW 1

Table 4.1 *Comhdhail* sites

No.	Place-name	Type	Parish	NGR	Region	Status	Notes and associations	General reference(s)
1	Coldstone	Mound	Logie Coldstone	NJ 43200 05600	Aberdeenshire	Strong	Tom a'Char 'mound of the chair' 0.5km S of parish church, originally site of Pictish symbol stone now at Tillypronie (Allen and Anderson 1903: pt.3, 179-80, fig. 194; Gomme 1880: 265); old parish church dedicated to St Neachtan and site of early medieval cross-slab (NMRS no. NJ40NW 5.00; Watson 1926: 492); 'stane' or 'stone' element in place-name possibly caused by later Anglicisation (Barrow 1992: 225); Migvie c.1km NE of parish church, site of Earl of Mar's head courts 1358-9AD held at 'Stone of Migvie' (Spalding Club 1847-69: vol. 4, 715-6).	Barrow 1992: 232, no. 1.13
2	Cothill	(Enclosure)	Old Machar	NJ 90500 11500	Aberdeenshire	Strong	Aerial photography shows enclosure measuring c.20m diameter 210m NE of Cothill farm, Grandhome Estate, was interpreted as a henge, visible on the ground as a low mound (NMRS no. NJ91SW 81).	Barrow 1992: 232, no. 1.11
3	Quithel Wood	(Enclosure)	Birse	NO 57595 97450	Aberdeenshire	Possible	Beside River Dee, possible ditched enclosure survive as cropmark by Chapel stripe burn (NMRS no. NO59NE 57); 1.5km to the S is Gallahill or Gallowhill Wood.	Barrow 1992: 236, no. 2.10
4	Cuttyhill	Hill	Longside	NK 04300 50300	Aberdeenshire	Strong	Natural hill at 51m OD above to N of North Ugie Water.	Barrow 1992: 231, no. 1.5
5	Cuttlehill	Hill	Cairnie	NJ 49400 47500	Aberdeenshire	Strong	140m OD, 1km SE of hill is a possible motte (NMRS no. NJ54NW 32); 0.5km SE is Ruthven where are remains of the medieval parish church dedicated to St Carol (NMRS no. NJ54NW 4), nearby was a cross incised slab, St Carol's well and St Carol's Cairn (NMRS nos. NJ54NW 8, NJ54NW 5, NJ54NW 10).	Barrow 1992: 231, no. 1.6
6	Cothill	Hill	Belhalvie	NJ 97600 21000	Aberdeenshire	Strong	0.5km to Newtyle, possibly Celtic *nemeton* place-name (Barrow 1998: 29; Watson 1926: 244); Bronze Age gold torcs found in the vacinity, possibly votive deposits indicate distant earlier cult significance? (NMRS no. NJ92SE 5).	Barrow 1992: 232, no. 1.10
7	Quittlehead	Hill	Lumphanan	NJ 56800 04600	Aberdeenshire	Strong	Name of farm situated upon natural level terrace set within broad S facing slopes; higher ground above and overlooking valley floor upon which is the Peel of Lumphanan the remains of a major earth and timber castle occupied between the C13th-C18th (Newton and Talbot 1998: 653).	Barrow 1992: 232, no. 1.15
8	Quithel	Hill	Old Deer	NJ 96561 48356	Aberdeenshire	Strong	Name of farm at foor of Saplin Brae hill, 325m NW of the abbey of Deer (Alexander 1952: 106, 249-50; see general reference); by crossing over S Ugie Water on opposite bank is Aikey Fair stance and Aikey Brae site of a regionally signficant fair and market from at least 1640AD, though possibly medieval in orgin related to the Deer Abbey's St Drostan's fair (Black 1999: 45-8; Aberdeenshire SMR no. NJ94NE0051).	Barrow 1992: 221, 235-6, no. 2.5
9	Cot Hillock	Hill	Tarland	NJ 49800 06900	Aberdeenshire	Possible	Possibly related to cottilstane 1543 (see general reference); natural S facing spur at 320m OD; by N,W and E Pett place-names (see general reference).	Barrow 1992: 236, no. 2.8
10	Cothill or Cothal	Stone Circle	Fintray	NJ 84700 17100	Aberdeenshire	Strong	Site of two stone circles (NMRS no. NJ81NW 11).	Barrow 1992: 231, no. 1.9
11	Cothill	Stone Circle	Kincardine o'Neil	NJ 64000 02400	Aberdeenshire	Strong	NE of Craigmyle on summit of a prominent hill; Immediately N of Cothill farm is the site of a stone circle (see general reference) the only remaining stone of which is a 2.4m high megalith inscribed with pictish symbols including a 'two legged rectangle symbol' below which is a serpent (Allen and Anderson 1903: pt. 3, 159-60, fig. 167; NMRS no. NJ60SW 6).	Barrow 1992: 232, no. 1.12; NMRS no. NJ60SW 6
12	Cuttieshillock	Stone Circle	Coull	NJ 48800 02900	Aberdeenshire	Strong	Close by at Tomnaverie is a recumbent stone circle measuring 17m in diameter (see general reference).	Barrow 1992: 232, no. 1.14; NMRS no. NJ40SE 1

Table 4.1 *Comhdhail* sites

13	Candlehill	Stone Circle	Rayne	NJ 67900 27900	Aberdeenshire	Strong	Same as Table 5.1, no. 3 (see Chapter 5); site of a recumbent stone circle also known as Tap o'Mast at 126m OD overlooking the River Urie to the S, 18.3m in diameter and originally comprised of twelve stones, small dry-stone wall enclosure feature within circle possibly associated with medieval activity (Coles 1902: 527-31; Callender 1935: 71; NMRS no. NJ62NE 1); Dalrymple excavated site during 1856-7 (Coles 1902: 528); traditionally site of district head courts (*ibid*: 529); justicary court held here in 1349, overseen by Earl of Ross as justiciar and involving the Bishop of Aberdeen (Barrow 1992: no. 2.6, 236; Grant 1930: 57, fn. 3; Gomme 1880: 192; Innes 1845: vol. 1, 79; RCAHMS 2007: 173; Stuart 1867: xli, fn. 2; see Chapter 5); 0.5km to NW is Old Rayne, remains of homestead moat on the NE side of the village, C14th residence of Bishop Alexander Kyninmund and site of chapel (Greig and Shepherd 1991: 31; Moir 1894: 8, 9, 113; NMRS no. NJ62NE 2; RCAHMS 2007: 162-3); 0.45km to W site of St Lawrence's holy well (Name Book 1867: no. 77, 73; NMRS no. NJ62NE 8); St Lawrence Fair was held at Rayne into C19th century (Groo	Barrow 1992: 236, no. 2.6; NMRS no. NJ62NE 1
14	Cothiemuir Hill	Stone Circle	Keig	NJ 61700 19800	Aberdeenshire	Possible	Recumbent stone circle on summit of hill, built upon a pre-existing cairn, no medieval finds were recovered from small scale excavation of the monument (Bradley 2001: 11; NMRS no. NJ61NW 1; RCAHMS 2007: 61, 65).	Barrow 1992: 236, no. 2.7; NMRS no. NJ61NW 1
15	Candle Hill	Stone Circle	Insch	NJ 59905 29965	Aberdeenshire	Possible	No medieval place-name identifed; site of recumbent stone circle (NMRS no. NJ52NE 10); on E slope of Hill is the Picardy Stone a large Pictish symbol stone (Allen and Anderson 1903: pt. 3, 167-9, fig. 178), investigated in 1856 and found to be associated with a small cairn and possible orientated burial (Stuart 1867: vol. 1, xxiv, 4).	1st edition OS 6":mile map Aberdeenshire 1873
16	Candle Stone	Standing Stone	Ellon	NJ 92200 34800	Aberdeenshire	Strong	Site of conspicuous standing stone measuring 3.1m high at 55m OD (NMRS no. NJ93SW 1); overlooked to the E by Gallowhill of Ellon at c.60m OD, tradtionally execution site, on summit a rectangular enclosure identifed by aerial photography has been suggested as the site for the gallows (NMRS no. NJ93NW 42).	Barrow 1992: 224, 231, no. 1.7
17	Cuttlecraigs	Cairn	Daviot	NJ 76000 26700	Aberdeenshire	Strong	Possible cairn on Lumphart Hill a short distance to the N by Hill of Cuttlecraigs (NMRS no. NJ72NE 63).	Barrow 1992: 231, no. 1.8; NMRS no. NJ72NE 63
18	Colsten Glen	Cairn	Tullich	NO 40000 98200	Aberdeenshire	Possible	Small kerb-cairn at S entrance to Colsten Glen, 2m in diameter and associated with a substantial upright boulder (NMRS no. NO39NE 30).	Barrow 1992: 236, no. 2.9
19	Glenquithle	Cairn	Aberdour	NJ 84400 64500	Aberdeenshire	Strong	Glenquithle also known as Glencuthill (see general reference); remains of two cairns overlook Glenquithle house 0.5km to the S on Litterty Hill, largest of which is turf covered and located at 160m OD measuring 24m in diameter and 3.5m high, within which human remains were found during the 19th century (NMRS no. NJ86SW 4); Auchmedden possible site of C16th castle to NE (NMRS no. NJ86SE 1); 'Chapelden' and possible site of pre-reformation chapel adjacent to SW (Name Book 1871: no. 2, 31).	Barrow 1992: 231, no. 1.4; NMRS no. NJ86SW 4
20	Cuttleburn	Mound	Blairgowrie	NO 17748 45660	Angus	Possible	No medieval place-name; on S bank of burn is church known as 'the hill church of Scotland' thought to be on site of foundation mentioned in 1207AD (NMRS no. NO14NE 7.00); by line of parish boundary, adjacent site of 'Motehill' or 'Urchin Hill' mound to S, destroyed, where tradition states barony courts were held, although also identifed as a motte (NMRS no. NO14NE 3); further S within town of Blairgowrie was 'Meet Hill' (see table 'Mot' no. 13); Cuttleburn flows into River Ericht, G *eireachd* meaning 'assembly', to E of parish church (see Table 4.2, no. 11).	Barrow 1992: 238, no. 2.21

Table 4.1 *Comhdhail* sites

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21	Cottown	Mound	St Madoes	NO 20548 21118	Angus	Possible	...medieval place-name, possibly same as Barrow 1992: 239, no. 2.24 (?); within 2 of St Madoes parish church, site of two class II Pictish cross-slabs (Allen and Anderson 1903: pt. 3, 292-6); 'Gallowflat' and 'Gallow knowe' nearby to E, possibly natural mound (NMRS no. NO22SW 10); parish church adjacent to parish boundary with Kinfauns to W, G. *comhdhail* place-name also assocaited with Kinfauns though location unknown (see Barrow 1992: 239, no. 2.24; see general reference); 'Witch knowe' mound with flat-top on Kinfauns side of parish boundary, assoicated with an ogam inscribed Pictish class I symbol stone and internal prehistoric burials (NMRS no. NO12SE 9; RCAHMS 1994: 92-3, 95, 150, 160).	1st edition OS 6":mile map Perthshire 1866
22	Cuttlehaugh	Hill	Lochlee	NO 51600 78600	Angus	Possible	Name of settlement, possibly refer to neighbouring slope or level space to S by the River North Esk; c.2km to the W is prominent cairn and cross-incised stone at Trafside which is by Cairncross (NMRS nos. NO47NE 1, NO47NE 4); over 2km E at Fernybank there is 'Courthill'; Cuttlehugh was possibly place of legal dispute between neighbouring parishes.	Barrow 1992: 237, no. 2.14
23	Coleduns	Hill	Kingoldrum	NO 32000 57500	Angus	Possible	Location not certain; locality reconstructed at upland hill (see general reference) on parish boundary and close to small cairn (1st edition Ordnance Survey 6":mile map 1865 Forfarshire); place-name contains OE dūn 'a down or rounded hill' (see general reference) or G dùn '(conical or fortified) hill'; site of justiciary court 1253AD (coledunes) and 1256AD (Innes 1848-56: vol. 1, 226, no. 294, 228, no. 295; see general reference); dispute between Abbots of Arbroath and Durwards over nieghbouring lands in Lintrathen and Kingoldrum parishes (see Chapter 5).	Barrow 1992: 237, no. 2.16
24	Candle Hill	Hill	Ruthven	NO 29600 48700	Angus	Strong	Natural hill with flat summit at 70m OD (NMRS no. NO24NE 10); also known as Gallow Hill (OSA 1794: vol. 12, 295; Warden 1880-5: vol. 5, 105); traditionally where barony courts of Ruthven were held (Warden 1880-5: vol. 5, 105) and site of gallows (OSA 1791-9: vol. 12, 295); adjacent to S is 'Hangmans Acre' (Barrow 1992: 237, no. 2.18; 1st edition OS 6":mile Forfarshire 1865); adjacent to W Perthshire and Angus modern regional boundary also a parish boundary (ibid.); c.2km NW remains of Inverqueich castle, residence of the Lindsay's of Ruthven and mentioned in 1296 (NMRS no. NO24NE 17; Warden 1880-5: vol. 5 105); 180m NW was a barrow 9m in diameter identified by aerial photography (NMRS no NO24NE 40).	Barrow 1992: 237, no. 2.18; NMRS no. NO24NE 10
25	Cuthell	Hill	Kirkmichael	NO 09458 71517	Angus	Possible	On basis of reconstructed location (see general reference) this may be associated with a prominent spur of outcrop on the SW side of Ben Gulabin, Glen Shee.	Barrow 1992: 237-8, no. 2.19
26	Cothill	Hill	Clunie	NO 09500 45500	Angus	Possible	By Lunan burn; 1.5km SE is terraced castle-mound of Castle Hill by Loch of Clunie associated with early historic metalwork, papal *bulla* (King 1992), medieval parish church and towerhouse of Bishop of Dunkeld (RCAHMS 1994: 90-91); Clunie was chief court site for region of Stormont according to assise proporting to be from reign of William I (Cooper 1947: 88-9); Cothill likely represents lesser locally signficant court-site (Barrow 1992: 220, 223, 238, no. 2.20).	Barrow 1992: 238, no. 2.20
27	Cockhall	Hill	Fowlis Easter	NO 32600 35300	Angus	Possible	Later possible place-name form associated with lost settlement in locality of slope in minor upland valley; by parish boundary (1st edition Ordnance Survey 6":mile map Perthshire 1867).	Barrow 1992: 239, no. 2.26
28	Cuthile	Hill	Inverkeilor	NO 70100 46900	Angus	Strong	Name of natural harbour (see general reference), possibly place-name referred to an irregular natural hill with a summit at 81m OD above to the W; promontory fort 'Red Head' adjacent to N and another 'Prail Castle' to S, also known as Cuithal Castle perhaps derievd from G. comhdhail (NMRS no. NO64NE 7); c.1km W 14th century Ethie castle originally residence of abbot's of Arbroath (NMRS no. NO64NE 6.00), possibly associated with the court-site.	Barrow 1992: 233, no. 1.21
29	Cockhill	Hill	Dunnichen	NO 52765 44690	Angus	Possible	Name of a farm by Tulloes in Angus possibly associated with a natural hill to W c.180m OD; possibly to be identifed with *Couthal* the name of court 1329AD (see Barrow 1992: 220); indicative of small scale institution (*ibid*), over 4km to E location of head courts of abbots of Arbroath at Cairnconon (see chapter 5).	see Barrow 1992: 220
30	Login Cuthel	Hill	Logiepert	NO 70500 63500	Angus	Possible	Adjacent site of the old parish church of Login Montrose (see general reference); opposite to N over River North Esk is remains of a double ditched enclosure (NMRS no. NO76SW 18); NE of this was site of Morphie castle, stonework structure with surrounding ditch removed before 1863 (NMRS no. NO76SW 3; RCAHMS 1982: no. 233, 31).	Barrow 1992: 237, no.2.15

Table 4.1 *Comhdhail* sites

31	Cothelhill	Cairn	Lintrathen	NO 28900 54900	Angus	Strong	Name of farm and wood, close by to the E on the summit of a hill at 260m OD is barrow known as Gallow Knowe on the W side of which is 'Hangmans Acre' (Barrow 1992: 1.19, 232; RCAHMS 1983: no. 40, 10), Gallow Knowe measures 13m in diameter and 1m high three cists are known to have been found within, Fenton's decription of intrusions suggest not cairn as listed (Fenton 1940: 135-6; NMRS no. NO25SE 9), mutilated by quarrying and construction of a brick shelter during WWII (RCAHMS 1983: no. 40, 10); also opposite Lintrathen parish church on the W is mound measuring 11m in diameter and 3m high (NMRS no. NO25SE 37; Sherriff 1981: 41); Lintrathen also site of 9th century cross slab (NMRS no. NO25SE 3.00).	Barrow 1992: 232-3, no. 1.19
32	Cuthil Brae	Cairn	Kincardine in Menteith	NS 72650 99245	Stirling	Possible	Place-name is in proximity to turf-covered cairn measuring 25m in diameter and 3.3m high (see general reference), excavated between 1927-8 identifed cairn material at core, overlying a cist burial, encased within earth which formed the main body of the monument and contained further prehistoric burials (RCAHMS 1979: no. 4, 7); 0.45km NE of 12th century parish church of St Lolan's (NMRS no. NS79NW 24); by Blairdrummond, 0.4km S of motte at Old Farm (NMRS no. NS79NW 18); Doune Castle under 2km to the N (NMRS no. NN70SW 1).	Barrow 1992: 239, no. 2.27; NMRS no. NS79NW 2
33	Cothill	Cairn	Galston	NS 53130 35380	Ayrshire	Possible	Location uncertain, possibly Coathill shown on C18th map of Ayrshire (see general reference); Coathill shown S of *Alenton* (Armstrong 1775: sheet 2) which survives as Allanton (1:50000 Ordnance Survey Landranger map 63 2002), to W of approximate site of Coathill is a Chambered cairn called The Law with a smaller cairn and beside the Tulloch burn (NMRS nos. NS53NE 1, NS53NE 2); to E is the supposed site of the Battle of Loudon 1307AD (NMRS no. NS63NW 6); another different possibility in the parish of Galston is in the locality of Gallow Law 3km SE of Galston, on summit is a cairn at 267m OD (NMRS no. NS53NW 3), 1km SW is Threepwood Scots *threip* 'dispute, disputed' .	Barrow 1992: 240, no. 2.33
34	Couthalley	Mound	Carnwarth	NS 97200 48200	East Lothian	Strong	Name associated with Carnwarth castle, occupied between the C12th and C16th, surrounded by a triple-ditched enclosure (NMRS no. NS94NE 4); residence of Somervilles in 14th century (see general reference), possibly indicate appropriation of early medieval assembly site by Anglo-Norman elite settlement.	Barrow 1992: 235, no. 1.31; *cf*. Dickinson 1937
35	Cuthill	(Barrow)	Prestonpans	NT 38300 74300	East Lothian	Strong	Remains of a barrow 10m in diameter, associated with a ditched enclosure just under 1Km SW from Cuthill settlement and the natural coastal feature Cuthill Rocks (NMRS no. NT37SE 114; 1st edition OS 6":mile map Haddingtonshire 1854); Preston Tower, a 15th century towerhouse, 1km to E (NMRS no. NT37SE 3.00); 0.5km SW of the site of the medieval parish church at Prestonpans (NMRS no. NT37SE 18).	Barrow 1992: 234, no. 1.30; NMRS no. NT37SE 114
36	Cuttlehill	Hill	Aberdour	NT 15600 89400	Fife	Strong	Irregularly shaped natural ridge at 157m OD S of Cowdenbeath; site of 19th century colliery (see general reference); 490m SW was 'Gallows Knowe' (1st edition Ordnance Survey 6":mile map Fifeshire 1856)	Barrow 1992: 1.27
37	Cot Hillock	Cairn	Arbuthnott	NO 80735 75145	Kincardine	Possible	No medieval place-name; by Pitcarles farm, cairn measures 14m diameter and 1.1m high (see general reference); 1km S of Candle Hillock also in Arbuthnott see (no.43 this table).	RCAHMS 1982: no. 28, 10
38	Quithel	Hill	Glenbervie	NO 77745 85365	Kincardine	Strong	Hill of Quithel natural feature at 250m OD; associated with Upper Quithel and Nether Quithel (1:50,000 OS Landranger map 45); also Cuttiesouter to the E (see general reference).	Barrow 1992: 232, no. 1.18
39	Cothill	Hill	Lunan	NO 66800 51700	Kincardine	Strong	Natural hill at 97m OD; Court Hill farm is 563m SE of the summit (see general reference); possible cairn 'Grahams Hillock' located to the SW (*ibid*); overlooking c.1.5km to E Redcastle a medieval royal promontory castle, occupied into the later medieval period and shown to have early historic levels of occupation (Gibson and Pollock 1983; Barrow 1992: no. 1.20, 233; see above this section); square barrow cemetery S of Redcastle (Alexander 2005: 41-118); overlooking highest tidal point on Lunan Water that defines the parish boundary here and adjacent to which is Gallow Hill (1st edition OS 6:mile map Forfarshire 1865).	Barrow 1992: 233, no. 1.20

Table 4.1 *Comhdhail* sites

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40	Cuthlie	Hill	Arbirlot	NO 59600 41400	Kincardine	Strong	On N slope of Elliot Water valley, overlooks Arbirlot 0.5km to the SE where an early church foundation dedicated to St Ninian is thought to have been located (Cowan 1967: 7; NMRS no. NO64SW 7.00).	Barrow 1992: 233, no. 1.22
41	Cutties Hill	Hill	Fordoun	NO 66300 73400	Kincardine	Possible	Natural elevation at 70m OD; E of medieval parish centre (NMRS no. NO67SE 3.01; general reference); c.0.5km to NE was the 'Law Tree' a small circular plantation (1st edition Ordinance Survey 6":mile map Kincardineshire 1868).	Barrow 1992: 236-7, no. 2.12
42	Cowieswells	Hill	Dunnottar	NO 87800 80800	Kincardine	Possible	Natural hill c.70m OD overlooking coast to E; 3km S of Dunottar castle.	Barrow 1992: 237, no. 2.13
43	Candle Hillock	Hill	Arbuthnott	NO 80550 75905	Kincardine	Possible	c.120m OD; 500m SSE is Cot Hillock (see no. 37 this table); NE of Arbuthnott (see general reference).	1st edition OS 6":mile map Kincardineshire 1868
44	Cuttieshillock	Hill	Strachan	NO 64600 91100	Kincardine	Strong	Settlement and forest name on N facing slopes; adjacent to C19th 'Cuttie's market' and market stance (see general reference); c.1.5km NE is Castlehill of Strachan a motte of the Duward family from the 13th century (NMRS no. NO69SE 1.00; Yeoman 1988: 130, 132, no.8); 0.56km NE three square barrows at Dalbreck (NMRS no. NO69SW 13).	Barrow 1992: 232, no. 1.16
45	Quithelhead	(Stone Circle)	Durris	NO 74600 93300	Kincardine	Strong	Name of a farm overlooked from the W by the site of a stone circle, now lost (NMRS no. NO79SW 5); adjacent to this is farm of 'Standing Stones' (*ibid*).	Barrow 1992: 232, no. 1.17
46	Cothall	Hill	Forres	NJ 01900 54900	Moray	Strong	To NW are remains of a chapel and burial ground dedicated to St John the Baptist possibly referred to in 1390 (Name Book 1871: no. 23, 14; NMRS no. NJ05NW 10).	Barrow 1992: 231, no. 1.2
47	Cothall	Hill	Alves	NJ 11600 60300	Moray	Strong	0.5km to the SW is C16th towerhouse of Asliesk Castle (NMRS no. NJ15NW 1).	Barrow 1992: 232, no. 1.3
48	Cuttlebrae	Hill	Rathven	NJ 40300 61400	Moray	Possible	Possibly associated with natural hill above to E at 108m OD.	Barrow 1992: 235, no. 2.4
49	Cuthill	Standing Stone	St Martins	NO 14000 32200	Perth and Kinross	Possible	Location uncertain (see general reference); multiple megalithic monuments located in proximity to Craigmakerran house E of Guildtown, two large standing stones at Loanhead to the NE (NMRS no. NO13SW 12) and to the S at Blackfaulds is the remains of a stone circle (NMRS no. NO13SW 15).	Barrow 1992: 238, no. 2.23
50	Culthill	Hill	Caputh	NO 09700 41800	Perth and Kinross	Strong	Settlement name on natural spur N of Glendelvine House; large cairn called Cairn Muir 500m to the N (Hall *et al.* 2005: 310); unnamed tumulus c.600m S (*ibid*).	Barrow 1992: 233, no. 1.23
51	Innercochill	Cairn	Lagganallachy	NN 91400 38200	Perth and Kinross	Strong	Glen Cochill with meaning 'glen of the assembly' (Barrow 1992: no.1.24, 233), on valley floor is a large kerbed cairn called Carn Ban or 'White Cairn' with extensive views to the SSE and it measures 20m in diameter and surrounded by an arc of boulders 2.2m from the kerb, beaker pottery and centrally placed cist excavated indicating a Bronze Age date for the monument (NMRS no. NN94SW 2); also Innercochill meaning 'confluence of the assembly' (Barrow 1992: 1.24, 233), Innercochill farm W of confluence of the Cochill Burn with the River Braan and 0.5km to the SW of the farm is an additional candidate at an upstanding cross-incised boulder at Ballinreigh located just to the W of the 18th century military road (NMRS no. NN93NW 13.05), extensive views down the neighboring valleys available from the stone (NMRS no. NN93NW 13.05); now in Little Dunkeld (Barrow 1992: 233, no. 1.24).	Barrow 1992: 233, no.1.24; NMRS nos. NN93NW 13.05, NN94SW 2
52	Cuthill	Hill	Orwell	NO 15300 08000	Perth and Kinross	Strong	Settlement name on natural spur overlooking the River Eden to E; on regional boundary between Perth and Kinross (formerly Perth) and Fife (1st edition Ordinance Survey 6":mile Fifeshire 1856).	Barrow 1992: 233, no. 1.25
53	Coldrain	Cairn	Fossoway	NO 08000 00400	Perth and Kinross	Strong	Place-name has the meaning 'assembly place of thorns', containing G. *droigheann*, 'thorn' (Barrow 1992: 225-6, no. 1.26, 234; Hall *et al*. 2005: 311; Taylor 1995: 163); Easter Coldrain farm situated beside a prehistoric burial cairn called Thorn Knowe (see general reference); cairn has general appearance of a large natural mound measuring approximately 4m in height, summit is flat, unrecorded excavation on the NE side of the summit during the early C19th century appears to have resulted in the discovery of a prehistoric urn and possible associated cist, also reference to the partial removal of an artificial mound on the summit (NMRS no. NO00SE 6; RCAHMS 1933: no. 562, 296); site of medieval moated site 0.6km to N (NMRS no. NO00SE 5).	Barrow 1992: 1.26; NMRS no. NO00SE 6

Table 4.1 *Comhdhail* sites

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54	Cuthelton	Hill	Denny and Dunipace	NS 82100 82000	Stirling	Strong	Name of settlement by a discrete hill at c.40m OD; c.1.5km to E is Hill of Dunipace where a possible castle-mound is associated with the old parish church and the discovery of a 9th century silver pin (NMRS no. NS88SW 8; RCAHMS 1963: 37-8); town and parish centre of Denny 1km NW.	Barrow 1992: 234, no. 1.28, 240, no. 2.32
55	Cuthill	Mound	Dornoch	NH 75300 87800	Sutherland	Strong	Cuthill farm and Cuthill links on N side of Dornoch Firth (see general reference); nearby to NE is Cyderhall or 'Sidera' farm the 13th century form of which was *Syvardhoch* translated 'howe of Sigurd', this is identifed with reference in the Orkneyinga Saga to the death of 'Sigurd the Powerful' in 895 said to have been buried in a mound at the mouth of the river Oykell, the Oykell river is at the W head of the Dornoch Firth, see mound 0.4km SE of Cyderhall farm (NMRS no. NH78NE 77) or Cnoc Skardie a probably natural hill c.0.6km NE of Cyderhall farm traditionally associated with the burial site (NMRS no. NH78NE 8); regality court-house dating to c.1600 was located 1.5km NE of Cyderhall farm by Evelix River (Calder 1955: 54-5; NMRS no. NH79SE 17), remains of which now incorporated into a modern field boundary beside which was the 'Gallows Tree' destroyed during the C20th (NMRS no. NH79SE 17).	Barrow 1992: 231, no. 1.1
56	Cuthill	Hill	Whitburn	NS 98900 63100	West Lothian	Strong	Settlement name on N slope of Breich Water.	Barrow 1992: 234, no. 1.29
57	Cnoc A'Comhdhalach	Mound	North Uist	NF 77080 74150	Western Isles	Strong	On W shore of Vallay Strand, North Uist; mound associated with place-name excavated and proved to be remains of an Iron Age aisled roundhouse (see general reference); prior to excavation described as 'mere grassy hillock of irregularly oval shape' which measured 17m x 11.9m and c.1.8m high (*ibid*), suggest reuse of settlement-mound for assemblies, outlier from *comhdhail* group and complete form may indicate later significance of this example.	Beveridge 1911: 200

Table 4.2 *Eireachd* sites

No.	Place-name	Type	Parish	NGR	Region	Status	Notes and associations	General reference(s)
1	Arrat	Mound	Dun	NO 63800 58800	Angus	Possible	Medieval place-name: Arrade, Arrath c. 1267; considered as doubtful (see general reference).	Barrow 1992: 242, no. 3.5
2	*Creag an Erachdais*	Hill	Kilmichael Glassary	NR 98700 97500	Argyll and Bute	Strong	Flat-topped natural crag, traditionally district meeting place (see general reference); overlooks Cararae early medieval church of Killevin (NMRS no. NR99NE 4).	Campbell and Sandeman 1964: 89, no. 547; NMRS no. NR99NE 21
3	Erickstane	Outcrop	Moffat	NT 06300 12600	Dumriesshire	Strong	Medieval place-name: 'Arykstane' C14th, adjacent to border with Lanarkshire (see general reference); Watson gives as either *clach na h-éirce*, 'stone of atonement', or *clach an eirechta*, 'stone of assembly' which is followed by Barrow (see general references); associated with prominent natural hill 437m OD and specifically an outcrop feature on NE side of the hill by modern monument (1st edition OS 6":mile map Dumfriesshire 1861); Roman military way and watch tower to W (NMRS no. NT01SE 2).	Barrow 1992: 242, no. 3.10; Watson 1926: 182
4	Airth	Hill	Airth	NS 89700 87700	Falkirk	Possible	Medieval place-name: Herth c. 1140-7 (see general reference); on Firth of Forth; 'Hill of Airth' overlooks medieval burgh, castle and parish church of the same name (NMRS no. NS98NW 12.00; 1st edition OS 6":mile map Stilingshire 1865).	Barrow 1992: 242, no. 3.8
5	*An Earachd*	Hill	Eddrachillis	NC 29900 40500	Highland	Possible	A natural slope between Loch More and Loch Stack (see general reference).	Barrow 1992: 241, no. 3.1

Table 4.2 *Eireachd* sites

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6	*Cnoc An Eireachd*	Hill	Kilmuir	NG 41060 74160	Highland	Strong	Chock an eirick, the 'hill of pleas' 1772	Barrow 1992: 241, no. 3.2
7	Erchite	Hill	Dores	NH 58400 31200	Highland	Possible	Medieval place-name: Ercht 1468; formerly in Boleskine parish (see general reference); chapel and burial ground in or by Erchit Wood on slope called *Acha' Chille* (NMRS no. NH53SE 1).	Barrow 1992: 241, no. 3.3
8	Loch (River) Ericht	River	Laggan	NN 63200 84200	Highland	Possible	Cammysirochtis 1502 (see general reference); River Ericht leaves Loch Rannoch at NN 52085 57925 by Camusericht, crannog to SE (NMRS no.	Barrow 1992: 241, no. 3.4
9	*Ard nan Eireachd*	Hill	Snizort	NG 37555 58885	Highland	Strong	No medieval place-name; 'height/point of the assembly'; coastal promontory, areas of outcrop on summit, cliffs to W and N; tidal island Dun Moraig adjacent to NE (NMRS no. NG35NE 5); Caisteal Uisdean hall-house 0.5km to SE (Miket 1990: 38-43;	1st edition OS 6":mile map Isle of Skye 1881
10	Glen Errochty	Valley	Blair Atholl	NN 80000 65000	Perth and Kinross	Possible	Medieval place-name: Glenherthy c. 1220 (see general reference); mound and church at Struan where River Errochty and River Garry meet (Hall *et al*. 2005: 311).	Barrow 1992: 242, no. 3.6

Table 4.2 *Eireachd* sites

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						general reference); 'Courthill' stone circle at S head of valley (see Table 4.6, no. 35); 'Meethill' in Blairgowrie also at head of river valley (see Table 4.5, no. 18); Cuttleburn	
11	River Ericht	River	Blairgowrie and Rattray	NO 17000 50500	Perth and Kinross	Possible	flows into River Ericht N of Blairgowrie (see	Barrow 1992: 242, no. 3.7

Table 4.2 *Eireachd* sites

6	*Cnoc An Eireachd*	Hill	Kilmuir	NG 41060 74160	Highland	Strong	Chock an eirick, the 'hill of pleas' 1772	Barrow 1992: 241, no. 3.2
7	Erchite	Hill	Dores	NH 58400 31200	Highland	Possible	Medieval place-name: Ercht 1468; formerly in Boleskine parish (see general reference); chapel and burial ground in or by Erchit Wood on slope called *Acha' Chille* (NMRS no. NH53SE 1).	Barrow 1992: 241, no. 3.3
8	Loch (River) Ericht	River	Laggan	NN 63200 84200	Highland	Possible	Medieval place-name: Irochty 1502/ Cammysirochtis 1502 (see general reference); River Ericht leaves Loch Rannoch at NN 52085 57925 by Camusericht, crannog to SE (NMRS no. NN55NW 3).	Barrow 1992: 241, no. 3.4
9	*Ard nan Eireachd*	Hill	Snizort	NG 37555 58885	Highland	Strong	No medieval place-name; 'height/point of the assembly'; coastal promontory, areas of outcrop on summit, cliffs to W and N; tidal island Dun Moraig adjacent to NE (NMRS no. NG35NE 5); Caisteal Uisdean hall-house 0.5km to SE (Miket 1990: 38-43; NMRS no. NG35NE 1).	1st edition OS 6":mile map Isle of Skye 1881
10	Glen Errochty	Valley	Blair Atholl	NN 80000 65000	Perth and Kinross	Possible	Medieval place-name: Glenherthy c. 1220 (see general reference); mound and church at Struan where River Errochty and River Garry meet (Hall *et al*. 2005: 311).	Barrow 1992: 242, no. 3.6
11	River Ericht	River	Blairgowrie and Rattray	NO 17000 50500	Perth and Kinross	Possible	Medieval place-name: Aricth c.1161 (see general reference); 'Courthill' stone circle at S head of valley (see Table 4.6, no. 35); 'Meethill' in Blairgowrie also at head of river valley (see Table 4.5, no. 18); Cuttleburn flows into River Ericht N of Blairgowrie (see Table 4.1, no. 20).	Barrow 1992: 242, no. 3.7

Table 4.3 *Mòd sites*

No.	Place-name	Type (destroyed)	Parish	NGR	Region	Status	Notes and associations	General Reference(s)
1	Tiremód	Hill	Aboyne and glentanner	NO 57035 99960	Aberdeenshire	Possible	No medieval place-name; 'Gibbet stone' a circlular stone with central socket, moved from locality to SW, now by road junction opposite 'bridge of Dess' at foot of hill (see general reference).	NSA 1834-45: vol. 12, 1059
2	*Tom A' Mhoid*	Hill	Rhu	NS 25440 87920	Argyll	Possible	No medieval place-name; dun adjacent to E (RCAHMS 1978: no. 89, 15); castle to N (RCAHMS 1978: no. 87, 15); medieval parish name Rosneath = nemeton place-name (Watson 1926: 246-7); 'Tom a Mhoid' (1st edition OS 6"mile map Dumbartonshire 1865).	Name Book 1896: no. 29; NMRS no. NS28NE 2

Table 4.3 *Mòd sites*

3	*Tom a' Mhoid*	Hill	Dunoon and Kilmuir	NS 17350 76427	Argyll	Possible	No medieval place-name; tradition of judical use (see general reference); erroneous motte identification (Armitage 1912: 313); Castle 80m to E (NMRS no. NS17NE 1); site of medieval parish church to N (OPS 1854: vol. 2, 64); 1906 memorial on summit commemorating massacre of the Lamonts by the Campbells in 1646, at which time hangings took place from tree in Dunoon church yard (see NSA 1834-45: vol. 7, 599); identifed on 1st edition OS 6":mile map Argyllshire 1869.	NMRS no. NS12NE 4; OSA 1791-9: vol. 2, 384
4	*Tom A' Mhoid*	Mound	Rosneath	NS 25460 83380	Argyll	Possible	No medieval place-name; early medieval church 0.25km to SW (NMRS no. NS28SE 3); parish name = nemeton place-name (Watson 1926: 246-7); shown as 'Tom a Mhoid or The Courthill' on 1st edition OS 6":mile Dumbartonshire 1865.	Name Book 1896: no. 16, 45; NMRS no. NS28SE 2

Table 4.3 *Mòd sites*

5	*Cnoc a' Mhòid*	Hill	Durness	NC 57100 40100	Highland	Possible	No medieval place-name; shown as 'Cnoc a voide' 1833 (see general reference), summit at 253m OD; 0.75km to NW is 'Loch a' Mhòid', 'Loch a voide' 1833 (see general reference); adjacent to SE 'Allt a' Mhòid'; crannog site 0.5km to E in S end of Loch Staing (Highland SMR no. NC54SE0008).	Burnett and Scott 1833 1":mile 'Map of the county of Sutherland'
6	*Tom a' Mhòid*	Hill	Boleskine And Abertarff	NH 53100 20300	Highland	Possible	No medieval place-name; summit at 249m OD; within Stratherrick; by 'Tomvoit' corruption of *mhoid*? (see general reference); adjacent to parish boundary to SE (*ibid*).	1st edition OS 6":mile map Inverness-shire and Skye 1871
7	*Tom a' Mhoid*	Hill	Abertarff	NH 38485 07700	Highland	Possible	No medieval place-name; G meaning 'Mound / hill of assembly'; early medieval church to W (Macfarlane 1906-8: vol. 2, 171; Watson 1926: 303); 'gallow' place-name to W (see general reference); 'market' place-name to W (*ibid*).	1st edition O.S. 6":mile map Inverness-shire and Skye 1874

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8	Tom Mhoid	Hill	Petty	NH 75350 49850	Highland	Possible	No medieval place-name; damaged by railway (see general reference); tradition of Mackintosh's courts (Anonymous 1885: 225); square barrow cemetery 0.5km to E (RCAHMS 1978b: no. 50, 12); parish church and motte 1.5km to W (NMRS no. NH74NW 55.00; Yeoman 1988: no. 76, 131-2).	Name Book 1870: no. 55, 51; NMRS no. NH74NE 5
9	*Cnoc A'Mhoid*	Hill	Lochcarron	NG 83040 40580	Highland	Possible	No medieval place-name; also called 'Courthill' (see general reference); remains of St Donan's chapel to S with cross-marked pillar in burial ground (NMRS no. NG84SW 1); neighbouring post-medieval house takes name from 'Court Hill'.	Highland SMR no. NG84SW0006; Watson 1904: 193
10	*Tom a' Mhoid*	Hill	Fearnan	NN 72575 44555	Perth and Kinross	Possible	No medieval place-name; location to E of NMRS cited NGR (see general reference); early medieval church 0.15km to NW (Watson 1926: 278); Dail Chiarain 'field of St Chriarain' place-name to NW perhaps indicative of a fair site? (*ibid*).	NMRS no. NN74SW 21

Table 4.3 *Mòd sites*

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11	*Tom a' Mhoid*	Hill	Fortingall	NN 62530 47680	Perth and Kinross	Possible	No medieval place-name; 'St Adamnan's cross' medieval cross-incised slab on summit (see general reference); Lag a Mhoid ('hollow of assembly') 'assembly' place-name adjacent to S (FitzPatrick 2004: 122); 'Adamnan's stone' adjacent, stone carved with depression associated with hagiographical tradition of saint stopping plague (Watson 1926: 271); early medieval church, 'annat' place-name (*ibid*: 251-2), handbell and graves to SW (NMRS no. NN64NW 3); footprint carving on outcrop called Craig Ianaigh with tradition of Mac Griogair chiefs oath taking and district judical courts to N (Campbell 1888: 52-4; FitzPatrick 2004: 122; Wallace 1915: 279).	FitzPatrick 2004: 121-2; NMRS no. NN64NW 4; Watson 1926: 271

Table 4.3 *Mòd sites* 569

12	Dunmoid	Mound	Comrie	NN 78020 21250	Perth and Kinross	Possible	No medieval place-name; G *dùn a' Mhoid*, '(conical or fortified) hill of assembly' 1896AD, from C18th map (Watson 2002: 315; pers. com. Peter McNiven); also identifed as 'Court Knowe' 1767AD (Watson 2002: 315) and 'Court Knoll' (Table 4.6, no. 34); mound is c. 0.6m high and c. 20m diameter, cremation burial urn and cist found within during C19th (see general reference; Coles 1911: 56, 57, fig. 8, 58-9); site of 'four-poster' stone circle on summit (*ibid*); extensive Roman military remains 0.5km to SW (NMRS no. NN72SE 2).	NMRS no. NN72SE 6; Watson 2002: 315
13	*Clach a' Mhoid*	Stone	Kirkmichael	NO 14650 64000	Perth and Kinross	Possible	No medieval place-name; G meaning 'stone of assembly', 'Clackavoid' adjacent to SE (1st edtion O.S. 6":mile Forfarshire 1867); Castle possible C16th 1km to N (NMRS no. NO16SW 9); pitcarmick-type buildings 0.45km to E (RCAHMS 1990: no. 253, 109); at junction of valley system; near modern regional boundary (1:50000 O.S. Landranger 2002 map 43).	Hunter 1897: 159; NMRS no. NO16SW 8

Table 4.3 *Mòd sites*

14	*Clach a Mhoid*	Stone	Little Dunkeld	NN 97130 40290	Perth and Kinross	Possible	No medieval place-name; tradition of courts being held (see general reference); 18th century military way adjacent (NMRS no. NN94SE 9.00); towerhouse c.0.6km to E burned 1545 (Campbell 1888: 300; NMRS no. NN94SE 1); 'gallow' place-name 0.4km to S (1st edtion O.S. 6":mile Perthshire 1867).	NMRS no. NN94SE 2; NSA 1834-45: vol. 10, 1007
15	*Tom na Boide*	(Mound)	Callander	NN 52800 08400	Stirling	Possible	No medieval place-name; possible form of *mòd* or from G *móid* 'a vow' related to bóid (see MacBain 1911: 252-3); location now flooded by reservoir; 'fair' place-name adjacent (see general reference).	Hutchison 1879: 61; NMRS no. NN50NW 3; 1st edition OS 6":mile map Perthshire 1866
16	Tomavoid	Hill	Port of Menteith	NS 59570 98980	Stirling	Possible	No medieval place-name; 'Tomnavoit' or 'Courthill' (National Archives of Scotland GD15/87 1747-1785); 'Courthill' on Stobie's map of Perthshire (1783); Cardross Towerhouse to SE (NMRS no. NS69NW 1.00); Inchmaholme priory to NW (NMRS no. NN50SE 4).	National Archives of Scotland GD15/87 1747-1785; Stirling 1815

Table 4.3 *Mòd sites*

17	*Tom a' Mhoid*	Hill	Callander	NN 58800 12900	Stirling	Possible	No medieval place-name; within forest of Strathyre; c. 1km to N is Tom na Feileidh 'hill of the kilt'? (see general reference; pers. com. Dr Simon Taylor); parish boundary with Balquidder runs along Loch Lubnaig to E and c. 1km N at Ardchuilarie (see general reference); on E shore of Loch Lubnaig; 3km to S at S end of Loch Lunnaig are remains of St Bride's chapel associated with a C11th-C13th cross-slab (NMRS no. NN50NE 3) and undated crannog (NMRS no. NN51SE 3).	1st edition OS 6":mile map Perthshire 1866

Table 4.4 Miscellaneous sites mentioned in text

No.	Place-name	Type (destroyed)	Parish	NGR	Region	Status	Notes and associations	General Reference(s)
1	*Eilean na Comhairle*	Island	Killarow and Kilmeny	NR 38760 68010	Argyll and Bute	Strong	Artificial island; connected to *Eilean Mor* by now submerged causeway; identified c. 1549 as site of Lord of the Isles judical councils during C15th, excavated rectilinear stucture identifed as possible council chamber dated to 15th century, underying this was medieval castle foundations and dun (see general references).	Caldwell 2003; Caldwell and Ewart 1993; Munro 1961: 95-110; see also Chapter 2, section 2.2.4
2	Leswalt	Hill	Leswalt	NX 02640 60800	Dumfries and Galloway	Possible	Possibly derived from Welsh *llys* 'court' and *gwellt* 'grass' (see general reference); *Men-y-brig* name of medieval estate identifed with late Antique 'Brigomono' perhaps imporatnt in early historic Kingdom of Reged (Brooke 1996: 115; McCarthy 2004: 127); see also 'Moat Hill', Table 4.6, no. 8 for possible court site.	MacQueen 2002: 93; Name book 1848: no. 35, 9; Watson 1926: 180
3	Scooniehill	Hill	St Andrews and St Leonards	NO 50895 14240	Fife	Possible	Located at E end of round toped ridge, at opposite end of ridge are cropmarkings indicating a large concentric ditched enclosure and barrows around W summit of hill (NMRS no. NO51SW 23); associated place-name Balrymonth, 'farm of the royal hill' (see general references); overlooking St Andrews, possibly site of Pictish royal centre associated with early church site?	Taylor 1995: 198, 212; Watson 1926: 396-7
4	Scoonie	Hill	Scoonie	NO 38330 01660	Fife	Possible	Located on rise overlooking Leven and Fife coast to S; site of old parish church, find-spot of ogam inscribed pictish symbol stone showing hunting scene (Allen and Anderson 1903: pt. 3, 347, fig. 360); NE of proposed location for Threipinch medieval court site (see no. 5, this table).	Taylor 1995: 233, 252

Table 4.4 Miscellaneous sites mentioned in text

5	Threipinch	Island / enclosure	Leven	NO 38045 00430	Fife	Strong	Location of C14th head courts of the barony of Scoonie; contains 'threep' meaning 'dispute' or 'disputed', place-name element 'inch' perhaps indicates an enclosure or island at the head of the River Leven where the courts were held (Taylor 1995: 163, 252)	Taylor 1995: 163, 252
6	*Gwovan*	(Mound)	Govan	NS 55500 65800	Glasgow, City of	Possible	Cumbric *gwovan* meaning 'small crest, hill or promontory', derivation of 'Govan', perhaps referring to the Doomster Hill assembly mound (see general references; see Table 2.1, no. 8).	Clancy 1996; 1998; *cf*. Driscoll 1998c: 112-3
7	*Eilean na Comhairle*	(Island)	Kilmonivaig	NN 34730 76830	Highland	Strong	Excavated island dwelling site, late medieval occupation layers, upper deposits assocaited with C16th finds; previously in Eadarloch, now below Loch Treig (see general references); post-medieval traditional accounts identify as meeting place for district of Keppoch (Morrison 1985: 67).	Morrison 1985: 66-8; NMRS no. NN37NW 1; Ritchie 1942: 18
8	*Cnoc Chomhairle*	Hill	Blair Atholl	NN 87725 60695	Perth and Kinross	Possible	By *Caisteal Dubh* or 'Black Castle' the remains of a dun overlooking E end of Loch Tummel (NMRS no. NN86SE 5).	Watson 1915: 21-2; 1926: 491
9	Dripps	Mound	East Kilbride	NS 57800 55300	South Lanarkshire	Strong	Place-name simplex of Scots threep, 'dispute, disputed' (Barrow 1998: 71, fig. 2.10); mound by the farm of Drypps reserved for local courts in the barony of Kilbrideshire in 1371, stone refered to as erected on summit of mound in medieval account appear still to be present (Fraser 1863: vol. 1, 129, no. 10, 380; see general reference).	see Table 5.1, no. 18; Chapter 5, section 5.3.3.2

Table 4.5 *Tulach* sites

No.	Place-name	Type (destroyed)	Parish	NGR	Region	Status	General Reference(s)
1	Tillydrone Hill	Hill	St Machars	NJ 93660 08860	Aberdeen, City	Good	See Table 5.1, no. 1
2	Tullich	Mound	Tullich	NO 39060 97545	Aberdeenshire	Possible	Cowan 1967: 201
3	Tulich	Place-name	Tough	NJ 61525 12955	Aberdeenshire	Possible	Cowan 1967: 199
4	Tullynessle	Place-name	Tullynessle	NJ 55845 19605	Aberdeenshire	Possible	Cowan 1967: 202
5	Tullywhull	Place-name	Tullywhull	NJ 56520 55580	Aberdeenshire	Possible	Cowan 1967: 199, 202
6	Mortlich	Hill	Aboyne	NJ 53575 01795	Aberdeenshire	Possible	1st edition OS map 6":mile 1869 'Aberdeenshire'
7	Mortlach	Hill	Mortlach	NJ 32405 39275	Banffshire	Possible	Cowan 1967: 152; Hall *et al*. 1998: 139; Woolf 2007: 300
8	Tullibody	Hill	Tullibody	NS 86070 95425	Clackmannanshire	Possible	McNiven 2005
9	Tullicoultry	Hill	Tullicoultry	NS 92420 97705	Clackmannanshire	Possible	McNiven 2005
10	Tulliallan	Mound	Tulliallan	NS 94425 89685	Fife	Possible	McNiven 2005; Scott 1958: 23
11	*Tulliechettle*	Place-name	*Tulliechettle*	NN 76735 19710	Perth and Kinross	Possible	Cowan 1967: 201; Hall *et al*. 1998: 170
12	Tullibole	Hill	Tullibole	NO 05455 00810	Perth and Kinross	Possible	Hall et al. 2005: 311; McNiven 2005; Taylor 1995: 118
13	Tullimet	Place-name	Logirait	NN 99960 52515	Perth and Kinross	Possible	Innes 1843: 35-6, no. 55
14	Murthly	Place-name	Murthly	NO 09895 38630	Perth and Kinross	Possible	Hall *et al*. 1998: 139; 2005: 309
15	Tullochan Knowe	Cairn	Kilmadock	NN 71780 01190	Stirling	Good	National Archives of Scotland Ref No GD430/129, see http://www.nas.gov.uk; RCAHMS 1979: 9, no. 29

Table 4.6 *Mōt* sites

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No.	Place-name	Type (destroyed)	Parish	NGR	Region	Status	Notes and associations	General Reference(s)
1	Mutehillock	Hill	Forgue	NJ 60000 40000?	Aberdeenshire	Possible	Location unknown; *Muthillock* 1588, *Muithillok* 1607 (see general reference).	RMS 1882-1914: vol. 5, 544, no. 1592; vol. 6, 698, no. 1917
2	Meet Hill	(Mound)	Peterhead	NK 12170 44635	Aberdeenshire	Possible	No medieval place-name; site of 'tumulus' where cist and food vessel found in 1833 (see general reference); inaccurately designated a motte (NMRS no. NK14NW 139); post-medieval memorial tower on summit (see general reference); 'Cocklaw' c. 2km W possible late form of G. *comhdhail*, 'assembly' place-name?	NMRS no. NK14SW 62; 1st edition OS 6":mile map Aberdeenshire 1872
3	Meet Hillock	Hill	Drumblade	NJ 55970 38890	Aberdeenshire	Possible	No medieval place-names; also referred to as 'Muthillock' in the NMRS though source not clear (see general reference); small hill at SW foot of 'Robin's height'; tradition that feature was constructed in association with Robert Bruce's actions at the Battle of Slioch 1307,'site of' battle adjacent to W, referred to by Fordun as Slenach or Slaines (NMRS no.NJ53NE 9; Skene 1872: 336; see general reference); parish boundary close by to NW (1st edition OS 6":mile map Aberdeedshire 1874).	Name book 1871: no. 25, 41-2; NMRS no. NJ53NE 5; 1st edition OS 6":mile map Aberdeedshire 1874

Table 4.6 *Mōt* sites

4	Moat Hill	(Mound)	Cruden	NK 06150 36760	Aberdeenshire	Possible	No medieval place-name; traditionally an 'open-air seat of justice', removed prior to 1868 (see general reference); on summit of Mains of Ardiffery hill at 72m OD; though also suggested to have been a motte (Yeoman 1988: 131, no. 38).	Name book 1868: no. 22, 66; NMRS no. NK03NE 21
5	Mote Hill	Mound	Fintray	NJ 84440 16750	Aberdeenshire	Possible	No medieval place-name; measures 6.0m E-W, 24.0m N-S and is 3.6m high at 95m OD; affected by quarrying, signs of cairn material within interior; burial urn found within during 1887 (see general reference); 0.36km SW of Cothill (see Table 4.1, no. 10).	Name book 1866: no. 30, 43; NMRS no. NJ81NW 22

Table 4.6 *Mōt* sites

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6	Mutehill	Unknown	Monkton and Prestwick	NS 30000 20000	Ayrshire, South	Possible	No identifed location; documentary evidence refers to: curia apud Muthill de Prestwik, 'court at Muthill of Prestwick' 1549AD (see general reference), also on 12th november 1550AD curia apud Mutehill de Prestwik held by John Wallace of Dundonald Sheriff of Kyle-stewart and his deputatos, 'deputy' (in document dated 1551AD, see RMS: vol. 4, 134, no. 589), and 1556AD William Hamilton of Sanquar (immediately S of Prestwick, see Roy's map of Scotland 1747-55 map 03/3f) to give suit at head courts of Sheriff of Kyle-stewart at 'Mutehill of Prestwik' (RMS 1882-1914: vol. 4, 250, no. 1556).	RMS 1882-1914: vol. 4, 74, no. 316
7	Mutehill	(Mound)	Kirkcudbright	NX 68700 48555	Dumfries and Galloway	Possible	No medieval place-name; mound known as 'moat', destroyed positioned opposite 'Mutehill' farmhouse (see general reference).	Name book 1849: no. 151, 79; NMRS no. NX64NE 20
8	Moat Hill	Hill	Leswalt	NX 02640 60800	Dumfries and Galloway	Possible	No medieval placename; small hill possibly artificial on summit of hill of same name (see general reference); parish name may refer to Old Welsh *llys* 'court' (Watson 1926: 180; see Table 4.4, no. 2) and Moat Hill is possible candidate for setting if derived from later OE *mōt*.	Name book 1849: no. 35, 9; NMRS no. NX06SW 15

Table 4.6 *Mōt* sites

9	Moat Knowe	(Mound)	Dalmeny	NT 11850 76760	Edinburgh, City of	Possible	No medieval place-name; name of hill, mound was on summit; adjacent Dundas castle, possiblity remains of motte but discovery of cists nearby may suggest otherwise (NMRS no. NT17NW 8).	Name book 1855: no. 24, 11; NMRS no. NT17NW 23
10	Mutehill	Hill	Cupar	NO 37245 14745	Fife	Strong	Mutehill' on Gordon of Rothimay's 1642 map of Fife; 1400 AD 'Camehill of Cupar' when used for Earl's court (Fraser 1888: vol. 2, no. 31), and sheriff's court in 1449 (Sibbald 1710: 100); 'Came' from Scots Kame, 'long narrow steep-sided ridge, crest of a hill' from ON kambr (see Scots place-name glossary www.ordnancesurvey.co.uk; Jakobsen 1993: 64); Mons Placiti of Cupar, 1497AD (RMS 1882-1914: vol. 2, 502, no. 2360), meaning 'Hill of Pleas'; 'Moathill' or 'Motehill' by C18th (OSA 1791-9: vol. 17, 162); C19th traditionally head courts and 'Moothill' (Leighton 1890: 8); partial excavation at W end of ridge revealed C19th rubbish and natural core (Coleman 1996: 48); site of 'Castle Hill' to E (NMRS no. NO31SE 8).	Gordon of Rothimay's map of Fife 1642; NMRS no. NO31SE 1

Table 4.6 *Mōt* sites

11	Mutland	(Mound)	Glasgow	NS 59510 64780?	Glasgow, City of	Possible	Late medieval place-name, but location lost; other forms of place-name: le Muthall Croft (1454), le Mutalcroft (1487), terras de Mutland Croft (1517), lie Mutland Croft (1527, 1548) (Robertson 1846: 31, 174, 200, 69, 87, 166); 'Muthill' was an artificial mound by the briggait which was removed (Mann 1938: 7); opposite old ford accross the Clyde (see general reference); by market site, though medieval Cathedral and Bishops Palace 1.25km to N.	Murray 1924-32: vol. 1, vii, 186, fn. 3; NMRS no. NS56SE 13
12	Muthill	Hill	Benholm	NO 79700 70780	Kincardine	Possible	terras de Muthill granted to John de Lundy of Benholme in 1485AD (see general reference); identifed with Moathill NW of Benholm (OSA 1791-9: vol. 15, 238); summit was site of cist burials possibly prehistoric (RCAHMS 1982: 18, no. 117) perhaps site of barrow or cairn?; Moathill by 'Tullo of Benholm'; C16th towerhouse of Benholm c. 1km E (NMRS no. NO87SW 15.00).	RMS 1882-1914: vol. 2, 343, no. 1631

Table 4.6 *Mōt* sites

13	Mutelaw	Hill	Kinneff	NO 81710 81025	Kincardine	Strong	Land of Mutelaw 1507AD, Mutelawhill 1512AD (see general reference); also Mwtelaw (see no.10, this table for similar form), Muitlaw (RMS 1882-1914: vol. 4, 182, no. 809, 190, no. 847); at Meetlaw (1st edition OS 6":mile map Kincardinshire 1868), traditional barony court site (Aberdeenshire SMR, no.NO88SW0059); 'Thepland' adjacent to SW (see general reference); Castle Fiddes C16th towerhouse, early medieval cross-slab 1km E (NMRS nos. NO88SW 4, NO88SW 17); originally in Arbuthnott parish, meeting point of Dunnottar, Kinneff and Arbuthnott parishes 0.75km N; 'Chairstone' 1Km to SE (SMR no.NO88SW0053; see general reference); Arbuthnott was a thanage perhaps indicating historic role for the site (see Grant 1993: 75)?	RMS 1882-1914: vol. 2, 649, no. 3039, 809, no. 3728; 1st edition OS 6":mile map Kincardinshire 1868

Table 4.6 *Mōt* sites

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14	'Moothills'	Hill(s)	Dyke and Moy	NH 99075 57365	Moray	Possible	No medieval place-names; probably identifed with two tree-covered natural hills by Tearie (NH 99065722 and 99075736; see general references); by Brodie castle C15th towerhouse (NMRS no. NH95NE 10.00) to W accross Muckle burn; find-spot of ogam inscribed class II Pictish sculpture cross-slab 'Rodney's stone' at Dyke church 1km N (Allen and Anderson 1903: pt. 3, 132-5); modern region boundary between Moray and Inverness-shire c.3km to W.	Bain 1890-2: 28; NMRS no. NH95NE 21
15	Mwtehill	Hill	Caputh	NO 08280 39950	Perth and Kinross	Strong	Refered to as *mwtehill* c. 1500 and site of new parish church, after became known as 'Kirkhill' (see general reference); 1793 'Mutehill' (*ibid*); originally in Little Dunkeld parish (*ibid*); adjacent to 'crosscairn' traditionally site of cross (*ibid*); now site of modern graveyard; Caputh lands may have corrisponded to a thanage perhaps indicating the context for the site's judicial use (Hall *et al*. 2005: 309; Rogers 1992: 377, 393-7); early medieval sculptural fragments found near Murthly to S (see general reference).	Hall *et al*. 2005: 309; NMRS no. NO04SE 30

Table 4.6 *Mōt* sites

16	Mute Hill	Mound	Scone	NO 11435 26650	Perth and Kinross	Strong	Refered to as 'Mute hill of Scone' 1597 in translation of Latin *Montem placiti* (see general reference); 10th century also known as 'Hill of Belief' (Anderson 1980: 251); also Boothill possible corruption of 'moot'; proclamation and Royal inauguration site; adjacent Augustinian abbey (see Chapter 2, sections 2.2.1 and 2.2.4).	NMRS no. NO12NW 9.02; Skene 1681: 12
17	Muthill	Hill	Dunkeld	NO 02280 42520	Perth and Kinross	Possible	Medieval place-name *le Muthill* (1595AD,1616AD, see general references); '*lie Muthill*' on S side of '*lie Chancellaris-croft*' and W of medieval town (see general references; *cf*. RCAHMS 1994: 124-5, for location of Bishop's Palace, the canon's house); location possibly 'Bishops Hill', a natural wooded hill to W of Dunkeld Cathedral, indications of terracing on S and SE flanks; hill shown on Slezer's 1693 view of Dunkeld (Figure 4.42).	RMS 1882-1914: vol. 6, 124, no. 367; RMS 1882-1914: vol. 7, 502, no. 1388
18	Meethill	(Mound)	Blairgowrie	NO 17740 45010	Perth and Kinross	Possible	No medieval place-name; 'urns' and coins discovered when mound leveled in 1823, finds now lost and undated though suggest prehistoric derivation and perhaps later reuse (Name Book 1864: no.11, 95; NSA 1834-45: vol. 10, 914).	NMRS no. NO14NE 16; 1st edition OS 6":mile Perthshire 1867

Table 4.6 *Mōt* sites

19	Dalamot	Place-name	Yell	HU 50000 90000?	Shetland islands	Possible	No identifed location; Old Norse place-name dala-mót, meaning 'valley of the assembly' (see general reference).	Jakobsen 1993: 82
20	Markamut	Place-name	Yell	HU 53160 92615	Shetland islands	Strong	Old Norse place-name marka-mót, meaning 'boundary of the assembly' (see general reference); place-name refers to burn 'de burn o' Markamut' which defines parish boundary on slope overlooking sea to SE (*ibid*).	Jakobsen 1993: 81-2, 213, 237
21	Moothill	Hill	Strathblane (Stirling)	NS 54950 77380	Stirling	Possible	No medieval place-names; excavated: natural, possible evidence of leveling on summit, no clear medieval evidence (Driscoll 2003a: 128); oval in plan, flat summit, 33x36m (*ibid*); Mugdock Castle close by to SE, seat of Grahams C13th, Mugdock location of head courts for Strathblane and associated lands (see general reference).	NMRS no. NS57NW 2; Smith 1886: 18

Table 4.6 *Mōt* sites

22 Motehill	Fort	Stirling	NS 79330 94470	Stirling	Possible	No medieval place-name; precipitous hill overlooked by Stirling castle from SW, Slope of Gowan Hill immediately to SW, Old bridge over Forth below to E (see general reference); traditionally the setting for the Duke of Albany's execution with his sons and the Earl of Lennox in 1425, and also the execution of Sir Robert Graham in 1437 with associates to the assassination of James I (Groome 1882-5); 'beheading stone' is a large natural boulder within a 19th century memorial on the summit (NMRS no. NS79SE 5); fort has been suggested to be earth work remains of a Jacobite artillery battery relating to the seige of Stirling in 1746 (Groome 1882-5), though this may over lay an earlier fortification indicated by vitrified material and two enclosing earthworks (RCAHMS 1979: 19, no. 144); post-medieval cattle market occured at SE base of hill (see general reference).	NMRS no. NS79SE 3; 1st edition OS 6":mile map Stirlingshire 1865

Table 4.7 'Court' sites

No.	Place-name	Type	Parish	NGR	Region	Status	Notes and associations	General Reference(s)
1	Hill of Courtstone	(Cairn)	Tarves	NJ 83890 33360	Aberdeenshire	Possible	No medieval place-name; cairn on summit of hill removed in 1832, evidence for cremation burial (see general reference).	Name Book 1868: no. 85, 23; NMRS no. NJ83SW 2
2	Court Hill	Mound	Turriff	NJ 70750 46030	Aberdeenshire	Possible	No medieval place-name.	Name Book 1870: no. 89, 198
3	Courtcairn	Hill	Cluny	NJ 72220 11705	Aberdeenshire	Possible	Close by to E is Castle Fraser originally a C15th residence (Shepherd 1994a: 152); to N the Graystane of Cluny where head courts of the district were held from at least the C15th (Gomme 1880: 192; Grant 1930: 57, fn. 3; Murray 1924-32: vol. 1, 25, fn. 3; Spalding Club 1847-69: vol. 1 48, fn. a; RCAHMS 2007: 173; see Chapter 5, section 5.4.3.3).	1st edition OS 6":mile map 'Aberdeenshire' 1869
4	Court Stane	Standing stone	Fordoun	NO 77480 79460	Aberdeenshire	Possible	0.9m wide by 0.6m in thick and 1.9m high (RCAHMS 1982: 20, no. 141); traditional setting for courts of the Barony of Mondynes (Watt 1914: 113); 1.23km SE of Glenbervie house, manse with considerable C18th and C19th alteration, though a castle is recorded at the site during the C13th (Simpson 1975: 255-61); aerial photographs show a 25m diameter curvilinear enclosure around the standing stone, which is located by the inner S edge (NMRS no. NO77NE 11).	NMRS no. NO77NE 11; Stuart 1822: 488; Watt 1914: 113
5	Court Law	(Cairn)	Brechin	NO 57670 57158	Angus	Possible	4km SW of Brechin; previously in parish of Aldbar; cairn originally 5m high and c. 30m diameter, taken down in the C19th (Stuart 1867: vol. i, 25); cist burials discovered associated with prehistoric urns (Stuart 1867: vol. i, 25) possibly Bronze Age derivation; 0.15km NE was a moated enclosure traditionally associated with site of a chapel (RCAHMS 1984: 12, no. 47); SW of this is the site of a well known traditionally as 'chapel well' (Name Book 1861: no. 11, 101); field adjacent to E of Court Law was known as the 'Priest's shed' (1st edition OS map 6":mile 'Forfarshire' 1865); c. 0.1km WSW was the site of buildings traditionally known as 'The Archdeacon's Barns' (RCAHMS 1984a: 22, no. 170); c. 1.25km N was the site of an early chapel on Aldbar estate where early medieval cross-slab was located (Allen and Anderson 1903: pt. 3, 245-7, 246, fig. 259; Stuart 1867: vol. i, pl. 82), nearby to the S was Aldbar castle originally a C16th residence though now demolished (RCAHMS 1984: 13, no. 52).	Name Book 1861: no. 11, 102; NMRS no. NO55NE 11

Table 4.7 'Court' sites

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6	Court Hillock	(Mound)	Kirriemuir	NO 37980 54150	Angus	Strong	Circular mound located beside a pool known as 'witch pool', located at top N edge of a steep sided ravine called the Den, in 1859 the mound was mostly removed (OSA 1791-9: vol. 12, 197; Reid 1909: 15-16, 29-36, 325); By 1958 it was a small rounded mound c. 15m in diameter and 1m high (NMRS no. NO35SE 1); now covered by housing estate, road name Court Hillock Gardens only visible indicator; in the late C15th the site was setting for courts of the Earls of Angus relating to the Regality of Kirriemuir, in 1496 the mound was known as the 'Greenhill', associated with a specific parcel of land and the provision of law in the district (Reid 1909: 29); the site also appears to have been used for ceremonies for the sasine of the title and lands of the Earldom into the early C17th (*ibid*: 31, quoting Warden); on W side of the town of Kirriemuir; parish church to E is find-spot of numerous early medieval sculptured stones (Allen and Anderson 1903: 226-8, fig. 239-40; Atkinson 1995: 94).	NMRS no. NO35SE 1; Warden 1880-5: vol. 4, 90-1
7	Court Hillock	Mound	Lochlee	NO 53900 78800	Angus	Possible	Also known as Coort Hill (see general reference); defaced by the building of Fernybank house and possibly natural (*ibid*); traditionally site of barony court (Jervise 1863: 89); nearby find-spot of footprint stone.	Name Book 1861: no. 63, 103; NMRS no. NO57NW 2
8	Courthill	Hill	Lunan	NO 67400 51400	Angus	Strong	Traditionally site where Barons of Redcastle (to E) held courts (Warden 1880-5: vol. 3, 452); farmhouse associated with name tradtionally incorparated an earlier fortified structure (*ibid*); See 'Cothill' Table 4.1, no.39.	NMRS no. NO65SE 7; OSA 1791-9: vol. 1, 447
9	Tom Na Cuirte	Mound	Inveraray	NN 08310 15030	Argyll and Bute	Possible	Conspicuous but low natural mound, located at the top of an extended ridge on the W side of Glen Aray 6km N of Inveraray (see general references); mound is flat-topped and kerbed, 'roughly pentagonal' on plan, measuring 12m x 15m and 1.5m high, on E and W are the remains of an 'earth and stone bank', traditionally the setting for local judicial courts (Campbell and Sandeman 1964: 90, no. 552); a 'natural amphitheatre' to N was said to have been where the jury sat and criminals believed hung over precipious above *Allt a'Bharain*, 'the Baron's burn', and buried nearby at marshy ground called *Toiseach nam Marbh*, 'Chief of the dead' (*ibid*); tradtion that James the IV came here to hear the Captian of Glen Aray dispense justice (see general references); 1km S is Stronmagachan where the Campbells of Lochow are believed to have had a residence before moving to Inveraray in the 1400s (Campbell 1995: 7); post-medieval military way passes site on E side.	Campbell and Sandeman 1964: 90; MacIntyre 1909; NMRS no. NN01NE 2

Table 4.7 'Court' sites

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10	Court Knoll	Mound	Lochgoilhead and Kilmorich	NN 19680 01400	Argyll and Bute	Possible	Low platform by Lochgoilhead manse, traditionally site of courts, though possibly ornamental (see general references).	Name Book 1864: no. 81, 71; NMRS no. NN10SE 1
11	*Bruach na Cuirte*	Hill	Poltalloch	NR 82200 97700	Argyll and Bute	Possible	No medieval place-name identified; natural mound measuring 12.8m x 13.1m; on the Poltalloch estate by Slockavullin; equidistant between Kilmartin and Poltalloch churches, where sculpture dating to the C10th onwards are known (Fisher 2001: 149; RCAHMS 1922: 145-6); by *Brouch an Drummin* also known as *Kil y Kiaran* indicating a dedication to St Ciaran, 0.5km to S long cist burials and ogam inscription (Craw 1929: 157-8, 189; Forsyth 1996).	Campbell and Sandeman 1964: 89, no. 545
12	Court Hill	(Mound)	Dalry (Cunninghame)	NS 29240 49580	Ayrshire, North	Possible	Adjacent to Dalry village and parish church on NE, covered by mining refuse during late C19th; positioned on ridge c. 76m OD overlooking River Garnock (Alcock 1996: 52; Cochran-Patrick 1873: 281); excavated by Cochran-Patrick in 1872, mound was circular with flat-top and c. 88m circumference, 12m diameter across the summit and 4.5m high (1873: 281); traditionally mound used as 'places for dispensing justice' (NSA 1834-45: vol. 5, 219-20); rectangular timber structure recorded within body of mound, measured 14 x 6m, Bronze Age beaker burial also found apparently respected by the timber structure, Smith interpreted structure as a 'wooden castle, or stockade' (quoted in Alcock 1996: 52), Laing (1969:113) posited that it was the remains of a 'Dark age' timber hall which had later been overlain by the construction of a motte, challenged by Linge (1987:24) who argued a Neolithic date as a mortuary structure covered by a barrow, more recently thought to be a medieval timber hall similar to examples from Yeavering and Dublin and overlain by a motte (Scott 1989); Alcock suggested a 'meeting place mound'	NMRS no. NS24NE 3; NSA 1834-45: vol. 5, 219-20
13	Court Hill	Mound	Beith (Cunninghame)	NS 36110 53930	Ayrshire, North	Possible	Traditionally believed to have been usd as a court-site by the abbots of Kilwinning (Love 1876: 297; Name Book 1855: no. 12, 52); sub-oval and flat-topped mound at 105m OD, measures 15m x 14.5m across base, 2m high and 10m x 8m across summit, situated in a low lying position at foot of small valley S of Boghall farm, once the site of Boghall Loch (Love 1876: 297; NMRS no. NS35SE 1, visited by OS 1983); to NW 'Hill of Beith Common' by 'the grange' also believed to be associated with property of the medieval abbots of Kilwinning (Love 1876: 297).	NMRS no. NMRS no. NS35SE 1; NSA 1834-45: vol. 5, 579

Table 4.7 'Court' sites

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14	Court Knowe	(Cairn)	Ballantrae (Kyle and Carrick)	NX 07000 77900	Ayrshire, South	Possible	Traditionally where law courts were held (see general reference); summit has been quarried (NMRS no. NX07NE 7).	Name Book 1856: no. 8, 19; NMRS no. NX07NE 7
15	Court Knowe	Mound	Ballantrae (Kyle and Carrick)	NX 12110 83660	Ayrshire, South	Possible	Traditionally where 'heritors of the parish' meet to resolve disputes (see general reference); Located by the site of Kirkholm medieval parish church, dedicated to St Cuthbert and mentioned in 1275 (Cowan 1967: 120; RCAHMS 1981a: 21, no. 147); beside the confluence of the Water Tig and River Stinchar.	Name Book 1856: no. 7, 37; NMRS no. NX18SW 22
16	Court Hill	Mound	Riccarton	NS 42820 36390	Ayshire, East	Possible	Heavily landscaped mound square in plan and steep-sided with post-medieval parish church upon summit built in 1823AD (see general reference); substantial entranceway stairs built into W side (NMRS no. NS43NW 27); traditionally 'one of those court hills were justice was administered' (NSA 1834-45: vol. 5, 615); medieval parish church was located to S on an adjacent lower mound (*ibid*); Riccarton church was first mentioned as a chapel in 1229 (Paterson 1863-6: vol. 1, pt. 2, 639); also refered to as 'moat' (*ibid*); 0.23km SW towerhouse believed to have existed at yardside (NSA 1834-45: vol. 5, 608), 1.3km SW possible motte at Castle Hill (NMRS no. NS43NW 25), Riccarton Court Hill less likley to have been a motte; 0.2km to the N was a fording point across the River Irvine and confluence with Kilmarnock water c. 0.75km W, where numerous parish boundaries apparently meet (1st edition OS 6":mile Ayrshire 1860).	NMRS no. NS43NW 27; NSA 1834-45: vol. 5, 615

Table 4.7 'Court' sites

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17	Court Hill	Enclosure	Whithorn	NX 45430 39780	Dumfries and Galloway	Possible	No medieval place-name identifed; on natural hill at 60m OD, stonework enclosure on summit measuring c. 10m N-S x 14m E-W, ridge to SW cut across by a natural gully (RCAHMS 1912: 175-6, no. 499); early medieval monastic centre and Episcopal seat 1km to NW at Whithorn; c. 0.1km NW was the 'Gallow Tree' removed by 1909 (compare 1st edition OS 6" map: mile 'Wigtownshire' 1850 with OS map 6": mile 'Wigtownshire' 1909); 0.5km SW was original find-spot of an early medieval cross-slab dating to the C7th, a tall example from the Whithorn group, comparable in height only to the Monreith cross (see no. 21, this table), cross was by the path of the old pilgrim road to the Isle of Whithorn and the cave of St Ninian and displays a 'cross-of-arc' motif and Rho monogram with a Latin inscription below, translated as 'of the place of Apostle Peter' perhaps indicating that the pillar marked the boundary of the monastic termon or site of a burial ground (Forsyth 2003: 14-16, pl. III-VI); c. 1km NW site of Bishop's castle (McKerlie 1870: 471).	Feachem 1963: 60; NMRS no. NX43NE 11
18	Court Hill	Fort	Buittle	NX 81975 58345	Dumfries and Galloway	Possible	Summit of a precipitous hill at 140m OD; earthwork oval enclosure measuring 70mx34m (see general reference); 1.9km NW Buittle Old Parish Church the remains of which date to the C13th (RCAHMS 1914: 52-3, no. 73); place-name Buittle derives from OE *botl* meaning 'mother settlement', Buittle 'one of the main centres of defence and administration under Northumbrian rule' in the region (Brooke 1991: 301), 3km to NE was the caput of medieval lords of Galloway at Buittle motte and bailey castle and find-spot of c.6th Anglian brooch (NMRS no. NX86SW 6.00); 3.5km N of Court Hill in same parish (see no. 25, this table).	Coles 1892: 130-1; NMRS no. NX85NW 3

Table 4.7 'Court' sites

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19	Court Knowe	Fort	Anworth	NX 53830 53080	Dumfries and Galloway	Possible	Remains of two concentric stone ramparts, sub-circular plan, inner measures c. 20m diameter and outer 38m, external facing 0.4m high, probable prehistoric fort augmented at an unknown later date, interior contains remains of a post-medieval farmstead (NMRS no. NX55SW 31); traditionally courts held here (Name Book 1849: no. 145, 61); 0.5km to SE 'Gallow knowe' a smaller natural rise (*ibid*: 62); 0.36km above on the edge of a natural terrace near High Auchenlarie farm were two sculptured standing stones, both displayed crudely incised crosses on one face, one measuring 1.8m high and the other 1.7m high; in late C19th the stones moved to Cardoness house 3km E and no longer mentioned (Allen and Anderson 1903: pt. 3, 479, fig. 509-10, 480; Coles 1897: 185-6, 187, fig. 3; Stuart 1867: vol. i, pl. 122; 1st edition OS map 6":mile 'Kirkcudbrightshire' 1854, marked as 'standing stones'); 1km SW motte and bailey castle at Kirkclaugh (RCAHMS 1914: 24), early medieval cross-slab dated c. 1100AD stood NE of motte (Allen and Anderson 1903: pt. 3, 480, no. 27; Collingwood 1927: 180; RCAHMS 1914: 24; Stuart 1867: vol. i, pl. 123).	Name Book 1849: no. 145, 61; NMRS no. NX55SW 31
20	Court Hill	Hill	Glasserton	NX 37650 42750	Dumfries and Galloway	Possible	Natural hill at 80m OD forms N spur of a prominent hill called Fell of Barhullion; early medieval disk-headed cross 'Monreith cross' originally positioned on summit, free-standing cross-shaft stands 2.3m high, highest of 'Whithorn School', dates from the C9th-11th, two hollows with iron fittings in cross face possibly derive from 'jougs' (chain with an iron collar) indicating judicial punishment (Forsyth 2003: 25, pl. xx-xxii); NE was site of caput of Monreith at Moure Castle which had been the residence of the Mundeville family prior to C15th when in 1482 it was known as 'Ballingrene' and 1483 'Ballingray', lordship went to the Maxwells who moved their residence to a tower at Dowies a short distance to S and again in 1683 to Myrton castle and Monreith House (NMRS nos. NX34SE 18, NX34SE 19.00; Reid 1948: 36-8); traditionally Court Hill had been the site of 'a court of justice… held here in ancient times by the druids' (Name Book 1848: no. 75, 62); summit of Fell of Barhullion to the S occupied by a substantial hillfort at 136m OD (NMRS no. NX34SE 15).	Name Book 1848: no. 75, 62

Table 4.7 'Court' sites

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21	Court Hill of Knocknalling	Hill	Kells	NX 59285 85459	Dumfries and Galloway	Possible	209m OD, NW of the 18th century manse of Knocknalling (1st edition OS 6":mile map 'Kirkcudbrightshire' 1853).	1st edition OS 6":mile map 'Kirkcudbrightshire' 1853
22	Court Knowe	Mound	Balmaclellan	NX 65330 81260	Dumfries and Galloway	Possible	Said to have been where the Lords of Lochinvar and Viscounts Kenmure held courts until 1715 (see general reference); c. 1km SE is Barscobe Castle a C17th manse (NMRS no. NX68SE 1.00).	Name Book 1849: no. 39; NMRS no. NX68SE 7
23	Court Hill	Outcrop	Tynron	NX 81500 92900	Dumfries and Galloway	Possible	Extensive natural hill with an outcrop summit at 189m OD; traditionally 'where the Courts of the barony of Aird were held' (NSA 1834-45: vol. 49, 128); overlooked by Tynron Doon hillfort from the N, a multi-phase site originating in the Iron age with evidence for early medieval occupation, including a C7th Anglo-Saxon filigree-decorated gold sheet, and culminating in the construction of a C16th towerhouse (RCAHMS 1920: 207-8, no. 609).	NMRS no. NX89SW 39; NSA 1834-45: vol. 49, 128
24	Court Hill	Outcrop	Buittle	NX 81615 54815	Dumfries and Galloway	Possible	Summit at 60m OD; overlooks 0.2km to NNE a late C15th circular towerhouse called Orchardton tower that was seat of the Cairns family (John Cairns constructed a residence here during the C15th), may indicate significance of the Court Hill (RCAHMS 1914: 56-9, no. 76; Tranter 1962-70: vol. 3, 117-8); possible 'burial cairn' was also recorded at Court Hill though apparently no longer extant (Tarbet 1898: 29).	Tarbet 1898: 29; NMRS no. NX85SW 6
25	Court Hill	Hill	Keir	NX 85749 93403	Dumfries and Galloway	Possible	N of the parish church mentioned in c. 1225 (NMRS no. NX89SE 1).	1st edition OS 6":mile map 'Dumfriesshire' 1861
26	Court Hill	Hill	Urr	NX 85495 71430	Dumfries and Galloway	Possible	145m OD; adjacent to N of the Roman military way; located within kink of parish boundary (1st edition OS 6":mile Kirkcudbrightshire 1854); 1km to the W is Milton Loch where a defensive enclosure on a prominent peninsular at the W side of Milton Loch is known as Green Island comprising of a narrow boat-shaped area 75m x 22m enclosed by an earth rampart 0.9m high and external ditch and with a shallow oval depression in the interior which may be the site of a well; possibly an early medieval site (RCAHMS 1914: 277-8, no. 491; Piggott 1955: 135; Truckell 1963: 92); Milton Loch is also the site of at least three crannogs possibly occupied during the medieval period (Cavers and Henderson 2002: 27).	Williams and Anderson 1971: 26; 2nd Edition OS 6":mile Kirkcudbrightshire 1910

Table 4.7 'Court' sites

27	Court Knowe	Mound	Strathmiglo	NO 20460 10260	Fife	Possible	Natural moraine, irregular circular plan, undulating surface, 43m in diameter and c. 4m in height (RCAHMS 1933: 270, no. 505); originally identified as remains of motte and predecessor of Corston Tower which is a towerhouse visible from the site to the S (*ibid*); C16th Corston Tower ('Crostone' 1294; the Lindsays held Corston during the early C16th), Strathmiglo is a large parish and was termed the 'shire of Strathmiglo' in 1294 (Taylor 1995: 180, 184); market toun of Strathmiglo to E; River Eden (or Miglo) to S beside which is the remains of a raised medieval route-way that leads W-E through the area which was considerably more boggy in the past (*ibid*: 180-1); c. 0.5km E is find-spot of class one Pictish symbol stone (NMRS no. NO21SW 21) close to the crossing of the aforementioned route-way over the River Eden.	NMRS no. NO21SW 7, RCAHMS 1933: 270, no. 505
28	Court Hill	(Mound)	New Kilpatrick (City of Glasgow)	NS 55460 69355	Glasgow, City of	Possible	Traditionally identified as a place of judgement on the basis of the place-name (MacDonald 1854: 317-8); mound partially removed during the C19th and found to contain cist associated with various metal artefacts (MacDonald 1854: 317-8; NSA 1834-45: vol. 8, 47-8); mound apparently shown on C18th map (Roy 1747-55 sheet 05/6a); located within kink in parish boundary (1st edition OS 6":mile map Dumbartonshire 1864); now covered by modern refuse processing site.	NMRS no. NS56NE 1; NSA 1834-45: vol. 8, 47-8
29	Court knowe	(Mound)	Cathcart	NS 58815 60060	Glasgow, City of	Possible	Prominent hill at 50m OD, upon which are the low earthwork remains of a mound; adjacent to W are the remains of Cathcart Castle associated with C12th family of the same name; remains comprise of lower courses of a C15th keep and barmkin (NMRS no. NS56SE 43); place-name Cathcart was Kerkert in 1158 and derives from Old British caer gert meaning 'fort on the River Cart' (Watson 1926: 366-7); extensive northerly views available from mound over the Strathclyde basin, traditionally Mary queen of Scots is believed to have watched the battle of Langside unravel from the 'Court Hill of Cathcart' (NSA 1834-45: vol. 7, 504).	NSA 1834-45: vol. 7, 504

Table 4.7 'Court' sites

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30	Court Hill	(Mound)	Rosemarkie	NH 73560 57620	Highland	Possible	Apparently artificial, located at a prominent position overlooking the church and village of Rosemarkie to the W; originally circular on plan with a flat summit, largely destroyed by post-medieval housing (RCAHMS 1979a: 21, no. 136); has been suggested to be remains of a motte (Armitage 1912: 322; Yeoman 1988: 131, no. 108); adjacent to site of Pictish monastic foundation dedicated to St Moluag, associated with multiple early medieval cross-slabs and sculptured stones, converted to a culdee community during C8th, subsequently becoming the centre of a bishopric in the C12th which later moved to neighbouring Fortrose cathedral (RCAHMS 1979a: 19-20, no.122).	NMRS no. NH75NW 10; NSA 1834-45: vol. 14, 353-4
31	Court Hillock	Cairn	Bellie	NJ 38150 63000	Moray	Possible	30m OD, measuring c. 18.0m in diameter and 0.8m height (NMRS no. NJ36SE 9); traditionally 'seat of justice' (see general reference).	Name Book 1870: no. 4, 13; NMRS no. NJ36SE 9
32	Court Stane	Outcrop	Rothiemay	NJ 56380 52390	Moray	Possible	Large outcrop of whinstone, traditionally 'seat of justice' (see general reference); possible confusion in place-name with G. *coirthe* meaning 'pillar, standing-stone' (Coles 1906: 178).	Name Book 1867: no. 27, 15; NMRS no. NJ55SE 16
33	Court Hill	Mound	Auchtergaven	NO 07730 33010	Perth and Kinross	Possible	c.5.0m high, possible barrow, previously affected by tree plantation (NMRS no. NO03SE 3); traditionally site of judicial courts held 'prior to 1745' (Name book 1864: no. 8, 103); large standing stone to WNW (NMRS no. NO03SE 2).	Name Book 1864: no. 8, 103; NMRS no. NO03SE 3
34	Court Knoll	Mound	Comrie (Perth and Kinross)	NN 77710 21050	Perth and Kinross	Possible	See 'Dunmoid' (Table 4.3, no.12)	Macdonald 1939: 254; NMRS no. NN72SE 4

Table 4.7 'Court' sites

35	Courthill	Stone circle	Rattray	NO 18420 48070	Perth and Kinross	Possible	No medieval place-name; site of four-poster stone circle (see general reference); large standing stone to NE (NMRS no. NO14NE 11); also name of farm on E side of Strageith Hill, NE Craighall house.	NMRS no. NO14NE 12; RCAHMS 1990: nos. 66, 23; 1st edition Ordinance Survey 6":mile map 'Perthshire' 1867
36	Courthill	Fort	Burnfoot or Cavers	NT 52335 17115	Scottish Borders, the	Possible	At 170m OD; remains of fort on summit, multiple ramparts and indications of hut circle platforms (RCAHMS 1956: 142-3, no. 248); 0.5km WNW C16th towerhouse of Burnhead Tower also known as Hobbie Elliots Tower and mentioned in 1584, Gala ('Gallow' or 'Fair') Law is 1km W at 221m OD; 3.5km SW medieval centre of Hawick, motte and early church (RCAHMS 1956: 135, no. 233).	1st edition OS 6":mile map 'Roxburghshire' 1863
37	Courthill	Hill	Nenthorn	NT 68660 36695	Scottish Borders, the	Possible	At 102m OD by Courthill farm; remains of the medieval parish church are by Nenthorn manse 0.9km W of Courthill farm and NW of Kelso and was among the Abbey's possessions (NMRS no. NT63NE 4.00); Nenthorn also the site of a deserted medieval village 0.6km NE of medieval parish church (NMRS no. NT63NE 6); apparently located at the meeting place of three parish boundaries and by crossing place over the Eden Water (see general reference); c. 3km N are remains of a major hillfort at Sweethope Hill.	1st edition OS 6": mile map 'Berwickshire' 1862
38	Courthill	Hill	Port of Menteith	NS 59570 98980	Stirling	Possible	See 'Tomavoid' Table 4.3, no. 16.	Stobie 1783: map of Perthshire and Clackmannanshire

Table 4.8 *Þing* sites   595

No.	Place-name	Type	Parish	NGR	Region	Status	Notes and associations	General reference(s)
1	Tinwald	(Mound)	Tinwald	NY 00300 81510	Dumfriesshire	Strong	Tynwald c. 1220; contains ON *völlr* 'field' or OE wald 'high land covered with wood' (Fellows-Jensen 1996: 24); survives as parish, church, settlement and motte place-name, also 'Tinwald Downs' SW of parish; candidates in Tinwald motte residence of the C13th De Mundevilles (Reid 1958: 78) and site of sasine 1455 (Fraser 1873: vol. 2, 434) or Tinwald Downs, a level area on valley floor (Lochar Moss) where post-medieval wapentakes held (Gomme 1880: 263); motte damaged by ploughing though had terraced profile, ditch and associated bailey identifed by geophysics and aerial photographs (see Chapter 4, section 4.3.4).	Fellows-Jensen 1996: 24; NMRS no. NY08SW 3

Table 4.8 *Þing* sites

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2	Dingwall	(Mound)	Dingwall	NH 54955 58890	Highland	Strong	Dingwell 1227, ON *þing-völlr* 'field of the assembly' (Fellows-Jensen 1996: 24); settlement and parish place-name; strong candidate identified in mound opposite medieval parish church of St Clement; mound now largely removed and incorporated into a walled memorial with obelisk on summit erected in memory of the 1st Earl of Cromartie in 1714, burials found when mound landscaped on 1875 (MacDonald and MacDonald in prep.; NMRS no. NH55NW 154; OSA 1791-9: vol. 3, 20); mound referred to as montem 1503, moothill 1672, moote-hill 1770 (Watson 1904: 93; Dalrymple 1770: 58; MacDonald and MacDonald in prep.); 1760 description records ditch, enclsoure wall and implies stepped-profile (Cordine 1780: 64; Pococke 1887: 109); linked to Dignity of Ross 1503 (Dalrymple 1770: 58), possible inauguration site (MacDonald and MacDonald); other weak candidate Gallowhill to W (Bain 1899: 45); see Chapter 4, section 4.3.3.1.	Fellows-Jensen 1996: 24; NMRS no. NH55NW 154

Table 4.8 *Þing* sites

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3	Things Va	Broch-mound	Thurso	ND 08080 68240	Highland	Strong	ON *þing-svað* 'assembly slope' (see general reference); broch-mound located on upland slope overlooking Thurso, with ditch and bank, affected by unrecorded excavations, associated with cairn to SE (NMRS no. ND06NE 1); see Chapter 4, section 4.3.3.1.	Thorson 1965: 75; NMRS no. ND06NE 1
4	Hinnisdale	Place-name	Snizort	NG 41610 58270	Highland	Possible	*Glen Tinwhill* 1733, Glen (and River) Hinnisdale, ON *þing-dalr* 'valley of the assembly' (see general reference); broad U-shaped valley floor main candidate, also *Ard nan Eireachd* 2km NW (see Table 4.2, no. 9).	Gordon 1963: 88-91
5	Tingwall	Broch-mound	Evie and Randall	HY 40110 22860	Orkney Islands	Strong	*Á þingavoll* 1145, ON *þing-völlr* 'field of the assembly' (see general reference; Marwick 1952: 121); remains of broch-mound (RCAHMS 1946: 80, no. 268); centrally placed for N archipeligo (Fellows-Jensen 1996: 23; see Chapter 4, section 4.3.3.2).	Fellows-Jensen 1996: 23; NMRS no. HY42SW 3
6	Dingieshowe	Broch-mound	St Andrews and Deerness	HY 54760 03300	Orkney Islands	Strong	*Þing-haugr* meaning 'assembly-mound' (see general reference); broch-mound 7m high (RCAHMS 1987: 23, no. 103); by ithumus leading to Deerness that defines parish boundary (OS map 'Orkney' 1st edition 1882).	Crawford 1987: 206; NMRS no. HY50SW 7

Table 4.8 *Þing* sites

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7	Law Ting Holm	Island	Tingwall	HU 41800 43400	Shetland Islands	Strong	*a þinga velle* 1307, ON *þing-völlr* 'field of the assembly' (see general reference); site of Lawting for Shetland referred to from late C13th; parish name *þing* placename (Fellows-Jensen 1996: 22); site of Lawman-General of all 'Zetland' election 1532 (Munro 1961: 99, fn. 8); ON *holm* 'island', refer to small island at head of Tingwall loch, connected to shore by causeway, stones on island traditionally for judges seats (Brand 1701: 121-2); opposite shoreline traditionally area where folk attending Lawting assembled (*ibid*); medieval parish church to N, parish name from *þing*; Gallowhill to SW 0.5km; standing stone on W shore of loch tradtionally associated with events around the lawting (Thomson 2001: 166); see Chapter 4, section 4.3.3.3.	Brand 1701; Crawford 1987: 206; Fellows-Jensen 1996: 22-3; NMRS no. HU44SW 11
8	Thingstead	Mound	Delting	HU 39760 61960	Shetland Islands	Strong	Place-name 'thing of the farm'; circular mound 18m in diameter and c. 3.6m height; *þing* for Delting parish (see general references; see no. 10, this table); see Chapter 4, section 4.3.3.3.	RCAHMS 1946: 12, no. 1127; NMRS no. HU36SE 1

Table 4.8 *Þing* sites
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9	Toingal	Hill	Uig	NB 19400 37700	Western Isles	Possible	Place-name from ON *þingvöllr* or *þingvellir* 'field of the assembly', present form G. *Cnoc an Tiongalairidh* , rocky hillocks by *Tolstadh a' Chaolais* township in Isle of Lewis, relate to local assembly for isolated Norse community (see general reference; see Chapter 4, section 4.3.3.1).	Cox 1991: 484
10	Delting	Place-name	Delting	HU4050063745	Shetland Islands	Strong	Parish place-name; ON. *dalr-þing* (1490), meaning 'valley of the thing' (see general reference; see no. 8, this table; see Chapter 4, section 4.3.3.3).	Jakobsen 1993: 125
11	Aithsting	Place-name	Aithsting	HU 34600 55685	Shetland Islands	Possible	Parish place-name; location not identifed; ON. *eiðs-þing* , meaning 'isthmus of the thing' (Jakobsen 1993: 36, 125; see 'Dingeshowe' no. 6, this table for comparable location).	Jakobsen 1993: 36, 125
12	Lunnasting	Place-name	Lunnasting	HU 48610 69125	Shetland Islands	Possible	Parish place-name; ON *Lund-eiðs-þing* 1490 'grove on the neck of land-thing' (Jakobsen 1993: 125); possibly at Lunna, Chapel Knowe site of the parish church and associated with a Viking burial mound (NMRS no. HU46NE 4; see Chapter 4, section 4.3.3.3).	Jakobsen 1993: 125; NMRS no. HU46NE 4
13	Nesting	Place-name	Nesting	HU 44540 56890	Shetland Islands	Possible	Parish place-name; ON *nes-þing* 1490 (see general reference), 'point of the assembly'.	Jakobsen 1993: 125
14	Sandsting	Place-name	Sandsting	HU 30000 45360	Shetland Islands	Possible	Parish place-name; ON *sands-þing* 1355 (see general reference).	Jakobsen 1993: 125
15	Thveitathing	Place-name	?	HU 24760 53320	Shetland Islands	Possible	Referred to in 1321 and 1322, location not identified (see general reference).	Jakobsen 1993: 126
16	Raudarthing	Place-name	?	HU 32801 83480	Shetland Islands	Possible	Referred to in 1321, location not identified (see general reference).	Jakobsen 1993: 126

Table 4.9 Secondary sourced sites

No.	Place-name	Type (destroyed)	Parish	NGR	Region	Status	Notes and associations	General Reference(s)
1	Earl's Hill	(Mound)	Ellon	NJ 95740 30420	Aberdeenshire	Strong	*super montem de Ellone* 'hill of Ellon' 1476 setting for the sasine of James Earl of Buchan (Spalding Club 1847-69: vol. iii, 5-6; Young 1998: 185); John Earl of Buchan seised 1547 in Earldom 'and Earl's hill of Ellon thereof', 1519, 1574 and 1615 (Mary Douglas) seised Earldom of Buchan and 'Earl's hill' (Spalding Club 1847-69: vol. iii, 5-6); large mound by River Ythan, traditionally 'moothill' in C19th when removed (NSA 1834-45: vol.12, 903); also identified as a motte (Simpson 1958: 48-9); 1130s Colbán mormaer of Buchan charter dated at Ellon (Jackson 1972: 32, 35-6), Earl Fergus thrice yearly head courts at Ellon 1214 (Spalding Club 1843: 407-8); see Chapter 6, section 6.6.2.	NMRS no. NJ93SE 3; Spalding Club 1847-69: vol. iii, 5-6
2	Kenshot Hill	Cairn	Benholm	NO 78150 71640	Aberdeenshire	Possible	No medieval placenames; traditionally site of 'royal courts', possible because of the associated name 'king's seat', limited other evidence (see general references); turf-covered carin measuring 8m diameter and 0.4m high (NMRS no. NO77SE 3); on parish boundary (1st edition OS 6":mile map Kincardinshire 1868).	NMRS no. NO77SE 3; OSA 1791-9: vol. 11, 239; 1st edition OS 6":mile map Kincardinshire 1868
3	Reedie	Cairn	Airlie	NO 35080 52760	Angus	Possible	Traditionally 'court or law hill' (see general reference); turf covered mutilated cairn, 20m diameter by 1.2m high, also suggested as Roman signal station (Crawford 1949: 90-1; NMRS no. NO35SE 23).	NMRS no. NO35SE 23; NSA 1834-45: vol. 11, 679

Table 4.9 Secondary sourced sites

4	Dun Domhnuill	Mound	North Knapdale	NR 78780 93570	Argyll and Bute	Possible	Probably natural mound, 30m diameter and 10m high, 'judges chair' stone arrangment supposedly on summit though destroyed; traditionally court-site of Lord of the Isles, perhaps based on name 'hill or fort of Donald', linked to land grant of Kilmahunaig (see general reference; Gomme 1880: 261-2).	Campbell and Sandeman 1964: 15, 19, no. 96; NMRS no. NR79SE 11
5	Barrnakill	Hill	Kilmichael Glassary	NR 82300 91200	Argyll and Bute	Possible	Traditionally site of local 'Baron-court and wapenschaw' on a W-sloping field close by a wooded crag (see general reference).	Campbell and Sandeman 1964: 89, no. 544; NMRS no. NR89SW 45
6	Carnell Woods	Mound	Craigie	NS 46380 32430	Aryrshire, South	Possible	Traditionally known as 'Judgement Seat in Cairnhill (Carnell) Woods', natural spur over looking Cessnock Water (see general reference).	NMRS no. NS43SE 3; Smith 1895: 127
7	Cromlech	Cairn	Kilmory	NR 89115 28755	Ayrshire, North	Possible	SW coast of Isle of Arran; traditionally said to be where 'Fingal' held courts of justice, stone adjacent called the 'Panel's stone' (see general reference).	NSA 1834-45: vol. 5, 53-4
8	Borestone	Stone	Beith (Cunninghame)	NS 37420 50540	Ayrshire, North	Possible	Large sandstone boulder with hollow, traditionally site of medieval wapentake (see general reference).	Dobbie 1876: 163; NMRS no. NS35SE 9

Table 4.9 Secondary sourced sites

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9 Knockushion	(Mound)	Girvan	NX 18500 98070	Ayrshire, South	Strong	Head courts of Carrick held on 'Knock Oshin' at mouth of River Girvan in original account by Sibbald C16th-C17th (Macfarlane 1907: 13-4); seat of Bailliarie was at Mayboll but courts held at Knockoshin within bounds of 'new town' of Girvan (*ibid*: 16); 'all inhabitants of country [Carrick] to answer civil debts and crimes at knockoshin' except Crossraguel and Monkland regalities that were dependants of Melrose (*ibid*); Baillie court supperior court of appeal in Carrick overseen by Earl of Cassilis or representative (late medieval period), depute or clerk took fines imposed for taking of fish and wood at prohibited times (*ibid*); site now covered by development, a modern commemorative inscibed stone which once marked the site is now at Knockushion House (NMRS no. NX19NE 11); seemingly same site as C16th 'Knoktoscheok' (see Table 2.1, no. 6).	Macfarlane 1907: vol. 2, 13-4, 16; NMRS no. NX19NE 11
10 Tryal Cairn	(Cairn)	Mouswald	NY 08075 73405	Dumfries and Galloway	Possible	Also called 'Stryall cairn' Traditionally site of courts, cairn '288 feet' circumference, now largely destroyed, neighbouring cairn 'deadmangill' said to have been execution place (see general reference).	NMRS no. NY07SE 9; NSA 1834-45: vol. 4, 445
11 Culcabock	(Cairn)	Inverness and Bona	NH 68000 44000	Highland	Possible	Traditionally proprietors held courts here as late as C18th, removed 1884 (see general reference).	NMRS no. NH64SE 5; Ross 1888: vol. 2, 65-6
12 Tom Na Croiseige	Mound	Kiltarlity and Convinth	NH 51270 41340	Highland	Possible	Stepped-mound, '9 feet in height' basal diameter '70 feet'; 'Seat of Judgment' on top grew 'Hanging Tree'; neighbouring church and graveyard C19th, original church at Kiltarlity to W (see general reference).	MacDonald 1902: 714-5; NMRS no. NH54SW 7

Table 4.9 Secondary sourced sites

13	Kilbuyak	Mound	Alves	NJ 09630 60310	Moray	Possible	Traditionally site of courts and musters in C16th and C17th, on boundary of Alves and Rafford parishes, perhaps natural mound (see general reference).	NMRS no. NJ06SE 10
14	Kiltyrie	Mound	Kenmore (Perth and Kinross)	NN 62940 36570	Perth and Kinross	Possible	Mound opposite Kiltyrie farm traditionally said to be site of baron courts in district; possible barrow 12m diameter 2m high, extensive views over Loch Tay (see general reference).	Cash 1911-2: 277-8; NN63NW 24
15	Capon Tree	Tree	Jedburgh	NT 65290 18875	Scottish Borders, the	Possible	Oak tree in Roxburghshire near Jedburgh, traditionally served as a trysting-place for border clans (see general reference).	Gomme 1880: 256-7
16	Birlie Knowe	(Mound)	Whitsome	NT 86220 50340	Scottish Borders, the	Possible	Mound previously E of old school house traditionally site of justice court where Birliemen meet (see general reference; Gomme 1880: 193).	NSA 1834-45: vol. 2, 172
17	Homeli Knoll	Hill	Coldingham	NT 91840 66360	Scottish Borders, the	Possible	No medieval placename; on coastal promintory c.1km E of Coldingham; traditionally site for courts of Coldingham priory (see general references).	NMRS no. NT96NW 36; RCAHMS 1915: 42, no. 74; 1st edition OS 6":mile map Berwickshire 1858
18	Justice Stone	Standing stone	Abercorn (West Lothian)	NT 08080 77590	West Lothian	Possible	Traditionally site where medieval disputes were settled and meetings held, within Hopetoun Wood; also called 'Jousting Stone' with tradition of medieval tournaments (see general references).	Name Book 1855: no. 3, 16; NMRS no. NT07NE 7; RCAHMS 1929: 188, no. 286

Table 5.1 Historically-attested sites

No.	Name	Type	NGR	Parish	Council	Attested dates	Primary source	Historic place-name(s)	Court type	Significant participants	General ref(s)	Fig. ref(s)
1	Tillydrone	Hill	NJ 93660 08860	St Machars	Aberdeen, City of	1381, July 1382	Innes 1845: vol. 1, 143	*montem capelle beati Thome* (1382), Tullidrens (1661)	Head court, Bishop of Aberdeen	*Willelmus de Camera attornatus* (1382)	Cameron 2002:3; Dennison *et al*. 2002: 10, 27; Ferguson 1949: 79; Gomme 1880: 191; Murray 1924-32: 187; RCAHMS 2007: 173; NMRS no. NJ90NW 8	5.27-32
2	Ord Hill	Hill	NJ 86290 31995	Tarves	Aberdeenshire	3rd August 1236	Innes 1856: vol. 1, no. 227	*Ordbothbachfy nin* (1236)	Justicar ayre	Justicar of Scotia Walter FitzAlan, earls of Buchan and Angus, judices x 3	Barrow 1973: 93	5.13-14
3	Candle Hill	Stone circle	NJ 67980 27980	Old Rayne	Aberdeenshire	2nd May 1349	Innes 1845: vol. 1, 79	*stantes lapides de Rane en le Garuiach* (1349), Tap o'Mast (1870)	Justicar ayre, bishop's court	William Earl of Ross Justicar N of the Forth, bishop of Aberdeen	Barrow 1992: 224, 236, n. 2.6; Coles 1902: 527-31; Callender 1935: 71; Grant 1930: 57, fn.3; Gomme 1880: 192; RCAHMS 2007: 173; Stuart 1867: xli, fn. 2; NMRS no. NJ62NE 1	5.33-35

Table 5.1 Historically-attested sites

4	Graystane of Cluny	Standing stone	NJ 71050 13440	Cluny	Aberdeenshire	1468, 1548, 1614	Spalding Club 1847-69: vol. iv, 404	*le graystane de Cluny* (1468); Woodend of Cluny (1847)	Thrice yearly head court of baronies (Obeyn, Cluny and Mgymar)	Earl of Huntly	Brown 1923: 95; Coles 1903: 86-7; Gomme 1880: 192; Grant 1930: 57, fn. 3; Huntly 1894: 225; Spalding Club 1847-69: vol. 1, 48, fn. a; Murray 1924: vol. 1, 25, fn. 3; RCAHMS 2007: 173; Spalding Club 1847-69: vol. iv, 404; NMRS no. NJ71SW 2	5.44-45
5	Huntly	Stone circle	NJ 52920 39990	Huntly	Aberdeenshire	1557, 1594	Stuart 1867: vol. 2, xlii, fn. 4; vol. 1, vi, fn. b	lie standand stanis de Huntlie (1557), Standing Stanes of Strathbogie (1594)	Sheriff's court (1557), parley site before battle of Glenlivet or *Altihullichan* (1594)	Earls of Argyll, Huntly and Errol (1594)	Allen and Anderson 1903: vol. 2, pt. 3, 166, 'Huntly' n. 1, fig. 176; Coles 1902: 569-70; Gomme 1880: 192; NMRS no. NJ53NW 1	5.38-39
6	Stone of Migvie	Standing stone	NJ 43660 06830 or NJ43115 04905	Logie-Coldstone	Aberdeenshire	1358x9	Spalding Club 1847-69: vol. 4, 715-6	*lapidem de Mygveth in Cromarr* (1358x9), *Tom a'Char* (1870)	Thrice annual head court of Earldom of Mar	Earl of Mar	Allen and Anderson 1903: vols. 2, pt. 3, 191-2, fig. 208; Gomme 1880: 265; NSA 1834-45: vol. 12, 1072; RCAHMS 2007: 11, 126, fig. 7.12; NMRS no. NJ40NW 2	5.46-48

Table 5.1 Historically-attested sites

	Name	Type	NO	Parish	County	Dates						
7	Carnconnan	Cairn	NO 56940 45380	St Vigeans	Angus	St Alban the Martyr's day 1254, 1375, 1409	Innes 1856: vol. 1, 322, Stuart 1867: vol. 2, xli	*Carnconnan* (1254), *carnconan* (1375), *Carnconane* (1409)	Annual head court of Arbroath Abbey	Bailey of regality of Arbroath (1409)	Gomme 1880: 191; Name Book 1859: no. 80, 25; RCAHMS 1978a: 7, no. 1; Warden 1880-5: vol. 5, 121-2; NMRS no. NO54NE 11	5.8-10
8	Coleduns	Hill	NO 32000 57500	Kingoldrum	Angus	1253, 1256	Innes 1856: vol. 1, 226, 228, nos. 294, 295	Coledunes (1253), Coleduns (1256)	Justicar ayre (1253), court for Lintrathen and Kingoldrum parishes	Alexander Comyn Justicar of Scotland and Earl of Buchan, Earl of Mar, Bishop of Brechin (1253), Alan Durward Justicar of Scotia (1256), Abbot of Arbroath	Barrow 1973: 98; 1992: 226; Fenton 1946: 35	5.11-12
9	Beech Hill	Cairn	NO 22010 4040	Coupar Angus	Angus	18th January 1460(?), 1681	RCHM 1871: 187; Rogers 1879: vol.1, 130, no.72	*Lauchil* (1460)(?), *Beitchell* Hill of Cupar in Angus (1681)	Commendator of Coupar Angus Abbey bailiary court (1460)(?), regality court (1681)	Patrick Ogilby bailie depute (1460), James Earl of Airlie (1681)	Gomme 1880: 190; Dennison *et al*. 1998; Stevenson 1995: 197-235; RCAHMS 1994: 19-20; NMRS no. NO24SW 8	5.2

Table 5.1 Historically-attested sites

10	Clochmabenstane	Stone circle	NY 31230 66000	Gretna	Dumfriesshire	1218 (?), 1249 (?), 1280 (?), 1292 (?),1398, 1409-94, C16th	Innes 1814-75: vol. 1, 413-6; Bain 1881-8: vol. 3, 675, 2, 7; Neilson 1899: 254, fn. 4	*Locus Maponi* (C7th AD) (?); *Sulewad* (1218) (?), *Sulewath* (1249, 1280, 1292) (?); *Clochmabenstane* (1398); *Loumabanestane* (1409, 1472), battell of Lochmaban stane (23rd October 1448), *Lowmabanstane* (1485), *Loughmabanestane* (1494), *loghmaben Stone* (C16th); Lochmaben Stone (1862)	District court for Sherriffs and Jurors of Dumfries and Carlise, Border court of West March	Border Wardens of the West March	Crone 1983: 16-20; NSA 1834-45: vol. 4, 267; OSA 1791-9: vol. 9, 267; RCAHMS 1920: 93; RCAHMS 1981: 9, no. 22; RCAHMS 1997: 110, fig. 102; Rivet and Smith 1979: 395-6; NMRS no. NY36NW 25	5.49-54
11	Dalginch	Hill	NO 30500 02600	Markinch	Fife	1166x1214	Cooper 1947: 88-9	Dalginch (C14th)	Court of Fife and Fothriff	Warrantors in cases of cattle stealing	NSA 1834-45: vol.9, 663; OSA 1791-9: 551-2; Taylor 1995: 163	5.19-22

Table 5.1 Historically-attested sites

12	Camehill	Hill	NO 37250 14740	Cupar	Fife	C13th (?), 1400, 1449	Fraser 1888: vol. 2, no. 31; RMS 1882-1914: vol. 2, 502, no. 2360; Sibbald 1710: 100	*Camehill* (1400), Camhill (1449), *Mons Placiti* (1497), Mutehill (1642, 1710), Castlehill ridge (1710), Motehill (1791-9), Moat Hill (1791-9, 1834-45), Moothill (1890), East Moat Hill (1895)	Court of Earl of Fife (1400), Sheriff's court (1449)	Robert Stewart Duke of Albany and Earl of Fife (1400), Robert Levingston Sheriff of Fife (1449)	Coleman 1996: 48, Dickinson 1928: xiii., fn. 5; NSA 1834-45: vol. 9, 3; OSA 1791-9: vol. 17, 162; Simpson and Stevenson 1981: 13; NMRS no. NO31SE 1	5.23-26
13	Pitcorthie	Standing stone	NO 49750 03970	Kellie	Fife	3rd April 1266	Anderson 1899: 2-3, n. 8	*Moor of Pethcorthin* (1266), Pitcorthie (1855)	Justicar ayre in presence of full court of Fife and Forthrif	Adam Earl of Karrick acting for Justicar, Sir Randulf of Lascelis Sheriff of Fife, Thomas Squire the 'King's Judge'	Barrow 1992: 226; Name Book 1853: no. 80, 86; RCAHMS 1933: 48, no. 88; Taylor 1995: 108; NMRS no. NO40SE 14	5.40-42
14	Rathe of Kingussie	Stone circle / Hill	NH 76080 00700	Kingussie and Insh	Highland	10th October 1380	Innes 1837: 183-7	*stantes lapides de Ester Kyngucy* (1380), *le standand stanys de le Rathe de Kyngucy estir* (1380)	Head court for Lordship of Badenoch	Alexander Stewart Lord of Badenoch youngest son of Robert II, Bishop of Moray	Barrow 1992: 226; Gomme 1880: 190; Grant 1930: 57; Lelong 2002: 80-1, 114-5; Neilson 1890: 117; NSA 1834-45: vol. 14, 76; Henshall 1963: 1; Oram 1996: 15-6; Stuart 1867: vol. 2, xli; NMRS no. NH70SE 4	5.36-37

Table 5.1 Historically-attested sites

609

15	Hundhil	Cairn	NO 31220 30580	Longforgan	Perth and Kinross	16th January, 3rd and 25th February, 8th March, 21st April 1385	RCHM 1872: xxiv, 410	*Hundhil* (1385), Market Knowe (1791-9, 1895, 1933), Roman Knowe (1861, 1964)	Barony court of Longforgan	Robert Laurenson *Dempster* of the king's court, *Robyn Jopson Serjeant* of Sheriff of Perth, Sir Patrick Gray lord of Longforgan	Headrick 1913: 368, fn. 3; Gomme 1880: 176-82; Name Book 1861: no. 52, 45; OSA 1791-9: vol. 19, 559; Philip 1895; RCAHMS 1933; Warden 1880-5: vol. 2, 23; NMRS no. NO33SW 19	5.3-7
16	Stayt of Crieff	Barrow	NN 86690 20660	Crieff	Perth and Kinross	8th May 1358 (?), 12th May 1475, C16th	RCHM 1872: 418; RCHM 1879: app. 711-15; Innes 1847: no. 133	*Stayt* (1475), *Scait*, *Skait*, *Skath* (C16th), Court of the Carss (1560) (?)	Steward's court of Strathearn	Sir William Murray of Tullybardine Steward of Strathearn, John Murray of Trevyne deputy, James Heryng prolocutor, *Vylzam reyd dempstar* of steward's court, *Serjeant* (1475)	Gomme 1880: 183-5; Hall *et al.* 2000: 175; Headrick 1913: 365-8; Neville 2005: 125; NSA 1834-45: vol. 10, 497; OSA 1791-9: vol. 9, 598; Porteous 1912: 35-6, 48-51; Rogers 1992: 320-5; NMRS no. NN82SE 14	5.15-16
17	Dull	Standing stone	NN 81300 49100	Dull	Perth and Kinross	Thursday next after feast of St Scholarstica the Virgin (10th February) 1264	Thomson 1841: 349	*magna petam* (1264)	Pleas before district court overseen by Prior of St Andrews	Prior of St Andrews, Ewayn the *Judex* (1264)	Grant 1930: 58; Innes 1872: 206-7; NMRS no. NN84NW 1	5.43

Table 5.1 Historically-attested sites

18	Meikle Dripps	Standing stone / Mound	NS 57800 55300	East Kilbride	South Lanarkshire	1371	Fraser 1863: vol. 1, 129, no. 10, 380	*Drypps* (1371)	Court of land of Dripps in Barony of Kilbrideshire	Robert Maxwell lord of Mearns, Sir John Maxwell (knight) Lord of Nether Pollock	Barrow 1998: 71, fig. 2.10; Welsh 1983: 30; NMRS no. NS55NE 53	5.17-18

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