

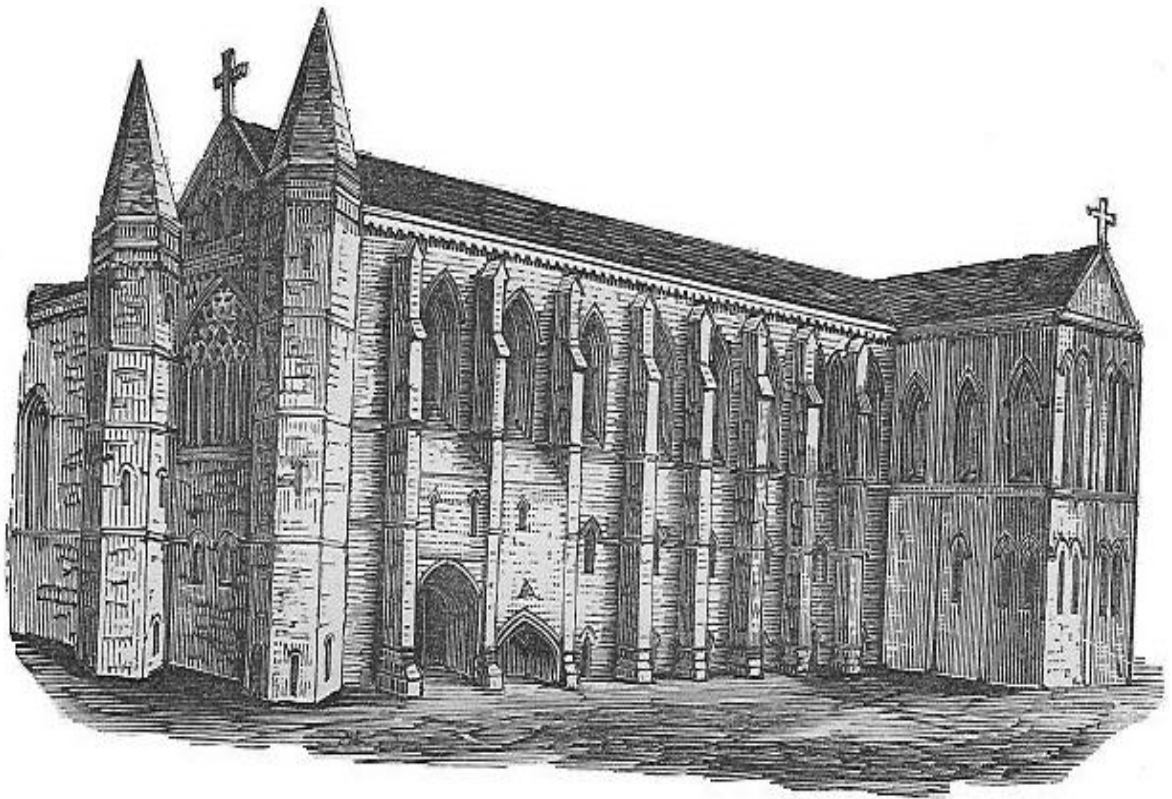
GENEALOGIES OF BONDMEN

From
Tract Monastic Antiquities

Edinburgh 1809.

By

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The above composition view of the Monastery is taken from a drawing
by J. Kearsly, London 1780.

Compiled by Sheila Pitcairn

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The monastery enjoyed full and unlimited power in exercising all the rights of property. William, in granting the monks a general protection, declares, that their lands shall be held by the same boundaries as in the reign of his grandfather David unless they have sold, gifted, or exchange them, But the power of disposing of their property afterwards underwent some limitation; for Innocent IV in 1252, addresses a bull to the abbot of Holywood, narrating, that the abbot of Dunfermline having explained how the monastic possessions were alienated, both by the present monks and their predecessors, whereon writing, oaths, and penalties had been interposed; and that such alienations were to ecclesiastics as well as laymen, some of whom had obtained letters of confirmation from the Holy See; he commands the deeds by which this was done to be revoked, and the property of the monastery to be restored, Accordingly, we find, that in the subsequent year 1253, Emma de Smythetun, daughter and heiress of Gilbert de Smythetun, appeared before the king and his council, and acknowledged that her lands belonged to the monastery, being an eleemosynary gift by King David, in perpetuity; and unjustly alienated by the monastery; therefore she renounces all claim to the lands, and resigns them into the hands of the king, . Those who held their lands and possessions in feu of the monastery, or for an annual rent, having alienated them without its consent, and imposed new burdens and servitudes to its disadvantage, the Pope, in 1250, declares null and void every conveyance of the kind, without consent of the monks`.

Among the most interesting facts preserved by the chartulary are those which illustrate the state of the ancient inhabitants of Scotland. From various passages, it is evident, that if the lower orders of peasantry were not actual slaves, they were but one degree removed from bondage. A man and his whole posterity could be gifted by one to another like so many beasts of burden. There is a charter with the specific title *de Servis*; and this contains a donation, by the King of Gillandream Macsuthen and his children, in perpetuum elemosinam, to the monks, about the years 1171-1178, David gives Ragewin, Gillepatric and Ulchill for ever to the church of the Holy Trinity of Dunfermline, "as my own men,"

The master, it appears, was entitled to any acquisition the slave or bondman might make, and to the property he enjoyed. David grants that the abbot and monks “shall have omnes homines, cum omni pecunia eorum (wherever they may be), that were on the lands on that day when they were offered up and given to the church of the Holy Trinity.” It is certain that such persons could not change their residence, that they were bound to remain on the lands. A charter by David, is entitled *de fugitives qui vocantur Cumberlachi*, and there is also one by William, *de fugitivis qui vocantur Cumerlaches*. Whether these were a particular description of bondmen, or acquired that appellation from being fugitives, or whether it was the surname of a distinct family of bondmen, if surname were then generally known, I shall not presume to decide. In the latter charter they are denominated *cumerbas*, and *cumerlachs*. In the former, the king commands the restoration of all Cumerlachi to the church of the Holy Trinity, “and all the slaves (servi) which my father, and mother, and brothers have given to it; and the cumerlache, from the time of king Edgar until now, with all their money” There are, besides, various other writings concerning fugitives. It is not easily ascertained whether the homines native, servi, ligii homines, were the same as such and early period, or what was the difference characterizing them. In the year 1275, lands are resigned into the king’s hands, “cum omnibus hominibus et cotariis eodem die in eadem terra manentibus, et cum tota posteritate eorum, in perpetuum;” and the king, by the next charter, disposes these lands to the abbey, “cum omnibus ligiis hominibus ad dictam terram pertinentibus”. Lands are frequently conveyed cum natives, in the thirteenth and fourteenth century. In the year 1278, Sir Ranulph de Strathechyn resigns the lands of Beeth Waldef into the king’s hands, “cum omnibus hominibus et cotariis”.

The right of property in such bondmen could equally be the subject of legal trial as that in an animal, in a house, or an estate. There is a memorandum entered in the chartulary, that on the 12 of May 1340, a jury was empaneled on a question of this nature, before the Sheriff of Fife, in the churchyard of Crail. . . . “Transiit hæc assisa, inter venerabilem patrem Alexandrum, Dei gratia Abbatem de Dunfermline, et Duncanum tunc Comitem de Fiff, super Alano quondam filio Constantini et duobus filiis, vid. Ricardo et Alano, qui se dicebant homines predicti Comitis: sed per fidelem assisam, fide dignorum et nobelium, eodem die facti errant homines ligii predicti domini abbatis”.

As bondage was thus transmitted by inheritance, it was important to preserve the lineage of the bondmen; several singular instances of which are found in the chartulary. These are genealogies, written in a hand approaching to the earlier part of the fourteenth century. It is difficult to read them, both on account of their numerous contractions, and from the injury which the chartulary has there sustained.

Genealogia Johannis Scoloc; - Patricius Stursarauch mortuus est apud Oroch, et sepultus in cimeterio de Kyngorn; Alanus Gilgrewer, filius ejus, mortuus est, apud Kyngl. et sepultus ibidem; Johannes Scoloc, filius ejus, mortuus est apud Kyngl. et sepultus ibidem; Johannes Scoloc, filius ejus, mortuus est apud Kyngl. et sepultus ibidem; qui quidem Johannis genuit tres filios, scilicet Adam, Johan. Bel, et Willielmum. Adam vero manens apud Kyngl. et ibidem post adventum Ballioli in Scociam interfectus, in cimeterio [ibidem] est sepultus.

[Patrick Stursarauch died at Orrok, and is buried in the cemetery of Kinghorn; Alan Gilgrewer his son died at Kyngl and is buried in the same place; John Scoloc, his son, died at Kyngl and is buried in the same place; which same John begat three sons, that is to say Adam, Johan, (?Bel, a girl?) and William. In fact that Adam, while dwelling at Kyngl, was killed there after the arrival of Balliol in Scotland and was buried in the cemetery of the same place.]

Then follows *Genealogia Johannis filii Adæ*:-

Adam, filius Johannis Scoloc senioris, mortuus est apud Kyngl. et sepultus ibidem; Johannes, filius ejus, vivit et manet ibidem.

[Adam son John Scoloc senior, died at Kyngl and is buried there: John his son is alive and dwelling at the same place.]

Next is *Genealogia Mauricii, filii Ricardi et Eugenii, fratris ejus* : - Gilchristinus Mantauch, filius Gilgrewer predicti, mortuus est apud Inchdrayn, et sepultus apud Kyngl.; Ricardus, filius ejus, mortuus est apud Inchdrayn, et sepultus apud Kyngl. ; Mauricius, filius ejus, vivit et manet apud Petynkir.

[Maurice, son of Richard and Eugenia, and his brothers: Gilchristinus Mantauch, son of the aforesaid Gilgrewer, died at Inchdrayn, and is buried at Kynl; Richard his son, died at Inchdrayn, and is buried at Kyngl; Maurice, his son, is alive and dwells at Pettycur.]

Immediately subsequent to this is *Genealogia filii Johannis Mallethny (or Mallechny)* - Mallethny, filius Gilgrewer predicti, mortuus est in Gathmilk, et sepelitur apud Kyngl; Johannis braciator, filius ejus, mortuus est in Petynkir, et sepelitur apud Kyngl; Mallechny, filius ejus, mortuus est in Kaskybaran, et sepelitur apud Kyngl; Willielmus, filius ejus, vivit et manet in Kaskynbaran.

[sons of Johannis Mallechny: Mallethny, son of the aforesaid Gilgrewer, died at Gathmilk and is buried at Kyngl: Johannis braciator (NB “braciator” in classical Latin can be translated as “trouser-maker”!) died at Pettycur, and is buried at Kyngl: Mallechny, his son died at Caskieberran, and is buried at Kyngl. William, his son, is alive living at Caskieberran.]

One remarkable circumstance attendant on these genealogies, is the apparent alteration of the surname in the course of succession: at least, it is not clear that the surname of the ancestor was retained by his posterity.

With regard to the obligations of the monastery towards its own bondmen, there is some elucidation contained in the verdict of a jury, as early as the year 1320. This jury, which consisted of eight persons, sat in the chapel of Logyn, on a question between the abbey and the men of Tweddale belonging to it. The latter, in the first place, demand that the abbot shall appoint a bailie of their own race, who shall re-pledge them to the court of the monastery; to which it is answered, by the jury, that such a bailie should be given to them, not only from feudal right, but from use and wont.

Secondly they require, that if any of their race shall be verging on want, or disabled by old age, that they be maintained by the monastery; to which the jury reply, on their oath, that the monastery is not bound to do so from strict law*, [Ex debito.] but from regard, as they are men belonging to it.

Thirdly, if one of their race shall slay a man, or commit any other crime, for which he may be reduced to seek the immunity of the church, and shall retire to the monastery of Dunfermline for safety, that so long as he remains there, he shall be defended from the

property of the abbey; to which the jury answer, that, as the monastery would do so to a stranger, much more must it be done to their own man.

Fourthly, they demand, that if any one of their race commits homicide, and pays a composition for it, the abbot and monks shall contribute twelve merks to discharge the composition. But on this, the jury declare, “that they never heard of such a thing “in all their lives.”

One of the abbots, probably Alexander, towards the earlier part of the fourteenth century, by a written deed, testifies that “Marcorun, and Edmund, and Michael, the son and heir of Edmund, as also the brothers and sisters of Edmund, Michael, Mervyner, Gyle-mycael, Malmuren, Gyllecriste and Gylemahagu, and their whole progeny, are our freemen, and at peace with us and the church. That they have our liberty to dwell where they please, (as freely and quietly as their predecessors and their descendants, whom King David gave to our church with Crebarin), delivering to us an ox two years old, or four shillings yearly.”

Here the peasantry seem also to have been denominated husbandi, cotarii, or cotagii.

In 1380, there is an exchange of lands, *pro sexdecem mansionibus husbandorum, et novem mansionibus cotagiorum et herbagiorum.*

These are the chief passages of the chartulary, illustrating the conditions of a class of people, whose unjust debasement has long been abrogated in Scotland.

[Tract Monastic Antiquities by John G. Dalyell P.40-49]



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