

**A GUIDE TO THE PUBLIC  
RECORDS OF SCOTLAND  
DEPOSITED IN H. M. GENERAL  
REGISTER HOUSE, EDINBURGH**

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**M. LIVINGSTONE**

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*Scotland, General register house.*

## A GUIDE

TO

### THE PUBLIC RECORDS OF SCOTLAND

DEPOSITED IN

H. M. GENERAL REGISTER HOUSE

EDINBURGH



BY

M. LIVINGSTONE, I.S.O.

LATE DEPUTY-KEEPER OF THE RECORDS

EDINBURGH

H. M. GENERAL REGISTER HOUSE

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## P R E F A C E.

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THE records and other muniments now deposited in the General Register House at Edinburgh, and to which this volume is intended as a guide or hand-book for the use of the public, are mainly those which, by virtue of their office, fell to the keeping of the officers known originally as the King's clerks, or clerks of the King's Chapel or Chancery, to whom were entrusted the preparation and issue of the royal briefs, charters, and other writs, and the writing of the rolls on which the various classes of documents relating to the transaction of public business were registered. These duties were probably, in the earlier periods, performed under the general supervision of the Chancellor and without any special or at least permanent and recognised separation of function among the clerks employed. An important document relating to the rolls or records, dated in 1282, and to which we shall afterwards have occasion to refer, was prepared and attested by three persons designed as "the King's clerks." One of these, William de Dunfreis or Dumfries, we find a few years afterwards, in

1290, described as clerk of the rolls of the King's Chapel or Chancery, and then and subsequently recognised as their responsible custodian. From 1290 onwards, though the record for the first fifty years is broken and the series of names for that reason perhaps incomplete, there is a constant succession of officials under the designation of clerk of the rolls, or, as the importance of the office became more fully recognised and its duties extended, under the wider descriptions of clerk of the rolls and register, or clerk of the register, council, and rolls, latterly abbreviated to Clerk-Register, to which, as to the titles of other high officers of State, was added, *more Scotico*, the honorary prefix of "Lord." Ultimately the Lord Clerk-Register became presiding clerk of Parliament, of the Privy Council, of the Courts of Session and Exchequer, and of all royal and parliamentary commissions, including the Commission of Teinds, with the power, partially withdrawn in 1728, of appointing deputies or assistants in these respective offices. The records of these bodies and of various administrative departments of State, with their warrants or instructions and all State papers, remained *ex officio* in his custody.

But besides the State records properly so-called, or, to use the words of the Act of 12th August, 1662, c. 38, such registers and public warrants as might "concerne his Majestie in the interest of his "croun or the publict government of the king-  
"dome," he was also the recognised and specially



*Preface.*

appointed custodian of other registers, which, again quoting the same Act, concerned "the private interest and securities of the subjects," such as the Registers of Sasines, of Hornings, of Inhibitions and Adjudications, and of Notarial Protocols. Relating to these registers, and from the time of their institution or at later periods, extensive statutory powers were conferred on the Lord Clerk-Register. These included the issue and authentication of the volumes used in the compilation of the registers, their final custody and preservation when completed, and the superintendence and, in some cases, the appointment of the clerks or keepers, who were made responsible to him for the regular and strict discharge of their duties. The courts of law were empowered and enjoined, on his complaint or application, to aid him in every way in the discharge of these duties, by enforcing his orders or giving effect to his complaints against negligent or refractory officers.

The policy, thus adopted, of placing the public registers of the kingdom under the supervision and ultimate keeping of an officer of State was one well calculated to secure the completeness, authenticity, and uniformity of the records, the permanence of the materials used in their preparation, and their protection, as far as possible, from the many accidents and agencies of destruction and decay to which written memorials have at all times and everywhere, but, in some respects, especially in Scotland, been peculiarly liable. No

sanction was wanting that might be added by a position of rank and influence to the Clerk-Register's authority in the exercise of these important functions. As an officer of State, his status and precedence were defined by statute. He had a seat and vote in Parliament, and was a member of Privy Council, one of those who, in 1593, were appointed to be in constant attendance on the King.

Wise and well-advised as the system was, however, the results attained, as attested by the statute-book and the evidence of extant records, did not always meet the expectations of its framers, either as regards the preparation or the security of the records. The clerks and keepers of the registers (we refer especially to those relating to private rights) were, as a rule, paid by the fees of registration and inspection, and their offices were frequently bought or conferred, for considerations other than fitness, on incompetent persons. The holders thus appointed not only discharged their duties negligently, but had, in many cases, a direct and pecuniary interest in retaining the volumes of record in their own hands, untransmitted, for undue periods. This retention, in many cases, resulted in the loss of valuable records in the hands of the holders or their representatives, or in the destruction of such records by fire or other accidents, where, as was too often the case, the registers were kept in the ordinary dwelling-houses of the keepers. Many gaps and imper-

fections in various classes of our records are undoubtedly due to these causes. Their operation, however, was not confined to Scotland. National archives in other countries have, no doubt, suffered as well by the negligence of officials as by the apathy and indifference with which, on the part of a considerable section of the public, the preservation of ancient muniments has been and still is regarded. But after making every allowance in these respects, and for the risks run in the civil broils in which all parts of our country were so frequently involved, it is the fact that by far the most serious losses we have to lament in the case of the Scottish records are those sustained in consequence of their wholesale removal to England by Edward I. and by Cromwell.

Evidence of the existence, before the death of Alexander III., of an extensive series of national records is afforded by a document now in the Public Record Office in London. This is a schedule or inventory, prepared in 1282, in obedience to a royal precept, by the King's clerks, Thomas de Carnoto, Ralph de Bosco, and William de Dunfreis, of the bulls, charters and other memoranda found in the King's treasury at Edinburgh. It contains a detailed list of a large number of papal bulls, charters, and treaties and other instruments relating to transactions with England, France, Flanders, and Norway, and concludes with an attestation that many other writings, enclosed in boxes, coffers, and