

Popular Courts in Early Medieval Scotland: Some Suggested Place-Name Evidence

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In his *Lectures on Scotch Legal Antiquities* Cosmo Innes put a question to which he did not profess to find an answer:

Was there in old Scotland anything equivalent to the County 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 and 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 (Innes 1872: 97–8).

In his footnote to this passage, Innes speculates on the possible juridical function of stone circles in addition to their use for burial and other religious rites. It may be added that he was here (as elsewhere) more indebted than he always acknowledged to the learned Joseph Robertson (1839: 338–9 and nn.).

Unfortunately, Innes did not say what he considered to be 'indications of such assemblies', unless (to judge from his footnoted speculation) he meant the abundant survival, especially in his own beloved north-eastern Scotland, of stone circles, and the occasional record of courts meeting at stone circles. Innes, of course, was lecturing before the neolithic and Bronze Age date of what in his day were still commonly called 'Druids' Circles' had been fully established. It was still possible for him to associate stone circles with the Celtic-speaking natives of Scotland even as late as the Dark Ages. Nevertheless, although we can discount Cosmo Innes's speculations about the 'circle of grey stones on the heath', we must allow that his original question was important and that, more than a century later, it has not yet been answered. Moreover, as we shall see, even the stone circles refuse to be excluded from the discussion, although their role may have been rather more accidental than Innes suggested.

As far as the English county court is concerned, the Scottish equivalent, the court of the sheriffdom (later 'sheriff court'), certainly existed by c.1200 (*RRS* II: 42–3), and

can safely be assumed to have had its origins not later than about the middle of the twelfth century. There was evidently a close link between the sheriffdom court and the court held by the king's justiciar (*RRS* II: 42, 46–7). Indications of continuity between the period before record (*i.e.* before *c.*1100) and the fully-developed medieval system of the thirteenth century may be seen in the association of the 'archaic' dempster (*judex*) with both justiciary courts and sheriffdom courts (*Fife Court Bk.* 1928: lxvi–xix; Barrow 1973: 70–4), in the habit of attaching dempsters to ancient provinces rather than to the newfangled sheriffdoms (Barrow 1973: 74–80), and in the surviving record of a royal provincial court of Fife and Fothrif, *c.*1128, attended by three *judices* including the 'great *judex* of Scotia', and in a session of the 'full court of Fife and Fothrif' presided over by the king's justiciar in 1266 (Lawrie 1905: no. 80; *Laing Chrs.* 1899: no. 8, p. 2).

Neither justiciary nor sheriffdom court can be regarded as 'popular' in the ordinary sense of the word, although the medieval mind would not have drawn any distinction between courts which we should classify as 'royal' and those which we should classify as 'popular'. In the medieval view all legitimate secular courts derived their authority from the crown, functioned for the benefit and correction of the people, and enforced, at however lowly a level, the common law of the land. (For example, *Coupar Angus Chrs.*, no. 35, i, p. 80, dating *c.*1223–30, shows the court held by Fergus brother of Earl Robert of Strathearn as lord of Our [Meikleour and Little Our, Perthshire], dispensing justice 'according to the laws of the land'. This agreement concerned the inhabitants of a single oxgang of land in Our). Burgh courts and lords' courts (predecessors of the 'baron courts' familiar from the fifteenth to the eighteenth century) would have been regarded in the same way, even though the modern socio-legal historian might be disposed to see the former evolving from the 'king's court in the burgh' into a genuinely 'popular' court, and the latter giving expression to the far-reaching power which a typical baron or laird could freely exercise over his own vassals or tenants.

When we come to search for the antecedents of sheriff courts, burgh courts and lords' courts in Scotland before *c.*1150 we are severely hampered by the jejune nature of surviving documentary evidence. There are undoubtedly archaic or conservative features in the record of the period from the twelfth to the fifteenth and even sixteenth century which taken together point unmistakably to the existence of a well-established juridical system before the reign of David I. Besides the archaic character of the network of dempsters or *judices*, already mentioned (Barrow 1973: 69–82), we may cite the comparable survival of mairs (*Fife Court Bk.* lxii–lxvi) and the system of indemnification typified by the well-known 'letters of slains', where 'slains' evidently represents Old Irish *slánachus*, and the survival in east Fife as late as 1431, of 'ranscauth', evidently from the Gaelic verb *rannsaich*, 'scrutinize', 'investigate', as part of a bundle of jurisdictional powers also including capital punishment, search and imprisonment (*RMS* II, no. 187, confirming an original grant by the earl of Fife dating between 1380 and 1396).

A further instance of survival which does not seem to have attracted much attention from legal historians² is to be found in an agreement of 4 April 1329 between Geoffrey abbot of Arbroath and Fergus son of Duncan (*Arbroath Liber* II, no. 2) which may be summarized as follows:

Agreement, dated Tuesday the feast of Saint Ambrose the bishop (4 April), 1329, between Abbot Geoffrey and the convent of Arbroath on the one hand and, on the other hand, Fergus son of Duncan, whereby the abbot and convent set at ferme to Fergus and one heir male of his body their whole land of Tolauch (Tulloes) and Crauchy (Craichie) on the south side of the water of Uveni (Vinny), except for Craichie Mill (in Dunnichen parish, Angus).

Fergus may introduce into the land to cultivate it both liege men of the abbot and also other simpler men (*alios homines simpliciores*, meaning perhaps men with few or no tenurial ties, or merely lowlier men), the abbot's liege men being able to be recalled by the abbot as and when required to cultivate and inhabit his other lands.

Fergus and his heir shall attend the abbot's court three times a year, and oftener if necessary, and are not to be subject to amercement heavier than five shillings, save in case of regality pleas.

But the men dwelling under him shall pay for their fines (*ammerciamentis*) as the other husbandmen of the abbot; and the men dwelling in the said land shall be bound, whenever the lord abbot or his bailies shall hold their court anent dittays (*inditamentis*) and disputes pertaining to the crown or other serious cases which require great assistance, to come to the abbot's court to re-inforce it, if reasonably forewarned.

The aforesaid Fergus and his heir shall have the court which is called Couthal for the men residing within the said land, to deal with the countless acts arising amongst themselves only, and they shall have the fines arising therefrom.

Here the word 'Couthal' (which the Bannatyne Club editor printed in italic but did not attempt to elucidate, though he indexed it among place-names) seems to stand for the Gaelic word *Comhdhail* (Old Irish, *comdál*), feminine, meaning 'assembly', 'meeting', 'conference' or 'tryst'. By itself the word would not necessarily indicate a court of law, but in this fourteenth-century document it is evidently so used. Moreover it is used in such a casual manner as to suggest that in Angus at least it was a well-known term applied to a species of birle or burlaw court, so humble indeed that Abbot Geoffrey speaks somewhat contemptuously of its dealing with the 'innumerosis actibus inter semetipsos tantummodo contingentibus' (*Arbroath Liber* II, p. 3).

The use of the term 'couthal' prompts us to ask whether it can be connected with a class of place-names to be found widely distributed from Sutherland to Lanarkshire and Peebles-shire. The class involves names which usually appear in modern spelling as Cuthel, Cuthill or Quithel. Dr William Alexander, in his Third Spalding Club volume on *The Place-Names of Aberdeenshire*, deals with the class thus: 'Quithel is a north-eastern form of the numerous group of names, Cuttle, Cuthill, Cuttie, Kettle, etc., all of which refer to a place where corn was carried from lower to higher ground and set up there for drying. *That is, following Jamieson's interpretation*' (*Aberd. P. N.*: 106 [my italics]; see also 249–50). The last sentence refers us to J. Jamieson's

*Dictionary of the Scottish Language*³ s.vv. 'cutle', 'cuthil', where the word (apparently a verb as well as a noun) is said to be used in Perthshire and West Lothian with the sense indicated. Oddly enough, Alexander's main treatment of the name refers to '(the) Quithel' in Old Deer, the fairly low-lying locality of which, close to the Cistercian abbey, hardly suits the meaning suggested. It is undeniable that a high proportion of names embodying this element show it in association with 'hill', 'brae' or 'head'. Nevertheless, while not denying the existence of a Scots word with the meaning given to it by Jamieson, it is hard to accept Alexander's interpretation as far as place-names are concerned. The agricultural operation involved must surely have been both small-scale and universal. We would therefore expect it either not to have given rise to permanent place-names at all or to have left far more numerous traces of its presence than we seem to have evidence for. Moreover, it is scarcely possible for a dialect word meaning 'to gather corn together for drying' to have persisted as a place-name in eastern Sutherland, Angus, Perthshire and Fife from the twelfth and thirteenth centuries, often becoming attached to farms or crofts.

The *Dictionary of the Older Scottish Tongue*, s.v. 'cuthill', ignores Jamieson; its laconic entry is 'grove, small wood (of obscure origin)'. Its examples are drawn partly from place-names and partly from Andrew Wyntoun's *Original Chronicle* and Gavin Douglas's translation of the *Æneid*. Wyntoun's brief passage on Saint Benedict of Nursia seems to be derived from Gregory the Great's *Life of Benedict*. Wyntoun says that Benedict cut down the 'kwthlys' (var. 'kuthillis', 'kuchlis', 'cuthills') which peasants were accustomed to use to venerate their idols.⁴ The word was evidently meant to translate *lucos*, 'groves', in the passage in which Saint Gregory tells of Benedict's coming to Monte Cassino:

Illuc itaque vir Dei perveniens, contrivit idolum, subvertit aram, succendit [var. succidit] lucos.⁵

A grove is not quite the same thing as a 'small wood' but implies rather a clearing in a wood, or a sequestered place fringed by trees, apparently the original meaning of *lucus* also. This ambiguity is seen in Douglas's—and perhaps also in Virgil's—use of 'cuthyll (cuthill)', and 'lucus' respectively. In Book VIII, lines 270–1, Virgil has 'custos Pinaria sacri hanc aram luco statuit', which Douglas renders as: 'the cheif keparis of Hercules hallowyt hald yhon altar in this cuthyll did upbeild.'⁶ In lines 598–9 of Book VIII, Douglas turns Virgil's 'undique colles inclusere caui et nigra nemus abiete cingunt' into 'ane thyk ayk wod of skowgy fyrris stowt belappis all the said cuthill abowt' (where 'cuthill' refers back to Virgil's *ingens lucus* in line 597).⁷

The place-name examples cited by *DOST* consist of nos. 2.21 and 2.29 in Appendix I below (both sixteenth century). While 2.29 may point to 'cuthill' being treated as equivalent of 'little wood', 2.21 does not seem unambiguous. Here we have 'the shaw and wood called Cuthill wood of Craigmakerran', and the 'Cuthel and wood of Craigmakerran', as though 'cuthel' and 'wood' were distinct entities,

although 'shaw', a small wood, might conceivably be a synonym. Perhaps in both cases the word 'grove' might give the sense of 'cuthel' better than 'wood'. A document of 1565 cited by *DOST* from the *Records of the Earldom of Orkney* lists 'bromes, woddis, cuthills, schawis, treis', suggesting that 'cuthill' was not an exact synonym of 'shaw'. 1.2. (not cited by *DOST*) also suggests a connection with 'wood'.

Nevertheless, the place-name material as a whole tells against any equation with 'wood' and perhaps does not even point to 'grove' as the primary sense. If we are dealing with a place-name element identical with the 'couthal' of the Arbroath document of 1329 then the primary meaning might be 'assembly' or 'meeting', hence 'place where people habitually assemble'. The Arbroath document, which is earlier by a century than any of the literary evidence, suggests that what they assembled for was the session of some court.

With this in mind, we may consider the material set out as an appendix to this paper. The names have been listed for convenience in two groups, not necessarily historically significant. Group 1 (nos. 1.1 to 1.27) contains place-names still appearing on the 1 in. 7th Series Ordnance Survey maps and/or on the metric 1/50,000 series. NG references can of course be given for all members of the group. Wherever forms are known from sources earlier than the Ordnance Survey itself, Alexander's *Place-Names of Aberdeenshire*, Watson's *Place-Names of Ross and Cromarty* and the *County Directory* (1867), these have been given with the date (precise or approximate) and the source. In every case the earliest form known to me has been given, together with (in some cases) one or more intermediate forms. In several cases topographical detail which might be relevant has been added. Group 2 (nos. 2.1. to 2.29) consists of place-names apparently, or possibly, belonging to the same class which do not appear on the 1 in. or 1/50,000 maps (though they may appear on larger-scale Ordnance Survey productions) but which can be found in some reliable source. Wherever possible these names have been assigned to a parish, and in some cases it has been possible to give at least an approximate NG reference. In the case of both groups the names are listed by pre-1975 county, running roughly from north to south. The resulting distribution is shown in Figure 1 (Group 1) and Figure 2 (Group 2).

It is important to bear two points in mind when considering the historical implications of the material. Firstly, it is by no means certain that every name listed provides an example of an element ('cuthill', 'cuthel', *etc.*) which may stand for the Gaelic word *comhdhail* (genitive, *comhdhalach*). While it seems likely that names surviving in 'cuthill', 'cuthel', 'cothal' and 'couthally' do indeed represent *comhdhail*, it is arguable that only some—or perhaps none—of the names in 'cuttle' or 'cuttie' do so. Here, however, we have to note no. 1.13 where the modern Cuttieshillock and Cutties' Wood seem to go back to a name Cuthill recorded in 1654. If this development has occurred in that particular instance there seems no obvious reason why it should not have occurred elsewhere. A few names, *e.g.* 1.9, 2.12 and,

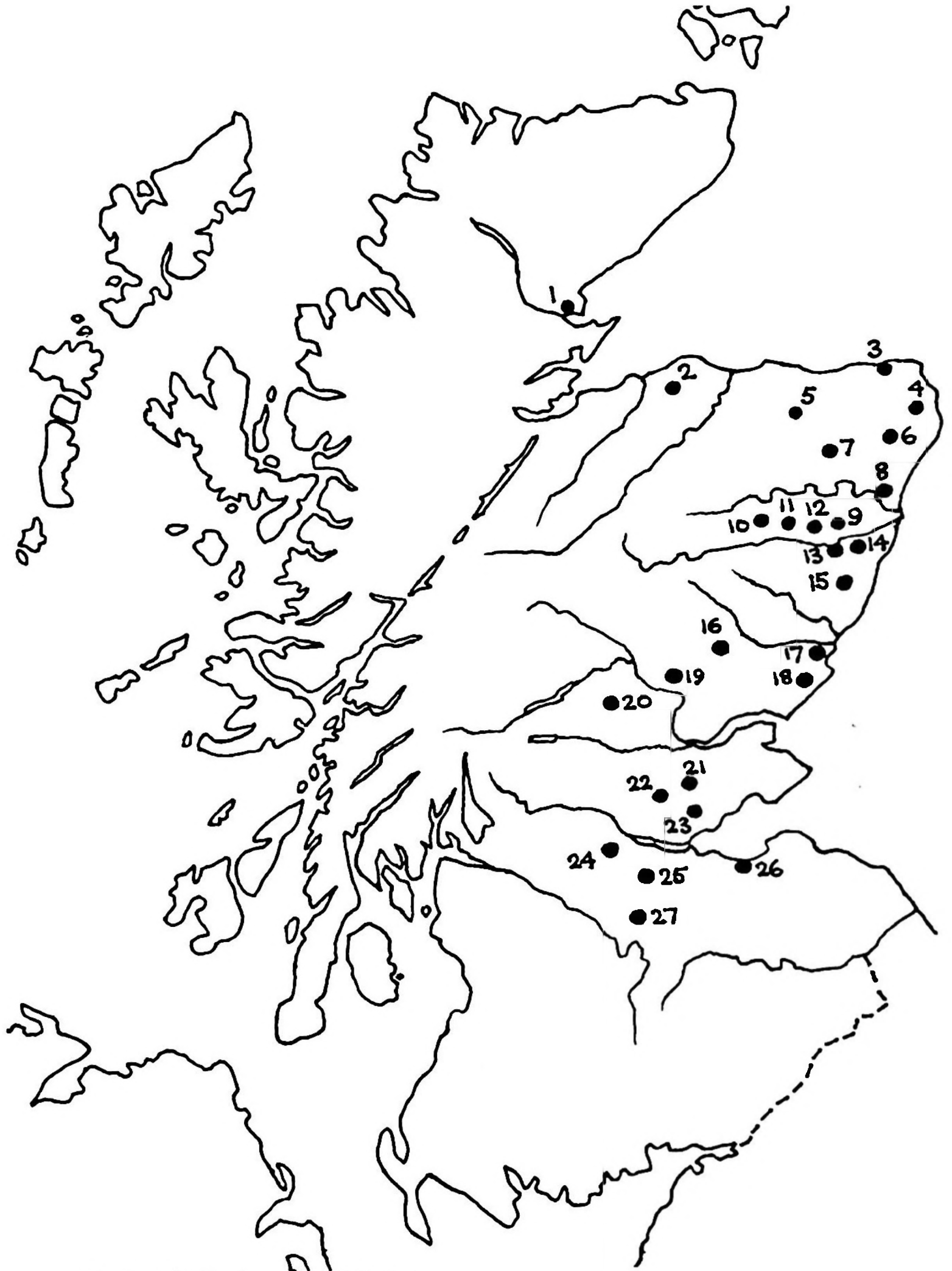


Fig. 1 Distribution of *comhdhail* place-names, group 1.1–1.27 (see pp. 5 and 12).

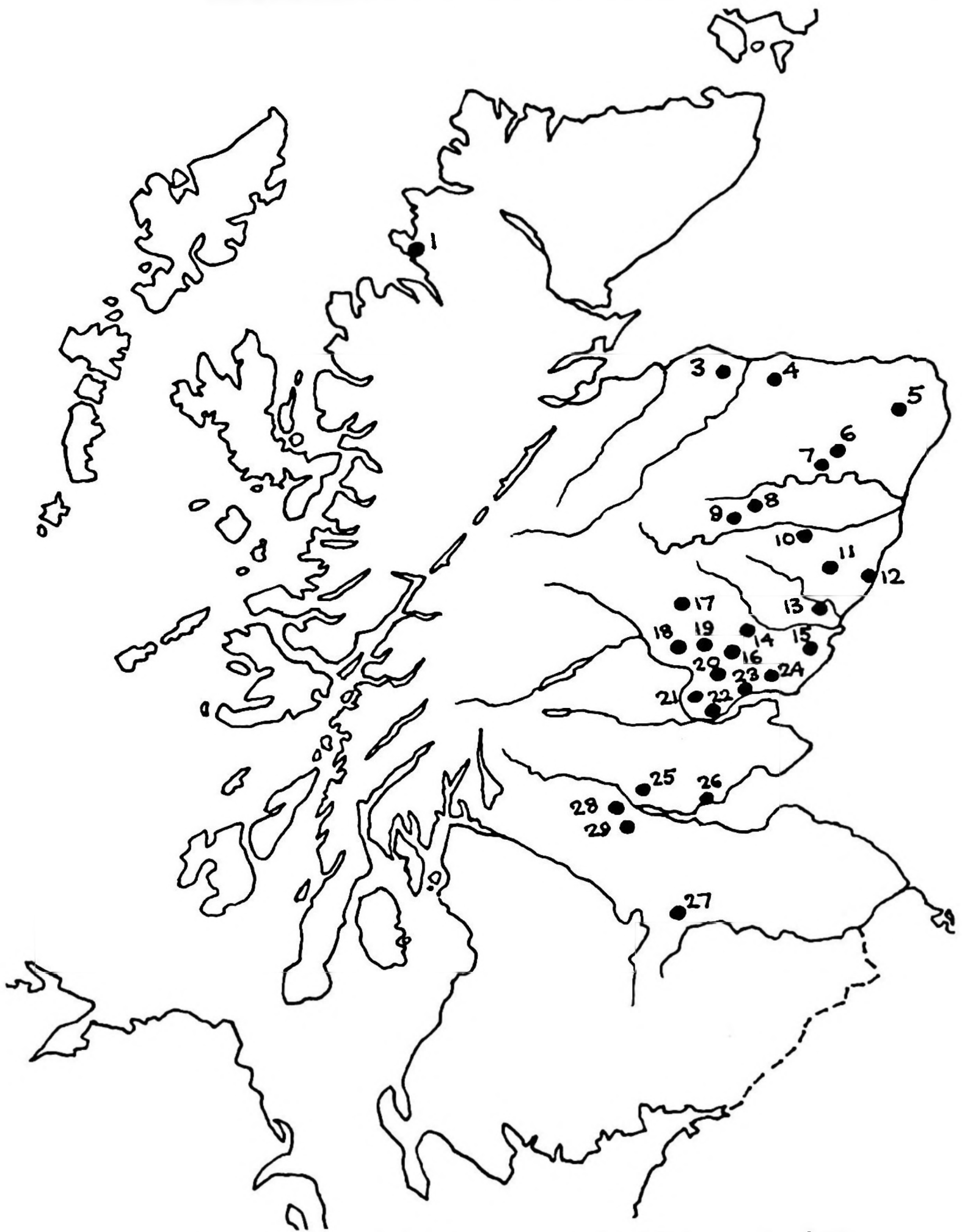


Fig. 2 Distribution of *Comhdhail* place-names, group 2.1–2.29 (see pp. 5 and 16).

although not very probably, 2.20, may really represent the Scots vernacular compound 'cot' + 'hill'. No systematic effort has been made to learn the local or traditional pronunciation of the names listed. The second point to keep in mind is that the list does not pretend to be exhaustive, for whereas the *Retours* have been examined in detail, the *Great Seal Register* from 1513 onward and several other series of official records (*e.g.* the *Exchequer Rolls* from vol. II) have not been consulted at all. Only a small selection of local histories and topographical works have been searched, although almost all the ecclesiastical and secular cartularies and comparable collections have been combed fairly thoroughly. Consequently, the list may omit some names which ought to be there but contain several which ought not. In the case of some names, omission is due to my own fence-sitting. For example, I have included the doubtful-looking Candle Stone (Ellon) because of Alexander's comment, *s.v.* (*Aberd. P.N.*: 32), but somewhat illogically I have included only one of the Aberdeenshire 'Candlehills' to which Alexander there refers. Likewise omitted is Drumwhindle in Ellon—perhaps to be connected with the name Candle Stone. I have deliberately left out of account the Kettle-, Kittle-, Kittie- names, since the difference of vowel quality seems fundamental. Quithel- names, on the other hand, have been included, since the form seems comparable to well-recorded forms such as Cuithill, Culthill *etc.*, and in the case of the Old Deer example the change from Cuthill to Quithel is well attested. Moreover, Kettle in Fife is recorded as Cattell, Katel as early as the twelfth century (*RRS* I: 229; *North Berwick Carte* no. 3: 6), and these forms seem quite unrelated to our cuthill- names.

Turning from morphology to the geographical and documentary context of the material, we have already noted that a high proportion of listed place-names (some 16 out of a total of 53) are (or seem to be) associated with 'hill', 'brae' or 'head', while Cuttlecraigs (1.7) and Coleduns (2.14) may contain elements suggestive of a hilltop site. Of the other associated elements, 'stane (stone)', occurs perhaps five times—although it must be said that the earliest forms of Coldstone (1.10) do not inspire any confidence that 'stone' is not a late-medieval anglicisation, while in the absence of early forms 2.9 must also be regarded as doubtful. Watson was ready to see Coldstone as a Gaelic-English hybrid containing *comhdhail* (M. Irish, *comdāl*) and 'stan(e)' (Watson 1926: 182, 492). Although he used Theiner's *Vetera Monumenta*, the only work in which the thirteenth-century forms were available in print when Watson's work on place-names was going forward,⁸ Watson seems not to have been aware of them. He took the name to mean 'trysting stone' and compared it with a reputed 'clach na comhalach' near Achiltibuie (*op. cit.*: 182, 492; *Ross P.N.*: 258). The form Quoquoddilstane seems to confirm that in this morphologically fluctuating place-name we have the element *comhdhail* which was probably a difficult word to assimilate to a form acceptable in Scots. The form Colquhondistane may strengthen the suggestion that the Candle Stone in Ellon also contains this element. At least in this case the second element must refer to a real stone, for it is still extant. No

comparable monolith is known at the site of Coldstone, although the old kirkyard is cut into the south slope of a conspicuous rounded knowe.

1.22 combines the *comhdhail* element with *droigheann*, 'thorn', but plant association seems uncommon. In the oldest form of 1.1 the second element *dabhach* is presumably qualifying: 'cuthill of the davach'; whereas in 1.7, 1.21 (Cuthilmuir), 1.24, 2.2, 2.15, 2.19, 2.22, 2.24 (Cuthilmyre) 2.26, 2.27 and 2.29, the second element is primary, and it is 'cuthill' which is the qualifying element. Many of these names are no doubt of comparatively late formation, but 2.13 is found only in the thirteenth century. 'Login cuthel' presumably means '*lagan* ('hollow') of the cuthill', that is 'the place called *lagan* (an extremely common place-name element) which is distinguished by the presence of a cuthill'.

In any comparison of Scotland with England it is worth recalling that the open-air, landmark character of ancient English popular courts is clearly shown by the high proportion of hundred and wapentake names which embody the elements 'stone' (Hurstingstone), 'cross' (Osgoldcross), 'law' = 'hill' (Oswaldslaw, Harlow), *beorg* (Langbargh, Loosebarrow), 'tree' (Wixamtree, Thedwestry), 'ash' (Brooms Ash), 'oak' (Skyrack) and—although this is noticeably rare—'hill' (Pirehill).⁹ Such names remind us that common law once derived some of its validity from being administered under God's open sky. Although no exact parallel can be drawn, it is noteworthy that the class of cuthill names contains several which associate the key word with hills, hillocks, braes, and muirs. We may note here the record of the justiciary court of Fife and Fothrif in 1266 (already mentioned) (*Laing Chrs.* no. 8) which convened 'on the muir of Pitcorthie' (East Fife), a site distinguished in both fact and place-name by prominent standing stones. In 1349 the justiciar of Scotland benorth Forth held a court 'apud stantes lapides de Rane en le Garviach', that is, at the stone circle on the Candle Hill of Rayne (no. 2.6) (*Aberdeen Reg.* 1: 80), and in 1380 the King's Lieutenant in the north parts held a court 'apud stantes lapides de Ester Kyngucy in Badenach' or 'apud le standand stanys de le Rathe de Kyngucy estir', *i.e.* at the stone circle formerly at Rait, two miles east of Kingussie (*Moray Reg.:* 183-4). Comparably, we have Cuthilmuir in Orwell (1.21), significantly close to the county boundaries of Fife, Kinross and Perthshire, and also close to an area marked by numerous standing stones. 1.22 is on a comparable muirland site, containing Thorn Knowe, a pre-historic burial cairn. (For the site I have used field information contained in the Ordnance Survey Name Book for Kinross-shire.) 2.7 is perhaps a doubtful member of the class, but the site is a conspicuous hilltop with a stone circle of the recumbent stone type (*Aberdeen P.N.:* 232). 2.14 may be located tentatively on another conspicuous rounded green hill in the north of Kingoldrum parish, the site of a justiciary court in 1253. It is not certainly a cuthill name, although the form may be compared with the earliest known forms for 1.10 and 1.21. It might conceivably embody the Old English word *dūn*, a down or rounded hill, although the date seems too early for the place-name use of English in the braes of Angus.

If the hypothesis put forward here could be proved, the survival of over fifty place-names containing the term *comhdhail*, either as a simplex name or in a compound, would throw some 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 local level well back from the twelfth century to the period from the ninth to the eleventh century. If our cuthill names (or a majority of them) do indeed represent places where courts met regularly over a long enough period to give rise to a durable place-name, then we should be able to fit our information about dempsters (*judices*) and mairs into a realistic geographical context, and their survival into the fourteenth century or later, together with the survival of other features from the period before *c.* 1150 would become easier to understand. We should no longer need to see the dempsters fitting somewhat awkwardly into the newer sheriffdom court/justiciary court system. The distribution of our names suggests that a popular court might well have existed for each area approximating to the size of an average medieval parish. It must be significant that there is scarcely one unambiguous instance of more than one cuthill name occurring within one historic parish. Exceptions might be provided by 1.23 and 2.26, both in Aberdour, Fife, but it must be noted that 1.23 is very close to the northern parish boundary, and might have lain in the debateable territory to the north of Dalgety and Aberdour most of which became the parish of Beath. It might further be suggested that a customary court meeting-place might be expected for each shire of the early type, and that some at least of the surviving cuthill names refer to such localities. In this connection we note that an old alternative name for the parish of Coull, Aberdeenshire was 'the shire o' Gellan' (*Aberd. P.-N.*: 288); 1.11 is three-quarters of a mile from North Gellan.

That the meeting-places indicated—if, indeed, they are indicated—by the cuthill element had an antiquity comparable with the hundred, small shire and wapentake meeting-places in England is strongly suggested by their geographical association, in an appreciable number of cases, with major prehistoric monuments, especially cairns, stone-circles and standing stones. This association may be seen in the case of some twelve sites on the list, and that dozen is probably an underestimate. Moreover, in the case of 1.8, 1.16 (Gallow Knowe), 1.27, 2.5, 2.16, 2.26 and 2.27 the cuthill name is associated with a lord's hall or castle or at least with the holding of courts and with punishment, and the same may be true of 1.17. If the word cuthill really meant no more than 'grove' or 'place where corn was dried' these coincidences would be, to say the least, remarkable.

The distribution prompts us to ask why the eastern side of Scotland (overwhelmingly the North Sea littoral) has so many of the cuthill names and why there are practically none in the central or west highlands and apparently none in the isles. If cuthill really stands for *comhdhail* then a plausible explanation would be that such a term, applied to a place of customary resort for court meetings, would tend to harden into a place-name only when the Gaelic language was yielding place to

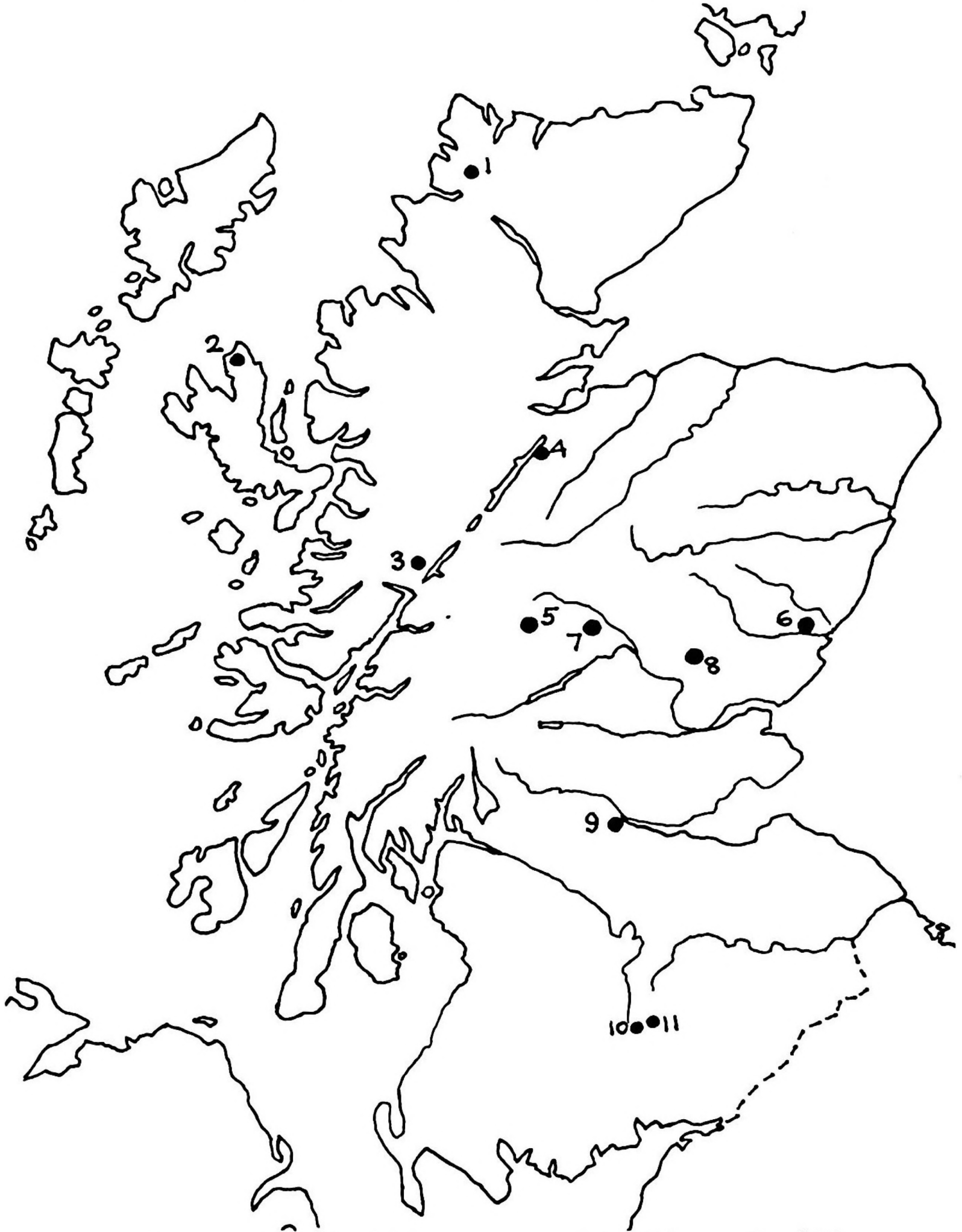


Fig. 3 Distribution of *eireachd* place-names, group 3.1–3.11 (see pp. 12 and 21).

English or where English was at least co-existing with Gaelic. In areas where only Gaelic was spoken there would not be the necessity of turning what was a mere description, well understood by all, into the permanent name for a locality. But at a later period, by the time Gaelic had yielded to English even in these more highland or westerly areas, the courts to which the word referred had long ceased to meet and had been replaced by baron courts and sheriff courts, so that the term did not have time to 'stick'.

It might also be true that an alternative term had always been, or at least became, preferable in the west. Such a term as *eireachd* (Old Irish *airecht*), 'assembly', 'court', might take the place of *comhdhail* in certain western and/or highland regions (Watson 1926: 491). Watson's treatment of this element is rather fuller than his treatment of *comhdhail* (*op. cit.*: 492), and most of what is written here on *eireachd* is derived, directly or indirectly, from his book. Dr J. W. M. Bannerman, with whom I have discussed the contents of this paper, suggests that *eireachd* would normally indicate a larger or more important assembly than seems to be indicated by the use of *comhdhail*, and that its distribution is not necessarily to be seen as parallel to that of *comhdhail*. Certainly this word has left its mark on place-names (see Appendix II) and in at least some cases it seems to have had the meaning of 'court'. Its distribution (Fig. 3) shows a markedly more western and highland bias, although if I am correct in classifying Airth in Stirlingshire (and more doubtfully Arrat in Angus) as examples then this word too could penetrate into the eastern lowlands and overlap slightly with *comhdhail*. Other terms which have to be taken into account are *aonach*, which seems to have been used of fairs or markets rather than of popular courts, and *tional*, which perhaps had more the sense of a mustering or rallying place (*op. cit.*: 491-2). There are, of course, comparable place-names in non-Celtic languages, e.g. Dingwall (Ross and Cromarty), Tinwald (Dumfriesshire), both standing for Scandinavian *þing vøllr*, 'field or place of the court or assembly', and Meet Hill (Peterhead, formerly Inverugie, Aberdeenshire) and Moathill (Cupar, Fife). These have not been considered here, but would need to be taken into account in any comprehensive survey of the evidence.

APPENDIX I

1 Place-names shown on Ordnance Survey 1in. 7th series or 1/50,000 maps (Place-name in capitals, parish in lower case below)

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Sutherland			
1.1 CUTHILL Dornoch	NH753878	Cuttheldawach 1275 Cuthill 1605	<i>Bannatyne Misc.</i> III (1848): 22, 23 <i>Retours</i> , Sutherland, no. 2

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Moray			
1.2 COTHALL Alves	NJ116603	lie Cuthill 1567 (wood commonly called) lie Cuthell de Elves 1612 (wood called)	Moray Reg.:393 <i>Retours</i> , Elgin, no. 183
Aberdeen			
1.3 GLENQUITHLE Aberdour	NJ844645		<i>Aberd. P.N:</i> 65
1.4 CUTTYHILL Longside	NK043503		<i>Aberd. P.N:</i> 45
1.5 CUTTLEHILL (UPPER, NETHER) Cairnie	NJ494475 NJ499475		<i>Aberd. P.N:</i> 249–50
1.6 CANDLE STONE Ellon	NJ922348		<i>Aberd. P.N:</i> 32
1.7 CUTTLECRAIGS Daviot	NJ760267	Cuthill 1696	<i>Abdn. Poll Bk.</i>
1.8 COTHILL or COTHAL Fintray	NJ847171	Cuthilmylne 1634	<i>Aberd. P.N:</i> 40
1.9 COTHILL Kincardine o' Neil	NJ640024	Perhaps cot + hill, but immediately north of remains of stone circle, O.S. 6 in.(1868), sheet 83	
1.10 COLDSTONE Logie Coldstone	NJ432056	Colesen <i>c.</i> 1250 Colessen, Colecoyn 1274–6 Codlystanys 1374 Codilstane 1402 Kilchodistan 1342 Culquhodstane 1537 Colquhondistane 1549 Quoquoddilstane 1570	<i>St Andrews Liber:</i> 356 <i>SHS Miscellany</i> vi: 42, 65 <i>Cal.Pap.Reg.</i> IV: 200 <i>Lindores Chrs.:</i> 294 <i>Chart. Univ. Paris,</i> II: 596, n.3 <i>Kinloss Recs.:</i> 144 <i>A-B Coll:</i> 116 <i>A-B Coll:</i> 229
1.11 CUTTIESHILLOCK Coull	NJ488029	In vicinity of stone circle at NJ488035	<i>Aberd. P.N:</i> 249
1.12 QUITTLEHEAD Lumphanan	NJ568046		<i>Aberd. P.N:</i> 358

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Kincardine			
1.13 CUTTIESHILLOCK Strachan (also CUTTIE'S WOOD and ORD OF CUTTIES- HILLOCK)	NO646911	Cuthill 1654 Shown with 'Cuttie's Market' and market stance on the Map of Kincardine- shire (1827)	<i>Retours</i> , Kincardine, no. 87
1.14 QUITHELHEAD Durris	NO746933		
1.15 QUITHEL Glenbervic	NO785847	½ mile E is Cuttiesouter	
Angus			
1.16 COTHELHILL Lintrathen	NO289549	Cuthill hill c. 1600 Close to Gallow Knowe with tumulus, and Hangmans Acre	N.L.S., Pont MS Maps 29 ('Part of Angusse')
1.17 COTHILL Lunan	NO668517	Cothill 1667 ½ mile from Courthill; 'Grahams Hillock', cairn?, to SW	<i>Retours</i> , Forfar, nos. 425, 527
1.18 CUTHLIE Arbirlot	NO596414	Cuthle 1471 Cuthlie 1564 Cuithlie, Cuthlie 1612, 1630	<i>RMS</i> II, no. 1037 <i>Laing Charters</i> , no. 910 <i>Retours</i> , Forfar, nos. 191, 366
Perth			
1.19 CULHILL Caputh	NO097418	Cuthylgrudyn 1266 Cothelgurddy 1290 Cuthilgurdy 1471 Cuthilgourdy 1545	<i>Exch.R.</i> I: 34 <i>Exch.R.</i> , I: 51 <i>RMS</i> II, no. 1030 <i>Retours</i> , Perth, no. 2
1.20 INNERCOCHILL (Also GLEN COC- HILL, COCHILL BURN) Little Dunkeld (formerly Lagganallachy)	NN914382	Innercochtkill 1564 Innerchochell 1689 (Assuming that Cochill Burn is a late back formation from either Innercochill or Glen Cochill, respectively 'confluence', 'glen' of the assembly)	<i>Dunkeld Rentale</i> : 348 <i>Retours</i> , Perth, no. 980

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Kinross			
1.21 CUTHIL and CUTHILMUIR Orwell (formerly Perth- shire)	NO153080	Colethin c.1240–50 Cuthill* 1649 Cuthillmuir 1867	<i>SHR</i> II: 173 <i>Perthshire Rentall</i> : 24 <i>County Directory of Scotland</i>
1.22 COLDRAIN Fossoway	NO080004	Cothilduran(e) 1363–9 Cuthildurane 1391 (‘in earldom of Strathearn’) The name is from <i>còmh- dhail droigheann</i> , ‘assembly place of thorns’, and is near a pre-historic burial mound called Thorn Knowe. Perhaps compare Culdrain in Gartly, Aberdeenshire, Coldrane 1511. Coltrannie in Auchtergaven, Perth- shire, Coldrayny on NCS, Pont MS. Maps 24, ‘Country above Perth’, c. 1600, is more probably, like Cuiltrannich in Kenmore, <i>Cuilte raithnich</i> , ‘bracken neuk’	<i>RMS</i> I, no. 825
Fife			
1.23 CUTTLEHILL Aberdour	NT156894	Cuttlehill 1867 This name, belonging to a colliery site in the north of the parish, presumably developed independently of 2.26 below	<i>County Directory of Scotland</i> (1867)
Stirling			
1.24 CUTHELTON Denny and Duni- pace <i>See also 2.29 below</i>	NS821820	Cuthiltoun 1510 Cuthiltoun 1622 (associated with Herbertshire)	<i>RMS</i> II, no. 3444 <i>Retours</i> , Stirling, no. 113
West Lothian			
1.25 CUTHILL Whitburn	NS989631	Cuttill 1592	<i>West Lothian P-N</i> : 110 (<i>Edinburgh Testaments</i>)

* Misprinted Outhill

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
East Lothian			
1.26 CUTHILL Prestonpans	NT383743	Alternatively Cuttle (Groome, <i>Gazetteer</i>)	
Lanark			
1.27 COUTHALLEY (also COUTHALLY, COWTHALLY) Carnwath	NS972482	Couthely 1490 (?) Codele 1524 Cutheily 1527, 1533 etc. (wood of) (courts held at) Cuthеле, Couthelie, Cowellie 1536 Cowthely 1544 Cudalie 1676 The castle of the Somervilles. The name is said to occur in 1372, <i>OPS</i> I. 127-8	<i>RMS</i> II, no. 1984 <i>Carnwath Ct. Bk.:</i> 13, 67, 101, 152, 155, 165 <i>op.cit.:</i> 149, 190, 192, 193 <i>Retours, Lanark,</i> no. 337

2 Place-names not shown on Ordnance Survey 1 in. 7th series or 1/50,000 maps
(Parish, where identifiable, in column 2)

<i>County</i>	<i>Parish</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Ross and Cromarty 2.1	Lochbroom	Clach na Còmhalaich approx. NC052090 <i>ex inf.</i> I. Fraser, School of Scottish Studies	<i>Ross P.N.:</i> 258
Moray 2.2	?	Cuthilfeld 1389 (‘toun of’)	<i>Moray Reg.:</i> 393
2.3	Spynie	Cuthilbyrnie hill 1567	<i>Moray Reg.:</i> 395
Banff 2.4	Rathven	Cuttlebrae 1867 at NJ403614, O.S. 6 in. Banff (1872)	<i>County Directory of Scotland</i> (1867)

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Aberdeen			
2.5	Old Deer	Cuthyll 1544 Cuthill 1554 (manerea de Deir) Cothill 1587 (mains called) Cuthil c.1600 lie Cuthill 1637	A.B. III. iv: 20 21, 23, 27 A.B. III., iv: 557 N.L.S., Pont MS Maps 10 ('Buchan') <i>Retours</i> , Aberdeen, no. 240; cf. nos. 387, 400
2.6	Rayne	Candlehill at NJ679279 the site of a major stone circle	<i>Aberd. PN</i> :32
2.7	Keig	Cothiemuir Hill or The Cothiemuir at NJ617198	OS 6 in. Aberdeenshire (1874); <i>Aberd. PN</i> : 232
2.8	Tarland (?)	ly townis de Cottilstane 1543 OS 6 in. (1868), Sheet 71, shows Cot Hillock at NJ498069, north of W and E Pett. Possibly to be identified with Cothilstane occurring in a marginal addition (xv cent.) in the St Andrews Cathedral Priory cartulary (S.R.O. GD45/27/8, fo. cxiii) to the effect that 'hachadgouan', now lost, in Tarland parish was alternatively so called. See <i>St Andrews Liber</i> , p. xxi	A-B III. iv: 481
2.9	Tullich	Colsten Burn, Glen Colsten (joins Queel Burn at NO400982)	<i>Aberd. P.N</i> :225
2.10	Birse	Quithelhead (beside Allanreich, NO573967)	<i>Aberd. P.N</i> : 357
Kincardine			
2.11	Fordoun or Fettercairn?	Cowhill 1636 Associated with Balmain and other places in Fetter- cairn. Cutties Hill shown $\frac{2}{3}$ mile E by S of Fettercairn	<i>Retours</i> , Kincardine, no. 67

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
<i>Kincardine Contd.</i>			
2.12	Dunnottar	church on OS 6 in. Kincardineshire (1868), at NO663734, in Fordoun parish Cotthill, common moor of, Cot Hill 1780 (N of Cowieswells, at NO878808)	Adams 1971: 126; S.R.O. RHP41
<i>Angus</i>			
2.13	Logic-Pert	Login cuthel 1243 Refers to church, site of which is at NO705635	Anderson 1922: II. 524
2.14	Kingoldrum	Coledunes 1253 Coleduns 1256 Justiciary court held upon in 1253. Examination of sources compared with <i>Arb.</i> <i>Lib.</i> II, no. 122 suggests location at NO320575. For form of name, <i>cf.</i> 1.10 and 1.21 above	<i>Arbroath Liber</i> I, nos. [294], [295], pp. 226, 228
2.15	Arbroath and St Vigean	Cuthill furd 1612	<i>Laing Charters</i> , no. 1647
2.16	Ruthven	Candle Hill At NO296487 as shown on O.S. 6 in. Forfar (1865), immediately N of Hangmans Acre	
<i>Perth</i>			
2.17	Kirkmichael	Cowthill, Cowill 1510 Cuthley c.1600 Couthill 1629 Cuithill 1649 Cuthill 1835 Associated with also lost Sharavoll, for which read Shanavoll, to be identified with Seanna Bhaile shown	<i>RMS</i> II, no. 3450 N.L.S., Pont MS. Maps 27 (Strathardle and Glenshey') <i>Retours, Perth</i> , no. 367 <i>Perthshire Rental</i> : 56 <i>Perthshire Rental</i> : 57

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Perth <i>Contd.</i>			
		on OS 6 in. Perthshire (1867) at confluence of Lochsie with Allt Ghlinn Thaitneich. Pont's map shows 'Cuthley' at lower end of Gleann Taitneach, but apparently on the west bank of the burn. This is probably an error, since James Stobie's Map of Perthshire (1783) shows Wester Cuthell, Cuthell and Easter Cuthell on the east or left bank of Allt Ghlinn Thaitneich and Shee Water, opposite the ruins of Dalmunzie and below 'Shenevald'	
2.18	Clunie	Cothill 1510 Coitthill 1630 Cuilthill 1649 Cothill shown at NO095455 on O.S. 6 in. Perthshire (1867)	<i>RMS</i> II, no. 3423 <i>Retours</i> , Perth, no. 401 <i>Perthshire Rental</i> : 48
2.19	Blairgowrie	Cuttleburn 1835	<i>Perthshire Rental</i> : 39
2.20	Coupar Angus	The Cothil, the Kothyl (of Keithick) 1474 auchtapairt of Kethik callit the Cothill 1495 the Cothill (eighth part of Keithick) 1542	<i>Coupar Angus Rental</i> , I: 194, 196 <i>op. cit.</i> : 245 <i>op. cit.</i> : II: 182
2.21	St Martins	Cuthill wood of Craigmakerran 1585 (shaw and wood called) Cuthell and wood of Craigmakerran 1601 lie Cuthill 1642 (of the lands of Craigmakerran) Craigmakerran occupies a conspicuous hilltop site with stone circles to NE and S	<i>Scone Liber</i> : 226-7 <i>Retours</i> , Perth, no. 83 <i>Retours</i> , Perth, no. 507

Appendix I *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
2.22	Kinfauns	Cuthillsydes 1629 Cuthellside 1835	<i>Retours</i> , Perth, no. 389 <i>Perthshire Rentall</i> : 13
2.23	Longforган	Cutles, Easter and Wester 1695	<i>Retours</i> Perth, no. 1017
2.24	Fowlis Easter	Cuthel, Chutel 12th-13th century Cuthilmyre before 1364	<i>St Andrews Liber</i> : 40-1 <i>RMS</i> 1, no. 177
Clackmannan			
2.25	Alloa (?)	Cuthill 1649 (in barony of Sauchie)	<i>Retours</i> , Clack- mannan, no. 26
Fife			
2.26	Aberdour	Cutilhill, Cuithillhill, Cuthilhill 1563 The name became modern- ised as Cuttlehill, but this was restricted to the ground called Cuttlehill Park when Cuttlehill House was re- named Aberdour House. The site is immediately west of the old castle of Aberdour, at NT192854. Presumably this site and name are not connected with 1.23 above.	<i>Inchcolm Chrs.</i> : 218, 222, 226; <i>cf. Retours</i> , Fife, nos. 118, 338 etc.
Peebles			
2.27	Broughton, Kirkbucho and Glenholm	Cuithilhall 1677 Cuttlehall, Kittlehall, Cuttle-hill Identified with manor house of Rachan which is at NT122346	<i>Retours</i> , Peebles, no. 169 Buchan and Paton 1925-7: III. 285; <i>OPS</i> , I: 181
Stirling			
2.28	St Ninians	lie Cuthill 1627	<i>Retours</i> , Stirling, no. 121
2.29	Denny and Dunipace	Cuthill, also Cuthilbrae 1582 (little wood called Saint Alexander's)	<i>Retours</i> , Stirling, no. 354
	<i>See also 1.24 above</i>		

APPENDIX II

Place-names shown on Ordnance Survey 1in. 7th series or 1/50,000 maps
(Place-name in capitals, parish in lower case below)

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
Sutherland			
3.1 AN EARACHD (AN EIREACHT) Eddrachillis	NC299405	(A slope between Loch More and Loch Stack)	<i>Cf. Watson 1926:</i> 491, who says the name applies to 'a flat at the head of Loch More', appar- ently meaning 'foot of Loch More'.
Inverness-shire			
3.2 CNOC AN EIREACHD Kilmuir	Unknown	'Chock [for <i>cnoc</i>] an eirick, or the hill of pleas' 1772 (near Duntulm)	T. Pennant, <i>A Tour in Scotland and voyage to the Hebrides</i> (1772): 208
3.3 ERROCHT (ERRACHT) Kilmallie	NN143824		
3.4 ERCHITE (EASTER, WESTER) Dores (formerly Boleskine)	NH584312	Ercht 1468 Erched, Erchhed 1476	<i>RMS</i> II, no. 966 <i>op. cit.</i> : nos. 1261–2
3.5 LOCH (RIVER) ERICHT Laggan (also Perthshire, Fortingall, formerly Rannoch) (also CAMAS EIREACHD)	NN632842	Irochty 1502	<i>RMS</i> II, 2664
	NN519582	Cammysirochtis 1502	<i>op. cit.</i>)
Angus			
3.6 ARRAT Dun	NO638588	Arrade, Arrath <i>c.</i> 1267 Arroth 1378 Arrot 1456	<i>Brechin Reg.</i> I: 7, 8 <i>RMS</i> I, no. 652 <i>Brechin Reg.</i> I: 182
Perthshire			
3.7 GLEN ERROCHTY Blair Atholl	NN800650	Glenherthy <i>c.</i> 1220	<i>Coupar Angus Rental</i> I: 334

Appendix II *Contd.*

<i>County, entry and parish</i>	<i>NG Ref.</i>	<i>Earliest form with select later forms</i>	<i>Source</i>
3.8 RIVER ERICHT Blairgowrie and Ratray	NO170505	Aricth <i>c.</i> 1161 Ariht, Arith <i>c.</i> 1198 (Perhaps a back-formation from Glenericht, 'glen of the assembly')	RRS I: 251 (no. 226) <i>Coupar Angus Chrs.</i> I: 29
Stirlingshire			
3.9 AIRTH	NS897877	Hereth <i>c.</i> 1140–7 Ereth <i>c.</i> 1153–9 Heret <i>c.</i> 1166 Herth 1240 Herht 1251	<i>Holyrood Liber</i> : 4 <i>op. cit.</i> : 7 RRS II: 147 (no. 39) <i>Holyrood Liber</i> : 64 <i>op. cit.</i> : 63
Lanarkshire			
3.10 ERRICKSTANE HILL Crawford	NT026144	(Close to boundary with Dumfries-shire)	
Dumfries-shire			
3.11 ERICKSTANE (also ERICSTANE farm, Moffat)	NT063126 NT073110)	Arykstane 14th century close to boundary with Lanarkshire)	Barbour, <i>Bruce</i> : 23 (Bk II, line 148)

NOTES

- 1 For the probable origin of the word 'slains' in 'letters of slains', see J. Wormald, 'Bloodfeud, kindred and government in early modern Scotland', *Past and Present* (1980), 87: 62 and n. 30.
- 2 The document is noticed by W. C. Dickinson, *Carnwath Ct. Bk.*, p. xii, f.n.1, in a passage dealing with infetment *cum curiis*. Dickinson noted that Couthal 'might possibly be a place-name', but does not seem to have envisaged that the place-name itself might have meant 'court'.
- 3 Donaldson 1882 (rev. edn.). *The Scottish National Dictionary*, s.v. 'cutle', merely repeats Jamieson.
- 4 Bk. V, lines 4921–4 (ed. Laing II: 30–31):
Saynct Benet gert stryk all downe
Kwthlys that in devotyounce
Carlys oysyd on thare wys
In lowyn off fals mawmentrys.
- 5 Gregory's *Dialogues*, apud J. -P. Migne, *Patrologia Latina*: 66, col. 152.
- 6 *P. Vergilii Maronis Aeneidos Libri VII-VIII*, ed. C. J. Fordyce, P. G. Walsh and J. D. Christie (OUP for Glasgow, 1977), p. 35; *Virgil*, ed. H. R. Fairclough (London and Cambridge, Mass., 1954), pp. 78–9; *Virgil's Aeneid*, translated into Scottish Verse by Gavin Douglas, bishop of Dunkeld, ed. D. F. C. Caldwell (Scottish Text Society 1957–64), III: 138.
- 7 *Aeneidos VII-VIII (ut cit. supra)*, p. 46; ed. Fairclough, pp. 100–1; Douglas, *Aeneid (ut cit. supra)* III: 159.
- 8 Watson 1926: XX. The taxation of Master Baiamundo de Vitia (*c.* 1275), in which the earliest forms appear, has since been critically edited by A. I. Cameron or Dunlop (*SHS Miscellany* VI (1939). Coldstone appears at pp. 42 and 65).

- 9 'Hill' may be rare because of the relatively early date of many hundred names. By an odd coincidence, one Staffordshire hundred was called Cuttlestone, the early forms of which show the first element to be the Old English man's name Cuthwulf, in the genitive case.

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