

IV.

THE "STAYT"¹ OF CRIEFF—A BRONZE-AGE BURIAL SITE.
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Quite recently² there came into the possession of the National Museum of Antiquities, Edinburgh, an urn of dark colour. The urn is of the food-vessel type (fig. 1), stands $4\frac{5}{8}$ inches in height, expands



Fig. 1. Urn of Food-vessel Type found in a Cist at Broich, near Crieff.

from a width of $5\frac{1}{4}$ inches at the mouth to a width of $5\frac{3}{4}$ inches at the shoulder, and thence contracts to a base of about 3 inches in diameter. Three slightly raised mouldings encircle it: at the lip, at the shoulder,

¹ Stayt = *Stede*, *Steid*, a place. "Then aucht the clerk to title the court, makand mentioun of the day yeir and *steid* quhan and quhair the court is haldin" (Balfour's *Pract.*, p. 38). The word is rendered "Stayt" from a notarial instrument expedite in 1475 (*Hist. MSS. Commission, 3rd Report*, p. xxiv, and App. p. 418), but other renderings have been given, e.g. Scait, Skait, Skath (*ibid.*, 7th Report, App., pp. 711-715).

² *Proceedings*, vol. xlvi. p. 374.

and midway between. The shoulder moulding is ornamented by a double row of triangular punctulations and the other two by a single row of similar markings. The vessel is encircled between the central moulding and that on the shoulder, as well as on the inward sloping rim, by two transverse lines formed by the imprint of a twisted cord of two strands on the clay when soft. The transverse lines are not continuous, being interrupted in three places by a number of vertical lines formed in the same way as the transverse lines. Hanging from the shoulder is a series of impinging and inverted chevrons each filled in with like markings, drawn on the clay with a pointed tool. The urn, it is stated, had been found in a cist near Crieff in 1860. No more definite indication of the locality of the find is given, and the purpose of this paper is (first) to identify the mound in which the cist was exposed, and (second) to show that the mound had been in use as a place of justice when courts were held in the open air, down to a date near the end of the seventeenth century.

Prior to the year 1860 there stood on the lands of Broich, near Crieff, a low mound some 12 yards in diameter, which had at one time been surrounded by a wall of earth and stone. The site is indicated on the O.S. map at a point some 330 yards to the east of the entrance to Broich, on the south side of the road leading from Crieff towards Highlandman, and on the field side of the narrow belting of wood which skirts the road at that part. In the month of November 1860 the mound was levelled and ploughed over, and in the course of the operations two cists containing human remains were exposed, along with an urn of clay the measurement of which is given as 5 inches in height by 5 inches across the mouth. The finds were duly recorded at the time in the local press,¹ from which the following particulars are taken :—

17th November 1860.—“ One of the urns (cists ?) was simply composed of blue whinstone sides, the ends of red sandstone. These were

¹ *Strathearn Herald*, 17th and 24th November and 8th December 1860.

laid roughly together. The bones deposited were very much decomposed and broken, so much so that, had it not been for the presence of a pretty complete heel-bone, ulna, rib, etc., it would have been difficult to determine whether they were human remains or not. Some of these are crumbled to an almost impalpable white powder, and others appear to have been subjected to the action of fire. . . . The second deposit of bones was less formal—resting in the solid soil, and covered over with three rough slabs of no great size. . . . There is an immense boulder, weighing over a ton, which has not yet been displaced, but which is supposed to cover the upper slab of a cist."

24th November 1860.—"The huge stone, weighing close on two tons, being removed, disclosed a sandstone slab 5 feet 3 inches by 2 feet 2 inches, and about 1 (foot?) thick. Beneath this slab was another of those little cists or cinerary boxes measuring 2 feet 6 inches by 1 foot 6 inches, and about 10 inches deep, and composed of rough slabs. The bones found in this were in that abnormal pulverised state which we discussed last week. . . . An interesting vase, somewhat in the style of a Etrurian vessel, has been found in the last discovered grave. It is globular; stands 5 inches high, with a mouth about 5 inches across and is made of clay hardened by fire. There are rude attempts at floriated decoration round the vase, something in the 'herring-bone' pattern, and evidently done by pats of a trowel or what served the maker for one. This relic is now in the possession of A. Monteath, Esq., of Broich."

8th December 1860.—"We will now take a glance at the interior of the *quasi* tomb before it was touched by the intruders' feet. The surface of the bottom was smoothly laid with clay. . . . An urn lay on its side . . . and beside it lay a small heap of (it is supposed) cremated human bones. . . . Within the urn was a quantity of mould, supposed by some to be ashes of calcined bones. The mould was of a dark brown colour, and had a rich, soft, velvety feel."

It will be seen that the urn now in the National Museum corresponds

with that taken out of this mound; and as there is no record of any other urn having been found in a cist near Crieff in 1860, the conclusion is irresistible that it is the same.

It was on this mound that the court of the Earls of Strathearn and the stewards or seneschals was held, when such courts were held in the open. From the *Statistical Account* we learn that the old Tolbooth in Crieff was erected in 1665 for the accommodation of the steward's court, "which from this period ceased to be held in the open air." It is known that some forty volumes of records of the steward's court were stored in the Tolbooth, and that they were ruthlessly destroyed by soldiery quartered there in 1798, who used the tomes for fuel! But there are several documents extant relating to the court. When Robert the High Steward of Scotland, nephew of David II. (afterwards Robert II.), was Earl of Strathearn, he held a court "apud Creffe" on 8th May 1358,¹ and this appears to be the first record of the court which we have. In the Abercairny papers which have been examined by the Historical MSS. Commission are several documents containing the records of these courts, and amongst them is a notarial instrument in the vernacular expedite at the "Stayt" in 1475.² The office of steward, which was at first by appointment, eventually became hereditary in the family of Drummond till heritable jurisdictions were abolished in 1747. It is a popular mistake to suppose that these courts were principally concerned with hangings. They had indeed power of life and death, but on the other hand they had a wide jurisdiction in regard to civil matters, and from documents that have come down to us³ we see

¹ *Charters of Inchaffray Abbey*, Scot. Hist. Soc., vol. lvi. pp. 126 and 230.

² *Hist. MSS. Com., 3rd Report*, p. xxiv, and App., p. 418.

³ A full record of the proceedings at feudal courts held on the Hund-hill of Langforgrund (Longfororgan) as far back as 1385 still exists. It is partly in the vernacular of the period contemporary with Barbour's *Bruce*, and shows the formal procedure of the court, with a final judgment. (*Hist. MSS. Com., 3rd Report*, App., p. 410.)

that practically the same officers as figured in the courts of the sovereign accompanied the holder of the court, and that in the proceedings there was a strict adherence to legal formalities. In addition to the steward and steward depute, the other officers were a judge (judex), a steward clerk, a deemster or doomster, a mair or officer of court, and a headsman or hangman, whose salary in 1741 was £27 Scots. In their proceedings the first duty appears to have been to "fence" the court, which was done by the officer repeating a formula forbidding anyone to interfere with the proceedings. Parties were sometimes represented by counsel (fore-speakers), as may be seen by reference to the notarial instrument of 1475 above mentioned, and the judgment of the court was given by the doomster. There was an official chair, apparently, as in a charter of lands by the Earl of Strathearn, in the fourteenth century, the chair of justice and the "place of doom" are reserved.¹ But there is a paucity of information regarding the superstructure itself, and the form, arrangement, and furnishings of the court; and this paucity is emphasised when we consider that the people of the remoter prehistoric age have left us something tangible in this urn, from which, and its associated remains, the archæologist is able to build up the history of the culture and civilisation of their era.

¹ *Hist. MSS. Com., 3rd Report*, p. xxiii, and App., p. 406.