

# Baron Courts of Prestoungrange & Dolphinstoun

Trinity Session: Elizabeth II. 53. 2004. July – November

## DECLARATOR

¶ [E II. 53. 2004 P&D 03] Affirmation of the boundaries and extent of the Ancient Lands and Crown Baronies of Prestoungrange and Dolphinstoun [together with the Crown Barony of Fallside and the Lands of Birsley, Myles, Easter Fallside, West Mains and St Clement's Wells] as mapped by John Ainslie in 1796 and William Forrest in 1812, being the fullest extent of the baronial lands held at those dates by Janet, Countess of Hyndford, Baroness of Prestoungrange of Dolphinstoun and of Fallside, eldest daughter of William Grant; and affirmation of the boundaries and extent of the lands as recorded in Sasine and in infeft in Drs Gordon Prestoungrange and Julian Wills being the Barons of Prestoungrange and of Dolphinstoun on the Appointed Day in 2004.

UPON THE PETITION of the Fiscal of the Baron Courts of Prestoungrange and Dolphinstoun in the best interests of the future conduct of the work of these Barons Courts after the Appointed Day for the statutory cessation of their civil and criminal jurisdictions under the provisions of the *Abolition of Feudal Tenure [Scotland] Act 2000* that the boundaries and fullest extent of the ancient Lands and Crown Baronies shall be affirmed so that the scope for their continuing activities can be clearly discerned and the territorial boundary and extent for the wearing of the Barons' accredited tartan as the *territorial* tartan known; and particularly that the continuing boundaries and extent of the Lands and Baronies held by Us on the Appointed Day shall be well known now and for all time as the Caput and most significant bases for the sustainability of their activities;

1. THAT Janet, Countess of Hyndford inherited all the whole the Lands and Crown Baronies of Prestoungrange and Dolphinstoun from William Grant and ordered that proper maps should be drawn by distinguished cartographers at that time namely John Ainslie in 1796 and William Forrest in 1812 copies of which are available for inspection by All It May Properly Concern at the Caput of the Baronies being The Prestoungrange Gothenburg at any reasonable time.
2. THAT these maps show that the Countess of Hyndford in 1812 held lands that included the Crown Baronies of Prestoungrange of Dolphinstoun and of Fallside together with the lands of Easter Fallside, Birsley, Myles, West Mains and St Clement's Wells, these lands adjoining those held as Drumore, as Wallyford, as Crookston, as Carberry, as Elphingston and by Mr Caddell the latter being the Barony of Tranent and of Cockenzie held on the Appointed Day by David Garrison of Tranent.
3. THAT weighty research has suggested that these maps represent the greatest extent to which these ancient lands and Crown Baronies reached and that in later times the boundaries and extent have been reduced.
4. THAT it is accordingly appropriate that the boundaries and extent indicated in the said maps should be deemed to establish the proper scope for the activities of the Barons Courts after the Appointed Day.
5. THAT Lindsays WS have acted for the present Barons since 1998 in respect of all necessary dispositions of baronial lands in their favour and have ensured that such dispositions have been

duly recorded in the Registers of Sasine and in the Land Registry [ELN 98-302; ELN 99-244; ELN 00-14; ELN 01/04-3870; ELN 03/04-6433] and copies of all these documents are held at the Caput of the Baronies being The Prestoungrange Gothenburg and digitized for access online via the baronial website at [www.prestoungrange.org](http://www.prestoungrange.org)

6. THAT the Barons Courts have taken all proper steps to ensure that (i) the baronial foreshore and its associated seawall, (ii) the lands held at Prestoungrange House, (iii) the lands on which The Caput of the Baronies stands together with its associated lands above the seawall facing the Caput, and (iv) the *dominum directum* at 248 High Street Prestonpans have all been employed in the best interests of those dwelling on the ancient Lands and Crown Baronies; and are intent that such employment shall continue especially by entering into a 10 year lease with East of Scotland Public House Company to manage The Prestoungrange Gothenburg in accordance with the 1908 Gothenburg Principles and the establishment in 2004 of the Pandores Oyster Company and the Prestonpans Salt Company following the establishment of Fowler's Ales [Prestoungrange] in 2002.
7. THAT the Barons Courts have taken advices from Scottish Power which has title to pipelines for ash slurry beneath the baronial foreshore and from *ScotWays* – The Scottish Rights of Way Society, so that to the best of their abilities public access can be properly established and maintained along the full extent of the baronial foreshore at all times when it is safe so to proceed taking into account the state of the tides and the conditions underfoot, and that a Petition is before these Courts [E II. 53. 2004 P&D. 08/2] this Session.

## **FINDINGS OF THE BARONS COURTS:**

**On 27th July 2004 in the Trinity Session of our Baron Courts of Prestoungrange and Dolphinstoun we pronounce as follows:**

- 1) THAT the maps prepared for Janet, Countess of Hyndford by John Ainslie and William Forrest in 1796 and 1812 represent the best authoritative statement of the boundaries and greatest extent of these Our ancient Lands and Crown Baronies and the same are properly recorded in the Registers of Sasines;
- 2) THAT the Registers of Sasine together with the Land Registry contain the boundaries and extent of the Lands of Our Crown Baronies at the Appointed Day all such documents having been submitted by and acknowledged to Lindsays WS in Edinburgh since our accession in 1998.

### **HELD:**

- 1) The Baron Courts of Prestoungrange and Dolphinstoun rule that weightily and sufficient grounds both in fact and in law exist for regarding the full extent of the ancient Lands and Crown Baronies held of Janet, Countess of Hyndford as mapped by John Ainslie in 1796 and William Forrest in 1812 as the proper scope for the continuing activities of these Our Barons Courts after the Appointed Day;
- 2) THAT the ancient Lands and Crown Baronies as mapped in 1796 and 1812 shall constitute the boundaries and extent throughout which the tartan as formally accredited by the Scottish Tartans Society [TS-2518 dated 17.01.1999] for Clan members named Prestoungrange, Dolphinstoun and Wills, may also be worn as the *territorial* tartan except that these Our Barons Courts may also specifically allow its wearing beyond those Lands for good and proper reason; and
- 3) THAT the Lands in which the Barons of Prestoungrange and of Dolphinstoun are in infeft on the Appointed Day as recorded in the Registers of Sasine and the Land Registry being the current boundaries and extent of our Crown Baronies [but not including Our *dominum directum* which

shall cease on the Appointed Day] be declared Our Baronial Caput from which these Our Crown Baronies shall in every suitable manner after the Appointed Day seek to conduct those activities that are and may be properly expected and required of these Our Barons Courts as a Scottish Charity and under our Crown Baronial Charter in the best interests of all those dwelling on these Our ancient Lands and Crown Baronies.