

Barons Courts of Prestoungrange & Dolphinstoun

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

DECLARATOR

[E II. 53. 2004 P&D. 15] Confirmation of Commissions of Bailiary for Dolphinstoun and Lochnaw and Proclamation of Compleat Discharge from all feu duties for those over whom *dominum directum* is held until November 28th 2004 on baronial lands to the north east corner of the Royal Musselburgh Golf Club by Prestongrange Road.

PETITION of the Clerk of the Courts that the Commissions of Bailiary declared by the Baron of Dolphinstoun on November 15th 2004 and by the Baron of Lochnaw on November 16th 2004 shall be entered into the Courts books following the making by each Anthony Gillingham and Sylvia Burgess respectively of their *oath de fideli administratione*. Also PETITION of the said Clerk for Proclamation of Compleat Discharge from feu duties over those remaining where *dominum directum* attains on baronial lands at the north east corner of the Royal Musselburgh Golf Club on Prestongrange Road.

1. THAT on May 8th 2004 a single Common Commission of Bailiary was declared by both the Barons of Prestoungrange and of Dolphinstoun in the name of Mathew Jonathan Clifford Wills Yr. of Prestoungrange and that Commission has now been recorded in the Books of Lyon Court as well as with these Courts.
2. THAT it was desirable in the light of the increasing non-judicial work required of the Baron Bailie in Prestoungrange and Dolphinstoun, but without constraining the common jurisdiction already accorded, that an additional Officer of the Courts be appointed as Bailie and that it was most appropriate to commission Anthony Gillingham to make the *oath de fideli administratione* as Bailie solely in respect of Dolphinstoun.
3. THAT accordingly Anthony Gillingham, Fiscal Depute for the Baronies, had made the oath and received his Commission of Bailiary on November 15th 2004 to run throughout the Trinity Session of these Courts and thereafter as shall be deemed appropriate and desirable in the conduct of the continuing affairs of these Barons Courts after the Appointed Day of November 28th 2004.
4. THAT the Baron of Prestoungrange had lately gained access to the whole the Lands and Barony of Lochnaw from Sybil Agnew Butterfield of Lochnaw, Baroness of Lochnaw, of Victoria British Columbia Canada as recorded in Sasine for the County of Wigtown, and since there was a current and future requirement for an Officer of that Barony to make *oath de fideli administratione*, the Baron of Lochnaw has accordingly declared his Commission of Bailiary for Sylvia Burgess at 9 am on 16th November 2004.
5. THAT the Courts at their Sitting on July 27th 2004 [E II.53.2004 P&D.07] HELD that after the Appointed Day the Barons Clerk of these Courts should establish for the benefit of the whole Kingdom in and of Scotland a *pro tempore* Official Register upon which sasine can be taken to incorporeal heritable property consisting of the dignity of baron, and accordingly it is acceptable that the Commission of Bailiary of Lochnaw be so recorded on November 29th 2004.
6. That the Courts at their Sitting on July 27th 2004 [E II.53.2004 P&D.11] Let it Be Known that

a Compleat Discharge from all feu duties where baronial *dominum directum* is held on baronial lands at 248 High Street would attain under the provisions of the *Abolition of Feudal Tenure [Scotland] Act 2000* but did not grant such Compleat Discharge from their feu duties to those living on baronial lands at the north west corner of the Royal Musselburgh Golf Club on Prestongrange Road, and that it is appropriate that the Courts do so grant.

LET IT BE KNOWN:

This sixteenth day of November 2004:

- 1.** We hereby **PROCLAIM** the further **Commissions of Bailyary** of Dolphinstoun and of Lochnaw in the names of Anthony Gillingham and Sylvia Burgess respectively.
- 2.** We hereby **ORDER** that the records of these Commissions be placed by the Clerk of these Courts this sixteenth day of November 2004 in our Court Register which shall also become the *pro tempore* Register for all in the Kingdom of and in Scotland for all who wish to take sasine of incorporeal heritable property consisting of the dignity of baron from November 29th 2004 in accordance with Our Judgement and Declarator [E II.53.2004 P&D.07] on July 27th 2004.
- 3.** We hereby **PROCLAIM** that on the Eve of the Appointed Day being midnight of November 27th 2004 We the Barons of Prestoungrange and of Dolphinstoun, together with our Sovereign Lady Elizabeth II, shall issue and confirm **Compleat Discharge** from all Feu Duties for those over whom We till that time and date hold *dominum directum* at the north east corner of the Royal Musselburgh Golf Club on Prestongrange Road.