

# Barons Courts of Prestoungrange & Dolphinstoun

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

## JUDGEMENT AND DECLARATOR

[E II. 53. 2004 P&D. 16A] Complains this fifteenth day of November to the Clerk at the Caput Baroniae by the Keeper of the Fortalice: **THAT** the Judgement against William Robertson [E II. 53. 2005 P&D. 10B] given by these Courts and pronounced by the Doomster the twenty seventh day of July 2004 upon the Baronial Foreshore have not been given effect on that date or subsequently, and that such avoidance of the Judgements of the Courts should not be tolerated since the delays occasioned by the construction failures concerned had continued for many months after that Judgement to occasion loss of business at The Prestoungrange Gothenburg to the detriment of the Arts Festival charity and all living on the ancient baronial lands.

The Defender being absent offered no response to the Complaint beyond that already considered July 27th 2004.

### **HELD:**

**This sixteenth day of November 2004:**

1. That it was an affront to the Courts that the Defender should seek to avoid the Judgements fairly arrived at by not attending on July 27th 2004 when the Doomster made her pronouncements and to subsequently evade those ByrLawmen despatched by the Baron Sergeand to find the Defender and collect the amerciamentis payable.
  2. That the ByrLawmen should be charged to use their very best endeavours to bring the Defender to the Caput and (i) secure payment of the amerciamentis of 2 x 60d = 10/- and 30/- Scots imposed by the Courts July 27th 2004; and that (ii) for flouting the Judgement of the Courts, the Defender shall additionally be committed to the stocks for 6 daylight minutes, this sentence to be completed before midnight November 27th 2004.
  3. That in the absence of both settlement of the amerciamentis and receiving punishment in the stocks, the sum in question should be withheld by the Procurator Fiscal from such amounts as may otherwise be payable to the Defender for 'snagging' on the work that had been satisfactorily completed at The Prestoungrange Gothenburg together with a penalty of an additional 40/- Scots in respect of each offence making a combined total of 160/- shillings Scots.
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[E II. 53. 2004 P&D. 16B] Complains this fifteenth day of November 2004 to the Clerk at the Caput Baroniae by the Courts' Horticulturis: **THAT** Steven Wilson against whom Judgement was given [E II. 53. 2004 P&D. 10D] by these Courts and pronounced by the Doomster on the Baronial Foreshore July 27th 2004, arising from the punishment of three daylight minutes in the stocks was postponed until the Defender's return from his honeymoon, has not yet been apprehended by the ByrLawmen and brought to the Caput for punishment, and that such evasion of the punishments of the Courts brought its judicial authority into disrepute.

THE DEFENDER answered the Complain by stating that he no longer found employment at the Prestoungrange Gothenburg having sustained an injury thereat in the normal course of his duties; and that the horticultural display which he had damaged wholly by accident and which had given rise to the Judgement referred to above, had long since recovered and been greatly appreciated by many guests – which Horticulturis agreed to be the case.

The Defender further offered his renewed apologies to the Courts' Horticulturis and to the Courts for the original damage caused to the geraniums prior to the visit by Her Majesty's Lord Lieutenant in East Lothian.

## **HELD:**

### **This sixteenth day of November 2004:**

THAT taking into account all the circumstances surrounding the original Complaint, the Defender's renewed apology, the recovery of the floral display to delight guests and the fact that the Defender was no longer in employment at the Prestoungrange Gothenburg, he should be pardoned by the Courts for the offence committed and bound to keep from such offences in the future on pain of the reintroduction with a doubling of the period originally adjudged in the stocks as the minimum penalty to be pronounced.

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