

Graham, however, understood (1642) "that the old Bishopric of Orkney was a greate thing and lay sparsim throughout the hail parochins of Orkney and Shetland. Besyde his lands he had the teynds of auchtene Kirks. His lands grew daylie as adultries and incests increased in the country."

SUBSECTION (4).—*Udallers*.

691. The odal is the hereditary estate derived from primitive occupation, for which the odaller owes no vassalage, homage, or service to King, earl, landman, or hofding, except the personal obligation to appear in the host or Thing.² The characteristic features of tenure (odalsret) were the odal, a right of absolute property, *dominium* opposed to *feudum*, *beneficium*, stipendiary; and so absolute, indeed, as to be in a sense inalienable, being charged with a *jus retrahendi* in the odalsmen and odalsborn should they convey or pledge to a stranger.³ The odal consisted of (a) the odal proper, i.e. the homestead, held in severalty; (b) the common lands, never distributed, belonging to the community and used in common, for pasture, fuel, turf, and water:—Norse, almenning; Orcadian, commons; Shetlandic, scattald;⁴ and (c) there was the land let (*leigu-land*) by an odalsman to a stranger (*leig-lendinger*) for a rent (*leigu-burdr*).

SUBSECTION (5).—*Sovereignty*.

692. Christian I. of Norway (Denmark, Sweden, and Norway) (Sept. 8, 1468, and May 20, 1469) impignorated Orkney and Shetland (*sub firma hypotheca et pignore*) in security of the unpaid balance of the Princess Margaret's dowry upon her marriage with James III. of Scotland.⁵ This is the title by which the sovereignty stands in Great Britain. The right of redemption is reserved by the contract. It has never been formally discharged. On the contrary, it has been repeatedly recognised: by negotiation for discharge of the claim (in 1589), renewed reservations to right of restitution (1621 and 1639), for repayment, discharge, and resumption of occupancy (1640). The right of redemption was formally asserted in 1549, 1558, 1560, 1583, 1640, 1660, and finally, at the Peace of Breda in 1667, the plenipotentiaries of Europe attested that the right of redemption was unprescribed and non-prescribable.⁶ The Scottish Parliament (Dec. 26, 1567) enacted that

¹ Peterkin's Rentals of the Ancient Earldom and Bishoprick of Orkney, No. iii. p. 21.

² Stubbs, i. 57; Balfour's Oppressions, p. xxxii.

³ Conybear's Iceland, pp. 15, 20; Acts and Statutes of the Lawthing, Sheriff, and Justice Courts within Orkney and Zetland (1602–44), p. 156; Mackenzie's Grievances, p. 7; Hibbert's Shetland, p. 313.

⁴ Vigfusson's Dict.; Grimm's Deutsche Alterthümer; Earl's Land Charters, p. liii.

⁵ See Contract of Marriage in Peterkin's Rentals, App. 7; Torfæus, Orcades, p. 191; Acts of the Parliaments of Scotland (1471, c. 4), ii. 187; Balfour's Oppressions, p. xii.

⁶ Laurenson in Macmillan's Magazine, February 1875; Goudie in Proceedings of the Society of Antiquaries, xxi. 236, and his Shetland Antiquities, p. 229; Hill Burton's History of Scotland, iii. 162 *et seq.*

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