

Glossary of terms¹

A

- Accused (role) – one who is accused in a court of justice.
- Address clause – a clause at the beginning of a charter stating to whom it is addressed.
- Addressee (role) – the person or persons addressed in a brief or letter.
- Addressor (role) – the person who addresses a brief or letter.
- Agreement – the instrument of the conclusion of a dispute between two parties, establishing terms of agreement.
- Aid – A pecuniary contribution by a vassal to his lord; a grant of a subsidy or tax to the king for an extraordinary purpose.
- Antecessor – A predecessor in the possession of property, or in office.
- Army service – a common burden, to provide foot-soldiers in the king's army.
- Assart – a piece of forest land cleared for use as arable; or the action of making such a clearing.
- Assessment – the instrument resulting from the valuation of property, establishing the legally determined value.
- Assize – a decree or edict made at parliament or council.

B

- Baillie – judicial officer in a burgh corresponding to an alderman in England, responsible for a jurisdiction called a Bailliary; also the judicial officer of a barony.
- Bailliary – office or authority of a Baillie; district under the jurisdiction of a Baillie.
- Beneficiary (role) – person who is the object of an instrument of disposition.

¹ See also: *Dictionary of the Scots Language* (<http://www.dsl.ac.uk/dsl/index.html>); *Oxford English Dictionary* (<http://www.oed.com>); G.W.S. Barrow, *Kingship and Unity* (Edinburgh, 1981); R. Somerville, *Scotia Pontificia* (Oxford, 1982); Definitions are specific to Medieval Britain and changes in those definitions over time have not been noted.

- Blood-wite – a fine for bloodshed by assault and battery. Guiltiness of, or liability to a penalty for, bloodshed; an action against a person for bloodshed.
- Bludewite – see Blood-wite.
- Book of Life (*Liber Vitae*) – a book in which a religious house would record the names of its members and benefactors in expectation that they would be inscribed in the heavenly 'Book of Life' which was opened at the Day of Judgement.
- Bovate – see Oxgang.
- Brieve – a deliverable instrument, most often royal, but also produced by bishops and earls; usually addressed to a specific person or group of persons, and containing a notification and/or instruction or command; there is usually a list of witnesses.
- Brieve-charter – a type of royal charter that has the same function as a charter, but is deliverable, that is, it is addressed to a specific person or group of people, usually local royal officials.

C

- Cain (Cáin, Cane) – a tribute in kind, payable annually, or less often, by a tenant in respect of lordship.
- Carucate – see Ploughgate.
- *In capite* – to hold land 'in chief', or directly from the king.
- Charter – an instrument of disposition in the form of a letter; commencing with a collective address (in royal charters, usually to archbishops, bishops abbots, priors, earls, barons, justiciars, etc.); often described as a charter in the dispositive clause – *hac presenti carta mea*. The charter effects a disposition defined in the body of the text, usually the donation or gift of property or the granting of legal rights. Charters have a list of witnesses given in the ablative case.
- Charter/brieve – a charter with a general address which incorporates a discrete command or instruction to a specific person.
- Chattels – moveable property and possessions (i.e. not land).
- Chirograph – a document (agreement) in which two versions were made on one parchment and then divided across the heading

‘Cyrographum’ with one side being given to the first party of the agreement and the other to the second party.

- Collation – the right of heirs to pool all heritable and moveable property which is then divided equally among the heirs.
- Common Burdens – All land within the kingdom of the Scots was, in theory, assessed for the performance of three burdens taken commonly throughout the kingdom: *auxilia*, *operaciones* and *exercitus*, that is, aid, public works, and military service. These three burdens or services were owed to the king of Scots above whatever was owed to any other lord, ecclesiastical or lay, and were raised through the mediation of private lords, answerable to no one but the king himself.
- Confraternity – usually a brotherhood devoted to a particular religious or charitable service.
- Consensor (role) – person whose explicit consent to a transaction expedited in a charter or other instrument is recorded in the same instrument.
- Conveth – *coinnmed*, a hospitality render; similar to Cain but specifically hospitality, entertainment and accommodation given to a lord by a vassal; or payment in its place.
- Croft – the enclosed arable land next to a toft.
- *Curia* – court of justice, counsel, or administration; royal, ecclesiastical, or lordly.

D

- Dated by hand of (role) – person named in dating clause of charter; usually the scribe of the charter; seen in the form *datum* or *data per manum*.
- Dating clause – a clause, usually at the end of the charter, which records the date it was issued.
- Davach – medieval Gaelic *dabach*, mod. *dabhach*: measure of land, commonly explained as equivalent to four ploughgates.
- Deforcement (also forcement) – the act of forcibly retaining property of another person; also the act of forcibly preventing and obstructing an officer of the law from the execution of his duties.
- Demesne – land ‘in lordship’ whose produce and manors belong to the lord, not the tenants, usually held in chief of the king.
- Diploma – The documents in the PoMS database defined as Diploma are instruments of the disposition of land, not in the form of a letter; there is therefore no address, but instead the document begins with a solemn invocation – *In nomine Patris, et Filii, et Spiritus Sancti*, etc.; the

grantor refers to himself as *Ego*; the dispositive clause is in the present tense; it concludes with a solemn sanction and anathema; the document is subscribed by witnesses, with names in the nominative case. There are some variations within this form.

- Distrain – the legal seizure and detention of a chattel, originally for the purpose of thereby constraining the owner to pay money owed by him or to make satisfaction for some wrong done by him, or to do some other act (e.g. to appear in court).
- Docket – (i) an abstract of the contents of a proposed royal instrument; (ii) more often in the database, a record of a legal judgment.
- Doorward – *hostiarius*, the door-keeper, an official of the Scottish royal court, the warder of the palace.

E

- English Royal Administration (ERA) - Documents, dated after 10 June 1291, when Edward I was recognised as overlord of Scotland, which pertain to English administration in Scotland and may or may not be issued in Scotland. Only persons and Scottish titles mentioned in these records are captured in the database.
- Escheat – to forfeit property by crimes or by death of the holder without heirs.
- Eponymous landholder (role) – a person who owns property which later became known by that person's name (e.g. *villa de Symoni* – Simon's town > Symington).
- Exemption clause – a clause in a charter that specifies types of service from which the beneficiary is to be exempt in his holding of the land in question.

F

- *fyhtwite* – 'fight-wite', a fine for taking part in a disturbance.
- Ferme – (i) terms of landholding whereby property is leased at a fixed rent in return for which the tenant receives the profits of the estate; (ii) the amount payable as rent for land. Also Blancheferme or Blencheferme: 'white rent', a nominal rent, usually a penny or a peppercorn, which was only to be paid if it was asked for; most common when lands had been bought.
- Fermer (Farmer) – one who collects dues or taxes and pays a fixed sum for the proceeds; or a tenant occupier of land held at ferme.
- Feu – tenure of land subject to the return of specific payments or services to the lord from whom it is held.

- Feu and Heritage – The tenure of land in perpetuity by right of inheritance in return for a continuing annual payment of a fixed sum of money to the owner of the land.
- Forester – the keeper of a forest.
- Forinsec service – foreign or extrinsic service: a service due to some person other than the tenant's immediate lord; usually due to the king.
- *Flemgirth* – Sanctuary given to fugitives.
- *Floruit* – the narrowest date-range within which a person appears in our sources: the more frequently a person appears in the sources, the more accurate the *floruit* is likely to be. For some persons, who appear just once or twice in documents which cannot be dated narrowly, the *floruit* may appear unfeasibly long. Because the *floruit* reflects the evidence of the charters in the database, the *floruit* of some well-known person, such as kings, bishops and earls, for whom we have other evidence that falls outside the scope of the PoMS data, may appear shorter than expected: this is because the database reflects the period as seen through the charter evidence.

G

- Geld – English land-tax paid to the king, usually assessed on the hide, or the amount of land which would support a household.
- Gersum – a premium or fine paid to a lord on entering upon a holding.
- *Girthbrekin* – the offence of breaking through the girth or ring which encircled the sanctuary ground adjacent to the establishment and hence violating the protection which the Church gave to fugitives. Cf. *Flemgirth*.
- Grantor (role) – expeditor of an instrument of disposition.
- Grieve/provost – the overseer or manager of a ferme, or a burgh.

H

- Haubergel/habergeon – a sleeveless coat of mail; sometimes called a hauberk, though a hauberk was originally larger and heavier.
- Heriot – feudal death duty of a tenant's best chattels, usually weapons, horses, and other military equipments, or money, which is paid to a lord on the death of a tenant.
- *Hunlawe* – a varied spelling of unlaw, meaning an illegal action and the fine resulting from such action.

I

- *Infangthief* – the right of a lord to punish a thief caught within the marches of his territory.

- Infetment (enfeoffment (Eng)) – giving possession of heritable property, the evidence of which is an instrument of sasine.
- Inquest – an official inquiry to ascertain facts in a dispute, or into the valuation of property with reference to assessments, etc.
- Inspector (role) – one who inspects a previously issued charter and who usually issues an *inspeximus*.
- *Inspeximus* – a charter which recites and ratifies a charter issued by an antecessor or other person.
- In the time of (role) – a person mentioned in a charter with reference to a previous time period (e.g. ‘in the time of King David’)

J

- Juger – measure of land, similar to an acre
- *Judex (breitheamh)* – official who supervised a local court.
- Judge-delegate – A cleric, usually a bishop, abbot, or prior, appointed by the pope to judge cases at a local level that had been brought before the papal court.
- Judge (role) – one who has the role of judge in a transaction, rather than simply one who possesses the title of ‘judge’.
- Juror – One of a company of men sworn to deliver a verdict on a matter officially referred to them.
- Juror (role) – one who has the role of juror in a transaction.
- Justiciar – a ‘supreme’ judge; usually refers to one of three men who had jurisdiction north and south of the Forth (i.e. the justiciar of Scotia and the justiciar of Lothian), and occasionally in Galloway, in both criminal and civil matters.

K

- Knight service – the obligation to provide the military service of one knight for forty days per year; could be multiplied or split into fractions.

L

- Lastage – an export duty levied on cargo of ships; a port duty.
- *Latrocinium* – theft, larceny; the right to take thieves or levy fines for theft.

- Letter – correspondence between persons.
- Letters close – a type of royal instrument conveying orders or information to a specific person or persons, folded, closed, and authenticated with a seal that must be broken in order for the document to be read.
- Letters patent – a form of royal instrument that developed in the thirteenth century, used for appointments to office, concessions not in perpetuity, proclamations, etc. Letters patent (always in the plural) usually designate themselves as such towards the end of the text; they can either be addressed to an individual or individuals, or they can have a general form of address, though often a more attenuated one than found in charters – ‘to all to whom the present letters arrive’. Unlike charters, they have no list of witnesses and no *data per manum* clause. Instead they end with a single witness, almost universally the king – *Teste me ipso*. After the *teste* clause there is the place and day of the month of issue, with the regnal year. In original manuscripts, the seal is attached to a tongue, the document being open (hence *litterae patentes*, ‘open letters’).
- Letters patent (Fealty) – private instruments, in the form of letters patent (see above), and identified as such in the text, by which individuals or corporate bodies formally recorded their fealty to the crown.
- *Liber Vitae* – see Book of Life

M

- Malediction clause – clause in a diploma or charter invoking a curse on anyone who might seek to violate its terms.
- *Mansio/Mansuram* – a dwelling with land attached.
- Mark – monetary unit corresponding to the English mark, and so equivalent in value to two-thirds of a pound sterling, i.e., 13s. 4d..
- Memorandum – a document beginning with *Memorandum* (‘Be it remembered that...’) which records events or judgments so that it can be remembered for future reference.
- Merchet – a payment due to an overlord by an tenant for his daughter’s marriage, which could also be paid by the woman herself.
- Messuage – land used as the site for a dwelling house; later the house itself and the adjacent land assigned for its use.

- Multure - a toll levied for grinding corn, usually paid to the miller or mill owner.

N

- *Navigio* - tolls related to shipping, probably similar to lastage.
- Neighbouring landholder (role) - a person mentioned in a charter as holding property adjacent to the property being given in the current transaction, usually included in boundary/perambulation clauses (e.g., '...next to the toft which Nicholas, the baker, holds...').
- Notification - an instrument of general notification that an event has occurred or that certain circumstances obtained.
- Notitia - a document of record, not an instrument, which provides information of a valid transaction that has taken place beforehand, the participants being named in the third person.

O

- Ordeal by battle - type of 'trial by ordeal' whereby a person's guilt or innocence is determined by combat between the accuser and accused; in charters, a privilege granted by which a lord may apply this ordeal.
- Ordeal by iron - type of 'trial by ordeal' whereby a person's guilt or innocence is determined by carrying a heated weight of iron a certain distance; he was considered innocent if after three days his hand had healed without festering; in charters, a privilege granted by which a lord may apply this ordeal.
- Ordeal by water - type of 'trial by ordeal' whereby a person's guilt or innocence is determined by throwing the accused into water; if he floated his guilt was considered established; in charters, a privilege granted by which a lord may apply this ordeal.
- Ordinance - A set of decrees issued by the crown in written form.
- Orts - scraps of fodder left by cattle or other animals.
- *Outfangthief* - the right of a lord to pursue a thief outside his own jurisdiction or the marches of his land and bring him back to be punished.
- Oxgang (or bovat) - an area of land which could be ploughed in one year by one ox; equivalent to an eighth of a ploughgate, 13 acres.

P

- Pannage - the right to pasture pigs (or other animals) in woodland; payment made for this; payment accruing from it.

- Papal letter – the instrument by which the Pope grants or confirms rights, confers benefices, promulgates statutes or decrees, or decides cases (Letters of Grace); or conveying the Pope's administrative orders, including the mass of his official correspondence (Letters of Justice). A Papal Letter has an epistolary greeting, *Salutem et apostolicam benedictionem*.
- Papal privilege – the instrument of the grant or confirmation of rights of property and jurisdiction to churches and religious houses, issued in perpetuity (*in perpetuum*). A Solemn Privilege contains an opening protocol, giving the Pope's name, the name of the addressee, and the concluding phrase, *in perpetuum*; then comes the text, with preamble, a statement of the case, the enacting clause, and concluded with a sanction; the text ends with a threefold *Amen*; the final protocol has the Pope's subscription, made up of his *rota*, the monogram – a compressed *bene ualete* – and the subscription of the pope written at length. The last place in every document is occupied by the *datum*, giving the date and the name of the papal chancellor. The text was sealed with a pendant lead seal, the papal *bull*, whence the term 'bull'.
- Party 1, 2, etc. (role) – the parties involved in any dispute or agreement.
- Penitentiary – an office at the papal court forming a tribunal which decides questions of penance and dispensations; also a priest appointed to administer penance; a person who performs a penance; a member of a religious order devoted to penitential discipline.
- Perambulator (role) – a person who has walked around the boundaries of a certain land to verify them and is mentioned in a charter as performing this act of 'perambulation'; the official in charge of this process.
- Petition - a formal written request made by an individual, group, or corporate body, to the crown, in respect of some legal right or other cause.
- Pit and gallows (i.e. *furca et fossa*) – the right to cast felons into a water-filled pit and to sentence others to the gallows.
- Pittance – a gift made to a religious house or order for the provision of an additional allowance of food, wine, etc., at particular festivals, or on the anniversary of the benefactor's death, in return for the saying of masses.
- Place-date – the place where a charter was issued, which usually appears in the dating clause.
- Pledge (role) – a person who becomes surety for another in a given transaction.

- Ploughgate (carucate) – an area of land which could be ploughed in one year by a team of eight oxen (eight oxgangs); usually equivalent to 104 acres.
- Poind – an act of distraint; the seizure of property in lieu of debt.
- *Pomerium* – orchard.
- Pontage – a toll levied for repair of bridges.
- Pound – monetary unit corresponding to the pound sterling, equivalent to 20 shillings; unit of weight equivalent to 16 ounces.
- Precentor/chanter – the cleric who directs the singing of a choir in a cathedral.
- Previous landholder (role) – a person who is mentioned in a charter as holding property before the current landholder (e.g., ‘that land which Roger formerly held’).
- Primary (role) – person primarily associated with factoid.
- Prisoner (role) – a person held captive. If a place is mentioned in brackets, i.e. (Dunbar), it signifies the battle at which the person was captured.
- Pro anima clause – a clause in the charter specifying that a disposition is made ‘for the soul’ of a person.
- Pro/pro anima/pro salute anima (role) – a person who is named in a charter in the pro anima clause
- *Pro sepultura* – ‘for the burial’; term specifying that a disposition has been made for the burial of a person.
- Public Instrument - a type of fully authenticated record of a legal process or transaction which notaries public were employed to write, and whose special value was that its authenticity was internationally recognised.

R

- Receipt – an instrument declaring that ‘A’ has received ‘X’ from ‘B’.
- Recognition of perambulation – an instrument recognising the extent of boundaries as determined by a perambulation; contains a detailed description of the boundaries.
- Render – A return in money, kind, or service, made by a tenant to his lord.
 - Military render – a return made by military service

- Nominal render – a return of nominal value, e.g. a pair of gloves or sparrow-hawk.
- Return – payment in money or kind owed regularly at specified dates in the year.
- Render date – the date specified for the payment of renders.
- Rubric only – the record of a document which survives only in the descriptive heading from a cartulary, register, or other compilation into which it was copied.

S

- Sasine (seisin (Eng)) – handing over the possession of property in feu
- *Scoloc* – a ‘scholar’ or ecclesiastical tenant, usually associated with a monastic church, who often also held a small cottage or pasture rights.
- Scribe (role) – a person mentioned in a document as the scribe of that document; the person who wrote the instrument.
- Scutage – a fee paid in lieu of military service.
- Sealer (role) – a person who has appended his seal to a charter, and is mentioned in the sealing clause as such.
- Secondary (role) – person indirectly associated with a factoid, e.g. a person mentioned in a charter, but who has no direct role in the transaction.
- Serf (neyf) – an unfree person.
- Settlement – an instrument of adjudication in a dispute.
- Sheriff – a non-hereditary official in charge of a shire who carried out administrative duties.
- Shilling – monetary unit equivalent to 12 pence; the twentieth part of a pound.
- Sicut clause – literally ‘just as’; a part of the *tenendas* (‘holding’) clause, which specifies how the property being disposed is to be held, by comparison with the customs of a specific jurisdiction (e.g., ‘the kingdom of Scotland’), by comparison with a previous time or charter (e.g., ‘just as they held in the time of King David’; ‘just as the charter of King William bears witness’), or by comparison with a type of tenure (e.g., as any church holds alms).
- Sicut clause (role) – a person who is mentioned in the sicut clause (e.g. ‘just as the charter of Gilbert bears witness’).

- Signatory (role) – a person who has ‘signed’ an instrument, usually a diploma.
- Soke and sake – literally ‘cause’ and ‘suit’; the right to hold court and receive fines and forfeitures, or other dues with a specific jurisdiction.
- Stallage – a site or payment for a market stall; also payment for stalls within a ship.
- Steward – an official who is responsible for the lord’s household.
- Succentor – the deputy to the precentor; sometimes called the sub-chanter.
- Surname (toponymic) – referring to those individuals whose surnames are identified by their place of origin, e.g. Robert of Edinburgh (Edinburgh is his toponymic surname).
- Surname (patronymic) – referring to those individuals who can be identified by their father’s forename, e.g. Walter, son of Alan (Alan is his patronymic surname).

T

- Teind (tithe) – a tax levied for the church equivalent to a tenth of annual crops and beasts.
- Tenendas clause – a clause in a charter, usually identified by *tenendas et habendas*, which stipulates how the property in question will be held by the beneficiary.
- *Teste me ipso* – a phrase indicating that the instrument is witnessed only by the addressor/grantor himself; usually refers to royal *acta* witnessed solely by the king.
- Thane (*tòiseach*) – An official, similar to a sheriff though usually hereditary, who administers an estate for the king or lord.
- Toft – the site of a house and its buildings.
- Toll and team – Toll is usually the right to take toll, or to tax one’s villeins; Team is possibly an obsolete term, but may refer to the right to hold a court in which persons not resident within the jurisdiction, may be vouched.

U

- Utwara – see forinsec service.

V

- Villein – a peasant who has given dues or services to a lord in return for land on his property; not a free-tenant.

W

- Warrantice clause – a clause by which the grantor puts himself under obligation to the beneficiary to defend him in his possession of the land given, against all men; primarily an obligation to come into Court, if called upon ('vouched') by the tenant, in order to defend some action brought against him for the possession of that land.
- Wappenshaw (also Wapinshaw) – literally 'weapons show'; a periodical mustering of men with arms within a given area, usually to review the weapons.
- Witness (role) – a person who has witnessed a charter and is given in the witness list.
- Works – a type of common burden; the obligation to provide labourers to build or maintain crucial infrastructure.
- Wrang – wrongdoing of a relatively minor sort, not involving a capital penalty; the right to prosecute such wrongdoing.