

Glossary of terms found in Burgh catalogues

Term	Description
Adjudication	Adjudication was the process used against debtors to take away their heritable property. The action was raised in court and a decree registered.
Assessent Rolls	The Assessment formed a considerable part of the Town Council's income and was the forerunner of modern council tax. Assessment Rolls provide details of properties, their owners and occupants, in relation to who was responsible for paying certain elements of the tax. In general terms, the amount payable was calculated against the value of property and comprised various parts such as water. Valuation Rolls were the published version of the total values and amounts payable.
Assignment	Assignment can have several meanings. Also known as intimation, in Scots law, the means of conveyance to another of one's rights in moveable property, or ones claim for debts, or rights in land which was leased. The person who gets an assignment was called the assignee.
Assize or assise	Assize or assise meant the sitting of a court.
Associated Bodies	Associated bodies were concerned with matters closely related to official Burgh activities and many of the Burgh officials sat on the committees/boards. Although these records do not strictly originate from the Burgh itself, they were kept alongside the Burgh records because of this connection.
Baillie	A baillie was a civic officer in Scottish local government similar to that of an alderman or magistrate. Modern bailies exist in Scottish local councils as a courtesy title.
Bond	A bond, in general, was a written obligation to pay or perform something. A bond of disposition in security was the commonest form of heritable security in the 19th century, combining a personal bond by the borrower with a disposition of the lands on which the sum was secured. A bond of corroboration was an additional confirmation by a debtor of the original debt. A bond of caution was an obligation by one person to act as security for another. A bond of relief was an undertaking to relieve such a cautioner from this obligation.
Books of Council and Session	Books of council and session was the common name for the Register of Deeds.

Term	Description
Books of Sederunt	Books of sederunt recorded the acts of the Court of Session.
Burgess	Burgesses were originally burgh inhabitants who held land in the burgh. Later the title of Burgess was restricted to merchants and craftsmen. Burgess tickets were sometimes granted to outsiders who had performed some service for the burgh. Burgess rolls and court books recorded the admission of burgesses.
Burgh of Barony	Burghs of barony were granted to a tenant-in-chief, a landowner who held his estates directly from the crown. They were granted their charters by barons or churchmen. The landowner had authority from the crown to administer justice and to hold barony courts dealing with crimes and matters of good neighbourhood until 1747. Burghs of barony were created by royal charter until 1846.
Burgh of Regality	Burghs of regality were burghs created by Crown vassals who had been given the Crown's rights over a given area. The Crown granted burghs of regality to a lord of regality – a leading Scottish noble who held very large estates and had wide powers in criminal and civil law. Over 300 burghs of barony or regality were created between 1450 and 1707, but many did not survive for long, failing to develop into market towns.
Cautioner	Someone who stands surety for another person.
Cess Books	Cess books recorded the cess or property tax which was enacted in Scotland in 1665 and continued to be levied through the 18th century.
Chartulary	A chartulary (also called Pancarta and Codex Diplomaticus), was a medieval manuscript volume or roll (rotulus) containing transcriptions of original documents relating to the foundation, privileges and legal rights of an organisation or body. The term is sometimes applied to collections of original documents bound in one volume or attached to one another so as to form a roll.

Term	Description
Court Books	The medieval burgh court had both administrative and judicial functions and before 1600 the council minutes appear mixed in with court business in the court books. Court books include burgh statutes, admission of burgesses, small debt, removal of tenants, assault, breach of the peace, inquests recognising someone as heir to a deceased person and offences against trade. Cases were passed from the kirk sessions to the burgh courts - for example adultery, fornication, irregular marriage, witchcraft. Administrative acts were gradually kept separately within the council minutes and later court books tends to record only court cases and proceedings.
Court Book of Cautions	Pronounced 'caa-shions', meanings 'guarantees'. Most notaries would have a Caution, in order to guarantee the work they had done or were undertaking. For the Burgh of Ayr this record is different, in that it appears people from out with the town of Ayr were presented in front of the magistrate, and interviewed regarding their capability to ensure they would not become a 'burden on the Town'. As such the record is full of women, stating their history prior to coming to Ayr, stating their dependants and employment, perhaps stating who could act as a guarantor for them. If the magistrates were not satisfied with their statement, or if the person had been in trouble or had illegitimate children, they would be banished from the town.
Court of Justiciary	High Court of Justiciary was the principal criminal court in Scotland, operating through a number of circuits.
Court of Session	Court of Session was the main court in Scotland which tried civil cases.

Term	Description
Cocket Book	A cocket (sometimes found as coquet) was a seal used by a customs house, applied to a certificate (a "letter of cocket") certifying that duty has been paid on goods to be exported. The certificate was granted to a merchant by a burgh custumar to indicate that all duties had been paid on goods he had imported to the burgh. The cocket should specify the amount and substance of the goods and the name of the merchant who owned them. If custom was paid on one burgh, and goods were then transported to another, then the custumar of the latter burgh should not charge any custom dues on them since these would already have been paid at the port of entry. The clerk to the cocket or his deputy would apply the seal and mark the value of goods in respect of which custom was paid in his book. The record kept by the customer, and the record kept by the clerk of cocket, should reflect the same information concerning the goods liable to the payment of dues, and the custumar was not supposed to examine these goods without the presence of the clerk of cocket. Normally, both would board ships in port prior to unloading to assess the value. Thus goods which had passed by the cocket of another port were left out of account in the customs book of another port.
Codicil	A codicil was a document that acts as an amendment and supplement to a will.
Commissioners of Supply	Commissioners of supply were persons nominated every year in each county, to levy the land-tax due from their county, maintain roads and control the raising of the militia.
Council Minutes	Council minutes detail the day to day running of the burgh and the regulation of the lives of its inhabitants and the burgh's involvement in local and national affairs. They can include Acts of the council, elections of councillors, bailies and other council officers, lists of inhabitants paying stent (tax), burgh schools, trade disputes, offenders against burgh regulations. Generally before 1600 the council minutes appear mixed in with court business in the court books.
Curtilage	A curtilage was a piece of ground lying near or belonging to an occupied building.

Term	Description
Dean of Guild Court	The Dean of Guild Court in many burghs became the first effective form of building control and continued to regulate building standards until 1975. They were specialised burgh courts with building control powers in Scottish burghs. They developed from merchant guilds where the Dean of Guild had jurisdiction over certain aspects of burgh life including trade and commerce, regulation of weights and measures, property boundaries and good neighbourhood. As a result by the nineteenth century the Dean of Guild developed as a building control authority, where anyone who was intending to build had to submit a plan for approval to the court. Dean of Guild courts continued as the building control authorities in burghs until their abolition in 1975 (Local Government (Scotland) Act 1973, c.65).
Decree	Final judgement or sentence of a court.
Deed	A deed was a formal written document in a set form which gave the terms of an agreement, contract or obligation.
Discharge	Discharge in any obligation, was the termination of that obligation without liability on either party.
Disposition	A disposition in Scottish conveyancing practice was the name for the deed that transferred ownership of (conveyed) moveable or heritable property. For security, the title must be recorded in the Register of Sasines or the Land Registry.
Executor	A person nominated in a will to ingather a deceased persons estate, pay all the debts enforceable against the deceased and, after payment of any inheritance tax and of the costs of the administration, to distribute the estate according to the terms of the will.
Feu Duties	Feu duty was the money a vassal had to pay to his superior. By statute, feu duties are disappearing as they now have to be paid off by paying a sum that should produce a similar income on a transfer and this process is known as redemption.
Heritable bond	A heritable bond was an obligation to repay borrowed money, which had been secured by a grant of land which would be held by the lender as security for the repayment.
Heritors	Heritors were the landed proprietors in each parish who were responsible for the upkeep of the parish church, the parish school, payment of the minister's stipend and schoolmaster's salary etc.

Term	Description
Incumbrance	A mortgage or other security over real or personal property.
Infefment	Infefment was the act of giving symbolic possession of land or other heritable property.
Instrument	A written legal document.
Instrument of sasine	Instrument of sasine was legal evidence of the giving of possession of a piece of heritable property.
Letter Books	Letter books contain copies of letters written by various officials of the the Town Council, most usually the Town Clerk or Magistrate. Topics are wide ranging and cover all aspects of Council business including collection of taxes and customs, law and order, and local business matters.
Notarial execution	An ancient procedure whereby a notary public signs a will for a person who was blind or otherwise legally capable but physically unable to read a will.
Notarial instrument	A notarial instrument was a document drawn up by a notary.
Parliamentary Burgh	Parliamentary Burghs were 13 non royal burghs created by the Representation of the People (Scotland) Act, 1832.

Term	Description
Police Burgh and Police Commissioners	<p>Police commissioners were elected with powers to provide a police force but they also had responsibility for the cleansing, lighting, policing and public health of the burgh. A police burgh was a town where a local or general act of parliament (Burghs and Police (Scotland) Act 1833) allowed inhabitants of royal burghs and burghs of barony to set up an elected body of Police Commissioners to supervise services to be funded by local rates. In 1832 and 1833 legislation converted royal burghs and many burghs of barony and regality into parliamentary burghs with elected councils. The right to form Police Commissioners was extended to parliamentary burghs in 1847. From 1850, 'populous places' with a population over 1200, (reduced to 700 in 1862) could apply to become burghs of this type, or 'police burghs' as they came to be known. Despite the name, smaller burghs adopting the 1862 Act were not allowed to establish police forces. The records of the Police Commissioners record their activities concerning their responsibilities for public health and safety. Under the Police of Towns (Scotland) Act 1850 and the General Police and Improvement (Scotland) Act 1862 these (and further public health) powers were extended to populous places, and the result was the creation of over 100 'police burghs'. The Burgh Police (Scotland) Act 1890 ended the anomaly whereby some burghs had an elected body of police commissioners and a town council, and granted further powers to burghs.</p> <p>Police commissioners were abolished by the Town Councils (Scotland) Act 1900 (63 & 64 Vict., c.49), in favour of the older term of 'provost, bailies and councillors'. The Burgh Police (Scotland) Act 1892 (55 & 56 Vict., c.55) ended the overlap and friction which had existed between burgh councils and police commissioners by restricting powers to either one or the other. Increased public health powers were provided and only burghs with 7000 or more inhabitants were allowed to retain their police forces. The records of the Police Commissioners record their activities concerning their responsibilities for public health and safety.</p>
Police Wage Records	Police Wage records included names of staff, hours worked and staff signatures.
Protocol Books	Protocol books were kept by notaries and lawyers to record the instruments and legal documents, including sasines, they had executed.
Register of Decreets	Register of Decreets recorded the business of the burgh in dealing with private litigation.

Term	Description
Register of Inhibitions and Adjudications	An Inhibition was a writ whereby a debtor was prohibited from selling or burdening his property and an Adjudication was a transfer of property to a creditor to settle a debt. A purchaser of heritable property made a search in the Register to ensure the seller was under no legal disability from selling.
Register of Protests	A Protest was a deed of facts prepared and registered by a Notary Public when a debtor granted a Bill of Exchange or a Promissory Note and failed to make payment by the due date.
Roup	A roup was also known as an auction and was a sale of property conducted by a competitive bidding and usually held in public where the item auctioned was sold to the person who made the highest bid and governed by conditions called "articles of roup".
Royal Burgh	Royal Burghs were granted their privileges directly by the Crown and created by royal charter. The charter created the burgh or confirmed the rights of the burgh as laid down (perhaps verbally) by a previous monarch. Each royal burgh (with the exception of four 'ineffective burghs') was represented in the Scottish parliament and could appoint magistrates with wide powers in civil and criminal justice. They held a monopoly on national and foreign trade. After 1707 no further royal burghs were created and their number remained at 70.
Sasine	A sasine was either the symbolic act of giving legal possession of a piece of heritable property, or the instrument by which such an act was proved to have occurred. Where this is not recorded in the Land Register, it is achieved by recording in the Register of Sasines. The origin of the term is the same as that for the word 'seize' - meaning to take possession of. Burgh Registers of Sasine were instituted by an act of 1681. Only royal burghs had registers and the register related to lands within the original burgh boundaries. The Burgh Registers (Scotland) Act of 1926 arranged for their gradual demise.
Scroll Minute Book	A scroll minute book was a book of minutes in rough draft form to be written up later for the official version. Occasionally both the scroll and official minutes survive for some organisations and slight differences can be found between them.
Service of Heirs	Service of heirs was the process by which an heir acquired the right to an estate.

Term	Description
Settlement	In Scottish conveyancing practice, the day when the title is exchanged for the money.
Sinking Fund	A sinking fund was an amount of money set aside to cover major work needed on a property, usually leasehold, in the future.
Stent Roll	Stent rolls were lists of taxes due yearly from businesses, tradesmen or other individuals in the burgh. The sums raised helped to pay the supply tax due from the Burgh to the crown. Usually in Scotland the stent was based on property values.
Tack	Tacks were leases granting use of land (or other subject matter) for a specified term. In relation to land, the grant conferred a right of exclusive possession for a 'term or years', usually in return for the payment of a periodic sum (rent) or a capital sum or both.
Teinds	Teinds were the Scottish equivalent of English tithes. They were the tenth part of the annual produce of a unit of land, which was payable to the Church. Lesser teinds due from a parish and paid in kind, were due by custom, not by law. After the Reformation, a great deal of the property of the medieval church fell into the hands of laymen so that the ministers of the reformed church were rarely adequately provided for. In 1617 a committee of Parliament called the Commissioners of Teinds was appointed to settle suitable stipends for ministers and after 1707 its powers passed to the judges of the Court of Session who formed the Teind Court, with power to decide on such matters as the valuation and sales of teinds, the building of new churches and the augmentation of stipends.
Tenant	Tenants held land (generally for a fixed term) by a lease or tack.

Term	Description
Town Clerk	<p>The administrative and legal records of a burgh were created or held by the Town Clerk who was generally a member of the legal profession. Although the Town Chamberlain had the main responsibilities for financial matters, the Town Clerk had certain financial responsibilities, such as receipt of invoices.</p> <p>Consequently, a number of financial records can be found among these records. The Town Clerk was required to maintain the records of the burgh's business, activities, decisions and assets. These records included minutes of the council, various committees, and associated bodies with which the Town Clerk had some involvement; charters and deeds recording property and rights; court records; trading rights and burgess records.</p>
Town Treasurer	<p>The Town Treasurer, or Chamberlain as he was sometimes known, had responsibilities for the majority of financial matters within the burgh, including accounting procedures and the publication of annual accounts.</p>
Trustee	<p>A trustee was a person appointed to hold trust property and, in the case of an active trust, to administer it for the benefit of the beneficiaries.</p>
Valuation Roll	<p>Valuation rolls record the new system of valuation which began in 1855 and introduced annual rolls for the tax on property in every county and burgh in Scotland. The rolls included rateable domestic and commercial property. Domestic property rates ceased in 1988 when the council tax was introduced. Valuation rolls give names of tenants and proprietors.</p>