

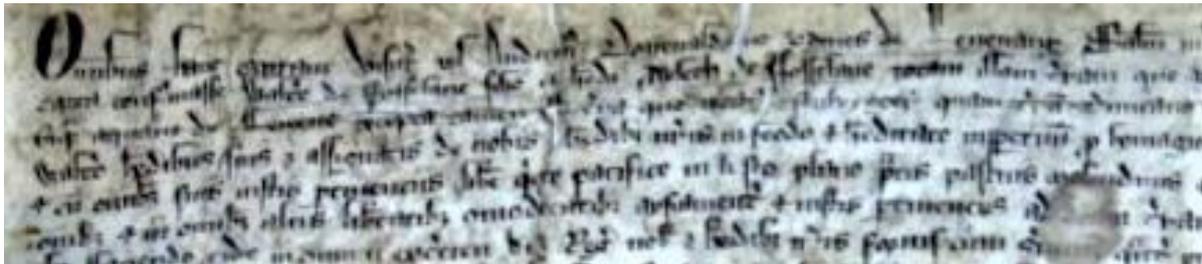
MacFarlane Muniments Documents Vary by Language

by Dr. Nicola Mills August 2021

The 110 MacFarlane Muniment documents in CMW's digital archive are mostly in **Latin** and **Scots**, with some **English**. But why was each language used, and how did the use of language change over time and from place to place? Let's look at a few examples in our Muniments and see.

Latin was the language of the Roman Empire, and thence of the Catholic Church, based in Rome. The Church used **Latin** as the common language that all educated people could understand. It was the language of the clerks who copied out our documents, and the lawyers (often churchmen themselves) who drew them up.

Here we have part of a *charter* written around the 1350s, probably in the southwest of Scotland, far from any major town. It's not a royal charter (the very best of documents) but it's still important, and the **Latin** is good, even if the membrane it's written on, and the ink itself, is not of the quality of a royal court.



Doc #71 1350's Charter of Confirmation – this begins '*Omnibus hanc cartam visuris vel auditis*' – 'to all those who will see or hear this charter' – a reminder that many people will have had this read to them, rather than be able to read it themselves.

The transfer of land was usually recorded by a notary public (in a document called a *sasine*). Notaries public began as church employees, registered in Rome, and they wrote in **Latin**. Many documents in Scotland do not have a seal

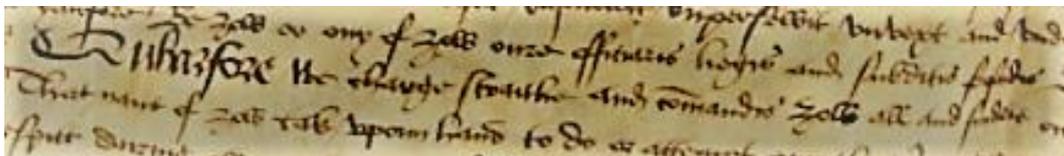


attached to them: this is because the **signature of a notary public** gave just as much authentication to a document as a personal seal. The signature took the form of an elaborate cross, unique to each notary and recorded in a book in Edinburgh: you can see one here from a MacFarlane

document from 1502. Doc #74 - **Notary's seal** on 1502 Land Transfer – the notary's name is Thomas Hamyltoun.

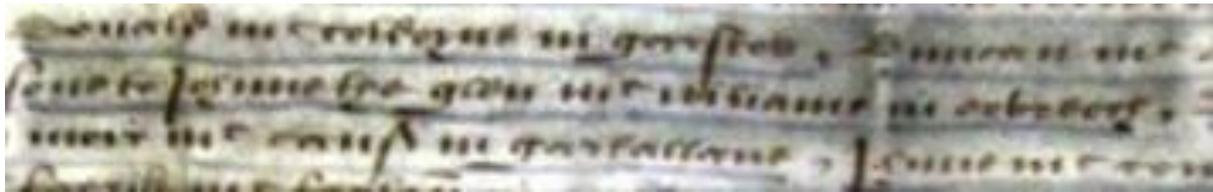
Many letters from the 16th to the early 18th century in Scotland were written in **italic** hand, which is not that different from the handwriting taught in schools up to the end of the 19th century. However, many professional clerks wrote in what we call '**secretary hand**', an abbreviated script with certain distinctive letter forms that aren't so familiar to us today. In particular, lower-case 'e' looks back to front, and 's' looks like a long-tailed 'f' with no crossbar. 'h' also has a low tail, and 'r', 'c' and 't' all look very similar and quite angular. 'd' and 'b' have their upper strokes curled down to meet the middle of the letter. As with modern handwriting, **secretary hand** can be quite legible or almost impossible to read, depending on the clerk, the pen and paper, and the care taken over the document. Both **italic** and **secretary hands** could be used for any language.

The use of **Latin** tailed off in Scotland faster than in England mostly because of the different ways the countries left the Catholic church. By the 1500s, **Scots** was being used in many documents, particularly those that did not follow a set formula. Here's a remission by Mary, Queen of Scots. This is written by a royal clerk, so the hand is clear. Spelling in many languages was fluid at this time, though 'quh' for 'wh' is already common: sometimes it's easier to understand these documents if you read them out loud!



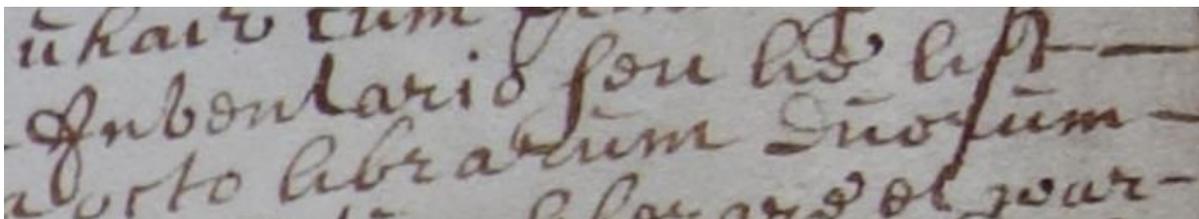
Doc #4 – Queen Mary's 1546 Remission to Duncan MacFarlane. The first full line here reads '*Wherfore We charge straitlie and comandis zow all and sundrie*' – 'Wherefore we directly charge and command you all ...'

From later in the 16th century, we have this act of *amnesty* which is again clearly written in **Scots**. This would have had a practical application – while land disputes might be brought before lawyers to settle, and lawyers would be able to read the **Latin**, the man granted this amnesty might need someone to understand the document quickly while he was detained and questioned. Not everyone could read, but more could read **Scots** than **Latin**.



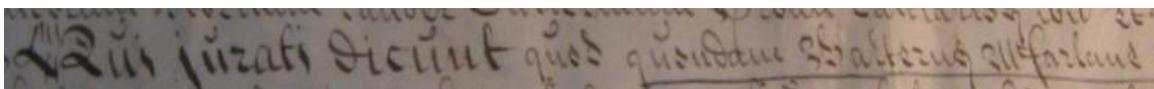
Doc #5 – 1585 Amnesty for John MacFarlane of Arrochar. The second line here is part of a list of names: ‘*sone to Johnne the glen mcwiliame in erbreoch*’.

Charters and *sasines* also increasingly needed to have key parts clearly understood by people whose **Latin** was not so competent – and there were words in **Scots** that there was no equivalent for in **Latin**, or where it was more straightforward to use the **Scots** term. There are a couple of ways of indicating this: one is to preface the **Scots** term with ‘*vulgo*’ (‘in common speech’), and the other here, the word ‘*lie*’, which means the same thing.



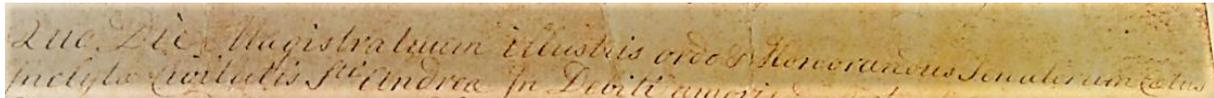
Doc #99 - 1686 *Sasine* – here the clerk has written ‘*inventario seu lie list*’ – that is, ‘inventory, or, in common language, list’

One of the types of documents that stayed in **Latin** for longest is the *retour*, a verification that someone is the heir to someone else. These were very formulaic and were drawn up in the Court of Chancery in Edinburgh: no one saw a need to translate them into **Scots** until 1847. Here is a good example: the hand is beautifully clear, but the **Latin** wording is almost identical to every other *retour*.



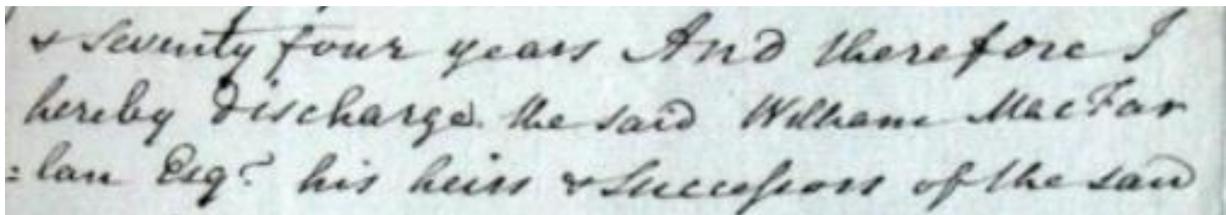
Doc #9 - 1699 *MacFarlane Retour* – the wording here is ‘*Qui jurati dicunt quod quondam Walterus McFarlane*’ – ‘Who, sworn in, say that the late Walter McFarlane’. Note the mark above each ‘u’, just the way we dot an ‘i’ to distinguish it from other small letters

Latin clung on chiefly around the four mediaeval universities (St. Andrews, Glasgow, and the two in Aberdeen). In the archive is a *burgess ticket* issued in St. Andrews in 1760, a licence for privileges in the burgh. It's in **Latin**, while a similar document granted by the burgh of Rutherglen in 1723 is already in **Scots** – there was no university in Rutherglen. Whether St. Andrews' use of **Latin** was habitual or prestigious is not clear.



Doc #16 – Walter MacFarlane's 1760 *Burgess Ticket*. The line reads '*Quo die Magistratum illustris ordo & Honorandus Senatorum Caetus* - 'On which day the illustrious order of Magistrates and the honourable College of Senators'

By the late 18th century, though most people spoke **Scots**, the influence of the Act of Union meant that educated people also spoke **English**, and the upper classes looked down on Scots as a dialect rather than a real language. It would have been unusual by 1800 to produce an official document in **Scots** - this *discharge* from 1778 is in formal but clear **English**.



Doc #70 – William MacFarlane's 1778 discharge

Thus, in a short time the language of Scottish documents developed from a language few people can now understand (**Latin**) to something we would all recognise today.