The king, at the request of a subject, would need to inform local officers or assemblies of a right newly granted to that subject in order that the right could be enforced or upheld. For this task a longer form of document than the simple brieve served his purpose. Rather than a straightforward command to a specific royal officer, the king began by notifying the addressee of an action which he had taken – the concession of a right or liberty to a beneficiary – providing the legal basis on which his command was to be performed.

This second major class of letters is closer in form to the charter, for it gives notice of a disposition which has given rise to the consequent instruction or injunction that the letter serves to relate. The notification of the type *Sciatis quod* or *Sciatis me/nos* is not diagnostic, but it is usually a signal that we are dealing with letters rather than a charter.

**Types of Letters with Notification**

(i) The first category can still be categorised as a type of brieve: it has a special address plus a notification with a personal instruction. One of the earliest examples was issued by David I in 1124 × 1136, and directed to the provosts of Perth.¹


¹ G. W. S. Barrow, *The Charters of King David I* (Woodbridge 1999), no. 48; from NLS Adv MS. 34.1.3 (Cartulary of Dunfermline Abbey).
David, by the grace of God King of the Scots, sends greeting to all his sworn men of the whole of Scotia and to the provosts of Perth. Know me to have given in alms to the church of the Holy Trinity at Dunfermline one toft in my burgh of Perth quit of all things. For that reason I command you that you cause the same church to have it, the same that Swain possessed. As witnesses, Herbert the chancellor and Hugh de Morville. At Stirling.

Over a hundred years later, Alexander II was issuing a very similar type of instrument, directed in this case to his sheriff and baillies of Dumfries.

NRS, Dalhousie Muniments, GD45/13/259 ²

gift of our predecessors, that is, in Broughton and 'Hamera'. Wherefore we command and firmly enjoin you that you by no means allow that any of the heirs of Galloway, or their bailies, obstruct the said abbot and convent, but that they have their free court in the said land of Dunrod in respect of all things which ought justly to belong to them; doing so much, lest for your default it be necessary for the said abbot and convent to resort to us, complaining about this matter again. As witnesses, Henry de Balliol, chamberlain; John de Vaux; Nicholas de Soules. At Edinburgh on 16th day of February, in the 32nd year of the lord king’s reign.

(ii) The king’s subjects also required him to issue more general notifications, either new or supplementary to an existing charter of his predecessor, by which he could communicate and enforce or reinforce a right newly granted to or already held by one of his subjects; or, more commonly, they needed him to issue a prohibition based on the right or liberty granted. This was done in the form of a class of letter addressed generally to men of the land holding legal status, the probi homines, giving notice of the transfer of rights to a beneficiary and, more often than not, issuing an injunction or prohibition. Such letters were not deliverable, and were rather like charters in that they were meant to be a record of the transfer of rights.

This category of letter with a notification is a modification of the first category, away from the brieve, in the direction of the charter. A general address (‘Alexander Dei gratia rex Scottorum omnibus probis hominibus tocius terre sue salutem’) replaces the special address, but the text still lacks a confirmation clause and employs the form of notification, Sciatis nos/quod. The instructions and injunctions lack a personal object.

This was the form of instrument used when the king found occasion to improve the tenure of land-holders already in possession of their land, by conceding certain additional liberties or privileges such as tenure in free forest or free warren. Such grants were made with sufficient frequency that a standardised formula of wording became established during the reign of Alexander II.
The standard pattern of these acts was Address + omnibus probis hominibus; notification + operative verb; quare (or et or unde) + injunction/prohibition. Again, this act of David I forms the basic model for the letters which become standardised during the reign of Alexander II.

NRS, GD40/1/1 (Lothian muniments)³

David rex Scottorum omnibus hominibus terre sue clericis et laicis salutem. Sciatis me dedisse et confirmasse ecclesie de Neubotle et monachis ibidem deo seruientibus et sancte Marie, Neubotle per suas rectas diuisas, in omnibus in perpetuam elemosinam, libere et quiete, sicut aliqua elemosina postest teneri et concedi liberius, exceptis duabus carucatis terre quas Roberto Ferrario pro seruitio suo dedi. Quare uolo et precipio ut ipsi monachi sint in bene et mea firma pace et heredum meorum, et sint liberi et quieti et absoluti ab omnibus exactionibus et consuetudinibus secularibus per totum regnum inperpetuum. Annuente hoc et concedente Henrico filio meo et confirmante. Presentibus testibus Iohanne episco po de Glesgu, Ricadro abbate de Mailros, Cospatric et Duncan comitibus, Hugone de Moreuill constabulario. Apud Ednesburc, kalendas Nouembris, anno Incarnacionis Domini millesimo centesimo quadragesimo.

David, King of the Scots, sends greeting to all men of his land, clerk and lay. Know me to have given and granted to the church of Newbattle and the monks serving God in that place, and to Saint Mary, Newbattle by its correct boundaries, in all things, as everlasting alms, freely and quietly, just as any alms can be held and freely granted, except for the two ploughgates of land which I have given to Robert Ferrari in return for his service. Wherefore I will and enjoin that the monks be well both in my own and also my heirs’ firm peace, and be free and quit and released from all secular exactions and customs throughout the whole kingdom for ever. With Henry my son approving, allowing and affirming this. Present as witnesses, John, bishop of Glasgow; Richard, abbot of Melrose; Cospatric and Duncan, earls;

³ Barrow, Charters of King David, no. 96.
Hugh de Morville, constable. At Edinburgh on 1 November, in the year of the incarnation of the Lord, 1140.

**Standardisation of letters in the reign of Alexander II**

During the reign of Alexander II, a range of increasingly standardised acts developed, issuing injunctions or prohibitions based on the grant of rights amounting to the improvement of tenure of property already held.

In what follows, the forms are based on actual acta, but have been standardised to emphasise the common features. I give here, to illustrate the wider phenomenon, examples of two types of act: (i) the granting of rights of forest and warren, and (ii) the prohibition of poinding.

**Letters of Alexander II granting rights of forest and warren:**

**Simplest form**

**AD 1230 (Cartulary of Scone Abbey)** Grant of tenure in warren, forbidding cutting of timber or hunting without permission of the beneficiaries.⁴


**AD 1234 (Cartulary of Balmerino Abbey).** Grant of tenure in forest, forbidding cutting of timber or hunting without permission of the beneficiaries.⁵

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Letters of Alexander II granting rights of warren:

Developed form

Words in **boldface** type show additional developments to the foregoing forms, and which become standard during the reign.

**AD 1249 (Cartulary of Dunfermline Abbey).** Grant of tenure in free warren, forbidding cutting of timber or hunting without permission of the beneficiaries.⁶


**AD 1249 (for Matthew of Moncreiffe at the request of Roger de Mowbray).** Grant, at the request of another, of tenure in free warren, forbidding cutting of timber or hunting without permission of the beneficiary.⁷

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**AD 1249 (for Geoffrey of Farsley).** Grant of tenure in free warren, forbidding cutting of timber or hunting without permission of the beneficiary.⁸


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**Letters of Alexander II against taking poinds**

The following acts show how consistent in form were letters granting protection against the taking of poinds from the second half of the reign of Alexander II. Additional or differing words and phrases are denoted in boldface type.

**AD 1230 (Cartulary of Arbroath Abbey).** Grant that no one shall take poinds from the beneficiary’s men except for their own debt, on pain of the king’s full forfeiture.⁹

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Alexander Dei gratia rex Scotorum omnibus probis hominibus totius terre sue salutem. Sciatis quod concessimus tali ut nullus capiat namos hominum suorum de tali loco pro alicuius debito uel forisfacto nisi pro eorundem proprio debito uel forisfacto. Quare prohibemus firmiter ne quis contra hoc iniuste uexare presumat, super nostram plenariam forisfacturam. Testibus. Apud tali loco, tali die tali mensis anno regni domini regis tali.

AD 1235 (for Geoffrey of Farsley). Grant that no one shall take poinds from the beneficiary or his men except for their own debt, on pain of the king’s full forfeiture.  


AD 1248 (for Coldingham Priory) Grant that no one shall take poinds from the beneficiary’s men who live in a certain demesne, except for their own debt, on pain of the king’s full forfeiture.

Alexander Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue salutem. Sciatis quod concessimus talibus dilectis et fidelibus nostris, ut nullus capiat namos suos uel hominum suorum quos habent in dominico in tali loco pro alicuius debito uel forisfacto nisi pro eorundem propio debito uel forisfacto. Quare firmiter prohibemus ne quis dictos monachos et homines suos contra hanc concessionem

10 Stringer, Acts of Alexander II, no. 217 (GD190/3/484/28 [modern transcript of original]).
11 Stringer, Acts of Alexander II, no. 325 (Original, Durham, DCD, Misc. Ch. 629*).
The basis for the central formula of these acts,

ut nullus capiat namos hominum suorum pro alicuius debito uel forisfacto nisi
pro eorundem proprio debito uel forisfacto

may be found as early as the reign of David I, where in a general brieve
of 1124×?1136 the king commanded,

ne capiatis aliquod namum super terram et super homines talis pro forisfacto
alicuius nisi pro proprio forisfacto illorum.12

The Standardisation of Diplomatic in Royal Brieves and Letters

By the time Alexander II succeeded King William, a standardisation of
the repertoire of royal instruments had occurred, resulting in a pattern
that hardly varies. The cause of this standardisation and the
preponderant use of letters of general notification can be linked to
specific developments in Scottish law and royal policy. From 1230 a
tenant was enabled to sue the lord who put him out without cause or
due process by bringing an action of ‘novel dissaisin’ (‘recent
dispossession’) in the king’s court. And the lord whose tenant died had
to put that tenant’s heir in possession or else be liable to an action of
‘mortancestry’ and an inquiry by a jury into the title under which the
possessors of a property held it.

The reign of Alexander II also saw a significant curtailment of the
alienation of the royal demesne in return for knight service: there was
only one new gift of land made in return for the service of a whole
knight during the reign, and even then it was an exchange;13 a further

12 Barrow, Charters of King David, no. 50 (Catulary of Dunfermline Abbey).
13 NRS, GD 86/1; Stringer, Acts of Alexander II, no. 194; Fraser, Carlawrock, ii, pp. 404–5 (with
facsimile); Fraser, Facsimiles, no. 43; Fraser, Pollok, i, pp. 122–3, no. 3; calendared in POMS at
http://db.poms.ac.uk/record/source/2062/#
eleven gifts were made for fractional knight service, which amounted to the service of an additional three-and-a-half knights. The previous reign had seen gifts for knight service to the value of nearly twenty-eight knights. The subsequent reign of Alexander III (1249–1286) saw one gift of land for knight service, and that for only half a knight.

The tailing-off of new gifts from the royal demesne coincided with a considerable increase in the granting of improvement of tenure with the augmentation of rights, liberties and protections. As an illustration of a wider phenomenon, King David made one grant of tenure in forest; there was one grant amounting to tenure in free forest during the reign of Malcolm IV (1153–1164); King William (1164–1214) made seven grants amounting to tenure in free forest or warren; but Alexander II (1214–1249) made at least 27 grants of tenure in free forest and free warren.14

Grants of rights, liberties and protections are the kinds of acts that would have tended to increase the perception of lordship, avoid further alienation of the royal demesne, and also increase business in the royal and regional courts. The granting of these rights and protections also produced more opportunities to bring actions in the king’s court.

By the end of the reign of Alexander II there was an emerging bureaucracy and an increasingly centralising legal system. The tendency to centralise and bureaucratise was coincident with a sharp rise in the number of grants of rights and the theoretically more prominent role for royal courts in matters of property. The standardisation of formulae and the increasing use of the letter of notification as a means of granting legal privileges was happening at the very time as what Alice Taylor has characterised as a ‘great leap forward’ in the centralisation and bureaucratisation of Scottish royal government around 1230.

14 Barrow, Charters of King David, no. 210; G. W. S. Barrow, The Acts of Malcolm IV King of Scots 1153–1165 (Edinburgh, 1960), no. 311 (text does not survive); G. W. S. Barrow (with W. W. Scott), The Acts of William I King of Scots 1165–1214 (Edinburgh 1971), nos 314, 340, 346, 463, 565 (forest); no. 46, 335 (warren); Stringer, Acts of Alexander II, nos 54, 57, 89, 201, 206, 213, 214, 220, 226, 238, 242, 243, 253, 260, 269, 275, 277, 288, 289, 310, 321 (free forest); nos 158, 327, 328, 331, 337, 343 (free warren).