



Broun, D. (2023) Latin charters and the use of Gaelic in Scotland in the twelfth century. *Cambrian Medieval Celtic Studies*, 86, pp. 1-27.



Copyright © 2023 CMCS at the Department of Welsh, Aberystwyth University.
Reproduced under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

For the purpose of open access, the author(s) has applied a Creative Commons Attribution license to any Accepted Manuscript version arising.

<https://eprints.gla.ac.uk/307482/>

Deposited on: 2 October 2023

Enlighten – Research publications by members of the University of Glasgow
<https://eprints.gla.ac.uk>

Latin Charters and the Use of Gaelic in Scotland in the Twelfth Century

Dauvit Broun

University of Glasgow

THE retreat of Gaelic as the main language spoken in the Scottish kingdom's historic heartland in eastern Scotland north of the Firth of Forth cannot be traced with any consistency. Phrases in *Inglis* (the ancestor of modern Scots) in Latin documents offer snapshots of local usage of the vernacular that came eventually to replace Gaelic, but are very far from being a consistent seam of information.¹ Geoffrey Barrow published a 'select list' of examples in 1980; for eastern Scotland north of the Forth he focused on the records of Arbroath and Dunfermline Abbeys and Elgin Cathedral, with some examples in other sources. Nearly all the documents he cited are from the thirteenth century: only two are datable securely to before 1200 (both are in the late 1190s).² More recently, the study of personal and place-names, particularly in Fife, has yielded some fruitful insights.³ This has led to a persuasive view of *Inglis* / Scots gaining momentum by the late twelfth century through 'centres of innovation', such as towns (burghs) and trade, administration (the new sheriffdom at Cupar, for example), and landholding by new monastic

¹ One of the key issues is varied patterns of survival: see Joanna Tucker, 'Survival and Loss: Working with Documents from Medieval Scotland', in *Dark Archives, I, Voyages into the Medieval Unread and Unreadable, 2019–2021*, edited by Stephen Pink and Anthony John Lappin (Oxford, 2022), pp. 61–96 (esp. pp. 69–84).

² G. W. S. Barrow, *The Anglo-Norman Era in Scottish History* (Oxford, 1980), pp. 200–3. In Barrow's list of documents only one is definitely datable to before 1200: it mentions 'Redinche' (which Barrow interpreted as 'red island' or 'island with reeds') and 'jhara' (identified by Barrow as Old English *gear*). Barrow cited it from the sixteenth-century Lindores cartulary; a slightly earlier document also referring to 'Redinche' and 'ihara', datable to 29 September 1197 × 1198, has since been edited in Keith J. Stringer, *Earl David of Huntingdon, 1152–1219: A Study in Anglo-Scottish History* (Edinburgh, 1985), p. 244 (no. 43). Three documents in Barrow's list have date-ranges extending either side of 1200 and two are dated 'c. 1200'. The one in Dunfermline Abbey's cartulary has now been dated 5 December 1214 × 23 January 1226 (<<https://www.poms.ac.uk/record/source/885/>>), and the one cited by Barrow from *Registrum de Panmure*, edited by John Stuart, 2 vols (Edinburgh, 1874), II, 125–26 (also published in *Rental Book of the Cistercian Abbey of Cupar-Angus*, edited by Charles Rogers, 2 vols (London, 1879–80), II, 283) has now been dated 11 May 1214 × 5 November 1215 (<<https://www.poms.ac.uk/record/source/5515/>>, citing *Rental Book*, edited by Rogers). Of the three that remain in Barrow's list, the reference to 'Witthefeld' in Cargill (Perthshire) is found in *Regesta Regum Scottorum*, II, *The Acts of King William I, King of Scots, 1165–1214*, edited by G. W. S. Barrow in collaboration with W. W. Scott (Edinburgh, 1971), no. 377 (p. 372), datable to 5 May 1195 × 1199. The others have since been published in *Scottish Episcopal Acta*, I, *The Twelfth Century*, edited by Norman F. Shead (Woodbridge, 2016), no. 113 (p. 131), datable to 1187 × 1203, possibly 1190, and Stringer, *Earl David*, pp. 223–24, datable to 1185 × 1219.

³ Simon Taylor with Gilbert Márkus, *The Place-Names of Fife*, V, *Discussions, Glossaries and Texts* (Donington, 2012), pp. 169–79 and 225–40; Simon Taylor, 'Babbet and Bridin Pudding or Polyglot Fife in the Middle Ages', *Nomina*, 17 (1994), 99–118; Gilbert Márkus, 'Gaelic under Pressure: A Thirteenth-Century Charter from East Fife', *Journal of Scottish Name Studies*, 1 (2007), 77–98.

foundations.⁴ These developments were driven by kings of Scots supported by local elites, and have been seen as part of the ‘Europeanization’ or ‘Anglicization’ of the Scottish kingdom.⁵

The predominant source-type on which we depend so heavily for our knowledge of Scottish society in this period, including personal and place-names, and occasional snippets of *Inglis / Scots*, is the charter: a Latin text written originally on a piece of parchment with a seal attached to it (sometimes with more than one seal).⁶ At least 1,526 charters can be dated to the twelfth century overall, with the great majority in the second half of the century.⁷ A study of Gaelic proper nouns as well as Gaelic words (equivalent to Barrow’s list of those in *Inglis / Scots*) in this context could offer a distinctive contribution to the wider (and vast) field of vernacular languages in charters, and in Latin documents generally.⁸ This article, however, seeks instead to

⁴ Taylor with Márkus, *Place-Names of Fife*, v, 239. See also the roughly similar outline in David Murison, ‘Linguistic Relationships in Medieval Scotland’, in *The Scottish Tradition: Essays in honour of Ronald Gordon Cant*, edited by G. W. S. Barrow (Edinburgh, 1974), pp. 71–83 (pp. 72–75). From a largely theoretical and comparative socio-linguistic perspective, however, more emphasis is given to the growing number of burghs, initially as ‘islands in a Gaelic-speaking sea’: Robert McColl Millar, *A Sociolinguistic History of Scotland* (Edinburgh, 2020), pp. 54–66 (esp. pp. 63–65).

⁵ On the use of these terms, see especially Matthew Hammond, ‘Domination and Conquest? The Scottish Experience of the Twelfth and Thirteenth Centuries’, in *The English Isles: Cultural Transmission and Political Conflict in Britain and Ireland, 1100–1500*, edited by Seán Duffy and Susan Foran (Dublin, 2013), pp. 68–83.

⁶ For this definition of ‘charter’ in a general sense, see Tucker, ‘Survival and Loss’, p. 63. ‘Charter’ can also refer specifically to a particular kind of text relating to perpetuities, as distinct from (for example) an instruction or notification with one or more addressee (a ‘brieve’), or a ‘chirograph’ (an agreement written twice on a single piece of parchment which is cut in two so that each party retains a copy sealed by the other party). See John Reuben Davies, ‘The Development of the Charter in Scotland’, in *Copper, Parchment, and Stone: Studies in the Sources for Landholding and Lordship in Early Medieval Bengal and Medieval Scotland*, edited by John Reuben Davies and Swapna Bhattacharya (Glasgow, 2019), pp. 69–97 (pp. 86–89 for the charter proper). The property-records in the Book of Deer are not ‘charters’ in either sense; indeed, there is no reason to suppose that they were originally written on single sheets of parchment: Dauvit Broun, ‘The Property Records in the Book of Deer as a Source for Early Scottish Society’, in *Studies in the Book of Deer*, edited by Katherine Forsyth (Dublin, 2008), pp. 313–60 (pp. 346–49). Unfortunately it is impossible to be sure of the original form of the property records of the Céli Dé of St Serf’s Isle, Loch Leven. They survive only in a Latin version in which, we are told, the unnecessary prose ‘of an old book/roll in the ancient language of the Scots’, that is, Gaelic (*ueteris uoluminis antiquo Scotorum idiomate*) had been omitted. The Latin text only survives in the St Andrews Priory cartulary, where it was copied sometime after 1276. See Simon Taylor with Peter McNiven and Eila Williamson, *The Place-Names of Kinross-shire* (Donington, 2017), pp. 552–54 (for discussion), 566–70 (edition), and 570–86 (translation and notes).

⁷ Matthew Hammond, ‘Introduction: The Paradox of Medieval Scotland, 1093–1286’, in *New Perspectives on Medieval Scotland 1093–1286*, edited by Matthew Hammond (Woodbridge, 2013), pp. 1–52 (pp. 17–18) (not including the eleven charters that could be datable to the 1090s). Hammond’s calculations deal explicitly and sensitively with the problem of dating undated documents.

⁸ A comprehensive study of Gaelic personal names in Latin charters is Roibeard Ó Maolalaigh, ‘Gaelic Personal Names and Name Elements in Scottish Charters, 1093–1286’, in *Personal Names and Naming Practices in Medieval Scotland*, edited by Matthew Hammond (Woodbridge, 2019), pp. 41–99. For a document of 1211 with an unusual number of Gaelic words and phrases see Thomas Owen Clancy, ‘Reformers to Conservatives: Céli Dé Communities in the North East’, in *After Columba – After Calvin: Community and Identity in the Religious Traditions of North East Scotland*, edited by James Porter (Aberdeen, 1999), pp. 19–31 (p. 26), referring to *Liber Cartarum Prioratus Sancti Andree in Scotia*, edited by Thomas Thomson (Edinburgh, 1840), pp. 370–72: the Gaelic terms relate to the Céli Dé of Monymusk (Aberdeenshire). An initial foray into the broad terrain of the study of charters and language is the collection of papers, *La langue des actes: Actes du XI^e congrès international de diplomatique (Troyes, jeudi 11-samedi 13 septembre 2003)*, edited by Olivier Guyotjeannin (Paris, 2005), published online (2014): <<https://www.chartes.psl.eu/fr/publication/langue-actes>>. (I am grateful to Huw Pryce for referring me to this.) For the vernacular in relation to a wider range of Latin documents see, for example, David Trotter,

tackle a more fundamental aspect of the corpus, touching on the nature of Latin charters themselves. Robert Bartlett, in outlining how charters came to be adopted across Latin Christendom in the central Middle Ages, has observed perceptively how ‘their power lies ... in the way they objectify human relationships’, ‘giving incarnation to the most abstract aspects of social relations: rights and claims ... were hereby given tangible form’.⁹ Only in Scotland, however, has this new dimension in establishing and maintaining property rights been seen as part of wider cultural change that led to the demise of the dominant vernacular language in the kingdom’s heartlands. The question of whether there was a link between the adoption of Latin charters and the retreat of Gaelic is important, therefore, not only for understanding Gaelic’s decline in eastern Scotland, but for any assessment of the charter’s potential as an agent of social change in this period.

The earliest extant charters relating to Scotland were produced in Durham in the 1090s.¹⁰ Durham is also the home of the earliest surviving example written in the Scottish kingdom: a *brieve* in the name of Alexander I (1107–24).¹¹ Although the production of Latin charters in Scotland cannot be assumed to correlate with patterns of survival, a study of the earliest extant corpus apart from Durham’s suggests that charters only began to be written in the Scottish kingdom in the first half of the twelfth century, based on English models.¹² It has been calculated that a mean of 240 extant charter-texts were produced in the 1150s, doubling to 485.5 in the 1190s.¹³ The only use of Gaelic in relation to charters that has been suggested was in translating the proceedings for the benefit of Gaelic-speakers, who typically appear alongside ‘English’ or, from David I’s reign, ‘French and English’ (*Franci et Angli*) in the address clause of royal charters.¹⁴ When this is combined with the assimilation of ‘native’ elites into English and

“‘Stuffed Latin’: Vernacular Evidence in Latin Documents’, in *Language and Culture in Medieval Britain: The French of England c. 1100–c. 1500*, edited by Jocelyn Wogan-Browne (Woodbridge, 2009), pp. 153–63.

⁹ Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950–1350* (London, 1993; repr. 1994), pp. 286, 287, and 280–88; in the first quotation Bartlett is also referring to coins.

¹⁰ A. A. M. Duncan, ‘Yes, the Earliest Scottish Charters’, *Scottish Historical Review*, 78 (1999), 1–38, replying to Joseph Donnelly, ‘The Earliest Scottish Charters?’, *ibid.*, 68 (1989), 1–22; see also A. A. M. Duncan, *The Kingship of the Scots 842–1292: Succession and Independence* (Edinburgh, 2002), pp. 55–57.

¹¹ Durham Cathedral Archive (housed in Durham University Library, Archives and Special Collections) [hereafter DCA], Misc. Ch. 562 (<<https://iiif.durham.ac.uk/index.html?manifest=t1mbn999680j>> is a digital image); a diplomatic edition is James Raine, *The History and Antiquities of North Durham* (London, 1852), Appendix, p. 3 (no. X). In the *brieve* Alexander I commands Algar prior of Durham not to get involved in a dispute until Alexander comes to deal with it himself. In Matthew Hammond’s classification of Scottish charters this is 1/3/1 (for Hammond numbers see Hammond, ‘Introduction: The Paradox of Medieval Scotland’, pp. 10–11). ‘H numbers’ are useful for finding a document in <<http://www.poms.ac.uk/>>: Amanda Beam and others, *The People of Medieval Scotland 1093–1371*, first edition 1093–1286 (2010); second edition 1093–1314 (2012); third edition including mapping and Social Network Analysis functionality (2016); fourth edition 1093–1371 (2019): under ‘Sources’, search for the H number, where key information (such as dating) is provided (in the case of 1/3/1 it is suggested that the *brieve* was probably written early in Alexander’s reign).

¹² Dauvit Broun, ‘The Adoption of Brieves in Scotland’, in *Charters and Charter Scholarship in Britain and Ireland*, edited by Marie Therese Flanagan and Judith A. Green (Basingstoke, 2005), pp. 164–83. For patterns of survival, see Hammond, ‘Introduction: The Paradox of Medieval Scotland’, pp. 14–30; Tucker, ‘Survival and Loss’, pp. 74–84 (noting how ‘each archive has therefore experienced its own individual journey’, p. 81).

¹³ Hammond, ‘Introduction: The Paradox of Medieval Scotland’, p. 18.

¹⁴ For the ‘linguistic-ethnic’ element in an address clause in relation to translation for the benefit of linguistic groups see Richard Sharpe, ‘Peoples and Languages in Eleventh- and Twelfth-Century Britain and Ireland: Reading the Charter Evidence’, in *The Reality Behind Charter Diplomacy in Anglo-Norman Britain*, edited by Dauvit Broun (Glasgow, 2011), pp. 1–119 (pp. 103–6 for the essential hypothesis, and pp. 116–19 in relation to Scotland: Scottish examples are discussed at pp. 62–102). It is acknowledged, however, that the development of this feature was

Francophone families and networks, it is hard not to see Gaelic losing status in the context of charters at the same time as these began to be used more widely.¹⁵ Therefore, although charter-texts are a crucial resource for studying Gaelic personal and place-names, on the face of it they seem to represent a new social setting in which Gaelic itself may have had only a limited and increasingly marginal role.

The use of Gaelic in relation to charters, however, has not been addressed explicitly before, except in passing;¹⁶ instead, the topic tends to be subsumed within a general idea of Gaelic or ‘native’ culture north of the Forth. This is expressed elegantly in relation to charters by Cynthia Neville:

One of the central themes of the history of Scotland in the century or so after the reign of David I is the encounter between two very different cultures, one that brought with it from abroad the familiarity with written instruments and the waxen seals so closely associated with them, and another, which vested individual and collective authority in the oral testimony of eye-witnesses and the memory of a specially trained order of learned poets, historians, doomsmen and genealogists. The spread of written documents and waxen seals from the ‘Anglo-Norman’ south into the ‘land of the earls’ north of the Forth has much to reveal about the nature of this encounter.¹⁷

This frame of reference reinforces the sense of charters and Gaelic as inhabiting contrasting — and, by implication, incompatible — social contexts. This has never been tested, however, presumably because there is no apparent means to do so.

This article is an attempt to meet this challenge. First, some fleeting glimpses of Gaelic orthography will be considered. This will not, however, lead to any fresh conclusions. The main focus will instead be on occasions where Gaelic has an unexpected presence in relation to authenticating and witnessing charters. Although the exact nature and regularity of Gaelic’s role cannot be demonstrated — the available information is far too limited to allow the socio-linguistic dynamics of this period to be investigated — it can, for the first time, be envisaged that Gaelic potentially played a full part in this key change in elite society, rather than being marginalized by it. This is different from the much-studied acculturation of Gaelic elites, where their use of Gaelic was implicitly confined to ‘traditional’ contexts.¹⁸ An immediate conclusion

different in a Scottish context and presents a ‘complicated and challenging picture’ (summarized at pp. 62–63). It is possible, therefore, that in royal charters (at least) it developed a different function in the twelfth century before it was abandoned c. 1180: see Kenji Nishioka, ‘Scots and Galwegians in the “Peoples Address” of Scottish Royal Charters’, *SHR*, 87 (2008), 206–32.

¹⁵ For assimilation into English and Francophone elites, see Hammond, ‘Domination and Conquest?’, pp. 74–76 and 80–81.

¹⁶ Matthew Hammond, ‘The Development of *Mac* Surnames in the Gaelic World’, in *Personal Names and Naming Practices*, edited by Hammond, pp. 100–43, has commented that, except in the Lennox and predominantly Gaelic-speaking places, ‘charters are more likely to reflect ... the social worlds of immigrant Anglo-French lords or reformist monasteries and cathedral establishments, than the milieu of Gaelic-speaking landowners’ (p. 131).

¹⁷ Cynthia J. Neville, *Land, Law and People in Medieval Scotland* (Edinburgh, 2010), p. 74.

¹⁸ For acculturation see Dauvit Broun, ‘Anglo-French Acculturation and the Irish Element in Scottish Identity’, in *Britain and Ireland 900–1300: Insular Responses to Medieval European Change*, edited by Brendan Smith (Cambridge, 1999), pp. 135–53, and Hammond, ‘Domination and Conquest?’, pp. 74–81. For Gaelic being confined to ‘traditional’ contexts, see Cynthia J. Neville, *Native Lordship in Medieval Scotland: The Earldoms of Strathearn and Lennox* (Dublin, 2005), and eadem, *Land, Law and People*, where ‘Gaels’ are contrasted with ‘Europeans’. An aspect of acculturation was the use of alternatives for Gaelic names (often a French name, such as *Gilebert* for *Gilla Brigte*, or *Roland* for *Lachlan*, which appear in a Latin form in charters: *Gilbertus*, *Rolandus*): these are listed and discussed in Ó Maolalaigh, ‘Gaelic Personal Names’, pp. 47–51.

is that Gaelic declined chiefly as a result of forces effecting the population more widely, and that charters and the ideas they embodied need not have played a part. Indeed, our understanding of the impact of charters in eastern Scotland risks being incomplete if the potential for Gaelic as an active element in this social context is not considered.

Before taking a microscope to this material with Gaelic in mind, it is important first to consider the nature of charters as a source for the dynamics of landholding society. The charters which survive today typically relate in some way to property or privileges, and are a rich resource for studying not only the nature of these rights, but the people found in each document and the roles ascribed to them there. The charter itself was a social act, whose drafting and authentication involved donor, beneficiary, and witnesses, either at a specific moment, or as part of a process.¹⁹ But charters only offer a limited view. There is much more to the life of landholding communities than what is contained in these texts.²⁰ There is also the particular issue of how charters during the late twelfth and thirteenth centuries became increasingly formulaic and predictable. This in itself is precious evidence for society's changing expectations about what it meant to hold property and privileges, and the emergence of a more standard and abstract frame of reference for landholding and lordship.²¹ But it also reinforces the innate tendency of Latin charters to represent society in an increasingly homogenized way. At a superficial level this is apparent in the international legibility of these documents. Their language and handwriting gave them the capacity to be read outside its local setting: in some instances they were transported to the king and, particularly in the case of charters for ecclesiastical beneficiaries, to the Curia, in order to generate royal and papal documents giving extra weight to the original charters.²² At a deeper level, however, the tendency of charter prose to follow models and become more

¹⁹ See, for example, Dauvit Broun, 'The Presence of Witnesses and Writing of Charters', in *The Reality Behind Charter Diplomacy*, edited by Broun, pp. 235–90. Note that the identification of letters to absent witnesses as a peculiarly Cistercian phenomenon (pp. 238–46 and 255–57) has been disproved by Nicholas Vincent's discovery of a Benedictine example from the early thirteenth century (pers. comm. 10 February 2019): *Cartularium Monasterii Sancti Johannis Baptiste de Colecestria*, edited by Stuart A. Moore, 2 vols (London, 1897), II, 353 (second document).

²⁰ For example, Hammond, 'Development of *Mac* Surnames', pp. 130–31, has analysed the contexts in which individuals are given *mac* and *úa* names, observing that they appear less often as charter witnesses than perambulators, jurors, or swearing fealty, reinforcing 'the unrepresentative nature of the surviving charter evidence'.

²¹ John Reuben Davies, 'Royal Government in Scotland and the Development of Diplomatic Forms, 1093–1250', in *Identifying Governmental Forms in Europe, 1100–1350: Palaeography, Diplomacy and History*, edited by Alice Taylor (in progress), and Davies, 'Development of the Charter in Scotland'; for the emergence of a more abstract frame of reference for landholding and lordship in the late twelfth century, see Dauvit Broun, 'Kingdom and Identity: A Scottish Perspective', in *Northern England and Southern Scotland in the Central Middle Ages*, edited by Keith J. Stringer and Angus Winchester (Woodbridge, 2017), pp. 31–85.

²² Increasingly in the second half of the twelfth century, papal bulls of protection for major churches confirming their possessions and privileges began to include details of their possessions: the earliest to survive is Eugenius III's bull for Cambuskenneth Abbey, 30 August 1147 (*Scotia Pontificia: Papal Letters to Scotland before the Pontificate of Innocent III*, edited by Robert Somerville (Oxford, 1982), no. 27). It may be assumed that the charters themselves, or at least a royal confirmation, was initially needed in order to verify the detail that was included in the papal bulls; once the bull had been received, however, it could be used as the exemplar of subsequent bulls of protection (as in the case of St Andrews Cathedral Priory: Broun, 'Kingdom and Identity', p. 84). For a precocious example of a minor baron (Ansketill of Ridale) obtaining papal confirmations of lands in the Scottish kingdom which he had received as a bequest from his brother, see Stephen Marritt, 'The Ridale Papal Letters and Royal Charter: A Twelfth-Century Anglo-Scottish Baronial Family, the Papacy, the Law and Charter Diplomacy', *English Historical Review*, 126 (2011), 1332–54 (p. 1352 for an edition of Adrian IV's confirmation on 8 April 1156, and pp. 1352–53 for Alexander III's on 18 May 1165; a confirmation by Alexander III for Ansketill's son, Walter, sometime between 1166 and 1176, is edited at pp. 1334–35).

formulaic might also encourage us to assume too readily that the societies who regularly produced them were themselves culturally homogenized, at least among those of sufficient standing to be involved with issues of landholding and lordship.

As we have seen, charters have been associated with cultural change north of the Forth. They have also been regarded as harbingers of new ideas and practices of landholding. Richard Oram, for example, has written that

Charters, written documents setting out title to landed and other property rights, were themselves symbolic of foreign cultural influence; their use reflected adoption by native magnates of legal forms and processes developed in mainland Europe and southern Britain.²³

A different approach, however, has been developed by Alice Taylor, highlighting how the earliest charters have too readily been read in the light of later, more familiar examples. She argued that this has obscured the piecemeal and gradual way charters developed as an expression of landholding and lordship in twelfth-century Scotland.²⁴ This has transformed our understanding of the Scottish situation. The ‘legal forms and processes’ referred to by Oram can no longer be explained simply as something that was imported with the adoption of charters. It would be more appropriate to see charters as a widely shared European medium through which ideas of landholding and lordship developed in different ways in different polities. Seen in this light, Scottish charters can usefully be compared with those not only in the Anglo-Norman realm, but anywhere in Latin Christendom, as a way of exploring common themes and developments.

Alice Taylor’s direct concern was with the legal and political aspects of charters, not their cultural dynamics. If we think of the corpus of charters that survive today, predominantly kept initially in the archives of newly founded monasteries and cathedrals, they seem to represent social interactions where French or English rather than Gaelic would have been the norm.²⁵ It may well be asked how this can be shown, given that the charters themselves are in Latin. Although the orthography of vernacular names and terms in charters has yet to be studied systematically, it is apparent that Gaelic place- and personal names are almost never rendered in a way that clearly reflects long-established Gaelic spelling conventions.²⁶ This, in turn, tends to reinforce the impression that Gaelic was, in some sense, incompatible with Latin charters in this period.

Only one scribe who used Gaelic orthography to any extent has been identified: this is in a charter of Gilbert earl of Strathearn for the monastery of Inchaffray, datable to 1200 or shortly thereafter.²⁷ This contrasts with the two surviving original charters of Irish kings in the twelfth

²³ Richard Oram, *Domination and Lordship: Scotland 1070–1230* (Edinburgh, 2011), p. 297.

²⁴ Alice Taylor, *The Shape of the State in Medieval Scotland 1124–1290* (Oxford, 2016), pp. 176–87.

²⁵ Tucker, ‘Survival and Loss’, pp. 74–84, is an exercise in mapping extant ecclesiastical archives.

²⁶ Very occasionally an Old English letter was used in rendering a Gaelic proper noun (for example, **þ** in ‘Lophor’ for modern Lochore: G. W. S. Barrow, ‘Some East Fife Documents’, in *The Scottish Tradition: Essays in honour of Ronald Gordon Cant*, edited by G. W. S. Barrow (Edinburgh, 1974), pp. 23–43, no. 6 (pp. 30–32), 1238 × 1240). For unusual use of **z** (for example, ‘Dolchez’, ‘Herez’, for modern Dalkeith and Airth), see Dauvit Broun, ‘The Changing Face of Charter Scholarship: A Review Article’, *Innes Review*, 52 (2001), 205–11 (p. 210); presumably this reflects French orthography.

²⁷ *Charters, Bulls and Other Documents Relating to the Abbey of Inchaffray*, edited by William Alexander Lindsay and others (Edinburgh, 1908), no. XII (pp. 12–13), facsimile no. 6; Cynthia J. Neville, ‘The Earls of Strathearn from

century, or the one-and-only Latin property record added to the Book of Deer around 1150.²⁸ Gaelic spelling conventions are not, however, used consistently in the dozen Gaelic proper nouns in this Inchaffray charter.²⁹ For example, the place-name ‘Achad Longseg’ can be regarded as a fairly conventional rendering of *Achad Lo(i)ngseg / Lo(i)ngsig* (‘Loingsech’s field’, or ‘exile’s field’), whereas it is difficult to identify the second element in ‘Ardeugani’.³⁰ By great good fortune, this particular charter has a contemporary duplicate by another scribe which allows us to see these names in a different orthographic habitat: ‘Achad Longseg’, for example, appears as ‘Achadlongsih’, and ‘Ardeugani’ as ‘Ardeewani’.³¹ This makes it clear that the first scribe, by favouring ‘g’ instead of ‘h’ and ‘w’, was using Gaelic orthography. All in all, we have one charter scribe who shows some familiarity with established Gaelic spelling conventions when writing proper nouns — but he is virtually alone.

The strong overall impression is that the scribes who produced charters in eastern Scotland north of the Forth in the twelfth century had a French or English, rather than Gaelic, vernacular background. As such, we might expect to find only incidental indications of Gaelic, such as Gaelic epithets or by-names in the names of individuals referred to in charters. Some are sufficiently unusual as to suggest that Gaelic was spoken where these individuals lived, such as Cormac *luchóc* (‘mouse-like’) in Ardross (Fife) in the early thirteenth century,³² Máel Brigte

the Twelfth to the Mid-Fourteenth Century, with an Edition of their Written Acts’, unpublished Ph.D. dissertation, 2 vols (University of Aberdeen, 1983), II, no. 8 (pp. 24–26).

²⁸ Marie Therese Flanagan, *Irish Royal Charters: Texts and Contexts* (Oxford, 2005), no. 1 (pp. 253–61: Diarmait Mac Murchada, king of Leinster, to Felix, abbot of Osraige, 1162 × 1165), and no. 6 (pp. 307–14: Diarmait Ua Briain, king of Thomond, to Holy Cross Abbey, 1168 × 1185, possibly 1179 × 1185), discussed at pp. 43–44 and 132; Roibeard Ó Maolalaigh, ‘The Property Records: Diplomatic Edition Including Accents’, in *Studies in the Book of Deer*, edited by Forsyth, pp. 119–30 (Text VII, p. 127) (Cambridge, Cambridge University Library MS II.6.32, 40^r (bottom part)). For dating to around the end of David I’s reign, and likely context, see Broun, ‘Property Records’, p. 349.

²⁹ For what follows, see Dauvit Broun, ‘Gaelic Literacy in Eastern Scotland between 1124 and 1249’, in *Literacy in Medieval Celtic Societies*, edited by Huw Pryce (Cambridge, 1998), pp. 183–201 (pp. 194–95), for these and other names in these charters.

³⁰ For indications that, by 1200, unstressed palatal *gh* may have become *ch* in eastern Scotland, see Roibeard Ó Maolalaigh, ‘The Scotticisation of Gaelic: A Reassessment of the Language and Orthography of the Gaelic Notes in the Book of Deer’, in *Studies in the Book of Deer*, edited by Forsyth, pp. 179–274 (pp. 233–40; the form in a duplicate charter (see below), ‘Achadlongsih’, is discussed at p. 236); see also pp. 206–7 for the use of unstressed *e* for *i* (as in the final syllable of ‘Longseg’). Professor Ó Maolalaigh has also raised the possibility that ‘Longseg’ could conceivably be *longsech* (‘of exiles’) (pers. comm. 10 September 2023). ‘Ardeugani’ survives today in the place-name Arduie (GR NN939190) near to one of the highest points in the parish of Madderty (Perthshire). The first element could, therefore, be *ard* ‘height’ (see Taylor with Márkus, *Place-Names of Fife*, v, 285–86); Professor Ó Maolalaigh has pointed out that it could also be *aird*, ‘peak, point’, or *ardae / airde*, ‘height, high place’ (pers. comm. 10 September 2023). If the second is a personal name, *Augaine / Úgaine* comes to mind, but its only known appearance is as the name of a pseudo-historical king of Ireland in the genealogy of the kings of Scots: Dauvit Broun, *The Irish Identity of the Kingdom of the Scots in the Twelfth and Thirteenth Centuries* (Woodbridge, 1999), pp. 189, 191 n. 232; and 179 and 197 for examples. Alternatively, if the second element is a word with agentive suffix *-e*, perhaps it is an unattested word **úgaine / óeguine* (‘sheep-wounder / -slayer’), akin to *bóguine* (‘cow-wounder / -slayer’) and *sedguine* (‘deer-slayer’): Liam Breatnach, ‘On the Agent Suffix *-e* in Irish’, *Ériu*, 34 (1983), 194. I am very grateful to Roibeard Ó Maolalaigh for all these suggestions.

³¹ *Charters, Bulls and Other Documents Relating to the Abbey of Inchaffray*, edited by Lindsay and others, no. XI (pp. 11–12). Of the pair, only this one is given an H number (3/21/9, dated 1200 × 5 April 1202), citing Neville, ‘Earls of Strathearn’, II, no. 7 (pp. 22–24) for the text.

³² H 3/49/3 (probably 1200s or 1210s): Barrow, ‘Some East Fife Documents’, no. 2 (pp. 25–26) (Waltheof son of Merleswain’s gift of the common pasture of his land of Kinraig (Fife) to North Berwick Priory, for the animals of their cell (Ardross hospital), and granting that Cormac ‘Luhoc’ be removed from the hospital’s environs ‘with his

meránach ('furious') near Foffarty and Inverarity (Angus) in the first quarter of thirteenth century,³³ and Gilla Críst *manntach* ('stammering', 'toothless') in Kinglassie (Fife) in the late thirteenth century.³⁴ Only Máel Brigte, however, had the independent social standing of someone actively involved with charters.³⁵

As far as the actual occasion of the charter itself is concerned, there seems to be little or no expectation that Gaelic would have been used during the transaction. This could be equally true of the Inchaffray charter showing Gaelic spelling conventions, which, it could be argued, need only show the literate background of the scribe, not the use of Gaelic when the charter was produced. We are reduced to guessing that, in a predominantly Gaelic-speaking area such as Strathearn, a public ceremony must have included some Gaelic. In the case of this particular charter's donor and beneficiary, however, it may only have played a subsidiary role. Earl Gilbert is consistently *Gilbertus* rather than *Gilla Brigte* in his scores of appearances in charters after he became earl in 1171.³⁶ This suggests that, in the context of charters, Earl Gilbert of Strathearn

entire dwelling-place' (*cum tota sua habitatione*)). Taylor with Márkus, *Place-Names of Fife*, v, 232, suggested that 'Luhoc' could be *luchach* ('mouse-like'), and that it may have referred 'perhaps to his size, colouring, or character, or all three'. Ó Maolaláigh, 'Gaelic Personal Names', p. 90, however, has suggested *luchóc*, '(little) mouse'.

³³ H 3/229/1 (first quarter of the thirteenth century, surviving as a contemporary single sheet: London, British Library, Additional Charter 76748): Hector MacQueen, 'Some Notes on Wrang and Unlaw', in *Miscellany Five*, The Stair Society, edited by Hector L. MacQueen (Edinburgh, 2005), pp. 13–26 (edition at p. 26) (Alguine (Alwin) son of Donnchad of Foffarty's gift to Máel Brigte 'Marrenah' of land that was being disputed in law with Laurence son of Orm). MacQueen (p. 13) suggests that 'Marrenah' could be *maireannach*, 'long lived'. For *meránach* ('furious') as an epithet, see eDIL s.v. *meranach* <<https://dil.ie/31996>>, citing, for example, Áed Meranach, whose death is noted in the *Annals of Ulster*, s.a. 1083.4 <<https://celt.ucc.ie/published/G100001A/index.html>>. A full discussion is Roibeard Ó Maolaláigh, 'Am Buadhfhacal Meadhan-Aoiseach Meranach agus Mearan, Mearanach, Dàsachdach, Dàsan(n)ach na Gàidhlig', *Scottish Studies*, 37 (2014) 183–206 (pp. 183–84 for a discussion of Máel Brigte 'Marrenah'). See also idem, 'Gaelic Personal Names', p. 85.

³⁴ Ó Maolaláigh, 'Gaelic Personal Names', pp. 84–85, discusses this and other examples of *manntach* in Scottish charters, and the possibilities of what it meant. Gilla Críst appears in a collection of genealogies of men bound to the abbot of Dunfermline as their lord for eternity (or so the relationship seems to have been conceived), edited in Taylor, 'Babbet and Bridin Pudding', pp. 113–16, and Taylor with Márkus, *Place-Names of Fife*, v, 631–36. A probable context for this collection points to a date for its composition around 1340, and certainly later than 1332; Gilla Críst was the grandfather of one of the men alive at that time (Taylor, 'Babbet and Bridin Pudding', p. 110; Taylor with Márkus, *Place-Names of Fife*, v, 625–26). For this relationship between lowly men and lords, the primary point of reference is Alice Taylor, 'Homo Ligius and Unfreedom in Medieval Scotland', in *New Perspectives on Medieval Scotland*, edited by Hammond, pp. 85–116.

³⁵ The fact that Cormac's lord had the power to grant that Cormac's dwelling-place be moved to another site suggests that Cormac may have been bound to his lord as firmly as Gilla Críst was (see previous note). It has been noted that Balcormo ('Cormac's farm / holding') is only three kilometres away, and might therefore have been where Cormac was moved to (Taylor with Márkus, *Place-Names of Fife*, v, p. 632). Simon Taylor, in his analysis of the genealogies of men bound to the abbot of Dunfermline, has highlighted how the son of William Fleming, who lived c. 1200 in 'Flemingb(r)eth' (in Beath), and presumably spoke a Germanic language, was Alwin 'Cambrun' (*cam shrón* 'crooked nose'), who moved to the parish of Markinch (where he presumably acquired his Gaelic epithet); Taylor also draws attention to Edwald (who lived c. 1250) and his son 'Sithauc' (i.e., Síthech), although (as he acknowledges) personal names are less useful than epithets as indicating the main language of an individual's community: he concludes that this evidence of Gaelicization shows the 'strength of Gaelic' at 'this lower end of the social scale in parts of west Fife remote from the burghs' (Taylor, 'Babbet and Bridin Pudding', pp. 110–11; see also Taylor with Márkus, *Place-Names of Fife*, v, 627), which, in turn, suggests that Gaelic, by the late thirteenth century in west Fife, at least, had largely become the language of those at the bottom of society with the least opportunity to engage with burghs and trade.

³⁶ Broun, 'Presence of Witnesses', pp. 275–78, where it is noted (p. 277 and n. 152) that this is particularly apparent when he appears alongside Gilla Brigte, earl of Angus, in a witness list, with a distinction made between them in

wished to be known as French *Gilebert* rather than Gaelic *Gilla Brigte* — a change he might have affected when he married Maud d'Aubigny. The canons of Inchaffray, for their part, had very recently been re-founded as an Augustinian Priory in 1200, by Earl Gilbert and Countess Maud.³⁷

It seems not unreasonable to suppose, therefore, that charters may have been produced in a social context that was primarily French or English, with Gaelic at best in the background, and effectively out of sight. There is, however, a small but highly significant indication that this was not the case in the mid-twelfth century at least. The king's seal, used to authenticate the documents written in his name, was the formal embodiment of his authority. Any choice that was made about how the king was represented on his seal is therefore a direct witness to how the kingship was conceived in the context of charters. If there was a cultural dynamic at work, it should be detectable here. When it came to creating a seal-matrix for Máel Coluim IV when he became king in May 1153, it was decided to keep the same design as had been used by his predecessor David I; David I's seal-matrix was also the same design as his predecessor's, Alexander I, so the imagery and title had remained unaltered since 1107.³⁸ One change, however, was unavoidable: the king's name. By 1153, the Latin form *Malcolmus* or *Melcolmus* was well established, based on the English *Malcolm*, but this is not what was used. It was decided instead to give the new king's name in Gaelic: MALCOLVM.³⁹

seven instances; in another case both are abbreviated to 'Gilleb'. Only once are they apparently both *Gilla Brigte*, but this is the result of what can now be seen as a mistaken editorial decision. It is in the witness-list of H 1/6/255 (*Regesta Regum Scottorum*, II, no. 282 (p. 307), a brieve in favour of the burgesses of Arbroath Abbey (datable to 1187 × 1195)); unfortunately in the edition the reading in Edinburgh, National Library of Scotland, Adv. MS 34.4.2, which gives both earls as 'Gillebryd', has been preferred to the oldest cartulary (the 'Ethie MS', Dundee City Archives GD130/25/17), which has 'Comite Gillebrid' de Anegus. Comite Gilleb' de Strathern', making a clear distinction between the names. It has been shown that the scribe in this part of Adv. 34.4.2 was copying William I's charters from the Ethie MS: Hilary Stevenson, 'Reading across the Manuscripts: The Process of Cartularisation at Arbroath Abbey', unpublished Ph.D. thesis (University of Glasgow, 2023), pp. 28–30 (available online at <<https://theses.gla.ac.uk/83667/>>); see pp. 25 and 65 for the dating of the hands ('mid-thirteenth century' in this part of the Ethie MS, and 'around the third quarter of the fourteenth century or perhaps, slightly later' in this part of Adv. 34.4.2).

³⁷ Kenneth Veitch, 'The Conversion of Native Religious Communities to the Augustinian Rule in Twelfth- and Thirteenth-Century Alba', *Records of the Scottish Church History Society*, 29 (1999), 1–22 (pp. 5–11), offers a corrective to the view that this necessarily represented a significant break with the past, noting, for example, that the first prior, Máel Ísu, was not brought in from outside (he might, perhaps, have been a member of the comital family), and was entrusted with recruiting canons. Some may have come from Scone: Walter Bower (d. 1449, abbot of Inchcolm, an Augustinian house) referred to canons being brought from Scone to Inchaffray when it was founded (*Scotichronicon* by *Walter Bower in Latin and English*, general editor D. E. R. Watt, IV, edited by David J. Corner and others (Edinburgh, 1994), p. 458).

³⁸ For an example of Alexander I's seal, see <<https://iiif.durham.ac.uk/index.html?manifest=t1mbn999680j>> (n. 11, above). For an example of David I's seal, see Durham, DCA Misc. Ch. 565 (H 1/4/28: charter for Arnulf the knight, 1136 × 1137): <<https://iiif.durham.ac.uk/index.html?manifest=t1m4f16c295v&canvas=t1t12579v487>>.

³⁹ For an example of Máel Coluim IV's seal, see DCA Misc. Ch. 577 (H 1/5/27: charter for Coldingham Priory, 24 May 1153 × 1159): <<https://iiif.durham.ac.uk/index.html?manifest=t2mgm80hv373>>, where the name (except for the first and last *M*) is legible. See *Regesta Regum Scottorum*, I, *The Acts of King Malcolm IV, King of Scots, 1153–1165*, edited by G. W. S. Barrow (Edinburgh, 1960), p. 87.

<p>MS A Cambridge, Corpus Christi College, 173, Scribe 3 (mid-tenth century) 945: ‘Malculm’</p> <p>MS B London, British Library, Cotton Tiberius A.vi (977 × c. 1000) 945: ‘Malculm’</p> <p>MS C London, British Library, Cotton Tiberius B.i, 115^v–164^f (mid-eleventh century) 945: ‘Malculme’</p> <p>MS D London, British Library, Cotton Tiberius B.iv (second half of eleventh century/early twelfth century) 945: ‘Malculm’; 1034: ‘Mælcolm’; 1067, 1073, 1075, 1078: ‘Malcholom’; 1075: ‘Malcolm’</p> <p>MS E Oxford, Bodleian Library, Laud Misc. 636 (1120s) 1031, 1067, 1072, 1079, 1091, 1093, 1097, 1100: ‘Melcolm’ / ‘Mælcolm’</p> <p>MS F London, British Library, Cotton Caligula A.xv (early twelfth century) 1093: ‘Malculm’</p>
--

Table 1: The Name *Máel Coluim* in the *Anglo-Saxon Chronicle*.⁴⁰

The form that the name *Máel Coluim* took in English can be seen in the *Anglo-Saxon Chronicle* in the hands of scribes active in the late tenth, eleventh, and early twelfth centuries (see Table 1). Only one scribe, or possibly two writing very similar hands in the same manuscript, used a form close to the Gaelic *Máel Coluim* — namely ‘Malcholom’ — but the same scribe also has ‘Malcolm’. For *Máel Coluim IV*’s seal, therefore, neither the Latin nor the English forms were used, and MALCOLVM was preferred. The presence of the third syllable leaves little doubt that the Gaelic form of the name was intended. Although the spelling is slightly unconventional, it is not particularly remarkable in a Scottish context: ‘Malcolum’ is found in the Gaelic property records in the Book of Deer.⁴¹ Given that *Máel Coluim IV* was only eleven years’ old when he became king, it seems likely that the decision to render his name in this way would have been taken — or at least authorized — by the chancellor. This was Walter de Bidun, the younger brother of the baron of Lavendon (between Northampton and Bedford), who served as chancellor of three kings from 1147 until the early 1160s, and then again for most of the 1170s; he died in 1178 as bishop-elect of Dunkeld.⁴² He is not someone who is usually associated with Gaelic. The choice of Gaelic MALCOLVM for the king’s seal, however, makes it difficult to deny that Walter de Bidun apparently saw royal charters as being perfectly at home in a Gaelic-speaking context. This raises the intriguing possibility not only that Gaelic was used in situations that led to a charter, but that it was spoken regularly in the royal household at that time.

Is there any indication that Gaelic was used in other contexts relating to charters later in the century? A tantalizing clue is the puzzle of why some witnesses are occasionally recorded with

⁴⁰ Readings and MS dates are taken from *The Anglo-Saxon Chronicle: A Collaborative Edition*, general editors David N. Dumville and Simon Keynes, III, *MS A*, edited by Janet M. Bately (Cambridge, 1986); IV, *MS B*, edited by Simon Taylor (Cambridge, 1983); V, *MS C*, edited by Katherine O’Brien O’Keefe (Cambridge, 2001); VI, *MS D*, edited by G. P. Cubbin (Cambridge, 1996); VII, *MS E*, edited by Susan Irvine (Cambridge, 2004), and VIII, *MS F*, edited by Peter S. Baker (Cambridge, 2000).

⁴¹ Ó Maolalaigh, ‘Property Records’, p. 122 (Text II, lines 10 and 12; line 11 has ‘Malcoloum’); idem, ‘Scotticisation of Gaelic’, p. 229.

⁴² *Regesta Regum Scottorum*, I, 28; II, 29.

Gaelic *mac* rather than Latin *filius* when identifying their parentage.⁴³ English or French is never used in this way in Latin charters in Scotland. It is often difficult to tell if *mac* was part of a surname (like MacDonald) or simply meant ‘son’.⁴⁴ If, however, it was used simply for ‘son’, this would be too remarkable to be ignored. One way to approach this conundrum is to consider how far this might reflect scribal choice. The question of scribal freedom-of-action in this context is complex: producing a charter involved a number of people in a carefully managed and formulaic situation. In one respect, however, charters are more straightforward than other manuscripts, insofar as there is little doubt that the scribe is directly involved in everything one sees on the original single sheet (when that survives); in the case of codices, for example, there is the haunting doubt about whether a choice of words or spelling is the scribe’s, or has been copied from an exemplar.

How much freedom, then, might a scribe have had in drawing up a witness list? It seems unlikely, on the face of it, that the scribe selected the witnesses. Sometimes insufficient space has been left — something that would surely have been avoided if the procedure was left up to the scribe alone.⁴⁵ This kind of mishap would not arise if a draft was prepared in advance. Such drafts are very rarely preserved: in one example the witness list is on a separate strip of parchment.⁴⁶ The scribe could, however, have considerable discretion as to *how* names were

⁴³ A similar phenomenon is found in Latin charters in Wales, with Welsh *mab* (or *ab* or *ap*) instead of *filius*: numerous examples are listed by Huw Pryce, ‘Uses of the Vernacular in the Acts of Welsh Rulers, 1120–1283’, in *La langue des actes*, edited by Guyotjeannin: <<http://elec.enc.sorbonne.fr/CID2003/pryce>>, n. 18 (referring to *The Acts of Welsh Rulers 1120–1283*, edited by Huw Pryce with Charles Insley (Cardiff, 2005)). In the twelfth-century Latin charters of Irish kings edited by Flanagan, *Irish Royal Charters*, pp. 253–347, most of the instances of *mac* in the names of witnesses are identified as surnames rather than a simple patronymic (although some individuals are unidentified), except in a few cases, for example, ‘Melissa mac inlerig cuir’ (pp. 293–94) for Máel Ísu mac in Chléirig Chuirr; note also ‘Kelach Mac Aulaf’ (p. 344), who is unidentified, but is suggested to be rendering of Cellach mac Amlaib (p. 347, n. 22). The identification of so many instances of *mac* as surnames was, of course, prior to Hammond, ‘Development of *Mac* Surnames’.

⁴⁴ Note, however, that *mac* in a surname was not necessarily retained (at least in the charter-texts as they survive in later copies), and could also be rendered with Latin *filius*. An example in a charter in Ireland, preserved in an early modern transcript, is Fáelán Mac Fáeláin (d. 1203), who appears in a witness-list as ‘Felano filio Felani’: his father was actually Cerball: Flanagan, *Irish Royal Charters*, no. 11 (pp. 343–47, Charter of Diarmait Ua Dímmusaig, king of Uí Fhailge, to the monks of Ros Glais 1177 × 1192, surviving as a seventeenth-century transcript; see p. 274, n. 9, for this individual); see also Hammond, ‘Development of *Mac* Surnames’, pp. 116–17. Fáelán Mac Fáeláin appears as ‘Felano Macfeolani’ as witness in another charter (surviving in a fifteenth-century cartulary copy): Flanagan, *Irish Royal Charters*, no. 3 (pp. 269–78 (p. 270), Charter of Diarmait Mac Murchada, king of Leinster, to Edanus, bishop of Louth, c. 1162).

⁴⁵ See, for example, NLS, Adv. MS 15.1.18, No. 10 (Charter of Arnold, bishop of St Andrews, assigning all offerings at the altar of St Andrews to the canons of the priory: 20 November 1160 × 24 January 1162, very likely soon after 20 November 1160) (H 2/10/40: *Scottish Episcopal Acta*, edited by Shead, I, no. 155 (pp. 181–83)), where the scribe has valiantly squeezed 26 witnesses into the available space: Broun, ‘Presence of Witnesses’, pp. 283–84 and Plate I. A digital image, text, and translation is at <<http://www.modelsofauthority.ac.uk/digipal/manuscripts/240/>> (*Models of Authority: Scottish Charters and the Emergence of Government, 1100–1250*, edited by Stewart J. Brookes and others (Glasgow and London, 2017), <<http://www.modelsofauthority.ac.uk/>>).

⁴⁶ Durham, DCA, MS 4. 9. Spec. 30, a draft charter of Roger of Kibblesworth recording an exchange of lands with Durham Cathedral Priory in the presence of Hugh, bishop of Durham, and the barons of the bishopric in the bishop’s full court at Durham on 3 March 1180 (digital image: <https://community.dur.ac.uk/medieval.documents/pages/4-9-spec-30_i.htm>; Alan Piper’s commentary is at <https://community.dur.ac.uk/medieval.documents/pages/4-9-spec-30_t.htm>). As it happens a different set of witnesses was eventually agreed: again, this suggests that the scribe had little say in who was included. See Broun, ‘Presence of Witnesses’, p. 264.

rendered. The most striking example is in a pair of royal charters for Melrose Abbey produced on the same occasion, probably in the 1180s by a Melrose scribe.⁴⁷ In both cases some surnames and offices have been rendered in French rather than Latin (for example, ‘Ricardo de la preuende’, ‘Hugone del seel’, ‘Alexandro de seint martin’, ‘Herueio le marescal’, ‘Roberto de seint Michel’; note the use of Latin *filius*, however, in ‘Waldeuo filio baldewini’). Although this is exceptional, it is potentially invaluable in revealing the scope scribes could have had in using a vernacular when writing a charter.

The question of scribal freedom means that we need to return to the issue of whether each instance of *mac* is a surname or not. It may be supposed that a scribe would have had less discretion when using *mac* as part of a surname than they would have had when simply indicating that someone was the son of someone. As part of a surname, *mac* is more than simply ‘son’, and can readily appear in a document in Latin or any other language. If *mac* only means ‘son’, however, then it is difficult to see why, in a Latin charter, *filius* has not been used: it is as if *mac* was being treated by the scribe as part of normal discourse. This contrasts with other Gaelic words that are found fairly frequently in charter-texts, which were typically given a Latin form (for example, *conuetum* for *coinnmed*, referring to a lord’s entitlement to hospitality, or *canum* for *cáin*).⁴⁸ This use of *mac*, however, only occurs when naming an individual who was directly involved in the charter (typically as a witness), or in a key element of the transaction (typically as a perambulator).⁴⁹ As a witness they would, presumably, have spoken, if only to agree to being named.⁵⁰ At first glance it might be wondered whether the scribe was simply recording how these individuals identified themselves, and found it easier to write down their names as they said them rather than translate *mac*. It would be fanciful, however, to imagine that a scribe living in the Scottish kingdom would not understand a simple and frequent word such as *mac*. Perambulators presumably identified themselves when taking the oath before walking the

⁴⁷ Edinburgh, National Records of Scotland, GD55/42: William king of Scots grants Robert Avenel’s gift, with his son Gervase, of the whole of Eskdale to Melrose Abbey (1180 × 1193) (H 1/6/238: *Regesta Regum Scottorum*, II, no. 264 (p. 296)).

⁴⁸ On *cáin* and *coinnmed*, see Broun, ‘Re-Examining *cáin* in Scotland in the Twelfth and Thirteenth Centuries’, in *Princes, Prelates and Poets: Essays in honour of Katharine Simms*, edited by Seán Duffy (Dublin, 2013), pp. 46–62 (pp. 61–62 for *coinnmed*). *Coinnmed* was also occasionally referred to as *waitinga*, a Latin version of English *waiting* (for example, *Regesta Regum Scottorum*, II, no. 154 (p. 224), referring to the king’s donation of land in Perthshire to Coupar Angus Abbey); earlier in the twelfth century it can be found without a Latin inflection as ‘coneueith’ (*ibid.*, I, no. 181 (p. 223)). *Cáin* was translated into Latin as *canon* in one of the property records of St Serf’s Isle, Loch Leven, but this option was not adopted in Latin charters: Taylor and others, *Place-Names of Kinross-shire*, pp. 570 (L I, 10) and 581, n. 67.

⁴⁹ Another context where *mac* is often found is when naming perambulators. This was not necessarily part of the process of producing the charter itself, although the perambulation could have been recorded in a *nota* which formed the basis of the final charter-text (for a probable example, see Broun, ‘Presence of Witnesses’, pp. 266–70). There is also the example of someone with *mac* in a list of those addressed by Máel Coluim IV prohibiting them from taking *coinnmed* from the lands and tenants of Dunfermline Abbey (*Regesta Regum Scottorum*, I, no. 181 (p. 223)), where ‘G. mac Sloclac’ is named along with five others, including Donnchad earl of Fife, ‘Hugoni filio Gillemichel’ (Áed mac Gilla Míchéil) and ‘Alun’ (probably son of Gilla Críst: on him, see below, p. 14). This brief survives as a cartulary copy: Geoffrey Barrow suggested that ‘Sloclac’ was a miscopying of *Slógadach* (*ibid.*, p. 223 n. 1). The use of *mac* cannot be because he alone was identified as a Gael; on the face of it, it could be linked to his being the only addressee not given a full forename, with this as an early instance of *mac* as part of a surname. As Barrow points out, *Slógadach* was the name of the leader of the bishop’s army (presumably the bishop of St Andrews) in 1128: perhaps ‘G.’ was his grandson.

⁵⁰ The importance attached to being a witness is apparent throughout Broun, ‘Presence of Witnesses’, but see p. 273 for potential consequences.

bounds: in one instance the scribe was almost certainly Gaelic speaking, and used *mac*.⁵¹ It would also be surprising if none of those named with *mac* were able to translate this into French or English, were that necessary. The most plausible scenario is that Gaelic was one of the languages used at the social occasion represented by the charter. At the very least, the use of *mac* for ‘son’ shows that scribes did not regard Gaelic as irrelevant or inappropriate in the context of charters.

To make any tangible progress with this tantalizing glimpse of Gaelic it is essential to gain a clearer idea of how often *mac* was used simply for ‘son’ in charters. In an extensive study of the formation of *mac* and similar surnames in Scotland and Ireland, Matthew Hammond has shown that *mac* only began to develop as a surname between the mid-twelfth and early thirteenth centuries.⁵² This suggests that any example of *mac* before the second half of the twelfth century is likely simply to mean ‘son’. The most conspicuous example is Alguine son of Arcuill, the king’s *rannaire* (a household officer) from the 1120s to the 1150s: he is a witness in 28 extant documents, and is found as often with *mac* as with *filius*.⁵³ With the advent of *mac* surnames, this use of *mac* to mean simply ‘son’ becomes more difficult to trace. If a number of charters are taken together, however, it is occasionally possible to identify whether *mac* is ‘son’ or is part of a surname.

The region of eastern Scotland north of the Forth with the most surviving charter-texts (mainly cartulary copies) for this period is Fife.⁵⁴ Seven individuals in Fife in the second half of the

⁵¹ See Joanna Tucker, ‘Recording Boundaries in Scottish Charters in the Twelfth and Thirteenth Centuries’, in *Copper, Parchment, and Stone*, edited by Davies and Bhattacharya, pp. 151–92 (pp. 161–62 and 174–76 for naming perambulators, and pp. 186–88 for translation of the charter derived from the record (*nota*) of the perambulation made either by Máel Brigte (Latin *Bricius*), *iudex regis* (the king’s lawman or judge), or by a clerk working for him). The charter relates to the donation of Balfieth by Humphrey de Berkeley to Arbroath Abbey in 1197 or January 1198 (discussed in Broun, ‘Presence of Witnesses’, pp. 267–69). Although the *nota* does not survive, Máel Brigte referred to it in a letter of 1221 (edited in G. W. S. Barrow, *The Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century*, second edition (Edinburgh, 2003), pp. 66–67): *mac* is used in names of perambulators in Máel Brigte’s letter as well as in the charter recording the donation (*Liber S. Thome de Aberbrothoc*, edited by Cosmo Innes and Patrick Chalmers, 2 vols (Edinburgh, 1848–56), I, no. 89 (pp. 60–61)). A potential case of a *iudex* as a charter scribe could explain how Máel Coluim, *iudex* of Fife in the mid-1160s, appears as ‘Malcolum’ (once as ‘Macolum’) in the four charters he witnesses (three recording donations by Donnchad, earl of Fife, to St Andrews Priory, the other by Máel Coluim, earl of Atholl, to St Andrews Priory, with Donnchad, earl of Fife, as first witness: *Liber Cartarum Prioratus Sancti Andree*, edited by Thomson, pp. 241–44 and 246–47). It is otherwise difficult to account for the use of a Gaelic form of his name. See Broun, ‘Presence of Witnesses’, p. 275 (the suggestion there that Máel Coluim ‘engaged more readily in the process of having his name recorded’ is unhelpfully opaque), and p. 275, n. 144 for dating Máel Coluim’s activity as a witness minimally to 28 March 1165 × 8 December 1166. If Máel Coluim the *iudex* was scribe of all four charters, there is no consistent pattern in his use of *mac* and *filius*: ‘Alun’ son of Gilla Crist appears with both (see below, p. 14), and someone with *mac* can be placed higher or lower in the list of witnesses than someone with *filius*.

⁵² Hammond, ‘Development of *Mac* Surnames’, pp. 108–26. In light of this chronology, the suggestion in Broun, ‘Presence of Witnesses’, p. 278, n. 155, that the use of *mac* alongside *filius* in a charter of 1150 could indicate surnames, should be disregarded.

⁵³ *ibid.*, p. 278 (12 with *mac*, 12 with *filius*, and 4 without either).

⁵⁴ See Tucker, ‘Survival and Loss’, pp. 69–84, for patterns of survival, and p. 88 for major churches in Fife with extant charter-texts.

twelfth century are identified with *mac*.⁵⁵ Two appear with *filius* as well as *mac*: ‘Alun’⁵⁶ (fl. 1165 × 1178), and Mataidín (fl. 1166 × 1172). ‘Alun’ provides a fairly convincing example of *mac* as ‘son’, whereas Mataidín initially appears to have *mac* as part of a surname. At the end of the day, however, the trail becomes too uncertain to navigate. Let us look at this in detail.

‘Alun’ witnessed five charters (all surviving in St Andrews Cathedral Priory’s cartulary), four as *filius* Gilla Críst, and once as *mac* Gilla Críst:⁵⁷ *mac* here therefore appears to be ‘son’, not part of a surname. Mataidín, on the other hand, witnessed three charters as *mac* ‘Mathusalem’:⁵⁸ by coincidence all three were also witnessed by ‘Alun’, but not as *mac* Gilla Críst.⁵⁹ If these were the only surviving charters that mentioned Mataidín, then the contrast between *filius* for ‘Alun’ and *mac* for Mataidín would be striking (given that the use of *mac* was possible for ‘Alun’); if the scribe used *filius* for ‘son’ in the case of ‘Alun’, then *mac* with Mataidín would seem to be different, and presumably be part of his surname (Mac ‘Mathusalem’). Mataidín, however, is also a witness in another charter which unfortunately survives only in a sixteenth-century copy of a notarial transcript dated 1395: there he and his brother Gilla Críst are ‘filiis Machasal’.⁶⁰ (‘Machasal’ is too close to ‘Mathusalem’ to be brushed away as a different name.) It is tempting to imagine the sixteenth-century copyist changing ‘mac’ in each brother’s name to ‘filiis’ for them both. A further misfortune, however, is that the cartulary of St Andrews Cathedral Priory includes a charter witnessed by a Gilla Críst *filius* ‘Mathus’ (‘Mathus’ looks like an incomplete copy of ‘Mathusalem’).⁶¹ If this is another sighting of Mataidín’s brother, then it would be clutching at straws to suggest that here, too, an original *mac* had been changed to *filius*; it would be even more awkward to suggest that, in this case, *filius* stood for *mac* in Gilla Críst’s surname. Perhaps, in the three charters which have both ‘Alun’ as *filius* and Mataidín as *mac*, *mac* also meant ‘son’, and the original charter-scribe(s) were possibly making a linguistic distinction between them? The need to twist and turn to make sense of all this is palpable.

⁵⁵ Hammond, ‘Development of *Mac* Surnames’, p. 133.

⁵⁶ His name is never ‘Alan’: for attested forms (including, on one occasion, ‘Alfwino’, apparently equating the name with *Alfwinus*), see next note. ‘Alun’ might be *Ailíne* or *Ailéne*, or *Ailléen* (see Ó Maolalaigh, ‘Gaelic Personal Names’, p. 51).

⁵⁷ Four (H 3/163–5 and H 3/18/1) are in *Liber Cartarum Prioratus Sancti Andree*, edited by Thomson, pp. 242–44 and 247 (where ‘Alun’ appears as a witness along with ‘Malcolum’ *iudex*, three times as ‘Alun’ and once as ‘Allun’; in the first three he is ‘filio Gillecríst’, and in the fourth ‘mac Gillecríst’, the only charter where ‘Malcolum’ is identified as *iudex* ‘of Fife’). ‘Alun’ also appears (as ‘Alfwino filio Gillecríst’) in *Scottish Episcopal Acta*, edited by Shead, I, no. 188 (p. 221) (H 2/10/58). For Máel Coluim *iudex* of Fife as perhaps the scribe of all the charters he witnessed, see n. 51, above. ‘Alun’ (without a patronymic) was probably also one of the addressees of the brieve of Máel Coluim IV discussed in n. 49, above.

⁵⁸ This is how the name is consistently rendered. It is Mathuselah (*Mathusalam* in the Vulgate), one of a number of Old Testament names found in Scotland in this period: see John Reuben Davies, ‘Old Testament Personal Names in Scotland before the Wars of Independence’ in *Personal Names and Naming Practices in Medieval Scotland*, edited by Matthew Hammond (Woodbridge, 2019), pp. 187–212 (p. 204: another instance of the name is a dean of Brechin mentioned in 1179).

⁵⁹ *Liber Cartarum Prioratus Sancti Andree*, edited by Thomson, pp. 242–44 (H 3/163–5).

⁶⁰ G. W. S. Barrow, ‘The Early Charters of the Family of Kinninmonth of that Ilk’, in *The Study of Medieval Records: Essays in honour of Kathleen Major*, edited by D. A. Bullough and R. L. Storey (Oxford, 1971), pp. 107–31, no. 2 (p. 119) (H 2/62/1: 2 April 1172 × 1195).

⁶¹ *Liber Cartarum Prioratus Sancti Andree*, edited by Thomson, p. 264 (H 3/391/1: 1161 × 1178), a charter with another witness with *filius* and none with *mac*. Gilla Críst brother of Mataidín is not found anywhere else: <<https://www.poms.ac.uk/record/person/13908/>>.

It is always challenging to depend too heavily on detail in copies. Only if the original parchment of a charter still exists can we be sure that the words we read came from the quill strokes we can see. If we wish to investigate *mac* in contemporary single sheets before *c.* 1200, we must turn to Carrick in south-west Scotland. In the 1190s Melrose Abbey was the beneficiary of charters relating to lands there. Thanks to the (for Scotland) remarkable preservation of so much of Melrose's archive, these survive in their original form.⁶² Three charters, each by a different scribe, include a witness, Éogan: in two of the charters he is *mac* Alguine, and in the third he is *filius* Alguine. In the first charter Éogan is not the only person with *mac* in his name;⁶³ the same is true of the second charter, maybe a few years later.⁶⁴ In the third charter, however, where Éogan appears as *filius* Alguine, it is notable that all laymen have been identified with *filius* except for one with *mac* and another with *úa*.⁶⁵ The two people with *mac* or *úa* are found in other texts in the same way, which suggests that the scribe has retained *mac* and *úa* here because they were surnames.⁶⁶ In the first and second charters, by contrast, the scribes appear to have been less discriminating. It may be inferred that, in the first two charters, *mac* meant 'son' in the case of Éogan son of Alguine (and probably some other witnesses), and that this was simply down to scribal choice.

If *mac* was used in a Latin charter as part of the normal discourse for identifying someone as son of someone else, then it might be expected that similar Gaelic words or phrases might also have been used to identify a person's parentage or grand-parentage. And this is, indeed, what is found. The most notable example is Gilla Críst son of the daughter of Samuel, a witness in four royal charters (three with Perth as the place-date, the other dated at St Andrews). Two survive as contemporary single sheets from the 1170s or 1180s.⁶⁷ Gilla Críst's designation as 'son of the

⁶² Tucker, 'Survival and Loss', pp. 92–94, for surviving Scottish archives of single sheets.

⁶³ NRS, GD55/32 (H 3/14/3: 1189 × 1196): Donnchad earl of Carrick grants the gift of Roger of Skelbrooke, his knight, to Melrose Abbey, excepting the service of the king from the earl and Roger. The witnesses include, as well as 'Ewine macalewin': 'Gillecríst mecachin', 'Retheri mecmaccharil', 'Edgaro macmurchan', and 'Gillebride macinchin achostduf'. The readings are taken from a digital image; a diplomatic edition is *Liber Sancte Marie de Melros*, edited by Cosmo Innes, 2 vols (Edinburgh, 1837), I, no. 32 (pp. 25–26).

⁶⁴ NRS, GD55/36 (H 3/379/1: *c.* 1197 × 1250): Ruaidrí mac Gillescuip and Christina, his spouse, daughter of Roger of Skelbrooke, grants the gift of her father to Melrose Abbey of lands in Carrick. The witnesses include, as well as 'Ewine mac Alewi': 'Gilleb' mackenedi', and 'Gillnem maccolem'. The readings are taken from a digital image; there is a diplomatic edition in *Liber Sancte Marie de Melros*, edited by Innes, I, no. 36 (pp. 28–29).

⁶⁵ NRS, GD55/192 (H 3/165/3: 1202 × 1216): Thomas de Colville has given and granted land in Carrick to Vaudey Abbey. The witness clause reads: 'Domino Willelmo Abbate de Melros . Alano filio Rolandi de Galewai . Fergus filio vctredi . Edgaro filio Douenad' . Dunekano filio Gilberti . Comite de Carric Gileskop makihacain . Giladuenan filio Duuegal . Gillecríst filio kenedi . Iwano filio Alewain . Gillenef Okeueltal . Gilleroth filio Gillemartin . Makeg filio Kyin . Gillefakeneshi . filio Gillin'. ('Iwano filio Alewain' is Éogan son of Alguine.) The readings are taken from a digital image; there is a diplomatic edition in *Liber Sancte Marie de Melros*, edited by Innes, I, no. 192 (p. 172).

⁶⁶ 'Gileskop makihacain' (Gilla Escoip Mac Áedacáin) appears as 'Gilascop Mahohegan' in *Leges Scotie*, §19 (*The Laws of Medieval Scotland: Legal Compilations from the Thirteenth and Fourteenth Centuries*, edited by Alice Taylor (Edinburgh, 2019), p. 420); 'Gillenef Okeueltal' (Gilla na Náem Ua Comaltáin) is also a witness in NRS, GD55/31 (H 3/536/1: *c.* 1188 × 1196), where he appears as 'Gillnem Accoueltan'.

⁶⁷ NRS, GD147/1: William I's gift of Ardross to Merleswain (2 April 1172 × 1174) (H 1/6/120: *Regesta Regum Scottorum*, II, no. 137 (p. 211)); Blair Castle, Athole Charters, I, no. 1: William I's gift of Kinveachy to Gilbert, earl of Strathearn (1178 × 1185) (H 1/6/182: *Regesta Regum Scottorum*, II, no. 206 (p. 258)). The others are H 1/16/11 and H 1/6/25 (*Regesta Regum Scottorum*, II, nos 15 and 30 (pp. 130–31 and 140–42)); in the second *mac ingine* has been reduced to 'mac'.

daughter' is always given in Gaelic: *mac ingine*.⁶⁸ He also appears as perambulator in a pair of charter-texts that survive only as cartulary copies.⁶⁹ Another comparable example, again in a Melrose charter relating to Carrick, is a charter-witness who is identified as 'the son of the son of Cairel', *mac meic Chairel*.⁷⁰ Interestingly, the scribe seems to have given the *meic* and *mac* in the wrong order ('mecamcharil'), which could suggest a lack of familiarity with Gaelic.⁷¹

All in all, this use of Gaelic seems to be different from the Melrose charter where surnames and offices were given in French: Gaelic (when not a proper noun) is used for identifying individuals only as son or grandson of someone, rather than more generally in the witness list, as in the Frenchified example. Scribes, moreover, would seem to have been in a situation where they could either use *mac* or translate it into *filius*: a choice had to be made. This was prompted by something more than an individual scribal quirk (such as the highly unusual Frenchified witness list). We can only guess what this might have been. On the face of it, though, it would appear that Gaelic played a part in the proceedings, and that some scribes felt it was appropriate to draw attention to this, perhaps by singling out individuals who interacted only in Gaelic. Be this as it may, it is notable that scribes have in the process been happy for their charter to express a degree of cultural pluralism. This would hardly have been permitted if it was seen as diminishing the charter's effectiveness in any way.

Finally, it is notable that the same phenomenon can be found — albeit exceptionally — in charters produced in towns. In the twelfth century only royal charters regularly gave the place

⁶⁸ There is, however, only one occasion where the written form certainly has genitive *ingine* (or *ingeni*): 'macinieni' (H 1/6/120: *Regesta Regum Scottorum*, II, no. 137 (p. 211), a contemporary single sheet). In the four other occasions where Gilla Crist appears (and his name given in full) *mac ingine* is rendered 'mac inien' (see references in previous and following note). This includes a contemporary single sheet and cartulary copies from two different abbeys. If read literally, this would suggest *mac ingen* (nominative). The degree of consistency is not the only reason to pause when standardizing this to *mac ingine*: at some stage it became normal in Scottish Gaelic to give only the final noun in the genitive (e.g., *Taigh Nighean Aonghais*, 'the house of Aonghas's daughter'): Ronald Black, *Cothrom Ionnsachaidh: Gaelic Grammar and Exercises*, sixth edition, reset (Edinburgh, 1992), p. 97 (7.24). Could 'mac inien Samuel' (reading *mac ingen Samuel*) be the earliest known example of this phenomenon? For a contemporary instance of (probably) the genitive form in this context, see 'villa inineschadin' in a fifteenth-century cartulary copy of Pope Alexander III's privilege confirming Glasgow Cathedral's possessions in 1173 (that is, *baile ingine Séna*, where Latin *villa* presumably stands for Gaelic *baile*): Simon Taylor, 'Gaelic in Glasgow: The Onomastic Evidence', in *Glasgow: Baile Mòr nan Gàidhail, City of the Gaels*, edited by Sheila Kidd (Glasgow, 2007), pp. 7–8 (and pp. 16–17 for all early forms): the only other instance with Gaelic *ingen* rather than Latin *filia* is 'Inienchedin' (without *villa*) in an early-thirteenth-century cartulary copy of Pope Alexander III's privilege confirming Glasgow Cathedral's possessions in 1175, which could suggest nominative *ingen*. For the date of these cartulary copies, see Joanna Tucker, *Reading and Shaping Medieval Cartularies: Multi-Scribe Manuscripts and their Patterns of Growth, A Study of the Earliest Cartularies of Glasgow Cathedral and Lindores Abbey* (Woodbridge, 2020), pp. 36–37 and 102–4.

⁶⁹ The pair relate to the same gift of four ploughgates in Conveth (Laurencekirk) by William I in 1189 × 1195: one is for Humphrey son of Theobald, and the other for his wife, Agatha: H 1/6/315 and H 1/6/316 (*Regesta Regum Scottorum*, II, nos 344 and 345 (pp. 346–47)). There is also a contemporary single sheet where his name (apart from 'Gillecrist') is illegible due to damage: H 1/6/490 (*ibid.*, no. 524 (p. 472)).

⁷⁰ 'Retheri mecmacharil': NRS, GD55/32 (H 3/14/3: 1189 × 1196) (see n. 63, above).

⁷¹ For comparison, Flanagan, *Irish Royal Charters*, no. 6 (pp. 307–14: Domnall Ua Briain, king of Thomond, to Holy Cross Abbey, 1169 × 1185 (?1179 × 1185)), which survives as a contemporary single sheet, has *mac meic* in three witnesses ('domnall mac meiceochach', 'Ragnall m. meicconmara', 'Scanlan m. meicgormain' (translated as 'son of Mac' on each occasion: however, see now Hammond, 'Development of Mac Surnames', pp. 104–17, for the development of *mac meic* in relation to surnames). The use of Gaelic orthography is (again) a striking contrast to Scottish Latin charters.

where they were produced. This includes some with *mac* in a witness list, as in an extant contemporary single sheet datable to 1178 × 1185.⁷² Two witnesses are identified with *mac*, ‘Malcolm’ mac Gillis’ and ‘Gilleloch’ mac Dunec’ (Máel Coluim mac Gilla Ísu or Mac Gilla Ísu, and Gilla Míchéil mac Donnchada or Mac Donnchada), and another with *mac ingine* (‘Gillex^o mac inien Samuel’), the Gilla Críst son of the daughter of Samuel who was mentioned earlier. The place-date of the charter is Perth, which was already a trading centre since no later than the early eleventh century.⁷³ If Gaelic ever had a significant profile in a major trading community in eastern Scotland, it would have been here.

This is not the only charter of William I with *mac*-witnesses produced at Perth that survives as a contemporary single sheet.⁷⁴ This raises the intriguing possibility not only that these royal occasions were conducted at least partly in Gaelic, but that Gaelic may have been part of the life of Perth in the 1170s and 1180s. Later charters present a different picture: none of the thirty individuals who are identified at some point as ‘burgesses of Perth’ up to 1250 have a whiff of Gaelic about them.⁷⁵ These were members of the town’s governing elite, however: even if we were to delve deeper into the corpus of extant charters, it will be recalled that this would only be likely to offer a limited view of a property-owning community and its interactions. Our knowledge of who was buying and selling in Perth would be transformed if there was something like the Dublin Guild Merchant Roll to hand: 8,400 men and three women between 1190 and 1265 are listed there, each registering with the guild and paying the capitation fee so that they could ply their trade in the city.⁷⁶ Their names and the places they are identified with suggest they had remarkably varied backgrounds. At least 146 are associated with Scotland, mainly places in the south-west (particularly Ayr), but also in the east, such as Coldingham, Musselburgh, Perth, St Andrews, and Dundee. They include a pair in 1235–36 with uncommon

⁷² Duke of Atholl, Blair Castle, Athole Charters, i, no. 1: William I’s gift of Kinveachy to Gilbert, earl of Strathearn (1178 × 1185) (H 1/6/182: *Regesta Regum Scottorum*, II, no. 206 (p. 258)).

⁷³ The place date (Perth) has been omitted from the facsimile in William Fraser, *The Chiefs of Grant*, 3 vols (Edinburgh, 1883), III, plate 1. Radiocarbon dating of residues on pottery and of leather from excavations in the High Street are discussed in Mark Hall and others, ‘What’s Cooking? New Radiocarbon Dates from the Earliest Phases of the Perth High Street Excavations and the Question of Perth’s Early Medieval Origin’, *Proceedings of the Society of Antiquaries of Scotland*, 135 (2005), 273–85, and D. W. Hall and others, ‘The Early Medieval Origin of Perth, Scotland’, *Radiocarbon*, 49 (2007), 639–44. The nature of Perth in this early period is left open as either chiefly religious or secular, with ‘Scandinavian influenced trade’ a possibility (Hall and others, ‘What’s Cooking?’, p. 281, referencing an unpublished paper by Colleen Batey).

⁷⁴ Another is NRS, GD147/1: William I’s gift of Ardross to Merleswain (2 April 1172 × 1174) (H 1/6/120: *Regesta Regum Scottorum*, II, no. 137 (p. 211)). This includes Gilla Críst mac ingine Samuel and Gilla Míchéil mac Donnchada (or Mac Donnchada).

⁷⁵ In roughly chronological order (the earliest was active between 1194 and 1240), they are Henry son of Geoffrey de Liberatione, Henry Bald, John Haylotyl, William son of Uhtred, William of Lynn, John son of Donald, Robert Smith, Benedict and Henry, sons of Walter of St Edmunds, William Loveproud and his son, Serlo, Robert of Stanford, William Whitebeard, David Yeap, Serlo and his son, William, Richard son of Andrew, Peter son of David, Robert son of Fulk, Alan Redbeard and his brothers Osbern/Osbert and Geoffrey, John White, Richard of Leicester, John Bell, William son of Hawock, Martin of Lynn, Alexander Bell, Adam son of Walkelin, and Warin of Whitby: <https://www.poms.ac.uk/search/?selected_facets=titles_exact%3Aburgess+of+Perth&q=&min_date=1093&index_type=person&max_date=1250&index_type=person>.

⁷⁶ See <<https://www.dublincity.ie/library/blog/dublin-guild-merchant-roll-1190-1265>>, where it is described as a ‘unique survivor in western Europe, both for its early date and the insight it gives into the society of a medieval city’.

Gaelic names who hailed from ‘St John’s Town’: Gilla Domongairt and Gilla Comgaill.⁷⁷ St John’s Town is another name for Perth.⁷⁸ It is difficult to know exactly what to make of these individuals, except to relish how they confound our expectations that merchants in the east of Scotland would have no connection with Gaelic by the 1230s. Their names are so unusual that it is likely that they originated in a Gaelic-speaking milieu. This need not have been Perth itself, of course, although perhaps it was not far away.⁷⁹ Be this as it may, they are a reminder that Gaelic-speakers must have engaged in trade at some level for them to be exposed to *Inglis* / Scots as the predominant medium for commercial activity, and this contact need only gradually have made Gaelic redundant in eastern Scotland.

At the outset of this article it was observed how readily charters have been identified with a new elite culture that gradually superseded the older Gaelic ways during the twelfth century. This view is encouraged by the preponderance of surviving charters from reformed monasteries and cathedrals — institutions whose mission was to bring society into conformity with established norms and overcome ‘barbarism’.⁸⁰ The charters themselves were inherently imitative and tended to be culturally homogenized, responding to models of prose and handwriting received

⁷⁷ On the roll ‘gildowengard de villa *sancti joh*’ and ‘gilkogil de villa *sancti joh*’ are third and sixth in a group of six who were added on membrane 25 at the same time (as can be seen on the digital image, col. a, lines 20–25: https://databases.dublincity.ie/dmgr/browse.php?image_order=39). The others are Robert son of the furrier, of ‘archen’, Richard ‘deuen’ of St John’s Town, ‘Bridin makarne de archen’, and ‘Onel’ of St John’s Town. (On the website ‘gildowengard’ is mistranscribed with an initial ‘s’, an error inherited from *The Dublin Guild Merchant Roll, c. 1190–1265*, edited by Philomena Connolly and Geoffrey Martin (Dublin, 1992); ‘archen’ is identified as Aachen.) The only other person on the roll associated with Perth is ‘Rob’ De Pert’, who appears beneath ‘Thomas De Argeythel’ (Argyll) on membrane 31(ii) (1245–1247), near the bottom of col. b:

<https://databases.dublincity.ie/dmgr/browse.php?image_order=46>. Spelling *Domongairt* with ‘w’ for intervocalic *mh* is not unexpected, and vocalizing *mh* in *Comgaill* to zero before *gh* seems plausible, although the name is the same as Cowal (a region of Argyll named from Cenél Comgaill).

⁷⁸ The two names (Perth and St John’s Town, or St Johnstone) have continued to be used in parallel to this day. As a place-date for a document, St John’s Town is first attested in letters patent and other material issued by the English royal government during and after Edward I’s conquest in 1296: these are listed at <https://www.poms.ac.uk/search/?selected_facets=placdatemodern_exact%3APerth+%28St+John%27s+Town%29&q=&min_date=1093&index_type=source&max_date=1371&index_type=source>. Perhaps this was how Perth tended to be known outside of Scotland. Modern St John’s Town of Dalry in Kirkcudbrightshire was never a burgh: an attempt to bestow liberties on the ‘Old Clachan of Dalry’ in 1629 was aborted and the liberties transferred to New Galloway in 1630 (George Smith Pryde, *The Burghs of Scotland: A Critical List*, [edited by A. A. M. Duncan] (Glasgow, 1965), no. 74 (p. 32)). Two individuals are identified on the roll as *de terra Sancti Johannis*, from ‘St John’s land’: Richard in 1243–44, and in 1263–64 Abraham, who is also identified as ‘de knocfergus’ (that is, from Carrickfergus):

<https://databases.dublincity.ie/dmgr/freesearch_out.php?text_input=%22Terra%20Sancti%20Johannis%22>. This is identified as in Co. Roscommon <<https://databases.dublincity.ie/dmgr/places.php#S>>: St John’s is a modern parish there.

⁷⁹ A lost place, ‘doldonengard’ (that is, Dol Domongairt, ‘water-meadow of Domongart’), is noted in a perambulation of the border between Drimmie and Cloquhat in the uplands north of Blairgowrie conducted on 9 February 1224 (H 4/39/4: *The Charters of the Abbey of Coupar Angus*, I, edited by D. E. Easson (Edinburgh, 1947), no. XXXIV (pp. 78–79)). William J. Watson, *The History of the Celtic Place-Names of Scotland* (Edinburgh, 1926), p. 418, commented that ‘*Dol, Dul*, is found not uncommonly with names of saints’. As far as the name Gilla Comgaill is concerned, I have been unable to find any indication that St Comgall was venerated anywhere in Perthshire.

⁸⁰ Dauvit Broun, ‘Attitudes of *Gall* to *Gaedhel* in Scotland before John of Fordun’, in *Miorun Mòr nan Gall, ‘The Great Ill-Will of the Lowlander’? Lowland Perceptions of the Highlands, Medieval and Modern*, edited by Dauvit Broun and Martin MacGregor (Glasgow, 2009), pp. 49–82

<<https://www.arts.gla.ac.uk/scottishstudies/ebooks/miorunmor.htm>>.

from abroad.⁸¹ On the face of it, this represents a pleasingly consistent picture, made all the more compelling by its binary framework of innovation versus tradition, and foreign influence overcoming native habits — a framework that resonates so readily with embedded patterns of thinking about peoples in the past, especially in this period of Scottish history.⁸²

A deeper, more nuanced approach to charters has recently been initiated, however. A realisation that the pattern of survival and loss is the ‘primary lens through which we must conceptualise and read the corpus’ encourages a keener appreciation of the limitations of charters as a source for this period.⁸³ A detailed study of variation when copying charter texts, particularly with regard to proper nouns, has brought a more acute awareness of writing in this context as a process informed intimately by scribal choice.⁸⁴ These insights chime with the emphasis in this article on how charters offer only a highly restricted view of landholding society and its interactions, and on the significance of scribal agency in determining how the names of witnesses were rendered when first recorded. It is, however, precisely because of the naturally imitative and generally homogenizing tendency of charters that any unexpected features must be treated as especially significant, and held firmly in hand as an opportunity to see beyond embedded frameworks. By bringing the scribe more vividly to mind, charters come to life not only as texts but as specific social occasions. In similar vein, the seal-matrix’s design can be appreciated as the outcome of careful deliberation, and not only as a piece of craftsmanship. Seen in this light, the use of *mac* rather than *filius* in witness lists, and a king’s name in Gaelic on his seal, are not simply quirks to note in passing, but vital traces of a phenomenon we have learned not to expect: the use of Gaelic in social settings involving charters.⁸⁵

The use of MALCOLVM on the royal seal and *mac* and *mac ingine* in witness lists may only be fleeting glimpses of Gaelic, but they are enough to challenge the assumption that Latin charters were incompatible with Gaelic. The decline of Gaelic remains to be explained, of course. We can, however, now query whether charters as a new element in landholding need have played any part in this. Indeed, it is possible to go further and ask whether the rise of *Inglis* / Scots at Gaelic’s expense in the east of Scotland cannot be seen as very largely — if not solely — the result of the increasing importance of burghs and trade for anyone with property and possessions, however minimal, especially when their livelihoods depended on coin.⁸⁶

⁸¹ The palaeographical dimension is revealed in ongoing work in <www.modelsofauthority.ac.uk>, directed by Stewart Brookes and Joanna Tucker, and in the forthcoming *Monumenta Palaeographica Medii Aevi: Series Britannica* volume on Scottish charters, edited by John Reuben Davies and Teresa Webber.

⁸² The seminal discussion of these embedded patterns of thinking is Matthew Hammond, ‘Ethnicity and the Writing of Medieval Scottish History’, *SHR*, 85 (2006), 1–29.

⁸³ Tucker, ‘Survival and Loss’, p. 84.

⁸⁴ eadem, ‘Copying Names: A Scribe-Centric View of the Orthography of Names in Medieval Cartularies’, *JSNS*, 15 (2021), 63–112 (p. 97).

⁸⁵ In the case of royal charters, *mac* for *filius* continued as an occasional feature until at least the 1170s. The latest is H 1/6/182: *Regesta Regum Scottorum*, II, no. 206 (p. 258), datable to 1178 × 1185.

⁸⁶ The evidence for the growing amount of coinage in Scotland in this period is discussed in Martin Allen, ‘The First Sterling Area’, *Economic History Review*, 70 (2017), 79–100 (pp. 83–84 and 87–90). It has been estimated that, after adjusting the figures for ecclesiastical wealth to account for temporal wealth, the per capita ecclesiastical wealth in Scotland c. 1290 was 25% higher than in England, and that Scottish parishes were twice as valuable as English parishes (on average); only the dioceses of Lincoln, Norwich, and York in England were wealthier than the dioceses of St Andrews and Glasgow (Bruce M. S. Campbell, ‘Corrigendum: Benchmarking Medieval Economic Development: England, Wales, Scotland and Ireland c. 1290’, *ibid.*, 61 (2008), 946–48). If the integration of Scottish currency into the Sterling Area 1195 × c. 1235 is taken to mark a stepchange in the scope of economic

If Gaelic's retreat in the kingdom's eastern heartlands did not gather pace until the thirteenth century, it is also possible to consider whether a form of Gaelic literacy in a Latin documentary context could have been developed in the twelfth century to deal with (at least) Gaelic names and terms. This has been floated in relation to the lost exemplar of Ralph of Diss's text of the royal genealogy, which he included in his *Imagines Historiarum*: his own manuscript survives, datable to the late 1180s.⁸⁷ One context where spelling conventions could have arisen is in records kept by lawmen (*iudices*), such as those that Alice Taylor has discerned behind the 'very complicated' later written tradition on topics such as compensation for injury, breach of the peace, and non-attendance for army service.⁸⁸ The earliest extant manuscript of this material, however, is datable to 1267 × 1272; the rest is late-medieval.⁸⁹ Previously it would have seemed strange and foolhardy to investigate the possibility of a new form of Gaelic literacy emerging in the twelfth century by analysing the spelling of Gaelic words and proper nouns in extant charters. Instead, this can now be seen as a significant next step in exploring the relationship between Latin charters and Gaelic: Roibeard Ó Maolalaigh's detailed description and taxonomy of Gaelic personal names and name elements in the corpus provides an immediate starting point.⁹⁰

activity (Allen, 'First Sterling Area', pp. 83–84), then it would appear that it was not until the thirteenth century that coin began to permeate society in eastern Scotland.

⁸⁷ Broun, 'Gaelic Literacy in Eastern Scotland', pp. 188–94 and 198. Diss's own manuscript is London, Lambeth Palace, 8: the genealogy is at 107^va32–b28. Ralph of Diss was Dean of St Paul's Cathedral, London.

⁸⁸ *Laws of Medieval Scotland*, edited by Taylor, pp. 250–59 (pp. 255–56); eadem, *Shape of the State*, pp. 123–32. The involvement of a *iudex* in the production of a *nota* that was preliminary to a charter, and possibly another *iudex* as scribe of charters, is discussed in n. 51, above. On *iudices*, see *ibid.*, pp. 120–22 and 130–32.

⁸⁹ *Laws of Medieval Scotland*, edited by Taylor, pp. 33–38 (item xxi on p. 37, a copy of French text of this material), and pp. 250–53 for later Latin witnesses.

⁹⁰ Ó Maolalaigh, 'Gaelic Personal Names'. I am most grateful to John Reuben Davies, Matthew Hammond, and Simon Taylor for reading this article and for their comments and corrections, to Roibeard Ó Maolalaigh for giving me the benefit of his unrivalled expertise in the linguistic history of Gaelic, and to Huw Pryce for perceptive observations. I alone am responsible for any remaining errors or misapprehensions. This article originated as a paper, 'Latin Charters as Evidence for the Use of Gaelic in Scotland 1100–1250', given at the St Martin's Fair conference in Limerick on 29 October 2019. I am very grateful to Cathy Swift for the invitation to give the paper, and particularly grateful to Joanna Tucker for general discussion and her specific comments. For the purpose of Open Access, the author has, with permission, applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission. All web links were correct at 27.9.2023.