

Auditor	A person charged with the duty of examining accounts. The Auditors of the Court of Session and Sheriff Court respectively examine and are said to "tax" accounts of expenses incurred in the respective courts. <i>Cf.</i> in England the taxing-master.
Blood Relationship	The relationship existing between two persons having at least one common parent, the relationship being of the full blood when both parents are the same and of the half blood where only one parent is common.
Books of Council and Session	A popular title for the Registers of Deeds and Probative Writs in which, according to the directions they contain, deeds, etc., may be registered for preservation.
Caution	Security, in civil matters. <i>Cautionry</i> is the obligation by which one becomes surety for another effectively a guarantee. Caution is pronounced to rhyme with nation.
Codicil	A document altering, adding to or revoking an existing testamentary document.
Collateral	In regard to succession a person of the same ancestry but not of the same direct line of descent as the deceased person, e.g. his brothers, sisters or cousins and their children. It is sometimes used to include descendants of collaterals and brothers and sisters of ascendants.
Consanguinean	A brother or sister is consanguinean with another where they have a common father but different mothers.
Destination	A direction as to the persons who are to succeed to property, usually found in a will, disposition or other deed affecting heritable property.
Destination over	A destination to one person on failure of a precedent gift, usually by will, to another.
Eik	An extension of the confirmation of an executor to cover property not originally included, in the estate of the deceased.
Estate	A person's whole assets including both heritable and moveable property.
Executor	A person appointed to administer the property or as it is called the Executry of a deceased person. An executor appointed by testamentary writing of the deceased is termed an <i>executor nominate</i> and one appointed by the appropriate court an <i>executor dative</i> . An <i>executor creditor</i> is a person who by way of diligence for recovery of a

debt has himself confirmed as executor usually only to some particular item or part of the deceased's assets.

Fee	(i) The full right of property in heritage, as contradistinguished from life interest. (ii) Remuneration for professional services such as those of a solicitor or advocate.
Fiduciary	A person in a position of trust such as a trustee or company director who must not derive any undisclosed or unauthorised profit or advantage from his position.
Filiation (or affiliation)	The determination by a court of the paternity of a child, usually an illegitimate child sometimes described as <i>filius nullius</i> .
Gift	In its normal sense, synonymous with donation, signifying gratuitous transfer by one person to another.
Heritage	The technical term for property in the form of land and houses.
Ingather	To collect or get in money or property of a deceased person.
Institute	The person first named or called in a destination of property; those who follow upon him are substitutes.
Interlocutor	Strictly, an order or decision of the court short of the final judgement, but in practice applied to any order of the court. Interlocutor sheets are documents, on which the court's interlocutors are entered.
Intestacy	The position arising when a person dies intestate, ie without leaving a will.
Intromit with	To handle or deal with, as funds or other property; whence intromission; intromitter.
Inventory	A list, as of the property of a person deceased, which must be sworn to and lodged by executors on taking up their duties.
Jus relictæ	The widow's right to one-third or one-half of her deceased husband's moveable property, according as there are or are not children or grandchildren.
Jus relictî	The widower's right comparable to <i>jus relictæ</i> .
Legacy	A gift, bequest or benefit derived by the legatee from the will of a deceased person.
Legal Rights	The claims which the surviving spouse and/or issue have to share in a

deceased's estate whether or not he left a will.

Legitim	The part of a deceased's moveable estate to which his or her issue are entitled as a legal right, being one-third where there is a surviving spouse and one-half where there is not.
Liferent	The right to the use for life of another's property. The liferenter's right is rather that of an owner for life.
Matrimonial Home	Any structure provided by one or both spouses and forming a family residence.
Mortgage	An English term for a loan secured over property commonly applied in Scotland to loans on the security of heritable property.
Moveables	All property other than heritage.
Next of Kin	The class of relatives entitled to succeed to moveables at common law.
Notice of Title	A deed executed by a law agent or notary public showing how by deed or otherwise the right of a certain party to heritable property is constituted and completing his title to the property by being recorded in the Register of Sasines or Land Register.
Power of Attorney	A power given to X by A to act for him. An English term, but now much used, the true Scottish term being <i>factory</i> or <i>commission</i> .
Prior Rights	The statutory rights of the spouse of a person dying intestate to the deceased's dwellinghouse with furnishings and plenishings and a financial provision out of the remaining estate.
Queen's and Lord Treasurer's Remembrancer	The general administrator of Crown revenues in Scotland responsible for the collection of certain fines and penalties, for auditing the account of sheriff clerks and procurators fiscal, administering treasure-trove and taking charge of the estates of persons falling to the Crown as <i>ultimus haeres</i> .
Registration for preservation	The registration of any deed in the Books of Council and Session or the books of a sheriff court to obviate the risk of loss, making copies or extracts equivalent to the original obtainable. Often combined with registration for execution.
Residue	What remains of a testator's estate after debts, expenses and specific or pecuniary legacies have been met, the person or persons sharing the remainder being termed residuary legatees.

Survivorship, Clause of.	A provision in a will or the like by which the maker, taking into account the possibility that some of the persons to be benefited may die before taking the benefit, directs that their interests will pass to the survivors. (ii) A conveyance of property to two or more persons and the survivor or survivors of them.
Testament	Or will: a document whereby a person gives directions for the disposal of his estate on his death. The term is also used in connection with confirmation. Confirmation of an executor nominate being called testament-testamentar and confirmation of an executive dative, testament-dative.
Testate	As applied to the succession to a deceased person, described as the testator, signifies the existence of a will or other testamentary document regulating the disposal of his estate. See <i>Intestacy</i> .
Ultimus haeres	Last heir: the Crown takes as <i>ultimus haeres</i> for want of other heirs.
Uterine	Born of the same mother but of different fathers.
Vitious intromission	The unauthorised dealing with the estate of a deceased person, subjecting the offender to unlimited liability for the deceased's debts.