

Sources for Scottish Agrarian History before the Eighteenth Century¹

By GORDON DONALDSON

FOR the period from the thirteenth century to the sixteenth a good deal of information about Scottish agriculture in certain parts of the country can be extracted from the records of the monastic houses. T. Bedford Franklin, *A History of Scottish Farming* (Nelson, 1952), makes use of this material, most of which is printed in the various cartularies,² though a certain amount is still unprinted.³

There are, however, regions for which material of monastic origin does not exist, either because there were no religious houses there or because houses existed for which no records have survived. It may, further, be taken as generally true that there are no records of lay landlords comparable to those of the ecclesiastical estates, and such information as is available about tenants, services, and holdings on lay estates can be obtained only from charters and similar documents among private muniments.⁴

The one important source from which supplementary information can be obtained for the late medieval period is the *Exchequer Rolls of Scotland*. These records, relating to the income of the Scottish crown, are in print down to 1600, but remain among the least exploited of the Scottish printed records. Being the record of the crown revenues, they state the income derived from the crown lands, which extended from Ross and Orkney in the north to the Borders in the south, and which included a great variety of types of land, including some in the west, like Kintyre and Bute. They touch on

¹ I am very greatly indebted to Mr J. D. Imrie, an Assistant Keeper of the Scottish Records, for the help he has given in the preparation of this article, the substance of which was read at the Conference on Scottish Agricultural History in Edinburgh, 26 September 1959. The sources mentioned are, except when otherwise indicated, in H.M. General Register House, Edinburgh. For detailed descriptions of them, see M. Livingstone, *A guide to the public records of Scotland*, 1905, and 'Accessions of public records to the Register House since 1905', in *Scot. Hist. Rev.*, xxvi, pp. 26-46. Reference may also be made to J. M. Thomson, *The public records of Scotland*, 1922.

² For lists of the printed cartularies, see *Sources and Literature of Scots Law*, Stair Soc., 1936, pp. 260-1, and G. R. C. Davis, *Medieval Cartularies of Great Britain*. There is similar material in *Melrose Regality Records* (3 vols., Scot. Hist. Soc.).

³ e.g., there is material relating to Scone in the possession of the earl of Mansfield.

⁴ As mentioned below (p. 87), many of these muniments are now in the Register House. Attention should also be drawn to the Register House Charters, a large collection, formed artificially, beginning in the twelfth century and calendared to 1600, with indexes of persons and places.

parts of the country for which the monastic records are silent, and the area covered is broad enough to allow of comparative figures for different regions. Primarily, the material consists of statements of the rents of the crown lands, showing the produce in some detail. The MSS. include nine volumes of rentals, of dates from 1476 to 1588 (included in the printed volumes), which show how the lands were let to tenants, on what terms, the extent of the holdings, and the sums paid in rents. As the series of rentals is consistent for a period of more than a century, sustained study is possible. There are also inventories of stock, and occasionally some items which present a vivid picture of the management of land in the fifteenth and sixteenth centuries.

Some examples may be given. We find in 1499 how the Grange of Bothkennar, containing $27\frac{1}{2}$ oxgangs, was let to eleven tenants, with holdings ranging from one to four oxgangs,¹ and we find in 1502 how the lands of Wester and Easter Ardet were let to fifteen tenants for various money rents along with 'carriages' and other services.² An account of the Grange of Darnaway, in 1505, shows that there were 11 stacks of oats, out of which payment of oats was made to the ploughman, the shepherd, the watchman, and so forth; there were five stacks of bear and two and a half stacks of wheat (the other half of one stack being made up with oats); in five ploughs there were fifty oxen; there were cows, stirks, and a bull, 116 ewes, 42 wedders, 64 hogs, and nine year-old sheep.³ The account of the chamberlain of Glamis in 1538 shows that 12 oxen were purchased to plough the lands of Glamis and Baikie.⁴ The accounts of the chamberlain of Galloway in 1456, relating to the Grange of Sannik, record the crops of oats, bear, and wheat, the payments to labourers, and the cost of horses for such operations as threshing and harrowing.⁵ In the accounts of Menteith for 1508 we see what looks like an attempt to improve stock, for nine white cows and a bull were to be purchased and pastured in the new park of Stirling.⁶

There are also in these records regulations to ensure good husbandry. Thus in 1541 the following conditions were to be inserted in grants of lands in Fife and Strathearn: each tenant had to build a substantial house, consisting of a hall, chamber, pantry, kitchen, and other office houses, with barn, byre, and dovecote; he was to have a good large yard, well dyked, and planted with hawthorn or alder; he was to plant a specified minimum number of trees, so that the yards might be completely encircled; hemp and lint were to be sown outside the kailyard and not within it; alder, willow, and hazel were to be planted in bogs.⁷ Again, entries relating to 'steelbow' tenancies record

¹ *Exchequer Rolls*, XI, p. 409.

² *Ibid.*, XII, p. 640.

³ *Ibid.*, pp. 672-3.

⁴ *Ibid.*, XVII, p. 143.

⁵ *Ibid.*, VI, p. 206.

⁶ *Ibid.*, XIII, p. 60.

⁷ *Ibid.*, XVII, p. 719.

the stock provided by the landlord to his tenants, and the remissions of rent sometimes noted allude to adverse conditions caused by flooding, drifting sand, and civil disorder.¹

Apart, however, from the information to be derived from the *Exchequer Rolls*, it seems very doubtful if much can be found for the medieval period which has not already been used. But that period we may take as ending in the sixteenth century, roughly with the reformation. Thenceforward, in the late sixteenth century and the seventeenth, we enter on a period of which little investigation has been made and which most accounts of Scottish agriculture ignore—a period which ends only when it becomes possible, in the eighteenth century, to take up the tale of the improvers.

The main task should be to try to fill in that gap, and the relevant material is to be found in three main sources: (1) the records of testaments; (2) court books; and (3) estate papers.

THE RECORDS OF TESTAMENTS

These records are extant from dates before 1600 for several parts of the country, although there are other areas, notably Aberdeenshire, where they do not begin until very much later. It must be explained that a 'testament' does not imply the existence of a 'will'; only if it is a 'testament testamentary' is there a will, otherwise it is a 'testament dative'. But the important element in either type of 'testament' is the existence of an inventory of the movable property—"goods, gear, debts and sums of money"—of the person deceased, and it is those inventories which are of importance to the student of agrarian history as of social history generally. It should also be emphasized that testaments are to be found for persons at every level in the social scale, from the very rich to the very poor.

Two examples of inventories may be given, taken quite at random. Thomas Stalker of Easter Drylaw, who died 3 January 1584, had 11 "draw-and oxin," valued at £10 13s. 4d. each; six cows at £6 13s. 4d.; 60 sheep at £1; four horses at £13 6s. 8d.; six young cattle at £2 13s. 4d.; 18 bolls of wheat sown on his land—which, "estimated to the fourth corn" or valued in terms of a four-fold return, was assessed at 72 bolls at £3 a boll; and in his barn he had 24 bolls of wheat at £3 10s., 48 bolls of bear at £2 13s. 4d., 100 bolls of oats at £2, and 30 bolls of pease at £2 13s. 4d. David Mure in Bordland, who died 9 January 1583, was a much less substantial man, with three cows at 8 merks, 2 oxen at 10 merks, four young cattle worth in all £8 6s. 8d., eight hogs at 13s. 4d., a nag and a mare worth together 22 merks, and in his

¹ There is similar information about adverse conditions in the Accounts of the collectors of thirds of benefices, beginning in 1561 (printed down to 1572 by the Scot. Hist. Soc.).

barn 21 bolls of oats at 33s. 4d. and three bolls of bear at £2. Sometimes the list of possessions includes references to implements, e.g., cart wheels with "corn" bodies and "muck" bodies.

It is obvious that an analysis of a batch of testaments from the same parish or other small area would give a fairly accurate picture of the distribution of crops, of the balance of stock between cattle and sheep, and of the sources from which wealth was obtained in the Scotland of the period. There are quite sufficient inventories—hundreds and sometimes thousands for each generation in each area—to make it possible to work out reliable averages and standards. And, apart from information about the general picture, there are many incidental details which may emerge from the study of testaments. The size of a stack may be indicated, when we are told that two stacks of bear were estimated to contain 90 bolls; attention to the dates of deaths and the particulars about crops "sown on the ground" and "in the barn and barnyard" would disclose dates of sowing and harvesting; there are references to different types of oats—white oats, black oats, and "small hieland aittis." Any testament gives a general indication of the character of the deceased's farm and the relative importance of cultivation and stock-raising. Not the least important feature to emerge—though it is perhaps relevant to general social history rather than to agrarian history—is the extent to which agriculture was practised by the inhabitants of Scottish burghs, many of which were no more than villages and the inhabitants of which were often smallholders. For example, a burghess of Montrose had shares in two trading vessels and a fishing boat, but also possessed three bolls of wheat and three bolls of bear sown on the burgh roods of Montrose, along with a cow, a calf, and a quoy. In somewhat similar fashion, the rural clergy invariably had cattle and crops which formed an important proportion of their substance.

COURT BOOKS

These books are mainly the records of the sheriff, regality, and barony courts¹ (though, for reasons just mentioned, burgh court books are not to be ignored for agrarian history). Any one proposing to use those records for agrarian history must be warned that, while they do contain important material for his purposes, they also contain an inordinate amount of material which will be to him of no value or interest whatsoever. The student whose interests lie in the more general aspects of agrarian history would probably be justified only in making use of such court books as are available in print.² The

¹ For a list, see *Sources and Literature of Scots Law*, pp. 117–32.

² e.g., J. A. Symon, *Scottish Farming*, uses the *Court Book of Urie*, published by the Scottish History Society.

labour of working on MSS. would be justified only for an intensive study of local conditions.¹

From their nature, the court books inevitably throw a good deal of light on the relations between landlord and tenant, in connection especially with labour services, which it was sometimes the business of the court to enforce. The court was much concerned with the manifold matters which can be included generally under the heading of 'good neighbourhood', such as the maintenance of dykes and gates, disputes over boundaries, quarrels over peat-rights, the control of stock, the destruction of vermin, the marking of sheep and cattle, and the misdeeds of sheep-dogs. Sometimes proceedings arising from such matters disclose details which help to round off the picture: for example, in the *Barony Court Book of Carnwath* (Scot. Hist. Soc.), we find that some persons accused a man of "castin peits [cutting peats] in thair medow and spreid them in thair unmawin medow"—an incident which throws some light on the poor quality of the soil in land used as a meadow where the grass was to be mown; in the same volume, proceedings are recorded against a man for destroying green wood (a common offence, for which the death penalty was imposed), and he is said to have been cutting "wands" and to have had "twenty wands under his oxter [i.e. armpit]"; in the *Court Book of Balgair* (Scot. Record Soc.) there are several references to the payment of 'tod cess', a levy to pay for the destruction of foxes; and in the *Court Book of Shetland* (Scot. Record Soc.) there are acts to encourage the destruction of "earns and corbies," that is, sea-eagles and ravens.

More strictly criminal matters, likewise recorded in court books, sometimes yield incidental information. Thus, the quantities of produce stolen give some indication of the scale of production: e.g. 20 stones of butter and cheese, which seem a considerable quantity, were stolen from a single tenant in Glenelg. Cases of assault, again, give incidental information about implements and about agricultural operations: e.g. there is a case in the *Melrose Regality Records* where a plough was stopped by striking and beating the horses.²

In the general run of civil cases, the proceedings may disclose information about the quantity of seed sown on an acre, the size of individuals' holdings, and of course the prices of grain and the value of crops. About the value and

¹ For an example of the use of a court book for a local study, see G. Donaldson, *Shetland Life under Earl Patrick*.

² Similar evidence emerges from the *Privy Council Register*, which is mentioned below (p. 89). Selections from the records of the central criminal court, the Court of Justiciary, are printed in Pitcairn, *Ancient Criminal Trials*, 3 vols., Bannatyne Club, 1833, *Selected Justiciary Cases*, Stair Society, 1953, and *Records of the Proceedings of the Justiciary Court*, 2 vols., Scot. Hist. Soc., 1905.

yield of crops a good deal of information should be derivable from cases concerning teinds (*anglice* tithes), but as the records of the Teind Office were destroyed by fire in 1700, such cases are not extant in very great numbers. Sheriff court records may include "fiars' prices," giving the selling price of grain year by year.¹

Special mention should be made of proceedings relating to the division of commonty. When we reach the eighteenth century, sheriff court records may show cases of the consolidation of holdings and of the supersession of the run-rig system, as well as of the division of common grazings among tenants. But divisions were not unknown in earlier times. They could be made in the seventeenth century by contracts of division, with consent of the superior.² But it may be that, even earlier, court proceedings would disclose similar transactions: certainly in the Court Book of Orkney and Shetland for 1612-30 it is recorded that James Sinclair and Elizabeth Spence appointed four persons to designate two merklands out of the lands of Buay, to be enjoyed by the said Elizabeth heritably, "als mekill in quantitie and qualitie . . . as the twa merk uthall [i.e. udal] landis quhilkis lay rig and rendall [i.e. run-rig] of befor with and amangis the said James landis of Bua."

ESTATE PAPERS

Some of the private collections of papers which have been surveyed and recorded either by the National Register of Archives (Scotland) or by other agencies are still in the hands of the owners, others are deposited in the Register House. The general situation is that a substantial body of material for agrarian history does not exist for the period before 1700 and that detailed rentals, estate papers, and farm management records of earlier dates are rare. There are, however, certain exceptional collections, in which there is some material of this kind for at least the seventeenth century. The following examples may be given, all from collections in the Register House.

The Ailsa Papers (Ayrshire) contain some seventeenth-century rentals and a fine series of tacks [leases] from c. 1620.

The Breadalbane Papers (Argyll and West Perthshire) contain rental material from the late sixteenth century, and for the seventeenth century there are store books, giving particulars of holdings of cattle, sheep, and goats, chamberlains' accounts, and registers of tacks.

The Dalhousie Collection (Midlothian and Angus) contains some sixteenth-century rentals and many of the seventeenth century, a very large number of tacks from about 1610 onwards, factors' accounts from 1612,

¹ The Haddington fiars' prices from 1647 are printed in J. A. Symon, *op. cit.*, App. III.

² *Melrose Regality Records*, III, pp. xv, xx, 8.

grievances' accounts from 1650, and notes and accounts relating to the employment of harvesters and other labourers. This collection seems to be one of outstanding importance in this respect.¹

Legal papers in several private collections throw light on agricultural conditions. Precepts of removing give names and numbers of tenants in particular lands. There may also be building contracts. In 1587 a contract between the countess of Erroll and a tenant in Ardriffie stipulated that the latter should build a house 82 feet long and 19 feet broad, the walls to be 3½ feet broad and 3 ells high with two 'rounds' on the side for passages to lofts, two mid-walls, and four plaster walls on the gables and the said mid-walls (Erroll Charters, no. 1162).

Unfortunately farm and estate plans are not found until the eighteenth century, but these often represent conditions that had obtained for a long period before. A book of plans of farms on Eglinton estates in Ayrshire and Renfrewshire, drawn in 1789, has water-coloured representations of farm buildings which often show the ruins of older buildings.

OTHER SOURCES

It is noticeable that in several collections a series of tacks begins in the course of the seventeenth century. The very important subject—highly relevant to agrarian history—of the structure of the system of land tenure, can be only imperfectly explored in earlier periods. Yet there is some important material for the sixteenth century, well worth examination, contained among the very ample records relating to the conveyance of land in heritage—charters in private collections and the crown grants recorded in the *Register of the Great Seal*. (It should be noted, too, that a certain number of tacks of crown lands are recorded in the *Register of the Privy Seal*.) With the beginning of the seventeenth century there is a complete and consistent record of all heritable conveyances of land, in the Register of Sasines, from which the history of any piece of land in Scotland can be continuously traced and which could be used to show the changes in the composition of the land-owning class, the accumulation and breaking-up of estates, and the extension or contraction of the class of owner-farmers.

The process of feuing, or letting land in perpetuity for a fixed payment, had apparently been not unknown in church lands at a fairly early date, but its principal development in the fifteenth century was in the crown estates. It is important to determine how far crown lands were feued, in small lots, to actual farmers (who thus gained security of tenure) and how far in larger

¹ I am indebted to Mr P. Gouldsbrough, an Assistant Keeper of the Scottish Records, for drawing my attention to this collection.

holdings to men who would in turn lease smaller holdings to working tenants. Then in the sixteenth century, for reasons arising from the reformation, there was a rapid development of the feuing of church lands, and, as these feus were very often confirmed by the crown, they are recorded in the *Register of the Great Seal* and in a special Register of feu charters of kirklands (MS). It was a persistent complaint at the time that these ecclesiastical feus were too often granted, for a large lump sum and a small perpetual duty, to middlemen who proceeded to recoup themselves by rack-renting or evicting the old tenants. Yet a casual examination of the records shows that feus were, in fact, quite frequently granted to the existing tenants. The extent to which this applied is a subject which requires study, and probably if the material contained in the monastic cartularies were used in conjunction with the information supplied by the confirmations of feu charters it could be determined how severe the dislocation was which arose from the feuing of the church property in the sixteenth century.

While the sources already described are those to which it is most desirable that attention should be directed, there are other sources which are not to be ignored, and as many of them are printed and indexed, the incidental references to agriculture which they contain can be easily traced. Legislation is to be found in the *Acts of the Parliaments of Scotland*, which have an excellent index. There were many statutes which are at least indicative of good intentions, such as one of 1426 ordaining that every man tilling with a team of eight oxen should sow yearly a firloft of wheat, half a firloft of pease, and forty beans, and two (in 1501 and 1581) designed to protect from distraint a tenant's oxen and horses and other goods pertaining to the plough, besides many enactments intended in one way or another to promote good husbandry and protect crops from damage.¹ The privy council was another source of legislation, and the manifold acts in its voluminous *Register* (printed to 1689) often touch on matters relating to agriculture, while the council in its judicial capacity heard both civil and criminal cases. In 1579 a complaint came to the council from a man who had suffered through the slaughter of "horses that laboured the ground" and six oxen "gangand in his pleuch," as well as injury to his two ploughmen; the incident occurred in Midlothian, and the complainant observed that it was scandalous that such a thing should happen "in a cuntrie quhilk sould be peciabil, sa neir the seat of justice," although no better could be expected in "the far Hielandis and Bordouris."²

The accounts of the lord high treasurer (printed to 1566), the accounts of the comptroller, and the royal household books record expenditure on

¹ See the list of statutes in J. A. Symon, *op. cit.*, App. II.

² *Register of the Privy Council*, III, pp. 109-12.

supplies for the royal table, and some private collections include household books which give details of the consumption of farm produce: e.g., in the Breadalbane collection there are household account books from 1582. *The Household Book of Lady Grisell Baillie, 1692-1733*, was printed by the Scottish History Society. Such material lies on the boundary between agrarian and social history, and the same may be said of population records. There is nothing resembling census returns before the eighteenth century, except the poll-tax and hearth-tax records which exist for certain parts of the country in the 1690's. Resort may be had to the Registers of baptisms (which are in the custody of the Registrar General in the New Register House), but these exist for very few parishes before 1600 and not for by any means all even by 1700.

Finally, there are the voluminous records of the central civil court, the Court of Session, consisting of the original processes, the Acts and Decrees, and the Register of Deeds. It may be presumed that these contain relevant material, but the lack of indexes and other guides makes them virtually inaccessible.

It can be readily observed that, while the sources are numerous, few of them furnish anything in the nature of a corpus of material. And while diligent search may elicit a fairly complete picture of some aspects of the material situation and development, there is a dearth of the correspondence, memoirs, and treatises which would give an insight into the motives and plans of Scottish agriculturists. The contrast is very sharp with the position after 1700, when consistent series of records become available and a great deal was written by contemporaries about their opinions and policies.

Notes and Comments

EDITORIAL

With the co-operation of our excellent printers this REVIEW has been published at tolerably regular intervals ever since its foundation, the only exception being the second part of Vol. VII, which was held up by the printing strike last summer. The editor and the executive committee have prided themselves on this relative punctuality, especially when they compare it with the record of some other learned journals. But there is another side to the picture. Since the task of editing has to be carried

out in the intervals of a working life which most people would consider sufficiently well filled without it, unsolicited articles cannot be dealt with as promptly as they deserve to be. The editor tenders his apologies to intending contributors whose articles have to be kept in cold storage for what may seem an undue length of time. Having said this, he feels impelled to add that his task would be much easier if writers took a little more trouble to prepare their copy in accordance with the

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