

Written Leases and their Impact on Scottish Agriculture in the Seventeenth Century*

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FROM the sixteenth-century historian John Major¹ onwards, most people who have written about Scottish rural society before the classic period of improvement in the later eighteenth century have stressed the detrimental effects of insecurity of tenure on the condition of the tenantry and standards of husbandry. This topic is particularly important in a Scottish context because of the polarization of rural society into two contrasting classes: the landlords, and the tenants. Scotland was notably deficient in small owner-occupiers compared with England.² There was no direct equivalent of the English copyholder, and the only group of tenants who had managed to acquire any rights of hereditary occupation, the kindly tenants, were becoming increasingly rare during the sixteenth century.³ The ways in which the ordinary tenants held their land thus assume considerable importance for the study of pre-improvement agriculture in Scotland.

In the past, two assumptions have been made regarding tenure in the pre-improvement period. The first is that husbandmen were almost all tenants-at-will, holding their land without written leases, and liable to eviction with little warning at the whim of the proprietor.⁴ The second is that where written leases were granted, they were invariably for very short periods: some writers have postu-

lated a system of annual leasing,⁵ while others have extended the normal duration of a written lease to three or five years.⁶

It has been claimed that the principal effect of this situation was to prevent agricultural improvement on the part of the tenant by denying him a long-term stake in the land which he farmed. Thus, Thomas Morer, visiting Scotland in 1689, attributed the lack of enclosures to the supposed prevalence of short leases.⁷ Late seventeenth-century Scottish writers, such as Lord Belhaven and Andrew Fletcher of Saltoun, favoured the granting of longer leases as an incentive to improvement.⁸ Under such conditions of insecurity it has been assumed that a tenant would have had no incentive to invest labour or capital in his holding. Conversely, the introduction of written leases, particularly for substantial periods of time, has been viewed as a major step in agricultural improvement, and has been regarded as an innovation of early eighteenth-century improvers such as Cockburn of Ormiston and Grant of Monymusk.⁹

Most writers have considered that the introduction of written leases into Scottish agriculture in significant numbers was an eighteenth-

⁵ E.g. H. Fairhurst, 'The Study of Deserted Medieval Settlements in Scotland', in M. W. Beresford and J. G. Hunt (eds.) *Deserted Medieval Villages*, 1971, p. 232.

⁶ E.g. Grant, *op. cit.*, p. 254; J. A. Symon, *Scottish Farming, Past and Present*, 1959, p. 67; H. Hamilton, *An Economic History of Scotland in the Eighteenth Century*, Edinburgh, 1963, p. 51; J. E. Handley, *Scottish Farming in the Eighteenth Century*, Edinburgh, 1953, p. 85; Smout, *op. cit.*, p. 137.

⁷ T. Morer, 'A Short Account of Scotland, 1689', in P. H. Brown, *Early Travellers in Scotland*, Edinburgh, 1891, p. 267.

⁸ John Hamilton, Lord Belhaven, *The Country-Man's Rudiments or an Advice to the Farmers of East Lothian How to Labour and Improve their Ground*, Edinburgh, 1699, p. 36; Andrew Fletcher of Saltoun, *Two Discourses Concerning the Affairs of Scotland*, 1698, Second Discourse, p. 38.

⁹ E.g. Symon, *op. cit.*, p. 107; Smout, *op. cit.*, p. 274.

* The author wishes to express his thanks to his wife for reading the draft of this paper, and for many valuable suggestions.

¹ John Major, 'Description of Scotland, 1521' in P. H. Brown, *Scotland Before 1700*, Edinburgh, 1893, p. 45.

² T. C. Smout, *A History of the Scottish People, 1560-1830*, 1969, p. 128.

³ I. F. Grant, *The Social and Economic Development of Scotland Before 1603*, Edinburgh, 1930, p. 248; Smout, *op. cit.*, pp. 137-8.

⁴ E.g. W. Ferguson, *Scotland, 1689 to the Present*, Edinburgh, 1968, p. 73; Smout, *op. cit.*, p. 137; R. Mitchison, *A History of Scotland*, 1970, p. 296.

century phenomenon.¹⁰ Only Donaldson has suggested that their development might extend back into the seventeenth century.¹¹ However, as with other aspects of pre-improvement agriculture, modern writers may have been unduly influenced by the unfavourable and sometimes uninformed comments of the Improvers themselves on the practices of their predecessors.¹² The seventeenth century has often been dismissed as a period of stagnation or even decline in Scottish agriculture.¹³ However, the study of contemporary estate papers and other sources, rather than later, potentially biased material, has demonstrated that significant developments did occur in Scottish agriculture at this time.¹⁴ This in itself suggests the need for a re-examination of the question of tenure. If agriculture was changing to the extent which the evidence seems to indicate, then it is possible that such changes were accompanied, and perhaps partly initiated, by improvements in the tenurial position of the husbandmen. However, in addition, when considering the traditional theories of pre-improvement tenure in Scotland it is necessary to account for the bundles of written leases, or tacks as they were known, which bulk large in many collections of estate papers in the Scottish Record Office and in the National Register of Archives handlists. These leases, together with other seventeenth-century estate papers, have so far received little attention.

This paper assesses the question of tenure in seventeenth-century Scotland based on a survey of contemporary manuscript evidence, particularly written leases, contained in collections of private estate papers in the Scottish

Record Office and National Library of Scotland. Some 3,000 leases from over 100 estates have been used. Other leases are concealed by the generalized catalogue entries of some S.R.O. handlists, and it is probable that considerably greater numbers survive in private hands. Nevertheless, it is hoped that the sample is sufficiently large to allow some firm conclusions to be drawn.

OCCURRENCE AND CHARACTER OF THE LEASES

An examination of surviving leases supports Donaldson's theory that their introduction in significant numbers first occurred in the early seventeenth rather than the early eighteenth century. Scattered leases of holdings on lay estates have survived from the sixteenth century, and there are even a few from the fifteenth century. These are rare, however. Records such as the rental book of the abbey of Coupar Angus show that written leases were granted on some Scottish monastic estates in the early sixteenth century.¹⁵ These estates were noted for their progressive approach to agriculture and estate management, and appear to have been ahead of lay estates in this practice,¹⁶ but such organization did not survive the Reformation. Written leases seem to have been the exception on lay estates in the second half of the sixteenth century. It seems reasonable therefore to conclude that while written leases were known before the end of the sixteenth century, there was no continuing tradition of granting them in significant numbers. However, the dates of surviving tacks suggest that a substantial increase in the numbers granted occurred in the early seventeenth century.

The missing data problem arises here. What proportion of the tacks that once existed is represented by those now extant? How typical are they either of individual estates or in aggregate? To what extent does the graph in Fig. 1 show the differential destruction of tacks, with fewer

¹⁰ E.g. R. A. Dodgshon, 'Agricultural Change in Roxburghshire and Berwickshire, 1700-1815', unpub. Ph.D. thesis, Univ. of Liverpool, 1969, p. 43.

¹¹ G. Donaldson, *Scotland, James V-James VII*, Edinburgh, 1965, p. 239.

¹² This tendency has been considered in I. D. Whyte, 'Agrarian Change in Lowland Scotland in the Seventeenth Century', unpub. Ph.D. thesis, Univ. of Edinburgh, 1974, pp. 4-13.

¹³ E.g. Handley, *op. cit.*, p. 11.

¹⁴ T. C. Smout and A. Fenton, 'Scottish Agriculture Before the Improvers—An Exploration', *Ag. Hist. Rev.* XIII, 1965, pp. 73-93; Whyte, thesis.

¹⁵ C. Rogers (ed.), *The Rental Book of the Cistercian Abbey of Coupar Angus*, Grampian Club, 1880.

¹⁶ T. B. Franklin, *A History of Scottish Farming*, 1952, chs 3-4.

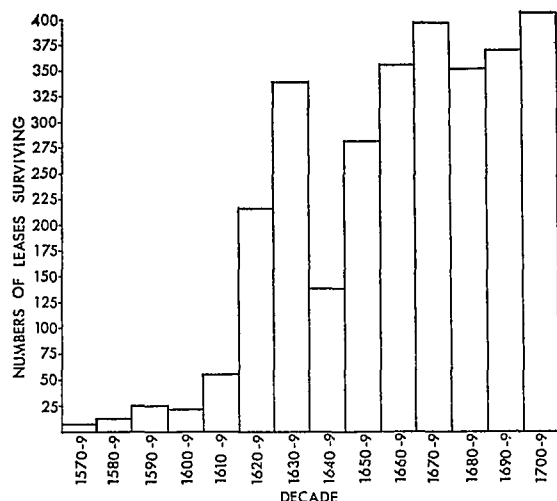


FIG. 1. Numbers of leases surviving per decade.

surviving from the earlier part of the seventeenth century, or how far does it reflect a real increase in the number of written leases which were being granted? In order to answer these questions it is necessary to reach some conclusions regarding the survival rate of tacks. If it is to be maintained that written tacks were granted in significant numbers in Scotland during the seventeenth century, then it must be shown that the surviving ones form only a small proportion of those which once existed. Otherwise it might be justifiable to conclude that nearly all tenants for whom written leases have not survived held their land by verbal agreements.

These problems can be partially solved. Although leases were formal legal documents, they did not have the same survival value as charters or sasines. Such documents might have had to be consulted in disputes a century or more after they were written; as a result they were carefully preserved. Tacks, on the other hand, were of little value once they had expired. Their survival was thus more a matter of chance. It is significant that they tended to survive in direct proportion to other categories of estate documents, such as accounts and rentals, whose usefulness was equally short-lived.

The suggestion that large numbers of tacks have been destroyed is confirmed by evidence from certain estates. It was the practice in some

rentals, as will be considered below, to record whether the tenants held their land by written or verbal agreements. In all cases where such rentals occur, very few, and in several cases none, of the corresponding written leases have survived. This indicates that a high proportion of the tacks which once existed have failed to survive, and that the prevalence of the granting of written leases cannot be judged solely from the numbers which are extant today.

The problem of whether the surviving leases are representative cannot be entirely resolved. The sample which has been studied is drawn from a large number of collections covering Lowland Scotland from the Solway to the Moray Firth, and a broad band of the southern Highlands from Argyll to Aberdeenshire. It is hoped that with such a wide spectrum of data any bias from individual estates will be minimized and that the sample will be a representative one.

It has been generally accepted by writers on Scottish agriculture from the seventeenth century onwards that the development of written leases encouraged other agricultural improvements. Therefore, if it can be shown that written leases were becoming increasingly common before the eighteenth century, one would expect this to have had a beneficial effect on other aspects of agriculture. However, it is unlikely that the relationship between tenure and improvement was a simple cause-and-effect one. As will be discussed in more detail below, it is also probable that the incentive to improve, generated by economic forces such as a growing demand for agricultural produce from either internal or external markets, would lead to a modification of tenurial arrangements as part of a general attempt to increase the efficiency of agriculture. One would expect therefore a fairly close correlation between the numbers of written leases being granted and other indications of prosperity or depression in the agrarian economy.

Fig. 1 shows the number of surviving leases in the sample for each decade from the late sixteenth to the early eighteenth century. It can be seen that tacks are infrequent for the late

sixteenth and early seventeenth centuries but that they increase significantly in the 1620's and 1630's. This period has been identified as one of modest prosperity in Scottish agriculture, as indicated by trends such as an expansion of the coastal grain trade, and an improvement in crop yields, as well as a considerable extension of the area under cultivation, in the Lothians and possibly elsewhere by means of liming.¹⁷

The drop in the number of tacks in the 1640's and the only partial recovery in the 1650's was undoubtedly related to the general instability of society during the Civil War period. At this time it was probably not in the interest of either landlord or tenant to be bound by a written tack for a specific period. On the Castlemilk estates in north Lanarkshire, for instance, the tenants were harassed by Montrose in 1645. In 1648 they were recorded as having fled when troops were quartered on them, and in 1650 they are mentioned as packing up in readiness to remove from the path of Cromwell's army.¹⁸ Clearly such conditions did not favour the stability of rural society which would have encouraged the granting of written leases. It is perhaps significant that the increase in the number of tacks in the 1650's occurred mostly

in the latter half of the decade, when Scotland, under the Protectorate, was peaceful if not exactly prosperous.

There was a considerable rise in the number of leases in the 1660's, following the Restoration, and then a fairly steady level was maintained into the early eighteenth century. The decades between the Restoration and the onset of the famines of the late 1690's were ones of relative prosperity for Scottish agriculture. This is shown by many trends, including the growth of the droving trade with England, the rise in grain exports, the proliferation of periodic market centres throughout the country, and the spread of planting and enclosure round many country houses.¹⁹ The relationship between the granting of written leases and periods of prosperity and improvement in Scottish agriculture at this time is thus confirmed.

Fig. 1 indicates an overall growth in the number of written leases which were being granted during the course of the seventeenth century. Detailed information is also available to show the relative importance of written and verbal agreements on some estates. Occasional rentals specify the character of tenure, thus

¹⁷ Whyte, thesis, pp. 394-98; Smout and Fenton, *op. cit.* pp. 82-4.

¹⁸ National Library of Scotland: MS. 8218.

¹⁹ Whyte, thesis, pp. 171-85; T. C. Smout, *Scottish Trade on the Eve of the Union 1660-1707*, Edinburgh, 1963, p. 213; Hamilton, *op. cit.*, pp. 88-90.

TABLE I
PERCENTAGES OF TENANTS WITH WRITTEN AND VERBAL TACKS OF CERTAIN ESTATES

<i>Estate</i>	<i>County</i>	<i>Date</i>	% <i>written tacks</i>	% <i>verbal tacks</i>	% <i>not known</i>	<i>Total no. of tenants</i>
Cassillis*	Wigtown	1622	23	70	7	72
Crawford†	Lanark	1638	80	20	0	58
Cassillis*	Wigtown	1655	51	38	11	55
Breadalbane (L. Tay)‡	Perth	1674	39	61	0	119
Penicuik§	Midlothian	1680	80	20	0	35
Hailes	E. Lothian	1682	55	45	0	30
Strathbran¶	Perth	1701	33	67	0	89
Balquholly**	Aberdeen	1705	70	17	13	25
Fyvie††	Aberdeen	1705	62	36	2	43

Sources: * S.R.O.: GD 25 9 47 bundle 7.
§ S.R.O.: GD 18 708.
** S.R.O.: GD 248 216.

† S.R.O.: GD 237 201.
|| S.R.O.: GD 16 1607.
†† S.R.O.: GD 28 2273.

‡ S.R.O.: GD 112 9 25.
¶ S.R.O.: GD 24 673.

allowing the proportion of tenants possessing written leases on certain estates in particular years to be calculated. Unfortunately, such rentals are rare, and only nine of the known ones give a sufficiently large sample of tenants for the exercise to be valid. They are shown in Table 1.

On six of the nine estates over 50 per cent of the tenants had written tacks, and on four of these six the majority was a substantial one. There is a tendency for the post-1660 rentals to have higher percentages of tenants with written leases than the earlier ones. In this context the two Cassillis rentals are interesting as they show an increase in the proportion of tenants with written tacks between the 1620's and the 1650's. The two exceptions to the pattern are the Breadalbane and Strathbran rentals. These estates, in the Perthshire Highlands, were relatively remote. Such areas were slow to innovate in agriculture. They perpetuated traditional farm structures, with many multiple-tenant farms leased to four, six, or even more tenants. This contrasted markedly with many Lowland estates where large, consolidated single-tenant farms were becoming common.²⁰

Any conclusions based on such a limited number of rentals must be tentative, but it seems likely that by the end of the seventeenth century tenants with written tacks outnumbered those with verbal agreements on many estates in Lowland Scotland. This conclusion is reinforced by supplementary evidence from two estates. At Penicuik 71 per cent of the holdings set by verbal agreement in 1680 were held with written tacks by the end of the century.²¹ At Fyvie a similar process was operating. There, 62 per cent of the tenants who held by verbal agreements in 1705 were recorded as being obliged to accept written tacks in the near future.²²

Nevertheless, while developments of this

kind may have been widespread, they were not universal. Some estates had not adopted written leases at all by the end of the seventeenth century. Notable among these were the Buccleuch estates, covering a large area of the Borders. On these estates tenants held their land from year to year, the holdings being reallocated at an annual meeting or "land setting."²³ This system survived into the nineteenth century: although continuity of tenure was assured in practice for most tenants by the paternalistic attitude of the proprietors, it was described as a considerable barrier to improvement.²⁴

What advantage was conferred by the possession of a written tack as opposed to a verbal agreement? The main benefit was probably that the respective positions and mutual obligations of proprietor and tenant were clearly stated in a form which was legally binding. The tenant possessed complete security of tenure for the duration of the lease provided that he complied with its provisions. Verbal tacks appear in some cases to have been granted for a specific number of years rather than continuing from year to year.²⁵ Presumably such agreements were made in the presence of witnesses who could be called in the event of a dispute. However, even a verbal lease of this kind was clearly unsatisfactory compared with a written one, and could not have conferred the same degree of security. A tenant farming on a year-to-year basis would have been in an even worse position.

A tenant possessing a written lease could be removed before its expiry only by a complex and protracted legal procedure.²⁶ He also had his rent fixed for the duration of the tack. He might, however, have to engage in shrewd bargaining at the outset to obtain the lease at a suitable rent. In many cases proprietors attempted to charge a higher rent for a holding in return for granting a written, and especially

²⁰ Smout and Fenton, *loc. cit.*, pp. 76, 79; W. M. Mackenzie, *The Scottish Burghs*, Edinburgh, 1949, p. 92; S. G. E. Lyth and J. Butt, *An Economic History of Scotland 1100-1939*, 1975, p. 25; Whyte, thesis, pp. 293-304.

²¹ Scottish Record Office (S.R.O.): Clerk of Penicuik muniments, GD 18 708.

²² S.R.O.: Hay of Yester muniments, GD 28 2273.

²³ S.R.O.: Buccleuch muniments, GD 224 953/3.

²⁴ J. Russel, *Reminiscences of Yarrow*, 2nd edn, Edinburgh, 1894, p. 66.

²⁵ S.R.O.: Hay of Yester muniments, GD 28 2273; Penicuik muniments, GD 18 708.

²⁶ E.g. S.R.O.: Biel muniments, GD6 1472 772.

a long, lease. Early seventeenth-century tenants on the Cassillis estates paid a substantial lump sum, or grassum, often equal to three years' rent, for the security of a nineteen-year tack.²⁷ The practice of "rouping" holdings, or granting them to the tenant who offered the highest rent, was common, and may frequently have led to tenants overestimating their ability to make a holding pay.²⁸

One of the most significant features of surviving leases is the penalty clause which bound both proprietor and tenant to pay a fine if either should fail to meet the provisions of the tack.²⁹ This emphasized the mutual obligations inherent in the contract. The written lease had assumed a standard format by the early seventeenth century which continued, with little modification, into the eighteenth and nineteenth centuries. Some seventeenth-century tacks, particularly of smallholdings, were slipshod documents, hastily written on scraps of paper, but most of them were carefully drafted and laid out. The detailed content of leases varied, particularly the clauses relating to farm management. Certain types of clause were characteristic of particular estates. Tacks on arable estates often emphasized the need for maintaining soil fertility through the specification of certain crop rotations and the provision of fertilizers, such as lime.³⁰ Tacks of Highland farms often contained clauses relating to the use of shielings.³¹ The main change which can be detected during the course of the century is for tacks to become longer and more explicit, leaving fewer loopholes for accidental or deliberate misunderstanding on the part of the tenant. This was especially true of clauses relating to the labour services which were required from the tenant.³²

²⁷ S.R.O.: Ailsa muniments, GD 25 9 73—the series of tacks for 1634.

²⁸ Fletcher of Saltoun, *op. cit.*, p. 35.

²⁹ E.g. S.R.O.: Airlie muniments, GD 16 28 254; Leven muniments, GD 26 5 42.

³⁰ E.g. S.R.O.: Haddo muniments, GD 33 58/61; Gordon muniments, GD 44 20 18.

³¹ E.g. S.R.O.: Murthly Castle muniments, GD 121, 121.

³² E.g. S.R.O.: Broughton muniments, GD 10 990; Boyd muniments, GD 8 927.

LENGTH OF LEASE

Previous writers have stated, almost without exception, that before the mid-eighteenth century leases, whether written or verbal, were issued only for short periods of half a dozen years or less. Only Third believed that at the start of the eighteenth century a few fortunate tenants possessed nineteen-year tacks.³³

When the lengths of surviving seventeenth-century tacks are examined, it appears that leases for more than five or six years were far from uncommon. For the purpose of this study leases have been divided into three classes: short leases of nine years' duration or less, medium-length tacks of ten to eighteen years, and long tacks of nineteen years or more. The nineteen-year lease became standard in many parts of Scotland during the Agricultural Revolution, and was considered to be the most desirable length of tack by the Improvers, representing a fair compromise between the interests of landlord and tenant.³⁴ The distinction between short- and medium-length leases seems most meaningful at about ten years. Some leases indeed were granted for nine or eleven years; the distinction between these is slight. However, most short leases tended to be for seven years or less, and many medium-length tacks were for fifteen years, producing a significant division.

Medium-length and long tacks together make up 36 per cent of the total surviving leases. When the percentage of longer leases is calculated for each decade some interesting variations emerge (Fig. 2). The very high percentage for the first decade of the century is probably a chance figure caused by the small size of the sample, but the increasingly high percentages from the 1610's to the 1630's require another explanation. This trend is probably due to the fact that some estates, when they first began to issue written leases in substantial

³³ B. M. W. Third, 'The Changing Rural Geography of the Scottish Lowlands, 1700-1820', unpub. Ph.D. thesis, Univ. of Edinburgh, 1953, 2.11.

³⁴ Sir John Sinclair, *General Report on the Agricultural State and Political Circumstances of Scotland*, 1814, I, p. 191.

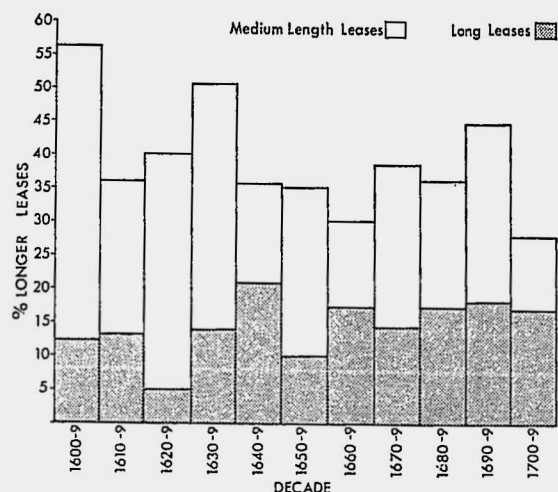


FIG. 2. Percentage of medium-length and long leases surviving per decade.

numbers early in the seventeenth century, experimented with granting longer leases. Many estates subsequently reverted to shorter written leases. Presumably the experiment was not everywhere successful: the economy was probably not yet ripe for such innovations. From the 1660's, however, there was a steady increase in the proportion of longer tacks until the 1690's. The low figures for the first decade of the eighteenth century may reflect the disorganization of rural society following the harvest failures and consequent famines of the later 1690's.

These long and medium-length leases were not being granted uniformly throughout Scotland however. It is clear that it was mainly the Lowland estates, and especially those on the east coast where arable farming was particularly important, that were issuing them. Estates with a predominantly pastoral economy, especially those in the Upland areas of Galloway, the Borders, and the eastern Highlands, were less concerned to grant longer tacks, or even to grant written leases at all. This dichotomy between Lowland and Upland, between arable and pastoral areas, which was hinted at by Fletcher of Saltoun in 1698, continued into the eighteenth century and was still apparent when the Board of Agriculture county reports were written.³⁵ Eighteenth- and nineteenth-

century writers believed that it was caused by both positive and negative influences.³⁶ On an arable farm, the tenant benefited from a longer lease by obtaining two or more cycles of whatever crop rotation he practised, and by getting the results of any improvements, such as liming, that he might have undertaken. On a pastoral farm, however, there was not this need, and the proprietor could more successfully pursue his interests by having shorter leases which allowed more frequent adjustments of rent to take account of inflation. During the seventeenth century, though, there is evidence to suggest that other influences were at work in producing this pattern.

The pace of agrarian change in seventeenth-century Scotland appears to have been faster in arable areas. For a predominantly arable estate to increase its marketable surplus of grain, as many east-coast estates were doing, particularly after 1660,³⁷ the co-operation of the tenantry was essential. One influence behind the increased granting of longer leases in arable areas may have been attempts by proprietors to attract and retain the more capable tenants by offering them more favourable conditions of tenure. By the beginning of the eighteenth century this relationship had given rise to the first nineteen-year improving leases in which the tenant was required to enclose land, plant trees, and carry out other work, under the security of a long lease.³⁸

A different system obtained in pastoral areas. The rise of the droving trade, the pastoral counterpart of changes in arable production, was concentrated in the hands of the landowners.³⁹ All the innovations which were associated with it, such as selective breeding and large-scale enclosure, were introduced solely by the proprietors.⁴⁰ As a result, tenants in these areas had little direct stake in droving. They merely raised their animals in the traditional way and sold them at low prices to their landlords, who fattened and cross-bred them,

³⁵ Sinclair, *op. cit.*, III, p. 379.

³⁷ Smout (1969), *op. cit.*, p. 213; Whyte, thesis, pp. 394-8.

³⁸ *The Caldwell Papers*, Maitland Club, 1853, p. 300.

³⁹ Whyte, thesis, pp. 322-30. ⁴⁰ *Ibid.*

³⁵ Fletcher of Saltoun, *op. cit.*, p. 36; G. Robertson, *General View of the Agriculture of Midlothian*, 1793, p. 18.

undertook the capital cost of enclosing pasture for them, and finally arranged for their sale to English buyers. Consequently, the landowners retained most of the profits. There was less need for proprietors in such areas to encourage their tenants by granting longer written leases.

The trend towards increasing commercialization in arable farming in the later seventeenth century required the selection by proprietors or estate officers of the most competent and progressive tenants. The desire of landowners to increase the grain output of their estates may well have transferred some of the initiative and bargaining power with respect to leases to the tenants. On the Belhelvie estate, north of Aberdeen, which in the later seventeenth century was selling considerable quantities of grain to merchants in Aberdeen and Edinburgh, the estate accounts indicate the lengths to which the factor was prepared to go to secure able tenants, even to the extent of poaching them from neighbouring landowners.⁴¹ It is also clear that some of these tenants successfully held out for lower rents.⁴² Two advertisements for vacant holdings on the Kinross estates in 1703 indicate that the farms concerned were to be set in "long or short tack or yearly tenendrie" depending upon the agreement reached between the tenant and the chamberlain.⁴³ On the Craighends estate in Renfrewshire the proprietor actually recorded his efforts to induce particular tenants to take holdings on his estate by offering them nineteen-year leases. If they took a longer lease they were given some remission of rent for the first two or three years.⁴⁴ The position of proprietor and tenant in relation to tenure had thus changed markedly from the early part of the century when many tenants had paid large grassums to obtain a long tack.

As arable farming became more commercially oriented, more complex rotations were adopted, and new fertilizers were tried. By the end of the century the traditional infield rota-

tion of bere (barley)/oats/oats had given place in parts of the Lothians, Fife, Berwickshire, and north Lanarkshire to four- and five-course rotations, including wheat, legumes, and even fallow courses, frequently associated with liming.⁴⁵ There would have been a greater incentive to grant longer leases on farms where these practices were being introduced to allow the tenants to make the most of the new systems of husbandry. On several estates the granting of longer leases clearly coincides with other forms of improvement. On the Clerk of Penicuik estates, for instance, the longer tacks for the barony of Lasswade were granted for farms where the houses were of superior quality, built with stone and lime, with two, and in one instance three, stories.⁴⁶ Whether the improved building construction was a cause or an effect of increased security of tenure is hard to say. This estate, which had good access to Edinburgh, the largest single market for grain in Scotland, had been the first in the district to commute grain rents into money payments, and had also adopted the new arable practices.⁴⁷

On pastoral estates such as those of the Buccleuch family, a more paternalistic approach towards the appointment of tenants continued to operate. The criteria by which tenants were selected were not necessarily related to their skill or suitability. The chamberlain's accounts of the annual land-settings at Hawick show that when a tenant died, it was the usual practice to offer the holding to his son, regardless of his abilities. Only if no successor to the deceased tenant was prepared to take on the holding were outsiders considered.⁴⁸ The survival of this approach appears to have been linked to the slower pace and different character of agrarian change in these areas, as discussed above. There was less incentive on the part of the proprietor to grant longer leases, or for the tenants to demand them.

⁴⁵ Whyte, thesis, ch. 3.

⁴⁶ I. D. Whyte, 'Rural Housing in Lowland Scotland in the Seventeenth Century: The Evidence of Estate Papers', *Scot. Stud.*, 19, 1975, pp. 66-7.

⁴⁷ S.R.O.: Clerk of Penicuik muniments, GD 18 704; Whyte, *loc. cit.*, p. 67.

⁴⁸ S.R.O.: Buccleuch muniments, GD 224 907, 953/3.

⁴¹ S.R.O.: Dalhousie muniments, GD 45 20 12, 14-17.

⁴² *Ibid.*, 12.

⁴³ S.R.O.: Kinross muniments, GD 29 211.

⁴⁴ J. Dodds (ed.), *Diary and General Expenditure Book of William Cunningham of Craighends*, Scot. Hist. Soc., 1886, p. 13.

CONCLUSION

The foregoing survey has demonstrated that the development of the written lease in Scottish agriculture was essentially a seventeenth-century phenomenon, and that leases became especially common in the period after 1660. Written leases were not an eighteenth-century innovation, although they undoubtedly became more widespread in this period. At a general level the granting of written leases during the seventeenth century appears to have been related to the degree of prosperity of the agricultural economy. By the end of the century longer leases had also become fairly common. There was, however, a distinct contrast in the occurrence of longer leases between arable and pastoral areas. This contrast may be attributed in part to differences in the organiza-

tion of commercially oriented agriculture between the two types of area.

In such a wide-ranging review it has not been possible to present all the available evidence relating to individual estates. The generalizations which have been made are a composite picture derived from a wide range of sources. It must be emphasized that the policy of individual estates relating to tenure may well have varied greatly from the general model which has been proposed here. At a smaller scale, the pattern dissolves into a series of decisions based on the circumstances of particular estates and the character of their proprietors. A good deal of further work is necessary to clarify the picture by examining the various relationships which have been suggested through specific case studies.