

NOTES.

1. THE ACRE EXTENT OF THE MERKLAND.

(See also article on p. 49.)

In a previous communication to the *Proceedings* of this Society on the subject of Land Denominations, I quoted the historian, E. W. Robertson, as saying of the ancient measure known as the merkland: "Any attempt to estimate its area in acres might be more ingenious than satisfactory." Other nineteenth-century authorities, however, have confidently asserted that it could be expressed as having a definite and constant acreage. Thus Cosmo Innes¹ wrote: "A ploughgate of land is found to have been rented in the old extent (which is nothing else but a rental of the times of the Alexanders) as three merks or forty shillings . . . observe the forty-shilling land is the same as a three merkland; but knowing that a forty-shilling land or three merkland is a ploughgate averaging 104 acres, we find that a merkland ought to be on an average $34\frac{2}{3}$ acres." Later writers, taking their cue from this statement, still occasionally tell us that a merkland was "about 35 acres."

Commenting on old extent, W. F. Skene² wrote that "in the eastern districts it corresponded so far with the land measures that the ploughgate was the same as a forty shilling land or a three merkland"; and in a footnote he observes that "Mr Innes was the first to discover this important analogy." Actually he was forestalled by more than half a century by Dr John Smith, author of the *General View*³ of the agriculture of Argyllshire (1798), who put the matter as follows: "By a decree of the Exchequer (March 11th, 1585) a 40 shilling (or 3 merkland) of old extent (or 8 oxgangs) should contain 104 acres. Consequently a one merkland should be $33\frac{1}{3}$ acres." The slip in arithmetic ($33\frac{1}{3}$ instead of $34\frac{2}{3}$) made by the reverend doctor may pass, but had he examined some of the contemporary rentals of the county of which he was writing an account he would have discovered how very far out this equation was.

The above acre-figure for the merkland was derived from two sets of data: first, the 104 acres for the standard ploughgate, as specified in one of the early statutes, and second, the 40 shilling extent of such a ploughgate as decreed by the Act of Exchequer referred to by Dr Smith. The law, however, is apt to proceed on the maxim *de minimis non curat lex*, and to assume a uniformity which did not exist in actual practice. It can be shown that these data did not represent constant values.

It is therefore desirable to turn for more reliable information to actual documents, such as rentals, which exhibit the usages in force at the time when they were compiled.

One of the earliest Scottish rentals is that of the Priory of Coldingham for the year 1298.⁴ The Priory lands at that date consisted of a number of "vills" or townships, situated in the countryside lying between Coldingham and Kelso, the land of which was mainly arable, and measured in Northumbrian carucates or ploughgates, subdivided into bovates or oxgangs. The rental shows that, while there were invariably eight bovates in a carucate, the number of acres in

¹ *Legal Antiquities*, p. 370.

³ p. 31.

² *Celtic Scotland*, vol. iii. p. 226.

⁴ *Surtees Society*, vol. xii. pp. lxxxv et seq.

the bovate varied not only from vill to vill, but even within one and the same vill. Thus, in Swinton, there were $13\frac{1}{2}$ acres in a bovate of the demesne, but only $11\frac{1}{2}$ in a bovate of the husbandlands. In Fishwick there were $12\frac{1}{2}$ acres in the bovate; in Ederham only 10; in Lower Ayton 14, and in Upper Ayton 8 only. Hence the bovate in Coldingham varied between 8 and 14 acres, and so the carucate between 64 and 112 acres, a variation representing 75 per cent. between the extremes. The attempt to standardize the ploughgate, like so many other attempts at standardisation, had clearly not been successful, and so the area of a merkland on this estate fluctuated between 21 and 37 acres. Only when the bovate was an exact 13 acres and all the land arable was the figure of $34\frac{2}{3}$ acres for the merkland correct, and this equation was probably adopted arbitrarily, as a kind of average for arable land in the Lothians, and on grounds of administrative expediency.

When we turn to the bleak mountains of the Highlands we find a very different state of affairs. Material for the study of the question there exists in abundance in the rentals¹ of those Highland chiefs who were forfeited for their part in the risings of 1715 and 1745. In certain cases these rentals, prepared from the sworn depositions of tenants by government surveyors, are expressed in merklands; in others in pennylands. The rentals cover all the most important clan lands in the Hebrides, and in the mainland counties of the West Highlands. After the estates fell into the hands of government they were, in certain cases, surveyed in acres, with a view to their improvement by enclosure, and it is therefore possible to put side by side the merkland extents with the corresponding figures in acres. The townships over the Lochiel estate will serve as well as those of any other for our present purpose. On that estate Muirlaggan, a $1\frac{1}{2}$ merkland, paid a rent of £104 10s. Scots, 2 quarts butter, 2 wedders, and 1 calf. When it was surveyed in acres its extent was found to be (1) corn land 4 acres, (2) grass and good pasture 9 acres, and (3) hill and moss 2779 acres. This gives an overall total of 2793 acres, and hence a value for the merkland of 1862 acres. The details for this and some other holdings on the same estate, arranged in tabular form, were as follows:

1.	2.	3.	4.	5.	6.
Name of Township.	Extent in merks.	Extent in acres.	Acres in a merkland.	No. of soums.	Soums per merkland.
Muirlaggan .	$1\frac{1}{2}$	2793	1862	86	57
Muick .	$1\frac{1}{2}$	4300	2866	58	38
Sallachan .	$1\frac{1}{2}$	2291	1527	42	28
Auchinsaul .	3	5609	1869	92	30
Glenpeanmore	$1\frac{1}{2}$	3767	2511	100	66
Mory .	2	791	395	64	32

The surveyors also made a fresh estimate of the value of each township, using as their unit the *soum*, or grazing of a single cow, valued at an average of 5s. sterling the *soum*. An examination of the above table will show (1) that, in the

¹ *Forfeited Estates Papers*, H.M. Register House.

Highlands, the merkland area might extend to thousands of acres; (2) that there was no constant figure either for the number of acres in a merkland, or for its value in *soums*. No doubt, when the extent in merklands was first made, all merklands were approximately equal in value, but this had ceased to be the case at the date of these rentals.

What has been said here about the merkland holds equally well for the pennyland. It is clear that, by the eighteenth century, these ancient measures had become obsolete, and more or less useless as accurate measures of land. Towards the end of the century they were replaced by acre measurement all over Scotland.

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