

III.

THE LESSER LAND AND ADMINISTRATIVE DIVISIONS IN
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In a paper contributed to the *Proceedings* of this Society for 1943-44 I dealt in a somewhat general manner with the nomenclature of ancient Scottish land units. In the present paper it is proposed to examine a little more closely the nature and origin of these units themselves, and more particularly those that cast some light on the nature of the land and fiscal systems of Celtic Scotland. Some modern authorities on the ancient land systems of the British Isles speak with a rather hesitant voice when they proceed to discuss those of Scotland. Thus Seebohm,¹ in comparing Scotland with Ireland and Wales, remarks that "the evidence as regards Scotland is scanty," and he appears to rely, as did Vinogradoff,² mainly on the account given by Forbes Skené. The studies of Skene³ and Thomas⁴ represented the most thorough attempt to explore this field down to the time when they wrote, but in both their accounts there are, as will be shown, points of view expressed which later research has proved to require modification.

In the case of Scotland the most reliable source of information is undoubtedly that provided by rentals; for a rental, if it exhibits the divisions of the land, the extent of individual holdings, and the rents and other dues paid by the occupiers, offers a more graphic picture of the land and fiscal systems at the time when it was compiled than does any other record. This information can be supplemented by that contained in charters and chronicles, and in codes of law if they exist, but in Scotland there are no complete codes of Celtic law extant such as are found in Ireland and Wales, nor, in fact, any rentals of a date prior to the feudal period.

The rentals available include the series in the *Exchequer Rolls*,⁵ beginning with those of Kintyre and Islay for 1505 and 1507 respectively, and of all the southern isles for 1541. A later but, for our present purpose, an equally valuable series⁶ comprises the rentals of those chiefs who were forfeited for participation in the risings of 1715 and 1745. These include two rentals of the lands of the Earl of Seaforth in Lewis, compiled in 1718 and 1726 respectively, and those of the estates of the chiefs of Clanranald, Mac-

¹ Fred. Seebohm, *English Village Community*, p. 222.

² Sir P. Vinogradoff, *Growth of the Manor*, chap. i.

³ W. F. Skene, *Celtic Scotland*, vol. iii. chap. vi.

⁴ Capt. F. W. L. Thomas, R.N., "What is a Pennyland?", in *Proc. Soc. Ant. Scot.*, vol. xiv. p. 403.

⁵ *Exchequer Rolls*, vol. xii. p. 698; vol. xvii. p. 611.

⁶ MS. Forfeited Estates Rentals, H.M. Reg. Ho.; the Lewis rental of 1718 printed in *Brand Comm. Report* (1902), app. 47, that of 1726 in *High. Papers* (S.H.S.), vol. ii. p. 313.

kinnon, Lochiel, and others in Uist, Skye, Mull, and parts of the mainland, compiled by government agents in the years succeeding 1745. The conclusions expressed in the following paragraphs are based largely on a study of these rentals.

It is in the Hebridean rentals that we may expect to find traces of the ancient Celtic land and fiscal system least affected by outside influence. In these parts the principal foreign influence was that of the Norse, which lasted roughly from A.D. 800 to 1266, and which left a permanent mark on the race and language of the people. In the case of the land, however, it is clear that the Norse, both in Orkney and the Hebrides, merely took over without material change the already existing Celtic units, so that in these matters Norse influence is more apparent in changes in the nomenclature than in any significant alteration in the nature of the units themselves.

In considering this question there is one important key to its proper understanding. That is the necessity to recognise that there were two kinds of unit employed, different in their origin and function. These were (1) the purely agricultural units formed by the people themselves as a necessity of their existence, and (2) administrative units formed for fiscal or military purposes by some outside authority. The agricultural units are likely to have appeared earliest in time because, to quote the words of a distinguished authority¹ on this subject, "the world does not primarily exist for the sake of fiscal schemes, nor society for the sake of police arrangements." But although food, clothing, and fuel are man's first necessities, he cannot for long do without some form of government and law, so we may surmise that the administrative units cannot have come into existence very much later than the agricultural. This distinction is usually overlooked by writers dealing with this subject, who describe all the units as "land measures"—a somewhat unsatisfactory term to use in the case of land which, for the most part, was not "measured" at all.

The Basic Agricultural Unit in Celtic Scotland: the Township or Baile.—An examination of the Hebridean rentals shows that the basic unit of land occupation, the people's unit, so to speak, was a "complex of land and houses" made up of the following elements: (1) The house or houses belonging to a man and his family, and accommodating his live stock and agricultural implements. This sub-unit was important in that it was the ultimate unit of assessment, and also the *milieu* of such home industries as were ancillary to agriculture. (2) The joint arable holding occupied in one or other of the forms of "runrig" by a group of tenants, usually four to ten in number; the tenants combining to supply a plough team in places where the plough was in use, and a boat crew in some of the littoral parts of Lewis and other islands. This was the basic unit of arable husbandry, and the members of each such group were jointly responsible for the rent of

¹ Vinogradoff, *op. cit.*, p. 149.

their holding, and for that only. (3) A much larger area which included green pasture, hill and moss, and wood, on which the occupants of the arable holdings grazed their cattle in common. This area of pasturage might extend to a thousand acres or more, while the arable holdings might not exceed in all ten to twenty acres.

To this community which, as stated above, comprised several small arable holdings, a much larger area of pasturage, and the houses of the occupiers, the English names "town" and "township," names now reserved for purely urban communities, are applied in the eighteenth-century rentals. The Gaelic name for such a community was *baile*, a word which, in the forms *bally*, *bal*, *balla*, and others, is a very frequent place-name prefix in the West Highlands.¹ In what is called Pictish Scotland the corresponding name appears to have been *pit* or *peth*. The arable of the *baile* was frequently, but not invariably, separated from the pasture by a head dyke or ditch; the boundaries of the *baile* were not, so far as can be ascertained, demarcated by any artificial means, although no doubt well known to its occupants. Its houses were not, as in the case of those parts of Lowland Scotland that came under Northumbrian influence, nucleated into villages, but scattered in groups over its lands. The unity of the *baile*, and the social and economic cohesion of its inhabitants, were emphasised by the fact that each *baile* had a specific place-name to distinguish it from others, and an officer, known in the Hebrides as the "constable," who presided over meetings at which the affairs of the people were discussed. The small arable holdings included in the *baile* did not have individual place-names assigned to them in the rentals.

This pattern of land occupation, so different from the present-day farm or croft held in severalty, was general all over the West Highlands. Thus, in a description of the island of Arran,² written as late as the early nineteenth century, the author states that "the occupiers of land had a township of four or five to twenty families, several joint tacksmen in almost every farm (by farm he evidently means one of the small arable holdings of the township as described above) who, with a still greater number of sub-tenants and cottars, occupied the land runrig, and pastured their whole cattle in one flock." This Arran pattern is identical with that found in the Outer Hebridean rentals. The township or *baile*, and not the vague "clan," was the basic social and economic unit in this system of land occupation.

Administrative Units: Davach, Ounceland, Tirunga, Quarterland.—In a state of Arcadian simplicity these agricultural townships may be conceived as independent of any higher authority, but if this was ever the case it must have been before the days of recorded history. Sooner or later

¹ The word is cognate with Latin *vallum*, a wall, and medieval Latin *ballium*, and its primary meaning may have been a fortified enclosure.

² W. Aiton, *Gen. View Agric. of Bute* (1816), p. 164.

a chief, lord, or king would appear on the scene, and we know that in Celtic times the men of the *bailes* were required to pay certain dues of food, and to contribute their share of the military levy, known in the charters as *servitium scoticanum*, to chiefs and kings. The King's share of the produce of the land, known as the "King's Cain," is mentioned in David I's charters founding the abbeys of Holyrood and Dunfermline, and in others of the kings of the Canmore dynasty, and was probably exigible from all lands that had not yet been feudalised.¹ Cain is from Latin *canon*, rent or cess, and is a word that may be applied to a rent or payment due to any lord. The Scottish "King's Cain," however, was due only to the King, and was the equivalent of the *tributum* or *vectigal* paid to the Saxon monarchs of England. Skene appears to say that it was paid only from Crown lands, but if he means by that the royal demesnes, then these were surely the lands over which he had full *dominium* and which would not pay it, for from these the King would draw full rents and he would not pay tribute to himself. Lands which had been feudalised certainly rendered the old Scottish military service as well as the feudal service specified in the charter of grant, and some probably also continued to pay "King's Cain" unless they had been specially exempted. Skene does not appear to draw a clear enough distinction between the use of the word *cain* to denote rent in general, and its very special use as the tribute due from all lands to the King in Celtic times, by virtue of his *imperium* over all the lands of his realm. A graphic account of its collection in Galloway, and of the fines imposed for its non-delivery, is given by Skene.

For the purposes of rent or tax assessment the fundamental unit, as it is to-day, was the individual house or householder; we find in certain Lennox charters each house being required to pay a specified number of cheeses,² and a grant to Paisley Abbey by one of the descendants of Somerled was of a silver penny from every house on his territories that emitted smoke.³ But for the efficient collection of such dues more extensive units than the individual house, or even the individual *baile*, were necessary, and so we find the *bailes* grouped into the larger circumscriptions known in Pictish Scotland as *Davachs*. The corresponding unit in Ireland was the *Baile-biatach*,⁴ and this word may have been in use in Dalriadic Scotland, but it does not appear in the record, and in what follows the use of the word *baile*, without a qualifying adjective, will be confined to the purely agricultural township, and that of the *Davach* to denote the larger fiscal unit.

An officer known as the Mair⁵ was responsible for collecting the dues from each *davach*, and to facilitate the collection the *davach* was divided

¹ Sir A. Lawrie, *Early Scot. Charters*, pp. 118, 171; W. F. Skene, *op. cit.*, vol. iii. pp. 228 *et seq.*

² Sir W. Fraser, *The Chiefs of Colquhoun*, vol. ii. p. 274.

³ *Reg. de Passelet* (Maitland Club), p. 127.

⁴ E. O'Curry, *Manners and Customs of the Ancient Irish*, vol. i. p. lxxxiv.

⁵ W. F. Skene, *op. cit.*, vol. iii. pp. 156, 230.

into four parts known as *Quarterlands*, in each of which there was no doubt some person responsible for the collection of the share of the quarterland and its delivery to the Mair. The quarterland represented a quarter of the davach, not in the sense that it was a quarter of its superficies, but in that it was responsible for a quarter of whatever dues the davach paid, and presumably also for a quarter of the military levy of the davach.

If an agricultural township or *baile* was large enough it might be assessed as a quarterland by itself and, as will be shown by reference to the rentals, this was often the case in the Hebrides; but the two units had different origins, that of the *baile* being agricultural, and that of the quarterland fiscal and military. All *bailes* were not quarterlands, as the Hebridean and Orkney rentals, and the Manorial Roll of Man for 1511, clearly show. When *bailes* were small several might be grouped together to form a quarterland, and so we find in the Hebrides that a *baile* might be only half a quarterland or less. In other words, although the davach should contain four quarterlands it might contain more than four *bailes*. Ultimately the fiscal units became agricultural holdings. Thus we find, as will be shown later, that in the Hebrides the fiscal quarterland became the most frequent holding of the tacksman, or gentleman farmer, and in Man the quarterland became the extent of the largest farm or estate.

In those parts of the country which had been colonised by the Norse, that is in Orkney, the Hebrides, parts of the western mainland, and Man, the Celtic units, as described above, appear to have been taken over as they stood for fiscal purposes. At first, probably in the time of Harold Hairfair, a tax or scat of an ounce of silver was imposed as an overlord's portion on each Celtic davach, which thus became known as the *Ounceland*, in Orkney as the *Urisland*, in the Latin charters as the *Unciata*, and in Gaelic as the *Tirunga* or *Terung*, from *tir*, land, and *unga*, an ounce. This was followed in Orkney by heavier scats at a later date.¹

In Orkney and Caithness the Ounceland contained only 18 Pennylands, but in the Hebrides and other parts of Scotland 20 Pennylands, and this difference demands an explanation. The most probable reason is that when the Norse first came to Scotland they had an ounce of their own; but they had no currency, so that in their affairs they used the English silver penny, then the only coin in circulation. The English ounce contained 450 grains of silver, and was coined into 20 pennies, each of 22·5 grains. The Norse ounce, however, weighed only 412·58 grains of silver, and so was the equivalent of only 18 English pennies, for 412·58 divided by 22·5 gives 18 to the nearest integer.² Thomas³ thought that he had discovered traces of an 18d. ounceland in North Uist, but the examples he gives are not very

¹ H. Marwick, "Naval Defence in Norse Scotland," in *Scot. Hist. Rev.*, April 1949.

² E. W. Robertson, *Hist. Essays*, p. 36.

³ Capt. F. W. L. Thomas, *Proc. Soc. Ant. Scot.*, vol. xx. pp. 200 *et seq.*

convincing, and the extant rentals of land in Lewis, South Uist, Skye, Mull, and other Hebridean islands show clearly that the 20d. ounce-land had been the rule in these islands. That the Norse used their own ounce in Orkney and Caithness, and the English ounce in the Hebrides, can only be explained on the assumption that the English currency had been known and used in the Hebrides and mainland of Scotland before the coming of the Norse to these parts.

The older Celtic fiscal system, as modified by the Norse, had been largely obsolete before the date of the earliest West Highland rentals, and in these rentals we do not find a division into davachs or ounce-lands. It is in the Isle of Man that we find these divisions persisting longest. In the Manorial Rolls of Man for 1511 and 1515 the parishes are each divided into *Treens*, the latter word being the Manx-Gaelic equivalent of the Scottish *Tirunga* or Ounce-land. By combining the data supplied by the Rolls with estate surveys of the nineteenth century, it has been possible to construct maps showing the boundaries of the treens or ounce-lands in each parish, and these maps provide the most graphic picture which we possess of the ancient Celtic fiscal system. The Manx treens are shown as each comprising a certain number of quarterlands.

Theoretically each treen should have comprised four quarters, but the Rolls of 1511-15 show that this was not always the case. Some had only $3\frac{1}{2}$, some only $2\frac{1}{2}$ quarters. We may see here a parallelism between the Manx treen and the Saxon hide, as the latter occurs in *Domesday Book*. In that famous survey we find such statements as that a certain holding comprised six hides, but was "defended" for four hides only. Here the word hide is being used in two different senses, the first denoting a measure of area, and the second a measure of fiscal assessment. For some reason or other the owner of the six hides was "let off" with the assessment due from four hides only. In the same way it would appear that the contribution due from certain Manx treens, which should theoretically have been that of 4 quarters, was reduced to $3\frac{1}{2}$ quarters or less. The quarterland therefore appears, like the hide, to have taken on a double meaning. It could be conceived either as a quasi-measure of land, or as a unit of fiscal assessment.¹

Neither in Orkney nor in the Hebrides would it be possible to construct similar maps showing ounce-lands or davachs, for the simple reason that no rental showing these divisions is extant. On the other hand, in the West Highlands the quarterland persisted as an agricultural holding down to the nineteenth century. In the Islay rental of 1507 out of 77 holdings 55 were quarterlands, and the *Stent Book of Islay*² shows that it was the unit on

¹ *Manorial Roll of Man* (Oxford Univ. Press, 1924); W. Cubbon, *Treen Maps of Man* (ed. of 50 copies only); F. W. Maitland, *Domesday Book and Beyond* (Camb. Univ. Press, 1895), *passim*.

² Lucy Ramsay, *Stent Book and Acts of the Balliary of Islay*, 1890. Private ed. 250 copies.

which the Land Cess and other public burdens were levied down to about 1840. It is only by the persistence of the quarterland, and by the frequency of the place-name prefixes *Kerro* and *Kerra* (from G. *ceathramh*, a quarter), that we can trace the vestiges of the older land and fiscal system in the South-west Highlands.

So also in the Northern Hebrides the persistence of the quarterland, there the Fivepenny land, is obvious in the rentals. It occurs time and again on the Seaforth, Clanranald, and Mackinnon estates in Lewis, Skye, and Mull. On the Skye estate of the Chief of Mackinnon 12 out of 20 townships in the rental are Fivepenny lands. On the Seaforth estate it occurs embedded in many of the township names, such as Fivepenny Borrow, Fivepenny Ness, Fivepenny More.

The frequency of the 5d. extent attracted the attention of the authors of the *Brand Crofters' Commission Report* of 1902, who were apparently referred to the paper of Thomas for an explanation of its meaning, and they quote Thomas as follows: "If only one family lived within the township it was a pennyland, such as Penny Donald, but if the cultivable land was of some extent there would be several families within the dikes or township, and the collective enclosed land would be named from the number of the families, as Fivepenny Ness."¹ Here, however, Thomas confuses the township with the cultivated land which, as we have shown above, was only part of the township, and usually not the most important part, and he apparently considered that the extent of the arable land of a township expressed in pennylands was determined by the number of its occupiers, so that a pennyland would have one tenant, a two pennyland two tenants, a five pennyland five tenants, and so forth. But a glance at the rentals will suffice to show that this was not so, and that the very holding cited by him, Fivepenny Ness, which, according to his view, should have had 5 tenants, actually had 11 and not 5 tenants in 1718. To take another example at random, the township of Frobost on Clanranald's South Uist estate, which was a Fivepenny land, and should have had 5 tenants according to Thomas' theory, had actually 12 tenants in 1745. Many other examples might be cited to show that there was no constant relation between the extent in pennylands of a holding and the number of its occupiers.

Thomas appears to have been influenced by Skene, who thought that he had discovered a 20-house unit in ancient Dalriada, and who equated this with the later ounceland, thereby concluding that the pennyland was the share of the individual house or family.² If this was actually the case in Dalriada, the distribution of the land must have undergone a marked change in later times, for the eighteenth-century rentals show that the most usual holding of the tacksman, or gentleman farmer, was the Fivepenny

¹ Thomas, *loc. cit.*, vol. xiv. p. 403.

² *Celtic Scotland*, pp. 213, 371.

land, in other words what had been at one time the fiscal quarterland, while the share of the small joint farmer was usually only a farthing land, and not a pennyland, as stated by Skene. Some idea of what a farthing land signified may be gathered from the Statistical Accounts of the island of Harris, which define it as land estimated to produce 4 to 5 bolls of barley, to provide grazing for 4 or 5 milch cows, as many horses, and as many sheep as the tenant was entitled to put on the common pasture.¹

In some of the Latin charters relating to Celtic Scotland we encounter the words *villula*, *villa*, and *plenaria villa*, as terms connected with the land, and it is of some interest and importance to endeavour to discover their true meaning. In a grant of Macbeth and his queen Gruoch to the Culdees of Lochleven there are included among the subjects of the grant the *villula* of Pethmokane and the *villa* of Kyrkenes. In another grant to the same monks by Malcolm III there is included the *villa* of Ballecristin.² In these cases *villa* and *villula* clearly, as their Celtic equivalents in two cases show, refer to agricultural townships or *bailes* of varying sizes. But in a charter of Robert I,³ confirming a grant of the lands of the Earldom of Lennox to the Earl, the military service to be rendered by the latter is specified as that pertaining *ad decem plenarias villas*. The term *plenaria villa* occurs also in some early Galloway charters.⁴ As the Lennox charter shows it to have been the unit of military assessment, and as we know from many other cases that it was on the davach that the general levy of *servitium scoticanum* fell, we have no difficulty in identifying the *plenaria villa* with the administrative unit or davach, while the *villa* or *villula* referred to the agricultural *bailes* of which it was composed. It may be of interest to point out in passing that there were similar terms in use in England, the *villa* and *villa integra*. The latter comprised several *villas*, and was a police and fiscal unit in the fourteenth century.⁵

It is necessary to point out that the use of the Latin term *villa*, as applied to the agricultural township in Celtic Scotland, is to be distinguished from its use in Romanised Britain, where it meant a farm or estate owned by a man in severalty, and worked by means of slaves. The same word is also used to denote the agricultural township in southern Scotland; but between the Lowland vill, as it is exhibited in such early ecclesiastical rentals as those of Kelso and Coldingham, and the vills of Celtic Scotland, there were many points of difference, the principal one being that in the Lowland vills the houses were grouped into large villages, whereas in the Highlands, as in Ireland and Wales, they were scattered in groups over the lands of the township. This difference had its origin in the fact that in the Lowlands

¹ See the present writer's "The Tacksman and his Holding," in *Scot. Hist. Rev.*, April 1947.

² Sir A. Lawrie, *op. cit.*, pp. 5, 7.

³ Sir W. Fraser, *The Lennox*, vol. ii. p. 19.

⁴ *Liber de Melrose*, vol. i, Nos. 199, 200.

⁵ See *Eng. Hist. Rev.*, January 1926, p. 98.

the economy was mainly arable, in the Highlands pastoral. The large village was a product of arable farming and the demesne.

Comparison with Ireland, Wales, Man, and Orkney.—The evidence provided by these West Highland rentals, although somewhat fragmentary, is nevertheless sufficient to indicate that the patterns of land occupation, and the fiscal system, in Celtic Scotland were closely similar to, if not actually identical with, those found in other Celtic-speaking parts of the British Isles. Corresponding to the Scottish davach or ounceland we find in Ireland the *Bailebiatach*; the word means the "food baile," that is the circumscription from which was exigible the food contributions due to chiefs and kings. It was divided into four *ceathramhs*, or quarterlands, as in the case of the Scottish davach or ounceland, and these again into eighths, sixteenths, and still smaller fractions.¹ In North Wales we find the *Maenol*, comprising four *trevs*, the latter the analogues of the Scottish and Irish quarterlands. The *Maenol* as a fiscal unit paid £1, known as the "tunc pound," annually. The Ancient Laws of Wales give precise instructions for its collection. From every maenol occupied by freemen "the King is to have a gwestva (food rent) every year; that is a pound yearly from each of them; threescore pence are charged in each trev (quarterland) of the four that are in a maenol, and so subdivided into quarters in succession until each *erw* (acre) of the *tyddins* (homesteads) be assessed . . . and the silentiary is to collect it annually."² In South Wales the *trev* was the fiscal unit, and comprised four quarters known as *randirs*, as well as smaller fractions. In Man the fiscal unit was, as already noted, the *treen*, or Manx tirunga or ounceland, divided into four "Kerroos" or "Kerrows," that is, *ceathramhs* or quarterlands.³ In Orkney the original Celtic unit had been the davach, renamed the Urisland, *i.e.* the Ounceland or 18d. land, by the Norse. It was a fiscal unit paying £1 sterling annually. There was also in Orkney an equivalent of the quarterland, the *skatland*, or 4½d. land, which was a unit of assessment for the *leding* or naval levy in Norse times. It is now recognised by the best authorities that the Orkney urislands were originally Celtic davachs.⁴ The fact that this pattern of the land and fiscal systems was common to all the Celtic-speaking peoples of the British Isles may be taken to indicate that it was very old, although exactly how old it is not easy to say.

It has, however, to be noted that it was only the pattern that was common to the various countries, and not the superficial areas of the various units. Strictly speaking, none of these units was a land "measure," in the sense that the acre is, and it is misleading to find them expressed in acres, in neat arithmetical tables. They were measures of production, or of rent or tribute rather than of area, and their superficieses accordingly varied, not

¹ O'Curry, *op. cit.*

² *Ancient Laws of Wales* (Rolls Series), vol. i. pp. 168-189; W. Rees, *South Wales and March*, pt. i.

³ R. H. Kinrig, *A History of the Isle of Man*, p. 11.

⁴ H. Marwick, *loc. cit.*

only between different countries, but between different localities in one and the same country. When coincidence occurs it is likely to be accidental. The Manx quarterlands, for example, as the scale in the Treen maps shows, were very much smaller than those in the island of Islay, the average area of which can be computed with some degree of approximation from data in the rentals. The directions in the Welsh laws for measuring the *erw*, or Welsh acre, show clearly that these directions applied to arable land only. Hence when we find these units described as consisting of so many acres we may be sure that the figure has reference to arable and fallow only, and we know for certain that, in Scotland, estates were not begun to be fully surveyed in acres before the mid-eighteenth century. We need not therefore be surprised to find that estimates of the total area of countries such as Ireland and Wales, based on acre figures for the *bailebiatach* or *maenol* supplied by ancient writers, rarely exceed half the figures of the modern Ordnance Survey.¹

The rough pasture, heath, moor, and wood, outside the head dykes of the township, were not measured at all. Grazing value was computed by the number of animals it could carry. In Scotland the unit was the *Soum*, or grazing of a cow and her "followers," usually including her progeny for two years back. The grazing capacity of other animals such as horses, sheep, goats, and geese was expressed as a multiple or sub-multiple of the *soum*, and the numbers of each kind allotted to the occupiers of a baile or township were strictly regulated.

When the *davachs* and quarterlands ceased to function as fiscal units, and their original significance was forgotten, the terms became fluid, and were used as denominations for various kinds of agricultural holdings. Thus, as I pointed out in a previous note,² we find in later times the term *davach* sometimes used to define the pasturage for a specified number of cattle, but at other times to denote a specified number of ploughgates or acres of arable land. This confusion may be avoided if we remember the original function and history of the terms.

The Davach or Ounceland as an Ecclesiastical Unit.—In addition to the functions described above, one other use of the *davach* may be noted. There is now a considerable body of evidence to warrant the conclusion that it had also been an ecclesiastical unit, a proto-parish, before the boundaries of the modern parishes began to be delimited in the twelfth century. In so far as Orkney and Man are concerned the evidence for this appears to be convincing enough. Storer Clouston has pointed out that in Orkney there had at one time been a chapel in each *urisland*, that being the equivalent of the Celtic *davach*. In the Isle of Man there was a chapel in each *treen* or *ounceland*, and the ruins of many of these small *treen* chapels can still be

¹ See W. F. Skene, *op. cit.*, vol. iii. p. 156, and F. Seebohm, *Customary Acres*, p. 38.

² *Proc. Soc. Ant. Scot.*, vol. lxxxii. p. 49.

seen in the island. In the West Highlands the matter does not appear to have received much attention, and the evidence there is not as yet clear. In one district, however, that of Kintyre in Argyllshire, a thorough survey of ancient ecclesiastical sites was made some years ago. The survey took into account both material remains of churches and chapels, as well as place-name prefixes such as *kil* (church), *caibel* (chapel), *cladh* (graveyard), and so forth. The result disclosed that, within the bounds of what had been the feudal lordship of Kintyre, there were some 34 places of ancient ecclesiastical association. The old extent of the lordship, as disclosed in the rental of 1505, was 428 merklands, and there is charter and other evidence to show that this extent had been made at the rate of 10 merks to the ounceland or *davach*. This would give some 42 ouncelands or *davachs*, as against the 34 ecclesiastical sites revealed by the survey. The numbers do not quite correspond, but it has to be borne in mind that the figures for chapel sites may be too small, for when once all material remains had disappeared the site, and its name, would tend to become forgotten. In any case the result of the Kintyre survey should suggest the desirability of similar surveys in other districts, with the object of casting more light on this aspect of the matter.¹

Anyone who has studied this subject must have had his attention arrested by the curious division into quarters, sixteenths, and smaller fractions which is characteristic of the land and fiscal units of all the different Celtic-speaking regions of the British Isles, and the question of the origin and meaning of this principle of division naturally arises. Halving or quartering is, of course, the simplest of all forms of division, and would naturally be resorted to rather than division by thirds, or fifths, or sevenths. But for what purpose was it originally adopted? It is not easy to see how it could have arisen out of the necessities of agricultural practice, and its origin is more likely to have been for fiscal purposes. As we have seen, the agricultural unit was the *baile* or township, a community consisting of several arable holdings, a much greater area of pasturage, moor, and wood, and the houses of the individual occupiers of the township. The township was, so to speak, the hard core of the whole system, and a number of these townships were grouped into the more artificial circumscriptions, known as *davachs* or ouncelands, for purposes of fiscal assessment. The first division of the *davach* was into four quarterlands and, as we have seen, the quarterland did not always, nor even usually, coincide with the *baile* or agricultural township. It usually included several townships. It is, therefore, a fair inference that the division into quarterlands and smaller fractions was originally a fiscal expedient, made for convenience in assessing and collecting the dues

¹ J. Storer Clouston, "The Old Chapels of Orkney," in *Scot. Hist. Rev.*, April 1919; R. H. Kinrig, *op. cit.*, p. 14; T. Harvey Thomson, M.D., *The Ancient Churches and Chapels of Kintyre* (Campbeltown Courier Office).

exigible from the *davach* or *ounceland*. As the reference from the Ancient Laws of Wales quoted above shows, these divisions were certainly used there for that purpose. Each Welsh *maenol* was to pay £1 sterling, and this was to be assessed on each of the four *trevs* comprising the *maenal*, each of them paying 60 pence, and to be distributed by successive quarterings down to the ultimate unit of assessment, which was the *tyddyn*, or individual house, and its attached land. It is, however, clear that in course of time the quarterland became a well-defined agricultural holding for, as we have seen, it was the usual possession of a tacksman, or gentleman farmer, in the West Highlands, and in Man it was "property of the highest order."

Another aspect of the matter, to which attention does not appear to have been previously drawn, was the close parallelism between these divisions of the land and the methods by which inheritance or *orba* land was conveyed in ancient Ireland.¹ The Celtic law of inheritance is complicated and obscure, and leading authorities have differed widely in their interpretation of its origin and meaning. What does seem clear is that each individual belonged to an inheritance group, among the members of which his property was divided at his death, and that this division was made by quarters and sixteenths. This group consisted of four sub-groups entitled the *geilfine*, *derbhfine*, *iarfine*, and *indfine*, of which the first was the youngest. "And if the property of the *geilfine* division has become extinct, three-fourths of the property of the *geilfine* division shall go to the *derbhfine* division, and the remaining one-fourth to the *iarfine* division and the *indfine* division, that is, three-fourths of the fourth to the *iarfine* division, and one-fourth of the fourth to the *indfine* division." This division by quarters and sixteenths was made in the case of every transfer of property from one inheritance sub-group to another. Sir Henry Maine,² commenting on the Celtic law of inheritance, stated that "the essential principle of the system seems to me to be a distribution into fours." The land and fiscal divisions thus fitted closely into both the fiscal and inheritance schemes, but the problem of deciding for which of these purposes they were originally made is probably as insoluble as that of the chicken and the egg. All that can be said is that an arrangement, made primarily for one particular purpose, is often found to serve some purpose other than that for which it was originally intended.

In his classic analysis of *Domesday Book* Maitland³ refers to "the dreary old question of the hide," but he goes on to state that we cannot escape such questions as those presented by the land and fiscal divisions, because they are "pre-judicial to all the great questions of early English history." So also in the case of Scotland the words *old extent*, *davach*, *ounceland*, *tirunga*, *quarterland*, *fivepenny land*, *pennyland*, and *farthing land* pose

¹ J. Cameron, *Celtic Law*, pp. 101 *et seq.*; Eoin MacNeill, *Phases of Irish History*, pp. 230 *et seq.*

² *Early Institutions*, p. 210.

³ *Domesday Book and Beyond*, p. 357.

questions to which we must attempt to find reasonable answers if we are to have a realistic understanding of the background against which our early history must be viewed. Thanks to the pioneer researches of men such as Thomas Thomson, William Forbes Skene, and Captain F. W. L. Thomas, R.N., and to the work of some others since their time, we have now a clearer understanding of the original significance of these terms than had our predecessors of two or three centuries ago.