

OLD LAND DENOMINATIONS AND "OLD EXTENT" IN ISLAY

PART ONE*

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Part 1

This paper assumes the correctness of the general theory of old Highland and Hebridean land denominations expounded by Mr. McKerral (1943-44; 1947; 1950-51). It suggests, however, that a revised account of the Islay denominations is necessary for the application of the general theory to that island.

To Mr. McKerral himself I am deeply indebted for guidance in working over this subject. He is not, of course, committed in any way to the views here expressed; but they could not even have been developed in their present form without his assistance.

SECTION I: THE GENERAL THEORY

1. *Islay Denominations from Sixteenth to Nineteenth Century:* James Macdonald (1811) compiled for the Board of Agriculture a report on the Hebrides which was based on journeys undertaken in the years 1793-1808; and he tells us that, at that time, the denominations used in Islay were:

Cearabh—the "Quarterland";

Ochtobh—the "Eighth";

Leor-theas—half an Eighth, and supposed to be equal to the "ploughgate"

Cota ban or *Groatland*—half a Leor-theas;

Da-Skillin—half a Cota ban, and commonly known as a "Two-penny-land".

* Editorial note: Dr. Lamont's article will be published in two parts in succeeding issues of the Journal. The first part, including Sections I, II, III, consists of a review of existing ideas about land denominations in the Hebrides and in Ireland. It forms the basis for the second part—a detailed study of land denominations in Islay setting forth the author's own conceptions. Sections IV, V and VI are reserved for part 2 of the article.

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We shall say something about the smaller denominations in Section VI of the paper. For the present we shall be concerned mainly with the Cearabh and Ochtobh. The Quarter and Eighth—to use the English terms—are found in State papers relating to Islay as early as 1494 (*Reg. Mag. Sig.* 1424-1513 p. 468; *Book of Islay* pp. 24-5), the year after the forfeiture of the Lordship of the Isles; and a few years later we find them associated with a certain “Extent”, the Quarter being a $2\frac{1}{2}$ Merkland, and the Eighth a $16/8d$ land. In McIan’s list of Islay lands (*Exchequer Rolls* xii, 587-90) and their Extents, it is clearly the “ $33/4d$ to the Quarter” system which is being used, and the same is true of the Crown Rental of 1541 (*Exchequer Rolls* xvii, 633-41). It is generally assumed, therefore, that these are the ancient land-divisions of Islay, the ancient Celtic divisions.

2. *The Celtic System* (McKerral 1943-44; 1947; 1950-51; Skene iii, 153-70; 223-7; O’Curry I, lxxvii-xcix) According to the generally accepted theory, the tribal lands in Ireland and Celtic Scotland included, as one of their most characteristic features, a fiscal grouping known as the *Bailebiataigh* in Ireland and the *Davach* in Scotland. Where the Norse conquerors had super-imposed their own administrative system, the Davach often became known as the *Tirunga* (“Ounce-land”) because a tax of one silver ounce (equal to 20 pennies in the Hebrides and 18 in the Orkneys) was imposed on the Davach. But despite the differences in name, Bailebiataigh, Davach and Tirunga all refer to substantially the same old land-division. This principal administrative unit was divided into 4 Quarters, and these Quarterlands are familiar in the records of Ireland and Celtic Scotland, though they often appear, under Norse influence, as “Fivepennylands” in the Hebrides and as “Skatlands” in Orkney.

As the Islay records from 1494 on suggest that the island was then found divided into Quarterlands in an astonishingly thorough fashion, without the faintest trace of Norse influence in the denominations used (Lamont: Part II), Islay is regarded as a curious example of a locality in which the old Celtic land denominations were apparently unaffected by the Norse occupation, despite the ample evidence of this occupation in other respects—e.g. in the place-names and antiquities.

3. “*Old Extent*” in the Isles (McKerral 1943-44, p. 67; Thomson). Shortly after the cession of the Isles to the Scottish

Crown (the general theory continues), an "Extent" was imposed on this newly acquired territory. This is the famous "Old Extent". In Islay the Davach was rated at 10 Merks; and that is why the Islay Quarterland appears with the regular Extent of $33/4d$ in the charters and other State papers relating to the island.

4. *Thesis of this Paper:* Before discussing the weaknesses in this attempt to fit the Islay data to the general theory, I shall state, quite dogmatically, the view I myself hold and hope to vindicate in subsequent sections of the paper.

Firstly, with regard to the general theory that there was an old system of land denominations common to Ireland and Celtic Scotland, I think the Islay evidence, rightly interpreted, supports this view. *Secondly*, with regard to the assumption that an Extent was imposed on the Isles during, or shortly after, the reign of Alexander III, I think the Islay evidence favours this view.

But, *thirdly*, there are strong reasons for holding that the familiar Islay Quarters and Eighths are *not* the ancient Islay Quarters and Eighths of the Bailebiataigh or Davach; that the ancient Islay Quarter was appreciably smaller, equal to 6 *Cowlands* or 4 *Horsegangs*, containing the minimum "ploughland" in the mainly pastoral period of Islay life. And, *fourthly*, the " $33/4d$ to the Quarter" Extent is *not* the true "Old Extent" of Islay, although it was probably derived from the approximate total true Old Extent of the island which normally assessed the *old* Islay Quarter (of 6 Cowlands) at 20/-.

The remainder of the paper will be concerned chiefly with the evidence and argument in favour of this thesis; but before I proceed to the positive case to be presented, I want to indicate certain weaknesses in the currently accepted theory of the Islay denominations which have not been properly faced by those who propound it.

5. *Weaknesses in Accepted Theory:* The view that the sixteenth-nineteenth century Quarters and Eighths are the old Celtic land divisions ignores two important considerations: (1) the documents relative to Islay suggest that, for a considerable period subsequent to 1493, the system of land divisions locally in use was different from the one employed in the State papers; and (2) the State documents themselves suggest a process of adjustment to bring the lands of Islay under the " $33/4d$ to the Quarter" system.

(1) James Macdonald (1811) who gives the late eighteenth-century denominations says:

“The island was divided, according to the old valuation, into 337 half-merklands . . . but the sub-divisions and denominations by which lands have lately been let are different. They are . . .” (He then gives the denominations noted on p. 183).

It is true that Macdonald somewhat misunderstood the position. He says “337 half-merklands”, when he should have said “ $337\frac{1}{2}$ merklands”. Here he probably mis-read his notes. But the whole passage just quoted indicates a more serious error on his part. He seems to think that the “old valuation” of $337\frac{1}{2}M$ refers to a system *earlier* than the one he found in operation. This is not so. At the time of his visit the island was reckoned as containing 135 Quarters (Ramsay); and at $2\frac{1}{2}M$ to the Quarter we get $337\frac{1}{2}M$. His “Cearabh” is the Quarter of the State papers, and is just as old as what he calls “the old valuation”.

But these errors do not justify us in summarily dismissing his belief that the denominations he mentions were “lately introduced”. He was probably informed that the older local custom of division into “Marklands” and “Half-marklands” had recently been replaced by the one he found operative, and drew a mistaken inference as to what the older system was and how it was related to the “old valuation”. It is unlikely that anyone on the island at that time could have been accurately informed on the matter.

That Macdonald was not merely inventing a mythical older system, as a consequence of his own erroneous inferences, is clear from a *Description of the Isles of Scotland* written between 1577 and 1595 (Skene iii, Appendix 3). Dealing with Islay, the writer says that each *Markland* pays a certain rent and supports a gentleman of the lord’s household. He then adds that each *Town* is a $2\frac{1}{2}M$ land, paying an annual rent of so much. There is not, of course, any such thing as “a Markland” on the “ $\frac{33}{4}d$ to the Quarter” system. It corresponds to none of the land-divisions given by Macdonald. Yet it is perfectly obvious that in the latter part of the sixteenth century the local practice was to let in Marklands (and presumably also in Half-marklands). It is equally obvious that for some specific purpose lands were grouped as Towns at a valuation of $2\frac{1}{2}M$. And a comparison of the rent of the Town, as given by the writer of the *Description*, with the Crown Rental of 1541 (*Exchequer*

Rolls) makes it clear what that specific purpose was. It was the grouping adopted by the Crown commissioners for purposes of State, after the forfeiture of the Lordship in 1493. The *Description* thus makes it clear that, though the State papers give with great (though not perfect) regularity the Islay holdings in terms of Towns or Quarters at 33/4d, this was not the system locally employed at the end of the sixteenth century. The local system was quite different; and it must have persisted to some degree into the eighteenth century, since Macdonald was aware that there had recently been a change in favour of adopting the "33/4d to the Quarter" system for all purposes.

(2) We must therefore abandon the assumption that, when the Lordship was forfeited in 1493, and when the Crown commissioners began to re-set the lands, they found, all ready to their hands, an Islay divided with quite phenomenal regularity on the "33/4d to the Quarter" system. The notorious aversion of the Lords of the Isles to the payment of Crown dues, and the administrative chaos which must have obtained in Islay for most of the fifteenth century, suggest rather that the Crown commissioners would find no properly organised system for the levying of Crown dues. McIan of Ardnamurchan, who had been bailie of Islay, had probably a rough idea of the total amount due to the Crown for the island as a whole; but he, and those assisting him, probably had to re-create a system for distributing the burden over the lands in detail. It may indeed be to such a necessity that we owe the "33/4d to the Quarter" system in Islay as a whole.

Those who assume that this was the ancient system must admit that it is a pure assumption based on charters and other State papers which are all subsequent to 1493. The only document (at least the only one of which I am aware) even hinting at the system of land division prior to that date is a Gaelic charter of 1408, and this charter tells rather against than for the claim to antiquity of the "33/4d to the Quarter" system (*Book of Islay*, pp. 16-18; Cameron; C. M. Macdonald).

It is true that McIan's Rental of 1507 professes to give the "Old Extent", but it may seriously be doubted whether this is true with regard to many of the detailed items. In the very few cases where relevant evidence is available, there has quite certainly been a great deal of "adjustment" of the land groupings to produce the Quarters typical of the 1507 Rental.

Thus, in 1506 we have mention of 8 Islay holdings (*Exchequer Rolls* xii, 709).

i.	The lands of Odoni McKy	£5
ii.	„ „ „ L. McSuyna	5
iii.	„ „ „ Moricio McSuyna	5
iv.	„ „ „ Nigello McCane	5
v.	„ „ „ Archibaldo McKofee	5
vi.	„ „ „ Duncano McGillehaanich	5
vii.	„ „ „ Gilchristo McVaig, surrigico	3: 6:8d.
viii.	„ „ „ Angusio filio Angusii	6:13:4d.

No. i is almost certainly the hereditary holding of MacKay of the Rhinns which is broken down into 3 Quarters in the 1507 Rental and in the 1541 Rental; but the breakdown into Quarters does not obviously correspond in the two cases. Nos. ii-vi cannot be definitely identified in the Rentals though the names are those of important Hebridean families known to have held lands in Islay. In all these cases the £5 Extent of the lands in question is probably much earlier than the breakdown into 3 Quarters at 33/4d each.

In this connection No. vii is of particular interest. It has all the appearance of being a regular 2-Quarter group. In fact it is the group of lands hereditarily in the family of McVaig or McBeth, surgeons to the Lords of the Isles; and the lands are elsewhere shown in detail (*Book of Islay*, pp. 139-43). They are: the 2M & 10/- lands of Ballenaby, the ½M of Areset, the 16/8d of Howe, and the ½M of Saligo. The total of £3:6:8d is perfectly correct; but only one of the lands—Howe—conforms to the “33/4d to the Quarter” system. No. viii I cannot identify.

Further evidence of the adjustments which have been made to bring the island as a whole under this system is provided in charters to McIan himself dated 1494, 1499 and 1506. The Extents shown in the last of these (*Reg. Mag. Sig.* 1424-1513, p. 639; *Book of Islay*, pp. 31-33) correspond perfectly with the Extents shown in the 1507 Rental. The Extents of the 1499 charter correspond for the most part to those of 1507, though there are some discrepancies (*Book of Islay*, p. 28; *Argyll Charter Chest*). But the Quarters in the 1494 charter (*Reg. Mag. Sig.* 1424-1513, p. 468; *Book of Islay*, pp. 24-6) are to a marked degree irreconcilable with the Extents of 1507.

In view of all this evidence, it is reasonable to suspect that, on the forfeiture of the Lordship of the Isles in 1493, the Crown commissioners found that the old system of distributing

the burden of the Crown dues had broken down in Islay. While some relatively small parcels of land had definite Extents, in many cases the known Extents were for very large holdings—£5, 10M, 20M, and even 60M or £40. This involved the labour of working out a system of distribution; and the scheme adopted was one already employed in various parts of the mainland—the grouping into “Towns” or “Quarters” at 33/4d each. The first essays in the application of this system were subject to revision; but by 1507 the major part of the task had been accomplished, leaving only a few 10M and 20M lands to be broken down in the 1541 Rental, though it was not always done in such a way as to make the sum of the parts equal to the original whole (*Exchequer Rolls*).

To summarise the main argument of the present section: While it is highly probable that the ancient social economy of Islay followed the pattern found in Ireland and Celtic Scotland generally, a characteristic feature of which was the administrative land-division known as the Bailebiataigh or Davach, normally divided into 4 Quarterlands, there are real difficulties in the accepted view that the ancient Quarterlands of this system are represented in Islay by the Quarters of the State papers from 1494 on. Such a view fails to take account of the definite evidence that, even subsequent to 1493, the local system of land-division did not correspond to that of the charters and Crown Rentals; that this latter system was apparently only gradually worked out in detail for the whole island; that it originated, not from the requirements of the local social economy, but from the administrative convenience of the royal Exchequer; and that it did not entirely supersede the older system for local purposes until the eighteenth century. We have suggested that, though there may have been some old groups of lands totalling 2½M, 5M, 10M, etc., the systematic identification of these with 1, 2 and 4 Quarters is probably no earlier than 1493.

But all this argument amounts to no more than negative criticism of the accepted view. We shall therefore now turn to the more difficult task of trying to show positively what was the ancient system of land-division in Islay.

SECTION II: ISLAY MARKLANDS, POUNDLANDS AND COWLANDS

1. *Adaptations to the “33/4d to the Quarter” System:* In comparing the Islay records, the most obvious adaptations which

have been made to produce the "33/4d to the Quarter" system are the grouping of smaller lands, with or without adjustments of the individual Extents of those lands, and the apparently artificial division of larger units (*Exchequer Rolls*).

But adaptations of this type show little more than that changes have been made. There are, however, certain adaptations which are immensely significant in affording a clue to the character of the ancient system. Their importance in this respect is revealed only when we take the State papers in conjunction with local Rentals of the seventeenth and eighteenth centuries (*Book of Islay*, pp. 490-559); for the comparison of State papers and local Rentals shows that the older system superseded by the "33/4d to the Quarter" one was a system of Marklands and Poundlands.

The State papers themselves contain a few Mark-, Half-mark-, Pound- and Ten-shilling-lands; but the local Rentals contain a number of these which are shown in the State papers on the regular system. Thus an Eighth, at 16/8d, in the State papers may appear in the local Rentals as a Markland, and a Leorthcas, at 8/4d, as a Half-markland. (*Book of Islay*, pp. 523, 545, 526, 547).

Curiously enough, we also find 16/8d lands appearing in the local Rentals as Poundlands, and 8/4d lands as Ten-shilling-lands (*Book of Islay*, Index).

It is natural to suppose that in these cases there may have been an actual alteration in the areas of the lands. But I do not think this is the explanation in any single instance; and in most of the cases I have noted we can quite definitely exclude the possibility of such an alteration (*Book of Islay*, Map). The actual area is the same, but the Extent is given on two different systems. In such cases there are two alternative explanations: *either* the Extent of the 16/8d land has, for some local purpose, been reduced to 13/4d or raised to 20/-; *or* what were originally Marklands and Poundlands have been brought to the mean valuation of 16/8d on the official system. On the *first* of these alternatives the official 16/8d Extent will be the older one. On the *second* alternative, the Mark- and Pound-land system will be the older; and that this is the true solution of the problem is shown by the place of the *Cowland* among the Islay denominations.

2. *The Cowland or Quarter-Markland*: As I shall try to show in sections III and IV, the Cowland, both in ancient Ireland and in Islay, meant a land with the annual rent or Extent

of 1 cow. Assuming for the moment the truth of this conclusion, let us consider the relation of the Islay Cowland to the Markland and Poundland. What we find, in the instances where these denominations are shown in relation to each other, is that the Cowland is invariably one-fourth of the Markland and one-sixth of the Poundland (*Book of Islay*, Index). This establishes two points: (1) The Marklands and Poundlands belong to the same system; for the Markland (4 Cowlands) bears the same relation to the Poundland (6 Cowlands) as the M has to the £. (2) Since Mark-, Pound- and Cow-land are denominations derived from the respective rents or Extents of these lands, the Islay Cowland with $\frac{1}{4}$ M Extent shows that the Markland and Poundland system of the island belongs to a period when the official value of the cow was $\frac{3}{4}$ d. But we never get such a low monetary value for the cow until we go back to the thirteenth century in the years 1254-66 (Lamont, Part II). Consequently, the Markland-Poundland system must represent the true "Old Extent" of Islay. It is the remnants of this system which are preserved in the eighteenth-century local Rentals when they show, as Mark- and Pound-lands, lands which, on the " $\frac{3}{4}$ d to the Quarter" system, are shown as Eighths at 16/8d.

But of course this interpretation of the position depends on the meaning we have attached to "Cowland". Whether this really is the true meaning we must now consider. To do so, we must leave Islay for a spell and cross to Ireland. There, too, we find the Cowland; and we are able to say with reasonable confidence what its place was in the ancient Irish system.

SECTION III: THE BAILEBIATAIGH AND LESSER DENOMINATIONS IN IRELAND

1. *Two Systems of Sub-division of the Bailebiataigh:* The significance of the Irish Bailebiataigh itself does not specially concern us here; and on this matter the reader is referred to Mr. McKerral's publications (1943-44, 1947, 1950-51). We need notice only the denominations subsidiary to it. These were reckoned in two ways. On what I shall call "the 16 system", the Bailebiataigh was composed of 16 *Tates* (or *Cartrons*); and on what I shall call "the 24 system", it was composed of 24 units, often but not always called *Ballyboes*. There has been a tendency on the part of some writers to

place an exaggerated emphasis on the 16 system; but we shall find as we proceed that it is the 24 system which was specially characteristic of the early Irish social economy.

An early seventeenth-century account (Skene, iii, 158-9) of the land-divisions in Connaught indicates that both systems were in use there. We are told that the Bailebiataigh is divided into Quarters, and the Quarter into either 6 *Gnieves* or 4 *Cartrons*. The Cartron has thus $1\frac{1}{2}$ times the value of the Gnieve. While both systems were thus used in Connaught, it appears (Seebohm, *English Village Community*, pp. 214-25; O'Curry, p. lxxxix) that Monaghan and Fermanagh, at the beginning of the seventeenth century at least, followed the 16 system with 16 Tates to the Bailebiataigh. South and West Munster, however, used the 24 system, there being 24 Ballyboes to the Bailebiataigh (O'Curry, p. xci).

2. *The "24 System" and the Irish Pastoral Economy*: Abstractly considered, neither system has an obvious claim to greater antiquity. But the 24 system must, in fact, have been the older since it accords so much better with what we are told of the social institutions of Ireland in the predominantly pastoral age.

Three well-known documents support this view. The first is the poem of "Fintan" (Skene, iii, 153-6) which asserts that the Bailebiataigh was divided into 4 Quarters, each of which contained 3 *Seisreachs*. As the reliability of this account has been questioned (O'Curry, p. xcvi; Seebohm, *English Village Community*, pp. 221-2 *Customary Acres*), I shall say no more about it for the present except that, for what it is worth, it clearly indicates the 24 rather than the 16 system of division.

Much more important is the tract, *Crith Gablach* (O'Curry, III, 465), which gives an elaborate account of the old social orders, from the bondman to the High King of Erin. The class of special interest to us is that of the *Bo-Aires* ("Cow-lords"). They were above the class of ordinary freemen, but below the class of *Aire Desa* ("Land-lord"). The rank of nobility held by the *Aire Desa* came from his property in land. The *Bo-Aire's* rank and dignity came essentially from his property in cattle.

But this "property in cattle" was closely associated with "tenure in land"; for it was essential to the *Bo-Aire's* rank that he should hold, of an *Aire Desa*, a certain tract of land (O'Curry, pp. clxxxv-vi). Some generations of possession

tended to create an hereditary right in the land; so the Bo-Aire's status was nearer that of a feudal sub-vassal than of a mere gentleman "tacksman". The political status was apparently analogous to that of the Scottish "petty baron".

Now the lands held by the Bo-Aires were described in terms of cattle "soums". The lowest grade of Bo-Aire was the *Og-Aire*. He was apparently the lowest noble freeman possessing full political status as head of a "house" or "homestead" in his own right. He had, in severalty, land of "7 cumals" (i.e. of 21 cows' grazing); and he was, in addition, entitled to graze 7 cows on the common land of the Bailebiataigh, leaving 1 cow annually as rent. To qualify for his rank he must also own "one-fourth of the essentials for ploughing—an ox, a sock, a yoke, a halter" (O'Curry, III, 479-82).

Passing over the next grade of Bo-Aire (the *Aithech ar a Threba* whose status belonged to him as representing a group), we come to the *Bo-Aire Febsa* who had lands of "twice 7 cumals" (42 cows' grazing), and must possess "half of the essentials for ploughing" (O'Curry, III, 484-5).

Still higher was the *Bruighfer* who had lands of "thrice 7 cumals" and must possess "a perfect ploughing apparatus". Sullivan considers (O'Curry, III, 485-9; I, clxi-ii) that, in view of the important public functions assigned to him, the Bruighfer must have been the principal administrative officer of a Bailebiataigh or group of Bailebiataighs.

Ignoring all the other social grades—they do not matter for our main enquiry—we note that the lands of the three grades mentioned are in the ascending order: 21, 42, 63 "soums"; or, alternatively, 7, 14, 21 "tir-cumails".

Now the *cumal* was a female slave, and was "standard currency". So also was the cow. And the ratio was 1 *cumal* = 3 cows (Seebohm, *Tribal Custom in Anglo-Saxon Law*, pp. 97-100).

But we must note an important distinction between the uses of the terms "cumal" and "cow" when applied to land values. A *cumal* land, or *tir-cumail*, was a term of *souming*, while a cow-land was a term of rent or *Extent*. A *tir-cumail* was a "3 cow souming": a cow-land was a land paying 1 cow as rent or tax. It was, in fact, a 7 cow souming, one of the cows being left as rent. Thus, as the *Og-Aire*, e.g., paid 1 cow out of the 7 he grazed on the common, it appears that 7 cows' grazing came to be known generally as a Cowland (Seebohm, *Tribal Custom in Anglo-Saxon Law*, p. 84; O'Curry, p. clxxxi).

Consequently his holding of 7 tir-cumails would be known as a 3 Cowland holding. The relations between the different terms may be put thus:

Soum(s) (1 cow grazing)	Tir-Cumail(s) (3 soums)	Cowland(s) (Extent of 1 cow to 7 soums)	Holding of:
21	7	3	Og-aire
42	14	6	Bo-Aire Febsa
63	21	9	Bruighfer

While *Crith Gablach* does not give the number of land-divisions in the Bailebiataigh, it seems pretty clear that we are here dealing with the 24, not the 16, system—the Bailebiataigh being composed of a number of Cowlands or Ballyboes, the total number in the Bailebiataigh being a multiple of 3.

The third document to be referred to in this connection is the *Uraiccecht Becc* (MacNeill) which Professor MacNeill considers to be about a century older than *Crith Gablach*. It is mainly concerned with the class of Aire Desa (“Land-lords”) rather than that of the Bo-Aire in its detailed descriptions. The social system has apparently undergone some modification in the period between the two documents; but the essentials of the structure seem to be the same. The lands of the different grades of Aire Desa are stated in tir-cumails. The lowest grade has 14 tir-cumails (equal to 6 Cowlands); all the other grades, curiously enough, having 28 (12 Cowlands) (MacNeill, vii, 103-4).

Uraiccecht Becc does, however, give a fairly definite indication of the number of Tir-cumails in the Bailebiataigh. It describes the position of the *Briugu* or “Hospitaller” (the Bruighfer of *Crith Gablach*) (MacNeill, vii, 100, 105). He must have double the property qualification of the landed noble (i.e. he must have 56 cumals of land), and “must keep open house for all comers, rich and poor”. Professor MacNeill discusses the burden of this hospitality on the assumption that it is to be provided out of the private wealth of the Briugu himself. But the fact that this “hospitaller” tends to be classed along with the *Rigrechtairi*, or royal stewards, surely indicates that

he provides this hospitality in his capacity as officer of the Bailebiataigh—the “food-supplying baile”—and that he “must have 56 cumals of land” only in this capacity. Fifty-six Tircumails is the equivalent of 24 Cowlands or Ballyboes. The inference is therefore that, in the most ancient account we have of the details of the Irish social economy, the Bailebiataigh is a group of 24 Cowlands.

3. *The Seventeenth-Century Juror's Qualification:* That the Bailebiataigh associated with the social system described in *Crith Gablach* was of 24 Ballyboes receives interesting confirmation from Sir John Davies' determination of the juror's qualification in the early seventeenth century. He was apparently looking for the old Irish equivalent of the English “40/- freeholder”; and he reported (Seebohm, *English Village Community*, pp. 216-19) in 1607 that the qualification in the counties of Monaghan and Fermanagh was the possession of not less than two *Tates* of land. He was surprised at the number who qualified on this rule, but considered it the only rule he could properly adopt. His reasons are significant.

Superficially, it would seem that he was guided by considerations of acreage, taking the view that the Tate in Monaghan was approximately 60 acres. But even if there were 60 acres to the Monaghan Tate (giving the necessary 120 for 2 *Tates*), it would have been ridiculous to apply the same rule to Fermanagh where the Tate was estimated to be about half this area (Seebohm, *English Village Community*, p. 218), ridiculous if Sir John had been guided primarily by considerations of acreage.

In fact he did apply the “2 Tate” rule to both counties, and his reasons for doing so seem fairly clear from his own account of the inquest. He called into conference the “scholars of the country” (not the land surveyors), and from them and the local inhabitants he learned about the “septs” and “families”, about the “dignities” of the various classes, about “chiefs” and cadencies of rank, and about the quantities of land appropriate to the various ranks. This strongly suggests that the information Sir John got, and considered most relevant to his enquiry, was the kind of information (no doubt modified in detail) contained in *Crith Gablach*. Looking for the person with the minimum qualification for jury service, his attention would be directed by the “scholars of the country” to the contemporary equivalent of the *Og-Airc*—to the person who, having a “house” (in the technical sense) and the holding of

3 Ballyboes, just qualified for full political status. As the Tate, on the 16 system, is $1\frac{1}{2}$ times the value of the Ballyboe on the 24 system, 3 Ballyboes are equal to 2 Tates. If we are correct in supposing that it was the traditional status of the Og-Aire which made Sir John adopt the "2 Tate" rule, then, since we know that 2 Tates is $\frac{1}{3}$ of a Bailebiataigh, it is a reasonable inference that, in the period represented by *Crith Gablach*, 3 Ballyboes was $\frac{1}{3}$ of a Bailebiataigh.

It is only fair to observe, at this point, that while Dr. Reeves regards "Ballyboe" as meaning "Cowland", Dr. Sullivan dissents. He thinks that "boe", in this case, derives not from the Gaelic word for cow but from a term meaning "homestead"; and he wishes to identify the Ballyboe with the holding of the Og-Aire (7 Tir-Cumails). I consider some of his main arguments in a Note (O'Curry, *Meaning of "Ballyboe"*). Here it need only be said that I find them unconvincing, and that Reeves' identification of the Ballyboe with the Cowland seems to me more initially plausible and also more consistent with the information referred to in the foregoing argument.

4. *The Old Irish Ploughland*: Though *Crith Gablach* envisages a predominantly pastoral economy, the references to ploughing apparatus imply a regular system of agriculture; and we must try to discover what type or group of holdings would normally employ a complete plough unit. This subject is extremely controversial.

Some writers consider that the poem of "Fintan" decides the issue, for he tells us distinctly that there were 12 *Seisreachs* in the Bailebiataigh; and although he does not actually say that the *Seisreach* is a ploughland, the commentators may well be right in supposing that he took this for granted. But two points need to be borne in mind in this connection. (1) "Fintan" is not universally regarded as a reliable authority for ancient Irish usage, and the size of the "ploughland" may well have varied in the course of Irish history. (2) The assumption that he *must* have intended to equate the *Seisreach* with the ploughland is often defended by the argument that "*Seisreach*" means a "6 horse plough team". But if this is what it means, then it clearly has no reference to the period represented by *Crith Gablach* when the plough was quite definitely drawn, not by 6 horses, but by 4 oxen. Was it ever drawn by 6 horses in Ireland? It is perfectly true that in Ireland—and in Islay—"Seisreach" meant, in the nineteenth century, a

ploughland or a plough-team yoked to the plough (Seebohm, *Customary Acres*, p. 45; J. G. MacNeill, *New Guide to Islay*); but this does not enlighten us as to the derivation of the term. Sullivan, who notes but does not commit himself to the popular derivation, points out that the term was used in various ways. Essentially, he says, "seisreach" meant "a six-er", and was so applied to a certain measure of milk (O'Curry, p. dcxxxix). Its original application to land may therefore have had nothing to do with horses. It may have signified a "six-er holding" in some sense—e.g. a 6 Cowland group. In short, "Fintan" is not conclusive on the main question.

Sullivan's own theory is worthy of attention. Accepting the position that there were 12 ploughlands in the Bailebiataigh, and 24 Ballyboes in the Bailebiataigh, by identifying the Ballyboe with the holding of the Og-Aire he equates the ploughland with the Bo-Aire Febsa's holding of 14 Tir-cumails. But while the ploughland may have been 14 Tir-cumails, Sullivan's argument cannot be regarded as sound if (as I contend) he is mistaken about the meaning of "Ballyboe".

The whole question is admittedly perplexing; but some of the perplexities arise from our asking wrong questions. The general question, "What was the ploughland in Ireland?" admits of no single answer. But if we ask, "What was the ploughland in the predominantly pastoral age represented by *Crith Gablach*?" then I think that we can find in *Crith Gablach* itself the answer within broad limits.

We are told (see page 193) that the Bruighfer (with 9 Cowlands, i.e. $\frac{3}{8}$ of a Bailebiataigh) must possess a "perfect ploughing apparatus" In some cases, then, the ploughland would be $\frac{3}{8}$ of the Bailebiataigh.

It could, however, be either smaller or larger. It could be smaller, because we find in *Crith Gablach* an important distinction between (a) the minimum property which the Bo-Aire of a given grade must *himself* possess to qualify for his rank, and (b) the *total* property required for the effective use of his holding. This distinction is brought out with regard to stocking. One of the essential items in the Og-Aire's property is 7 cows. This has apparently nothing to do with his grazing rights on the common; and quite obviously it is not the grazing capacity of his holding (21, not 7, soums). The context indicates that he himself must own 7 cows to qualify for his rank. But this leaves two-thirds of his holding which could, theoretically, be let or sub-let to tenants. Similarly, the Bo-Aire Febsa, with

42 soums, must himself own a minimum of 12 cows, leaving 30 soums which could be let to tenants (O'Curry, notes 34, 35, 36).

Now we know that all the Bo-Aires did in fact have tenants who were themselves freemen (O'Curry, p. cvii), for the rent of the Og-Aire's tenant is laid down by law (O'Curry, p. cxli). Being freemen, the tenants must have contributed to the stocking of the land rented from the Bo-Aire.

If this applied to stocking, it applied, presumably, also to the provision of instruments of agriculture. Hence the importance of the distinction between (a) qualifying property of the Bo-Aire, and (b) the stock and implements needed for effective use of his land.

Now, to determine the *minimum* holding which could constitute a complete ploughland, we must assume that the Bo-Aire did *not* himself provide the full agricultural equipment appropriate to his holding, some of it being supplied by his tenant or tenants. On this assumption, can we suppose that the Og-Aire's 3 Cowland holding might have been a full ploughland? It seems unlikely. He must retain at least 1 Cowland for his exclusive use; and it seems unlikely that the tenants on the two remaining Cowlands would provide three-fourths of the ploughing apparatus. But they might well provide one-fourth in addition to his own. That is to say, 3 Cowlands might well be half a ploughland. And when we consider the 6 Cowlands of the Bo-Aire Febsa, it is perfectly conceivable that the tenants on 4 of his Cowlands could provide half a ploughing apparatus in addition to his own half. The minimum ploughland would therefore be the 6 Cowland holding.

To determine the *maximum* size of the ploughland, we must assume that the Bo-Aire *did* provide the full plough equipment appropriate to his holding. In this case there could be as many as 12 Cowlands in the ploughland.

In brief, during the period to which *Crith Gablach* refers, the ploughland could hardly have been less than 6 Cowlands or more than 12; and in some cases it would be 9. That is to say, there would be not more than 4, and not less than 2, in the Bailebiataigh of 24 Cowlands.

We have now completed the discussion of the ancient Irish system in so far as it is relevant to our Islay problems; and it may be useful to set out our main results in tabular form:

THE BAILEBIATAIGH

"16 System"		"24 System"	
	Tates	Cowlands	
4th Quarter	13-16	19-24	4th Quarter
3rd Quarter	9-12	13-18	3rd Quarter
2nd Quarter	7-8	10-12	2nd Quarter
		Max. ploughland	
	6	9 Bruighfer ploughland	
		8	
	5	7	
1st Quarter	4	6 Bo-Aire Febsa Min. ploughland	1st Quarter
		5	
	3	4	
Juror's qualification	2	3 Og-Aire Full pol. status	
		2 Fintan's Seisreach	
Tate or Cartron	1	1 Ballyboe or Gnieve	

REFERENCES

- ARGYLL CHARTER CHEST. Herein is preserved the 1499 charter to McIan.
- BOOK OF ISLAY. *Book of Islay*, pp. 24-5.
- Pp. 16-18. 1408 Gaelic charter.
- Pp. 139-43. Lands of McBeth.
- Ep. 31-33. 1506 charter to McIan.
- Pp. 28 ff. 1499 charter to McIan.
- Pp. 24-26. 1494 charter to McIan.
- Pp. 490-559. Local Islay Rentals. Accompanying map of approximately $\frac{1}{2}$ inch to the mile, with most principal place-names, drawn in 1749, and showing boundaries of chief holdings.
- Pp. 523, 545 under "Solum" and pp. 526, 547 under "Stremnishbeg".
- Eighths at 16/8d appearing as Marklands.
- Index under "Glenastle", "Nether", "Kilnaughton", "Cornabus", "Proyag". Eighths at 16/8d as Poundlands.
- Map. The map in the *Book of Islay* makes it clear that, in the case

of the Oa, any changes in relative areas of lands would be revealed by altered Extents of adjacent lands.

Index under "Stremnishbeg", "Kilnaughton", "Cornabus", "Skeag", "Gyline", "Sorn", "Glenastle", "Solum", "Proyag", Cow-, Mark- and Pound-lands.

CAMERON, J., *Celtic Law*, pp. 212-19, 242-5. 1408 Gaelic charter. Cameron, with local assistance, has tried to identify all the Charter-lands—in my opinion quite successfully. And if the reader compares the lands thus identified with the map (between pp. 552 and 553 in the *Book of Islay*) and adds together the official Extents, he will find the total higher than $11\frac{1}{2}M$ —the total Extent given in the charter itself. The present writer has dealt with this and related problems of the charter in a MS. deposited with the School of Scottish Studies, University of Edinburgh.

EXCHEQUER ROLLS, *Exchequer Rolls*, xii, 587-90. 1507 Crown Rental of Islay.

Exchequer Rolls, xvii, 633-41. 1541 Crown Rental of Islay.

Exchequer Rolls. 1541 Crown Rental of Islay. The *Merkland* rent is given in the 1577-1595 *Description* as $3\frac{1}{2}$ marts, 14 wedders, 2 geese, 56 poultry, 5 bolls, 5 pecks malt, 6 bolls meal, 20 stones cheese, 2 merks silver, along with the maintenance of a gentleman of a lord's household in food and clothing. The $2\frac{1}{2}M$ *Town* pays yearly: 4 cows with calf, 4 ewes with lamb, 4 geese, 9 hens, 10/- silver. This is clearly a modified version of the Crown rent as stated in 1541: 4 marts, 4 muttuns, 30 stones cheese, 30 stones meal, 4 geese, 4 hens, 10/- silver.

Exchequer Rolls, xii, 709. Lands in 1506.

Sum of parts different from whole. The Oa, excluding Stremnishmore and Kilnaughton, is 20M according to the 1507 Rental. In breaking down this 20M, the 1541 Rental gives only £12:18:4d—which is $\frac{8}{4}d$ short of the 20M. It has, however, omitted Wigasgog which was $\frac{8}{4}d$ official Extent according to later documents (probably $\frac{6}{8}d$ true "Old Extent"); so, if we add this $\frac{8}{4}d$, we get the exact 20M. But if we make *this* correction, we must correct other entries. Cornabus and Lower Glenastle are each shown as 10/- (which was indeed their true "Old Extent"), but the official extent of each, as shown in later documents, is $\frac{8}{4}d$; and if we make these corrections, we are still short of $\frac{1}{4}M$. Further, the official system never decided what to do about the "Markland" of Upper Glenastle. The obvious thing would have been to raise it (as happened in other cases) to $\frac{16}{8}$ and thus make good the $\frac{3}{4}M$ lacking. But this was never done.

Examples of Quarters got by combining separate lands are:

(a) Dulloch (Dowaach) and Ochtownwruck, 1 qr (in the 1494 charter); but by 1507 Dowaach has become connected with Kilcalumkill to make a £2:1:4d land. This is adjusted to £1:13:4d in 1509 (*Exchequer Rolls*, xii, 219 f.), and henceforth the joint lands appear as in the 1541 Rental, as "Dowaach $2\frac{1}{2}M$ ".

(b) In McLan's 1494 charter Scanlastol is simply shown as 1 Qr plus 1 Eighth. In his 1507 Rental he gives, " $\frac{33}{4}d$ of Scanlastol; $\frac{33}{4}d$ of Bolsa and part of Scanlastol". Bolsa is, in fact, in a different part of Islay! Then in 1542 there is a charter to Maclean of Dowart which includes, "1 Quarter of Scanlastol; 1 Quarter of Scanlastol and Killelegan (which was very near Scanlastol)"; but there is still a bit left over as " $\frac{6}{8}d$ of Scanlastol".

Scanlastol also provides an excellent example of a "Quarter" got by artificial division.

LAMONT, W. D., *Old Land Denominations and "Old Extent" in Islay*. Part II, Pennyland.

"*Groatland and the Da-sgillin*". The *Cota ban* ("white coat") was apparently the name applied to the silver groat or fourpenny-piece. It was the equivalent of the 4/- land (*false Extent*) of the Rentals; but the shillings were Scots, and had now come to be described at their Sterling value, 4d.

"*Da-sgillin* (literally "two shillings"), half of the *Cota ban*, and often called a "Twopenny-land", expressing the Scots value in Sterling. The "Pennylands" of Islay, it need scarcely be added, have no connection with those which derive from the Norse occupation. They have not, so far as I know, influenced the place-names; and the name was not used, apparently, before the mid-eighteenth century. Certainly "shilling" was the term employed in the 1686 Rental."

If the Norse "skat" was ever imposed on the island it has left no trace. Possibly Islay was too far south to be brought effectively within the system.

Part II. Cow values.

". . . Some Scottish cow values are given in *Regiam Majestatem* which Lord Cooper regards as having been compiled about the reign of Alexander II, though incorporating both earlier and later material in the form in which the treatise has come down to us. In one passage the cow is valued at 6/-; in others at "3 ores" (3 ounces), which will mean 4/-, 4/6d, or 5/-, according as we take the "ore" to be the Old Danish ounce, the *old* Norse and Irish ounce, or the Anglo-Norman and *new* Norse ounce. In still another passage the cow is apparently put at 4/2. We do not know at what period these values were fixed. In any case they are all higher than our Islay one, whether they be earlier or later. We do, however, know that in 1329-30 the cow or mart was valued at 8/- to 10/- . . ."

MACDONALD, C. M., *History of Argyll*, pp. 183-4, 324. 1408 Gaelic charter.

MACDONALD, J., 1811, *Agriculture of the Hebrides*, pp. 624-5. Land denominations used in the Hebrides.

MCKERRAL, A., *Ancient Denominations of Land in Scotland*. *Proceedings of the Society of Antiquaries of Scotland*, 1943-4.

The Tacksman and his Holding. *Scottish Historical Review*, April 1947.

Lesser Land and Administrative Divisions in Celtic Scotland. *Proceedings of the Society of Antiquaries of Scotland*, 1950-51.

MACNEILL, E., *Celtic Ireland*. Chapter 7. Celtic Land System. *Uraieccecht Becc*.

Chapter vii, pp. 103-4. Property Qualifications of Aire Desa.

Chapter vii, pp. 100, 105. Status of Briugu.

MACNEILL, J. G., *New Guide to Islay*, p. 49. Nineteenth-century meaning of Seisreach in Ireland and Islay.

O'CURRY, E., *Manners and Customs of the Ancient Irish*. For Celtic land system see especially the Introductory Volume by W. K. Sullivan, pp. lxxvii-xcix.

P. lxxxix. Monaghan and Fermanagh.

P. xci. Munster.

P. xcvi. Authenticity of Poem.

Vol. III, p. 465. *Crith Gablach*.

Pp. clxxxv-vi. Tenure.

Vol. III, pp. 479-82. The Og-Aire. There is a curious confusion here in the statement of the Og-Aire's holding which at one point is said to be "3 times 7 cumals"; but the whole context and note on p. 479 imply that the correct statement is "7 cumals".

Vol. III, pp. 484-5. Bo-Aire Febsa.

Vol. III, pp. 485-9 and Vol. I, pp. clxi-ii. Bruighfer.

P. clxxxii. Note 328. Sullivan is very obscure on the point and on the meaning of Tir-cumail. He correctly states the relative values—a Cumal equals 3 cows; but then he shifts from the notion of the "cow" to that of the "cowland" as equal to "7 cows' grazing", and regards the Tir-cumail as equal to 3 Cowlands—21 cows' grazing. This may be one of the reasons for his difficulties over the meaning of "Ballyboe". Meaning of "Ballyboe". Sullivan is an authority not to be lightly ignored. It is therefore proper to explain why I am unable to accept his view on the present point. It is true that the derivation of "boe" from the Norse word for "homestead" is credible. There is "by", "bols" and "bus" in Islay; and the combination "Bally-boc" ("homestead-homestead") finds a parallel in the "Glen-dale" or "Eas-fors" in the Hebrides. But the derivation from "cow" is equally credible. Using "baile" in its Old Irish general sense as "place" or "location" would give the combination "cow-location" or "cow-land". Linguistic considerations, then, are not conclusive either way.

As to other arguments, Sullivan does indeed say that in Munster there were 2 Ballyboes to the Seisreach; but it is not clear whether he is referring to accepted local usage or merely drawing the natural inference from the facts that Fintan says 12 Seisreachs to the Bailebiataigh and Munster had 24 Ballyboes. The puzzle here is increased by Sullivan's statement that the Ballyboe "was divided generally into 3 Sessighs, and the Sessigh into 2 Gneeves" (p. xcv, Note). This makes the Gneeve $1/144$ of the Bailebiataigh, while we have already seen (text, p. 199 above) that the Gnieve was said to be $1/24$ of the Bailebiataigh—the equivalent of the Ballyboe itself. Indeed, while Sullivan mentions a most interesting number of minor denominations, they are given so unsystematically, without adequate indications of place and time of usage, that it is impossible to form any clear conception of a Bailebiataigh structure on the information he gives.

I think his theory of the Ballyboe arises mainly from the fact that, while rightly recognising the fundamental importance of the Og-Aire's holding in the social economy, and that its place in the Bailebiataigh was defined in terms of "Tir-cumails", he could never make up his mind about the meaning of "Tir-Cumail".

He begins by taking for granted three things which are, I think, universally accepted: (i) that the Cumal value is 3 cows, (ii) that for 7 cows' grazing 1 cow was paid in tax or rent, and (iii) that 21 cows' grazing was the holding of the Og-Aire. Working on these assumptions, his original conclusion (p. clxxxii) was that the Og-Aire's holding must be "1 Tir-Cumail", 1 Cumal-land, the reasoning apparently being: 1 cow for 7 soums; therefore 1 Cumal (3 cows) for 21 soums.

That is to say, "Tir-Cumail" was regarded as a denomination derived from Extent or rent of 21 soums; and, in so reasoning, he was clearly regarding "Cow-land" as also derived from Extent.

But subsequently he abandoned this view (see pp. ccxc f.), finding incontrovertible evidence that the 21 soums must be *more* than 1 Tir-Cumail; and indeed this should have been patent from the beginning, since *Crith Gablach* says "land of 7 Cumals".

What, then, is the necessary implication? It is this: if (as Sullivan initially assumed) "Cowland", derived from Extent, means a 7 soum land; and if (as he agrees) Cumal equals 3 cows; and if (as is a fact) the Og-Aire's 21 soums are called 7 Cumal lands; then the Tir-Cumail is a term of *souming*, not of Extent, and "7 Tir-Cumails" (souming) equals "3 Cow-lands" (Extent).

That being the necessary inference, the only remaining question is whether the Cowland in this sense was the same as the Ballyboe. The question is not whether at some time and place the Ballyboe meant something different. It is whether the Ballyboe, when 1/24 of the Bailebiataigh, was the Cowland. I think the answer must be a definite affirmative when we take the evidence of *Uraiccecht Becc* (that the Briugu, Hospitaller or Bruighfer administered 56 Cumals of land = 168 soums = 24 Cowlands) along with the results of our comparison of the "24" and "16" systems of division of the Bailebiataigh (see Table, p. 199.) The Ballyboe must have meant the Cowland, not the "Homestead-homestead" of the Og-Aire.

Pp. dcxxxix. General meaning of Seisreach.

Reference notes 34, 35, 36. Property qualifications.

P. cvii. Tenants as freemen.

P. cxli. Tenants' rents.

RAMSAY, Mrs. L. *Stent Book of Islay*, pp. 130, 154. Number of Quarterlands.

REGISTRUM MAGNI SIGILLI.

Reg. Mag. Sig. 1424-1513, p. 468. See charter to McIan.

P. 639. 1506 charter to McIan.

P. 468. 1494 charter to McIan.

SEEBOHM, F., *English Village Community*, pp. 214-25. Monaghan and Fermanagh.

English Village Community, pp. 221-2. *Customary Acres*, pp. 45-6. Authenticity of Poem.

Tribal Custom in Anglo-Saxon Law, pp. 97-100. Cumal and cow as currency.

P. 84. Apparently this is the true meaning of "Cowland".

English Village Community, pp. 216-19. Juror's qualification.

P. 218. Note 2. Area of T'atc.

Customary Acres, p. 45 note. Nineteenth-century meaning of Seisreach in Ireland and Islay.

SKENE, W. F., *Celtic Scotland*, iii, 153-70, 223-7. Celtic land system.

Vol III. Appendix 3. The anonymous *Description of the Isles* is printed here. For Islay, see pp. 437-8.

Pp. 158-9. Connaught divisions.

Pp. 153-6. "Fintan".

THOMSON, *Memorial on Old Extent*, x, 310-21. Stair Society, J. D. Mackie's edition. "Old Extent".