

# *The Removal of Runrig in Roxburghshire and Berwickshire 1680-1766*

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Despite a growing interest in the changes which took place in Scottish agriculture during the eighteenth century, studies of the removal of runrig remain scarce. Indeed, although M. Gray has published a study of the abolition of runrig in the Highlands,<sup>1</sup> no comparable study is available for any major lowland area.<sup>2</sup> The purpose of this paper will be to help reduce this deficiency by examining the removal of runrig in Roxburghshire and Berwickshire, an area which, along with the Lothians, is often regarded as one which pioneered change during the eighteenth century.

However, before taking up the problem of its removal, an important general point must first be made about runrig in Roxburghshire and Berwickshire. Briefly, runrig in this area appears to have consisted of two distinguishable types. By far the most important and most widespread was that involving the intermixture of land belonging to different tenants. This type, which is here called tenant runrig, was of course the type which commonly existed in other parts of Scotland. In addition, there also existed in Roxburghshire and Berwickshire examples of runrig involving the intermixture of land belonging to different heritors, that is landholders who held their land on an hereditary basis. For the sake of convenience, this type has been called proprietary runrig though it should be noted that some examples consisted of land belonging to different feuars as well as proprietors, feuars being in a strict sense tenants who held their land on a 999 year lease in return for a fixed rent.<sup>3</sup> A more detailed statement of the nature and character of both these types can be found elsewhere (Dodgshon, forthcoming). For the present argument, suffice it to say that their distinction is a necessary one because of the contrasting method by which each was removed. For this reason, it is proposed to discuss their removal separately beginning first with tenant runrig.

Although representing the most widespread form of runrig in Roxburghshire and Berwickshire, manuscript evidence for tenant runrig tends to be scarce. As in other parts of Scotland, much of this scarcity can be accounted for by the fact that, prior to the general spread of leases in the mid-eighteenth century, the majority of Scottish tenants had no legally established position on the land. In consequence, both the nature of their tenure and their actual holding tended to receive or to generate a minimum of documentation. However, as regards the availability of evidence for the removal of runrig, a more important factor was that, except for the weakly developed kindly

tenant system,<sup>4</sup> and, in a sense, the feuing system, the Scots tenant never acquired the right to the hereditary tenure of a farm similar to that enjoyed by some of his English counterparts under the copyhold system. His removal at the end of his lease or at any other time if he was only a tenant-at-will—and therefore the removal of runrig—was entirely at the discretion of the landowner or his factor and involved no legal process. Although this provides an adequate explanation for the absence of legal division proceedings, to some extent it still leaves part of the basic problem unanswered for it fails to explain away the lack of evidence for alternative forms of runrig removal in Lowland areas like Roxburghshire and Berwickshire. This is really a vital point because whilst it is generally accepted that the removal of runrig did not involve legal division proceedings, nevertheless, the idea that it was removed by some form of division or estate re-organisation seems firmly embedded in modern thinking.<sup>5</sup> The problem still remains therefore of why evidence is lacking for even this type of change since, though a purely internal estate affair, it would surely be surprising if so fundamental an alteration in the pattern of landholding failed to find some mention in contemporary estate material.

In answer to this problem, it is suggested here that part of the reason for the dearth of evidence relating to the removal of runrig lies in the method by which it took place. The evidence for Roxburghshire and Berwickshire, in fact, suggest that the bulk of runrig was removed by a reduction in the number of tenants per farm rather than by a division of each tenant's share into a separate and distinct holding. As a result, the entire process, with only a few exceptions, tended to form a part of the normal procedure for the re-letting or re-leasing of farms. The evidence for this conclusion can be summarised as follows. First, taking a negative view, the only evidence for the removal of runrig by division consists of references to the division of runrig on the Gavin (O.S.A. xv: 579) and Foulden (O.S.A. xi: 116) Estates, both in Berwickshire, together with the comment by R. Kerr that during 'the period of general division and inclosure of Berwickshire, already mentioned to have taken place between 1750 and 1760, a complete revolution was effected in the distribution of farming land and farming population' (Kerr 1809:189–90). As well as having no support in the other General Views on the region, Kerr's reference to division finds little support in contemporary estate material. Certainly, there is ample evidence for enclosure and changes in farm layout at this point, but little to suggest that it was connected with the removal of runrig. In fact, quite apart from providing evidence for the division of runrig, contemporary estate material contains evidence which can be interpreted as evidence against the existence of divisions. Briefly, because of the system of letting, with each tenant holding a share or proportion of a particular farm, it is likely that, had a division of each tenant's share taken place, it would have resulted in the creation of a large number of new or separate farm units, a development which would surely have been evident from available rentals. However, rentals for the area show no major change in the number of farms during this period.<sup>6</sup>

In contrast to this lack of evidence for the division of runrig, a substantial body of evidence can be put forward in support of its removal by a reduction in the number of tenants per farm. The most readily available source of evidence for tenant numbers is that of rentals. In view of the absence of any extensive or developed system of subletting in Roxburghshire and Berwickshire,<sup>7</sup> rentals for this area can be accepted as providing a fairly reliable indication of tenant numbers. As Table I shows (p. 124), those examined have provided a sufficient number of examples of tenant reduction to suggest that it was an important method of runrig removal.

Further support for this interpretation of runrig removal is provided by other types of evidence. Leases, for example, frequently contain explicit evidence of tenant reduction through their habit of stating the previous tenants of the farm. This is shown by a lease of 1740 which set to an Alex. Hog the 'east part of nether Roxburgh presently possessed by the said Alexr. Hog James & Rich. Hewits James Lees and Jas. Hewit younger' (RP Registered Tack Mr Charles Binning To Alex. Hog 1740). A more gradual reduction in tenant numbers can be seen taking place through the leases available for the farm of Nether Ancrum in northern Roxburghshire. After being set in 1741 to John Rutherford, George Tinline, Robert Storrie, Andrew Rutherford, James Buckham and James Bell, each a sixth part, the farm was re-set in 1744 to only four tenants. In 1754, their numbers fell still further when the farm was leased to only two tenants, Robert Stenhouse and James Thomson, the final changeover to single tenancy being completed in the 1760s.<sup>8</sup>

A further illustration of a gradual reduction in tenant numbers is provided by the experience of Linhope, one of the many farms in upper Teviotdale belonging to the Buccleuch Estate. A note contained in a day-book relating to the farm gives details of how one of its tenants, a Walter Grieve, gradually acquired control of the entire farm over the period from 1729 to 1753. Briefly, Grieve began farming in 1729 when, at the age of nineteen, he acquired a sixth share of Linhope. In 1737, he took over a further sixth from Thomas Shiel followed, in 1738, by another sixth from John Curle. The final and, as regards the removal of runrig, the most important step took place in 1753 when Grieve acquired the remaining half share of the farm from John Eliot of Borthwickbrae (GP Grieve Day Books).

An interesting, if unusual, example of tenant reduction is provided by a document concerning the farm of Newtoun of Cavertoun in the extreme north of Roxburghshire. The document, dated 1753, consists of a signed statement by three of the farm's tenants declaring that whereas the 'Commissioner to His Grace Robert Duke of Roxburgh, Did upon the ninth day of May last, Grant unto us, and James Herd tenant of Cavertoun, a Tack of His Graces Ten Lands of Cessfourd and a Sixth part of the Newtoun of Cavertoun, and of other land therein particularly mentioned, And also did of the same date, Grant unto me the said James Herd, a Tack of the Mains of Cavertoun and another Sixth part of the said Newtoun of Cavertoun, . . . for the space of twenty years, . . . And whereas it has been Judged convenient for all concerned,

TABLE I  
*Examples of Tenant Reduction*

								Source
	1710	1714	1718	1722	1766	1792		
1 Grimsław	8	8	7	6	5	1		BP
	1710	1714	1718	1722	1766	1792		
2 Eckford	9	7	8	8	3	1		BP
	1710	1714	1718	1722	1766	1792		
3 Mosstower	3	2	2	1	1	1		BP
	1710	1714	1718	1722	1766	1792		
4 Langton	3	3	3	3	1	1		BP
	1708	1716	1766					
5 Stitchellhill	2	2	1					BP
	1708	1716	1766					
6 Sundhope	3	3	1					BP
	1708	1720	1766					
7 Whelmes	5	4	1					BP
	1708	1720	1766					
8 Westerweens	2	3	1					BP
	1708	1720	1766					
9 Sladehill	2	1	1					BP
	1705	1725	1740	1750	1755	1765		
10 Clintmains	2	1	3	2	2	1		PP
	1725	1740	1750	1755	1765			
11 Boghall	1	2	1	2	1			PP
	1705	1725	1740	1750	1755	1765		
12 Boutchercoat	2	1	1	1	1	1		PP
	1700	1701	1710	1744				
13 Hopton	4	3	3	1				RP
	1700	1710	1731	1741	1743	1757	1758	
14 Windywalls	4	4	3	3	2	2	1	RP
	1695	1700	1746	1752	1768			
15 Sprouston Mains	4	4	4	4	1			RP
	1693	1726	1751	1757				
16 Cliftonburngrange	2	1	1	1				RP
	pre-1747	post-1747						
17 Kelsocleugh	2	1						RP
	1689	1699	1707	1743	1746	1749		
18 Falabank	2	2	2	2	1	1		HDP
	1689	1699	1707	1740	1749			
19 Tounhead	3	3	2	2	1			HDP
	1689	1699	1707	1743	1746			
20 Redheugh	2	1	1	1	1			HDP

not to Divide the said farm of Newtoun of Cavertoun into different possessions, But to sett the same all into one hand, And that we for that purpose are most ready and willing to Grant Renunciation . . . ' (RP Renunciation William & Andr. Gibsons & James Heard of the Newtoun of Cavertoun Aug. 1755). The farm was, in fact, eventually leased to a Ninian Jeffrey, the lease making the point that the farm was 'presently possessed by William & Andrew Gibson John & William Kerr John Arras James Herd & George Fairbairn . . . ' (RP Regr. Tack the Duke of Roxburgh's Commissioner to Ninian Jeffrey 1756).

Once the problem is construed in terms of tenant reduction, with its associated increase in farm size per tenant, then a great deal more evidence is also forthcoming from published sources. The Old Statistical Account, in particular, so silent on the question of division, provides numerous references when the problem is seen as one of tenant reduction. For example, the writer for the Parish of Jedburgh reported that 'there were instances in this, and in neighbouring parishes of individuals renting and farming lands formerly possessed by six, eight or even ten tenants' (O.S.A. I: 8) whilst, with reference to the nearby Parish of Hownam, it was said that 50–100 years ago (or *circa* 1700–1750), the land was parcelled out into four times the number of farms and that 'as late as the year 1750, five tenants, with large families occupied a farm now rented by one tenant' (O.S.A. I: 51–2). A similar point was made by the reporter for the Parish of Fogo in his comment that 'there are instances in this, and neighbouring parishes, of one person possessing three, four, or six, very considerable farms, every one of which was formerly considered as sufficiently large for one person to occupy' (O.S.A. XX: 274), whilst, with regard to the Parish of Earlston, it was simply said that 'farms are much larger than formerly. What used to serve 12 or 13 farmers is now occupied by 4 . . . ' (O.S.A. IV: 250). Expressing the change in equally direct terms, the reports for the Parishes of Makerston (O.S.A. III: 263), Oxnam (O.S.A. XI: 321), Linton (O.S.A. III: 121), and Cranshaws (O.S.A. V: 436) each stated that the number of tenants or farmers had fallen from 24 to 9, 22 to 3, 27 to 2 and 16 to 3 respectively since before 1750. Other reports such as those for the Parishes of Cockburnspath,<sup>9</sup> Sprouston,<sup>10</sup> Maxton,<sup>11</sup> Nenthorn,<sup>12</sup> Roxburgh,<sup>13</sup> Oldhamstocks,<sup>14</sup> Bunckle and Preston,<sup>15</sup> Smailholm<sup>16</sup> and Southdean<sup>17</sup> add further support to this pattern of tenant reduction and increasing farm size, one or two also linking it to rural depopulation.

Whilst lacking the detailed field evidence which might have been associated with division proceedings, the removal of tenant runrig largely by tenant reduction does at least mean that a rough assessment of its overall pattern of removal can be made by using evidence derived from rentals. These are available for a number of estates scattered throughout the region though, surprisingly for such a basic estate record, only in a limited number of cases was it possible to locate a sequence of rentals covering even a part of the period from the late seventeenth to the mid-eighteenth century. Altogether, those examined provided a list of tenant numbers at some point during this period for over 250 farms, a summary of which can be seen in Table II (p. 126). Although

further work needs to be done on establishing more long run sequences of tenant numbers before any firm conclusions can be reached on the exact phasing of tenant reduction, nevertheless, the evidence summarised in Table II enables two very broad conclusions to be put forward. The most important is that many farms were already in the hands of single tenants by the opening decades of the eighteenth century. In fact, out of all those for which pre-1730 evidence is available, only 48 per cent had multiple tenants at some point. Even if one includes those farms for which the evidence

TABLE II  
*Summary of Tenant Numbers 1680-1766*

<i>Estates</i>	<i>Farms with evidence available 1680-1730</i>	<i>Farms with evidence for multiple tenants 1680-1730</i>	<i>Farms with evidence available 1730-1766</i>	<i>Farms with evidence for multiple tenants 1730-1766</i>
Buccleugh	121	54	98	21
Roxburgh	31	21	26	13
Scott of Harden	19	5	27	7
Hall of Donglass	14	7	35	9
Minto	3	0	4	0
Biel	4	4	6	3
Misc.	6	5	10	3
Total	198	96	206	56
% of Total	100	48	100	27

Source: BP GD 224 Rentals Nos. 276, 277/1, 279 and 281/31 (N.B. The only Buccleugh rental found for the period 1730-66 was that for 1766. The use of this rental on its own probably gives an underestimate of the number of multiple tenant farms during the overall period 1730-66); RP Miscellaneous rentals, leases and accts. 1681-1760; PP Rentals 1705-6, 1725-6, 1739-40 and 1765-6; HDP: S.R.O., GD 206 Portfolio 5 Rentals 1658-98, 1699-1706 and 1717-60; and Reading University Library, 1/2 Nos. 23 and 36; MP Box 17 No. 112; BLP GD 6 No. 1704 Rentals 1696-1702 and 1738-40.

is ambiguous or unclear,<sup>18</sup> the total number increases to only 52 per cent. Somewhat surprisingly, a high proportion of farms with single tenants before 1730 consisted of upland farms such as those in upper Teviotdale and Ettrick belonging to the Buccleuch Estate. The second broad conclusion which can be put forward, though one which is not entirely conveyed by the summary of evidence contained in Table II, is that differences existed both between and within estates. For example, except for a small group of farms which seemed to swing back and forth between multiple and single tenancy right up to the 1760s, the majority of farms on the Scott of Harden Estate in southern Berwickshire were in the hands of single tenants by the opening decade of the eighteenth century (PP Rentals 1705-6, 1725-6, 1750-1, 1755-6). In contrast, a relatively high proportion of farms on the Roxburgh Estate in northern and central



Roxburghshire still carried multiple tenants as late as the 1750s when their numbers were reduced as old leases fell in (RP Rentals 1680-1, 1700-1, and miscellaneous leases 1740-70). A similar persistence of multiple tenancy was evident on the lowland arable farms of the Buccleuch Estate. Those in the Parish of Eckford, for instance, still had multiple tenants in the 1760s. However, as mentioned earlier, many of the upland farms on the Buccleuch Estate appeared in the hands of single tenants by the time of the 1708 rental for the estate.<sup>19</sup>

In trying to understand why there should be such differences within as well as between estates, it has to be realised that the removal of runrig by tenant reduction invariably meant an increase in farm size per tenant. In fact, in many instances, farm size per tenant must have doubled, trebled, or even quadrupled overnight as tenant numbers were reduced. Clearly, these increases were substantial and must have had some effect on the rate at which tenant reduction took place, advancing or retarding it depending on the particular circumstances of each farm.<sup>20</sup> If this was the case, then the pattern of tenant reduction, with its inconsistencies and even reversals, might best be seen as reflecting not only the differences between estates in their policy towards runrig, but also the increase in farm size which followed tenant reduction.

Turning to the removal of proprietary runrig, the position differs considerably. This is because, whilst the bulk of tenant runrig was probably removed by a reduction in the number of tenants per farm, proprietary runrig farms or touns were removed by a division of each heritor's share into a separate and distinct holding.<sup>21</sup> These divisions were mostly carried out under the authority of the 1695 Act anent Lands Lying Runrig and took the form of division proceedings in the local Sheriff or Regality Court. Although gaps exist in the record, the availability of division proceedings obviously enables the entire process of proprietary runrig removal to be examined in some depth. Altogether, two broad aspects of the problem will be considered: first, the general nature and operation of the 1695 Act as shown by the evidence for Roxburghshire and Berwickshire and, secondly, the pattern of proprietary runrig removal in the area.

With regard to its nature and operation, the first point that needs to be made about the 1695 Act is that it was directed solely at those examples of runrig which involved the intermixture of land belonging to different heritors, or what is here called proprietary runrig. In its own words:

Taking into their Consideration the great Disadvantage arising to the whole Subjects from Lands lying runrig and that the same is highly prejudicial to the Policy and Improvement of the Nation, by planting and inclosing, conform to the several Lawes and acts of Parliament of befor made theranent For Remeid wherof His Majesty with the Advice and Consent of the said Estates Statutes and Ordains that wherever Lands of different Heretors ly runrig, it shall be leisum to either party to apply to the Shirriffs, Stewarts, and Lords of Regality or Justices of the Peace of the Several Shires where the Lands ly; to the effect that these Lands may be divided according to their respective interests, (A.P.S. ix: 421).

Thus the Act makes the general point that all runrig is disadvantageous but confines itself as a piece of legislation to land lying runrig between different heritors.<sup>22</sup> If anything, the misunderstanding which has tended to surround its meaning in the past has probably stemmed more from the lack of known examples of proprietary runrig than from any ambiguity in its phrasing.

As a piece of legislation, the purpose of the Act was straightforward. It allowed, for the first time, a division of runrig to be brought about by one or more of the heritors involved. Previously, a division had been possible but only with the consent of all the heritors concerned. That such a division could and did take place before 1695 is evidenced by the divisions of Gunsgreen<sup>23</sup> and the lands of Falla/Swynside,<sup>24</sup> which were divided in 1693 and 1694 respectively. Perhaps even more revealing of the precise nature of the 1695 Act, however, is the fact that, in the case of most divisions, the heritors were grouped into those defending against the division and those pressing for it under the authority of the Act. The only exceptions were the divisions of Ashtrees (1738)<sup>25</sup> and Ulston (1760),<sup>26</sup> both of which appear to have been divided following the mutual agreement of the heritors involved and without formal reference to the 1695 Act.

It has been said that it was to Scotland's advantage that the 1695 Act represented a general act of division, in contrast to England where each division or enclosure required a separate act. To some extent, this is true but it can be misleading for, whilst admittedly a general act in that it set up the law and procedure for divisions, it did not remove the burden of division proceedings but merely delegated responsibility for them to the local Sheriff or Regality Court where the often prolonged litigation must have involved a great deal of time and money. A good illustration of the difficulties which could beset a division is provided by the experience of Coldingham.<sup>27</sup> Begun in 1755, the division of Coldingham proceeded smoothly at first with the new holdings being allotted and the date of entry set for Autumn, 1757. However, problems arose when it became evident that some 'Lands had been much run out, during the Dependence of the Division by Scourge crofts and other mismanagement', thus giving rise to doubts about the fairness of the division. Similar complaints continued to be made long after the division had actually taken place. For example, at one point, it was reported that two heritors had entered their holdings

which they had since greatly deteriorated by bad management Wedderburn in particular got a piece of grass land, Surrounded with a Strong Hedge, which had never been ploughed in the memory of man His first step was to make fire wood of the Hedge and next to plough out the ground which he Sowed with white Corn (mostly wheat & oats) for Seven years Successively without fallowing and without Manure, by Such Management his returns could not fail to be lessened, and hearing Sir John Hall was to get the Better of the Heritors in the case of Robertson, he too bethought himself of raising an outcry of poverty and oppression, and in Conjunction with Paterson brought an advocacy in the year one thousand Seven hundred and Sixty five, . . .



Drawn out by such problems, the division was not finally settled until 1772, 17 years after it had begun.

Apart from providing the authority and procedure by which one or more heritors could bring about a division, the only other positive directive of the 1695 Act was to make the point that it

is always hereby declared That the said Judges, in making the forsaid Division shall be, and are hereby restricted, so as special regaird may be had to the Mansion houses of the respective Heretors, and that their may be allowed and adjudged to them the respective parts of the Division, as shall be most Commodious to their respective Mansion houses and Policy and which shall be applicable to other adjacent Heretors (A.P.S. IX: 421).

Whether or not divisions could be equally fair to all heritors is perhaps open to question when, as in the case of Coldingham, as many as 37 heritors were involved. However, instances can be cited which suggest that some attempt was made to ensure an equitable layout of new holdings. For example, two of the proprietors of the runrig town of Eildon were, during its division in 1749, stated as also being

proprietors of parts of the lands of Newtoun and craved at the Division the 2 Husband Lands and  $\frac{1}{2}$  a husband land in Eildon belonging to them (whereof  $1\frac{1}{2}$  belong to Jn. Mills & 1 land to Cochrane) might be laid together undivided next the Newtoun march because they have their dwelling places in Newtoun & If the Division of the Lands of Newtoun take place they probably might gett their whole grounds in both Towns laid together (RSCP Decreet of Division of Newtoun of Eildon, 18th April 1749).

In response to their request, the remaining heritors raised no objections and the necessary adjustments were incorporated into the division.

An important negative aspect of the Act which deserves mention is that, unlike the English acts of enclosure, no provision was made for the boundary enclosure of new holdings. Because of this, and more so because in practice enclosure did not necessarily follow the removal or division of runrig, it is wrong to see the terms 'division' and 'enclosure' as complementary in Scotland. At best, the 1695 Act merely underlined runrig as a barrier to enclosure, or to quote its own words,

seeing the great Disadvantage arising to the whole subjects from lands lying runrig and that the same is highly prejudicial to the Policy and Improvement of the Nation, by planting and inclosing . . . (A.P.S. IX: 421).

Such words were taken up during a number of divisions. At Coldingham, for instance it was maintained that the division would be

for the Interest and advantage of all party's concerned, and Tend to the meliorating and Improving their severall property's That the lands belonging to the said severall party's should be Divided . . . , and Sett apart by them selves, That the Pursuer and the other heritors may have the benefit of planting, Incloseing and Improving the Same (HRP No. 2067 Decreet of Division of Runrig Lands of Coldingham, 1772).

Whilst, at Whitrig (1723), the intention to enclose and improve the land was considered so necessary for a division that the defenders argued that the division could not take place because the pursuer had no intention of enclosing or improving (BSCP Register of Decrees, 30th Oct. 1723).

One vital aspect of divisions on which the Act gave little guidance was the criteria by which new holdings were to be assessed. Briefly, the majority of proprietary runrig touns possessed a framework consisting of land denominational units such as husbandlands or merklands. The essential point about this framework is that it formed the basis of landholding in the toun with the property or holding of each heritor being expressed not in terms of its acreage but as so many husbandlands or merklands out of the total in the toun. From statements made during a number of divisions, it appears that each husbandland or merkland was originally regarded as being equal in extent and value.<sup>28</sup> However, although originally intended as equal in extent and value, it seems that subsequent differences in treatment and minor changes in the size of rigs may have destroyed this equality. The problem which arose during division proceedings was whether, in accordance with the intentions of the original charter grant upon which possession was founded, each husbandland or merkland should still be regarded as equal in extent and value in their division out of runrig or whether later acquired differences should be taken into account. The following extract from the division of Auchencraw (1713) helps set out the problem:

... and the defenders and ye predcessors haveing been in possession of the Lands purchased by them from the pursuer about the space of Threty or fforty yeares and haveing Improven the sd Lands and laboured and fuilized the same sufficiently That the samen Lands which the said ffair and Renton have purchased is much better in quantity and qualitie than the pursuers Lands which he would have divyded (BSCP Register of Decrees, 24<sup>th</sup> Feb. 1715).

A similar plea was put forward at Whitrig where it was argued that one rig of the defenders equalled seven of those belonging to the pursuer and that differences in quality should therefore be taken into account (BSCP Register of Decrees, 30<sup>th</sup> Oct. 1723).

The reply to such complaints about differences in quantity or quality, and the view which seems to have been upheld during most divisions, was that

its acknowledged that the differences in that respect cannot be considerable when lands ly runrige at least it ought not to be yrfor the equity of the law for divyding is apparent for if any proprietor at the tyme of divyding or sine syne by degrees have obtained a greater share than their Nighbours though their rights and securities be the same, by a new division the abuse is rectified. And therfor the act of parliament ordors divisions to be made without regard to that alledgience and conform thereto the Lands of Paxton and Horndeann now divyded according to the proprietors their sole rights and securities with out regard to the betterness in quantity or quality which was in those two cases cautiously pleded & Most Justly overruled by the Judge (BSCP Register of Decrees, 24<sup>th</sup> Feb. 1715).

To some extent, the rejection of any allowance for possible acquired differences in either quantity or quality between husbandlands or merklands did not ease the problems facing the courts. This is because if husbandlands or merklands were still held to be equal in both quantity and quality, then, as argued elsewhere,<sup>29</sup> it would be doubtful whether a division out of runrig would have been possible without considerable difficulty. To overcome this particular problem, many Judges seem to have compromised by concentrating solely on equal monetary value, thus effectively combining quantity and quality together. Briefly, the procedure followed during most divisions was for a survey to be made of all the land in the toun assessing both its quantity and quality and thereby establishing a total monetary value for the toun. Each heritor was then assigned a proportion of the total value of the toun according to his husbandland or merkland proportion. Thus, to give an example, each of the twenty husbandlands making up the Newtoun of Eildon was allotted, in its division of 1749, land equivalent to the value of £7 6s. 6d. (RSCP Decreet of Division of Newtoun of Eildon 18 Apr. 1749). Only in a small number of cases was full allowance given for

TABLE III

*Proprietary Runrig Divisions*

	<i>Date of Division</i>	<i>Source</i>		<i>Date of Division</i>	<i>Source</i>
Paxton	1706	HRP	Wairds of Melrose	1751	RSCP
Horndean	pre-1712	BSCP	Yetholm	1752	RSCP
Auchencraw	1713	BSCP	Lessuden	1752	RSCP
Westerhall	1714	BSCP	Southfield of Bowden	1752	RSCP
Outfield of Kelso	1719	RP	Eastfield of Bowden	1752	RSCP
Whitrig	1723	BSCP	Newstead	1752	RSCP
Smailholm	1730	PP	Bridgend	1752	RSCP
Gruel Dykes	1733	BSCP	Darnick	1752-3	RSCP
Earlston	1734	BSCP	Danielton	1756	RSCP
Bewlie	1735	RP	Whitsom Green	1759	BSCP
Nether Ancrum	1737	RP	West Reston	1760	BSCP
Ashtrees	1738	RSCP	Ulston	1760	RSCP
Nether Roxburgh	pre-1740	RP	Clifton	1760	RP
Chirnside	1740	O.S.A.	Ayton	c. 1760	Kerr 1809
Melrose (Annay, Rack)	1742	RSCP	Hutton	c. 1760	Kerr 1809
Morebattle	1748	BLP	Flemington	c. 1760	Kerr 1760
Eildon	1748-9	RSCP	East Grange	1761	RP
Newtoun of Eildon	1749	RSCP	Coldingham	1761	HRP
Gattonside	1750	RSCP	Eyemouth	1763	HRP
Hownam	1750	RP	Rewcastle	1770	RSCP
Birgham	1751	BSCP	Stockstruther	1780	RP
Kelso	1751	RP			

differences in quantity or quality or both and a detailed field survey compiled noting land ownership, quantity and quality.<sup>30</sup>

Because they involved legal proceedings, proprietary runrig divisions tended to be recorded in Sheriff Court records, estate papers and even published material. Altogether,

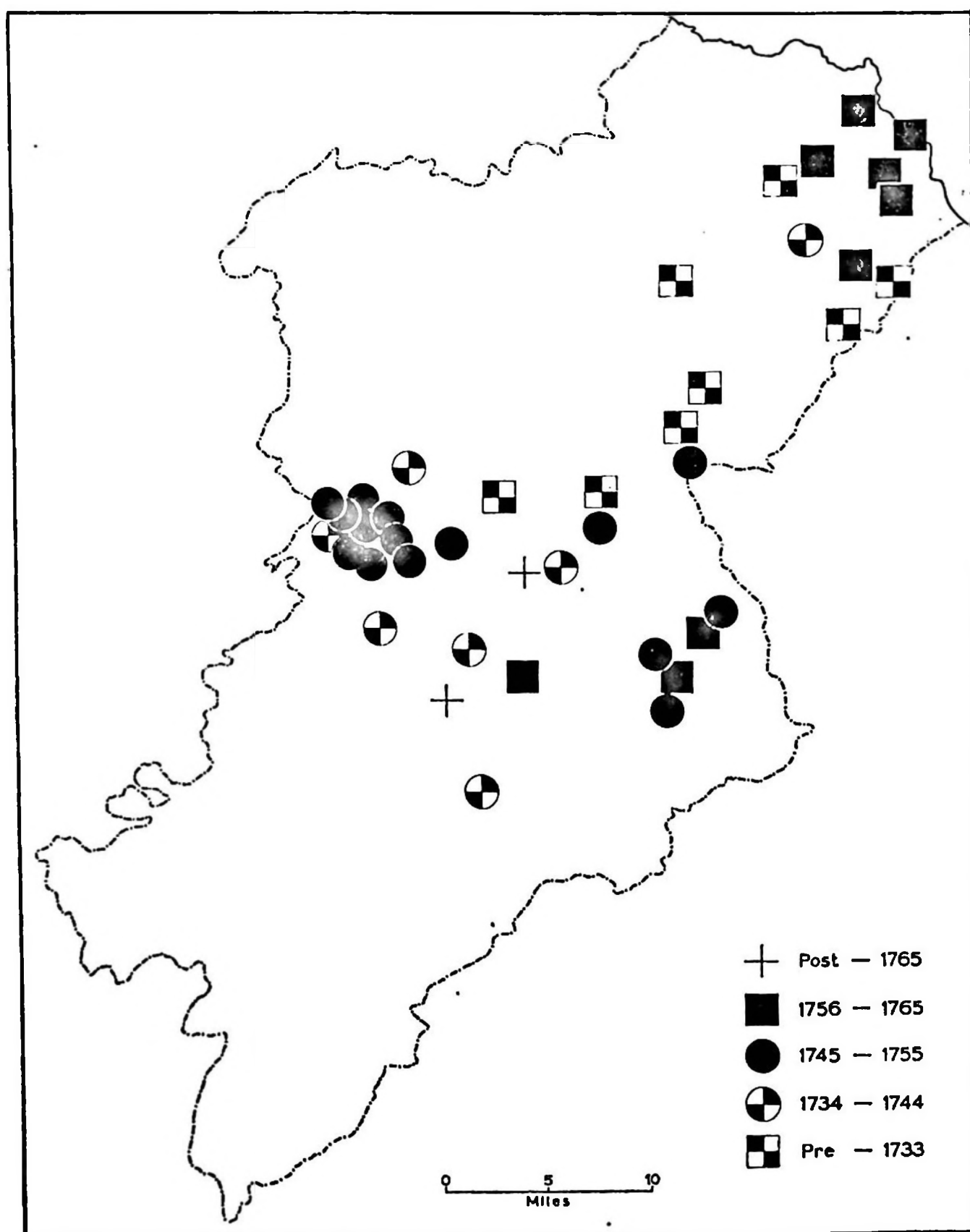


FIG. 1 Proprietary Runrig Divisions.

these sources combined have yielded evidence for a total of 43 divisions, a list of which can be seen in Table III (p. 131). In keeping with other types of change, the earliest divisions, or those taking place before 1734, were all situated on the low-lying ground of the Merse. This is partly shown by Fig. 1 which represents an attempt to group divisions on the basis of their date and location. The second group of divisions or those taking place between 1734 and 1745, although few in number, can be seen as the Roxburghshire counterpart to the first group since, with the exception of Chirnside, it comprised touns scattered over the lower ground of Roxburghshire such as Bewlie and Nether Ancrum. Especially evident from Fig. 1 is the almost simultaneous division of the large and complex touns of the Mid-Tweed Valley such as Newstead and Gattonside, virtually every one of which was divided within a few years of 1750. Also divided at this point were some of the upland touns of western Roxburghshire. The final group of divisions or those concentrated around 1760 consisted largely of the touns in northern Berwickshire such as Ayton and Eyemouth together with the remaining touns on the higher ground of western Roxburghshire such as East Grange. Taking an overall view of the chronology of divisions, it will be evident that although divisions took place throughout the eighteenth century, a high proportion of them were concentrated in the middle decades. This concentration in the middle decades is interesting in view of Kerr's comment that the 'general division' of Berwickshire took place during the years 1750-60 for it is clearly possible that he was influenced in his choice of words by the division of proprietary runrig touns, over 50 per cent of which were divided during the brief period from 1748 to 1762. Significantly, the only examples of division quoted by Kerr concerned proprietary runrig touns (Kerr 1809:74).

In conclusion, it can be seen that runrig in Roxburghshire and Berwickshire consisted of two distinguishable types called tenant runrig and proprietary runrig. As the discussion has tried to show, the distinction which can be drawn between these two types becomes especially necessary when considering the method by which each was removed. As regards tenant runrig, the evidence available suggests that, far from being removed by some sort of division, tenant runrig was largely removed by a reduction in the number of tenants per farm. Since little detailed work has been carried out in the Lowlands on tenant runrig removal, it is obviously possible that such a method of removal may have been important elsewhere. With regard to its chronology, tenant reduction appears to have been in progress throughout the period covered by the study. Indeed, in the writer's view, the starting point chosen for the study or 1680 was in the event not sufficient to include the earliest phases of tenant reduction. Altogether, however, any firm conclusions on the precise chronology of tenant reduction must await the collection of further data and the construction of more long-run series of tenant numbers stretching back to at least the mid-seventeenth century.

Owing to its restricted distribution in Scotland as a whole, the removal of proprietary runrig has perhaps no more than local or regional importance. However, its removal



by division does provide an opportunity for seeing the 1695 Act anent Lands Lying Runrig at work. Although divisions under this Act took place in the Merse from the early eighteenth century onwards, the main period seems to have been during the middle decades of the eighteenth century. Altogether though, the legal division of proprietary runrig following 1695 may have represented only part of the problem for, like tenant runrig, proprietary runrig removal may have had much deeper roots. The basis for this point is simply the fact that the examination of early charters suggests that proprietary runrig was, at one point, more widespread than it appeared in the eighteenth century. It follows, therefore, that some examples must have been removed before the eighteenth century. Some of these were probably divided since it was shown that, provided it was carried out with the consent of all heritors, a division was possible before 1695. Not a few examples, however, may have been removed by methods other than a division<sup>31</sup> though this is something upon which further work is needed.

## NOTES

- 1 Gray 1952: 46–57. For a more recent study of the complex changes in landholding within which the removal of runrig might be set, see Storrie 1965: 138–61.
- 2 At present, the only discussion of runrig removal in the Lowlands available in print is that contained in general studies such as Handley 1963: 1–36; Third 1955: 83–93.
- 3 For a brief discussion of feuing, see Grant 1930: 265–286.
- 4 Kindly tenancy was a rather limited form of hereditary tenure which developed in parts of the Lowlands. Probably the best description of it is that given by Geddes 1951: 131–33.
- 5 See, for instance, Third 1957: 39; Symon 1959: 107 and 109; Smout 1969: 294–5.
- 6 This is best shown by the Buccleuch Estate. Examination of its rentals for 1708, 1716, 1766 and 1792 show relatively little change in the number of farms recorded whilst those changes which did occur were almost entirely due to farm amalgamation or the buying of new farms. Only in the case of the farms of Midtoun of Glenzier and Glenzierhead is there evidence sufficient to suggest an increase in farm units following a possible runrig division. According to the estate rental for 1792, the former was divided into a 'North Division', 'South Division' and 'East Division' and the latter into a 'North Division', 'South Division', 'East Division' and 'West Division'. See BP GD 224, Rental of His Grace The Duke of Buccleuch's Estates for the Crop 1792.
- 7 Despite an examination of a wide range of manuscripts, only three references to sub-tenants were found. Nor is the widespread existence of sub-tenants evidenced by published sources as it tends to be in the Highlands. Lacking such evidence, one can only conclude that sub-tenants did not exist on a scale sufficient to make rentals unreliable as a source of tenant numbers.
- 8 RP Tacks of Nether Ancrum, Nos. 1–6, 1741, to John Rutherford, George Tinline, Robert Storrie, Andrew Rutherford, James Buchan and James Bell; Tacks Nos. 7–10, 1744, to James Bell, Robert Storrie, Andrew Rutherford and John Rutherford; Tack The Duke of Roxburgh's Commissioner to Robert Stenhouse & Jas. Thomson, 1754.
- 9 'Of late years, the number of inhabitants has undergone a second diminution, by the alteration which has been made in the distribution of land into large farms instead of small ones, one containing now what was formerly three or four . . .' (O.S.A. XIII: 226).
- 10 Talking of the fall in population between 1714 and 1750, the reporter for Sprouston noted that 'union of farms is perhaps the cause of this diminution' (O.S.A. I: 66).

- 11 'The parish is not so populous, as it was some years ago; owing in some measure, to several farms being possessed by one tenant' (O.S.A. III: 276.)
- 12 The population 'diminution being owing to the setting of large farms' (O.S.A. v: 337).
- 13 'monopoly of farms' (O.S.A. XIX: 137).
- 14 Referring to the decrease in population which began about 1720, the reporter for Oldhamstocks commented that 'this decrease is owing in some measure, to the county being thrown into larger farms than was formerly' (O.S.A. VII: 405).
- 15 'Since the practise of letting large farms, the parish has decreased considerably in point of number of people' (O.S.A. II: 158).
- 16 '... lands are let to one sixth the former number of tenants'—(O.S.A. III: 218).
- 17 'This decrease became rapid, from the junction of farms' (O.S.A. XXXI: 68).
- 18 Where multiple tenants existed, rentals usually specify each tenant's share of the farm and/or its rent. In some cases, however, no such breakdown per tenant is given, each tenant seemingly being responsible for the management and rent of the entire farm and not just a proportion of it. If this was the case, then it suggests that such farms were possibly worked in common. Early commentators do in fact confirm that farms worked in common existed alongside runrig farms. See Handley 1963: 17. In view of the doubts therefore surrounding these farms, they have not been included in the figures for runrig given in Table II.
- 19 BP GD224, No. 276 Rental Book of Teviotdale 1708, No. 277/1 Liddesdale Rental 1708 and 1716, No. 279 Rental of Eckford Parish 1710-6 and 1718, and No. 281/31 Rental for Liddesdale, Ettrick and Parishes of Eckford, Hawick, Wilton, Roberton and Cavers 1766.
- 20 An important factor, and one that varied from farm to farm, was possibly the actual size of farm involved. Even when shared amongst four or more tenants, some lowland arable farms on the Roxburgh and Buccleuch Estates still had farm sizes per tenant of over 100 acres. Their reduction to single tenancy resulted in farm units of 400-500 acres or more. Similarly, the reduction of tenant numbers on upland farms sometimes left farm units of over 1,500 acres in the hands of a single tenant. Clearly, tenant reduction on such farms must have presented many more problems, as well as advantages, than on smaller farms.
- 21 As a qualification to this statement, it is possible that one or two examples of proprietary runrig were removed by methods other than a division. For further discussion, see page 134.
- 22 This point has also been made by other writers. See, in particular, Hamilton 1963: 57. For an interesting early comment on the Act which underlined its restricted application, see the criticism of Tyler 1807: II. 174-5 that as a 'remedy' for the 'evils' of runrig it 'was partial and imperfect; for it neither extended to the lands belonging to boroughs and corporations, nor had it any affect in correcting the established custom of run-ridge possessions among the tenants of the same estate'.
- 23 HRP No. 2061 Decreet of Division of the Lands of Gunsgreen . . . 1693.
- 24 RSCP Index to Processes of Division—Process of Division of lands of Swynside from lands of Falla dated 28 August 1694.
- 25 RSCP Submission betwixt His Grace the Duke of Douglas and The Lady Ashtrees & her husband 8 May, 1738.
- 26 RSCP Decreet Arbitral in the Division of Ulston, 1760.
- 27 All information abstracted from HRP No. 2067 Decreet of Division of Runrig Lands of Coldingham, 1772.
- 28 For example, during the division of the Southfield of Bowden, it was said that 'Each husbandland was reckoned of Equal Extent and value' (RSCP Decreet of Division of Southfield of Bowden 7 Jan. 1752). Likewise, during the Division of Ulston, one finds the statement that husbandlands were 'held to be of equal Extent and value' (RSCP Decreet Arbitral in the Division of Ulston, 1760).

- 29 Very briefly, the argument in support of this point is that if land was of variable quality, as it tended to be, then the only means of ensuring an equality of both quantity and quality between husbandlands and merklands is to give each heritor an equal share of each type of land, a form of division which would invariably result in some form of intermixture. For further discussion, see Dodgshon (forthcoming).
- 30 Examples include Eyemouth, Coldingham, Hownam and Stockstruther.
- 31 No trace, for example, can be found of the division of the town of Nether Roxburgh though charters show its existence as late as the 1720s. However, a hint as to its fate is given by a charter of 1728 by which a certain Wm. Hogg resigned to the Duke of Roxburgh 'All & Hail these his three husband lands lying Runrig thro' the Overtoun and Nethertoun of Roxburghe' (RP Resignation Wm. Hogg to the Duke of Roxburghe 1728). A similar conclusion might be drawn from the early seventeenth century charter by which 'John Home surrenders the three husbandlands and the infield of another husband land, . . . in the hands of the said Sir George Home, as superior, to the end that the property might be consolidated with the superiority . . . dated at Polworth Place 5th August 1609' (H.M.C. 1902: 77.)

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 RSCP Roxburghshire Sheriff Court Papers, Jedburgh.  
 BLP Biel Papers, Scottish Record Office.  
 BP Buccleuch Papers, Scottish Record Office.  
 GP Grieve Papers, Grieve Day Books 1729-1802, Transcript in the Wilton Lodge Museum, Hawick.  
 HDP Hall of Dunglass Papers. Rentals for 1658-98 and 1699-1706 (GD 206 Portfolio 5) are kept in the Scottish Record Office. The Rent Account Books for the Whitehall Estate 1749-53 (1/2 No. 36) and the Dunglass Estate 1742-9 (1/2 No. 23) are kept in the Reading University Library.  
 HRP Home-Robertson Papers, held by Hunter, Harvey, Webster and Will of York Place, Edinburgh.  
 MP Minto Papers, National Library of Scotland.  
 PP Polwarth Papers, Scottish Record Office.  
 RP Roxburgh Papers, Floors Castle, Kelso.

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