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# Methods in Land-Assessment in Late Medieval Scotland

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## **Abstract**

Scottish medieval studies face particular difficulties regarding land-assessment. This is due to the nature of the related sources and the unfounded scepticism towards early-modern sources, which can be used with respect to their prerequisites to substitute the losses of medieval sources. Furthermore, there is a lot of untapped potential regarding already known sources, like the Exchequer Rolls and some types of source-material, like wills and inventories, which could be exploited for economic questions. A combination of the various methods makes it redundant to continuously nurse the pessimism, which is currently dominating Scottish medieval economic studies.

**Keywords:** economic history, lower nobility, will, administration, legal history, methods

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## I. Land or Loyalty?

In Scottish medieval studies the cultural anthropologist interpretation of the bonds of manrent developed by Jenny Wormald was most influential. A key feature of this theory is that after 1450 the lord-man relationship changed fundamentally, depriving it from any economic ties. No land-transactions ensured obedience and formed the society, but the band of loyalty.<sup>2</sup>

This notion has several problems to manifold to be discussed here. Yet, the strongest argument against it is that it does not comply with the evidence. This critique was formulated by Alexander Grants in his paper “Service and Tenure in Late Medieval Scotland”. There, Grant showed convincingly that land was the most important resource to the Scottish nobility. 80% of the Scottish charters deal with land, its possession, transfer, exchange, its sale or rent. When the sources tell you that the Earl of Douglas was a “mighty and potent Lord” they do not refer necessarily to his physical condition. The phrase tells you, that the Earl of Douglas commanded a great following, which he could sustain, because he had a bunch of lands. Based on its enormous importance to social rank and political power it seems obvious to assume that economic interests tied to preservation and expansion of land-property have predominant explanatory power.<sup>3</sup> Conceding this, immediately requires a methodological approach to generate data about the economic value of land. Only then, we are able to distinguish cases analytically, when individuals chose compromise over conflict from those escalating.

Thus, the assessment of land is of huge importance to medieval Scottish studies. Still, there are only few works dedicated to this complex topic. Periodically, Scottish historians hint at the lack of sources as an excuse, which would make it impossible to pursue any economic questions in the 15<sup>th</sup> century. They are to some degree right in claiming this. Most of the contemporary land-assessments were conducted at the sheriff’s courts. In cases of inheritance the sheriff made an inquisition to assess the affected lands. This was the basis on which payments in terms of *ward & relief* were determined, which were an important part of the crown’s revenues. During the establishment of the ‘Protectorate over Scotland’ by Oliver Cromwell, the Scottish administrative documents were transferred to London, including the documents from the sheriff’s court. After the restoration of the monarchy the documents were returned, but one of the ships sunk on its way back to Scotland in 1661, which destroyed a major part of the 15<sup>th</sup> century land-assessments.<sup>4</sup>

But the loss of sources is by far not the single obstacle. Most Scottish charters, even the royal charters of confirmation, lack any information about the value of the lands they deal with. That is why one cannot reconstruct the land assessment at the sheriffs’ courts simply by gathering the charters in a certain shire and adding the numbers. Other approaches such as estimating the land’s value by monetising medieval square measures proved also to be futile. Even the feudal services are often not specified and summed up in the formula *servitia debita et consueta*, which most certainly implied some kind of military service, but as long as we have no idea how many fighters had to be supplied and whether they had to be equipped

<sup>2</sup> Wormald 1972; Wormald 1988. Wormald suggests, that the *bonds of manrent* substituted codified law in Scotland, see Wormald 1980, 57f. The Abbreviations used in this paper follow the usual conventions in Scottish medieval studies, see: List of Abbreviated Titles of the Printed Sources of Scottish History to 1560. Supplement to the The Scottish Historical Review, Bd. 42, (1963), i–xxxii.

<sup>3</sup> Grant 2000, 148.

<sup>4</sup> Ibid., 145.

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with high or low quality armoury these attempts seem also to be doomed.<sup>5</sup> As it stands now, there is no method available to estimate the value of land using classical land transferring charters.

Therefore, it is more productive to concentrate on the sources we do have than on the ones we do not. There are (1) administrative documents of the crown, (2) some rentals issued by certain noble families (3) early modern land assessments and (4) wills and inventories, which can be made use of for economic questions.

This paper aims to refine existing methods and to present new ones to make use of these different sources. In doing so, it is not claimed that one of the methods is superior to the other ones, since there are too few documents edited and being used to get a comprehensive picture. The fact that methodology worked in certain cases should encourage to think in this direction and to emphasize that it might be fruitful to give traditionally neglected sources a second look. What will not be discussed here includes suchlike methods, which proved to be unsuccessful in solving the problems of land-assessment. This pertains to the attempt to estimate land values based on its square measures, which was undertaken by Alexis Easson. Unfortunately, agricultural zones in Scotland proved to be too diverse making any attempt to normalize land property extremely difficult.<sup>6</sup> This exclusion pertains also to all such methods relying on the face value of certain sources, because they need no further explanation. In respect thereof, Katy Jack analysed the rentals of the earldom of Mar found in the Exchequer Rolls and Charles Adrian Kelham examined the rentals of several noble families, most prominently the Douglas of Dalkeith.<sup>7</sup> Their methodology is valid, but there are not enough sources to which it is applicable – thus, enforcing to think about different ways to acquire some insights into the matter at hand.

## 2. Crown Documents

Regarding the crown documents there were so far - aside from the obvious solution to read the therein contained rentals - two proposals to extract economic data from them. Albeit there are other documents, such as the ones of the Lord's auditors of Causes and Complaints, the Exchequer Rolls got the predominant attention in this question.

Given the lack of face value data, Alexander Grant recommended to use the number of baronies a noble owned to establish qualitative income-categories. The idea is simple but effective: we could gather all charters granting land *in liberam baroniam* and would hence be able to categorize the different noble families according to their wealth.<sup>8</sup> Although it is true, that there is a correlation between income and the number of baronies, this proposal has some difficulties, which can be illustrated by examining the income-structure of the *lairds* of Abernethy. William Abernethy is a poignant example since his income was assessed in 1423, when he was among others sent as a hostage to England in exchange for James I. The Scottish hostages were to ensure the steady instalments of the £40,000 in ransom-money. On this occasion the Abernethy was assessed with 500 *merks* or £333,3.<sup>9</sup> At this time, Abernethy controlled three baronies:

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<sup>5</sup> Easson 1986, 53f.

<sup>6</sup> *Ibid.*, 8–10, 137.

<sup>7</sup> Jack 2016.

<sup>8</sup> Grant 1975, 227.

<sup>9</sup> Rot.Scot ii, 242 und Grant 1975, 29. Grant assumes, that we could rank the incomes of the Scottish nobility only qualitatively: „It is impossible to be certain whether with incomes at these levels the early Stewart higher nobility was in a healthy financial position or not [...]”. Grant 1975, 276. Yet, the expenses for a knight's service is well known and assessed at £20 p.a. in 1200 and £40 p.a. in 1400, see: Harvey 1970, 21; Norman / Pottinger 1992, 78.

Plenderleith, Redie and Rothiemay.<sup>10</sup> Plenderleith was assessed £49 19s 4d during the English occupation under Edward I.<sup>11</sup> We can conclude that even if the other two baronies were comparable valuable, they would produce only about 45% of the collected income of William Abernethy. The remaining properties of the Abernethy family can be reconstructed from infestment dating from 1464. The therein non-baronial lands were: Daldres (Falkirk, Stirlingshire),<sup>12</sup> Dalgety (Fifeshire),<sup>13</sup> Glencross (Edinburghshire),<sup>14</sup> Saltoune (*constabulary of Haddington*),<sup>15</sup> and Ulkstoune, Lylstoune (Lauderdale, Berwickshire).<sup>16</sup> This suggests that the non-baronial property produced comparable revenues and cannot be dismissed.

The second idea was introduced by Alexander Stevenson. He tried to calculate the revenue per square mile in each shire based on what he regarded as crown revenues from taxation. Based on this calculation, he compiled two maps found in the *Atlas of Scottish History*. The first one is based on the *Verus Valor*, the land-assessment by David II's administration in 1366. This idea seems to be quite promising, taking into account the obvious limitations. Stevensons calculation is based on the arithmetic average resulting in quite low numbers for Invernesshire. One must keep in mind that in Scotland's north-western region there were also quite fertile agricultural zones, like the *Greate Glen*, which might be hard to notice on Stevensons map. Nevertheless, accepting these issues the method is valid to get an impression what the land-properties in question might have produced. A *ploughgate* for instance would have produced in Aberdeenshire according to *Verus Valor* ca. 4s and in Fife ca. 16s.<sup>17</sup>

Yet, there are some difficulties with Stevenson's second map, he based on the crown revenues from 1365 to 1373. In compiling this second map Stevenson choose the highest returns for each shire. But I think this is misleading since the returns of these years sum up the returns from taxation and *ward & relief*. This is especially difficult since the taxation seemed not to be based on the *Varus Valor* of 1366 and therefore have no direct connection to land-values.

To illustrate this point, we must look at the initial taxation issued by David II to pay his ransom. Every landowner had to pay 6d in the pound.<sup>18</sup> Yet, considering the higher assessment of for instance Kincardineshire under Alexander III, who assessed the named shire with £1088 10s 8d, we could expect tax returns from there amounting to £27 4s 3d.<sup>19</sup> This does not coincide with the actual returns. In 1360 the returns from Kincardineshire amount to £106 4s 9d,<sup>20</sup> in 1361 £93 13s 4d,<sup>21</sup> in 1362 £72 8s 10d,<sup>22</sup> in 1364 only £26 and £13 6s 8d,<sup>23</sup> but in 1365 again £100.<sup>24</sup> The tiny payments from 1364 are due to renewed negotiations between the kingdoms of Scotland and England. In this time the Scots withheld the instalments. Thus, only payments in *ward & relief* were extracted from Kincardineshire.

<sup>10</sup> Grant 1975, 227.

<sup>11</sup> CDS iii no 1641.

<sup>12</sup> RMS ii no 800; RRBS i, 259, 263; Retours ii (Stirlingshire), no 310.

<sup>13</sup> RMS ii no 800.

<sup>14</sup> RMS ii no 800.

<sup>15</sup> Cart. Dryburgh, no 304.

<sup>16</sup> Cart. Dryburgh, no 175; OS Six Inch 1888-1913 Berwickshire sheet XIII SE 1906.

<sup>17</sup> 104 acre or ca. 0,16mi<sup>2</sup>; see MacQueen / McNeill 1996, 302.

<sup>18</sup> APS i, 496; RPS, 1365/1/15.

<sup>19</sup> The *Verus Valor* only dates from 1366.

<sup>20</sup> ER 2, 46.

<sup>21</sup> ER 2, 75.

<sup>22</sup> ER 2, 109.

<sup>23</sup> ER 2, 163, 171.

<sup>24</sup> ER 2, 219.

According to these numbers it seems that David II's taxation was not based on the extent but on property in moveable goods, which is confirmed by the act of parliament dating from 1357. As late as 1365 the taxation is described as a payment of 6d in the pound and in this act it is not quite clear, whether land or goods were taxed.<sup>25</sup> Given the preceding act refers to goods it is safe to assume that the latter did also, especially because the assumption, that goods were taxed, would explain the discrepancy between the returns we would expect, if the taxation were based on the extent and what was actually returned in the Exchequer Rolls.

This finding has far-reaching consequences for Stevenson's map. Obviously, it does not inform us about the extent of lands per mi<sup>2</sup>, but about the distribution of goods per mi<sup>2</sup>. Given that several landlords had their manors in south and central Scotland, but significant properties in the north of the kingdom like the Leslies, Dunbars and Douglases it is quite possible that Stevenson's approach amplifies the existing economic differential between north and south.

That does of course not mean that there is no way to extract land-values from the Exchequer Rolls, but it has to be done by looking at the returns in *ward & relief* and not by trying to make use of the taxations, which were principally based on moveable goods.

The Crown was entitled in case of inheritance to extract all revenues from the affected lands until the heir would be infefed. The duration of this process could vary from half a year to several years depending on whether the heir was a minor or not. Relief was the payment due on occasion of infefment, which amounted usually to the annual revenues of the respective lands. The main function of the land-assessments conducted by the crown was to size up the payments to be expected from *ward & relief*, since on many occasions the crown did not bother to extract those payments itself, but it sold its right to extract *ward* to local nobles in exchange for a sum at the level of the extent. That the extent assessed approximately at the level of the annual income can be illustrated by analysing the entries in the Exchequer Rolls regarding the barony of Kincardine.

The barony of Kincardine was in the possession of the Leslie-family, which faced an inheritance crisis with the death of Alexander Leslie in 1402. Subsequently, the Leslie-titles were contested over several years and were finally split mainly between the Leslie-Earls of Rothes and the MacDonalds. The Exchequer Rolls state that Lord Leslie paid £133 6s 8d p.a. in *ward* for the right to administrate the barony of Kincardine until the Earl of Ross would come of age. A smaller part of the barony was sold for £14 6s 8d p.a. to Walter Ogilvs of Beufurde under the same conditions. Thus, we can conclude that the crown assessed the barony of Kincardine at £148 16d.<sup>26</sup> In 1460 John of Islay was forfeited and the barony of Kincardine returned into the hands of the crown. This enables us to compare the annual revenues the crown extracted from the barony of Kincardine with the payments in *ward* based on the crown's land-assessment.

In 1460 the crown extracted £142 8d and six *rynmarte*. The latter part was originally a payment in kind in form of an oxen or cow. Still, the Exchequer Rolls use the inconsistently. On other occasions it could signify a payment in silver. Nevertheless, the entry obviously tells us the annual revenue of the named barony, which was collected on 7<sup>th</sup> July 1460 by John of Straithauchi.<sup>27</sup> The next revenue was collected on 9<sup>th</sup> March 1461, which was consequently much lower, since one quarter of the year was missing. Still, the

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<sup>25</sup> RPS, 1357/11/2; RPS, 1365/1/15.

<sup>26</sup> ER 5, 393f.

<sup>27</sup> ER 6, 621f.; *rynmarte* as silver payment: ER 6, 529 and Arbroath Liber ii App. xxxviii.; (Rin-mart,) Rin-mairt, n., in: DSL, url: [https://dsl.ac.uk/entry/dost/rin\\_mart](https://dsl.ac.uk/entry/dost/rin_mart) (zuletzt aufgefunden 14.04.2020).

revenues nosedived in the second year.<sup>28</sup> In the following years revenues started to rise again. £115 17s 6d were returned in 1465, £113 14s in 1467 and £119 7s 2d in 1468. In 1469 the barony of Kincardine produced exactly £160.<sup>29</sup> The figures are difficult to compare since the periods covered changed from year to year. Still, we can make two important observations: (1) after the annexation of Kincardine revenues dropped. Since there are no violent conflicts reported this might be explicable by administrative problems. The crown needed some time to build up own administrative structures, which resulted in a steady increase of revenues. (2) in this case the crown's land-assessment was quite precise, since the incomes based on ward almost matched the annual incomes, when the crown administered the barony itself. Landlords paying ward to the crown to exploit the said lands themselves could only make profit by overexploiting the land, which might add to the explanation why the revenues crumbled in 1461.

The here presented observations hint in an interesting methodical approach to the Exchequer Rolls. Given, that payments in ward were quite accurate and allow to estimate the annual revenues of certain lands in question, it should be possible to find a charter of infeftment and then have a look at the crown revenues in the respective year from the respective shire, the lands are located. This approach seems to me more reliable than focussing on taxations by the crown, which might not have any direct connection to the annual incomes of land.

Apart from the Exchequer Rolls, there are other (crown-)documents, which can be made use of for questions regarding land values. This pertains to judicial documents found in the acts of the Lords Auditors of Causes & Complaints or notarial instruments also traceable in various private charter collections. Especially in the 15th century many landowners tried to circumvent local jurisdiction and appealed at new courts, which evolved out of parliament and the king's counsel, called the sessions. Since the new courts tried to keep the competences to decide cases in fee and heritage at the local courts, claimants often sued the opposing party for *spulzie* (deprivation). In these cases, the financial damage equalled the annual income of the disputed lands for the period the claimant accused his opponent of occupying said lands. A similar logic can be applied on the many tenure-treaties issued in the context of dowry payments. Many of these contracts run for decades and on the expiration, there were often disputes about whether the annual income of the leased lands equalled the agreed dowry or not. Then, courts determined the annual income of the affected lands. Although the findings will most certainly not give a thorough picture with a clear regional focus, I still believe that these documents are valuable sources to reconstruct land values in the 15th century.

To this time there is no comprehensive study gathering the economic data from judicial proceedings – which would add significantly to our knowledge about land values. Still, this approach is methodologically not very challenging, thus I beg to just mention it for the sake of completeness, although it was not seen or just neglected by research so far.

Occasionally, there were made some critical comments on the validity of the data given in the *Verus Valor* or the Exchequer Rolls. Having examined the data above, these reservations seem to be overstated. Sure, it is sometimes hard to make sense of the available data, but frankly there is no good reason why the land-values given there should be rigged. As we have seen, an underestimation of lands would not only

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<sup>28</sup> ER 7, 23.

<sup>29</sup> ER 7, 348f.; ER 7, 479; ER 7, 566; ER 7, 627.

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result in lower crown revenues but would have also been disastrous for the nobility as a whole. An underestimation of land-values would result in every judicial conflict or in case of dowry negotiations in an overpayment – and those cases happened more often than payments in ward & relief or even taxations. Thus, the comparatively low land-assessments in Scotland cannot be explained by the nobilities attempt to dodge taxes – it was because the economy still struggled even in the 15th century.<sup>30</sup>

### 3. Rentals and the Old Extent

A more hotly disputed topic regarding land values in the 15<sup>th</sup> century pertains rentals and the various attempts to make sense of the *old extent*. The *old extent* is found in early modern retours issued from the 16<sup>th</sup> century onwards to determine payments in *Ward & Relief*. They distinguished between an old and a new extent. Whilst the new extent obviously refers to what the described lands produced currently it is much harder to make sense of the old extent. To this day it is still disputed, whether the old extent refers to a certain medieval land-assessment or whether it is a calculated figure deriving from contemporary revenues.

A comprehensive study of the few available rentals was undertaken by Charles Adrian Kelham.<sup>31</sup> Rentals are obvious the best contemporary sources to get insight in the land-revenues in the 15<sup>th</sup> century, but even such detailed sources do not mention every form of income, lairds could exploit from their lands. They tend to focus on rents to give a quick overview of what payments were to expect from each tenant. Additional incomes from customs or court fees are missing. Still, they are the richest sources in detail, but their big downside is, that there are only five of them available: two rentals of the Douglas of Dalkeith survived along with a rental of the possessions of the Albany-Stewarts annexed to the crown after 1425 in addition there are two rentals assessing the earldoms of Streatharn and Mar.<sup>32</sup>

Given the loss of sources in 1661 and gaps left by the Exchequer Rolls and the available rentals it seems attractive to use the early modern retours to substitute the lack of evidence from the 15<sup>th</sup> century. This gains some plausibility since the first retours date from 1544 roughly around 120 years before the destruction of the land-assessments at the sheriffs' courts. Still, what fuelled mistrust towards the *old extent* is, that the new extent always equals a quadruple of the *old extent*. It seems unplausible, that every lordship in Scotland grew exactly proportional. Other arguments against the utilisation of the *old extent* were raised by Thomas Thomson and Charles A. Kelham. Hereafter we will first try to answer the questions, whether there is a medieval land-assessment the old extent could refer to and then examine the arguments against the old extent regarding their validity.

For the 15<sup>th</sup> century there survived no encompassing land-assessment by the crown. This raised some speculations, whether there was a new land-assessment by James I to finance the payment of his ransom, since David II did so in 1366. I think this is due to the above-described misconception. In fact, land-assessment played at best a minor part in taxation since most taxations from David II onwards were based on movable goods and not land-values. Thus, there was no need to reassess lands in a larger scale. It was sufficient to adjust the numbers given in the *Verus Valor* at the sheriff's court, when it became necessary

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<sup>30</sup> A different argumentation can be found in: Stevenson 2014, 169.

<sup>31</sup> Kelham 1986.

<sup>32</sup> Kelham 1986, 294.

to determine payments in *ward & relief*. Hence, it seems probable that the term *old extent* refers to David II's assessment, the *Verus Valor* from 1366.<sup>33</sup>

To test this assumption, we can compare the land-assessment of David II with the one issued by Mary, Queen of Scots in 1549. Mary's assessment is the nearest successive land-assessment, which gives in the usual manner numbers for the *old* and *new extent*. David II assessed the lands in Aberdeenshire including the temporalities of the religious institutions at £2.588 5s 2d. Mary assessed the same shire at £1.983 18s 8d stating that the Scottish clergy refused to cooperate. Thus, the numbers for the temporalities are lacking. If we factor in the respective circumstances, it seems that Mary's *old extent* is based on the David II's *Verus Valor*.<sup>34</sup> Another examination can be done in Kincardineshire, which was assessed at £722 in 1366. In the *Registrum Magni Sigili* there are 33 baronies mentioned in Kincardineshire. Summing up their respective *old extent* given in the early modern retours we arrive at £530 8s 6d. There are two baronies (Culter and Uras), which are not assessed in the retours. In additional seven cases (Cowie, Dunnottar, Kincardine, Middletoun, Newdosk, Rescobie, Torrie), only parts of the original baronies were retoured.<sup>35</sup> From charters of important families in Kincardineshire, we can learn, that there were three non-baronial lordships in Kincardineshire (Fetteresso, Strachan und Pittarrow) with a combined value of £44 5s in *old extent*.<sup>36</sup> Furthermore, the *Registrum Magni Sigilli* recorded additional 17 non-baronial lordships in the said shire assessed at £210 11s 8d *Old Extent*.<sup>37</sup> The different lands sum up to a number of £701 18s 10d

<sup>33</sup> MacQueen / McNeill 1996, 299, 302f; APS i, 498; RPS, 1366/7/18; For the taxations of James I see: RPS, 1424/25; RPS, 1424/26.

<sup>34</sup> Robertson, Collections 1843, 115-121; „The Sprituall and Kik landis and Patrimonie ester following quhilkis in speceall could nocht be retourit in valour, becaus they comperit nocht thame selfis chalmerlanis nor officearis, albeit thay war lauchtfullie requerit and warnit herto.“, 119f.

<sup>35</sup> Aberbrothok (Aberluthnot, Aburbuchnock, Abreluthnok), RMS i, App. i no 120, 149; Retours i, Kincardineshire no 19; Allardes, RMS ii, no 68; Retours i, Kincardineshire, no 76, 174; Arbutnot, RMS ii, no 3039, 3187, 3728; Retours i, Kincardineshire, no 58, 62, 90, 131, 166; Balmaine, RMS ii, no 1226, 1348, 3233, 3460; Retours i, Kincardineshire, no 15, 24, 49, 52, 63, 64, 67, 75, 125, 142, 144, 173, 189; Benholm, RMS ii, no 1631, 2267; Retours i, Kincardineshire, no 16, 63, 64, 171, 172; Canterland, RMS ii, no 3670; Retours i, Kincardineshire, no 122, 166; Cowie, RMS ii, App. ii, no 1978; Retours i, Kincardineshire, no 72; Craigie, RMS ii, no 767; Retours i, Kincardineshire, no 35, 42, 112, 120, 145; Craignesstoun, RMS ii, no 3750; Retours i, Kincardineshire, no 15; Culter, RMS ii, App. ii no 433; Retours i, Kincardineshire, no 22; Disclun, RMS ii, no 3027; Retours i, Kincardineshire, no 97, 154; Drum, RMS i, no 1865, 8070; Retours i, Kincardineshire, no 57.; Drumnagair, RMS ii, no 3739; Retours i, Kincardineshire, no 131; Dunottar, RMS i, App. ii 1684; Retours i, Kincardineshire, no 70; Durris, RMS i, no 325; Retours i, Kincardineshire, no 69; Fettercairne, RMS i, App. i, no 120, 149, App. ii, no 1348; Retours i, Kincardineshire, no 65; Glamis, RMS i, no 411, 549; Retours i, Kincardineshire, no 164; Glenberrie, RMS i, no 212; Retours i, Kincardineshire, no 6, 74, 81, 127, 176; Glensaucht, RMS i, no 1147; Retours i, Kincardineshire, no 11, 119; Halkertoun, RMS i, no 1690; Retours i, Kincardineshire, no 119; Invergie, RMS ii, no 3264; Retours i, Kincardineshire, no 70; Kincardine, RMS i, no 281; Retours i, Kincardineshire, no 67, 71, 99, 125, 143, 164, 189; Kinneff, RMS i, App. ii, no 1803, 1922, 1930; Retours i, Kincardineshire, no 23, 30, 83, 155; Leyis, RMS ii, Leyis, in baronia de Allardice, vic. Kincardine, 3677; Retours i, Kincardineshire, no 40; Middletoun, RMS ii, 1039, 3496; Retours i, Kincardineshire, no 17; Morphie, RMS ii, 3087; Retours i, Kincardineshire, no 123; Newdosk, RMS i, 881; Retours i, Kincardineshire, no 110; Reidhall, RMS i, no 458, 562; Retours i, Kincardineshire, no 21, 26; Rescobie, RMS ii, no 1037, 2785; Retours i, Kincardineshire, no 12, 21, 23, 57, 62, 87, 96, 131; Thornetoun, RMS ii, no 1192, 1713, 1987, 2766, 3791; Retours i, Kincardineshire, no 18; Torrie, RMS ii, burgus in baronia, no 2292; Retours i, Kincardineshire, no 43, 51, 95, 107, 114; Tullieboy, RMS i, App. ii 433; Retours i, Kincardineshire, no 22, 40, 87, 106; Uras (Ures Ureais, Wres, Oures, Owres, Owris), RMS i, 314, 383, 384, 410, 531, 532, 550, 792; Retours i, Kincardineshire, no 70.

<sup>36</sup> Fetteresso, Retours i, Kincardineshire, no 70; Pittarrow, Retours i, Kincardineshire, no 21, 34, 79; Strachan, Retours i, Kincardineshire, no 9, 57, 70, 87.

<sup>37</sup> Balbegno, RMS ii, no 1740, Retours i, Kincardineshire, no 50, 147; Balnagask, Retours i, Kincardineshire, no 114; Banchorie, Retours i, Kincardineshire, no 80; Brodlands de Ratray, RMS ii, no 281, 619, Retours i, Kincardineshire, no 70; Cairnetoun, RMS ii, no 3825, 2222, 3825, Retours i, Kincardineshire, no 62; Carnegie, RMS ii, no 3619, integrated in the barony of Pittarrow 1512: no 3729, Retours i, Kincardineshire, no 154; Eglismaldie, RMS ii, no 2777, Retours i, Kincardineshire, no 161; Garvock, RMS i, App. ii no 19; RMS ii, no 276, Retours i, Kincardineshire, no 63, 166; Newtoun, RMS ii, no 1643, 1890, 3481, 3557, Retours i, Kincardineshire, no 161; Petnamone, RMS ii, no 1226, 3460, Retours i, Kincardineshire, no 24, 49, 63; Pitgarvie, RMS ii, no 281, 620, 1193, 1712, 2766, Retours i, Kincardineshire, no 17, 67, 125, 173; Snawdoune, RMS ii, no 767, Retours i, Kincardineshire, no 105, 112; Ury, RMS ii, 1050, Retours i, Kincardineshire, no 132, 158; Woodfield, RMS ii, 1226, Retours i, Kincardineshire, no 75, 142.



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in *old extent*, almost matching David II's *Verus Valor*. The remaining disparity can easily be explained by minor land titles, which slipped my attention, or additional church-lands, which were not mentioned in the *Registrum Magni Sigilli*.

There are more pieces of evidence hinting at a congruence between the *Verus Valor* and the retoured old extent. This is a finding also produced by Charles A. Kelham. He could show that the figures given in the Douglas of Dalkeiths' rentals (1376 und 1440) matched in most cases the retoured old extent dating from the 16<sup>th</sup> century onwards. Even the comparison of both rentals yielded that added values in land property are to be explained by gains of land-property within the respective lordship or barony and not by enhanced farming methods. This became apparent in the case of Preston increasing its value by £12 in the course of the 15<sup>th</sup> century and there are other landowners mentioned in the 15<sup>th</sup> century sources like Herbert Johnston, who possessed lands worth £5 in 1456/1457, which were successively assimilated into the Dalkeiths' possessions. Only in the case of the barony of Whittingehame, Kelham concludes that there is no apparent explanation for the significant decrease in value, on which basis he then completely rejected the usability of the old extent to reconstruct medieval land-values.<sup>38</sup> Unfortunately Kelham's conclusion is wrong, since similar to the case of Preston the discrepancy between the old extent and the values given in the medieval rentals has to be explained via the tenurial history of the respective lands.

1452, Whittingehame was assessed at £20 p.a.<sup>39</sup> Kelham compares this figure with the retoured lands of the Earl of Morton, which was given with 10 merks equalling £6 12s 4d.<sup>40</sup> What he does not take into account is, that Lady Elizabeth Douglas of Kingstoune was at this time also in the possession of parts of Whittingehame also assessed at £6 12s 4d.<sup>41</sup> Additionally, Lady Douglas owned pasture lands assessed at „8m 13s 4d [sic]“ in *feuferme* together with the lordships of Hartumwood and Lambermuir assessed at 15 merks as well as the lordship of Stenipeth assessed at 25 merks. There was only an extent given for the last-mentioned lordships. The retour did not distinguish between old and new extent in the usual manner concluding that everything was “*unitis in baroniam de Whittingehame*”, which makes it unclear, whether the named lordships were part of the barony in the 15<sup>th</sup> century. But the pasture lands were described as “*terras templarias ac glebam de Whittingehame*”. The term temple-lands were applied to these lands, which were administered by the Templars or Knights of St. John indicating that these lands could well have been part of the barony in the 15<sup>th</sup> century.<sup>42</sup> Furthermore, the combination of merks and shillings is uncommon, which might justify to emendate the value given for the pasture lands to £8 13s 4d. As a result, these parts of the barony of Whittingehame, which can be identified as medieval, were assessed at £21 18s almost matching the medieval assessment at £20.

Nevertheless, there is a great amount of mistrust against the reliability of the old extent in current research. There is the assumption, that the extent might not include every service or resource a landowner could extract from his possessions. But this claim is illusional anyways. As we have seen in the cases, in which we do have exact numbers, like in the case of the barony of Kincardine, there still is a great amount of fluctuation in revenues from year to year. Hence, the best we can expect from any estimation is a qualitative number that enables us to compare lands in regard to their economic potential. So, there is no

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<sup>38</sup> Kelham 1986, 312–316.

<sup>39</sup> RMS ii, no 595.

<sup>40</sup> Retours i, Haddington, no 33.

<sup>41</sup> Retours i, Haddington, no 259, 350.

<sup>42</sup> DSL, Tempil(l) land n.: [https://dsl.ac.uk/entry/dost/tempil\\_land](https://dsl.ac.uk/entry/dost/tempil_land) (last accessed 13.02.2020).

need to reject methods that bring us somehow in the range of what lands might have produced, as long as we can make plausible that the retoured old extent refers to the same piece of land as it existed in the Middle Ages. The tenurial history is of outstanding importance to draw any conclusions from the early modern retours.

Much of the confusion around the old extent we owe to Thomas Thomson, who rejected the historicity of the old extent.<sup>43</sup> It should be mentioned that Thomas Thomson did not voice his concern in a historical study, but as a lawyer during court proceedings. On 2<sup>nd</sup> February 1813 Archibald Gibson complained against his sequestration from the House of Lords. He was entitled to be enlisted among the lords after acquiring Easter Briggis and voted as regular member in 1812. Afterwards, other lords voiced misgivings, whereupon his membership was cancelled, against which Gibson took legal action.<sup>44</sup> Political reasons for this incident cannot be proven, but they are not far reaching either. After the United Kingdom lost important colonies in North America, at the height of the Napoleonic Wars and whilst George III's mental health was rapidly decreasing, it is not surprising, that other lords were not very keen of having more additional dissent at parliament with politicians potentially sympathetic to Jacobite- or Torrie- ideology.

At any rate, Thomson defended the decision to exclude Gibsons from the House of Lords, whilst the latter invoked an Act of Parliament dating from 1681 declaring that the possession of lands worth 40 shillings in old extent would qualify to membership in the House of Lords. Easter Briggis was retoured with 50 shillings in old extent, on which ground Gibson demanded restitution of his membership. Thomsons strategy consisted mainly in obscuring the term old extent. Would the term refer to the assessment of Alexander III or David II? Would it be possible that James I or James III did another assessment now lost, to which the old extent really referred to? Finally, Thomson proved that Easter Briggis was part of the lordship of Torpichen, possessed by the Church in the 15<sup>th</sup> century, which was only assessed in terms of old and new extent insofar it was subject to the payment of *ward & relief*. Spiritual church-lands were assessed by Bagimonds Roll dating from 1274.<sup>45</sup> Thomson concedes that it might be possible to find church-lands assessed in terms of old extent, but this would have to be proved by Gibson to support his claim, so he would abstain from inquiring any further on which grounds Easter Briggis was assessed.<sup>46</sup>

The interesting question for historians, whether we could use the retoured old extent from the 16<sup>th</sup> and 17<sup>th</sup> century to gain an impression of the 15<sup>th</sup> century land-values is thereby unanswered. Thomson's argumentation only aimed at the conclusion, that Easter Briggis would not qualify its owner to be member of the House of Lords even if these lands had produced 40 shillings or more in the 15<sup>th</sup> century by raising doubts about the legal validity of the term old extent in this specific case. But this question of legal definitions is not relevant to historical questions. What is indeed interesting, is that Thomson proved again the importance of the tenurial history. Knowledge of the property situation from the 15<sup>th</sup> century onwards to the early modern retour in question is the condition, which enables us to make use of the old extent. In this point all the evidence (Preston, Whittingeham, Easter Briggis) agrees.

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<sup>43</sup> Kelham 1986, 298f.; Thomson 1946, here 133–297.

<sup>44</sup> Thomson 1946, 133f.

<sup>45</sup> Thomson 1946, 296f.

<sup>46</sup> Thomson 1946, 294.

#### 4. Wills and Inventories

Wills and inventories were also missing in recent studies of the Scottish late medieval economy. This new approach tests the scope and limitations of building an estimation on this category of sources.

A good example is the will of David Arbuthnott from 5<sup>th</sup> October 1470.<sup>47</sup> The Arbuthnott-family can be seen as an exemplary laird-family, which possessions were neither documented in the Exchequer Rolls, nor in legal disputes nor in some kind of rental. At the same time their land property in Arbuthnott can be traced quite comfortably, since Arbuthnott was a barony in Kincardineshire in the 15<sup>th</sup> century and thus will appear in crown documents. The tenural history can be reconstructed.<sup>48</sup>

According to David Arbuthnott's will, the demesne of the barony consisted of three subordinate lordships: Arbuthnott, Kuthas and Bervie.<sup>49</sup> In all of these places agricultural products were stored. Each of these places stored parts of the flock and different grains. Arbuthnott held the most valuable animals like bulls and horses and the lion's share of the grain: 58 chaldrons of oats, 6 chaldrons and 52 bolls of barley, 20 bolls of wheat and 24 bolls of malt. The approximate value of these grains can easily be identified using the pricelists of Aberdeen published by Gemmill and Mayhew.<sup>50</sup> The amount of stored grains equals £127 5s 4d, whereof only £10 9s 4d were stored in Kuthas. A value of £133 21s 16d was given for ploughs and other tools along with the flock amounting a total of £263 8s 4d. Fortunately, David Arbuthnott's last will lists all the lambs and calves one year of age. The value of these animals can serve as a guess for the annual accretion due to stock farming worth £8. Given that the allocation of the annual income due to stock farming and arable farming equals the distribution of value stored in animals and grain it would be acceptable to assume that 46% of the annual income was owed to stock farming and 54% to arable farming. Hence, assuming that at least half of the annual income was still stored in October, since the submission date for the tenants was usually Michaelmas and Easter, we can assess the barony of Arbuthnott with an annual income of £32 16s.<sup>51</sup>

Since Arbuthnott was a barony, we can assume that its territorial integrity was maintained during the 15<sup>th</sup> century. Hence, we can test the reliability of the above developed estimation against the retoured old extent from the 17<sup>th</sup> century. Arbuthnott was retoured on 30<sup>th</sup> April 1633 and was assessed at £28 11s 8d old extent. Given the difficulties of the above suggested estimation this result seems to be in an acceptable range and we can expect the barony of Arbuthnott having produced an annual income of roughly £30.<sup>52</sup> The value of this method is, that we are able to prove that the figures given in the retours have some credibility confronted with the contemporary sources. This is even possible, when we cannot use crown documents as the Exchequer Rolls, which is the case for the Arbuthnott possessions.

The new extent of the barony of Arbuthnott reached the total of £80. This implies that there had to be an improvement in revenues in early modern times, due to improved farming methods and/or the more efficient usage of the lands in Arbuthnott. Without a rental or inquisition of the lands of Arbuthnott this

<sup>47</sup> MS 2764/2/54.

<sup>48</sup> The Barony of Arbuthnott is located in the fertile belt in Kincardineshire: „It [the well cultivated lands] extends through the parishes of Glenbervie, part of Arbuthnott, and the whole of Fordoun, Lawrence-kirk, Mary-kirk, and Fettercairn", see: Robertson 1810, 9.

<sup>49</sup> James II infested Robert Arbuthnott at 3. November 1471, see: MS 2764/2/55; Bervie is mentioned multiple times: Retours i, no 58, 62, 70, 90, 121, 131, 143, 166, 180 (Kincardine).

<sup>50</sup> Gemmill / Mayhew 1995: oats, 167, 193; malt, 185; wheat, 155; oxen, 260; cows, 252.

<sup>51</sup> Aberdeen Special Collections MS 2764/2/54.

<sup>52</sup> Retours i, no 62 (Kincardineshire), 30.04.1633; Creiche was in the possession of John Liddale in 1490, see: RMS ii, no 1950. Even Duncan assumed, that there is a connection between the retours and medieval land assessments, see: Duncan 1975, 598.

economic development is impossible to trace. But there might be a hint in the records of Arbroath-abbey. The Wisharts of Pittarow had a comparable political and economic status as the Arbuthnott-family in Kincardineshire. They did not hold their lands *in liberam baroniam*, but as retainers of the prior and convent of Arbroath. Thus, they had to pay *ward & relief* to Arbroath-abbey and not to the crown. This is why, an inquisition survived, assessing the Pittarow-lands to determine due payments on the occasion of the death of Jacob Wishart in 1491.<sup>53</sup>

According to said inquisition the Pittarow-family held the lands of Pittarow, Carnbegy, Balfeith, Conveth and Auchinyorth of which they only held Balfeith and Conveth from the Abbot of Arbroath. The Pittarow-family held all the other mentioned lands from various lay-nobles. The inquisition gives for each land a value, entitled *nunc valent* and another described as *in tempore pacis valuerunt*.

The lands were assessed as follows:<sup>54</sup>

Place	<i>nunc valent</i>	<i>in tempore pacis valuerunt</i>
Pittarow	£20	£8
Carnbegy	£13	£5
Conveth	10 merks	10 merks
Auchinyorth	5 merks	2 merks

The latter phrase, *in tempore pacis valuerunt*, often appears in land-assessments of religious houses and as Thomson already pointed out, it is quite difficult to identify this phrase with the *old extent*, since the phrase logically refers to the time before the formally permanent state of war against the kingdom of England was in effect. Values of church lands were assessed in 1275 by Master Boiamund and therefore named Bagimond's Roll. The Scottish clergy successfully prevented a new assessment by the papal-administration throughout the later middle ages, although the values of the Scottish dioceses increased steadily due to endowments and donations.<sup>55</sup> Upon entrance in a benefice several payments had to be made to Rome such as the first fruits. Therefore, the clergy had a strong interest in presenting itself poor in contrast to the lay-nobility, who had to rely on land-assessments for their various legal activities. Most religious houses in Scotland held their lands *in liberam regalitatem* and could solve legal disputes concerning their lands autonomously. It could be rational for clerical institutions to portray themselves poor when issuing payments to Rome, whilst extracting high revenues from their tenants and thus used the comparable high *nunc valent* for their internal administration. This might explain, why the discrepancy between both values is considerable in contrast to the extent for lands in the possessions of lay nobles even in the 15<sup>th</sup> century.

Unfortunately, we cannot compare the *old extent* of the barony of Arbuthnott with the *old extent* of the lands of Pittarow, since due to a complex history of inheritance Pittarow was fractured in the 16<sup>th</sup> century and only parts of it were retoured and united into new baronial titles. The tenurial-history of Pittarow is unclear, thus we cannot reconstruct an *old extent*, which can of course change, if more charters related to

<sup>53</sup> I am grateful to my colleague Sebastian Weil for critical remarks and some hints in this matter.

<sup>54</sup> Liber Aberbrothoc ii, 269f.

<sup>55</sup> Thomson 1946, 296f.

the Pittarow-family will appear in the future. Still, looking at the *nunc valent* of the Pittarow-families core-lands (Pittarow and Carnbegy), we again get a sum of £33, which matches the equal political influence in Kincardineshire in comparison to the Arbuthnott-family.<sup>56</sup> It might be argued, that the incomes of the Arbuthnott-families demesne stabilised likewise between £30 and £40 at the end of the 15<sup>th</sup> century, not including new acquisitions and additional rental-earnings of new parcels of land. Nevertheless, the two examples from Kincardineshire show that Thomson's warning to apply the *old extent* on church-lands has to be considered.

## 5. Conclusions

There are several possibilities to adapt historiographic methodology to the difficult source situation. As things stand now, it is inevitable to expand the body of sources and try to include early modern sources to get some insights into Scottish late medieval economy. The obstacles are serious but not insuperable.

Three types of sources proved to be promising, despite their dismissal in the existing studies to this topic. Most prominent, there is the old extent, that is retoured regularly in early modern retours, and that is most probable referring to medieval assessments. It is however of most importance to consider the tenurial history to make any use of it. There is still no comprehensive study to examine the economic data from legal proceedings, which would enhance our knowledge of medieval land-values significantly. This would be a foundational research, which will enable the comparison of medieval land values and early modern sources such as the old extent, which will lead to an enhanced understanding of the old extent. Finally, wills and inventories are much more important to economic questions as it is common right now, and they should be equally gathered and thoroughly examined in the near future.

What derives from the here presented data is, that even locally relevant noble families like the Arbuthnotts and the Pittarows had a comparably tight budget deriving from their demesne to work with. While Alexander Grant believed that „*it is impossible to be certain whether with incomes at these levels the early Stewart higher nobility was in a healthy financial position or not [...]*”<sup>57</sup> the usual feudal duties seemingly put a heavy burden onto the family. Research established a base income of £40 p.a. as necessary to sustain the knight's duty. This seemed to have almost overstretched the financial space of these families.<sup>58</sup> This might be the reason, why a good military reputation was of essence to ensure the loyalty of subordinate men. The spread of the heriots was probably factored in and an unsuccessful campaign might have disastrous consequences especially for the lower nobility, who in the worst case had to pay expensive ransoms in case of captivity or feudal duties in case of death.

Although it might be illusional to close every gap, there is no need to cultivate pessimism in this question. If used to their full potential, Scottish sources will have much more to tell us about the economic foundation of lordship. This could add to the already existing trend in Scottish medieval research to question the current dominating cultural anthropological interpretation of lordship and the relationship of lords and men.<sup>59</sup>

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<sup>56</sup> This can be shown by examining the charters of the Arbuthnott-family. Still, the reconstruction of the local administration of Kincardineshire is not trivial and would exceed the scope of this paper. I have shown the above claimed in Berlandi 2020, 167–176.

<sup>57</sup> Grant 1975, 276.

<sup>58</sup> Norman / Pottinger 1992, 78.

<sup>59</sup> See Wormald 1985, 24; Wormald 1988, 159–175.

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## Kurzbiographie des Autors

Matthias Berlandi studierte Geschichtswissenschaft und Politologie an der Johannes Gutenberg-Universität zu Mainz. Sein Dissertationsprojekt „Birthplace of Valour. Landvergabe und Gewaltbewältigung im schottischen Spätmittelalter“ entstand 2021 im Rahmen des von der DFG geförderten Projekts „Man-Rent or Land-Rent. Zur Bedeutung von Wirkung und Landvergabe in der Herrschaftspraxis von Königen sowie geistlichen und weltlichen Adeligen in Nordost Schottland im Spätmittelalter.“. Schwerpunkte bildeten dabei wenig beachtete Bereiche der schottischen Mediävistik, insbesondere die Diplomatie und Wirtschaftsgeschichte. Die Ergebnisse basieren auf der Auswertung von über 600 wenig beachteten oder neu aufgefundenen Urkunden. 2017/18 war er am Projekt „Die Deutschen Inschriften des Mittelalters und der Frühen Neuzeit“ an der Sächsischen Akademie der Wissenschaften beschäftigt und unterstützte 2021 die *Regesta Imperii*. Berlandi ist gegenwärtig am Kooperationsprojekt der Universitäten Utrecht und Sheffield "Impact of the English grain trade (1314-1815) in Northern Germany and the Baltic region" beschäftigt und hält Lehraufträge an der Johannes Gutenberg-Universität und der Universität Utrecht.

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