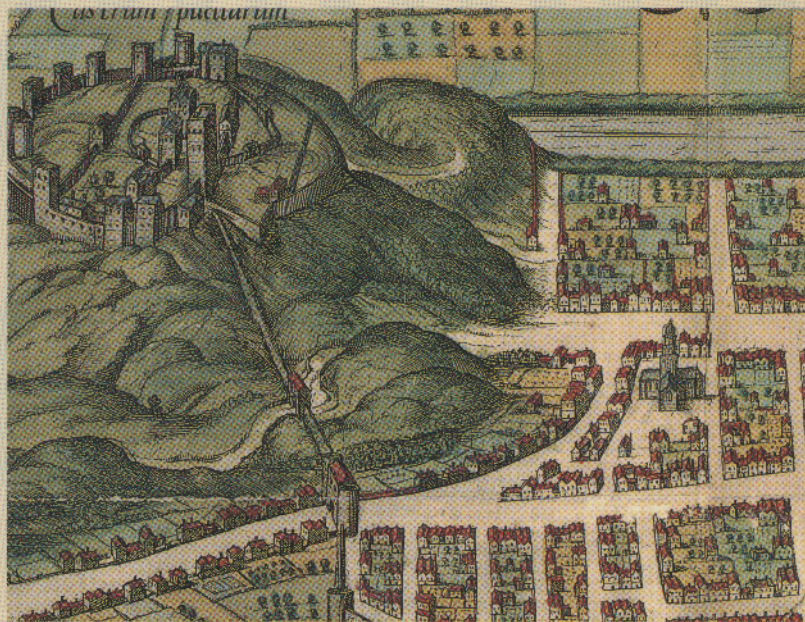


SOCIAL HISTORY IN PERSPECTIVE

SCOTLAND'S SOCIETY AND ECONOMY IN TRANSITION, c.1500–c.1760



IAN D. WHYTE

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IAN D. WHYTE





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INTRODUCTION

The last 20 years or so have seen a remarkable surge of new research into the social and economic history of early-modern Scotland, which has led to the questioning of many previous assumptions and a redefining of problems. In the past Scottish history has often been introverted and parochial. 'British' history has frequently been written from an anglocentric viewpoint in which the Scots feature mainly as periodic nuisances: as religious extremists or Jacobite rebels. More recently, however, truly comparative research has explored the similarities and differences between many facets of social, economic, judicial and political structures on either side of the Border, between Scotland and Ireland, and in a wider European context (Devine and Dickson, 1983; Mitchison and Roebuck, 1988; Connolly, Houston and Morris, 1995). The grim view of Scotland in the period between Flodden and the Union of 1707 still lingers on in some popular histories but this major wave of revisionist writing has produced new general histories (Lynch, 1991) and more specialised studies of social and economic history (Whyte, 1995), which have begun to influence the general public as well as the academic world.

This book does not aim to present a comprehensive overview of recent work on social and economic change in Scotland over two and a half centuries. In the space available it would be impossible to cover the full range of important topics adequately. Instead, a number of significant themes has been selected, reflecting distinctive aspects of Scotland's development. Each theme involves a set of relationships: lord and laird, landlord and

tenant, kirk and culture, centre and locality, Highland and Lowland, town and country, economic decline and growth, which changed markedly during the period under consideration. Each theme has been a focus for important research in recent years, leading to major re-appraisals. Together they provide a series of interlocking facets illustrating the dynamic nature of Scottish society, its richness and complexity. The differences between Scotland's experience and those of her neighbours, especially England, are brought out here but, equally important, the similarities are also emphasised. However, despite exciting new developments, there is still a vast amount of basic work to be done. Another aim of this book is to highlight some of the key research questions that still require to be tackled.

1

LORD AND LAIRD

Scottish society throughout late-medieval and early-modern times was dominated by landowning magnates, although the form of that domination evolved gradually, as Mitchison (1983) has described it, from lordship to patronage. The Scottish nobility have often been portrayed as barbarous, reactionary and over-powerful in the sixteenth century and as unscrupulous place-seekers in the seventeenth. There has, however, been a major revision of views regarding the relationships between the crown and the magnates in late-medieval Scotland, emphasising co-operation rather than conflict. This, in turn, has changed perceptions on many other aspects of Scotland's society and institutions. One of the most significant themes to run through the period was the tensions that existed within the ranks of the landholders between the nobility and landowners of lesser rank: the lairds or gentry. The supposed steady rise of the lairds to power from the mid-sixteenth century, and the corresponding decline of magnate power and influence, is considered to have caused fundamental changes in the structure of Scottish society and the distribution of power within it. Many aspects of this theory, however, remain untested and the story is a complex one. There has been important new research in recent years into some aspects of the early-modern Scottish nobility, particularly their finances, but both lords and lairds remain remarkably under-researched social groups, particularly in terms of their interactions within the localities.

Scottish Landed Society: Structures and Relationships

In late-medieval Scotland there were around 2,000 heads of noble families, although only about 50, most of them peers, had a significant say in national affairs at any time. Below this were a few hundred substantial landholders who, at their lower end, merged into the peasantry, being differentiated by their tenure rather than by their wealth. The upper level of the nobility, the peers or greater barons, were distinguished by being summoned individually to attend Parliament. The rest of the nobility comprised the baronage, holding directly from the crown but often without titles. Below them were the small barons with lands assessed at 40 shillings of Old Extent or more. The baronetage, an order below the peerage, was created in 1625 to raise revenue for the crown. Baronets were hereditary knights. Lower in status were ordinary knights, a personal rather than hereditary distinction awarded for service to the crown. The nobility comprised a little over 1 per cent of Scotland's population, a figure comparable with contemporary France. On the other hand Scotland had as many peers as England with only about a fifth of the population: 57 in 1603 against 55 for England. An inevitable result was that many Scots nobles were poorer than English gentry. Unlike England, where the peerage was sharply defined and distinguished from the gentry, a Scottish peerage did not emerge until the mid-fifteenth century. Landed society in late-medieval Scotland was more fluid, with greater mobility, than in many other parts of Europe. This blurring of distinctions helps to explain why a Scottish gentry class with a clear sense of identity was so slow to develop.

The Scottish peerage expanded rapidly from the late sixteenth century. In 1603 there were 57 peers. By the death of Charles I there were 119, the largest group of newcomers – 39 – being Lords of Erection who had been granted former church lands. A number of them had been elevated to the peerage for service to the crown. The Scottish peerage expanded more modestly in the later seventeenth and early eighteenth centuries. The Scottish aristocracy was an open élite characterised by both upward and downward mobility. The new peerage of the late sixteenth and early seventeenth century was composed mainly of younger sons of peers and laird families. As in other parts of Europe, including

seventeenth-century England, the expansion of the peerage altered the character of the nobility, reducing the degree of wealth and influence considered appropriate for a noblemen.

A notable feature of the Scottish nobility was the persistence of landed families in particular localities over long periods so that families came to be associated with specific regions to a degree that was unusual in England. Grant (1984) has calculated the rates of extinction of Scottish noble families in late-medieval times and compared them with other countries. In England and France the survival rate of noble families was approximately similar. In each 25-year period around a quarter of noble families died out. In Scotland the rate of extinction for dukes and earls was only 16–17 per cent in the second half of the fifteenth century, and for barons and lords of parliament between 5 and 7 per cent. It is possible that the relative lack of internal unrest in late-medieval Scotland compared with England may have encouraged family survival but Grant has suggested that differences in fertility between Scottish and English noble families may also have been important. Marriage with older female heiresses for political and economic advantages may have been less common in Scotland because such heiresses were fewer, so that Scottish magnates were more likely than their English counterparts to marry women of childbearing age, with a greater probability of producing enough sons to carry on the male line.

If the origins of this noble marriage pattern are uncertain, some of its implications are clear. In England the failure of male lines led to a high turnover of landownership. In Scotland the estates of the nobility were more stable and the scope for making large additions to one's territory by marriage much less. In England the acquisition of estates by marriage produced fragmented patterns of landownership, which worked against the strong and continued influence of magnate families in particular localities. The degree of continuity in the occupation of land contributed to stability within Scottish landed society. The fertility of noble families led to a surplus of younger sons who often managed to establish cadet branches. Younger sons were more likely to be granted lands from those already in their fathers' possession than from ones belonging to an heiress mother, a feature which further entrenched families within certain districts.

Greater laird families also established cadet branches, acquisition of feus of church and crown lands, and possibly increasing prosperity with rising prices in the later sixteenth century, allowing them to endow younger sons with land.

The establishment of cadet branches within territories dominated by existing landed families emphasises the importance of kinship in early-modern Scottish landed society. The geographical continuity of landed families helps to explain why kinship remained so important in Scotland long after its role had been reduced elsewhere. Particular surnames came to be identified with specific localities as families' landholdings often remained stable for generations. Scottish society and politics were dominated by the influence of kinship even more than by rank and status. Younger sons of the nobility married into the families of local lairds, which further cemented kinship links within particular localities.

The clearly defined regional spheres of influence of Scottish magnates, which resulted from the geographical concentration of their estates, and the importance of their jurisdictions in baronies and regalities, was powerfully supported by family ties. By the end of the fifteenth century agnatic systems of kinship, recognising relationships only through the male line and defined in their widest terms by the possession of a common surname, were normal. Respect for the surname and family links could give younger sons of lairds a place in the households of powerful noble kinsmen. For most purposes, however, the kin group that was recognised would have been much smaller, possibly extending to third cousins. Kinship recognition also depended on geographical location; remote kin living close at hand might receive as much recognition as close kin living far away. So the Gordons in north east Scotland did not count the Gordons of the Merse as part of their family group. Equally, the Ayrshire branch of the Campbells, while acknowledging the earls of Argyll as their chief, acted largely independently.

Kinship, however, formed only the foundations of magnate power. Their households and retinues formed nuclei of fighting men to provide protection and give status. Even middling lairds might maintain substantial followings in the sixteenth century, like Kennedy of Bargany who kept in his household 24 'gallant gentlemen'. The practice of taking boys from cadet branches into

noble households as pages lingered on into the later seventeenth century (Marshall, 1973). Another way in which landed families could strengthen their regional influence was through bonds of manrent, written contracts of allegiance and mutual support between two men, usually a lord and a laird (Wormald, 1985). Such bonds extended the influence of magnates as well as backing up the lairds in their localities by giving them powerful allies. The bonds were not a new development in terms of loyalty so much as the expression of a desire, in an increasingly literacy-conscious age, to confirm existing types of relationship in writing. The relationships involved the extension of values based on kinship to people who were not related. This further emphasises the importance of kinship in early-modern Scottish society and shows how kinship and lordship supported each other. The existence of clearly defined magnate spheres of influence, buttressed by landownership, feudal lordship, kinship and kinship-like ties with non-related families, was one of the most distinctive features of late-medieval Scotland, a system of regionalised power structures that only began to break down in the later sixteenth century. The continuation of an honour society, and the strength of lordship and kinship, helps to explain why lairds were still more dependent on the nobility than their English counterparts.

Below the nobility came the lairds. While there has been little work on the great magnate families of sixteenth- and seventeenth-century Scotland, even less research has been done on landowning families of lesser status. The boundary between the greater lairds and the lesser nobility was less sharp than that between the nobility and gentry of England. In England the gentry were rigidly separated from the nobility and were stratified into knights, esquires and gentlemen, usually with coats of arms to prove their status. In Scotland a coat of arms was not a prerequisite for someone claiming gentry status until the later seventeenth century. Some greater lairds, although lacking a title, had wealth, followings and influence equal to those of many nobles. During the sixteenth century the impoverishment of several noble families and the rise of a number of laird ones further blurred distinctions between the two groups.

Within the laird class there was a wide range of wealth and influence. The feuing of church and crown lands in the sixteenth

century increased the uncertainty regarding who was a laird. At the lower end of the scale a laird was normally considered to hold at least two husbandlands (about 52 acres) of land; otherwise he was considered to be a yeoman farmer. No completely satisfactory way of subdividing the lairds has yet been found because of the complex interplay of status, tenure and wealth. Meikle (1988), in her study of the eastern Borders, distinguishes bonnet, lesser and greater lairds. Bonnet lairds, small proprietors, worked their own lands and had little status or influence. Lesser lairds might be freeholders with small baronial jurisdictions but there were also many feuars, vassals of larger landholders, at this level. In the eastern Borders between 1540 and 1603 there were 306 laird families. Fifteen were bonnet lairds, 23 bonnet or lesser lairds, 218 lesser and 40 greater. The lairds in this region married predominantly within their own group and within their own locality. The administration of local government was dominated by laird families. They were challenged at times by powerful non-resident aristocrats but always unsuccessfully.

Most laird families in the eastern Borders remained stable during the second half of the sixteenth century but some, particularly those who had influence and had secured positions at court, prospered and increased their status. Some families were downwardly mobile. Over Scotland as a whole, laird families that held by feu ferme tenure should have increased their wealth during this period as inflation eroded the real value of the feu duties they paid. Although estimating the wealth of members of landed society is difficult, most lairds seem to have prospered modestly with rising prices and additional land. Some were sufficiently well off to build new tower houses or remodel existing ones, in contrast to the gentry on the English side of the Border. By the later sixteenth century both the nobility and the lairds were placing greater value on education. Lairds in the eastern Borders tended to send their sons to schools outside the region, especially in Edinburgh. More lairds' sons from the eastern Borders were sent to university in Scotland and abroad than the sons of gentry from the English side of the Border.

Stresses in Sixteenth-century Landed Society

Sixteenth-century Scotland was characterised by much greater levels of disputes over land than the previous century, in terms of feuds and litigation. While landed society had been fairly stable in the fifteenth century, the sixteenth brought new political, economic and social influences that led to stresses in the relationships between different social groups. This may reflect the strains imposed on feudal structures by influences such as population growth, inflation, the shake-up in the land market, religious upheavals and the rise of the lairds.

In some ways the Reformation strengthened the position of the aristocracy. It removed the clerical state from Parliament and state offices, at least until Charles I's reign. Protestantism also gave the nobles an ideological justification for their position in the state, as godly magistrates, and they benefited more tangibly from the acquisition of church lands. Yet in other respects the Reformation led to a weakening of the hold of the nobility over society. The development of the Calvinist church with its kirk sessions (Chapter 3) gave a greater role locally to lairds and feuars as church elders. The aristocracy could no longer take the leadership of Scottish society for granted as sections of the lairds, lawyers, urban merchant élites and the clergy became more assertive.

This is most evident in terms of political influence. In the later sixteenth century an increasing number of lairds began to make their way independently at court without the aid of noble patrons. Many of the new peerages granted by James VI in recognition of royal service went to men from gentry backgrounds. Did this represent the rise of a new social group to challenge the position of the aristocracy or merely a number of individual opportunists making the most of changed political conditions? In particular, the influence of the greater lairds at court and in royal administration increased in the later sixteenth and early seventeenth centuries while in the localities they began to form the core of a slowly expanding system of local government. James VI promoted many younger sons of lairds at court and many became courtiers in their own right rather than having to depend on aristocratic patrons.

James VI has been credited with a deliberate policy of creating a *noblesse de robe*, a new peerage whose origins lay with lawyers, lairds,

and younger sons and cadet branches of the nobility (Lee 1959, 1980). It has been suggested that this nobility of service had a vested interest in the maintenance of royal government that contrasted with the aims of the older nobility. Several historians have emphasised James' preference for men of middling origin, concluding that there was a sharp distinction between the two groups. It does seem as if members of families of the new nobility married within their own circle and only to a limited degree with the old aristocracy, suggesting that they were not yet fully accepted. Nevertheless, in the early seventeenth century the most prominent nobles in politics were the Earl of Dunbar, the younger son of a Border laird, the Earl of Dunfermline, the younger son of a lesser noble, and the Earl of Menteith, also from the lower ranks of the nobility. They were not members of traditional leading magnate families like Douglas, Gordon or Hamilton.

Too much, however, can be made of the distinctiveness of the new nobility; they co-operated rather than clashed with the old nobility and contemporaries did not draw sharp boundaries between the two groups. Nevertheless, the power of the new nobility derived not from lands and followings but from the offices they held. It has been claimed that the gentry were emerging as a more independent and powerful group, although the idea of the 'rise of the lairds' is a theory that requires more rigorous testing. Although over a hundred lairds had attended the Reformation Parliament it was James VI who formally brought them into Parliament in 1587 when two commissioners, with a joint vote, were appointed for most shires. Those eligible to elect the commissioners were freeholders with lands valued at a minimum of 40 shillings of Old Extent, a much higher wealth qualification than the English equivalent. Feuars whose superiors were landowners other rather than the crown did not receive a vote until 1661.

The creation of the shire commissioners in 1587 was an acknowledgement of social changes that had already occurred. The lairds had previously petitioned for separate recognition as an estate in Parliament but they did not achieve this ambition until 1640. The real influence of the lairds lay in their estates and localities. The rise of the shire commissioners in Parliament was nevertheless a slow one. In 1640 their vote was doubled, with one

vote being granted to each of the two commissioners representing most shires, although it was 1681 before all 33 shires were represented. In 1690 26 new commissioners were distributed between the shires. Once installed, the shire commissioners soon began to take an independent line, especially on taxation, using Parliament to air their grievances to express their resentment at subsidising the nobility who received pensions from crown revenues. The shire commissioners and burgh commissioners formed a coherent block in Parliament, with radical influences that emerged after 1638, were suppressed but not eliminated after 1660 and surfaced once more between 1689 and 1707.

A fundamental influence on the position of the nobility in the late sixteenth and early seventeenth centuries was the growing power of central government, which began to affect the localities to a much greater degree than before (Chapter 4). A number of James VI's policies combined to alter the position of the nobility. As state bureaucracy increased in size and became more professional, government became a full-time activity, less attractive to greater magnates who could not afford to abandon their power bases in their localities. For the early seventeenth century the old view of a clash between an increasingly beleaguered nobility and a more progressive, absolutist monarchy supported by rising middling social groups still has adherents. Even so James' success in increasing his power appears to have been due more to co-operating with his nobles and winning their support rather than attacking their power.

The late sixteenth-century nobility continued to enjoy privileged access to the king. People of lesser status could only approach the monarch through a noble, but the creation of a new nobility widened the range of those with independent access to the monarch. There were other potential threats too; Goodare (1989) has termed the 1590s a period of unprecedented aristocratic paranoia. Proposals for a new royal guard under the command of a laird might have restricted access to the king; plans for a reform of the Privy Council might have excluded nobles. In 1593 a number of nobles reacted to perceived threats to exclude them from government by staying away, but overall the nobility saw the advantages of co-operating with the government rather than opposing it. Nevertheless, as their economic circum-

stances became more difficult in the late sixteenth and early seventeenth centuries, their dependence on the crown increased. Their local client networks, based on land, became less important than securing a place on the bureaucratic gravy train and gaining royal pensions. Their increasingly dependent status must have affected them, and as the seventeenth century progressed it is probable that many nobles felt increasingly alienated and frustrated by the growth of central bureaucracy and their financial dependence on the crown.

Financial Pressures: A Crisis for the Nobility?

There were economic pressures on the nobility too. Brown (1989) has suggested that the confidence of the nobility was shaken by a marked rise in indebtedness during the last two decades of the sixteenth century, coinciding with the period of most rapid price rises, similar in some respects to the crisis that has been claimed for the English nobility. It is possible, of course, that some noble families were in financial difficulties at an earlier date. The later sixteenth century is relatively well documented and this may hide the extent of the impact on magnate finances of the English invasions of the 1540s or the Marian civil wars. Nevertheless, Brown cites examples such as the first Earl of Lothian, who committed suicide because he could not pay his debts, the twelfth Earl of Crawford, who died in a debtor's prison in 1620, and the sixth Lord Sommerville who, having alienated most of his land, gave up using his title because his lifestyle could no longer match the dignity of a peer. These are extreme examples but several other nobles had to sell off part or most of their estates to meet their creditors, while the earls of Argyll and Buccleuch took mercenary service abroad to raise money. A deterioration in the health of the finances of the nobility is likely to have affected perceptions of their status by other social groups. In particular, increasing resort to borrowing money and growing difficulty in repaying it is bound to have altered the image of the nobility among the merchant communities of the larger burghs, which provided so much of the credit.

Why was the late sixteenth century such a bad time for noble finances? The lag between inflation and the rise of money rents

outside eastern arable areas (Chapter 2) and the diminution of the real value of feu duty income to lords who had acquired the superiority of church property were two factors. Bad harvests in the 1580s and 90s caused famine conditions that cut the flow of rents to a trickle in some years. Rising standards of living increased noble expenditure and many of the new nobility, with insufficient land and income, may have got into debt through struggling to emulate the lifestyle of the great magnates. This is especially likely after 1603 when landowners may have carried on increasing their expenditure in the expectation that grain prices would continue to rise when, in fact, they levelled off (Macinnes, 1991). Overspending was not confined to the aristocracy; many lairds, especially those with ambitions at court, were also getting seriously into debt in the late sixteenth century.

The growing availability of credit from an increasingly prosperous Edinburgh merchant élite looking for ways of investing their capital may have tempted landowners into overspending. On the other hand it is not clear to what extent landowners were merely taking advantage of a credit boom. There was certainly a major expansion of credit following the Reformation, especially after 1587 when Parliament allowed interest at up to 10 per cent to be charged. Before this usury had, in theory, been illegal, although there were various ways round this. With rising prosperity in the early seventeenth century merchants were keen to lend money as the income from this form of investment could be substantial.

Attendance at court in London after 1603 was ruinously expensive for those nobles who chose to remain courtiers. As feuding gave way to the equally aggressive pastime of pursuing one's neighbour at law, legal expenses, including the cost of staying in Edinburgh while cases were tried, rose rapidly. Rising taxation also began to have an impact towards the end of James VI's reign and to an even greater degree under Charles I. Taxation had been infrequent before 1600. It became more regular after 1607 and virtually annual from 1612. £200,000 Scots was levied between 1600 and 1609 but this rose to £507,000 between 1610 and 1619. The tax of 1621, designed to raise £1.2 million Scots over four years, was greater than the entire tax bill for the previous 50 years. The total taxation imposed between 1620 and