

Reducing That Barbarous Country: Center, Periphery, and Highland Policy in Restoration Britain

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Abstract Despite a recent expansion of interest in the history of Restoration Scotland, historiographical engagement with the place of the Highlands in the Restoration state continues to be relatively limited. Building upon recent research into the political culture of the later seventeenth century, this article offers a new conceptualization of the relationship between the center and the Highland periphery. It argues that the region was heavily integrated into wider political circumstances, while recognizing that contemporary statesmen remained concerned about its perceived wildness. From this basis, the article moves on to consider the nature of Highland policy, suggesting that tactical shifts spoke of deeper strategic uncertainty as to whether the Highlands were best controlled through the direct imposition of government power or by close cooperation with local elites.

In January 1678, the infamous Highland Host descended upon the western shires of Scotland. Raised in an effort to quell the covenanting sentiments of the local populace, the Host was not really from the Highlands at all but was rather a motley assortment of Lowland militias, regular army units, and clan levies from the fringes of Gaeldom. But whatever its composition, the Host stood as a metaphor for the Restoration regime in Scotland, whose authoritarian, militaristic bent historians are increasingly ready to acknowledge.¹ The work of Allan Macinnes has done much to extend this awareness of late Stuart authoritarianism to the Highlands. For him, Highland policy under Charles II (1660–85) and James VII (1685–88) was rooted in the cynical exploitation of Highlanders' reputation for violence, which was used to excuse a consistent buildup of the Crown's military resources. Ostensibly designed to maintain order, this expansion, in fact, aimed to provide the coercive machinery required for the government to realize its absolutist ambitions.² Macinnes's thesis is a compelling one, but it does not tell the whole story because, as Clare Jackson has demonstrated, there was more to Stuart authoritarianism than unthinking reaction. The memory of the midcentury troubles, when armed resistance across Scotland, England, and Ireland had first

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¹ The most detailed discussion of Stuart militarism in Scotland is to be found in Ronald Arthur Lee, "Government and Politics in Scotland, 1661–1681" (PhD diss., University of Glasgow, 1995).

² Allan I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603–1788* (East Linton, 1996), 130–32.

challenged the authority of Charles I (1625–49) and then overthrown his monarchy in favor of republican rule throughout the 1650s, had a profound effect on political philosophy. Many thinkers, most notably in Scotland the Lord Advocate Sir George Mackenzie of Rosehaugh, came to emphasize the need for strong monarchical authority as a safeguard against again slipping into civil war. The physical construction of a pseudo-absolutist regime in Scotland thus fed upon, and in turn contributed to, an intellectual climate supportive of such developments.³ Seeking to combine the insights of Macinnes and Jackson, this article explores the broader conceptualization of Highland-Lowland interaction during the Restoration in order to understand the thinking behind Highland policy. It will begin by assessing the linkages between the local elite and the wider structures of the Scottish state. From this basis, it will trace the development of Highland initiatives with reference to the two most significant innovations of the period: the deployment of Independent Companies between 1667 and 1678, and the commission for securing the peace of the Highlands after 1682.

Historiographical engagement with the place of the Highlands in the Restoration state has not conventionally been particularly extensive. The long-standing tendency to avoid discussion is well summarized by the laconic observation of W. C. Mackenzie in his 1937 survey of Highland history that “the Restoration which in its disturbing effects turned the Lowland of Scotland upside down scarcely raised a ripple on the surface of Highland life.”⁴ More recent decades have produced two pioneering works, both of which nonetheless have their deficiencies. Paul Hopkins’s meticulous political narrative treats the Restoration as merely a prelude to his main focus, the first Jacobite Rising. Allan Macinnes’s refreshing revisionist analysis, meanwhile, has the character of an exploratory thrust rather than a concerted analysis.⁵ There remains as a result a striking dearth of scholarly material on this topic—mirroring the still relatively underdeveloped historiography of the Restoration in Scotland more generally.

In order to establish a historiographical framework, it is therefore necessary to take a longer perspective, because the place of the Highlands within Scotland’s state-building experience in the early modern period more generally has attracted rather greater attention. The conventional line, however, is rather dismissive. Gordon Donaldson’s (by now quite aged) thesis that “the highlands proper . . . played hardly any part in the main stream of Scottish affairs in the sixteenth century and intervened only occasionally in the seventeenth” is a rather extreme example, but this sort of thinking remains extant insofar as state building is often seen as something that happened in the Lowlands and was imposed upon a passive Highlands.⁶ Julian Goodare, for instance, traces the process largely to the decision of James VI that royal authority be expanded by coercing clan chiefs into giving obedience.⁷

³ Clare Jackson, *Restoration Scotland, 1660–1690: Royalist Politics, Religion and Ideas* (Woodbridge, 2003), 132–38.

⁴ W. C. Mackenzie, *The Highlands and Isles of Scotland: A Historical Survey* (Edinburgh and London, 1937).

⁵ Paul Hopkins, *Glencoe and the End of the Highland War* (Edinburgh, 1998); Macinnes, *Clanship*, 122–58.

⁶ Gordon Donaldson, “Scotland’s Conservative North in the Sixteenth and Seventeenth Centuries,” *Transactions of the Royal Historical Society, Fifth Series* 16 (May 1965): 74.

⁷ Julian Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), 264.

Isobel Grant and Hugh Cheape similarly regard Highland integration as something imposed from the center, as do James Hunter, Jenny Wormald, and David Stevenson.⁸

A more extensive argument from a similar perspective has been offered by Michael Hechter, for whom the dominant dynamic of early modern British history was the process of “internal colonialism.” Britain, in Hechter’s estimation, contained two distinct socioeconomic structures: one “Celtic,” found in Ireland, Wales, and Highland Scotland, the other “English,” limited to Lowland Scotland and England. Integration between these two, according to Hechter, invariably involved the forcible realignment of Celtic areas to mirror or at the very least service English regions.⁹ Hechter’s model of socioeconomic developments has much in common with Charles Withers’s approach to cultural issues. Withers asserts that, beginning in the later seventeenth century, the Highlands underwent a process of wholesale transformation, occasioned by Lowland society and characterized by the eradication of the ideological foundations upon which traditional Highland society had been based.¹⁰

Some historians have of course questioned the orthodoxy of Highland passivity, particularly in recent years. Bruce Lenman makes the point that fully top-down integration would have been impossible given the massive local power of clan chiefs. Instead, he stresses that the process relied upon the active participation of elites based on the recognition that they too could draw benefits in the form of heightened wealth and prestige.¹¹ Macinnes shares this view, while stressing, in common with Frances Shaw and Douglas Watt, the importance of elites’ debts as a spur to the process.¹² The ideas of Lenman, Macinnes, Shaw, and Watt have been given their most rigorous treatment by Robert Dodgshon, whose detailed reconstruction of the mores of Highland lords similarly stresses their own conscious engagement with both social change and consequent political integration.¹³ Such correctives notwithstanding, the weight of the historiography continues to treat the Highlands as an appendix to the Scottish state-building experience, rather than as an actor within it, leaving us with a hazy understanding of just how the region was governed. It is this deficiency that the present article makes a modest contribution toward addressing.

Historians’ conventionally weak understanding of early modern governance in the Highlands is also explained in part by their tendency to rely overheavily on official

⁸ I. F. Grant and Hugh Cheape, *Periods in Highland History* (London, 1997), 140–43; James Hunter, *Last of the Free: A Millennium History of the Highlands and Islands of Scotland* (Edinburgh, 1999), 176, 264; Jenny Wormald, *Court, Kirk and Community: Scotland, 1470–1625* (Edinburgh, 1991), 164; David Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh, 1980), 17.

⁹ M. Hechter, *Internal Colonialism: The Celtic Fringe in British National Development, 1536–1966* (London, 1975), 30–34, 58, 81–87.

¹⁰ Charles W. J. Withers, *Gaelic Scotland: The Transformation of a Culture Region* (London, 1988), 72–78, 112, 255–56.

¹¹ Bruce Lenman, *The Jacobite Clans of the Great Glen, 1650–1784* (Dalkeith, 1995), 43.

¹² Macinnes, *Clanship*, 143–48; Frances J. Shaw, *The Northern and Western Isles of Scotland: Their Economy and Society in the Seventeenth Century* (Edinburgh, 1990), 45, 51; D. Watt, “‘The labyrinth of thir difficulties’: The Influence of Debt on the Highland elite, c. 1500–1700,” *Scottish Historical Review* 85, no. 219 (April 2006): 28–51.

¹³ Robert A. Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493–1820* (Edinburgh, 1998), 102–15.

records. It is certainly the case that these sources—principally the records of Parliament and Privy Council, both of which are available in published form—must provide the spine of any credible study.¹⁴ However, these materials offer highly sanitized and one-sided accounts, to the extent that any historian using them in isolation is likely to acquire a distorted view of the period. For this reason, official records must be supplemented wherever possible with other types of material, including judicial proceedings, financial accounts, ecclesiastical minute books, and literary contributions (including chronicles, pamphlets, notebooks, and poetry in both English and Gaelic). Material in these classes allows the historian to explore the practical workings of policy, as well as the view from the locality, in ways that central records do not. Correspondence is also of particular value. There survives in relation to the Restoration Highlands a rich corpus of letters, much of it concentrated in major archival collections such as the Lauderdale Papers (British Library), the Argyll Papers (Inveraray Castle), and the Breadalbane Muniments (National Records of Scotland). Such documents give often detailed insights into the process through which policy was formulated, implemented, and received, and provide an opportunity to add vitality and texture to the otherwise rather sterile narrative offered by official records. By drawing upon this wider variety of source material, it is possible to present a more rounded and satisfying reconstruction of both the conceptual underpinnings and the primary mechanisms of government policy.

Governmental interaction with the Highlands was conditioned by a particular set of stereotypes about the nature of the locality. The region was regarded by many contemporaries as isolated and strange. This led them to conceptualize Highlanders in terms of distinct intellectual tropes, such as ethnic distinctiveness (usually meaning Irishness), superstition, tribalism, and militarism.¹⁵ These prejudices tended to crystallize during the Restoration into a pervasive sense that Highlanders were willfully contemptuous of the rule of law, especially through their penchant for banditry. Indeed, one anonymous memorandum from the late 1670s suggested that the problem threatened to reach near-apocalyptic proportions: “By these rebellious practices, good subjects are enorm[ous]ly leised in their heretages, their rents uplifted by violence, and spent by rebels in debauchery, many depredations are committed, and all those who are adjacent to any of these Clanns, are in continuall hazard; and at a Continuall expence keeping men at armes to defend their lives [and] goods, and all other broken men, outlawes, and theeves; are conjoynd so with these that they

¹⁴ K. M. Brown et al., eds., *The Records of the Parliaments of Scotland to 1707* (St. Andrews, 2007), www.rps.ac.uk (RPS); P. H. Brown et al., eds., *The Register of the Privy Council of Scotland, Third Series, 1661–91* (RPCS), 16 vols. (Edinburgh, 1908–70).

¹⁵ For some examples of the stereotypes in contemporary literature, see Robert Sibbald, *An Account of the Scottish Atlas; or, The Description of Scotland Ancient & Modern* (Edinburgh, 1683), 5; Joshua Childrey, *Britannia Baconica; or, The Natural Rarities of England, Scotland & Wales* (London, 1662), 177–79; John Taylor, *Treasaurarium Mathematicae; or, The Treasury of Mathematicks* (London, 1687), 142; Edmund Borlase, *The History of the Execrable Irish Rebellion Trac'd From Many Preceding Acts of the Grand Erruption the 23 October, 1641, and Thence Pursued to the Act of Settlement* (London, 1690), 19; George Sinclair, *Satan's Invisible World Discovered; or, A Choice Collection of Modern Relations Proving Evidently Against the Saduceed and Athiests of This Present Age, That There Are Devils, Spirits, Witches, and Apparitions* (Edinburgh, 1685), 214; Roger EEstrange, *The State and Interest of the Nation, With Respect to His Royle Highness the Duke of York Discours'd at Large, in a Letter to a Member of the Honourable House of Commons* (London, 1680), 14; William Alexander, *Medulla Historiae Scotiae* (London, 1685), 212.

frame a considerable body, and will Certainly increase, and persevere in their and the like practises.”¹⁶ This sort of rather histrionic focus upon Highland lawlessness and its implications, combined with the wider sense of ethnic and cultural distinctiveness, helped construct a powerful public discourse portraying the region as an internal Other and its people as a race alien in many crucial ways to the norms of Scottish and British society.

Given this reputation, there are legitimate questions to be asked about the Highlands’ interaction with the wider British polity. In particular, the question remains as to whether there are grounds for characterizing the relationship in the early modern period as a colonial one, in which a metropolitan culture attempted to remake the periphery in its own image, as historians such as Goodare, Hechter, Withers, and others have often implied. In the wider context of European imperialism, perhaps the key prerequisite for colonial relationships was the notion of “incivility.” Lurid and pejorative accounts of barbaric and primitive practices were routinely used to justify the exploitation of native cultures.¹⁷ Brazil’s example is instructive. There, the perception of barbarity—particularly relating to the cannibalistic rites of the coastal Tupi tribes—convinced Portuguese settlers that the indigenous peoples were a lower form of humanity. This, in turn, variously justified enslavement, aggressive missionary endeavor, and by the later seventeenth century, wholesale extirpation to make way for cattle ranches.¹⁸ Similar mental processes were at work closer to home. The denigration of the native Irish as barbarous, revealed by features such as Catholicism (often equated with mere paganism) and transhumance, had justified English colonization under the Tudors and continued to underpin the anglicization of the island during the seventeenth century.¹⁹ Before Restoration attitudes toward the Highlands can be accorded the colonial overtones suggested by Hechter and Withers, the extent to which otherness was equated with incivility must first be established.

Comparable rhetoric of Highland barbarism certainly did exist during the Restoration. William Cleland, an English Royalist whose anti-Scottish rhetoric dating from the 1640s gained widespread currency during the Restoration, offered a mocking outline of Highlanders’ barbarous character traits:

It’s marvelous how in such weather,
Ov’r hill and hop they came together,
How in such stormes they came so farr,
The reason is, they’re smear’d with Tar.
Which doth defend them heel and neck,

¹⁶ “The Present State of the Highlands,” 1678, Papers of the Campbell Family, Dukes of Argyll, bundle 70, National Register of Archives for Scotland (NRAS) 1209, Inveraray Castle.

¹⁷ Peter C. Mancell, ed., *Travel Narratives of the Age of Discovery: An Anthology* (Oxford, 2006), 10.

¹⁸ S. B. Schwartz, “The Formation of Colonial Identity in Brazil,” in *Colonial Identity in the Atlantic World, 1500–1800*, ed. Nicholas P. Canny and Anthony Pagden (Guildford, 1987), 26; John Hemming, *Red Gold: The Conquest of the Brazilian Indians* (repr. London, 2004), 34, 83–84, 351–83.

¹⁹ Nicholas Canny, “The Ideology of English Colonization: From Ireland to America,” *William and Mary Quarterly* 30, no. 4 (October 1973); S. J. Connolly, “Popular Culture: Patterns of Change and Adaptation,” in *Conflict, Identity and Economic Development: Ireland and Scotland, 1660–1939*, ed. R. A. Houston and R. J. Morris (Preston, 1995), 105; J. Leerson, “Wildness, Wilderness, and Ireland: Medieval and Early-Modern Patterns in the Demarcation of Civility,” *Journal of the History of Ideas* 56, no. 1 (January 1995): 32–34.

Just as it doth their Sheep protect;
 But least ye doubt that this is true,
 They're just the colour of tar'd Wool:
 Nought like Religion they retain,
 Of moral Honestie they're clean.
 In nothing they're accounted sharp,
 Except in Bag-pipe, and in Harpe.²⁰

Not everybody shared Cleland's view of Highland incivility. Both Robert Kirk and the Catholic missionary John Cahassy were adamant that Highlanders were by nature a civilized people—or, at least, considerably more civilized than their ancestors had been.²¹ Although contemporaries made liberal use of the language of incivility in discussing the Highlands, the meaning attached to it by those with direct experience of the region was usually a limited one. Thus a petition to the Scottish Parliament in 1661, which bemoaned the “barbarous Insolencies” committed by Highlanders, was concerned only with cattle theft; “barbarous” simply meant “lawless,” rather than uncivil.²² In this context, the construct of barbarity did not necessarily have the grandiose, transformative implications in the Highlands that it carried elsewhere. For all their readiness to acknowledge Highland otherness, there is little to suggest that Restoration commentators made the intellectual leap of concluding that Highlanders were barbarians to be civilized.

The absence of a well-defined discourse of Highland incivility reflects the fact that, contrary to the generally pejorative conceptualization of the region, integration into wider Scottish and British norms was in many respects well advanced. This was obvious in the cultural sphere. The major kindreds of the Eastern Seaboard did not tend to view themselves as Highlanders. In 1665, the Rosses of Balnagown complained to the Privy Council that Kenneth Mackenzie, 3rd Earl of Seaforth, while attempting to lift fines he had imposed on them in his capacity as sheriff of Ross, had “intended a convocation of Hielanders, whereof the compleaners in the low country were justly afraid.”²³ Similarly, when Hugh Fraser, 8th Lord Lovat, came back to his home estates in the Inverness area after a visit to Glenelg in 1666, he was described as having “returnd from the Highlands.”²⁴ However, east coast society did display a number of Gaelic cultural markers. The presbytery of Caithness, for instance, was repeatedly vexed by the “heathenish [and] barbarous custome” of “pyiping at Lykvakes” and fined at least four individuals for doing so in the decade after 1663 (“lykvake” refers to vigil kept over a corpse before burial).²⁵ Meanwhile,

²⁰ William Cleland, “A Mock Poem, Upon the Expedition of the Highland Host, Who Came to Destroy the Western Shires, in Winter 1678,” in *A Collection of Several Poems and Verses Composed Upon Various Occasions* (1697), 13.

²¹ John Cahassay to Father Everard, 9 November 1685, Blair Letters, BL/1/90/2, Scottish Catholic Archive; Notebook of Robert Kirk, 1669–c.1674, Laing Collection, La.II.549, fol.53v, Edinburgh University Library.

²² *RPS*, 1661/1/112.

²³ *RPCS*, 2:21.

²⁴ James Fraser, *Chronicles of the Frasers: The Wardlaw Manuscript Entitled “Polichronicon Seu Policratia Temporum; or, The True Genealogy of the Frasers, 916–1674,”* ed. W. Mackay (Edinburgh, 1905), 465–66.

²⁵ Records of the Presbytery of Caithness, 1654–1688, CH2/47/1, f. 70–71, 134, 139, 159, National Records of Scotland (NRS).

the supposed Lowlander Lovat was not above donning Highland dress during his Glenelg progress, nor did he pass up the opportunity afforded by the funeral in 1668 of Sir Robert Munro of Foulis to show off his family's martial vigor (a key component of conventional Gaelic lordly display) by sending a mourning party of fifty horsemen. The Rosses and the Munros themselves did likewise, outfitting one thousand and six hundred foot respectively.²⁶ In the supposedly more Lowland east, then, identities still owed something to Highland culture.

The western Highlands, by contrast, have tended to be seen as more hardened in their attachment to Gaelic social and cultural mores: Iain Mackenzie of Applecross (d. ca. 1684) was famous for the lavishness with which he patronized Gaelic bards; the Macleans of Duart employed two pipers at their castle of Duart in 1674; and Donald Macdonald of Moidart retained such close ties with the Irish branch of clan Donald that Alexander Macdonell, 3rd Earl of Antrim, proclaimed to him in 1684 that he had "a reall keendnes for yow more than for any o[the]r of his . . . name" and even offered to foster Moidart's eldest son.²⁷ Nevertheless, even here, identities were not fixed. Toward the end of the seventeenth century, most Hebridean elites were fluent in English and tended to have adopted Lowland dress as their habitual garb, at least according to the Skye-born writer Martin Martin, whose account, although explicitly aiming to demystify the Highlands and open it to outside understanding, was perhaps not above charges of exaggeration.²⁸ Nonetheless, bilingualism had certainly come to be seen as essential on the mainland. Of Angus Mackean of Ardnamurchan, it was observed in 1662 that "he not knowing soe mutch of our Language [was unable] to buy meal [and] drink and not able to persue after his oune just rights."²⁹ More generally, John Macleod of Dunvegan fully shared in the cosmopolitan tastes of his eastern counterparts, spending more than £174 on medicines in 1661 and buying copious volumes of luxury goods such as lace, muslin, silk, cinnamon, nutmeg, and raisins.³⁰ In the West as in the East, then, there was little evidence of a monolithic culture and equally scant proof that association with one cultural environment precluded involvement in the other. Instead, there was across the Highlands a tendency to draw from Highland and Lowland traditions to create an identity straddling both.

This sort of multilayered identity was hardly unique in a European context. Within the sprawling empire of the Austrian Habsburgs, the decades after the end of the Thirty Years' War (1618–48) had witnessed provincial elites in Bohemia enthusiastically embrace the worldview of their imperial masters, to the extent that most adopted German as their primary language and began to dominate many of the institutions of central government. Nevertheless, they retained a high degree of cultural independence, and their support of a distinctly local brand of baroque culture

²⁶ Fraser, *Wardlaw*, 465, 475.

²⁷ Anonymous, "Marbhrann Thigearna na Comraich [Elegy to the Laird of Applecross]," in *Gàir nan Clàrsach*, ed. Colm Ó Baoill (Edinburgh, 1994); John Cameron and John Imrie, eds., *The Justiciary Records of Argyll and the Isles, 1664–1742*, 2 vols. (Edinburgh, 1949–69), 1:36; D. Macdonald to Donald Macdonald of Moidart, 13 December 1684, Clanranald Collection, GD201/4/28, NRS.

²⁸ Martin Martin, *A Description of the Western Islands of Scotland circa 1695*, ed. Charles W. J. Withers (Edinburgh, 2002), 129, 150, 156, 203.

²⁹ "Informatione For Angus Mckean of Ardmurchan," 28 July 1662, Mackay Papers, GD84/2/223, NRS.

³⁰ R. C. Macleod, ed., *The Book of Dunvegan*, 2 vols. (Aberdeen, 1837–39), 1:185, 190–99.

(particularly in terms of visual art) ensured that their identity remained as much Bohemian as German.³¹ Within Britain as well, there were parallels. The gentry of Wales, for example, had by the seventeenth century substantially absorbed the cultural and social habits of their English counterparts, not least as regards landholding patterns, office holding, and Anglican piety. Still there remained a robust and distinct Welsh identity, expressed in the continuing vitality of the Welsh language and vernacular poetry.³² The crucial point about these examples is not simply that multilayered identities existed elsewhere in early modern Europe but that in general they did not preclude substantial involvement in, and integration with, core society.

The key mechanism for such integration was local government office holding. The magisterial relationship has been particularly emphasized by historians of early modern England. Mark Goldie argues that it preserved a classical republican ideal by which it was the inherent duty of all citizens to take their turn serving in public offices. Governance thus became an activity shared by all, eliminating the distinction between rulers and ruled, even if practical constraints such as reluctance to serve and the exclusion of some social groups tended to destabilize the model.³³ The diffusion of authority highlighted by Goldie has been reiterated by Michael Braddick in his work on English state formation. Braddick insists that “the process of state formation went hand-in-hand with the process of elite formation.”³⁴ His thesis is that the extension of the English state’s power into distant localities—Wales, Cornwall, and the far north, for example—depended initially upon local elites who identified common interests (social, political, and economic) between themselves and the state. With this in place, they were then free to recognize the potential value of holding local government offices as a way of enhancing their own status and influence.³⁵ Put another way, the development of an affinity of interests between the core society and the peripheral elites facilitated political and administrative integration. Such dynamics became especially pronounced after 1660, when the English gentry tended to retreat from the pressures of policy making at the center, but only in return for heightened authority and independence in the periphery.³⁶ Thus, by locking itself into pre-existing regional hierarchies, English magistracy served a dual function. Elite office holding bound the localities more closely to the state and at the same time provided

³¹ R. J. W. Evans, “The Habsburg Monarchy and Bohemia, 1526–1848,” in *Conquest and Coalescence: The Shaping of the State in Early Modern Europe*, ed. Mark Greengrass (Sevenoaks, 1991), 141–46; Charles W. Ingrao, *The Habsburg Monarchy, 1618–1815* (Cambridge, 1994), 64, 95–101; J. Van Horn Melton, “The Nobility in the Bohemian and Austrian Lands, 1620–1780,” in *The European Nobilities in the Seventeenth and Eighteenth Centuries*, vol. 2, *Northern, Central and Eastern Europe*, ed. H. M. Scott (Harlow, 1995), 117–25.

³² Michael J. Braddick, *State Formation in Early Modern England, c.1500–1700* (Cambridge, 2000), 349–52; Felicity Heal and Clive Holmes, *The Gentry in England and Wales, 1500–1700* (Basingstoke and London, 1994), 179; Philip Jenkins, *A History of Modern Wales, 1536–1990* (London, 1992), 48–51, 59–64; Philip Jenkins, “Seventeenth-Century Wales: Definition and Identity,” in *British Consciousness and Identity: The Making of Britain, 1533–1707*, ed. Brendan Bradshaw and Peter Roberts (Cambridge, 1998), 216–19.

³³ Mark Goldie, “The Unacknowledged Republic: Officeholding in Early Modern England,” in *The Politics of the Excluded, c.1500–1850*, ed. Tim Harris (Basingstoke, 2001), 153–94.

³⁴ Braddick, *State Formation*, 347.

³⁵ *Ibid.*, 347–55.

³⁶ Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England* (New Haven and London, 1986), 357–58; Heal and Holmes, *Gentry in England and Wales*, 266–334.

a channel for diffusing public authority back out across the land and modulating it in a manner acceptable to regional sensibilities.³⁷

Scotland did not stand aloof from this pattern. The jurisdictional power of the Scottish nobility was notoriously extensive, in terms of both their heritable jurisdictions (like barony courts) and their near monopoly of the key office of local government, the sheriffship.³⁸ Highland elites recognized the potential advantages of acquiring local government offices, as the scramble to secure them in the immediate aftermath of the Restoration illustrates. The sheriffship of Caithness was fought over by two members of the Sinclair family, George Sinclair, 6th Earl of Caithness, and William Sinclair of Dunbeath. Although Caithness eventually emerged as the government's choice, Dunbeath continued to resist until the end of the 1660s.³⁹ A similar dispute developed farther south, in Ross-shire, where Alexander Stuart, 5th Earl of Moray, and Kenneth Mackenzie, 3rd Earl of Seaforth, both sought to become sheriff. Again, the losing party—Moray—was still attempting to overturn his defeat at the end of the decade.⁴⁰ Highland elites clearly grasped the value of official jurisdiction in enhancing their personal authority, which in turn provided the government with a constant supply of willing local officials.

The patterns of local magistracy can be illustrated through analysis of one particular office, that of justice of the peace (JP). JPs occupied a challenging and not especially illustrious place within Scottish local government. Established under James VI in emulation of the English model, JPs had initially had wide judicial powers. However, competition from longer established offices, particularly heritable jurisdictions, eroded this authority. When the newly created commissionerships of supply also removed much of the tax collecting responsibility from the office of the JP in 1667, JPs were effectively reduced to discharging mundane administrative duties such as the maintenance of bridges and highways. The actual functioning of JPs was consequently problematic; officeholders were sometimes reluctant to serve, and it was often difficult to get commissions up and running.⁴¹ These difficulties highlight the limitations of the royal bureaucracy, especially in the face of personal aristocratic power. However, the fact that office holding was only one possible source of power in the locality (as was the case even in the more bureaucratically sophisticated English state) should not overshadow the more limited relevance that it did achieve.

³⁷ John Miller, *After the Civil Wars: English Politics and Government in the Reign of Charles II* (Harlow, 2000), 7–10, 23–26.

³⁸ Keith M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603–1715* (Basingstoke and London, 1992), 33–40.

³⁹ *RPCS*, 1:187–88, 225–26, 435–38; George Sinclair, 6th earl of Caithness, to John Maitland, 2nd earl of Lauderdale, 20 March 1669, Lauderdale Papers, 1668–69, British Library Add. Mss. 23131, f. 168, BL.

⁴⁰ *RPCS*, 1:177–78; Alexander Stewart, 5th Earl of Moray, to Lauderdale, 1662, Lauderdale Papers, 1662, Add. Mss. 23117, f. 14r, BL; Moray to Lauderdale, 15 January 1662, Add. Mss. 23117, f. 16r, BL; Memorandum to Lauderdale, 1662, Add. Mss. 23117, f. 17r, BL; Moray to Lauderdale, 13 February 1662, Add. Mss. 23117, f. 33r, BL; Moray to Lauderdale, 1662, Add. Mss. 23117, f. 46r, BL; Moray to Lauderdale, 6 March 1670, Lauderdale Papers, 1670, Add. Mss. 23133, f. 45r, BL.

⁴¹ Johan Findlay, *All Manner of People: The History of the Justices of the Peace in Scotland* (Edinburgh, 2000), 50–54; David M. Walker, *A Legal History of Scotland*, vol. 4, *The Seventeenth Century* (Edinburgh, 1996), 194–96.

JPs were among the most widespread local officials in Restoration Scotland, and because they were always accorded a specific geographical sphere, shire-by-shire appointment patterns can be traced. Thus, of the twenty-eight individuals appointed as JPs for Argyll, seventeen belonged to clan Campbell. These held their positions alongside four Macleans, two Maclachlans, two Macallisters, one Macneill, and a Cameron. Invernessshire's twenty-one JPs were made up of four Frasers, four Mackintoshes, two Macleods, one Macpherson, one Grant, one Campbell, one Macdonald, one Chisholm, one Lowland laird, and five Invernesian burgesses. Of Sutherland's thirteen JPs, eight belonged to the Sutherland branch of the Gordons, while there were also two Mackays, two Sutherlands, and a Gray. In Caithness, where twenty-six appointments have been recorded, fully twenty of them went to members of the region's dominant kindred, the Sinclairs, with the outstanding six divvied up between other local lairds. Finally, Rossshire, which boasted the largest complement of JPs, thirty-four in total, had fifteen Mackenzies, three Rosses, one Gordon, one Munro, one Sinclair, one Urquhart, five Lowland lairds, and seven burgesses holding office.⁴² The key point here is that, in each shire, the largest and most dominant kindreds (Campbell, Fraser, Mackintosh, Gordon, Mackenzie, and Sinclair) secured the largest number of JP appointments, with some room left for recognizing lesser but still important local influence (like the Gaelic families of the Hebrides or the burgh of Inverness). JP appointments, in other words, illustrate and confirm the propensity of royal government in the locality to bolt itself onto pre-existing power networks. This, in turn, demonstrates that the phenomenon of magistracy was no more alien in the Highlands than it was anywhere else in late seventeenth-century Europe.

Elite dominance of local government offices contrasted with a marked dearth of Highlanders at the center. Service in the most senior roles was very limited. For instance, only five Highlanders—Archibald Campbell, 9th Earl of Argyll; John Campbell, 1st Earl of Breadalbane; George Mackenzie of Tarbat; Caithness; and Sir George Munro of Culcairn—secured positions on the Privy Council.⁴³ A similar pattern can be discerned for appointments to the various committees and commissions created by Parliament or Privy Council. Only ten Highlanders held such offices between 1660 and 1688, with by far the most active individuals being Argyll and the Fife-born career politician Tarbat. The composition of the Privy Council's specialist Highland committee was still more noteworthy. Created as a one-off expedient in July 1661 for deciding what was “fitt to be done anent the chiftans of clans” and reestablished on a semipermanent basis in 1669, this body's core function was to offer recommendations on Highland policy.⁴⁴ In total, eighty-seven commissions to sit on the committee have been recorded, shared between forty-one men. A mere thirteen commissions went to Highlanders (Argyll, Archibald Campbell, Lord Lorne, Breadalbane, Tarbat, and Culcairn), with a further twenty going to men from the Highland fringe (Alexander Sutherland, 1st Lord Duffus; Moray; Charles Erskine, 5th Earl of Mar; Charles Gordon, 1st Earl of Aboyne; John

⁴² *RPS*, 1663/6/144; *RPCS*, 6:370; 7:196, 460.

⁴³ *RPCS*, 1:1, 216, 526; 5:32; 8:34.

⁴⁴ *RPCS*, 1:11; 2:594, 597; 3:37, 341, 399, 408, 490, 542; 5:235; 6:393, 466, 472, 493; 7:420. The last extant commission to the Highland Committee was in May 1682, and there is no record of it meeting thereafter.

Murray, 2nd Earl of Atholl; Sir George Gordon of Haddo; James Ogilvy, 2nd Earl of Airlie; and William Drummond of Cromlix). Thus, fifty-three commissions—more than 60 percent—went to Lowlanders, principally peers like John Hay, 2nd Earl of Tweeddale; Alexander Bruce, 2nd Earl of Kincardine; and William Douglas, 2nd Earl of Queensberry, but also officials such as the Lord Clerk Register, Sir Archibald Primrose, or the Lord Advocate, Rosehaugh (who, despite some familial and personal ties to Rossshire, very much spoke with a Lowland voice). The voice of Highland affairs in national government, therefore, was largely Lowland and aristocratic.

This, however, was not unique. National government in Restoration Scotland remained the preserve of a small group of prominent men. By way of comparison, it is instructive to note that the Committee for the West, appointed in 1678 to oversee the pacification of that region, was peopled by noblemen (Atholl; Moray; Airlie; George Livingstone, 3rd Earl of Linlithgow; James Drummond, 4th Earl of Perth; and Patrick Lyon, 3rd Earl of Strathmore) with scant personal link to it.⁴⁵ The magisterial function of the Highland elite was therefore offset by a very limited role in central administration, a pattern that mirrored the situation throughout Scotland and, indeed, Britain. Any notion that the Scottish state's interaction with the Highlands was qualitatively different from the early modern norm, let alone that the region was an "internal colony," must be treated with the utmost caution.

However, acknowledging the limitations of Highland dislocation from Scottish and British norms does not mean that there was nothing distinctive about the government's interaction with it. The notion of a "Highland problem" is one of the hoary old beasts of Scottish historiography and tends to be used as shorthand for the idea that governmental attempts to control Highland Scotland were hampered by a set of challenges that were both unique and endemic to the region. Clanship and feuding are the most usual factors cited, but as noted above, the most important feature of the Highland problem as identified by Restoration commentators was, in fact, lawlessness, specifically banditry and cattle theft. The extent to which this characterization was fair has been questioned; certainly, there are good grounds for suggesting that the singularly lawless and violent nature of Highland society was (and continues to be) overstated.⁴⁶ Nonetheless, the government accepted this narrative and sought throughout the period to augment the basic structures of magisterial control with further policies designed to curb perceived depredations.

To begin with, these initiatives continued to embrace the notion that control was best exercised through wholesale reliance on existing local elites. This line of thinking emerged early on, reflecting the generally conservative ethos of the Restoration settlements across the three kingdoms. The Committee of Estates, the main executive body of the Covenanting era, was recalled on 23 August 1660 to act as an interim government until the Scottish Parliament met in January 1661. On 29 August, the committee issued a circular letter to a large number of landholders in the Highlands or on the Highlands periphery, essentially delegating to them all control over the region: "Take special notice of all such of your Clan kinsmen followers servants

⁴⁵ Brown, *Kingdom or Province?*, 33; *RPCS*, 5:505.

⁴⁶ Macinnes, *Clanship*, 32–46.

and tennents, and of all others travelling through your bounds whom yow may stop or lett that they cary themselves peaceably, and doe not in any sort truble the peace of this Kingdome, by gathering themselfts together in bands or companies, or making of any other insolencys privat or publict.”⁴⁷ This approach found practical expression in the summer of 1661, when the newly reconvened Privy Council resurrected a Jacobean statute, dating from 1587, that required around one hundred lairds and chiefs to give bonds of caution, promising to ensure the peaceable behavior of their subordinates.⁴⁸ When this policy proved largely unsuccessful, the government resorted in 1664 to ordering chiefs to make annual appearances in Edinburgh for the same purpose, a policy that was reconstituted in 1669, 1672, 1678, and 1681.⁴⁹ If such frequent reintroductions imply a repeating cycle of nonenforcement, they also show that the fundamental idea of holding local elites responsible for their dependents remained current throughout the Restoration.

Nevertheless, as Charles II's reign wore on, enthusiasm for this kind of indirect rule through the agency of existing local elites began to cool. In part, this reflected broader trends, for in the years after the Pentland Rising of 1666, the government adopted a noticeably more interventionist attitude toward controlling the localities, spurred on by the continuing problem of nonconformity.⁵⁰ However, mistrust of Highland elites was also based upon suspicions that many of them were simply not up to the job; one anonymous memorandum written in 1677 bluntly complained of the senior Highland noblemen, “ther Authoritye and Jurisdictione prevealls not in makinge the heighlands peaceable.”⁵¹ As a result, many commentators came to believe that the Highlands were best pacified through direct imposition of the central government's authority, a position summed up by Glenorchy in a letter to Elizabeth Murray, Duchess of Lauderdale in 1677: “To hav all affairs in the highlands keepit quiet . . . I uill contribut all my endeavours for it and uill publicly declair that to be my opinion as uhat is necessary for the Kings service let it displeas uhom it uill, and this I have asserted.”⁵² A key component of this more muscular thinking was military force, a hallmark of the Restoration regime across the three kingdoms. In Ireland, it resulted in the maintenance of a relatively large standing army of some six thousand men, overwhelmingly Protestant and English in

⁴⁷ Committee of Estates to Clan Chiefs, 29 August 1660, Register and Minutes of the Committee of Estates, 1660, PA11/12, f. 10r–v, NRS. The lords to whom the committee wrote were: Kenneth Mackenzie, 3rd Earl of Seaforth; James Murray, 2nd Earl of Tullibardine; John Murray, 2nd Earl of Atholl; James Ogilvy, 1st Earl of Airlie; Charles Gordon, 1st Earl of Aboyne; John Mackay, 2nd Reay; Hugh Fraser, 8th Lovat; David Ross of Balnagown; Sir Robert Munro of Foulis; Duncan Stewart of Appin; Roderick Macleod of Dunvegan; Angus Macdonald of Glengarry; James Macdonald of Clanranald; Ewan Cameron of Lochiel; Lachlan Macintosh; James Grant of Freuchie; Robert Farquharson of Invercauld; Sir John Campbell of Glenorchy; Sir Dougal Campbell of Auchinbreck; Calum Macgregor, tutor of Macgregor; Sir John Colquhoun of Luss; Walter Macfarlane; John Buchanan; Archibald Campbell of Kilpunt; Sir Thomas Stewart of Garntullie; and David Lindsay of Edzell.

⁴⁸ *RPCS*, 1:55–56.

⁴⁹ *Ibid.*, 1:638; 3:52–59, 490–91; 6:36–44; 7:82–83.

⁵⁰ Lee, “Government and Politics,” 172–73; Jackson, *Restoration Scotland*, 132–38, 144–55.

⁵¹ “Informatione Concerning the heighlands,” 1677, Papers of the Maitland Family, Earls of Lauderdale, bundle 63/55, NRAS832, Thirlestane Castle.

⁵² John Campbell of Glenorchy to Elizabeth Murray, duchess of Lauderdale, 20 February 1677, Lauderdale Papers, 1676–78, f. 29r, Add. Mss. 23138, BL.

composition.⁵³ In England, the instruments of military coercion were the local militias, although admittedly this was a resource of uncertain value and one whose importance declined markedly under James II.⁵⁴ North of the border, enforcing order through military intervention, particularly in the form of quartering troops in troublesome areas (many of which, not coincidentally, were also deficient in the payment of taxes), was a central feature of policy, particularly after 1678.⁵⁵

In this atmosphere, it is hardly surprising that policymakers came to accord to the military a central role in Highland government as well. By the mid-1660s, William Bellenden, 1st Lord Bellenden, was urging John Maitland, 2nd Earl of Lauderdale, who effectively served as Charles II's viceroy in Scotland, to deal with the region by settling a militia—a notion that had become the official position of the Privy Council by 1677 at the latest.⁵⁶ The most obvious manifestation of this thinking was the recurring drive to establish fixed garrisons in the Highlands. Inverlochy, where the Scottish Parliament suggested as early as 1661 that a force should be quartered, emerged as the favored site.⁵⁷ In fact, no garrison was ever settled, although a concerted drive in 1677–79 got as far as securing nearly £7,000 worth of provisions. The very idea of creating a permanent army base, however, emphasized the importance of the military dimension.⁵⁸ In turn, such militarism reinforced the gradual development of direct theories of control at the expense of the initial hands-off approach and highlighted the growing intellectual tension between the two positions.

By the mid- to late 1670s, then, the government's attitude toward the Highlands was marked by striking strategic uncertainty between, on the one hand, *laissez-faire* delegation of authority to preexisting elites and, on the other, punitive, militaristic control directed from Edinburgh. This tension was discernable in the two most significant policy initiatives of the period. The first of these was the granting from 1667 of broad-based commissions to apprehend thieves. Having determined that the diffuse approach exemplified by bonding was not working, the government decided to appoint a single man with the authority to preserve order in the Highlands. After some initial uncertainty, the responsibility was given in August 1667 to the Earl of Atholl. His commission lasted until February 1669. Later that year he was succeeded by a man of lower status, Sir James Campbell of Lawers. Lawers would hold his commission until 1674, when he was replaced by another man of middling rank, Major General George Grant. Lawers resumed his position

⁵³ J. G. Simms, "The Restoration, 1660–85," in *A New History of Ireland*, vol. 3, *Early Modern Ireland, 1534–1691*, ed. T. W. Moody, F. X. Martin, and F. J. Byrne (Oxford, 1976), 440–41; S. J. Connolly, *Divided Kingdom: Ireland, 1630–1800* (Oxford, 2008), 165.

⁵⁴ Fletcher, *Reform in the Provinces*, 324, 333–48; Miller, *After the Civil Wars*, 28–31; P. J. Norrey, "The Restoration Regime in Action: The Relationship between Central and Local Government in Dorset, Somerset and Wiltshire, 1660–1678," *Historical Journal* 31, no. 4 (December 1988): 789–96; John Miller, "The Militia and the Army in the Reign of James II," *Historical Journal* 16, no. 4 (December 1973): 661–63.

⁵⁵ Lee, "Government and Politics," 152–87.

⁵⁶ Osmond Airy, ed., *The Lauderdale Papers*, 3 vols. (London, 1884–85), 1:194, 243; *RPCS*, 5:251.

⁵⁷ *RPS*, M1661/1/36.

⁵⁸ Provisions for the Garrison at Inverlochy, 1678, Army Establishments, E99/25/1–3, NRS.

in March 1677, and later that year, Lord Macdonnel was added to the commission. This final, joint appointment endured until late 1678.⁵⁹

In some ways, these commissions represented a considerable evolution of the government's capacity for direct control. Not least, there was a palpable underlying desire to move away from reliance on personal elite power, particularly after Atholl's term in 1667–69. Alexander Bruce, 2nd Earl of Kincardine, reflected the mood in a letter to Lauderdale in July 1669: "There shall be a privat gentleman found . . . who shall serve thus for one year without any condition but what the counsell shall please after the proof of his service. By this means the contrie should be rid of that brood of theefs for a tyme."⁶⁰ This desire to ensure a direct line of authority from Edinburgh to the locality was reflected in the appointment after 1669 of relatively humble men, a clear effort to counterbalance the hitherto dominant power of the high nobility as government agents in the Highlands. But in another way, the trend toward direct and punitive control had already been apparent during Atholl's tenure. He had in 1667 been empowered to raise an Independent Company that would act as "a constant guard for securing the peace in the Highlands" and would "watch upon the braes and in other places where he shall think fit and quher thieves and broken men doe resort." He was instructed to pursue and apprehend anybody accused of theft and present them for trial to the relevant judicial authorities. In addition, it was declared his responsibility either to return all stolen goods to their lawful owners or, because it was generally assumed that he would have little success recovering livestock, provide financial compensation.⁶¹ Each of the subsequent commissions was couched in nearly identical language. Insofar as these terms provided for a glorified policeman, they represented a clear step away from landlord responsibility and toward a sense of control by one transcendent public authority.

The public nature of the commissions was also signposted by the gradual development of a separate bureaucratic framework. From the beginning, a network of designated outposts was created, at which thefts could be reported to the commissioners.⁶² In a similar vein, a dedicated messenger was appointed in 1670 (at a cost to the Treasury of £120); Lawers, Grant, and Macdonnell were all granted set sums of public money (between £200 and £300 sterling) to cover their expenses, with a contingency for additional monies when necessary; and by 1677, if not before, the Independent Companies began being supplied with arms from the royal magazine.⁶³ Bureaucratic expansion was accompanied by judicial developments, insight into which is afforded by proposals written in 1669 under the influence of Tweeddale. According to this model, "the pairtie Employed" would be empowered to present thieves to existing magistrates, and his word would be treated as sufficient evidence of guilt. Moreover, the commissioners were

⁵⁹ *RPCS*, 2:324–29; 3:87–90; 4:135–37; 5:92–93, 243–46, 496–97; 6:1–2.

⁶⁰ Airy, *Lauderdale Papers*, 2:136–37.

⁶¹ *RPCS*, 2:324–29.

⁶² *Advertisement, Anent Stollen Goods in the Hie-Lands* (Edinburgh, 1673); *RPCS*, 3:136; *Advertisement, Anent Stollen Goods in the Hie-Lands* (Edinburgh, 1676); *RPCS*, 5:244.

⁶³ *RPCS*, 2:224; 4:154; Audited Treasury Accounts, 1667–71, E26/11/1, f. 46–47, NRS; Audited Treasury Accounts, 1671–76, E26/11/2, f. 131–36, 146, NRS; Audited Treasury Accounts, 1676–79, E26/11/3, f. 226–31, NRS; Artillery and Military Stores, 1667–1708, E96/12/1–2, NRS.

to have a blanket right to initiate criminal proceedings against any alleged thieves, “which shall be esteemed als relivant as if the peirtie did it, who sustained the damage.”⁶⁴ Alongside the desire to grant wide powers of prosecution to the commissioners was the occasional tendency to create dedicated courts; a six-man circuit court was established in 1668 to try those thieves apprehended by Atholl, and a similar, abortive scheme for a diet of courts at Inverlochty was proposed in 1677.⁶⁵ While these bureaucratic and judicial developments remained piecemeal and ad hoc, they served to reinforce the sense that the commissions aimed to replace government through private power with a more formal structure that explicitly bypassed personal jurisdictions.

Nevertheless, the policy of appointing single commissioners did not signal a wholesale abandonment of indirect strategies. For one thing, it was recognized that an effective commissioner would need local knowledge and that, consequently, taking direct rule to the logical extreme of appointing an outsider lacking any previous involvement with Highland politics would be unwise.⁶⁶ For another, the government was adamant that the commissions in no way superseded the earlier tactic of landlord responsibility.⁶⁷ Tweeddale’s memo sets out more fully the role local elites were expected to play. In general terms, “all who have any power in the highlands or braes” would be required to “assist any who hath the Comand for supressing of thift,” partly through using their heritable jurisdictions to reinforce the drive against theft and partly by refraining from supporting broken men in any way. More particularly, the memo called for “all cheifes of Clanes and Lanlords” to compile lists of their tenants and dependants, “to [th]e effect it may be Knowen who they are who Disturbes the peace of the Countrie and to whom they belong.” Finally, and perhaps most centrally, they were expected to act as informers: “All who have any goodes stollen from tham, be ordained to advertuse the persone employed within twentie four houres Such as are within threttie mylles and any who are at a greater distance from him within fourtie eight hours Imediatlie after the goodes are stollen.”⁶⁸ This continued engagement with, and reliance on, local elites suggests that indirect strategies of control coexisted alongside the growing preference for direct involvement. If, therefore, it can be said that the succession of commissions between 1667 and 1678 represented an intensification of immediate governmental involvement in the Highlands, it should also be stressed that this pattern never fully replaced the much older tendency to govern through the cooperation of regional grandees.

The succession of special commissioners ended in 1678, just as the British regime was entering the so-called Restoration crisis. This period, marked by exclusionism in England, Covenanting agitation in Scotland, and heightened anti-Catholic persecution in Ireland, saw Highland government fall back upon the innate authority of

⁶⁴ “Proposalles for Taking Order with Broken Men and Suppressing Thift in the Highlands,” 1678, Yester Papers, Miscellaneous Papers, MS. 7003, f. 144, National Library of Scotland (NLS).

⁶⁵ Archibald Campbell, 9th earl of Argyll, to Lauderdale, 11 March 1668, Lauderdale Papers, 1668, Add. Mss. 23129, f. 25v, BL; *RPCS*, 2:422; 5:246–48.

⁶⁶ Argyll to Lauderdale, 1666, Lauderdale Papers, 1666, Add. Mss. 23125, f. 102r–103r, BL.

⁶⁷ *Advertisement* (1673). A similar declaration was made during Major Grant’s period in office.

⁶⁸ “Proposalles for Taking Order with Broken Men and Suppressing Thift in the Highlands,” 1678, Yester Papers, Miscellaneous Papers, MS 7003, f. 144v, NLS.

regional nobles, a trend exemplified by a scheme, sponsored by James, Duke of Albany, to divide the region into five divisions. Within each of these, Argyll, Atholl, Huntly, Seaforth, and Moray, respectively, would assume responsibility for maintaining order and catching thieves.⁶⁹ This plan was effectively destroyed by the forfeiture of Argyll for treason in 1681, and the next major policy initiative actually to bear fruit was the commission for securing the peace of the Highlands. Created in 1682, it divided the region into four separate jurisdictions. The northern division covered Caithness and Sutherland; the central encompassed Ross, Cromarty, Inverness, Nairn, and Moray; the eastern involved Banff, Aberdeen, Kincardine, and Forfar; and the southern incorporated Perth, Stirling, Dumbarton, and Argyll. Within each of these areas, a group of named commissioners (sixty-seven in total) were empowered to apprehend all thieves and try them in special justice courts.⁷⁰ Although the industriousness of the four divisions varied greatly—the northern commissioners in particular seems never to have convened, while only the southern division has left any records—the commission would remain the cornerstone of Highland policy until the fall of James VII in 1688.

There can be little doubt that the commission was intended, in part at least, to ensure that law and order policy bypassed local power networks. Its terms implied strongly that its courts were to be considered superior to all existing local jurisdictions. Thus, “all sheriffs, stewarts, baillies of royalties, regalities and baronies” were ordered to be “aiding and assisting . . . as they shall be required.”⁷¹ Moreover, the Privy Council’s interaction with the commissioners made it clear that they were viewed emphatically as agents of central government rather than as local lieutenants with a free rein. Regular reports were demanded (the southern division submitted accounts of its activities in December 1682, June 1684, August 1684, and March 1686), and a close eye was kept on the commissioners’ proceedings. As early as October 1682, for instance, the council sought a list of all those commissioners who had so far not attended meetings.⁷² More striking still, James Drummond, 4th Earl of Perth, as justice general, personally attended meetings of the southern division on at least three occasions in 1683 and again in 1688.⁷³

Efforts were also made to ensure that the bureaucracy of the commission ran as smoothly and professionally as possible. Court officials, including clerks, messengers, and notaries, were appointed. The Privy Council in October 1682 confirmed that the commissioners, in common with ordinary commissioners of the judiciary, were to have full power to grant protections to those whom they cited. The council further ordered that citations were to be made within the jurisdiction in which a crime was committed rather than the one in which an offender lived. Finally, in 1686 it was declared that “all executiones given in aga[ins]t any partie wher they are not personally apprehendit” would be considered void unless properly worded

⁶⁹ *RPCS*, 6:393–98.

⁷⁰ *Ibid.*, 7:507–15.

⁷¹ *Ibid.*, 7:511.

⁷² *Ibid.*, 7:559.

⁷³ Register of the Commissioners for Pacifying the Highlands, 1682–86, PC8/7, f. 7r–v, 14v–16v, 19v–21v, 25v, NRS; Proclamation to be Read at Balquhiddar, 27 August 1688, Atholl Estates, box 421(1), item 35, NRAS234, Blair Castle.

and witnessed.⁷⁴ Such procedural precision speaks of a genuine desire to create a stable and formal infrastructure.

Moreover, and despite its reputation as the most enlightened of the Restoration's Highland policies, the commission relied heavily upon the direct application of military power.⁷⁵ A regular company of 150 men was reserved for the commissioners' use. It was to be dispersed throughout the divisions and was charged with catching thieves, recovering stolen goods, enforcing judgments, and generally being "obedient to the said commissioners in prosecution of ther commission."⁷⁶ This was not mere rhetoric; specific examples of military reinforcement can indeed be located. By 1684, 50 men were stationed at Inverness for the purpose of attending the central division's courts, while in 1687 a small party of soldiers was dispatched from their quarters at Dunblane in order to guard one of the southern division's courts.⁷⁷ This sort of reliance on the support of the regular army illustrated the extent to which the Restoration regime was a militarized one, but it also emphasized the drive toward direct, punitive control inherent in the Highland commission.

All of this was, however, balanced by ongoing reliance on the informal power of local elites. Practically all of the men appointed in 1682 were resident either in the Highlands or on the Highland fringe. Indeed, around half of them belonged to major Highland families (including some traditionally trouble-making groups such as the Camerons, Macleans, and Macdonalds), with seven being actual clan chiefs: Ewan Cameron of Lochiel, Randal Macdonald of Glengarry, Ludovick Grant of Freuchie, Lachlan Mackintosh of Torcastle, Alexander Macnaughton of Dunderawe, Alexander Robertson of Struan, and David Ross of Balnagown. Moreover, the government was fully aware that the success of the commissioners would ultimately rest upon the cooperation of the locality. Their thief-catching activities routinely relied upon local collusion in terms of both requiring heritors to report thefts and, on occasion, asking them physically to apprehend bandits and present them to the justice courts. In 1684, for instance, "the Laird of mcgrigor and ten or twelve mor of his name" were ordered to catch a group of fugitive MacIlphatriks, while two years later the commissioners issued a general order to all landlords, requesting them to apprehend a group of "several hielanders in armes" who were ranging across the country under pretense of begging but in actuality were committing thefts.⁷⁸

A still more striking manifestation of the Highland commission's continuing attachment to indirect rule was its use of bonding, a tendency to which the extant minutes of the southern division amply attest. The commission advertised its determination to begin collecting sureties as early as December 1682, which policy the Privy Council rubber-stamped two months later by delegating all responsibility for

⁷⁴ PC8/7, f. 4v–5r, 6v, 25r, 92r, NRS; *RPCS*, 8:60.

⁷⁵ Macinnes, *Clanship*, 139; Hopkins, *Glencoe*, 92; Tim Harris, *Restoration: Charles II and His Kingdoms, 1660–1685* (London, 2005), 358.

⁷⁶ Instructions from Privy Council to Highland Commission, 9 August 1682, Atholl Estates, box 291 (12), item 33, NRAS234.

⁷⁷ Torcastle to Moray, 25 February 1684, Papers of the Stewart Family, Earls of Moray, box 6, item 465, NRAS217, Darnaway Castle; William Drummond, 1st viscount of Strathallan, to Ensign Walter Sharp, 12 January 1687, Sharp of Houston papers, GD30/2077, NRS.

⁷⁸ PC8/7, f. 22v–23r, 23v–24r, 25r, NRS.

collecting bonds, with only the requirement that noblemen would still be required to report to Edinburgh. There was more to this than merely changing the organization responsible for collecting bonds. The groundwork for a thoroughly overhauled policy had already been laid in October 1682, after the commissioners discovered that invoking existing sureties—that is, those gathered in the 1660s and 1670s—simply resulted in “divers heretors and heads of clanes endeavouring to disclaime perones given up to the com[missione]rs.” They therefore demanded that “the lands lords [and] heritors of the heighlands give in ane sub[scribi]t list to them wpone oathe of all p[er]sones reseiding within thair bounds,” along with inventories of all their weapons. This call reflected the commissioners’ decision to cast their net much wider than had the Privy Council; alongside senior chiefs and landlords, they were also determined to take bonds from heritors, life renters, and wadsetters, and to do so on a systematic, parish-by-parish basis. Collection of these bonds took place in 1683 and 1684, and by the end of the exercise, around 460 had been gathered.⁷⁹ This was by a considerable margin the most ambitious and rigorous bonding exercise since 1660 and, as such, encapsulated the hybrid identity of the Highland commission. It was a body that, by using powers delegated from Edinburgh, sought firmly to impose public authority upon the locality. However, it did so using the well-worn strategy of indirect control, allowing it to work in cooperation with a range of regional luminaries and exploit their personal authority.

The reputation of the Highlands in Restoration Britain was not in general a flattering one. The region was viewed as remote and wild, and its people were associated with a range of unsavory characteristics—Irishness, superstition, clannishness, militarism, and lawlessness—that served to construct an image of strangeness and otherness. Nevertheless, it is important not to assume that this pejorative attitude led directly to the adoption of a straightforwardly colonial stance on the part of government. There is little to suggest that during the Restoration, if not at other points in time, public discourse made the crucial step from “otherness” to “incivility” and less still to support the thesis that a conscious effort was made to “lowlandize” the region. Thanks to a high degree of local elite integration, the dominant pattern was a form of magisterial control that would have been familiar across Britain and indeed Europe. Increasingly, though, the authoritarian, militaristic ethos of the Restoration regime in Scotland led to the emergence of a more proactive attitude, which sought to bypass local elites and impose direct control. In extreme form, these two strategies would have been mutually exclusive, but the government instead sought to balance them, an ambition to which the major policy initiatives of the period testify. Grasping this dynamic is critical for understanding both the intricacies of Restoration politics in the Highlands and the region’s place as simply another, albeit highly distinct, locality within the British polity.

⁷⁹ *Ibid.*, f. 6r, 7v–9r, 10r, 110v–47r; *RPCS*, 8:58–60, 196–97.