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Published in:
International Review of Scottish Studies

Publication date:
2021

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Document Version
Publisher's PDF, also known as Version of record

Link to publication in Discovery Research Portal

Citation for published version (APA):
Kennedy, A. (2021). State, Community, and the Suppression of Banditry in Seventeenth-Century Scotland. *International Review of Scottish Studies*, *46*, 1-26. https://www.irss.uoguelph.ca/index.php/irss/article/view/6534

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Kennedy, A 2021, 'State, Community, and the Suppression of Banditry in Seventeenth-Century Scotland', International Review of Scottish Studies, vol. 46, pp. 1-26. https://www.irss.uoguelph.ca/index.php/irss/article/view/6534

STATE, COMMUNITY, AND THE SUPPRESSION OF BANDITRY IN SEVENTEENTH-CENTURY SCOTLAND

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ABSTRACT

Eric Hobsbawm's influential thesis of 'social banditry' has provoked a great deal of research into the history of brigandage which had done much to enrich our knowledge of early modern society. This work has also helped inform our understanding of how state structures functioned, especially in the early modern period. This article seeks to contribute to that discussion by deploying Scottish evidence. It shows that the suppression of banditry in Scotland—mainly the Highlands—involved a range of tactics and approaches, all of them predicated on co-operation between central government, local elites, and local communities. The necessity of such coordination, the article contends, underlines the political realities of the Scottish state, which worked according to a 'magisterial' model that required politically powerful groups to work closely with ordinary communities if they were to achieve their goals.

Keywords: Scotland, Early Modern Scotland, banditry, bandits, highwaymen, Highlands, Scottish State, Scottish Government, state-formation, early modern crime, Hobsbawm

Introduction

In 1734, Charles Johnson (probably a pseudonym for Daniel Defoe) published an influential anthology of essays about the lives of some of the most notorious criminals in British history. Among the outlaws he described was a bandit from the Scottish Highlands named 'Gilderoy,' whom he claimed had prospered during the British Civil Wars of the 1640s and 1650s. Gilderoy's exploits—incorporating

robbery, rape, murder, and much else besides—were recounted in lurid detail, and the book presented him as an archetypal villain who had given free rein to his naturally evil character.[1] While Johnson's Gilderoy was a literary construct, and rooted in an artistic tradition stretching back at least 60 years, he was also, like the later and much more famous Scots outlaw-hero Robert 'Rob Roy' MacGregor, based on a real man.[2] The historical Gilderoy was in fact Patrick MacGregor, who had operated in the northeastern Highlands during the 1630s, before being executed at Edinburgh in 1636. And while the fictionalized Gilderoy was very much an exceptional figure (not least in his wickedness), the historical one was merely part of a wider tradition of banditry and other outrages by so-called 'broken men' in the Highlands that was a prominent feature of seventeenth-century Scotland.

The study of banditry as a historical phenomenon has been hugely influenced by the work of Eric Hobsbawm. His model of 'social banditry'—positing that there existed in pre-modern societies a type of brigand who functioned as a champion of the lower orders against repressive social elites—proved sufficiently provocative that countless subsequent historians, working on numerous jurisdictions around the globe, sought to test how far 'social banditry' as a model held up under empirical testing.[3] Generally the Hobsbawmian framework has been found problematic or overly simplistic, but the resulting research has done much to enrich our understanding of how past societies functioned, how they conceptualized deviance, and how they accommodated the activities of marginal groups.[4] At the

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[1] Charles Johnson, *A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Street Robbers &c.* (London, 1734), 310–1.

[2] See "A Scotch Song, called Gilderoy" in Anonymous, *Westminster-drollery, or, A choice collection of the newest songs & poems both at court and theaters* (London, 1671), 112–14, which may have been based on a still older traditional song. The development of Rob Roy's legend began in his own lifetime with 'E. M.', *The Highland Rogue: Or, The Memorable Actions of the Celebrated Robert Mac-Gregor, Commonly called Roy-Roy* (London, 1723).

[3] E. Hobsbawm, *Bandits* (London: Weidenfeld & Nicolson, 1969).

[4] A useful summary of the current 'state of play' as regards 'social banditry' can be found in S. Cronin, "Noble Robbers, Avengers and

same time, Hobsbawm forced historians to think about culture, and in particular to notice that the 'social bandit' figure he described is an almost universal feature of folklore around the globe. Exploring the emergence, nature, and significance of these tales, it has emerged, can offer stimulating insights into the way various societies have thought about justice, freedom, and intersectional relations.[5] If Hobsbawm's 'social banditry' is now broadly considered a limited model, the process of challenging his thesis has nonetheless demonstrated that banditry offers scholars a powerful window into the social and cultural dynamics of the past.

Historians have similarly grasped that an enhanced understanding of banditry can deepen our understanding of political developments. This is particularly true for the early modern period, since the maintenance of internal order was an integral component of state-forming projects across Europe at this time, and banditry, much like the related challenge of vagrancy, was a major threat to stability, both because it was disorderly and because it challenged the guiding assumptions of settled, hierarchical societies.[6] Responses to it, therefore, can tell us much about how individual states conceived of themselves, how they functioned, and how they pursued their own expansion. Thus, the means chosen for stamping out 'toryism' in late seventeenth- and early eighteenth-century Ireland, which focused on regular military patrols supplemented with secret negotiations to set some bandits against others, reflects both the militarism of the English regime in Ireland and the stark limitations of its civic reach.[7] In Valencia, the favoured tactic was to induce bandit leaders into military service in exchange for a pardon, an approach that speaks to the financial weakness of Spanish regional government, as well as

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Entrepreneurs: Eric Hobsbawm and Banditry in Iran, the Middle East and North Africa," *Middle Eastern Studies* 52, no. 5 (2016): 845–70

[5] G. Seal, "The Robin Hood Principle: Folklore, History and the Social Bandit," *Journal of Folklore Research* 46, no.1 (2009): 67–89.

[6] M. J. Braddick, *State Formation in Early Modern England, c. 1500–1700* (Cambridge: Cambridge University Press, 2000), 151.

[7] S. J. Connolly, *Religion, Law and Power: The Making of Protestant Ireland, 1660–1760* (Oxford: Clarendon Press, 1992), 203–10.

the legal constraints often placed upon its activities.[8] From a slightly different perspective, the problem of banditry, much exaggerated in print, was used by various polities within the Holy Roman Empire to foster a sense of 'national' belonging and to enhance the legitimacy of the state, which presented itself as the best solution.[9] The suppression of banditry, therefore, could both shed light on the project of state-formation, and actively further it. Conversely, the persistence of banditry could be one marker of a dysfunctional state, as, for example, in Catalonia, whose long-term problems with banditry can be attributed, at least in part, to lack of a firm government lead, coupled with the reluctance of certain sections within Catalan society to countenance the disappearance of bandits, who were often drafted in to help pursue factional feuds. Disagreement about how to deal with banditry, indeed, may have been a contributory factor to the complete breakdown of Catalan governance during the rising of 1640.[10]

The potential of Scottish evidence for offering useful perspectives on these issues remains under-explored. The relationship between banditry and elite feuds, particularly in the Borders, has received stimulating attention, but this form of brigandage was already in retreat by 1600, and had almost completely been eradicated prior to the accession of Charles I.[11] Banditry was more enduringly associated with the Highlands, and much has been done to trace the causes and nature of the phenomenon, with attention usually falling on the formative role of long-term social change, government

[8] H. Kamen, *Spain in the Later Seventeenth Century* (London: Longman, 1980), 207–12.
[9] U. Danke, "Bandits and the State: Robbers and the Authorities in the Holy Roman Empire in the Late Seventeenth and Early Eighteenth Centuries," in *The German Underworld: Deviants and Outcasts in German History*, ed. R. J. Evans (London: Routledge, 1988), 75–107.
[10] E. Belenguer, "Bandits, Banditry and Royal Power in Catalonia between the 16th and 17th Centuries," *Catalan Historical Review* 8 (2015): 45–57.
[11] J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442–1603* (Edinburgh: John Donald, 1985); K. M. Brown, *Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh: John Donald, 1986); A. Groundwater, *The Scottish Middle March, 1573–1625: Power, Kinship, Allegiance* (London: Boydell Press, 2010), chapter 5.

pressure, and civil disorder.[12] This article approaches the question from a rather different perspective, however, by applying the lens of state-formation. In general terms, the persistence of banditry in the seventeenth-century Highlands has been seen as characteristic of a weak Scottish state that was unable to exert meaningful control over its distant territories, or which did so ineptly and even counterproductively.[13] Such a judgement, however, sits uncomfortably with the wider literature on Scottish state-formation. Scholars have widely characterized seventeenth-century governments as authoritarian, expansionist, and, in at least one account, 'absolutist' at the centre. At the same time, however, they have noted this emergent state's thoroughgoing decentralization, in the sense that the practical exercise of day-to-day power belonged principally to local elites, be they landlords, urban office-holders, or, particularly, nobles, all of whom were therefore *de facto* agents of 'the state.'[14] Discussion of Highland banditry through the prism of

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[12] A. I. Macinnes, *Clanship, Commerce, and the House of Stuart* (East Linton: Tuckwell Press, 1996), especially chapters 1 and 4; A. I. Macinnes, "Lochaber – The Last Bandit Country, c.1600–c.1750," *Transactions of the Gaelic Society of Inverness*, xliv (2004–6): 1–21; A. Kennedy, *Governing Gaeldom: The Scottish Highlands and the Restoration State* (Leiden: Brill, 2014), chapter 2.

[13] See, for example, M. Fry, *Wild Scots: Four Hundred Years of Highland History* (London: John Murray, 2005), chapter 1; M. Lee, *'Dearest Brother': Lauderdale, Tweeddale and Scottish Politics, 1660–1674* (Edinburgh: John Donald, 2010), 178; M. Lynch, "James VI and the 'Highland Problem'," in *The Reign of James VI*, eds. J. Goodare and M. Lynch (East Linton, 2000), 208–27; P. Hopkins, *Glencoe and the End of the Highland War* (Edinburgh: John Donald, 1990); Macinnes, *Clanship, Commerce and the House of Stuart*, chapter 2; D. Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh: John Donald, 1980), chapter 11.

[14] J. Goodare, *State and Society in Early Modern Scotland* (Oxford: Oxford University Press, 1999); J. Goodare, *The Government of Scotland 1560–1625* (Oxford: Oxford University Press, 2004); C. Jackson, *Restoration Scotland, 1660–1690: Royalist Politics, Religion and Ideas* (Woodbridge: Boydell Press, 2003); Lee, *'Dearest Brother'*; A. I. Macinnes, "William of Orange – 'Disaster for Scotland'?" in, *Redefining William III: The Impact of the King-Stadholder in International Context*, eds. E. Mijers and D. Onnekink (Aldershot: Ashgate, 2007), 201–23; L. A.

an absent or inept 'state' is therefore conceptually simplistic, and it is to this issue that the present article hopes to speak.

Focusing on three distinct levels—central government, the local elite, and the local community—this article aims to explore the various strategies deployed for suppressing the activity of Highland bandits during the seventeenth century, and to use these as a tool for uncovering the working political dynamics of the early modern state in Scotland. It demonstrates that tackling bandit activity was a shared effort requiring each level to work in tandem, and that the failure of any one element to co-operate with the others, or at least not stand in their way, inevitably resulted in banditry remaining unchecked. This suggests that historians are correct in their recent tendency to conceptualize 'the state' as a shared project between rulers and ruled, while also acting as a reminder that this symbiosis extended beyond the politically active classes to incorporate local communities as well.

I.

Scottish central government regarded banditry—understood here as the activity, typically robbery, 'sorning' (forcibly extracting free quarter and provisions), and occasionally kidnapping and murder, of the landless brigands generally referred to in contemporary sources as 'broken men'—as an affront to its own dignity and a threat to the health and security of the kingdom.[15] This was made explicit by the Privy Council, reflecting in 1635 upon the activities of the Aberdeenshire gang surrounding Patrick 'Gilderoy' MacGregor:

M. Stewart, "The 'Rise' of the State?" in *The Oxford Handbook of Modern Scottish History*, eds. T. M. Devine and J. Wormald (Oxford: Oxford University Press, 2014), 220–35; L. A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651* (Oxford: Oxford University Press, 2016); K. M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh: Edinburgh University Press, 2011).

[15] For more discussion about the nature of Highland banditry in this period, see A. Kennedy, "Deviance, Marginality, and the Highland Bandit in Seventeenth-Century Scotland," *Social History*, forthcoming.

> Having wearied with the peace and quyetnes quhilk of lait yeeres under his Majesties blessed government wes established in the Hielands of this kingdome, and preferring the wicked and theevish trade of thair infamous predecessors to the obedience of the law and to all good order and honestie, they have brokin louse and associat unto themeselffes a lawlesse byke of infamous and theevish lymmars with whome they goe ravaging athort the countrie, and in all places where they may be maister they sorne upon his Majesteis good subjects, taking frome thame all and everie thing that comes narrest to thair hands, and where they find anie opposition or resistance they threaten his Majesties subjects with all kynde of extremitie and sometimes with death.[16]

This understanding of the threat posed by banditry—which remained broadly consistent across the seventeenth century, irrespective of changes in the aims and strategies of wider Highland policy[17]—allowed its suppression to be invoked as justification for expansion in the power or reach of central government, especially in the second half of the century.[18] The Scottish Parliament, in granting William and Mary the right to establish a judicial commission for the

[16] D. Masson and P. H. Brown, eds., *The Register of the Privy Council of Scotland [RPCS], 2nd Series*, 8 vols (Edinburgh: H.M. General Register House, 1899–1908), vi, 128.
[17] On developments in seventeenth-century Highland policy, see Macinnes, *Clanship, Commerce and the House of Stuart*; S. Theiss, "The Western Highlands and Islands and Central Government 1616–1645," in *Scotland in the Age of Two Revolution*, eds. S. Adams and J. Goodare (Woodbridge: Ashgate, 2014), 41–58; A. Kennedy, "Civility, order and the highlands in Cromwellian Britain," *Innes Review* 69, no. 1 (2018): 49–69; A. Kennedy, "Military Rule, Protectoral Government and the Scottish Highlands, c.1654–60," *Scottish Archives* 23 (2017): 80–102; A. Kennedy, *Governing Gaeldom*; A. Kennedy, "Managing the Early Modern Periphery: Highland Policy and the Highland Judicial Commission, *c*.1692–*c*.1705," *Scottish Historical Review* 96, no. 1 (2017): 32–60.
[18] Macinnes, *Clanship, Commerce and the House of Stuart*, 130–7.

Highlands in 1693, made this dynamic explicit when it noted that "depredations and robberies may be the more effectually punished and restrained by virtue of their majesties' royall authority," thereby positioning not only the organs of the government, but also the very idea of 'public' authority as the natural remedy to bandit-related disorder.[19]

The government might go about suppressing the threat of banditry, and exploiting the state-forming cover it provided, in a number of ways. The most straightforward was criminal prosecution. Where possible, bandits were captured and put to trial. This was the fate of some of the period's most notorious brigands, including John Roy Macfarlane (1624), Gilderoy (1636), Lachlan Mackintosh (1666), Patrick Roy MacGregor (1667), Finlay MacGibbon (1669) and his brothers (1676), and Alasdair Mor MacDonald (1701–4).[20] The government preferred trials to take place in Edinburgh, so that, when in 1637 Sir Alexander Irvine, sheriff of Aberdeen captured an associate of Gilderoy's named John Dow Braibner (known as 'the light horseman'), the Privy Council swiftly ordered that he be transferred to Edinburgh for trial, rather than facing justice in Aberdeen.[21] Partly this was a matter of jurisdiction, since the forms of robbery and murder associated with bandits were usually reserved to the central criminal courts, although in practice that did not stop other bandits, such as the Donald MacDonald executed by the sheriff of Moray in 1632, from being tried elsewhere.[22] But the government's emphasis on trial in Edinburgh was also linked to a

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[19] K. M. Brown et al., eds., *The Records of the Parliaments of Scotland to 1707* (St Andrews, 2007–19), www.rps.ac.uk, 1693/4/124.

[20] R. Pitcairn, ed., *Ancient Criminal Trials in Scotland*, 3 vols (Edinburgh: William Tait, 1833), iii, 565–8; NRS, High Court Books of Adjournal, 1631–7, JC2/7, 333v–335r; NRS, High Court Books of Adjournal, 1661–6, JC2/10, 275v–278r; NRS, High Court Books of Adjournal, 1666–9, JC2/12, 87v–91r and at 358v–363v; NRS, JC2/12, 3576–v; NRS, High Court Books of Adjournal, 1673–8, JC2/14, 274v–281r; NRS, PC1/52, Acta, 1699–1703, 286–7, 307, 309–10, 323–6, 329, 332, 333–5, 384–5, 422–4, 445–6 and at 486–7.

[21] *RPCS, 2nd Series*, vi, 379–80.

[22] John Spalding, *The History of the Troubles and Memorable Transactions in Scotland from the Year 1624 to 1645*, 2 vols (Edinburgh: Bannatyne Clun, 1828), i, 25.

clear desire to exploit the capital's larger stage for exemplary purposes, as underlined by judges' propensity for imposing unusually theatrical punishments on bandits. Gilderoy, for instance, was sentenced to be hanged on an especially heightened gibbet, after which his head and right hand would be cut off and displayed "vpone the eister netherbow port of Edinburgh," while the bodies of the newly executed MacGibbon brothers were "hanged up in chaines" on the "Gallowlie" between Leith and Edinburgh.[23] Prosecution was also valued because it offered opportunities for information gathering, never more overtly than in the case of the Aberdeen- and Banffshire bandit Patrick Roy MacGregor. After being sentenced to death in March 1667, MacGregor's execution was repeatedly delayed until May 1668. This was done in order to subject MacGregor to extensive questioning—including under torture—as to the extent of his crimes, but also, and more importantly, to investigate widespread rumours that he had enjoyed covert backing from powerful individuals. MacGregor eventually confessed, identifying Charles Gordon, 1st earl of Aboyne, as his patron and occasional employer.[24]

As an extension of their efforts at prosecution, governments occasionally established entirely new criminal jurisdictions aimed at bandits. Sometimes these were highly targeted, as in the case of the temporary justiciary court established at Elgin in December 1641 to try the suspected resetters (i.e. suppliers of shelter and sustenance) of the recently deceased northeast bandit, John Dow Geir.[25] In other cases the new jurisdictions created were more broadly focused. In 1620, for instance, George Gordon, 1st marquis of Huntly was granted a justiciary commission to try all criminals, including

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[23] NRS, JC2/7, 335r; NRS, JC2/14, 281r; John Lauder, *Historical Notices of Scottish Affairs*, 2 vols (Edinburgh: Sc, 1848), ii, 136.
[24] P. H. Brown et al, eds., *The Register of the Privy Council of Scotland [RPCS], 3rd Series,* 16 vols (Edinburgh: H.M. General Register House, 1908–70), ii, 125–26, 164–65, 261, 266, 272, 278, 433, 438 and at 444; National Library of Scotland [NLS], Yester Papers: Miscellaneous, MS.7033, ff.128r–129r.
[25] *RPCS, 2nd Series*, vii, 488–94.

bandits, within Badenoch, Strathdon, and the surrounding regions.[26] The Covenanters went further in 1641 by appointing separate judicial panels in ten Highland or Highland-fringe sheriffdoms, each composed of five to ten local luminaries and overseen by the Justice General, Sir Thomas Hope, and charged with "trying and punisheing of all theeves, sorners, robbers and thair ressetters."[27] A rather different approach was tried by the Restoration regime, which between 1667 and 1678 appointed a series of lieutenants—successively John Murray, 2nd earl of Atholl, Sir James Campbell of Lawers, Major George Grant, and Angus MacDonald, Lord Macdonnell—who were instructed to arrest and prosecute any robbers they could catch.[28] But probably the most significant manifestation of jurisdictional proliferation was the Highland Commission. In existence between 1682 and 1688, and again from 1694 to *c*.1705, the Commission split the Highlands into a number of sub-regions, within each of which a panel of named commissioners was charged with suppressing the depredations of 'broken men.' While both iterations of the Highland Commission interpreted their briefs broadly, engaging in a range of administrative and arbitration activities, their core focus remained catching, trying, and punishing robbers.[29] Dominating Highland policy for the final twenty years of the century, the Highland Commissions thus stood as the clearest exemplars of the Scottish state's readiness to create new jurisdictions to help it affect the prosecution of bandits.

Alongside prosecution, governments could use policy initiatives to tackle the problem of banditry. Occasionally this was done directly, as for instance in November 1635, when an act of the Privy

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[26] J. H. Burton and D. Masson, eds., *The Register of the Privy Council of Scotland [RPCS], 1st Series*, 14 vols (Edinburgh: H.M. General Register House, 1877–1898), xii, 239–40.
[27] *RPCS, 2nd Series*, vii, 164–170.
[28] *RPCS, 3rd Series*, ii, 324–9; iii, 87–90; iv, 135–7; v, 92–3, 243–6 and at 496–7; vi, 1–2.
[29] Ibid., vi, 393–8; W. J. Hardy et al, eds., *Calendar of State Papers, Domestic Series, of the Reign of William and Mary*, 11 vols (London: H.M. Stationary Office, 1895–1937), xi, 337–44. The Highland Commissions are discussed at length in Kennedy, *Governing Gaeldom*, 237–49, and Kennedy, "Managing the Early Modern Periphery."

Council specifically outlawed the provision of any assistance to Gilderoy and his gang.[30] Usually, however, policy solutions were more generalized. One of the provisions of the Statutes of Iona (1609), for instance, was for the restriction of chiefs' traditionally lavish hospitality, an effort to sever the presumed (though in reality tendentious) link between 'broken men' and their supporters within clan hierarchies.[31] Bandits themselves were more explicitly targeted in 1670, when the Privy Council forbade Highlanders from maintaining armed retinues, and again when the Highland Commissions banned Highlanders from travelling more than seven miles from their homes while armed. The Commission also tried to use policy to undercut bandits' stock-in-trade of cattle-lifting by outlawing the sale of cattle by Highlanders unless they could produce a testimonial from their landlords. Efforts to shut down illicit droving routes, especially across waterways, were also made in the 1680s and again in the 1690s.[32] The extent to which any of these policies took effect on the ground is open to question, but their mere introduction is testament to the state's willingness to marshal its legislative powers in an attempt to suppress Highland banditry.

When legalistic means were deemed insufficient, the state's military capacity could be brought to bear against bandits. Sometimes this was done in a direct, targeted way, an approach unsurprisingly characteristic of the Cromwellian regime, which, for example, dispatched the small garrison housed at Braemar to capture the suspected bandit John Baxter in 1659.[33] This kind of militaristic

[30] *RPCS, 2nd Series,* vi, 128.
[31] *RPCS, 1st Series*, ix, 26–30; x, 777–8. For discussion of the Statutes and their meaning, see A. Cathcart, "The Statutes of Iona: The Archipelagic Context," *Journal of British Studies* 49, no. 1 (2010): 4–27; J. Goodare, "The Statutes of Iona in Context," *Scottish Historical Review* 77 (1998): 31–57; M. MacGregor, "The Statutes of Iona: Text and Context," *Innes Review* 57, no. 2 (2006): 111–181; Macinnes, *Clanship, Commerce and the House of Stuart*, 65–71.
[32] *RPCS, 3rd Series*, iii, 222; vii, 507–15; NRS, PC1/49, 251–9; NRS, Register of the Commissioners for Pacifying the Highlands, 1694, SC54/17/1/5, 10.
[33] Worcester College Library, Oxford, Clarke Manuscripts, volume XLIX, Abstracts of warrants, orders and passes, September 1658–October 1665, f.68r.

solution was not, however, the sole preserve of the Commonwealth; a detachment of the Covenanting army at Aberdeen was, for instance, sent in 1640 to pursue John Dow Geir, while the capture of the MacGibbon brothers in the 1670s was accomplished by "a partie of his Majesties forces" deployed specifically for that purpose.[34] From 1660 onwards, however, the military responses devised against Highland bandits grew increasingly generalized. Between 1667 and 1678, the lieutenancies awarded to Atholl and his successors were accompanied by permission to raise 'Independent Companies,' probably around 100-strong, to assist with the campaign against 'broken men.' These were replaced between 1678 and 1681 with 'Highland Companies,' two 150-strong secondments from the regular army charged with hunting robbers, before being revived in 1701, once again charged with suppressing "the depredations and robberies so frequently committed in the highlands."[35] Equally characteristic of the post-1660 period was a growing attraction to the idea of settling permanent garrisons to tackle banditry.[36] The Restoration regime returned repeatedly, albeit unsuccessfully, to the idea of establishing a garrison at Inverlochy to help overawe brigands, an aim eventually realized in 1690 when William II established Fort William with a complement of 300 men.[37] By 1699, the utility of garrisons as an anti-bandit measure was so widely assumed that George Mackenzie, viscount of Tarbat was suggesting that a chain of small garrisons should be established between Invermoriston and Loch Hourn to hem in "the Highland robbers" of Lochaber.[38] Although never adopted, Tarbat's proposal reflected the fact that using the state's military might against banditry, in both

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[34] Spalding, *History of the Troubles*, i, 222–3; NRS, JC2/14, 276r.
[35] *RPS*, A1700/10/51.
[36] Garrisoning had precedents under both the Covenanters and, especially, the Commonwealth, but it was only after 1660 that garrisons came to be explicitly linked with suppressing 'broken men' in particular.
[37] Kennedy, *Governing Gaeldom*, 131–41; Kennedy, "Managing the Early Modern Periphery," 46–8; Macinnes, "William of Orange," 208–12; Hopkins, *Glencoe,* 238.
[38] W. Fraser, ed., *The Earls of Cromartie: Their Kindred, Country and Correspondence*, 2 vols (Edinburgh, 1879), i, 136–8.

targeted and general ways, had by the end of the century become a mainstream concept.

Through judicial and military means, therefore, the organs of Scottish central government regularly threw themselves into uprooting banditry in and around the Highlands. In this, Scotland resembled other early modern states, the usual aim of whose governments was the complete eradication of the problem as a means of demonstrating the power of the state.[39] But in some international cases, states' response to banditry was not straightforward suppression, but attempted co-option—that is, finding a means of using bandits, and particularly their expertise in irregular warfare, to the state's advantage.[40] Scottish governments proved very adept at exploiting the private levies of Highland elites in this way, perhaps most notably in response to the Earl of Argyll's rebellion against James VII in 1685, when a series of requests sent to major clan chiefs resulted, on paper at least, in a huge levy of around 8,000 irregular troops.[41] Perhaps because it already had access to such a rich pool of irregulars, there is no indication that the co-option, rather than suppression, of Highland bandits was ever seriously considered by the Scottish state. There were, admittedly, rumours that some brigands had been pressed into the 'Independent Companies' during the 1660s, 1670s, and, particularly, after 1701, and it was also suggested that the forces raised in the northeast to fight for Charles I in the Bishops' Wars (1639–40) included members of two local bandit gangs, led by John Dow Geir and James Grant respectively.[42] In general, however, governments seem to have focused their efforts on uprooting bandit activity, and the ambivalent response

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[39] Danke, "Bandits and the State," 100–4.

[40] K. Hignett, "Co-option or Criminalisation? The State, Border Communities and Crime in Early Modern Europe," *Global Crime* 9, nos.1–2 (2008): 35–51.

[41] A. Kennedy, "Rebellion, Government and the Scottish Response to Argyll's Rising of 1685," *Journal of Scottish Historical Studies* 36, no. 1 (2016): 51–8.

[42] O. Airy, ed., *The Lauderdale Papers* (Oxford: Camden Society, 1884–5), ii, 136–7; Fraser, *Earls of Cromartie*, i, 184–6; James Gordon, *History of Scots Affairs from MDCXXXVII to MDCXLI*, 3 vols (Aberdeen: Spalding Club, 1841), ii, 267–8

demonstrated, for example, by Habsburg authorities towards the criminally-inclined Uskok community of Dalmatia seems to have had no observable analogue in Scotland's case.

II.

Scotland, in common with most European states in this period, lacked the infrastructure to support sustained or concerted actions in the locality on the part of central authorities.[43] Instead, governance relied on the active cooperation of the locality itself, and this was certainly true when it came to suppressing banditry. Like central government, localities had good reason for wanting to do so: banditry was, after all, inherently disruptive and damaging, and it also tended to attract the wrong kind of attention from central government.[44] Moreover, localities were often proactive in drawing the attentions of central government to discrete bandit challenges. In 1661, for instance, the shires of Stirling, Clackmannan, Peth, Forfar, Kincardine, Aberdeen, Banff, Nairn, Inverness, Ross, Sutherland, Caithness, and Moray banded together to submit a general petition to the Scottish Parliament for assistance against brigands:

> Forasmuch as sewerall depredationes slaughters and wther enormous practices have bein laitlie committed and mor at this day than in former tymes by sundire laules broken persones liveing in and resorteing to the saids shyres against many of their peaceable neighbouris liveing in the low lands as can be made to appear in sewerall particullars And that is feared that the same will rather probeblie increase then deminish wnles remeid be provydit.[45]

The petitioners made a specific request for the establishment of armed watches in Highland areas, while also asking more generally

[43] J. Black, *Kings, Nobles and Commoners. States and Societies in Early Modern Europe: A Revisionist History* (London: I.B. Tauris, 2004), chapter 2.
[44] Macinnes, *Clanship, Commerce, and the House of Stuart*, 125.
[45] NRS, Supplementary Parliamentary Papers, 1661, PA7/9/1/76.

that "some solid and effectuall course" be developed "for preventing and redressing such abuses and prejudices in tyme comeing." Such local demand for state action against bandits underlines the extent to which state-formation was not just a project sponsored by the centre, but rather a shared endeavour between rulers and ruled. More immediately, however, it also indicates that the locality always had a vital part to play in the struggle against 'broken men.'

The most important local actors in the suppression of banditry were regional elites, who regularly received orders from central government to apprehend brigands. Thus, a group of northeastern luminaries, led by George Gordon, earl of Enzie, was commissioned in 1612 to capture a gang of broken men who had recently committed a series of "reiffis, privie, stouthis, slauchteris, mutilatiounis, soirningis, and utheris insolencyis."[46] Similarly, James Grant of Freuchie was in August 1660 specifically requested by the Committee of Estates, the interim government of the newly restored Charles II, to apprehend Donald MacDonald *alias* Gavine Cuin (also known as 'Halkit Stirk,' meaning streaked or spotted bullock), and present him for trial, a request that Freuchie had fulfilled by the following October, when the Committee promised "to protect and maintaine yow and your followers for doeing so good a work for his Majestie and the peace of the Kingdome."[47] In other cases, the lead given by central government was not quite so specific. Thus, when Archibald Campbell, Lord Lorne, apprehended Gilderoy in mid-1636, he did so without having received explicit instructions, but with the knowledge that the government, which had recently put a £1,000 bounty on Gilderoy's head, badly, and vocally, wanted him caught.[48]

A related way of co-opting the power of regional elites was to compel them to capture any of their own tenants or clansmen suspected of being bandits. This had been enshrined as a cornerstone

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[46] *RPCS, 1st Series*, ix, 421

[47] W. Fraser, *The Chiefs of Grant*, 3 vols (Edinburgh, 1883), ii, 19–20; NRS, PA11/12, Register and Minute Book of the Committee of Estates, 1660, f.50r.

[48] *RPCS, 2nd Series*, vi, 219–20 and at 353–4; Robert Gordon, *A Genealogical History of the Earldom of Sutherland* (Edinburgh, 1813), 418–2.

of law and order policy in the Highlands since the introduction of the General Band by James VI in 1587, but its efficacy as a tool against banditry was unclear, since bandits tended to be 'broken men' who did not readily acknowledge any lord—a problem recognized by the Privy Council's specialist Highland Committee when it suggested in 1699 that Highland chiefs, instead of being held liable only for their proven dependants, should also be liable for the actions of anybody who had received provision on their lands for a period of more than 48 hours.[49] Nonetheless, some efforts were made to hold chiefs liable for bandit activity, especially later in the century. Archibald Campbell, 9th earl of Argyll, was fined £7,000 Scots in 1667 for a series of robberies committed against Magdalene Scrymgeour, Lady Drum, on the twin grounds that some of the bandits responsible were his tenants, and the goods they stole had been concealed on his lands.[50] Under pressure like this, there was a strong incentive for Highland elites to make sure that none of their dependents engaged in banditry or corresponded with bandits, and some clearly reacted accordingly. Both Angus MacDonald, Lord Macdonnell, and Alexander MacDonald of Keppoch were noted during the Restoration for their efforts to shake off their clans' reputations for condoning banditry, although in Keppoch's case only at the cost of being murdered by disaffected elements of his own clan in 1663.[51] John Campbell, 1st earl of Breadalbane, clearly had a comparable aim when, in 1687, he received a bond of manrent wherein the giver, Duncan Macnab, undertook not to reset or correspond with any broken men, thieves, sorners, or vagabonds.[52]

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[49] J. Allardyce, ed., *Historical Papers relating to the Jacobite Period 1699–1750*, 2 vols (Aberdeen: New Spalding Clun, 1895–1896), i, 1–3.

[50] *RPCS, 3rd Series*, ii, 329–32; Edinburgh University Library, La.III.354, Lauderdale Correspondence, 1657–98, f.145, Sir Peter Wedderburne to the Earl of Lauderdale, 27 July 1667.

[51] NRS, GD112/39/106/7; NRAS832, Papers of the Maitland Family, Earls of Lauderdale, bundle 63/55, "Information Concerning the Highlands," 1677. Keppoch's case is a neat example of the importance, explored later, of securing the acceptance of local communities in the suppression of banditry—for whatever reason, Keppoch failed to secure this, and thus the project failed. Macinnes, *Clanship, Commerce, and the House of Stuart*, 50.

[52] NRS, Breadalbane Muniments, GD112/24/1/46.

But elite efforts to suppress banditry were not always precipitated by direct pressure from central government. The capture of bandits, in particular, was often accomplished by members of the elite working on their own initiative, in line with their generalized responsibility for keeping the peace within their spheres of influence. This was the capacity in which Alexander Culquhoun of Luss seems to have been working in 1610 when he affected the capture of three bandits—Gillespic McMulvoir McLauren, Donald McIlvy, and Johnne McIlcallum VcAndro McFarlane—whom he subsequently had incarcerated in Dumbarton Castle while the Privy Council was informed.[53] It was, similarly, as sheriff and premier peer of Moray, rather than as an agent of Edinburgh, that Alexander Stewart, 4th earl of Moray, captured the Speyside bandit Lachlan Mackintosh in 1665.[54] Slightly different, but equally suggestive of elites' capacity for responding independently to the challenge of banditry, were the actions of William Forbes of Leslie in 1643. After his servant James Andersone was captured by the gang of John Dow Geir younger (son of the identically named bandit mentioned above) and carried as a prisoner to "town of Langlandis" Leslie unilaterally mounted a rescue operation that succeeded in liberating Andersone from his captors.[55]

While elites' contribution to the suppression of banditry most commonly took the form of effecting capture or giving chase, their social prestige was such that they might also be involved in other ways. They could, for example, take a leading role in organizing defensive measures, so that, for instance, Breadalbane spent several years "apoynting his own Tennents" to mount an armed watch on his Perthshire estates against the depredations of broken men, before being invited in 1687 to accept a voluntary contribution of £3 per markland from his senior tenants to help organize a more professional guard.[56] Elites might also be involved in a broadly investigative capacity. In 1657, James Ogilvie, 1st earl of Airlie, having suffered a spate of robberies from his estates in Forfarshire,

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[53] *RPCS, 1st Series*, ix, 89.
[54] NRS, JC2/10, 277v–278r.
[55] S. A. Gillon and J. I. Smith et al, eds., *Selected Justiciary Cases, 1624–1650* (Edinburgh: Stair Society, 1953–74), iii, 574–6.
[56] NRS, GD112/43/15/19.

sought to invite Angus MacDonald of Glencoe to "wndertak for Taskell to try the busines," and two years later, while the same case was being investigated by the Cromwellian authorities at Inverlochy, two Highland chiefs, Ewan Cameron of Lochiel and John Maclean of Ardgour, were on hand to offer intelligence and act as translators.[57] Local elites might, finally, attempt to act as points of mediation between bandits and the communities they targeted. Perhaps the clearest evidence of this relates to the kidnap in 1666 of John Lyon of Muiresk by Patrick Roy MacGregor and his gang. John Gordon of Baldornie, having heard about the abduction, rode to meet MacGregor and negotiate Muiresk's release. The two men met on the banks of the River Avon, but Baldornie could not persuade MacGregor to clemency, and the next day he received word that the bodies of Muiresk and his son, Alexander, were to be found dumped on the Braes of Abernethy.[58]

Local elites, then, were heavily implicated in the suppression of bandits, but it is worth noting that this was in tension with the simultaneous propensity of some regional grandees to support them. This is discussed in more depth elsewhere, but one example will serve to illustrate the difficulty.[59] James Grant, sometimes styled 'of Charron,' was initially part of the Grant clan elite, but was driven to banditry early in the 1630s as a consequence of an ancient feud with the Grants of Ballindalloch. His activities, committed alongside a gang perhaps up to 50-strong and usually targeted at the Ballindalloch sept and its dependents, incorporated multiple robberies, kidnappings, and murders throughout the eastern Highlands, but Grant evaded capture because he enjoyed the protection of the Gordon family, to whom he was related through his mother. Gordon patronage was confirmed in 1639 when the earl of Aboyne awarded Grant a commission in the forces he was raising to fight for Charles I in the Bishops' Wars, and this was enough to precipitate an unsuccessful attempt to have George Gordon, 2nd marquis of Huntly, censured in Parliament for his family's protection

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[57] NRS, Airlie Papers, GD16/41/379, Airlie to Alexander Murray, n.d. 'Taskall', or tascal, refers to a payment or reward demanded for the recovery of stolen goods.
[58] NRS, JC2/12, 87v–91r.
[59] Kennedy, "Deviance, Marginality, and the Highland Bandit."

of Grant.[60] While elite support for bandits, and in some cases covert employment of them, was therefore not unknown, it does seem to have been unusual. Much more typically, as we have seen, the disruptive, damaging impact of banditry ensured that elite focus was on its suppression.

III.

While governmental and elite responses to banditry are the best known, 'broken men' were also frequently brought down by more informal community action. Much of this was purely reactive, representing an instinctive defence mechanism on the part of the local communities to particular bandit attacks. Around 1602, for instance, a very large cattle raid on the lands of Glen Isla provoked a spontaneous convocation of the surrounding countrymen, who attempted unsuccessfully to reclaim their livestock, allegedly with the loss of fifteen or sixteen lives.[61] On a smaller scale, Lachlan Mackintosh was obliged to fight off several of the servants of John Lyon of Muiresk who chased after him and his associates following their theft of some 60 oxen from Muiresk's lands of Balchirie, wounding at least one, John Downe.[62] The settlement of Cromlix in Perthshire did not escape so lightly following a raid by the MacGibbon brothers in 1676, at least according to one eye-witness:

> He sawe them take up and cary away with them tuo webs of linning cloath And depons that having followed efter to recover the cloath the pennells and ther companie shott fyve severall shott with the second wherof they killed the deceast William Buy and did wound John Buy his son with another shott.[63]

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[60] Gordon, *Genealogical History*, 459–60; Gordon, *History of Scots Affairs*, ii, 267–8; John Spalding, *Memorialls of the Trubles in Scotland and in England. AD 1624–AD 1645*, 2 vols (Aberdeen: Spalding Club, 1850–1), i, 52–4.

[61] *RPCS, 1st Series*, vi, 500–1.

[62] NRS, JC2/10, 277r.

[63] NRS, JC2/14, 279v–279r.

It was not always the case, however, that bandits would successfully beat back community resistance. John Dow Geir elder discovered this to his cost when he attempted to extort blackmail money from the Speyside settlement of Garmouth in 1639. After "the countrie was advertised, and shortly conveined," Geir found himself forced to retreat by ferry to the "Stanners," probably referring to Stony Island in the upper River Spey. Unable to reach the bandits, the "countrie people [...] begin to persew them with shotts," one of which, fired by one Alexander Andersone, hit and killed Geir himself.[64] Even more spectacular was the resistance mounted by the townsfolk of Keith in Banffshire when Patrick Roy MacGregor attempted with his 30 to 40-strong gang to extort protection money in early 1667. While he awaited their response, allegedly holed up in an alehouse, two local lairds, Alexander Gordon of Glengarrock and John Ogilvie of Milton, surreptitiously mustered "divers of his majesties frie Leidges Inhabitants within the Toune and countrie men who wer their for the tyme" and led them in a counter-attack that not only expelled MacGregor's gang from the town, but captured the man himself, paving the way for his eventual execution in 1668.[65] Given their familiarity with violence and tendency to be heavily armed, it is no surprise that bandits could often repel *ad hoc* resistance, but the fates of both John Dow Geir and Patrick Roy MacGregor demonstrate nonetheless that an inflamed community could prove very dangerous to them.

In some cases, community efforts to suppress banditry evolved beyond reacting on a case-by-case basis into something more organized and premeditated. On an individual scale, Alasdair Grassich, apparently an ordinary man from the northeast, was in 1638 commended by the Privy Council for killing Johne Ferreis McGregor, an associate of Gilderoy, and rewarded with a payment of 100 merks. Grassich, however, explicitly claimed this money by virtue of a bounty the Council had put on the heads of all Gilderoy's

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[64] Spalding, *History of the Troubles*, i, 174–5; Gordon, *Genealogical History*, 496.

[65] JC2/12, 88v; James Fraser, *Chronicles of the Frasers: The Wardlaw Manuscript entitled Polichronicon Seu Policratica Temporum, or, The True Genealogy of the Frasers, 916–1674* ed. W Mackay (Edinburgh: Scottish History Society, 1905), 136.

followers two years previously, suggesting his was a calculated, financially motivated manhunt.[66] Another northeastern bandit, James Grant, had likely escaped a similar fate two years previously, when he narrowly evaded a surprise attack launched on his hideout in Strathbogie by some of the Marquis of Huntly's tenants, and yet a third brigand, Lachlan Mackintosh, mentor of Patrick Roy MacGregor, was "apprehendit as a comone and notorious theiff and robber be the Countrie people of Strraspey" at some point in the early 1660s, albeit he managed to escape from his resulting incarceration at Ballindalloch.[67] A slightly different approach was adopted against John Dow Geir younger. He was coaxed into a drinking session with a Mr William Forbes in 1643, and once their respective companions had fallen asleep, Forbes suddenly produced a pistol and attempted to murder Geir. This would-be assassination failed, however, and Geir escaped with just a wounded shoulder.[68]

For more vulnerable communities in particular, reactive suppression of banditry proved insufficient, leading them to experiment instead with preventative measures. One approach was demonstrated by the heritors of Kincardine and Alford in 1700. Sick of being terrorized by a range of bandits, especially the trio of Alasdair Mor, Angus MacDonald ('Halkit Steir'), and John MacDonald ('The Laird of Glendey'), 45 of them signed a bond wherein they undertook to pay a voluntary stent of 1 merk per £100 of valued rent. The pot of money thereby generated would then be offered as bounties of up to 500 merks for any enterprising individuals who might capture the bandits.[69] A more usual defensive tactic, however, was to organize private armed watches, over and above any government-led initiatives.[70] This was most easily done in towns, given their small size and comparatively well-defined boundaries. Inverness, which constantly fretted about being "in the mouth of the hylands," made repeated efforts to establish a nightly,

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[66] *RPCS, 1st Series*, vi, 219–20; vii, 56–7.

[67] Gordon, *Genealogical History*, 481–2; NRS, JC2/10, 88v.

[68] Spalding, *History of the Troubles*, ii, 123–4.

[69] J. Allardyce, ed., *Historical Papers relating to the Jacobite Period, 1699–1750*, 2 vols (Aberdeen: New Spalding Club, 1895), i, 20–3.

[70] Kennedy, *Governing Gaeldom*, 135–6; Macinnes, *Clanship, Commerce and the House of Stuart*, 34.

twelve-man watch after 1660 with the explicit intention of securing the burgh against robbers and brigands, albeit getting the watch on a stable footing proved consistently challenging.[71]

But even in rural areas, armed watches proved the favoured tactic of local communities wishing to mount a corporate defence against bandits. The heritors of Lennox, for example, did this in the spring of 1680 after a gang of 20–30 robbers began targeting their lands, lifting 30 cows and horses in a single week.[72] Further east, the inhabitants of Glen Isla, it was reported in 1633, had for several years been maintaining a twelve-man watch, active between July and September, to tackle the "Highland theeves and lymmars" accustomed to descend on Angus from the Cairngorms.[73] This approach was not unproblematic, however, not least because of reliance on voluntary funding from local people, which was liable to be withdrawn—and this was, indeed, the fate of the Glen Isla watch. There were also doubts as to the efficacy of armed watches, as noted by one analysis prepared for the Earl of Tweeddale in 1669:

> The Charge that the Countrey is at in maintaineing of watches, betuixt dumbartane and Abirdeine amounts to more then the pey of fyve companyes and that notwithstanding of So great expence their rebundes litle or noe benefite, for besyd frequent oppressiones, ther is daylie reife and steilling to that hight that in some places of the Countrie the people hath beine forced to compound with the theives to restoir the goodes when they wer taken away from them.[74]

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[71] W. Mackay and G. S. Laing, eds., *Records of Inverness*, 2 vols (Aberdeen: New Spalding Club, 1911–24), ii, 211; A. Kennedy, "The Urban Community in Restoration Scotland: Government, Economy and Society in Inverness, 1660–*c*.1688," *Northern Scotland* 5 (2014): 36–7.

[72] NRAS1209, Papers of the Campbell Family, Dukes of Argyll, bundle 111, item 48.

[73] *RPCS, 2nd series*, v, 151–2.

[74] NLS, MS7033, f.144, "Proposalles for taking order with Broken men and Suppressing thift in the highlands."

Watches were also notorious for their tendency to evolve into extortion rackets, so much so that, for example, all the extant watches in Argyll were summarily disbanded in the autumn of 1694 so as to thwart "givers and receivers of black-maill."[75] Finally, a watch could prove counterproductive by becoming a target for the very bandits it was aiming to repel; the MacGibbon brothers in August 1676 attacked and scattered a guard at Killin, established specifically against them by the Earl of Perth's tenants.[76] These challenges notwithstanding, armed watches were the standard means by which discrete localities chose to organize themselves for defence against the depredations of Highland bandits, and as such they reflect the vital role played by community action, both spontaneous and planned, in suppressing banditry.

The existence of community actions like armed watches might be taken as evidence that central government was incapable of responding meaningfully to banditry, forcing localities to take matters into their own hands. But, as already suggested, this is a simplistic perspective, and it overlooks the fact, apparent from the foregoing discussion, that neither the state, local elites, nor local communities could hope to suppress banditry on their own.[77] The community required the leadership and support of regional elites, who in turn needed to retain the confidence of their dependents and the backing of central government. The government, meanwhile, could usually do little more than provide a moral lead and an overarching framework; the donkey-work of catching bandits, dispersing their networks, and breaking up the infrastructure supporting them had to be performed by those already on the ground. The consequences of any of these relationships breaking down can be gleaned from the experiences of John Murray of Aberscorse in connection with a Sutherland bandit gang, the Nielsons, as he recounted them in 1667:

> Yitt the doeris thairoff, notwithstanding of being longe agoe declaired fugitives and rebellis, and ane

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[75] NRS, SC54/17/1/5, 5.
[76] NRS, JC2/14, 275v.
[77] For discussion of the same dynamic in a very different context, see Belenguer, "Bandits, Banditry and Royal Power," 52–3.

> commissioun and letters of intercomuning having beine published against thame, yitt that they should be harbered and quartered quhair ever they pleis in everie corner in the cuntrey, not regairding the danger of the intercomuning no moir then if they war the kings frie liegis.[78]

Aberscorse went on to explain that a judicial commission awarded to Kenneth Mackenzie, 3rd earl of Seaforth, against the Neilsons had so far been ineffectual because the local gentry preferred to await instructions from John Gordon, Lord Strathnaver, instead. Here, the lack of a firm lead from the regional elite had manifestly paralyzed the wider community in the face of Neilson depredations, while that same community's refusal to follow anybody but an absent Strathnaver hamstrung the rest of the local nobility, simultaneously undermining the state's effort to provide leadership though its commission. All this took place within a broad environment of weak government oversight, since contemporaneous developments in Highland policy prioritized the central and southern Highlands over the northern, Aberscorse's letter coming in the same year as Atholl's lieutenancy, discussed above, which covered no territory further north than Nairnshire. The depredations of the Neilson gang—which continued into the 1670s at least—are therefore a succinct demonstration of the mutual interdependence of government, social elite, and local community when it came to suppressing Highland banditry.

IV.

Highland banditry was one of the characteristic law-and-order problems of seventeenth-century Scotland. While there are some indications that elements within Scottish society, especially among the regional elite, had an ambivalent relationship with brigands, the most usual response to banditry was attempted suppression, rooted in the assumption that, as a disorderly and destabilizing phenomenon, it had no legitimate role to play in a civilized realm. The response could incorporate a number of approaches, reactive and

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[78] W. Fraser, ed., *The Sutherland Book*, 3 vols (Edinburgh, 1892), 186–8.

proactive, deploying judicial, political, or military means, but most usually involved either catching particular bandits, or taking steps, very often with a martial quality, to make banditry in general more difficult. In this, Scotland broadly accorded with other societies facing comparable problems throughout contemporary Europe. The precise tactics deployed were of course highly variable—there is, for example, no evidence that the Spanish propensity for pardon-and-impressment had a direct Scottish analogue—but on a fundamental level the Scottish response to banditry was forged using a familiar conceptual toolkit.

But what is important about Scottish efforts to suppress brigandage is not so much the precise tactics used, but the interaction between those tactics and the broader socio-political context. All attempts to uproot banditry depended on at least some degree of co-operation between central government, local elites, and local communities, and without this collaboration, success was unlikely. That reflects the realities of the Scottish state, which was characterized by: a bureaucratically under-developed central administration that nonetheless claimed unfettered jurisdiction; powerful regional elites whose attention was perpetually divided between their own localities and the centres of government in Edinburgh or Whitehall; and local communities accustomed to both significant practical autonomy (more so, perhaps, than conventional assumptions about localities' dependence on powerful regional potentates tend to allow) and habitual deference to more august actors higher up the political food-chain. This was a system that guaranteed mutual interdependence, and understanding the campaign to suppress Highland banditry provides a revealing insight into the simultaneously highly diffuse and thoroughly integrated nature of political agency in the early modern Scottish state.

This analysis also has broader implications. While historians of state-formation still find significant value in explanatory models emphasizing the growth of central bureaucracies, coupled with political cultures that privileged the sovereignty of monarchs, there is also broad recognition that even the most overweening governments of the early modern period were dependent upon the

participation of local elites and institutions.[79] In revealing the workings of the Scottish state, the campaign against Highland banditry helps confirm that historians are correct to emphasize this essentially 'magisterial' nature of early modern polities. Perhaps more importantly, it also serves as a reminder that the project of state-formation was not simply a dialogue between central authorities and the locally powerful, but also depended upon the acquiescence, and in some cases the active collusion, of ordinary local communities. In exploring in detail the campaign against Highland bandits in seventeenth-century Scotland, then, we are reminded that we need to consider the role not just of the politically active classes, but of the entire national community, if we are properly to understand the formation and workings of the early modern state.

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[79] T. Ertman, *Birth of Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997), *passim*, but especially 6–34; Black, *Kings, Nobles and Commoners*, 21–7; Braddick, *State Formation*. In a Scottish context, these cross-cutting developments are most explicitly juggled in Goodare, *State and Society*.