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Representing the Periphery: Highland Commissioners in the Seventeenth-Century

Scottish Parliament, c.1612-1702

The pre-1707 Scottish Parliament has been the focus of some extremely lively research over the last two decades, emerging as one of the most vibrant areas of historical scholarship in Scotland with regard to the medieval and early-modern periods.¹ Yet while historians have shed much new light on the composition, procedure, politics and culture of Parliament, significant gaps remain, and one of the most glaring concerns the relationship between Parliament and the localities. Indeed, Alan MacDonald's work on the burghs remains the only sustained effort in print to delineate the ways in which the local communities represented in Parliament interacted with it; most other work tends to approach Parliament as a self-contained entity or as a stage for elites.² This is unfortunate, because such a methodology introduces a false dichotomy between legislature and country. Parliament was not only an expression of officialdom and state power, but also a body offering the wider political community an institutional forum for interfacing with government and transmitting their concerns and preoccupations from locality to centre.³ Seeking to address this lacuna by focusing on the two elected components of Parliament, the burgh and shire commissioners (as representative members were termed in the pre-1707 Scottish

¹ The principal works include K.M. Brown *et al* (eds.), *The History of the Scottish Parliament*, 3 vols (Edinburgh, 2004-2010); K.M. Brown *et al* (eds.), *The Records of the Parliaments of Scotland to 1707*, www.rps.ac.uk (St Andrews, 2007-2013) [RPS]; A.R. MacDonald, *The Burghs and Parliament in Scotland, c.1550-1651* (Aldershot, 2007); G.H. MacIntosh, *The Scottish Parliament under Charles II, 1660-1685* (Edinburgh, 2007); D.J. Patrick, 'People and Parliament in Scotland 1689-1702' (unpublished PhD thesis, University of St Andrews, 2002); R. Tanner, *The Late Medieval Scottish Parliament: Politics and the Three Estates, 1424-1488* (East Linton, 2001); J.R. Young, *The Scottish Parliament 1639-1661: A Political and Constitutional Analysis* (Edinburgh, 1996), as well as numerous essays and articles, many of them published in *Parliaments, Estates and Representation*.

² MacDonald, *Burghs and Parliament*; A.R. MacDonald, 'Tedious to rehers'? Parliament and Locality in Scotland c.1500-1651: The Burghs of North-East Fife', *Parliaments, Estates and Representation*, 20, (2000), pp.31-58; A.R. MacDonald, 'The Third Estate: Parliament and the Burghs' in K.M. Brown and A.R. MacDonald (eds.), *The History of the Scottish Parliament, volume 3: Parliament in Context, 1235-1707* (Edinburgh, 2010), pp.95-101.

³ J. Goodare, *The Government of Scotland 1560-1625* (Oxford, 2004), p.39.

Parliament), this article will attempt to broaden our understanding of the nature of representation in the seventeenth-century Scottish Parliament through a case-study of one region, the Scottish Highlands, between the reign of James VI and the dissolution of the revolutionary Parliament in 1702.⁴ It will begin with a quantitative analysis of Highland attendance patterns as compared to national norms. It will then assess the commissioners themselves, exploring their identities, the means of their selection and their activities in the chamber. The article will conclude by examining the ways in which Highlanders sought to use and exploit their representation in Parliament.

Attendance patterns

The sizes of the burgh and shire estates in the Scottish Parliament were by the seventeenth-century broadly stable, but not wholly fixed.⁵ New constituencies were occasionally created, while others were taken away. Thus, the maximum number of burgh commissioners rose during the century from 61 and 66, before settling at 67 with the admission of the final burgh – Campbeltown – in 1700.⁶ Meanwhile, the shire estate expanded from 62 representatives in

⁴ In this article, the Highlands are understood to include those constituencies most usually described by contemporaries as wholly or predominantly ‘Highland’ in character. This yields an area of study incorporating (from north to south) the sheriffdoms of Caithness, Sutherland, Ross-shire, Cromartyshire, Inverness-shire, Argyllshire and Tarbertshire, as well as the burghs of Wick, Dornoch, Tain, Dingwall, Fortrose, Cromarty, Inverness, Inveraray and Campbeltown. The end-date of 1702 has been selected because the final session of the Scottish Parliament (1702-1707), dominated by the question of Anglo-Scottish union, was of such a unique character that its inclusion would likely have obscured the dynamics of the seventeenth-century institution.

⁵ In common with most European representative institutions in this period, the membership of the Scottish Parliament consisted of ‘estates’. Originally there were three, the first being the clergy, represented by bishops. The second estate was the nobility, represented by peers. The third was the royal burghs, each permitted to send one commissioner (Edinburgh was allowed two). A complicating factor was however introduced by the shire commissioners, two from each sheriffdom, who were originally conceived as members of the lesser nobility and thus part of the second estate, but who from the outset behaved as a separate, fourth estate, and were often acknowledged as such, especially after 1638. J. Goodare, ‘The Estates in the Scottish Parliament, 1286-1707’, in C. Jones (ed.), *The Scots and Parliament* (Edinburgh, 1996), pp.11-32.

⁶ The burgh estate would have numbered 68 if Cromarty had not been demitted in time for the 1681 session.

1600 to 66 at the time of the Revolution of 1689, growing to 92 after 1693 following representative reforms. This meant that the elected estates together numbered between 125 and 135 commissioners prior to 1693, 158 thereafter and 159 in the eighteenth century. The Highland share of this cake was modest. It stood at fifteen until 1621 (twelve shire representatives and five burgh commissioners), but rose to sixteen in 1628 when Dornoch was admitted to Parliament. It fell to fourteen in 1639 and 1640 with the merging of Argyllshire and Tarbertshire, but this was reversed in 1641 when Caithness began operating as a separate shire. The total climbed again to seventeen following the admission of Inveraray in 1648, reached nineteen with the division of Ross-shire from Inverness-shire in 1649, returned to twenty in 1661 when Cromarty was added, fell back to nineteen after Cromarty was demitted at its own request in 1681, topped twenty once again after 1693 when Argyllshire was awarded a third commissioner, and finally settled on twenty-one after Campbeltown was admitted in 1700. Thus, varying between sixteen and twenty-one commissioners, the notional Highland component of the Scottish Parliament represented approximately one-sixth of Parliament's total membership from the shires and burghs.⁷

But these were the maximum possible numbers, and figure 1 plots the percentage of actual Highland attendance at each of the thirty-eight sessions of the seventeenth-century Parliament for which sederunts (attendance lists) survive.⁸ On first sight, a clear overall

⁷ C.S. Terry, *The Scottish Parliament: Its Constitution and Procedure, 1603-1707* (Glasgow, 1905), pp.19-46; M.D. Young, *The Parliaments of Scotland: Burgh and Shire Commissioners*, 2 vols (Edinburgh, 1992-93), II, pp. 767-801. Commissioners might also gather in smaller meetings known as Conventions of Estates. Summoned at shorter notice and usually functioning only to confirm taxation grants, Conventions were viewed by successive monarchs as more amenable to crown control. They were not generally considered comparable to full Parliaments and are therefore not included in this analysis; the exception is the Convention of 1689, a Parliament in all but name even before it formally transformed itself into one a few months after convening.

⁸ *RPS*, 1612/10/5, 1617/5/7, 1621/6/7, 1633/6/8, 1639/8/31/3, 1641/4/2, 1641/7/2, 1641/8/2, 1644/6/2, 1645/1/2, 1645/7/8/2, 1645/7/24/2, 1645/11/2, 1646/11/2, 1648/3/2, 1649/1/2, 1649/5/2, 1650/3/2, 1661/1/2, 1662/5/2, 1663/6/2, 1669/10/2, 1670/7/2, 1672/6/2, 1673/11/2, 1685/4/2, 1686/4/2, 1689/3/2, 1689/6/2, 1690/4/2, 1690/9/2, 1693/4/2, 1695/5/2, 1696/9/2, 1698/7/2, 1700/5/2, 1700/10/2 and at 1702/6/2. Attendance rates refer only to formally eligible constituencies for any given session.

pattern emerges, namely a general rise in Highland attendance. At the beginning of the century, representation was very low; Julian Goodare has remarked that the Highlands were ‘largely unrepresented’ in the Parliament of 1621, and this could be broadened out to cover the entire period up to 1633, during which Highland attendance averaged only about 20% per session.⁹ Thereafter, attendance rose, so that, by the second half of the century, it stood at approximately 75% per session on average. This rising trajectory was not mirrored nationally, save by an increase sufficiently modest (*c.*70% in 1612-33 to *c.*80% in the 1690s) that it can probably be explained largely by the Highlands’ own growing engagement, although this conclusion must remain tentative until further regional studies are conducted.

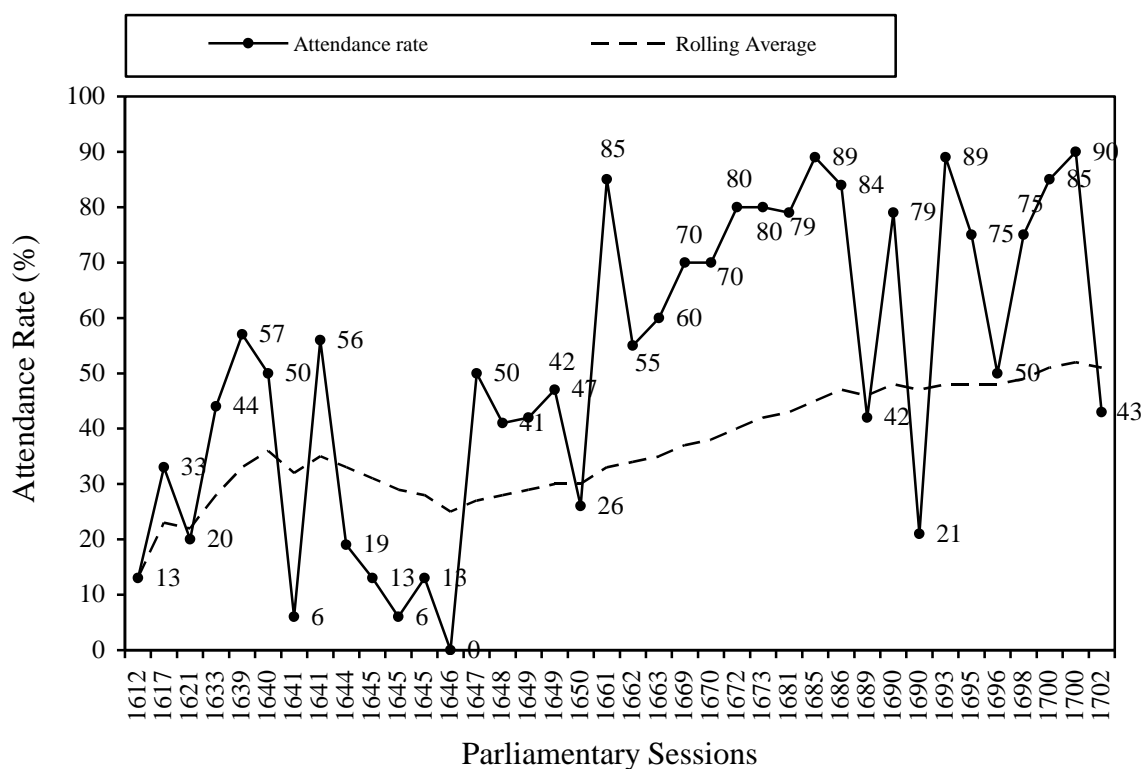


Figure 1: Attendance levels of Highland commissioners to Parliament, 1612-1702

⁹ J. Goodare, ‘The Scottish parliament of 1621’, *Historical Journal*, 38:1, (1995), pp.29-51, at p.37.

However, there was substantial volatility within this overall pattern. The Covenanted Parliament of 1639-51, for which Highland attendance averaged about 31%, saw levels vary between 6% in the 1641 and 1643 sessions, and 56% during the 1641 session. National attendance levels under the Covenanters were volatile as well, but, in varying between *c.*31% and *c.*80% and averaging around 65%, tended to be higher.¹⁰ The case of the post-revolutionary Parliament of the 1690s is even more striking. Beneath the average of 74%, Highland representation swung wildly, plunging to 21% in the second session of 1690 but reaching as high as 89% a mere three years later and 90% in 1700. This represented a divergence from the national pattern, since overall attendance levels remained within a much narrower window of between *c.*73% (1689 and 1690) and *c.*88% (1693), save for a dip to *c.*46% in the second 1690 session.¹¹ In fact, the only period of sustained stability in Highland attendance was the Restoration, since levels during the reigns of Charles II and James VII, averaging *c.*75%, were consistently above 60% except for a sparsely-attended session in 1662 – all broadly comparable with the national record during the Restoration, which was *c.*82% on average, shifting between *c.*65% (1662) and *c.*91% (1681). In sum, the Highland experience during the seventeenth century was characterised by expanding engagement with Parliament which gradually brought the regional record broadly in line with the Scottish average. Yet at the same time, Highland representation remained usually below national levels, and was also subject throughout the century to considerably greater volatility.

Yet examination of broad regional trends tends to conceal important differences between individual constituencies. Amongst the burghs, Inverness was the most reliable – it

¹⁰ The very lightly-attended 1646-47 session, for which national attendance was 14% against Highland representation of 0%, was so atypical that it has been omitted from this analysis of the Covenanted period.

¹¹ The problematic session of 1702 is ignored here. The sederunts reveal a national attendance rate of only about 36%, with an equivalent Highland figure of 43%. These, however, are misleading since they do not include those commissioners who accompanied James Hamilton, 4th duke of Hamilton in quitting the chamber as a protest against the newly-ascended Queen Anne's failure to call an immediate general election. Patrick, 'People and Parliament', pp.292-293.

sent a commissioner to every Parliament and to twenty-eight sessions, for an attendance rate of 74%. Tain did similarly well; it attended twenty-nine sessions and achieved 76% attendance, although, unlike Inverness, it was entirely absent from one Parliament, Charles I's third (1644-47). Dornoch, too, was fairly assiduous after its enrolment in time for the 1628 Parliament, attending on twenty-two occasions (58%). The attendance rates of the other burghs enrolled before 1603 were markedly more depressed. Dingwall sent a commissioner to seventeen sessions (45%), Fortrose fourteen (37%) and Wick twelve (32%). This, however, conceals a striking step-change after 1660, since none of these three burghs attended any sessions prior to the Restoration, probably because their attendance, while technically permitted, was effectively blocked by resistance from Inverness, a town ever jealous of its pre-eminence in the north.¹² If only the twenty-one sessions after 1660 are considered, attendance rates rise to 81%, 67% and 57% respectively. The remaining three burghs, Inveraray, Cromarty and Campbeltown, were not eligible for the entirety of the century. The first was only admitted to Parliament in 1648, giving it a possible total of twenty-five sessions, of which it was present for fifteen (60%). Cromarty was entitled to representation for just seven sessions between 1661 and 1673, availing itself of this opportunity three times (43%). Finally, Campbeltown was only enrolled for two sessions, in 1700 and 1702, attending on both occasions. In short, there was within the burgh estate a clear hierarchy of parliamentary engagement. Inverness and Tain were in the vanguard throughout the century, reinforced to a lesser extent by Dornoch. For the other burghs, the century was very much one of two halves, with zero attendance prior to 1651 giving way after 1660 to a pattern of much more consistent urban representation.

Shire representation was slightly more complex, since the right of the shires to send two commissioners to each session meant that Parliament's thirty-eight meetings yielded a

¹² A. Kennedy, 'The Urban Community in Restoration Scotland: Government, Society and Economy in Inverness, 1660-c.1688', *Northern Scotland*, 5 (2014), pp.26-49, at p.40

maximum total representation of 76 per shire. Inverness-shire and Argyllshire were the most consistent attendees. The former was present at thirty sessions and sent a total of fifty-two commissioners, giving it an attendance rate of 68%. Argyllshire, which was entitled to send three commissioners from the 1693 session onwards and whose maximum representation across the century therefore reached 90, attended thirty-one sessions and sent 59 commissioners – a rate of 66%. These were figures not matched by any of the other shires. Caithness sent twenty-four commissioners to twenty-two sessions out of the thirty-two for which it was eligible (38%); Cromarty was represented at fourteen sessions by twelve commissioners (21%); and Sutherland yielded thirty-five representatives attending twenty-five sessions (46%).¹³ Tarbertshire was only eligible for four sessions prior to its merging with Argyllshire after 1633, and only managed to send one single commissioner (13%). Finally, Ross-shire was represented by thirty-two commissioners at twenty of the twenty-four sessions it was entitled to attend (67%). The bulk of this attendance was again concentrated after 1660; shire attendance reached approximately 70% during the Restoration and post-Revolutionary periods, up from *c.*19% before 1639 and *c.*23% during the Covenanting period. Thus, although present in Parliament slightly more reliably than the burghs, the shires nonetheless followed a broadly similar pattern. There were two particularly assiduous attendees across the century (Inverness-shire and Argyllshire) up to whom, particularly after 1660, the other constituencies gradually caught.

When excuses were offered, absences from Parliament were often explained on the grounds of cost. The maintenance of a commissioner, or commissioners, was expensive. Each was entitled to claim back expenses from their shire or burgh; in the case of the former, the rate was statutorily set at £5 for every day on which Parliament sat, plus additional days

¹³ Sutherland's attendance rates were undoubtedly depressed by its paucity of eligible electors, especially before 1633, when it had only one freeholder.

for travel to and from Edinburgh, proportional to the distance travelled.¹⁴ Large bills could result; Robert Campbell of Glenorchy, Argyllshire's commissioner from 1641 to 1646, claimed to have incurred costs totalling 2,000 merks.¹⁵ Sometimes, as in Glenorchy's case, such debts were simply not repaid, and when they were it might only have been thanks to tenacious pursuit – Glenorchy's grandson, the future 1st Earl of Breadalbane, after sitting for Argyllshire in the Parliament of 1661-1663, recouped £254 by sending a servant door-to-door collecting money from some of the shire's minor heritors.¹⁶ But an alternative way of saving money was not to send representatives in the first place. So reluctant were the heritors of Sutherland to bear the expense of two shire commissioners in 1661 that John Gordon, 13th earl of Sutherland suggested paying for the second commissioner out of his own pocket.¹⁷ This, however, cannot have been the whole story, since an impassioned plea of poverty from Fortrose in 1665 did not stop it sending a commissioner to every session of the Restoration Parliament (1661-1663).¹⁸ Distance presented another challenge – Wick nearly failed to elect a commissioner for the 1661 session because, 'in Regaird of the farr distance of that Place', they did not receive news of the impending meeting until it was almost too late.¹⁹ Distance was also an issue in Ross-shire in 1693, when its commissioner, John Munro of Foulis, was excused his absence because he was 'on the road to attend the parliament'.²⁰ Equally, commissioners could fail to turn up because they had fallen sick, as in the cases of both Alexander Mackenzie of Coull (Ross-shire) and John Cuthbert (Inverness) in 1696.²¹

¹⁴ *RPS*, 1641/8/151.

¹⁵ C. Innes (ed.), *The Black Book of Taymouth* (Edinburgh, 1855), p.103. One merk was equivalent to 13s 4d.

¹⁶ National Records of Scotland, Edinburgh [NRS], Breadalbane Muniments, GD112/46/2/11.

¹⁷ W. Fraser (ed.), *The Sutherland Book*, 3 vols (Edinburgh, 1892), II, p.181.

¹⁸ J.D. Marwick (ed.), *Records of the Convention of the Royal Burghs of Scotland*, 6 vols (Edinburgh, 1866-1915), III, p.582.

¹⁹ NRS, Commissions to Commissioners to Parliament, PA7/25/100/1.

²⁰ *RPS*, M1693/4/2.

²¹ *Ibid.*, 1696/9/19.

However, such issues were essentially individual, and do little to explain the distinctive fluctuations in overall Highland attendance. Political factors would seem to have come into play here. That Highland attendance in the second half of the century was markedly higher than in the first, particularly pre-1639, was probably a marker of the region's gradually deepening integration into the mainstream of Scottish society; if James VI could describe the Highlands as fundamentally divorced from Lowland mores in his *Basilikon Doron* of 1599, nobody could plausibly do so in 1700 (although this did not stop some contemporaries – and historians – from trying).²² More particularly, the collapse in Highland attendance after 1641, not reversed until 1647, almost certainly reflected the extreme disruption caused by the royalist rebellion of James Graham, 1st marquis of Montrose, thanks to whose efforts much of northern Scotland was effectively *terra incognita* to the Covenanted regime by mid-1645. Similarly, the first Jacobite rising, an attempted counter-revolution, was probably a factor in the extremely unstable Highland attendance of 1689-90, partly because it inhibited movement from north to south, partly because some Jacobite commissioners withdrew after the first session, and partly because at least four Highland commissioners – Ludovic Grant of Freuchie (Inverness-shire), Duncan Campbell of Auchinbrek (Argyllshire), John Gordon of Embo (Sutherland) and George Gordon (Dornoch) – were serving in the government army of Hugh Mackay of Scourie.²³ The correlation between such periods of major political upheaval and temporary collapses in parliamentary attendance is thus sufficiently close as to make it inconceivable that they did not play a major role in explaining the vicissitudes of Highland attendance.

²² On Highland integration, see R.A. Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c.1493-1820* (Edinburgh, 1998); A. Kennedy, *Governing Gaeldom: The Scottish Highlands and the Restoration State, 1660-1688* (Leiden, 2014); A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996); S. Nenadic, *Lairds and Luxury: The Highland Gentry in Eighteenth-century Scotland* (Edinburgh, 2007).

²³ *RPS*, 1689/6/23.

Highland commissioners

It was an accepted and, from at least the late sixteenth century, statutorily enforced convention in early-modern Scotland that commissioners should be resident in, or at least have some intimate connection with, the constituency they represented, even if, in practice, ‘carpet-bagging’ did occur. Such ideas applied equally in the Highlands; the burgh of Inverness, as part of a protest against the admission of Fortrose and Cromarty to Parliament in 1661, claimed the ‘persons now elected’ by these towns should be denied any ‘entres or vott in parliament’ because they were not residents of the towns (an accusation which was in fact quite untrue).²⁴ There were actually only three examples of demonstrable outsiders representing Highland constituencies. Sir John Scrymgeour of Dudhope in Angus represented Argyllshire in 1633, George Hamilton of Blackburn in West Lothian sat for Caithness in 1644-45, and the radical Edinburgh Covenanter Archibald Johnston of Wariston was elected for Argyllshire in 1648. This gives a ‘carpet-bagging’ rate of under 2%. How this compares to national norms is difficult to establish, since the only existing estimate of the prevalence of ‘carpet-bagging’ – Margaret Young’s figure of 10% – is of uncertain reliability, but it does at least indicate that the practice was uncommon. That said, there were other less clear-cut cases.²⁵ John Urquhart of Cromarty, presumably unable to secure election to the Restoration Parliament (1661-63) within his family’s accustomed sheriffdom of Cromarty, sat for neighbouring Inverness-shire.²⁶ Slightly differently, Robert Gordon of Gordonstoun represented Sutherland from 1669 to 1685; he had links to that shire in that he belonged to its dominant Gordon kindred, but he was a member of its Morayshire rather than Sutherland

²⁴ NRS, PA7/9/1/6.

²⁵ Young, *Parliaments of Scotland*, II, pp.812-813; *RPS*, 1617/5/7, 1644/6/2, 1645/1/2, 1645/7/8/2 and at 1648/3/2.

²⁶ Cromarty certainly held some estates outside Cromartyshire, most prominently at Craigfintray in Aberdeenshire, so he may have held lands in Inverness-shire as well.

branch. In other cases, representatives were technically natives, but ordinarily resident elsewhere, usually in Edinburgh. This was the case with George Dallas of St Martins, a writer to the signet who represented Cromartyshire throughout the Restoration, George Mackenzie of Rosehaugh, the prominent lawyer and later Lord Advocate who was elected for Ross-shire in 1669, Robert Stewart, commissar of Edinburgh but still Dingwall's commissioner after 1698, and Donald Simpson, who sat for Fortrose in 1698 despite residing in the capital.²⁷

Setting such anomalies aside, Highland commissioners generally conformed to similar profiles. Shire representatives were almost invariably local lairds, and often belonged to the most regionally dominant kindreds. Thus, of the seventeen men who represented Argyllshire, twelve were Campbells. Sutherland was even more reliant upon its primary family, since eleven of its fourteen commissioners were Gordons, with the other three – a Murray, a Sutherland and a Gray – being members of client clans. At least 50% of commissioners from Caithness were Sinclairs. Cromartyshire, which elected two Urquharts and two Mackenzies as well as George Dallas, seems on first sight to have been rather more even-handed, but even here there was a clear pattern, since the shire usually sent either the contemporary holder of the Cromarty estate or a close relative; the service of George Dallas throughout the Restoration can probably be explained by the severe financial and genealogical difficulties facing the Urquhart family, difficulties which would eventually force them to sell their lands to the Mackenzies in the 1680s. The Mackenzies were also dominant in neighbouring Ross-shire, five of whose nine commissioners after its separation from Inverness-shire in 1649 belonged to that kindred, although there was also space for two of the region's other major families, the Munros and the Rosses. Only in Inverness-shire, the largest sheriffdom in Scotland even after 1649 and one lacking a single dominant local power, was the pattern

²⁷ NRS, PA7/25/10/1-5, PA7/25/29/3, PA7/25/51/7 and at PA7/25/63/8.

more eclectic, although even here the importance of the clans was clear. Sixteen different commissioners secured election, of whom five were Frasers, three were Mackenzies, two were Forbeses, and one each were Macleods, Grants, Mackintoshes, Gordons, Urquharts and Munros. Thus, the selection of commissioners from the Highland shires tended to reflect local power dynamics, meaning that lairds belonging to the major kindreds had a disproportionate chance of serving in Parliament – a logical and entirely typical pattern which tends to accord with Keith Brown’s view that shire commissioners occupied the same social and political world as the peerage.²⁸ At the same time, it suggests a higher degree of clan engagement with the structures of the Scottish state than is sometimes assumed.

The vast majority of urban representatives were residents (usually at least burgesses) of the town they represented, and a substantial number also had further experience of holding other offices connected to their burgh.²⁹ Fifty different men appear on Parliament’s sederunts, and approximately 43% of them had previously served as either provost, bailie, or dean of guild, although this conceals significant variation between towns; seven of Inverness’s ten representatives had experience as magistrates, while none of Wick’s three seem to have had. A rather more reliable indicator of likely service was election as a commissioner to the convention of royal burghs, a post which nearly two-thirds of representatives had previously held, with the proportion nowhere dropping below one-third.³⁰ Thus, excepting the experiences of Dingwall and Fortrose in 1698, Highland towns were invariably represented by local men, all of whom had clear connections to the burgh and many of whom were serial office-holders.

²⁸ K.M. Brown, ‘The Second Estate: Parliament and the Nobility’ in Brown and MacDonald (eds.), *History of the Scottish Parliament, volume 3*, pp.67-94, at pp.68-69.

²⁹ MacDonald, ‘Third Estate’, at pp.102-104; MacDonald, *Burghs and Parliament*, pp.43-48.

³⁰ Young, *Parliaments of Scotland, passim*.

The process of selecting shire and burgh commissioners has not received a great deal of attention from historians.³¹ As a result, the size of Scottish electorates are elusive, however it is generally agreed that they must have been modest.³² The shire franchise had in 1587 been fixed upon freeholders holding land of at least 40s yearly rent, a fairly restrictive qualification which probably yielded about forty to sixty electors in each shire. In the burghs, the right to vote had been vested in town councils since the fifteenth century, which tended only to contain twenty or so men at any one time, although in 1689, uniquely, all Protestant burgesses were permitted to vote.³³ Although it is impossible to establish precise numbers for Highland electorates, a rough idea can be derived from the signatures on the written commissions produced to confirm a representative's election. In the shires, the average number of signatures per commission was nine, although there was significant variation, from five in Cromartyshire to twelve in Caithness. Burgh electorates were generally a little higher, averaging eleven, although again with a significant gap between five (Campbeltown) and thirteen (Dornoch, Fortrose and Inverness).³⁴ These figures can be estimates only, since there is no way of knowing how many eligible voters failed to participate in elections. Equally, we cannot be certain that all active voters signed each time; in Ross-shire, nineteen men endorsed the commission of Robert Munro of Foulis in 1697, but according to one contemporary estimate there had actually been forty-six participants in the election – perhaps only supporters of the winning ticket were expected to sign.³⁵ Yet despite their imprecision

³¹ The most comprehensive review of electoral procedures (focusing on the post-revolutionary period) is Patrick, 'People and Parliament', chapters 3 and 4.

³² A.J. Mann, 'House Rules: Parliamentary Procedure' in Brown and MacDonald (eds.), *History of the Scottish Parliament, volume 3*, pp.122-157, at pp.129-132.

³³ MacDonald, 'Third Estate', at p.100; MacDonald, *Burghs and Parliament*, pp.32-34; D.J. Patrick, 'Unconventional Procedure: Scottish Electoral Politics after the Revolution' in K.M. Brown and A.J. Mann (eds.), *The History of the Scottish Parliament, volume 2: Parliament and Politics in Scotland, 1567-1707* (Edinburgh, 2005), pp.208-244, at p.227; Terry, *Scottish Parliament*, 20-25 and at 56-57; Young, *Parliament of Scotland*, II, pp.807-813.

³⁴ The figures for Inverness exclude an unusually large number of signatures appended to one commission in 1689, for which see below.

³⁵ MacGill (ed.), *Old Ross*, II, pp.99-100.

as evidence, commission signatures are sufficient to suggest that, in common with the rest of Scotland, the Highland electorate represented a tiny fraction of the region's overall population.

However, the closed, restricted nature of the Highland franchise faced some challenge, both in the shires and in the burghs. In Sutherland, where it was claimed only two individuals were legally freeholders, elections were habitually conducted in the name of a wider group – ‘gentlemen’, ‘heritors’, ‘wadsetters’, ‘feuers’ and ‘liferenters’ were all named as voters at least once.³⁶ Caithness faced a similar problem, asserting in 1649 that ‘the number of frie barrones within the said shirefdome is so few that verie often in the best tymes there hes wanted ane competent number for choyseing of commissiouneris to parliamentis’. As a result, it too began to name gentlemen amongst its electorate, although by 1693 the situation had apparently become rather confused; several eligible voters failed to exercise their rights, and some who did vote were no longer sure if they legally entitled to do so.³⁷ Uncertainty reigned further south as well. The electorate of Ross-shire was claimed to incorporate ‘gentlemen’ in 1665, 1669 and 1678, as well as ‘feuers’ in 1681, 1685, 1693 and 1697.³⁸ Non-freeholders were not able to secure such influence in Inverness-shire, but they did stage an attempted coup at the end of 1660 by gate-crashing the electoral meeting in the tolbooth of Inverness and claiming the right to vote. This was opposed by the freeholders, resulting in a controverted election which had to be decided by Parliament itself. Parliament’s judgement, interestingly, favoured the feuers (possibly because the freeholders had elected a former Covenanter, Hugh Fraser of Belladrum), but since they were never again

³⁶ *RPS*, 1661/1/448; *NRS*, PA7/25/33.

³⁷ *RPS*, 1649/1/401; *NRS*, PA7/25/8.

³⁸ *NRS*, PA7/25/29.

named amongst Inverness-shire's electors, they do not appear to have capitalised upon their victory.³⁹

Some urban electorates proved similarly malleable. Most elections in Dingwall were conducted in the name of the burgh council, but in 1660 the entire community was invoked, as were 'indwellers' in 1681 and burgesses in 1689. The wider urban community was also referenced in the Dornoch elections of 1669 and 1692, in Inveraray's of 1681, and in Campbeltown's of 1700.⁴⁰ None of this means that anybody beyond the burgh councils actually participated in these elections – indeed, the fact that numbers of signatures on commissions remained broadly unchanged implies they did not – but linguistic shifts may suggest a developing awareness that commissioners should be seen to represent a wider constituency, as well as implying that the circle of those consulted during elections was probably larger than the actual electorate. However, something rather more significant seems to have taken place in Inverness. After consistently restricting its franchise to the burgh council, Inverness took advantage of William II's temporary extension of the burgh franchise to invoke the authority of all the burgesses, so that the resulting commission – electing the provost, John Cuthbert of Draikies – was signed by fully 127 individuals, up from just 15 on the last commission of 1685. This dramatic expansion in electoral participation, which made Cuthbert's commission one of the most widely-endorsed in the country, no doubt reflected the determination of a distinctly revolution-minded burgh to provide its commissioner with a clear mandate, which in turn demonstrates an emerging recognition that the wider urban community had a legitimate, if ill-defined interest in selecting their parliamentary representatives.⁴¹

³⁹ NRS, PA7/9/1/3; NRS, PA7/25/17/3; *RPS*, M1661/1/2; MacIntosh, *Scottish Parliament*, p.15; Young, *Scottish Parliament*, I, p.310.

⁴⁰ NRS, PA7/9/51/1, 4, 6; PA7/25/52/3, 6; PA7/25/66/4; PA7/25/45/1.

⁴¹ NRS, PA7/25/68/9; Patrick, 'People and Parliament', pp.141-142.

If electorates were sometimes more fluid than the statutory guidelines might imply, the same can be said about the actual conduct of elections. The formal means of election was for voters to select commissioners annually at the Michaelmas court (29 September) irrespective of whether a meeting of Parliament was expected. Most constituencies seem to have abandoned this procedure, certainly after 1660, in favour of simply selecting commissioners whenever a session was imminent, so that commissions almost invariably specified a particular Parliament. However, Inverness-shire reverted to the old system, or at least the old terminology, twice, in 1640 and 1681, when those selected were simply ordained to remain in post for a calendar year.⁴² There is more significant uncertainty as to whether elections were expected to be unanimous or by simple majority. Examples of both exist; in Argyllshire (1685, 1693 and 1700), Dingwall (1698), Fortrose (1660) and Inveraray (1681), elections were all described as unanimous, although this may simply indicate that only one candidate came forward. Conversely, the decision in 1640 to select John MacLeod of Dunvegan and Simon Mackenzie of Lochslyn as commissioners for Inverness-shire was reached only by ‘pluralitie of woyces’ and after ‘Lenthe of full Deliberat mynd’.⁴³ In Ross-shire in 1697, there appear to have been five different candidates, with the ultimate victor securing only about a third of the vote.⁴⁴ In the vast bulk of cases, however, there is no indication as to whether unanimity or plurality was sought, and it is therefore not clear which of the two procedures was regarded as more normal. The smallness of electorates and the tendency of early-modern political culture to prize consensus over division might lead us to expect that universal agreement was preferred, but, certainly from the Highlands, there is no weight of evidence either way.⁴⁵

⁴² NRS, PA7/25/17/2, 8.

⁴³ NRS, PA7/25/17/2.

⁴⁴ MacGill (ed.), *Old Ross*, I, p.99.

⁴⁵ K.M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011), p.160.

On the other hand, in some cases there may have been no election at all. The commission awarded by Tain to Archibald Ross in 1612 contains only one signature, that of the town's notary. This could simply indicate that voters failed to append their names after a full vote, but it might also imply that no formal election was ever held; perhaps the notary merely produced a document to legitimise an earlier, informal decision.⁴⁶ The events in Caithness in 1660 seem even more striking. On 22 December, James Sinclair of Murkle and William Sinclair of Dunbeath were elected on the strength of only one signature, the convenor's. On the following day, twenty-two further voters turned up and signed their names to the resulting commission, explicitly stating that they were merely rubber-stamping the convenor's choice.⁴⁷ On at least one occasion, lack of a proper level of participation led to an election being regarded as invalid; new commissioners were required from Ross-shire in 1689 after a previous election earlier in the year was deemed by Parliament to have involved too few voters.⁴⁸ Such instances indicate that the process of selecting commissioners to Parliament may have been a rather *ad hoc* affair lacking well-defined procedural conventions.

At the same time, it was not unknown for Scottish elections to be influenced by powerful interest groups, particularly regional noblemen, and in the Highlands this may well have been reinforced by the dynamics of clanship, which offered local elites a powerful additional means of cementing their influence.⁴⁹ Thus, in April 1633 Archibald Campbell, lord Lorne (later 8th earl of Argyll) called a meeting of his 'freindis' about 'choosing of

⁴⁶ NRS, PA7/25/98/1. All the rest of Tain's surviving commissions bear multiple signatures, save that of 1689, which again is endorsed by only one name.

⁴⁷ NRS, PA7/25/8/2-3.

⁴⁸ NRS, PA7/25/29/8; E.W.M. Balfour-Melville (ed.), *An Account of the Proceedings of the Estates in Scotland 1689-1690*, 2 vols (Edinburgh, 1954-1955), I, p.103 and at p.147. Since both the original commissioners were re-elected, it seems that the objection here really was procedural and not political. Patrick, 'People and Parliament', p.163

⁴⁹ Brown, *Noble Power*, p.159. For a case-study of noble involvement in elections, see N. Cowmeadow, 'Your Politick, Self Designing Sister': The Role of Katherine, First Duchess of Atholl in the Scottish Parliamentary Elections of 1702', *Parliaments, Estates and Representation*, 33:1, (2013), pp.1-19.

Comissioners for the parliament', clearly seeking to guide the electoral activities of Argyllshire's freeholders.⁵⁰ His grandson, Archibald Campbell, 10th earl (and later 1st duke) of Argyll went one better, securing the election of his brother, John Campbell of Mamore, as an Argyllshire commissioner in 1700.⁵¹ Comparable influence was apparent elsewhere. Writing after his fall from grace following the Revolution, George Gordon, 1st duke of Gordon boasted about his role in the 1681 Parliament, claiming 'I retyred to the north just as the parliament uas to meet and I contribuitt[ed] ther to haw Loyall persons chosen in the sheirs'.⁵² Evidently 'the north' in this context did not just incorporate Gordon's immediate hinterland in Aberdeenshire, for the government, relying upon his nominal headship of the wider Gordon kindred, pressed him in 1685 to secure the election of loyalists in Sutherland as well.⁵³ Sutherland also had to contend with the interference of the Earls of Sutherland, certainly in 1661, when the comitial family's offer to pay for a second commissioner was explicitly conditional upon the election of a kinsman, Robert Gordon of Langdale.⁵⁴ In Ross-shire in 1697, David Ross of Balnagown complained that the election of Robert Munro of Foulis had been 'solicited by statesmen or kirkmen', who had achieved their ends by intimidating voters inclined to support a different candidate.⁵⁵ The identity of these shadowy puppet-masters is obscure, but there was a tradition of Mackenzie interference in Ross-shire elections. In March 1685, the voters returned John Mackenzie as one of their commissioners, but less than two months later were compelled to elect a replacement because Mackenzie was the son of George Mackenzie, viscount of Tarbat and future earl of Cromartie, and thus ineligible to sit as an elected representative.⁵⁶ Shire elections, therefore, were clearly

⁵⁰ NRS, GD112/39/48/5.

⁵¹ Young, *Parliaments of Scotland*, I, p.100

⁵² West Sussex Record Office [WSRO], Unfinished Memoir of the 1st Duke of Gordon, Goodwood Mss 1428, f.7.

⁵³ WSRO, Gordon Letters, Goodwood Mss 1166, item 10.

⁵⁴ Fraser (ed.), *Sutherland Book*, II, p.181.

⁵⁵ MacGill (ed.), *Old Ross*, I, p.99.

⁵⁶ *RPS*, 1685/4/10; NRS, PA7/25/29/6-7.

vulnerable to the influence of local aristocrats, for whom securing a clutch of loyal commissioners was a useful way of both asserting regional leadership and enhancing their parliamentary clout, but it should not be assumed that noble wishes were always paramount. Prior to his 1633 meeting, Lorne had let it be known that he wished Robert Campbell of Glenorchy to become one of Argyllshire's commissioners, but this was rejected and Glenorchy did not sit.⁵⁷

The extent of noble dominance over urban elections is rather less clear. Tiny Campbeltown, whose only commissioner between 1700 and 1707, Charles Campbell, was another brother of the 10th earl of Argyll, was clearly under the thumb of the local grandee. Elite influence was not often so overt, but given that many small burghs were utterly dominated by neighbouring noble families – Inveraray by the Campbells, Fortrose and Dingwall by the Mackenzies, Dornoch by the Gordons, Wick by the Sinclairs – it seems likely that commissioners would have found it difficult to secure election without at least the tacit endorsement of such patrons.⁵⁸ Inverness, a much larger and more independent-minded town which repeatedly fought off the acquisitive overtures of neighbouring noblemen like the Earls of Moray, Lords Lovat or Lord MacDonnell, was probably an exception.⁵⁹

Once they had secured their election, how active were Highland commissioners upon reaching Parliament? In answering this question we are hamstrung by the relative dearth of surviving parliamentary minutes, although there are nevertheless some scattered indications that Highland commissioners occasionally involved themselves in the business of the House. George Mackenzie of Rosehaugh, contributed liberally to debates about Anglo-Scottish union, supply and the faculty of advocates throughout Charles II's second Parliament (1669-73), in which he sat for Ross-shire, while in the 1672 session Colin Campbell of Inveraray is

⁵⁷ NRS, GD112/39/47/12.

⁵⁸ MacDonald, *Burghs and Parliament*, pp.36-39; Cowmeadow, "Your Politick, Self Designing Sister", at pp.5-6.

⁵⁹ Kennedy, 'Urban Community', at p.42

recorded as having tabled a motion aimed at altering the dates of parliamentary sittings.⁶⁰ But a fuller understanding can be gained by assessing Highland commissioners' service within the structure of specialist committees which Parliament gradually developed over the course of the century. This remained embryonic prior to the Covenanted revolution, so it is little surprise that only two instances of Highlands representatives holding committee office before 1638 have been identified; Thomas Urquhart of Cromarty was named as a reserve on a commission for the plantation of kirks in 1617, and the carpet-bagging Argyllshire commissioner John Scrymgeour served on Parliament's steering committee, the Lord of the Articles, in 1633.⁶¹

The committee system exploded into life under the Covenanters, during whose regime a massive number were created both during and outside parliamentary sittings, and Highland service spiked accordingly.⁶² Twelve of the region's thirty-three representatives shared fifty offices (excluding the two 'carpet-baggers', Blackburn and Wariston). In some cases service was very sporadic; four commissioners served only once, and a further three secured just two appointments. Of the remainder, James Sinclair of Murkle (Caithness) and James Fraser of Brae (Inverness-shire) both sat on four committees, in the latter case including two commissions to the committee of estates; Duncan Campbell of Auchinbrek served seven times, largely on administrative bodies; and Alexander Sutherland of Duffus (Sutherland) sat on eleven committees, most of them (such as the committee of estates, committee of bills, committee of grievance and committee for the army) with important political competencies. The most active of the lot was the staunchly Covenanted commissioner from Inverness, John Forbes of Culloden, who hoarded fourteen offices, many of which – such as his seven

⁶⁰ George Mackenzie, *Memoirs of the Affairs of Scotland from the Restoration of Charles II* ed. T. Thomson (Edinburgh, 1821), pp.149-155, pp.190-192, p.225 and at pp.233-238.

⁶¹ *RPS*, 1617/5/17 and at 1633/6/10.

⁶² For in-depth analysis of the Covenanted committee structure, see Young, *Scottish Parliament*, *passim*.

commissions to the committee of estates, or his three appointments to the committee for bills – placed him right at the heart of the revolutionary regime.⁶³

A more subdued pattern emerged during the Restoration, a much quieter period anyway for parliamentary committees. Only three Highland commissioners held committee office during these three decades. John Urquhart of Cromarty, sitting for Inverness-shire, secured seven appointments between 1661 and 1663, mostly related to routine administrative and judicial affairs but also including one commission to sit on the Lords of the Articles.⁶⁴ Twenty years later, in 1681, William Duff of Inverness likewise sat on the Lords of the Articles, and also secured two further appointments to judicial subcommittees.⁶⁵ The most active office-holder, however, was George Mackenzie of Tarbat. Although sitting for his home shire of Ross, Tarbat – who would later serve as a senior minister to every sovereign from Charles II to Anne and ultimately secured the earldom of Cromartie – is generally remembered as a career politician, and in light of this it is not surprising that he secured eleven committee appointments (five in 1661-62 and six in 1681), many of them with an economic brief and two of them to the Lords of the Articles.⁶⁶

The dynamics shifted again in the wake of the 1688-90 revolution, which revitalised the committee system.⁶⁷ Eight of the Highland commissioners, approximately 40% of the total, sat on committees in the final decade of the century, although some were more active than others. Three of them held office only once: John Campbell of Carrick (Argyllshire) sat on the committee for supply in 1690, as did John Cuthbert (Inverness), and John Munro of

⁶³ *RPS*, C1639/8/5, 1641/7/54, 1641/7/55, 1641/8/170, 1641/8/171, 1641/8/179, M1641/8/21, M1641/8/50, M1641/8/60, 1643/6/8, 1644/1/128, 1644/6/249, 1645/1/38, 1646/3/213, 1646/11/18, 1646/11/23, 1646/11/65, 1646/11/409, 1648/3/27, 1648/3/213, 1649/1/25, 1649/1/37, 1649/1/293, 1649/1/309, 1649/5/376, A1650/5/28, A1650/5/61, A1650/11/20, M1650/11/3, A1651/3/16, A1651/5/8, A1651/5/9, M1651/5/2, M1651/5/4 and at M1651/5/19.

⁶⁴ *Ibid.*, 1661/1/13, 1661/1/94, M1661/1/38, A1661/1/85, 1662/5/4, 1662/5/19 and at 1662/5/24.

⁶⁵ *Ibid.*, 1681/7/7, C1681/7/10 and at C1681/7/21.

⁶⁶ *Ibid.*, 1661/1/13, M1661/1/36, M1661/1/38, 1662/5/19, 1662/5/24, 1681/7/7, C1681/7/3, C1681/7/23, C1681/7/23, C1681/7/29 and at C1681/7/36.

⁶⁷ On the post-revolution committees, see Patrick, 'People and Parliament', pp.336-378.

Foulis (Ross-shire) served on the committee for Church government in 1690. Colin Campbell of Ardkinglas (Argyllshire) was on a committee for contested elections twice, in 1698 and 1702. Adam Gordon of Dalfoley (Sutherland) was rather busier, securing seven appointments, nearly all of them concerned with trade.⁶⁸ There was however a clear gap between all of these men and the trio of Ludovic Grant of Freuchie (Inverness-shire), Duncan Forbes of Culloden (Inverness-shire) and Hugh Brown of Inveraray. Freuchie and Culloden were both early converts to the revolutionary cause who came to be regarded as pillars of the Williamite regime in the north, and both reinforced their pre-eminence by serving on numerous important committees; Freuchie secured ten appointments, including to committees for settling the government, the Highlands, answering the king's letters (twice) and securing the kingdom (three times), while Culloden sat on twelve committees, among them those for the settling the government, the Highlands, securing the kingdom (four times) and drafting legislation, as well as the committee of estates. Hugh Brown is a much more obscure figure, but his fourteen appointments, most of them, as befitting a burgh representative, to economic committees, suggest that, like Freuchie and Culloden, he was an adherent to the post-revolutionary regime; certainly he acted as an informer during the fraught years of 1689-1690, passing information about the western Highlands to the Convention of Estates and Parliament, and by the end of the 1690s he was also a confirmed supporter of the Court interest.⁶⁹

A survey of Highland representatives' committee service therefore builds up a broadly consistent picture. The majority of commissioners played no part in this increasingly vital facet of parliamentary business, and most of those who did sat on only a very small

⁶⁸ *RPS*, M1690/4/9; M1693/4/3; 1696/9/13; 1698/7/21; C1698/7/2, C1698/7/22, 1700/5/34 and at 1702/6/22.

⁶⁹ Patrick, 'People and Parliament', p.140 and at pp.182-183; *RPS*, 1689/3/81, 1689/3/20, 1689/3/185, 1689/3/200, M1689/3/4, M1689/3/14, 1690/4/76, 1690/4/79, 1690/9/5, M1690/4/30, M1690/4/31, M1693/4/3, M1693/4/28, C1693/4/10, C1693/4/25, C1693/4/32, 1695/5/12, C1695/5/39, 1696/9/13, 1696/9/15, C1696/9/5, 1698/7/21, C1698/7/22, 1700/5/34, 1700/10/25 and at 1702/6/22; Balfour-Melville, *Proceedings*, I, p.91 and at p.94.

number of bodies. The lion's share of Highland activity can be ascribed to a few especially active individuals; the eight men who secured more than seven appointments together accounted for more than 70% of total Highland service. We know too little about regional interaction with the Scottish Parliament to assess how typical was this record, although Alan MacDonald's work on Fife suggests that some areas may have been rather more prolific producers of committeemen.⁷⁰

The uses of Parliament

Highlanders' relatively limited engagement with the day-to-day business of Parliament would seem to accord with many conventional accounts of early-modern Scotland, which often portray the Highlands as irredeemably parochial, little interested in national affairs until well into the eighteenth century.⁷¹ Yet in line with the more recent historiographical tendency to admit a significant degree of integration, there are grounds for supposing that Highland constituencies often approached Parliament well aware of wider political events and prepared to engage with them. As early as the 1621 Parliament, the representatives of Inverness-shire and Inverness burgh were amongst the fifty-one commissioners voting against the ratification of the Five Articles of Perth, a series of liturgical reforms to the Scottish Church. The government had been making strenuous efforts to have these ecclesiastical reforms confirmed since 1617, and refusing to support them was a deliberate act of defiance which can only have reflected informed engagement with the on-going national debate over Church

⁷⁰ MacDonald, "Tedious to reher'?", at pp.50-52.

⁷¹ See, for example, G. Donaldson, 'Scotland's Conservative North in the Sixteenth and Seventeenth Centuries', *Transactions of the Royal Historical Society, Fifth Series*, 16, (1965), pp.65-79, at p.74 for a statement of this view.

government.⁷² Later in the century, George Mackenzie of Rosehaugh demonstrated his considerable involvement in national politics during the 1669 session, while sitting for Ross-shire, by arguing verbosely against proposals for union with England, and Duncan Forbes of Culloden, commissioner for Inverness-shire after 1689 and author of an impassioned memorandum justifying the overthrow of James VII in favour of William and Mary, was deeply engaged with the constitutional wrangles of the revolutionary period.⁷³

Highlanders' awareness of national political contexts is equally suggested by the surviving commissions. The instruction given in 1639 to the commissioner from Inverness (Duncan Forbes of Culloden) to work to protect 'the trew christiane religione presentlie profest within this kingdome', echoed in a similar invocation given to the commissioners from Argyllshire (Duncan Campbell of Auchinbrek and James Lamont of Inveryne), implies that, in these areas at least, the religious implications of the Covenanting revolution affected in 1638 were of real interest. Similarly, Argyllshire's order that its 1641 commissioners (Auchinbrek and Robert Campbell of Glenlyon) attend Parliament even in the absence of royal approval and that they work for the good of the 'estates of this kingdome' suggests that the revolution's constitutional effects were also understood.⁷⁴ Inveraray, in the wake of the Exclusion crisis threatening James, duke of York's rights to the throne, ordered its commissioner in 1681 (William Brown) to treat regarding the laws of succession. Also linked to James' expected succession, Tain's commissions in 1681 and 1685 pointedly insisted that their representative (John Forrester both times) was 'a man fearing God of the true protestant religione presently in publict professed and allowed be the Law of this kingdome', perhaps reflecting anxiety about the presence of a Catholic high commissioner

⁷² The only other Highland representative in 1621, Hector Douglas of Tain, adopted the much safer strategy of voting with the government. David Caldwood, *History of the Kirk of Scotland* ed. T. Thomson and D. Laing, 8 vols (Edinburgh, 1842-1849), VII, pp.498-501; Goodare, 'Parliament of 1621', at pp.42-45.

⁷³ Mackenzie, *Memoirs*, pp.149-155; H.R. Duff (ed.), *Culloden Papers* (London, 1815), p.14.

⁷⁴ NRS, PA7/25/31/1-2, PA7/25/68/1.

and king respectively.⁷⁵ Such national awareness was particularly strong in the wake of the 1688-90 revolution, as commissions often called upon their holders to work for the preservation of the revolution and, in particular, its Presbyterian Church settlement. Commissioners from Argyllshire, Cromartyshire, Ross-shire, Dingwall, Dornoch, Fortrose, Inveraray and Tain all received such instruction during the late 1680s and 1690s, and in two further cases – Sutherland and Wick – elected commissioners were described as being of the ‘true protestant religion’, likewise suggesting that Highland commissioners, even those from very remote constituencies, could come to Parliament adequately briefed about national political developments.⁷⁶

Nonetheless, there was often a strong focus on local affairs as well, reflected again in the language of the commissions. Alongside standard exhortations to work for the good of the kingdom, commissioners were sometimes specifically instructed to look after constituency interests. Thus, Argyllshire’s commissioners in 1681, 1693 and 1700 were told to do whatever they could ‘tending to the good and advantage of the said shirefdome’. Similar instructions were handed down by Inverness-shire (1640 and 1660), Ross-shire (1669, 1681, 1685, 1689, 1693 and 1697), Dingwall (1681, 1685 and 1689), Tain (1660, 1669 and 1672) and Campbeltown (1700). These were all open-ended instructions, but Cromarty was rather more specific in 1660, when it ordered Alexander Clunes, the town’s first commissioner after being enrolled as a royal burgh earlier that year, to seek ‘ratificatione of our particular rights of this our burgh of Cromertie’. In other cases, voters’ local focus was revealed by assertions that their commissioners were experts in the affairs of their shire or burgh, the implication surely being that they were therefore well-placed to protect these

⁷⁵ NRS, PA7/25/66/4, PA7/25/98/7-8.

⁷⁶ NRS, PA7/25/3, 10, 29, 33, 51, 52, 63, 66, 98 and at 100; Patrick, ‘People and Parliament’, pp.103-104.

affairs. Cromartyshire's representatives in 1693 and 1698 were described in this way, as were those of Ross-shire in 1697 and Fortrose in 1692.⁷⁷

Such exhortations existed because the Highlands, like other parts of the country, recognised that important benefits could be wrung from Parliament. Prestige was once such commodity. The 'riding' of Parliament, the choreographed procession from Holyroodhouse up the Royal Mile to the place of assembly or from the late 1630s the purpose-built Parliament House which formed the centrepiece of the ritual opening and closing of Parliament, explicitly ranked members by seniority within their estates. Boisterous jockeying for position was an inevitable result, and the worst culprit in the Highlands was the burgh of Inverness.⁷⁸ In 1685, the town council instructed its commissioner, John Cuthbert, to enter a protest against the town's ranking, or, if practicable, to have 'the manadgement of their place [...] put to a touch' – that is, to have a private act of Parliament passed. After the session, Cuthbert reported his diligence:

A protestation [was] taken be the said Provest of Inverness as Comissioner at the said Parliament for prioritie of place at Parliament and at the meittings of the Generall Convention of the Royall Burrowes, and particularly against seven brugh interjected betwixt this brugh and Air.⁷⁹

Inverness' concern about prestige in Parliament was not limited to the issue of ranking; it also sought to uphold its local primacy by protecting its superiority over other local burghs. Thus in 1661, after the burghal status of both Fortrose and Cromarty was reiterated in Parliament,

⁷⁷ NRS, PA7/25/3/6, 8; PA7/25/10/6, 7; PA7/25/17/2,3; PA7/25/29/3, 5, 6, 7, 8, 9, 10; PA7/25/51/4, 5, 6; PA7/25/63/8 ; PA7/25/98/3, 5, 6.

⁷⁸ On the 'riding' of Parliament, see A.J. Mann, 'Continuity and Change: The Culture of Ritual and Procession in the Parliaments of Scotland', *Parliaments, Estates and Representation*, 29:1, (2009), pp.143-158, at pp.150-153.

⁷⁹ W. Mackay, H.C. Boyd and G.S. Lang (eds.), *Records of Inverness*, 2 vols (Aberdeen, 1911-24), II, p.331 and at p.333.

Inverness protested that this threatened its ‘many eminent priviledges and liberties and sole power of merchandyng within the shirrefdome of Innernes’.⁸⁰ For Inverness, as for many other constituencies, Parliament was an important means of both deriving and sustaining prestige, and the town was ready to use its representation to exploit these opportunities.

Seeking confirmation of accustomed rights was a more tangible prize often sought by local communities through the efforts of their commissioners. David Ross of Balnagown, commissioner from Ross-shire from 1669 to 1673, busied himself seeking parliamentary ratification of Ross-shire’s erection as an independent sheriffdom, a reform enacted in practice in the early 1660s.⁸¹ For the burghs, it was common to seek parliamentary confirmation of their foundation charters at points of political uncertainty or regime-change. Inverness, Fortrose and Wick all sought such confirmations in 1641, following the constitutional revolution against Charles I.⁸² Amongst the large number of charter ratifications passed in the 1661 session, the first since the Restoration of Charles II, was a blanket confirmation of all burgh charters, but Inverness, Fortrose and Cromarty still sought individual acts – and in this, Cromarty’s commissioner, Alexander Clunes, was, as noted above, following the express terms of his commission.⁸³ Even in 1685, with the peaceful accession of James VII, Inverness again sought ratification of its rights.⁸⁴

Another end which might be pursued by commissioners on behalf of their constituents was relief from tax burdens. The heritors of Argyllshire claimed to be unhappy with the performance of one of their commissioners to the Restoration Parliament, John Campbell of Ardchattan, because he had neglected the ‘Concernments of the said shyre’ by not seeking to free them from ‘the 16 moneths maintenance’ imposed in the dying days of the Covenanting

⁸⁰ NRS, Supplementary Parliamentary Papers, 1660-1661, PA7/9/1/6. ‘Innernes’ in this context was being used as shorthand for the combined sheriffdoms of Inverness and Ross.

⁸¹ British Library [BL], Lauderdale Correspondence 1670, Add. Mss. 23133, f.45.

⁸² *RPS*, 1641/8/412, 1641/8/413 and at 1641/8/425.

⁸³ *RPS*, 1661/1/14, 1661/1/181, 1661/1/191 and at 1661/1/291; NRS, PA7/25/47/1.

⁸⁴ *RPS*, 1685/4/112; Mackay *et al*, *Records of Inverness*, ii, 333.

regime.⁸⁵ Later, in 1669, when Rosehaugh spoke out against a proposal to increase the tax on fish-curing salt, he did so in part as a representative of Ross-shire, a region which was ‘most of all others, most concern’d in the fishing’.⁸⁶ The burghs were also prone to such positioning even if, since specific tax burdens were usually fixed by the Convention of Royal Burghs, urban jockeying often took place in that forum rather than in Parliament.⁸⁷ Nonetheless, Tain’s commissioner was instructed to work for the reduction of the town’s ‘extraordinary burdens’ in 1669, while Fortrose in 1681 floated the idea of its commissioner suggesting to Parliament that its cess dues be paid in tandem with those of Ross-shire, thereby reducing the burden. This scheme was abandoned in the face of trenchant – and predictable – opposition from neighbouring landholders.⁸⁸

Commissioners might also use their position to seek personal advancement. Robert Campbell of Glenorchy, while representing Argyllshire in 1646 and 1647, took the opportunity to secure compensation of more than £120,000 Scots for losses he had suffered during the civil wars.⁸⁹ Duncan Forbes of Culloden proved similarly adroit after the Revolution. He petitioned Parliament regarding the damage suffered by his estates during the first Jacobite Rising (1689-90), damage which was claimed to exceed £47,000. Parliament looked favourably upon Culloden’s pleas, and thus in July 1690 the excise revenues from brewing within his lands of Ferintosh in Ross-shire were farmed out to him in perpetuity, in return for a modest fixed payment of 400 merks. Despite repeated protests from Nairnshire, too which Ferintosh had formerly belonged, this grant was confirmed in 1695.⁹⁰ William Sinclair of Dunbeath, commissioner for Caithness to the Restoration Parliament, exploited his

⁸⁵ NRS, GD112/46/2/6.

⁸⁶ Mackenzie, *Memoirs*, p.168.

⁸⁷ Dating from the sixteenth century, the Convention of Royal Burghs was a regular meeting of representatives from Scotland’s royal burghs, who came together to regulate trade and commerce, while also seeking to prepare a common programme for the burghs to pursue in Parliament.

⁸⁸ MacGill (ed.), *Old Ross*, I, pp.380-81; NRS, Fortrose Court and Council Minutes, B28/7/3, ff.56-60.

⁸⁹ Innes (ed.), *Black Book of Taymouth*, pp.103-104. The compensation was apparently never paid.

⁹⁰ *RPS*, 1690/4/83, 1690/4/156, 1695/5/197 and at 1695/5/213.

position for a slightly different reason. He lobbied to have himself and several of his friends and allies appointed as justices of the peace in Caithness, a platform from which he allegedly sought to secure his own dominance over the shire – although, since this accusation originated from George Sinclair, 6th earl of Caithness, with whom Dunbeath was engaged in a vicious feud, it should perhaps be treated with caution.⁹¹

Of course, Parliament could be exploited via channels other than the commissioners. Direct petitioning, either individually or as part of a group, was routine, and in some cases it was possible for non-representative members, such as peers, to raise matters of common interest. In 1670, the Earl of Caithness petitioned Parliament for a revaluation of that sheriffdom, principally because his own estates were ‘exorbitantly overvalued’ in terms of their tax liabilities, but also because the shire’s other heritors felt similarly burdened.⁹² Nonetheless, many in the Highland shires clearly recognised that their representative privileges could be used to secure, or least try to secure, advantageous decisions. This was a dynamic which ensured that, from self-interest if nothing else, Highland participation in Parliament was far from passive.

Conclusion

Historiographical engagement with the relationship between Parliament and locality in early-modern Scotland remains limited, and as a result we know much more about the workings of the pre-1707 legislature as an institution than we do about its linkages to the wider political community. In the case of the Highlands, this is exacerbated by a knee-jerk assumption in much of the scholarship that the region remained semi-detached from mainstream Scottish affairs until the eighteenth century and that, consequently, no meaningful relationship awaits

⁹¹ BL, Lauderdale Correspondence 1663-1664, Add. Mss. 23120, f.153.

⁹² NRS, Supplementary Parliamentary Papers, 1662-1678, PA7/10/33.

to be uncovered. Yet this case-study has suggested that, at least with regard to the seventeenth century, such an account is wholly inadequate. Highland commissioners attended Parliament with increasing regularity across the course of the century. They did so partly because they were interested in the wider currents of Scottish politics, but also because they recognised the potential value of Parliament as a source of both community and personal advantage. Simultaneously, a nascent electoral culture, incorporating some of the major clans, was beginning to develop, even if the precise details of how commissioners were chosen and who should have a say in their selection sometimes appeared ill-defined. On the other hand, Highland enthusiasm for Parliament should not be overstated. The region's respectable levels of attendance were buttressed by a few particularly active constituencies – Inverness, Tain, Inverness-shire and Argyllshire – whose diligence offset the much more unreliable records of others. Similarly, Highland commissioners' committee service, fairly low anyway, appears even less impressive when it is recognised that a mere handful of commissioners hoarded the vast bulk of appointments, leaving most representatives with little or no committee involvement. Yet such observations should not disguise the fundamental fact that the Highlands did engage significantly with Parliament through their representatives. This, in turn, offers a potentially important challenge to the widespread assumption of Highland insularity, while also suggesting that constituency-level study of the relationship between Parliament and country needs to be rolled out for all of Scotland.