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MacGregor, M.D. (2006) *The statutes of Iona: text and context*. Innes Review, 57 (2). pp. 111-181. ISSN 0020-157X

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Deposited on: 19 February 2014

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## The Statutes of Iona: text and context

Julian Goodare's article, 'The Statutes of Iona in context', published in the *Scottish Historical Review* in 1998,<sup>1</sup> provides the starting point for the present investigation. Since 1836 and the publication of the first edition of Donald Gregory's *The History of the Western Highlands and Islands of Scotland, 1493–1625AD*, generations of teachers and students, with the popular literature in tow, had accepted that the Statutes of Iona represented a landmark and turning point in the history of Gaelic Scotland. Gregory was the first to name them, as 'the Statutes of Icolmkill'; to assert (wrongly, as we shall argue) that they were nine in number; to discuss them; and to attach to them major historical significance.<sup>2</sup> His overall thesis gave Gregory good grounds for making much of the Statutes. Central to his history were the feuds among the 'turbulent tribes' of the west highlands and islands, and the unremittingly negative relationship between them and central authority, in the shape of the Stewart dynasty. As his narrative crept past 1600 and he saw no signs of the turbulence abating, Gregory was conscious that on the horizon, just beyond his chosen terminus, were the Civil Wars and Jacobitism: eras in which Scottish Gaels put their bodies on the line for the same dynasty on a regular basis and in substantial numbers. The Statutes were the rabbit he produced from the hat to resolve the looming conundrum:

It is a fact which may appear startling to many, but it is not the less evident on that account, that the first traces of that overflowing loyalty to the house of Stewart for which the Highlanders have been so highly lauded, are to be found in that generation of their chiefs whose education was conducted on the

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<sup>1</sup> J. Goodare, 'The Statutes of Iona in Context', *Scottish Historical Review* [hereafter *SHR*] 77 (1998) 31-57. Other modern interpretations of the Statutes considered here are A. I. MacInnes, *Clanship, Commerce and the House of Stuart* (East Linton 1996) 56-87; M. Lee, Jr., *Government by Pen: Scotland under James VI and I* (Urbana Chicago London 1980) 75-82, 136-47; D. Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh 1994) 28-30. See also F. Shaw, *The Northern and Western Isles of Scotland in the Seventeenth Century* (Edinburgh 1980); I. F. Grant and H. Cheape, *Periods in Highland History* (London 1987). Often overlooked are David Masson's discussions of the Statutes and their context in the *Register of the Privy Council of Scotland*, ed. J. H. Burton *et al.* (Edinburgh 1877-) [hereafter *RPC*] viii, pp. liii-lxv; ix, pp. xxvi-xxxiii; x, pp. xxviii-lix. The present article entirely supersedes the comments in *The Oxford Companion to Scottish History*, ed. M. Lynch (Oxford 2001) 296.

<sup>2</sup> D. Gregory, *The History of the Western Highlands and Islands of Scotland, from A.D. 1493 to A.D. 1625* (London and Glasgow 1881) 330-3.

high church and state principles of the British Solomon. There is no room to doubt that the chiefs who followed Montrose in the great civil war were actuated by a very different spirit from their fathers; and it is well worthy of notice that this difference was produced in the course of a single generation, by the operation of measures which first began to take effect after the year 1609.<sup>3</sup>

Gregory's interpretation of the impact of the Statutes is indeed startling in its discontinuity, yet remains not without its supporters,<sup>4</sup> even though the degree to which the Statutes were effectively implemented has never been properly explored. Assessments of the meaning of the actual text have varied hugely, from a blueprint for ethnic cleansing, to an assault upon despotic and untrammelled chiefly power – the '*Magna Charta* of the Western Isles'.<sup>5</sup> Where there was unanimity with Gregory was in accepting that the Statutes mattered, and had to be discussed.

This was the icon which Goodare sought to topple, by challenging 'two long-standing – and questionable – assumptions'. The first, to which he devotes less attention, relates to text; that the Statutes 'formed a complete and coherent programme in themselves'. Allan Macinnes sees the aims of that programme as restructuring Hebridean society to bring it into line with the rest of Gaelic Scotland, and simultaneously buttressing the authority of the existing ruling grades, and assimilating them into 'Scottish landed society'.<sup>6</sup> Goodare disagrees, arguing that the Statutes were incomplete, incoherent, illogical and paradoxical; and inimical to the power of the Hebridean elite.<sup>7</sup> The second, and Goodare's main concern, relates to context; that the Statutes were 'the centrepiece of Highland policy under James VI and I'.<sup>8</sup> Goodare argues that if the need be felt to sanctify particular dates, then 23 August 1609 mattered less than what he calls the 'conference' of 28 June 1610, or the legislation enacted by the Privy Council on 26 July 1616. But in any case, particular dates matter less than the context itself: 'the gradual but continuous pressure on chiefs in many related ways between about 1596 and 1617'.<sup>9</sup> Within this period Goodare identifies seven major policy initiatives, and states that the Statutes overlap only with two of these. His conclusion, *pace* Maurice Lee's thesis that they represent a

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<sup>3</sup> *Ibid.*, 333.

<sup>4</sup> Lee, *Government by Pen*, 146.

<sup>5</sup> F. T. Macleod, 'Sir Rory Mor Macleod', *Transactions of the Gaelic Society of Inverness* [hereafter *TGSI*] 28 (1912–14) 416. For a summary of some interpretations, see Macinnes, *Clanship*, 84, n. 20.

<sup>6</sup> *Ibid.*, 65, 68, 76–7.

<sup>7</sup> Goodare, 'Statutes', 50–4.

<sup>8</sup> *Ibid.*, 32.

<sup>9</sup> *Ibid.*, 57.

fundamental policy shift from colonisation to co-operation, is that the Statutes have been vastly overrated.<sup>10</sup> The two prongs of Goodare's analysis obviously dovetail: the Statutes were a poor piece of policy which were consequently marginalised.

Is Goodare right? This paper sets out to review the Statutes of Iona from the perspectives of text and context. No new ground will be broken in terms of sources. The staple is of course the *Register of the Privy Council*, and as Goodare observes, so far as the Statutes are concerned, we seem to lack the private or semi-official correspondence which would afford one way of getting under their skin, and deconstructing what we find in the register.<sup>11</sup> Published excerpts from the *Denmylne MSS* yield some material for 1608 and 1614–15, for example, but nothing for the critical period of 1609–10.<sup>12</sup> Goodare adduces this contemporary silence as an additional argument for marginality.<sup>13</sup> Nonetheless, this well-trodden turf will be revisited to advance a fresh interpretation. Part one will deal with context, taking Goodare's discussion as a starting point, and using close engagement with his thesis to build an alternative reading of the period – broken down into four main phases – whereby the Statutes are restored to centre stage. Part two, dealing with text, will argue that the Statutes occupied that position because they constituted a coherent programme, paramount being the economic condition of the Isles. The third and concluding part will unite text and context within a broader discussion exploring the significance of the Statutes in relation to key themes. Space precludes thoroughgoing reassessment here of the place of the Statutes within the wider Hebridean, Highland and Ulster policy theatres during the reign of James VI and I. Instead the emphasis will be upon the Statutes as the outcome of a partnership of common interest forged between Bishop Andrew Knox and the Hebridean elite, and fundamental to which was the marginalising of the Campbells; a revolutionary *volte face* in Stewart policy in the west which enjoyed an Indian summer before foundering on the rock of the Islay rising in 1615.

### **Context: Rethinking the Goodare thesis**

#### *Phase 1: 1608–9*

The first phase is from spring 1608 to August 1609, the eighteen months up to and including the signing of the Statutes. The

<sup>10</sup> Lee, *Government by Pen*, 80.

<sup>11</sup> Goodare, 'Statutes', 48.

<sup>12</sup> *Highland Papers*, ed. J. R. N. MacPhail, 4 vols (Scottish History Society: Edinburgh 1914–34) [hereafter *HP*] iii, 89–320.

<sup>13</sup> Goodare, 'Statutes', 40.

establishment of a separate ‘Book of the Isles’ by the Privy Council in March 1608 marks a watershed in the sources, and derived from a major new initiative to subjugate the western seaboard.<sup>14</sup> The refusal of the Estates to underwrite the costs led to its mutation into an expedition led by Andrew Stewart, Lord Ochiltree, in August 1608, resulting in the kidnapping of certain members of the Hebridean elite, and their incarceration in southern Scotland. At the king’s command, negotiations with these individuals proceeded through the agency of a Commission for the Isles. ‘Overtures’, presumably embodying the fruits of these negotiations, were taken to the king in person by Andrew Knox, Bishop of the Isles, in the early summer of 1609. On 3 June James granted a commission to Knox and the Comptroller, Sir James Hay, to lead a new expedition to the Isles. In the event, the Privy Council’s own instructions authorising the expedition, on 30 June, were addressed to Knox alone. The expedition departed at some point after 13 July. Its written outcomes were three texts, all promulgated on Iona: the Statutes themselves, on 23 August; a band confessing past sins and pledging future obedience, signed by substantially the same personnel, on 24 August; and a contract of friendship and forgiveness between two of the chiefs, Ruairi Mòr MacLeod of Dunvegan, and Dòmhnall Gorm MacDonald of Sleat, perhaps also on 24 August. The second of these will be referred to here, following David Masson, as the Band of Iona.<sup>15</sup>

In spring 1608, strategy towards the west remained coercive. The Fife Adventurers were still trying to colonise Lewis, and schemes of expropriation had been mooted for Uist and Kintyre, involving the Marquis of Huntly and the Earl of Argyll respectively. Ochiltree’s autumn expedition was consistent with this climate. It was military in nature, bolstered by forces and resources from Ireland, and possessing punitive powers – which were invoked – to garrison or level castles, and destroy galleys. But it had supplanted a planned full-scale invasion of the Isles, while Ochiltree also had a remit to negotiate with Hebridean chiefs, to try and ensure obedience and payment of rents. The same blend remained evident as the Commission for the Isles commenced its work. The king’s ‘Instructions’ to it, in December 1608, contemplated the expropriation or banishment of at least some of the indigenous elite, but not colonisation; and the diplomatic process yielded signs of encouragement.

James’s letter of 3 June 1609 marks a further and marked shift. It seems clear that the aim of the expedition to be led by Knox and Hay was to build upon progress made with those chiefs already in ward, by

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<sup>14</sup> *RPC* viii, p. liii; x, p. xxviii.

<sup>15</sup> *Ibid.*, ix, pp. xxvi-xxvii.

drawing in others outwith the process.<sup>16</sup> There was an obvious practical difficulty, in that chiefs currently at liberty might be naturally wary given what had befallen their peers in August 1608. This was addressed on two fronts. Hay and Knox were empowered to give safe conducts to chiefs to allow them to negotiate without prejudicing their freedom. More remarkably, two of those currently in ward, Aonghas MacDonald of Dunivaig, and Lachlann, brother of Eachann MacLean of Duart, were to be freed. Lachlann was to accompany Knox and Hay, and return with them. Aonghas was apparently free to return home. Lachlann MacKinnon of Strath, who had not been involved the previous August, came in on 12 May, and became bound for future appearances as required. Ruairi Mòr MacLeod, who had escaped capture in 1608, was granted his safe conduct on 30 June, at the meeting that granted Knox his commission.<sup>17</sup>

The king's letter was formally received by the council on 27 June. In a frenetic few days, its instructions were implemented, reshaped and significantly extended. All those captured by Ochiltree were first brought to Edinburgh in the case of those held at Blackness, Stirling and Dumbarton, and then released. In virtually all cases, it was explicitly stated that this was to help the king's commissioners in their impending expedition, in various ways. For example, Alasdair, brother of Ruairi Mòr of Dunvegan, was to 'concur with the Earl [of Argyle] in bringing the said Rory to obedience'. Those released – and this is a critical point to which we shall return – found caution to reappear before the council on specified dates in either early November or early February. The commission itself, issued on 30 June, was, for reasons nowhere stated, given to Knox alone.<sup>18</sup> His dual remit was to conduct a survey of the crown lands in the Isles, and, in line with James's letter, to bring in the Islesmen who were 'out'. The carrot held before the chiefs was that safe conducts would apply, and that those who came in would receive 'goode and kyndlie usage': the stick was that refusal to comply would lead to the use of force. But prominent among those exercising that force would be those chiefs who were already 'in', thus assigning them a role as self-policers, while force was to be exercised with discretion, so as not to endanger the greater enterprise.<sup>19</sup>

One constant factor conditioning the behaviour of the Hebridean elite since spring 1608 must have been fear: first of invasion and colonisation on the Lewis model; then of transplantation; then of, in the words of Knox's commission, 'all kynd of hostilitie yf thay continew

<sup>16</sup> This issue had been referred to by the king in the 'Instructions'; *ibid.*, viii, 746.

<sup>17</sup> *Ibid.*, viii, 751-2, 756. Ruairi Mòr had failed to respond to a summons in February.

<sup>18</sup> Prior to Ochiltree's expedition the council had recommended to the king that the office of Lieutenant 'be laid on one person'; *ibid.*, viii, 507-8, 738.

<sup>19</sup> *Ibid.*, viii, 756.

rebellious and dissobedyent'.<sup>20</sup> Eachann MacLean of Duart was forfeited on 20 February 1609, and in May Sir Seumas MacDonald, who had been in the hands of the government since 1604, was tried and sentenced to death.<sup>21</sup> Nevertheless, some of them, including the 'big five' – Dunvegan, Sleat, Clanranald, Duart and Dunivaig – had all gone voluntarily to Aros in August 1608 to meet Ochiltree. Aonghas MacDonald of Dunivaig had been released on that occasion on condition of his future appearance before the council, and he came in on 2 May 1609, followed by MacKinnon on 12 May. At Iona, on 23 and 24 August 1609, the Hebridean elite gathered in significant numbers to attend Bishop Knox's court. 'Outs' were indeed present, most crucially Ruairi Mòr,<sup>22</sup> but also MacQuarrie, MacDuffie, MacLean of Lochbuie, MacLean of Coll, and Ailean, another brother of Eachann Maclean of Duart, accompanied by 'the maist part of their hail special freindis, dependairis and tennentis'. The only notable absentee was MacNeill of Barra.<sup>23</sup>

Bishop Andrew Knox's promotion from support act to Ochiltree in 1608 to exclusive occupant of the spotlight in 1609 therefore corresponded to signs of a sea change in Hebridean policy.<sup>24</sup> The year following August 1608 began with colonisation or expropriation to the fore, and ended with an unfolding scenario where chiefs were not merely secure if they co-operated, but also enlisted to act on government's behalf. The year began with a military expedition culminating in kidnap, and ended with the release of these self-same individuals to facilitate an expedition whose agenda was primarily economic and diplomatic, and whose minatory dimension was measured. If aggressive steps were required, Knox's commission told him that 'herein you salbe very wyse and circumspect that no suche action of hostilitie fall oute as may disturb the Kingis Majesteis hail service in the Yllis'.<sup>25</sup> The mood music was now palpably different. Knox's commission also empowered him to hold courts, 'using thairin suche moderatioun and discretioun as may allure the Yllismen to obedyence'.<sup>26</sup>

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<sup>20</sup> *Ibid.*

<sup>21</sup> Goodare, 'Statutes', 38; Gregory, *Western Highlands*, 326-8. Neither decision was acted upon.; see further, p. 152.

<sup>22</sup> On 30 June Ruairi Mòr was described as 'being minded to render his obedience, and to come in and offer surety to that effect'; *RPC* viii, 756.

<sup>23</sup> *Ibid.*, ix, 26-7. The text of the Statutes engrossed in the register misnames Lachlann MacKinnon of Strath as 'Rorie', presumably a transcription error.

<sup>24</sup> Already in May 1608, it was Knox who went to court with representations from the council concerning the arrangements for the forthcoming expedition; *ibid.*, viii, p. lv; *HP* iii, 110.

<sup>25</sup> *RPC* viii, 756.

<sup>26</sup> *Ibid.*

Of the source which best heralds the policy shift, James's letter to the council, Goodare comments: 'by June, perhaps after discussion with Knox, the king ceased to emphasise the plan to dispossess the chiefs, and chiefs were encouraged to co-operate'.<sup>27</sup> This seems to underplay Knox's increasing influence, while the letter is unequivocal in deriving the policy it espouses to Knox's visitation with the 'Overtures', and in linking the 'Overtures' to the new approach. Goodare also argues, as have others, that in the absence of Comptroller Hay, 'Knox simply ignored the leading element of his instructions – the survey of royal property'. The point is important because from it can flow the perception of the Bishop as a rogue agent, and the Statutes as an aberration, an unexpected and unlooked-for outcome of the expedition: in Goodare's words, 'we should be wary of assuming that they represented official policy'.<sup>28</sup> Certainly the commission of 30 June mentions the survey first, but here, as in James's letter, persuading 'the Yllismen who yitt lyis oute to come in and rander thair obedyence' was fundamental, and the concern of the bulk of both texts. Knox was empowered to widen the dialogue and to hold courts, and as the *sederunt* of the court which produced the Statutes makes plain, in this he was highly successful.

*Phase 2: 1609–10*

The second phase runs from the signing of the three texts issued at Iona on 23 and 24 August 1609, until the registration of the Band and Statutes by the council on 27 July 1610. This is the key period in terms of the concentration of Goodare's arguments, and the period in which it is possible to take sharpest issue with his conclusions. The main events were as follows. Knox reappeared before the council on 28 September, read a written report on his proceedings, and then asked that this be handed back to him, since he was bound for London and the king, and wanted to show him his report in person. He promised to deliver it to the council for registration on his return. There is then a silence regarding the Statutes until 8 May 1610, when in a long and crucial letter James asked the council to proceed with their registration. This did not occur until 27 July, when Knox appeared in person before the council. The silence between 28 September 1609 and 8 May 1610 is punctuated by three references to the king's uncertainty over how to proceed. On 15 March, for example, he was 'as yett unresolvit quhat course to tak for satling of the affairis of the Yllis'.<sup>29</sup> By 8 May, he seems to have reached a decision, instructing the council to register the

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<sup>27</sup> Goodare, 'Statutes', 38.

<sup>28</sup> *Ibid.*, 40-1.

<sup>29</sup> *RPC* viii, 759, 614-5, 618.



Statutes, and to confirm or make various grants in favour of Knox. The chiefs themselves were appearing individually before the council at points in this period, but the king's indecision meant that a general gathering was postponed, until 8 March, then 15 May, before finally taking place on 28 June. In Lewis, meanwhile the third attempt at colonisation by the Fife Adventurers had failed, and plans for a fourth were abandoned in early 1610. On 19 and 20 July 1610, Lewis was granted to MacKenzie of Kintail. A few days later, on 27 July, the Band and Statutes were registered, and a number of other enactments made, largely in line with the king's letter of 8 May.

Goodare's interpretation takes its cue from the suspended animation which he sees the Statutes as falling into between 28 September 1609 and 27 July 1610, broken only on 8 May. At best, he suggests, their impact upon policy was limited and short-lived. They represented 'perhaps a temporary tidying-up operation' and 'a useful beginning': they played a part in initiating dialogue, and were 'probably the first occasion on which government and chiefs talked to one another without arguing'. At worst they were effectively 'cast into oblivion', suggesting that they were not merely unimportant, but may not have represented official policy at all.<sup>30</sup> Goodare argues further that this view was shared by all parties. Within government, no fanfares or fulsome praise greeted Knox on his return on 28 September. The Statutes were not mentioned by name, suggesting that, 'at worst, the Council did not want to register Knox's achievements; at best, they were in no hurry to do so'. The king was still unsure of the way forward, and only acknowledged the Statutes' existence on 8 May. Contemporary commentators and historians, even those involved in or close to the policy-making process, do not mention them. Knox himself never refers to them in his extant correspondence.<sup>31</sup>

Goodare connects this limbo with what he sees as the start of a new policy initiative at the opening of 1610, or at least fresh attempts to resolve the governance of the Isles. 'There was no suggestion that the existing agreement should be implemented, or even that such an agreement existed ... it was as if [the Statutes] had never happened'.<sup>32</sup> The focus of the new initiative was the attempt to arrange what Goodare calls a 'conference' with the chiefs, which duly took place on 28 June. Goodare attaches significance to this, seeing it as the effective starting point of accepted and regular dialogue, annual appearances by chiefs before the council, and payment of rents.<sup>33</sup> He suggests that there

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<sup>30</sup> Goodare, 'Statutes', 40-1, 43.

<sup>31</sup> *Ibid.*, 39-42.

<sup>32</sup> *Ibid.*, 41-2.

<sup>33</sup> *Ibid.*, 43-5, 56-7.

are two possible explanations for the Statutes' lack of impact and rapid supercession. Either Knox had bungled completely, necessitating the creation of an entirely new policy, or the Statutes were acceptable but flawed, and in need of revision.<sup>34</sup> Hence Goodare rejects reading too much into the close coincidence of the official abandonment of the colonisation of Lewis, and the grant to MacKenzie, with the registration of the Statutes: that the Statutes represented an alternative approach whose hour had come. *Au contraire*, he asserts that the Statutes did not cause the change in policy since this was 'the result, firstly, of the Adventurers' defeat by the MacLeods, and, secondly, of their decision to sell out to Kintail'; and since such an argument would imply that Knox was opposed to colonisation schemes, when, according to Goodare, he was not.<sup>35</sup>

Goodare's interpretation is open to question on a number of counts. On the delay in registration, a third explanation can be offered beyond the suggestions that Knox had failed either completely or partially. Could it be that Knox had hit the jackpot: that far from departing from his brief, he had fulfilled it beyond anyone's expectations, including perhaps his own; and that in doing so he had taken policy in the Isles into uncharted waters? This could tally with what happened on 28 September. Knox could not wait to get to the king. In his haste, he almost seems to snatch his report from the clutches of the bureaucrats, and then we do not see him for dust. Potentially very significant too, as we shall see, and suggestive of a positive reception for the Statutes, for all the inscrutability of the record, was the council's decision that same day to lift a trade embargo between the Isles and Argyll, to assist the Hebridean chiefs to pay crown rents.<sup>36</sup> There is also symmetry with the early summer of 1609, when Knox had gone to see the king prior to the decision to send the expedition. The need to return to the king in the immediate aftermath (and James's 'Instructions' of December 1608 had insisted on his being kept personally informed of developments) supports the idea of a landmark development in another sense – that the king's approval would be a prerequisite of registration.

This would be consistent in turn with the length of time James took before reaching the decision revealed on 8 May. What had been a possibility in summer 1609 had now been made real by Knox, and James had to choose: could reform be achieved by working through the Hebridean elite rather than eliminating it? In this sense, the delay represents, not the consigning of the Statutes to oblivion and

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<sup>34</sup> *Ibid.*, 41-2.

<sup>35</sup> *Ibid.*, 44-5, 49.

<sup>36</sup> *RPC* viii, 757-8.

irrelevance, but their imminent presence. Should they, like Knox, come centre-stage? Various factors doubtless came into play. Hebridean policy, naturally, was hardly James's only concern, and perhaps a low priority. Yet the references of 20 January, 3 March and 15 March suggest indecision, not neglect. Of more significance, perhaps, was the king's deeply ingrained belief in the inhabitants of the Isles as irredeemable, and hence his instinctive inclination towards colonisation or expropriation. Yet at this very time, the colonisation of Lewis was nearing terminal collapse, while the chiefs themselves were playing by the book: appearing before the council, fulfilling their cautions, and perhaps already addressing the backlog of crown rents they owed. Persuasion may have been as important as choice, and Knox seems to have remained at court throughout this period.<sup>37</sup>

The letter of 8 May 1610 gave the king's resolution in favour of the Statutes, and the green light to their registration and much else besides. But royal grace was conferred begrudgingly, through gritted teeth and double-negatives; pointers to the extent of James's dilemma, and, perhaps, of the struggle which Knox had had to wage:

So far is this worke from being broght to ane point of perfectioun as we perceive little or nothing as yit done thairin. Bot of any manis travellis hethirtill taikin in that busyness by all appeirance the Bischop of the Illis his last jorney doeth cary some lyklichkeit and schew of some good success within the boundis of his diocye ... he doeth now intend a new jorney unto these pairtis, and ... it is expedient that he sould be assisted and countenanceid with all suche pouer and authoritie as in suche a case is fitting ...

And ... the said Ilesmen, in a court haldin be the said Bischop at Icolmakill, have bound thameselffis to performe dew obedience to us and our authoritie, and to keip peace and quietnes in the cuntrey, undir suche panes and penalties as we sould be pleased to enjoyne, as also have with the said Bischopis consent set down and maid suche statutis and ordouris among thameselves as we cannot bot allow of ...<sup>38</sup>

Goodare's description of what happened on 28 June 1610 as a 'conference' is his own, and not to be found in the sources. The 'big five' Hebridean chiefs appeared before the council along with Lachlann MacKinnon of Strath and Cameron of Locheil, made a short statement of mutual friendship and of obedience to the king, and promised to

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<sup>37</sup> *Ibid.*, ix, p. xxvii.

<sup>38</sup> *Ibid.*, ix, 17-18.

assist any royal commissioner sent to the Isles.<sup>39</sup> In scale and ambition this was hardly on a par with what had happened on Iona, hardly a ‘conference’. Equally questionable is Goodare’s argument that this meeting initiated regular dialogue in the form of the annual cycle of appearances before the council, which became fixed in July.<sup>40</sup> The point is very important, for we know that this practice took root, and was maintained across much of the seventeenth century, generating profound consequences in terms of absenteeism, conspicuous consumption, accumulation of debt, and resultant pressure for economic change.<sup>41</sup> Its origins do not lie with the meeting of 28 June 1610. If we follow the chain back through the various postponements necessitated by the king’s extended prevarication in early 1610, then we eventually reach the point precisely a year earlier, between 28 and 30 June 1609, when those kidnapped by Ochiltree, or who had come in subsequently, were released on condition that they assist Knox in his forthcoming expedition, and that they find caution to reappear before the council in early November or early February.<sup>42</sup> The genesis of annual accountability therefore lay in the preparations for the expedition which led to the Band and Statutes of Iona, and the Band saw the signatories look ahead to ‘our nixt compeirance before thair Lordschippis’.<sup>43</sup> 28 June 1610 was simply another date within a prototype cycle already taking shape, not a new initiative or summons to a special ‘conference’. Goodare regards the suggestion made by the chiefs on that occasion, that one of their number might act as the royal commissioner to the Isles, as ‘greatly daring’ and ‘startling’.<sup>44</sup> In fact, it is part of a strand of evidence, already visible before Iona, central to what happened there, as we shall see, and grudgingly acknowledged by James in his letter of 8 May, which presents the chiefs as partners in reform.

Goodare mentions the registration of the Statutes on 27 July, but is less forthcoming about what went hand in hand with this. The scale and

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<sup>39</sup> Locheil was present because of differences between him and Clanranald; *ibid.*, viii, 760; Gregory, *Western Highlands*, 340.

<sup>40</sup> Goodare, ‘Statutes’, 43-4.

<sup>41</sup> Macinnes, *Clanship*, 72-6, and *passim*.

<sup>42</sup> Aonghas MacDonald of Dunivaig had become bound on 29 June to reappear before the council on 1 November, but on 28 September, the day of Knox’s return to the council with the Iona texts, this was prorogued until 2 February 1610; *RPC* viii, 754-5, 757. Goodare is thus wrong to say that on 28 September, ‘the summons of Angus MacDonald of Dunivaig was arranged, for unspecified reasons’; Goodare, ‘Statutes’, 39.

<sup>43</sup> *RPC* ix, 25.

<sup>44</sup> Goodare, ‘Statutes’, 43. Knox had been named as commissioner on 8 May, but perhaps this was not common knowledge since the king’s letter remained unregistered at this point.

substance is highly revealing. With Knox present, the council went on to enact six other measures, most of them as stipulated on 8 May. By then Knox had already indicated to the king his intention to return to the Isles that summer, ‘at his awne cost and chairges’, with a fleet of three ships headed by John Mason.<sup>45</sup> To this end he was now granted a new commission in the Isles, to endure for a year. The commission may have been new, but it built upon Knox’s track record, ‘understanding that the said Bischoip by his singlar wisdome and dexteritie is able to do his Majestie good service in the Ylis’. Moreover, the commission referred explicitly to the Statutes of Iona:

With pouer lykewyse to the said Bischoip to tak tryell gif the actis and constitutionis aggreit upoun and set down the tyme of his last being in the Yllis be observit and keipit conforme to the tennour thair of, and, gif thair be ony failyie, brek or violatioun of the saidis actis or ony of thame, to persew the said contraventioun and failyie before himselff, and to proceid and minister justice thairin conforme to the lawis of this realme ...<sup>46</sup>

In his letter James had left the detail of Knox’s commission to the council, but had asked that, in registering the Band and Statutes, it ‘add and enjoyne suche penalties for the breache and contraveyning of the saidis bandis and statutes as salbe most fitt and expedient for our service and the keeping of our peace in those boundis’.<sup>47</sup> What the council seems to have done in response is to have made the Statutes the subject of the commission. Their endorsement as the benchmark of progress is nowhere mentioned by Goodare, and makes a nonsense of the argument that they were ‘cast into oblivion’.

The other five measures were as follows. All preceding commissions of lieutenancy over the Isles were annulled. The house of Dunivaig, used by Knox while pursuing his commission the previous summer, was to be made available again, and would be handed over to him by Ochiltree on 10 August. Knox was appointed steward of the Isles, and, as with his commission of lieutenancy, this was underpinned by the discharge of jurisdictions held by any other parties. The son of MacNeill of Barra, Niall, presently in ward in Edinburgh, was to be released and handed over to Clanranald, his uncle, perhaps as a means of extending dialogue to a kindred who had so far remained outside it. Finally, new and generous procedures were laid down in order to make it easier for the Hebridean elite to obey citations to appear before the council, Lords of Session, or Justice General, since:

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<sup>45</sup> *RPC* ix, 17-18.

<sup>46</sup> *Ibid.*, ix, 31.

<sup>47</sup> *Ibid.*, ix, 18.

muche of the dissobedienc of the Yllismen for not appearing before the saidis Lordis hes proceidit of thair too summarie citatioun, since boith thay ar so far distant, the seas ar to be crossed, and the wodder oftymes so uncertane and unseasonable as nather come the knowledge of the citatioun to thair earis nor yit had thay sufficient tyme to compeir: And his Majestie and Lordis of Secrite Consale being willing to provide some ease and relief to the saidis Yllismen in this point.<sup>48</sup>

In future citations would be sent to designated residences in either Rothesay or Inverness, on 60 days notice. It is again supportive of the argument that annual accountability began with the Statutes, that their registration should coincide with an overhaul of the logistics of citation.

In their coherence, conciliatory flavour, timing – coming days after the grant of Lewis to MacKenzie – and cumulative weight, these measures are very compelling. Knox was the man, the Statutes were the future, and partnership had triumphed.<sup>49</sup> If there had been any resistance to Knox and his initiative, from within the ranks of the council as well as the king, then it had been routed, and it was game, set and match to Knox in whom, as steward and royal lieutenant as well as bishop, was now concentrated enormous power over the Isles. All this leaves open to question Goodare's contention that the Statutes 'did not cause the change in policy' away from colonisation. There is symbiosis in the fading of the latter and waxing of the former. By offering an alternative, the Statutes may have encouraged the shift.

Andrew Knox was now at the zenith of his influence. A string of rewards followed in 1612, but already, and close to the point of his elevation of Knox and the Statutes in the Isles on 8 May, James had decided to nominate him to the Irish diocese of Raphoe in Donegal, in addition to the Isles.<sup>50</sup> This is confirmed by a letter of 3 August 1610 from the council to Sir Arthur Chichester, Lord Deputy of Ireland, 'the

<sup>48</sup> *Ibid.*, ix, 31-2.

<sup>49</sup> The Commission of Justiciary over Lewis granted to MacKenzie on 19 July contrasted the continuing state of anarchy and rebellion there with the rest of the Hebrides, where 'a number of the chiftanes and principall men of the Yllis and continent nixt adjacent are come in and presentit thameselffis before the Lordis of his Majesteis Prevey Counsell and hes gevin satisfacioun unto the saidis Lordis anent thair obedience and conformitie in tyme cuming'. Supplementary measures for Lewis proceeded on the narration that the council was concerned that 'the present peace and quietnes of the Yllis salbe foisterit, keipit, and intertenyt'; *ibid.*, ix, 13-16.

<sup>50</sup> *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and B. Harrison, 61 vols (Oxford 2004) [hereafter *ODNB*] xxxii, 6. Knox had already been elected as bishop of Raphoe by 6 May: *Calendar of the State Papers, relating to Ireland of the Reign of James I, 1608-1610*, ed. C. W. Russell and J. P. Prendergast (London 1874) 442.

said Bishop being now to repair thither to resave possessioun of that benefice'.<sup>51</sup> This was a letter of recommendation. The king:

haith this man in a speciall and favourable regaird, alswele for the mony guid officeis done be him in the governament of the Church heir, as for the grite panes and travellis tane be him in reduceing of the ignorant and wicked people of oure Yllis to the acknowledgeing of God and obedience of the Kingis Majesteis lawis, wherin he hes had so happie and gude a success, with the concurrence of his Majesteis royall pouer and authoritie, as no pairt of oure Yllis doeth now continew rebellious.

Goodare holds up this letter as an example of 'the normal tone of a commendatory letter from the Council', and contrasts it with the to his mind 'terse' endorsement of the bishop by the council as he set off to London on 28 September 1609; that he had 'careyed himself with goode credite and reputioun'.<sup>52</sup> This, says Goodare, 'was the least that could be said of any enterprise unless it had ended in conspicuous disaster'.<sup>53</sup> He neglects to inform us that the very grounds for praising Knox in the letter of 3 August 1610 were the achievement of Iona. A better point of comparison for 28 September 1609 would be the letter of recommendation the council gave to Knox on 13 October 1608, as he headed south to consult with the king in the wake of Ochiltree's expedition, which was clearly and immediately accounted a major success. The language is virtually the same, perhaps formulaic: Knox had 'caryed him self with verie goode credite and reputioun'.<sup>54</sup>

### *Phase 3: 1610–1615*

The third phase begins with the registration of the Statutes on 27 July 1610, and ends with the suppression of the rising of the MacDonalds of Islay in late 1615, symbolically concluded by the escape into continental exile of Sir Seumas MacDonald. Prior to the outbreak of this rising in spring 1614, there was a honeymoon period of stable relations between the government and the Hebridean elite, characterised by regular appearances before the council, and payment of rents, including, in some cases, substantial arrears.<sup>55</sup> The need for a separate 'Book of the Isles' virtually evaporated.<sup>56</sup> Lewis continued to provide a counterpoint. According to the renewal of the MacKenzie commission

<sup>51</sup> *RPC* ix, p. lxxxiii, 569-70.

<sup>52</sup> *Ibid.*, viii, 598.

<sup>53</sup> Goodare, 'Statutes', 40, and n. 35.

<sup>54</sup> *HP* iii, 116.

<sup>55</sup> *RPC* ix, pp. xxxi-ii; x pp. xxviii-xxxiii, xxxvi; Goodare, 'Statutes', 45.

<sup>56</sup> *RPC* ix, pp. xxxi-xxxii; x p. xxviii.

against Niall MacLeod of Lewis on 28 May 1612, conditions there remained anarchic, ‘whenas the haill remanent Yllis ar become peциable and obedient’.<sup>57</sup> To argue, as Goodare does, that the contribution of the Statutes of Iona to this scenario was ‘at best small and tangential’, and that what mattered was ‘probably the regular dialogue begun in 1610’, is to draw artificial distinctions.<sup>58</sup> The Statutes were at the heart of the new deal. ‘Dialogue’ had been regular and constructive since at least the early summer of 1609. Payment of past and present rents may have commenced at any point after November 1609.<sup>59</sup> Aonghas MacDonald of Dunivaig was dead by the start of 1613, and come that September the other four principals had all made settlement with the Exchequer, and were said to be continuing in their obedience to the laws. The source here is a memorandum on ‘The Estate of the Yllis’ by James Primrose, clerk of the council:

Donald Gorme hes gevin full contentment and satisfioun to the Exchecquer, bothe for his bigane dewyteis, and for assuirance of his Majesteis rentis in tyme comeing, and hes gevin band to the Counsaill for his personall compeirance at all tymes. McLeod of Hereis and McLayne [of Duart] hes gevin the lyke contentment and obedyence; and the Capitane of Clanrannald is inferior to nane of thame in all dewyteis of submissive and humble obedyence to his Majestie. Sen the deceis of Angus McConeill [MacDonald], Sir Ronnald McSoirle [Sir Ragnall or Randal MacDonnell of Antrim] hes possest him self with Ila. The Exchekquer hes suirtie for him in all thingis that apperteyneth.<sup>60</sup>

Although Bishop Knox’s projected expedition of 1610 seems to have gone ahead, no contemporary details are known, and it is nowhere clear to what extent he was personally present in the Hebrides thereafter.<sup>61</sup> His new responsibilities as reforming bishop in Ulster may

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<sup>57</sup> *Ibid.*, ix, 380.

<sup>58</sup> Goodare, ‘Statutes’, 45.

<sup>59</sup> First in the field were Dunivaig and Duart, by August 1610; National Archives of Scotland [hereafter NAS], Comptroller’s Accounts, E24/29, f. 20r. They were followed by Clanranald and Sleat; *ibid.*, E24/30, f. 19v; E24/31, ff. 24v, 25v. It was Dòmhnall Gorm of Sleat who in 1612–13 commenced payment for his territories including Sleat and North Uist, and not Clanranald as stated by Goodare, ‘Statutes’, 45. This included £3,000 representing arrears owed since 1596.

<sup>60</sup> *RPC* ix, 817–8. There seems to be no record of payments by MacLeod in the extant accounts between 1610 and 1614, although one is missing.

<sup>61</sup> *Ibid.*, ix, 377. Knox, who believed in the importance of residence, and in the need for bishops to play an active pastoral role, was formally translated to Raphoe on 26 June 1611, and active there that year; J. M. Barkley, ‘Scottish bishops and ministers in the Irish Church, 1605–35’, in *Reformation and Revolution*, ed. D. Shaw (Edinburgh 1967)



have contributed to the coming to a head of the crisis which was to test both him, and the climate of peace of which he was an architect, to the full: the rising of the MacDonalds of Islay.<sup>62</sup> It began with the capture of Dunivaig, which Knox was deemed to have garrisoned inadequately in 1610. The granting of a commission of fire and sword to Knox on 9 June 1614 therefore acknowledged his continuing primacy, but also the responsibility he bore. Against his better judgement, Knox landed in Islay with only a small force and was outmanoeuvred, leaving him with no choice but to surrender his son and nephew as pledges that he would negotiate on behalf of the insurgents with the council. Ultimately, however, Knox and the solution he advocated were sidelined, and resolution achieved through Chancellor Dunfermline and the Campbells. Eoin Campbell of Cawdor was granted commission against the MacDonalds, and in time was to gain Islay, while in the aftermath of the escape of Sir Seumas MacDonald and the intensification of the rising in summer 1615, it was the earl of Argyll who was persuaded to lead the decisive campaign which led to its suppression by the end of the year.

The Islay rising is vital to understanding the significance of the Iona settlement. To contain it, the leading chiefs came to Edinburgh in August 1614, and renewed their promises to uphold both the Band and Statutes of Iona.<sup>63</sup> This presents something of a problem for Goodare's thesis that the Statutes had been cast into oblivion. His explanation is that 'it is likely that the government turned to the Statutes simply because they existed; it was important to get the chiefs to sign *something* to show their loyalty, so an agreement that had already been signed was suddenly useful'.<sup>64</sup> This misses the point entirely. It was precisely for an hour such as this that the Statutes, but more especially the Band of Iona, in which loyalty to central authority had been explicitly pledged, had been designed. That these texts were invoked

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151-2; A. Ford, *The Protestant Reformation in Ireland, 1590-1641* (Frankfurt 1987) 167; ODNB xxxii, 6. According to the king, Knox planned to visit his diocese in or shortly after mid-May 1611; *RPC* ix, 176. Cf. n. 202.

<sup>62</sup> *Ibid.*, x, pp. xxxvi-lvi; Gregory, *Western Highlands*, 349-90; Lee, *Government by Pen*, 138-44. With the rising the 'Book of the Isles' comes to life again; *RPC* x, p. xxviii.

<sup>63</sup> *Ibid.*, x, 698-700; *HP* iii, 145-6. Those involved, on 3 August 1614, were Duart, Sleat, Dunvegan, Lachlann MacKinnon, and MacLean of Lochbuie. All found caution to appear annually before the council on 10 July, or the nearest appropriate day, and named domiciles in Edinburgh to which citations could be addressed. That this became the accepted *modus operandi* for the rest of the century confirms the influence of Band and Statutes over this issue. All affirmed that there were no deadly feuds among them, but only civil actions, which they would pursue according to the law. All made a special bond to assist the kirk and its personnel. On 8 August MacLean of Coll also promised to observe these supplementary measures.

<sup>64</sup> Goodare, 'Statutes', 46.

strengthens the argument that that they had been accepted as the way forward in 1610, and is confirmation that this was still so.

Consistent also was the fact that the Iona cohort was willing to renew its pledges. The Islay rising represented an extremely strenuous test of the sincerity of the professions of allegiance made in 1609. This was especially true for those signatories who belonged to Clann Dòmhnail, the Clan Donald.<sup>65</sup> The rising saw both sides, council and Sir Seumas MacDonald, canvassing for support, and appealing to loyalties. This may partly explain Sir Seumas's movements after his escape from prison. He made his entrance to the Isles in the north, in the territories of Dòmhnall Gorm of Sleat, in Skye, and worked his way south on what amounted to a Hebridean recruiting drive. There are parallels to be drawn with the escape from captivity 70 years earlier of Dòmhnall Dubh, heir to the MacDonald Lordship of the Isles. On that occasion the response had been immediate and virtually universal in his favour.<sup>66</sup> With the escape of the charismatic Sir Seumas, conditions were as good as they could ever be for a rallying of the historic Lordship. If Band and Statutes had been foisted upon signatories who were essentially unwilling and acting under duress, here was the chance to demonstrate the shallowness of what had happened there. This did not happen. There was some fraying of the edges of the Iona coalition, in terms of the defection of the longstanding MacDonald vassals, geographically closest to the epicentre of the rising, the MacDuffies of Colonsay. Active chiefly support for the MacDonalds of Islay extended no further – though it may have been a close run thing.<sup>67</sup>

That wider chiefly support was not forthcoming is also intriguing given that the rising served the interests of, and may in part or in whole have been fomented by, the Campbells.<sup>68</sup> One would give much to know how those responsible for dictating their political fortunes had viewed the rise of Knox, and the establishment of Hebridean policy along the lines of the Band and Statutes of Iona. It was a vision of the future which seemed to offer little in the way of recognition or opportunity to the clan which had historically made a virtue of acting as the strong arm of government in the west, and had profited considerably in the process. From a Campbell perspective, could this rising have been conceived or encouraged as a means not merely of gaining Islay, but of dishing Knox, Band and Statutes in the process? Knox himself had little doubt about where responsibility ultimately lay,

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<sup>65</sup> *HP* iii, 243.

<sup>66</sup> K. A. Steer and J. W. M. Bannerman, *Late Medieval Monumental Sculpture in the West Highlands* (Edinburgh 1977) 212-13.

<sup>67</sup> See below, p. 168, and n. 198.

<sup>68</sup> Gregory, *Western Highlands*, 354-5, 365: but cf. Stevenson, *Highland Warrior*, 31.

and regarded the cause of progress in the Isles, and further Campbell aggrandisement, as mutually exclusive:

All the trubill that is done to me and my freindis is becauss of Archebould Cambellis diligens to procure the Iyll of Iyla to the lard of Cadell [Cawdor], of the wiche thai ar certanle informit, the wiche if it tak effect will breid grit trubill in the Iyilles far moir nor all the fyn and dewite of the Iyles of Scotland will efford thir many yeris and in the mean tym be the wrak of my freindis, nather can I or any man who knowes the estait of that cuntre think it ather good or profitabill to his Majeste or this cuntre to mak that nam gritter in the Iyles nor thai ar alredie, nor yit to rut out one pestiferous clan and plant in one lytill bettir  
<sup>69</sup>  
 ...

This letter was written by Knox on 11 October 1614, and continues, ‘seing His Majeste hes good occasioiune now with lytill expenss to mak a new plantatioune of honest men in that Iyland answerabill to that of Ulstir in Iyrland lying wpon the nixt schoir with the wiche Iyla haith dayle commerss’.<sup>70</sup> This is presented by Goodare as evidence that Knox was never opposed to colonisation, and hence that the Iona settlement cannot be construed as a deliberate attempt to establish an alternative policy route. However, there is a third element in the equation, to which was Knox was expressing strong opposition, namely expropriation of one kindred in favour of another. The possibility remains that the Statutes were for Knox an alternative to this, irrespective of their status *vis à vis* Ulster-style colonisation. Secondly, Goodare overlooks the very issue upon which his justification for downgrading the Statutes rests, that of context. When he wrote this letter Knox was *in extremis*, faced with what may well have been the greatest personal and political crisis of his life: the unravelling of his grand strategy and great achievement, with loss of political face and influence, and exposure to biting criticism from within the council.<sup>71</sup> The erstwhile confidante of the king and regular traveller on the high road to London now cut a forlorn and isolated figure, reduced to writing from Edinburgh, both to James and even to John Murray of Lochmaben, groom of the king’s bedchamber, asking him to intercede with the king on his behalf. It is clear from this and another letter to Murray of 23 October that Knox was firmly out of the policy-making loop with regard to Islay, and indeed by then Cawdor

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<sup>69</sup> *HP* iii, 161-2. On Archibald or Gilleasbuig Campbell of Glencarradale, see below, p. 168.

<sup>70</sup> *HP* iii, 162.

<sup>71</sup> *Ibid.*, iii, 146-8.

had been made lieutenant there.<sup>72</sup> Preying particularly upon his mind was the fate of his son and nephew, and with all this, a clear sense of personal betrayal of trust, and of the letter and spirit of the Iona settlement, at the hands of a kindred with which he seems to have had particularly close ties: ‘I am nowayes oblist to do tham grit good, who hes kythit tham self to have nathir feir of God, cair of thair dew obediens to thair soverane king nor yit faith or trewth to thair nychtbor’. In all these circumstances, that Knox should have vented his spleen and chagrin at ‘that falss generatioun and bludie pipill’ is unsurprising, and gives grounds for asking whether his opinions as expressed in 1614 were *pro tempore*, rather than secure evidence for a long-standing commitment to the colonisation of the Isles. Even at this eleventh hour, it was the bishop’s role to act as intermediary for Sir Seumas MacDonald –in Edinburgh like Knox, and still a prisoner – presenting to council and king his offers to capture and surrender the rising’s ringleaders; offers which gave some prospect, however remote, of keeping the island in the control and possession of the indigenous kindred.<sup>73</sup> Andrew Knox found it hard to forsake the instincts and inclinations that were his hallmark.

#### *Phase 4: 1616*

The fourth and final element of context is the legislation enacted by the council on 26 July 1616, in the shadow of the Islay rising.<sup>74</sup> Given the scale of the personal and public setback which it had represented for Knox, and its resolution by a return to a punitive approach spearheaded by the government’s traditional agents, it is conceivable that once the dust had settled the Iona settlement would have been abandoned as an unsuccessful experiment. Goodare argues that ‘once the rebellion was suppressed, the Statutes were returned to their former obscurity, this time permanently’; and represents the 1616 legislation as ‘a new agreement’.<sup>75</sup> In fact the relationship is clear, if also intriguing. The agreements concluded at Knox’s court in 1609 were the template without which the 1616 enactments could not have existed. What the latter did was to combine both Band and Statutes of 1609 with the subsequently formulated procedures for annual appearances to which they had given rise. The whole was presented in a package which, while it bore the unmistakable imprint of 1609, was at the same time

<sup>72</sup> *Ibid.*, iii, 163-5. Cawdor, who had been offering his services since late September, was granted commission on 22 October; *ibid.*, iii, 156-8; *RPC* x, 716-22. The council’s advice to him to liaise with Knox as the king’s lieutenant, and to take Knox to Islay with him, smacks of tokenism; *ibid.*, x, 717; *HP* iii, 168.

<sup>73</sup> *Ibid.*, iii, 165-6; Lee, *Government by Pen*, 140.

<sup>74</sup> *RPC* x, 773-8.

<sup>75</sup> Goodare, ‘Statutes’, 46.

materially altered in language, tone and content, and – especially in its overweening emphasis upon plugging loopholes and ensuring accountability – much more rigid, bureaucratic and authoritarian. In this sense the 1616 legislation was true to the time of its formulation in the aftermath of the Islay rising.

The five men who came before the council in 1616 had all been involved in 1609, but the Islay rising meant the absence of the MacDuffies of Colonsay as well as the MacDonalds of Islay, and there was no mention of MacQuarrie of Ulva. Dòmhnall Gorm ratified the legislation separately in August because of illness, while the full compliance of Eachann MacLean of Duart, and particularly his brother Lachlann, was complicated and delayed by rent arrears and their failure to find caution.<sup>76</sup> The Band of Iona was shrunk to the terse opening obligation ‘to observe our Soverane Lordis peace, good reule and quietnes in the cuntrey, and ... behave thame sellfis as lauchfull, ansuerable, and lawbyding subjectis in all tyme comeing.’ The matter of most of the individual statutes – on retinues, sorners, firearms, education and consumption of wine – survived, and the last two were given extended treatment in supplementary acts. Still present also was the principle of each chief being responsible for his kinsmen and kindred, ‘upoun thair grite and solemne oathe to be the chief and principall personis of thair clan’. But enforcement was considerably strengthened by binding all five men to act as cautioners for one another, for specified sums, to obedience to the law and the king’s peace; by building into the text the arrangements made in August 1614 for annual appearances before the council; by stipulating that each chief would have to enter close kinsmen on a rota basis, ‘to the effect that by thair comeing heir yeirlye thay may be reduceit to civilitie and maid to acknowledge thair obedience to his Majestie and his lawis’; and by making competence in English a condition of succession or entry to property in the Isles.

Shrunk to virtual invisibility in 1616 was the sense, so vital to Iona, of the signatories and Knox collaborating to find a *via media*. The obligation of 1616 was not a concord but a diktat, enacted on the government’s territory, and on the government’s terms. Gone was the guiding star of religion, the highly wrought rhetoric of confession and atonement, the sense of history, which marked out the bishop’s settlement. The text of 1616 felt no desire or need to explain itself. Sorning, over which so much ink was spilled in 1609, became a single sentence. Expansiveness was restricted to the supplementary acts on wine and education, only to reveal in the latter a logic which was brutalist. 1616’s greater coerciveness lay in its focus upon the chiefs,

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<sup>76</sup> *RPC* x, pp. lvii-lix; Gregory, *Western Highlands*, 395-6.

and a different attitude to them. They were to be restricted to one *birlinn* or galley each; not, as some have surmised, to hamstringing their military capacity,<sup>77</sup> but to ensure that they too abandoned itineracy, ‘and that, quhene thay travell athorte the Ilis with thair birlingis and comes on land, that thay nor nane in companie with thame in thair birlingis sall not some upoun the cuntrey’. This was consistent not only with the restatement of the injunction limiting the size of the chiefs’ immediate retinues, but also the new provision that they designate a principal residence, ensure that in outward appearance and setting it be ‘civile and comelie’, and attach to it a mains farm which they were to work themselves, ‘to the effect thay may be thairby exercised and eshew idilnes’. Consistent also was the further measure that they set a clear rental of their lands, to be uplifted at set times, thereby eliminating the casual and undefined exaction of *cuid oidhche* which went hand in hand with peripatetic lordship. Cumulatively, the intent was to conclude the business of creating transparent and accountable economic lordship, and to realise fully the logic of the separate act on education. In a manner apparently unenvisaged in the Iona settlement, the future of the Hebridean elite was as role models in a southern mould, advancing internal colonialism.

### **Text: Rethinking the Statutes**

#### *Antecedents*

True to their seminal status, the Statutes of Iona have been more talked about than analysed. The best place to start is with the ‘context of texts’ which frames them. Firstly, there are antecedents. The Statutes were not conjured out of the ether.<sup>78</sup> Of the various texts generated prior to Knox’s expedition which can be regarded as anticipatory, prominent are the council’s ‘Instructions’ to its commissioners in spring 1608, the king’s ‘Instructions’ to the Commission for the Isles that December, the ‘Offers’ generated once negotiations commenced with the chiefs captured by Ochiltree, and the ‘Overtures’ which Knox took to the king in the early summer of 1609. Secondly, there are the two other texts concluded on Iona: the Band of Iona, and the bond of friendship between Ruairi Mòr of Dunvegan and Dòmhnall Gorm of Sleat. Thirdly, there is the council legislation of 26 July 1616, immediately followed in the register by the two supplementary acts on wine and education.<sup>79</sup>

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<sup>77</sup> Stevenson, *Highland Warrior*, 29.

<sup>78</sup> Cf. E. J. Cowan, ‘Clanship, kinship and the Campbell acquisition of Islay’, *SHR* 58 (1979) 152-3.

<sup>79</sup> See the Appendix, p. 170, for texts of the bond of friendship, the Band and Statutes of Iona, and the legislation of 1616.

The 'Instructions' of spring 1608 were clearly the product of a punitive mindset, but said nothing specific about colonisation. In the provisions concerning obedience to the law, weaponry and education, there is some overlap with the Statutes.<sup>80</sup> James's 'Instructions' of December 1608 emphasised not colonisation but selective removal of the inhabitants whom he was 'unwilling to exterminate, yea skairse to transplant ... bot upoun a just cause'. That the king explicitly brought into the same frame of discussion the imminent schemes for the plantation of Ulster, underlined the possibility of a policy divergence. Whereas Gaelic Ireland 'yitt is no parte of this kingdome', the Isles, he informed the council, were a 'member of your awne body', albeit 'almost rottin and decayed'. What James wanted planted there were the abstracts of 'civilitie, oure obedience, and trew religioun', and this was not necessarily dependent upon colonisation.<sup>81</sup> The banishment of those who refused to adapt and support themselves by their own labour recurs in the Statutes, as does the need to establish the reformed faith as a guarantor of future civility and obedience, and distaste for chiefly tyranny and oppression of the labouring classes. It is tempting to link these tendencies to the growing influence of Knox from the autumn of 1608 onwards. He had gone to court in the wake of Ochiltree's expedition, bearing the strong endorsement of the council. Prior to this, on 17 September, he had written to James, and held out the prospect of a settlement with the captive chiefs that would bring them 'to accept of such a soleit ordour as may reduce tham to ane haiste reformatioun in na aige herefter to alter'.<sup>82</sup> 'Reformatioun of this our puir cuntrey' was central to the Band of Iona, and also to be found in the offers made by Aonghas MacDonald of Dunivaig – to be taken to the king by none other than Knox himself – as far back as 1606, and which bore relation to those made by the chiefs captured by Ochiltree.<sup>83</sup>

These 'Offers', made by MacLean of Duart on 24 February 1609, and by Dòmhnall Gorm of Sleat and Dòmhnall mac Ailein 'ic Iain of Clanranald on 28 February, professed a principle central to the Statutes, namely their willingness to be answerable to government for the obedience of their people.<sup>84</sup> Not extant, most regrettably, are the 'Overtures' which Bishop Knox took with him to James when he went to court to discuss the way forward for the Isles in the early summer of

<sup>80</sup> *RPC* viii, 737; cf. Goodare, 'Statutes', 35. The provision concerning galleys was ignored by the Statutes, but picked up on in 1616.

<sup>81</sup> *RPC* viii, 742-6; Gregory, *Western Highlands*, 325-6; Lee, *Government by Pen*, 79.

<sup>82</sup> *HP* iii, 113-7.

<sup>83</sup> *Ibid.*, iii, 86-8.

<sup>84</sup> *RPC* viii, 748-9. Goodare, in suggesting that Duart was perhaps representing all the chiefs through his own offers, seems to have overlooked the virtually identical offers made by Sleat and Clanranald four days later; Goodare, 'Statutes', 37.

1609.<sup>85</sup> There is thus no way of knowing for certain whether these merely represented an aggregation of the ‘Offers’, or something more developed. It was the ‘Overtures’, along with the discussions between the king and Knox, which resulted in James’s letter to the council of 3 June. Given that this letter paved the way for the Iona expedition and the widening of dialogue, it is conceivable that the ‘Overtures’ were more closely related to the Statutes than the earlier texts.

The conclusion to be drawn is that the Statutes’ origins lay at least as far back as spring 1608, and that they were the products of a process which had been particularly intense throughout the following winter. To be sure, the minds and words of the captives were doubtless exercised and focused by a continuing climate of pressure and sanction. Even so, from a diplomatic perspective the Statutes look less like policy born on the hoof than the outcome of an ideal scenario: focused negotiations with a captive audience, over time, and with several potential intermediate stages prior to the text’s finalisation. Once the prisoners had been released, and assuming that Knox’s expedition sailed soon after 13 July 1609 (the latest reference to it prior to departure),<sup>86</sup> then a last and potentially significant window of opportunity existed between then and 23 August. All that is known of those weeks is that some time was probably spent at Dunivaig.<sup>87</sup> But the makeup of the only one of the Iona texts to have survived in the original, the bond of friendship, could indicate that all three had been drawn up in advance, and were simply enacted and signed there.<sup>88</sup> All this suggests that, if the Statutes were incoherent, it was not for want of adequate gestation. The Hebridean elite had every opportunity to influence their content; and this would have implications in turn for the degree of knowledge of contemporary Hebridean society that the Statutes exhibit, and for the future role of the elite envisaged within them.

*The bond of friendship between Dòmhnall Gorm and Ruairi Mòr*

We turn now to the texts generated on Iona. The background to the bond of friendship between Dòmhnall Gorm of Sleat and Ruairi Mòr of Dunvegan was a feud based upon long-standing antagonisms over ownership of the Trotternish peninsula in Skye, but which had erupted in 1601, in the wake of Dòmhnall Gorm’s repudiation of his wife, Ruairi Mòr’s sister, and his consequent procurement of legal divorce, and marriage to a sister of MacKenzie of Kintail. This had sparked a

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<sup>85</sup> Between 14 May and 13 June: *RPC* viii, 281, 298.

<sup>86</sup> *Ibid.*, viii, 757.

<sup>87</sup> *Ibid.*.

<sup>88</sup> See below, n. 90.



sequence of raid and counter-raid which wrought destruction and misery in Harris, North Uist and Skye, with Ruairi Mòr and Dòmhnall Gorm ‘mutuallie infesting one another with spoills and cruell slaughters, to the utter ruyn and desolation of both ther cuntries, untill the inhabitants were forced to eat horses, doggs, catts, and other filthie beasts’.<sup>89</sup>

The terms of the bond reveal a close relationship with the Band of Iona issued on 24 August.<sup>90</sup> The Band pinpointed feud as fundamental to the misery, poverty and barbarity of the Isles. This state of affairs happily no longer existed, ‘seing it has pleasit God in his mercie to remove thair unhappie distractionis, with the causis of thame all, frome amangis us’. Contributing also to the clean slate was the clemency of the king for all bygone offences. In this brave new world, the chiefs could concentrate on ‘our weill and reformatioun of this our puir cuntrey’.<sup>91</sup> Royal clemency, desire for personal reformation, and existence thereafter as the king’s peaceable subjects, recur in the bond of friendship as the grounds for making it. We can regard both texts as mutually dependent: in providing demonstration and proof of the Band’s general assertion that feud and such ‘unhappy distractions’ were now a thing of the past, the bond of friendship gave substance to that assertion, and made the Band possible.

We shall see that the Band of Iona is also very closely related to the text of the Statutes themselves. Goodare’s failure to notice this, and his statement that while at Iona Dòmhnall Gorm and Ruairi Mòr ‘took the opportunity’ to make a bond of friendship, thus means that he misses the meshing of all three texts produced there, in what comes

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<sup>89</sup> Sir Robert Gordon, *Genealogical History of the Earldom of Sutherland* (Edinburgh 1813) 244-5; Gregory, *Western Highlands*, 295-7. For contemporary confirmation of the root cause of the feud, see the reference (c. 1596?) to Dòmhnall Gorm’s divorce of MacLeod’s sister, ‘upon some causes pretended’: *Calendar of the State Papers relating to Scotland and Mary, Queen of Scots, 1547–1603*, ed. J. Bain et al. (Edinburgh 1898–) [hereafter *CSPS*] xii, 210-11. Cf. G. A. Hayes-McCoy, *Scots Mercenary Forces in Ireland (1565–1603)* (Dublin and London 1937) 224.

<sup>90</sup> The extant text of the bond of friendship survives in the archives of the MacLeods of Dunvegan, and has been published in *Collectanea de Rebus Albanicis*, ed. the Iona Club (Edinburgh 1839) [hereafter *Coll. De Rebus Alban.*] 204-5, and *The Book of Dunvegan* ed. R. C. Macleod, 2 vols. (Third Spalding Club: Aberdeen 1938–9) [hereafter *Dunvegan Bk.*] i, 47-8. It is dated at Iona in August 1609, with the actual day, and the procurators to be appointed should the deed be engrossed in the register of the Privy Council, left blank. It explicitly mentions Knox, and there can be little doubt that it was signed as part of the Iona process, perhaps having been drawn up beforehand. Its verbal links to the Band of Iona may point to 24 August as the day it was signed, and why it was dated as such in *Collectanea de Rebus Albanicis*. If Knox retained a version, then presumably it remained separate from the roll of court containing the Band and Statutes, and thus was not engrossed along with them on 27 July 1610.

<sup>91</sup> *RPC* ix, 25.

across as a tightly choreographed diplomatic process.<sup>92</sup> Further investigation of the bond of friendship also suggests intriguing, potentially fundamental implications for our understanding of the other two texts. According to Sir Robert Gordon, writing of the climactic phase of the feud between Ruairi Mòr and Dòmhnall Gorm in 1601:

After this conflict their followed a reconciliation betuein them, by the mediation of old Angus Mackonald of Kintyre, the Laird of Coll, and other friends. Then Donald Gorme delivered vnto Sir Rorie all the prisoners taken at Binqhillin; and ever since they have continued in peace and quietnes, without oppin hostilitie; bot they have had actions of law the one against the other.<sup>93</sup>

This leaves the date of reconciliation somewhat vague. The council had also sought to intervene, and its narrative of 19 August 1601 suggests that it knew of no sign of reconciliation then.<sup>94</sup> But at Eilean Donnain on 19 September 1601, Dòmhnall Gorm made a bond that even if he were pursued at law by *Marie*, sister of Ruairi Mòr, this would not jeopardise the contract made between the two chiefs at Eilean Donnain and Glasgow; nor would he ‘quarrell the said Rory McCloid for the samyn be vay of action or otherwyis’.<sup>95</sup> Was this the contract that ended the feud? As Gordon indicates, the last major confrontation had ended in a decisive MacDonald victory, and the taking of a number of high-ranking MacLeod prisoners, including Alasdair, brother of Ruairi Mòr. Dòmhnall Gorm thus held the whip hand when it came to making the peace. The terms, we might reasonably hypothesise, would have involved the surrender of the MacLeod prisoners in return for Ruairi Mòr’s acquiescence in the immediate issue at stake, the repudiation of his own sister, and Dòmhnall Gorm’s marriage to MacKenzie’s sister. That the MacKenzies had an interest is suggested by the choice of Eilean Donnain as one of the venues for concluding the contract, and four MacKenzies witnessed the bond of 19 September. The need for Dòmhnall Gorm to return to Eilean Donnain on that date to make this further bond guaranteeing the peace would be understandable if it had become apparent to Ruairi Mòr in the interim that his sister was not prepared to accept the settlement, and intended to pursue her former husband in the courts. This would have potentially subverted assurances on this score doubtless given in the original contract,

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<sup>92</sup> Goodare, ‘Statutes’, 39, n. 32.

<sup>93</sup> Gordon, *Genealogical History*, 245.

<sup>94</sup> *RPC* vi, 279.

<sup>95</sup> *Dunvegan Bk.*, i, 46-7.

prompting Ruairi Mòr to ask for additional security, and thus explaining why the bond is housed at Dunvegan.

A good case can be made, then, for a formal reconciliation effected between *circa* 19 August and 19 September 1601. As far as is known, and as Gordon indicates, the peace held thereafter, and the tensions over the longer-term problem of Trotternish which resurfaced in the time of the chiefship of Dòmhnall Gorm's successor, nearly a decade after the Statutes of Iona, were resolved by recourse to law.<sup>96</sup> In fact, the feud which climaxed in 1601 may have been the last major Hebridean feud in the immemorial mould, with two kindreds clashing over land or slighted honour, or one kindred imploding over succession to the chiefship. The major seventeenth-century crises which successively engulfed the MacLeods of Lewis, the MacDonalds of Islay, the MacLains of Ardnamurchan and the MacLeans, were of a different order, in which these clans – some of whom precipitated their own downfall through partial implosion – fought for their lives against government-backed expropriation by MacKenzies or Campbells.

This is to speak with the gift of hindsight. Returning to 1609, and armed with a better appreciation of the background to the bond of friendship concluded at Iona, two avenues of interpretation seem possible. It may be that 1601 was still recent enough, and the possibility of recurrence or aftershocks real enough, for this bond to be based upon genuine present anxieties. This would suggest that the Iona settlement had a real impact on the absence of feud and recourse to law which marks the rest of the century. Alternatively, it may be that the bond of friendship, and the rhetoric of feud in the Band and Statutes, came bearing early but definite traces of anachronism. Knox, as chief choreographer and master of ceremonies, had asked Ruairi Mòr and Dòmhnall Gorm to turn the clock back and do what they had already done – and with the assistance of arbitrators drawn from the ranks of the Hebridean elite – eight years before. From this perspective, Band and Statutes were consciously boarding a train already in motion. Indeed, this is the essence of the argument of the Band, which predicates itself upon the assertion that 'the unnaturall deidlie feidis quhilkis hes bene foisterit amangis us in this lait aig' are now a thing of the past.

#### *The Band of Iona*

Whether tinged with anachronism or not, the Band of Iona of 24 August 1609 is in its rhetoric and logic a tightly argued text.<sup>97</sup> Endemic

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<sup>96</sup> Gordon, *Genealogical History*, 245. Dòmhnall Gorm died between August 1616 and July 1617; Gregory, *Western Highlands*, 396-7.

<sup>97</sup> *RPC* ix, 25-6.

feuding in the isles has caused the absence of obedience to God, king and law, and resulted in poverty, barbarity and misery. With feud now nullified, the Hebridean elite pledges obedience to God, king and law, in order to convert current negatives into the positives of peace of conscience, prosperity, 'weil and quietnes'. Also clear is its close, dual relationship to the Statutes. The chiefs' solemn oath to observe the law embraces the Statutes, which 'we haif aggreit unto, set down, and establischt as necessar lawis to be keipit amangis ourselffis in our particulair courtis haldin be his Majesteis Commissionair, Andro, Bischof of the Illis, and subscriyvit with all oure handis in his presence'. But they also bind themselves to enforce the Statutes, by ensuring that those for whom they are responsible do not 'dissobey ony of the foirsaidis ordinanceis or be found remis or negligent in observeing of the speciall pointis of oure obligatioun above writtin'. In the event of breaches, the chiefs will act individually or jointly, in tandem with the authority of the crown and the law, 'to apprehend and present to justice the said dissobedient persone, intromet with his landis, guidis and geir, and dispone thairupoun, as we sall haif commissioun of his Majestie'. Here we see continuity with and amplification of the final clause of the Statutes, which assigns the chiefs the same role.

The Statutes of Iona have traditionally been seen as strong on ideas and weak on implementation, and if taken in isolation, and then set beside the legislation of 26 July 1616, this is understandable. But when read in the first instance as they should be, in conjunction with the Band of Iona, we see that the chiefs' solemn personal oath to uphold and enforce the Statutes is to be buttressed also by 'sic uther civile penulteis as it sall pleis his Majestie and his honnourable Counsale to subject us unto at our nixt compeirance before thair Lordschippis'. The case for connecting the Statutes to the commencement of the cycle of annual appearances before the council has already been made. What the text of 24 August 1609 also brings unequivocally into the frame is loyalty of chiefs and people to crown and parliament, *pace* Goodare's repeated assertions that these are part of the 'yawning gaps' in the Statutes.<sup>98</sup> The clear contemporary intent was that the Band of Iona should not be divorced from the Statutes. As a formal outcome of Knox's court, it must have been part of his report, presented and read to the council on 28 September 1609 before being taken to the king. James certainly read it along with the Statutes, and alludes to both texts in his letter of 8 May 1610. His statement therein that at Iona the chiefs had 'bound thameselffis to performe dew obedience to us and our authoritie, and to keip peace and quietnes in the cuntrey, undir suche

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<sup>98</sup> Goodare, 'Statutes', 42, 50, 54.

panes and penalties as we sould be pleased to enjoyne’, clearly refers to the Band. The statement immediately following, that the signatories, with Knox’s consent, had made ‘suche statutis and ordouris among thameselves as we cannot bot allow of’, refers to the Statutes. James then requested that ‘both band and statutis of court’ be engrossed in the books of Privy Council.<sup>99</sup> The Band was duly registered along with the Statutes, and given the status of an act of council, on 27 July 1610. When the ‘Iona cohort’ of chiefs renewed their obedience to these measures on 3 August 1614, both Band and Statutes were separately specified.<sup>100</sup>

#### *The Statutes of Iona*

We turn now to the Statutes of Iona, commencing with their structure.<sup>101</sup> Gregory stated that there were nine of them, and no subsequent historian has suggested otherwise. However, it is clear that within the text, the phrase, ‘The quhilk day’, is employed to signify the beginning of each new statute. Gregory’s ninth and final statute, dealing with enforcement of the whole, begins, ‘And, for the bettir observeing ...’. If we follow him in according this the status of a statute, then they are in fact seven in number. The second, third and fourth statutes, as conventionally enumerated, and dealing with the establishment of inns, restriction of retinues, and sorning, begin respectively with the words, ‘The quhilk day’, ‘And also’, and ‘And, finalie’, implying that are in fact one statute, in three parts. The point is important in view of Goodare’s charges of incoherence and paradox. At a very basic level, the document has been methodically drafted. More significantly, the author or authors certainly regarded statutes two, three and four, as conventionally numbered, as a unity, and hence we need to treat them as such, *pace* the approach of Goodare who discusses statute ‘two’, on inns, in the same breath as statute ‘five’, on restricting access to wine and whisky, and finds them ‘a paradoxical pair’.<sup>102</sup> It will be argued that the paradox is illusory; but in any case, what is said on inns

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<sup>99</sup> The king clearly read his texts more closely than Goodare, whose statement that James’s letter does not ‘indicate familiarity with the Statutes, which did not include a bond to obey royal authority’, misses the existence of the Band of Iona; Goodare, ‘Statutes’, 42. Goodare only mentions the Band on one occasion, where it is wrongly described as ‘the preamble to the Statutes themselves’, presumably because the texts were engrossed in reverse chronological order in the *Register of the Privy Council*; *ibid.*, 43. For the same error see Macinnes, *Clanship*, 65. David Masson is careful to distinguish and discuss both ‘the Band and Statutes of Icolmkill’; *RPC* ix, pp. xxvi-xxix.

<sup>100</sup> *Ibid.*, x, 698.

<sup>101</sup> *Ibid.*, ix, 26-30.

<sup>102</sup> Goodare, ‘Statutes’, 50-1.

needs to be analysed firstly in conjunction with what is said on retinues and sorning.

That neglect of religion is the theme of the first statute is consistent with the primacy afforded to it in the hierarchy of indicators of the corruption of the Isles in the Band of Iona, and in obedience to God in effecting reformation. The statute differs from the Band, however, in seeing neglect of God as a consequence not of feud but of ignorance. It is ignorance that has also led to the growth of vice, because of lack of clergy, and lack of respect for those already *in situ*. The statute also anticipates what follows in its social scope: ignorance affects both elite and ‘the haill commonaltie’. Bishop Knox is here seeking to improve the material and spiritual state of the reformed church in his diocese: on this evidence, clergy, kirks and kirk sessions are lacking, and the Kirk as an institution is not upheld and supported.<sup>103</sup> One unfortunate consequence has been the persistence of ‘mariageis contractit for certane yeiris’, or secular marriage. Goodare claims this betrays ‘ignorance about Highland society’ by presenting a garbled view of practice.<sup>104</sup> Whatever the fiction or reality of the fixed trial period, there is no doubting that secular marriage was still current among the Hebridean elite, and a source of instability, as borne out by its role in precipitating the downfall of the MacLeods of Lewis, the feud between Dòmhnall Gorm and Ruairi Mòr, and present tensions within the ruling family of the MacNeills of Barra, the only major kindred not represented at Iona.<sup>105</sup> This statute was targetting a practice which was theologically deviant, and a flashpoint in the secular sphere.

Statutes two, three and four, as conventionally numbered, are indeed a unity. The concern is with the ordinary population of the Isles, and the economic pressures upon them, which amount to ‘a great burden’, ‘an intolerable burden’, and ‘oppressioun’. These all have a common root in the social instinct or obligation to provide support in kind, typically in terms of sustenance and accommodation, when this was asked for or demanded.<sup>106</sup> Gaelic terms for the broad phenomenon

<sup>103</sup> For the debate on the impact of the Reformation upon Gaelic Scotland, see J. Kirk, ‘The Kirk and the Highlands at the Reformation’, *Northern Scotland* 7 (1986) 1-22; J. Kirk, ‘The Jacobean Church 1567-1625’, in *The Seventeenth Century in the Highlands* (Inverness Field Club, 1986) 24-51; J. Dawson, ‘Calvinism and the Gaidhealtachd in Scotland’, in *Calvinism in Europe, 1540-1620*, ed. A. Pettegree, A. Duke and G. Lewis (Cambridge 1994) 231-53; Macinnes, *Clanship*, 77.

<sup>104</sup> Goodare, ‘Statutes’, 50-1, and n. 74.

<sup>105</sup> W. D. H. Sellar, ‘Marriage, Divorce and Concubinage in Gaelic Scotland’, *TGSI* 51 (1978-80) 464-93. For trial unions of a year, and a late-sixteenth century reference from Ireland to marriage, ‘for a year and a daie of probation’, see *ibid.*, 464, 470, 473.

<sup>106</sup> W. J. Watson, *Scottish Verse from the Book of the Dean of Lismore* (Scottish Gaelic Texts Society: Edinburgh 1937); R. Black, *An Lasair: Anthology of 18<sup>th</sup> Century Scottish Gaelic Verse* (Edinburgh 2001) xxvii-xxxv; K. Simms, ‘Guesting and Feasting

were *sorthan* or *foigde*, later *faighdhe*. This statute utilises *coinnmed*, later *coinnmheadh* (in the anglicised form *conzie*), originally used specifically of the practice of billeting the lord's soldiers upon the tenantry. Three sources of such demands are here identified and addressed in the statutes's three sections. The first section opens with a general preamble which emphasises the universality of the impact of the practice upon society, particularly its lowest rungs: 'the grite burdyne and chairgis that thair hail cuntrymen, and speciallie thair tennentis and laubourairis of the ground, hes sustenit be furnishing of meit, drink, and intertenment [accommodation] to straingeris, passingeris [travellers] and utheris idill men without ony calling or vocation to win their leiving'. The solution for strangers and travellers – inns to be established by the Iona signatories, where bed and board can be bought 'for reasonable expensis' – is then laid out in the remainder of the first clause. That the Statutes of Iona should address the problems of the Isles by founding a fleet of hotels has only added to reputation for eccentricity, but nothing could be further from the truth. What is at issue here is not an early modern version of a Hebridean tourist industry, but a social phenomenon whose continuing existence in the later seventeenth century is attested by Martin Martin, with reference to North Uist:

There was never an inn here till of late, and now there is but one which is not at all frequented for eating, but only for drinking; for the natives by their hospitality render this new-invented house in a manner useless. The great produce of barley draws many strangers to this island, with a design to procure as much of this grain as they can; which they get of the inhabitants gratis, only for asking, as they do horses, cows, sheep, wool, &c. I was told some months before my last arrival there, that there had been ten men in that place at one time to ask corn gratis, and every one of these had some two, and others three attendants; and during their abode there, were all entertained gratis, no one returning empty.

This is a great, yet voluntary tax, which has continued for many ages; but the late general scarcity has given them an occasion to alter this custom, by making acts against liberality, except to poor natives and objects of charity.<sup>107</sup>

The passage raises an obvious question regarding the efficacy of the Statutes of Iona to which we shall return. In its coupling of inns and

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in Gaelic Ireland', *Journal of the Royal Society of Antiquaries of Ireland* 108 (1978) 67-100.

<sup>107</sup> Martin Martin, *A Description of the Western Islands of Scotland circa 1695* (Edinburgh 1994) 146-7.

‘hospitality’, and its revelation of the scale of the latter, it lays bare the knowledge and logic at work in 1609. It should be noted that this activity was founded upon a comparative abundance of resources, not a lack of them.

The second and third clauses turn to the ‘utheris idill men’ of the preamble, and distinguish them according to social standing. The second’s concern is with those gentlemen, or *daoin’ uaisle*, who until now had formed part of the following of the chief, and had been supported by him in the classic manner, not at his own direct expense, but through ‘supplie of thair cuntreyis’, billeting them directly upon the tenantry. It is possible that two groupings in this category are being dealt with here. Macinnes has suggested that the measure is directed towards those whom he styles *na buannachan*: the very considerable numbers of Hebridean nobles who during the sixteenth century, especially in its latter phase, had fought in Ireland on a seasonal basis.<sup>108</sup> While there they were supported through billeting, and as the phenomenon burgeoned with demand as the English reconquest reached its climax, this came to constitute an acutely felt imposition on the Irish tenantry.<sup>109</sup> When not in Ireland, it was the Hebridean tenantry who supported them. The success of the reconquest meant that this grouping became formally redundant in 1601, although the trade was in very steep decline after 1595. The implications for society in the Isles must have been profound. The prospect of their billeting all the year round would constitute a dramatic additional drain upon resources, and simultaneously knock an unknown but surely large hole in the balance sheet of their chiefs, who had presumably profited from the deployment of this human cash crop in much the same way as their descendants were to do once the era of British imperial service dawned in the later eighteenth century.<sup>110</sup>

The restriction of the household of the Iona signatories to numbers between three and eight, to be maintained by the chiefs ‘upoun thair awne expensis and chairgis, without ony supplie of thair cuntreyis’; and the requirement ‘that na man be sufferit to remaine or haif residence within ony of the boundis of thair boundis of the saidis Iles without ane speciall renew and rent to leive upoun, or at the leist ane sufficient

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<sup>108</sup> Macinnes, *Clanship*, 57-8; Hayes-McCoy, *Scots Mercenary Forces*, *passim*; W. McLeod, *Divided Gaels: Gaelic Cultural Identities in Scotland and Ireland c.1200–c.1650* (Oxford 2004) 49-54. The legitimacy of Macinnes’s application of *buannachan* to Scottish mercenaries is doubtful; Hayes-McCoy, *Scots Mercenary Forces*, 72-3, 358.

<sup>109</sup> *Ibid.*, 105, 108, 171; McLeod, *Divided Gaels*, 52.

<sup>110</sup> Hebridean participation in the trade come the later sixteenth century seems to have been practically universal: *ibid.*, 54; Hayes-McCoy, *Scots Mercenary Forces*, *passim*, esp. 245-54. Hayes McCoy’s study has less to say about economics, but see *ibid.*, 171, 246, 249, 253, 256, 269, 309.



calling and craft quhairby to be susteinit', invoke a mantra of individual self-sufficiency and responsibility which pervades the Statutes, and present their solution to the problem. The erstwhile mercenaries are to turn to the land and integrate themselves into the agrarian fiscal structure, or find another occupation, or leave the Isles. It may be that another grouping is also involved here, the *luchd-taighe* or immediate retinue of the chief, traditionally said to have been twelve in number.<sup>111</sup>

At all events, all those noblemen outwith the ambits of these newly defined retinues were now expected to become self-supporting. The final clause universalises, enforces, and looks to the future. Henceforth the only scenario in which anyone, whatever their social status, could legitimately receive material sustenance in the Isles, beyond the fortunate few in the chief's household, was if they paid for it in one of the appointed inns. Otherwise they would be called to legal account as common thieves, with the Iona signatories acting as policemen. The vision was of an enhancement of social freedom and economic resources: 'the fruit of labouris of the puir tennentis and labouraris of the ground' would no longer 'be eitting up be soirnaris and idill belleis'.

The argument thus far may serve to unlock the meaning of the next, much debated statute, on the consumption of wine and whisky. Its subject matter has again done nothing to help the cause of taking the Statutes seriously. Goodare offers pertinent arguments against Macinnes's view that the intention was to restrict wine imports to curb the drain of bullion, but his own interpretation and terms of reference are equally questionable. To speak of 'Lowland' distaste for 'Highland' inebriation is to elide, as so many others have done, the fact that the Iona package was a Hebridean policy addressing Hebridean issues. Goodare's argument that the aim was to 'get the Highlanders to sober up' hardly squares with the statute's final clause, which makes it clear that what was proposed was not a blanket ban on alcohol consumption, either for elite or general population. The latter could make whisky or 'uthir drink', presumably ale, 'to serve thair awne housis', and the former could 'send to the Lawland and thair to buy wyne and acquavitie', again 'to serve thair awne housis'.<sup>112</sup>

Goodare takes his principal cue from Dodgshon and competitive feasting as a source of chiefly authority and status, concluding that the measure is 'directed, perhaps clumsily, at what was seen as an

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<sup>111</sup> M. MacGregor, "'Surely one of the greatest poems ever made in Britain": The Lament for Griogair Ruadh MacGregor of Glen Strae and its Historical Background', in *The Polar Twins*, ed. E. J. Cowan and D. Gifford (Edinburgh 1999) 148, n. 61; cf. Macinnes, *Clanship*, 57, 67.

<sup>112</sup> Goodare, 'Statutes', 51.

undesirable attribute of chiefly power'.<sup>113</sup> This argument may have an indirect relevance when read in conjunction with the requirement to reduce the size of their households, which would presumably have a proportionate impact upon consumption. Yet it is weak when we consider that the chiefs were still permitted access to wine and whisky. The text itself is not primarily concerned with the Iona signatories, but the general population. Excessive drinking of wine and whisky is causing both 'grite povertie', and 'grite crueltie and inhumane barbaritie'. If what is meant by the latter is violence fuelled by drink, then this would be unaffected by a measure which still sanctioned consumption. That 'poverty' was the real reason is strongly endorsed by the substance of the statute, and the separate act on this theme issued by the council in 1616.

The text identifies two present sources of supply of wine and whisky to the Isles: local 'traffiquaris indwellaris amangis thame selffis', and merchants based on the mainland. The local suppliers can no longer sell these commodities in the Isles, under pain of confiscation of the same. The ban also applies to the mainland merchants, but in their case it is not they, but the buyer, who will be penalised, by a sliding scale of cash fines. A lacuna in the text leaves the fate of these fines unclear: in 1616 they were to be halved between the chiefs, in their capacity as enforcers, and crown. The net effect, therefore, would be that whereas the elite could still buy wine and whisky from Lowland suppliers, the rest of the population could no longer buy these items for money, but were quite entitled to consume whatever alcohol they were capable of making for themselves. Whisky could be made, but not bought.

The crux, then was to stop the general population buying wine and whisky from merchants. Why? Was the commonality believed to be compounding an already vulnerable economic position by the purchase of these commodities? The legislation of 1616 certainly supports this interpretation. Both the corresponding statute, and the supplementary act, are unequivocal that it is the 'tennentis or cuntrey people' of the Isles who are giving cause for concern, and that drinking of wine (whisky is not mentioned) 'drawis numberis of thame to miserable necessitie and povertie, sua that thay ar constraynit quhen thay want of thair awne to tak from thair nichtbouris'. We are returned to familiar ground, all the more so given the enjoinder to individual self-sufficiency inherent in the domestic production and consumption of alcohol. There is surely no paradox, but further consistency, in the fact that strictly domestic consumption by both elite and people, coupled with a ban on the sale of wine and whisky for cash by merchants,

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<sup>113</sup> *Ibid.*

would create clear lines of demarcation, and guarantee the inns – which were solely ‘for releif of passingeris and straingairis’ – a monopoly which would underwrite their social function and commercial viability.<sup>114</sup>

There is again a sense with this statute that rhetoric and reality are slightly out of joint, so that the former skews but does not entirely conceal the latter, of which we gain tantalising glimpses.<sup>115</sup> Beyond the timeworn appeal to barbarity, poverty seems somewhat incongruous a characteristic to ascribe to a society whose commonality had cash to burn on claret. The statute implies a presumably thriving trade in which locals were actively engaged.<sup>116</sup> Does the sale of wine and whisky by indigenous ‘traffickers’ hint that public houses of some description already existed?<sup>117</sup> It is notable that the text is harder on these traffickers than on the mainland merchants. Were the Statutes seeking to eliminate establishments of this sort, leaving only those to be set up by the signatories, ‘as thay sall best devyse’? If so, one can see a number of potential benefits accruing to them – as being exclusively allowed to import wine, and as profiting from breaches of this legislation (both confiscations and fines), and perhaps from the inns – in a scenario very different from Goodare’s attack upon chiefly power.<sup>118</sup>

The next statute, on education, returns from poverty to ignorance, and the connection to religion, at the head of the text. To remedy the ignorance of ‘the knowledge of God and good letters’:

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<sup>114</sup> Goodare’s suggestion (*ibid.*) that the proposed inns would also be debarred from selling wine seems highly unlikely, and is unsupported by the text, which stipulates the local and mainland merchants alone as affected in this regard, while the inns ‘sall haif furnitoure sufficient of meit and drink to be sauld for reasonable expensis’; *RPC* ix, 27.

<sup>115</sup> Cf. *ibid.*, ix, p. xci, Masson’s discussion of a council edict of 1613 imposing a tax upon all wine sold in retail in taverns (*ibid.*, ix, 551-3), on the pretext of upholding public morality. Wine consumption was claimed to be boosting the prices charged by the artisans and craftsmen of Scottish burghs; to be generating poverty – it ‘doeth mak the wyff and childrene at hame to famishe for hunger’ – and to be depressing demand for Scottish grain to make whisky. Wine drinking may have been associated with the neglect of tillage, whereas the Statutes sought to encourage domestic production of ale and whisky, and the expansion of the agricultural workforce.

<sup>116</sup> For the presence of a ship from Bordeaux in Hebridean waters in 1613, see below, p. 160.

<sup>117</sup> For a poem of Hebridean provenance c. 1490, with a reference to a *taigh óil*, lit. ‘drinking house’, see Watson, *Scottish Verse*, 88-9.

<sup>118</sup> When in 1572 Cailean Liath, chief of the Campbells of Glen Orchy, established servitors of his as keepers of a new inn by Loch Tay, he created a virtual monopoly for them at the same time by discharging all other innkeepers and brewsters in the locality, with the exception of one brewster on either side of the loch; *The Black Book of Taymouth*, ed. C. Innes (Bannatyne Club: Edinburgh 1855) 414-16.

everie gentilman or yeaman within the said Ilandis, or ony of thame, haveing childreine maill or famell, and being in goodis worth thriescore ky, sall put at the leist thair eldest sone, or haveing no childreine maill thair eldest dochter, to the scuillis on the Lawland, and interteny and bring thame up thair quhill thay may be found able sufficientlie to speik, reid, and wryte Inglishche.

It is notable that the social catchment again extends beyond the signatories. Why, one might ask, not take a cue from the legislation on inns, and establish schools in the Isles themselves? The answer may lie in the supplementary act of 1616:

Forsamekle as the Lordis of Secrete Counsell understanding that the cheif and principall caus quhilk hes procurit and procuris the continewance of barbaritie, impietie, and incivilitie within the Yllis of this kingdome hes proceidit from the small cair that the chiftanes and principall clannit [men] of the Yllis hes haid of the educatioun and upbringing of thair childreine in vertew and learning, – who being cairles of thair dewteis in that point, and keeping thair childreine still at home with thame, whair thay sie nothing in thair tendar yeiris bot the barbarous and incivile formes of the countrie, thay ar thereby maid to apprehend that thair is no uther formes and dewteis of civilitie kept in ony uther pairt of the countrie, sua that quhen thay come to the yeiris of majoritie hardlie can thay be reclaimed from these barbarous and incivile formes quhilkis for laik of instructioun wer bred and satled in thame in thair youth, whereas, yf thay had bene send to the Inland in thair youthe and traynit up in vertew, learning, and the Inglis tung, thay wald haif bene the better preparit to reforme thair countreis and to reduce the same to godlines, obedience, and civilitie.<sup>119</sup>

In the blank moral certitude with which it contemplates reinjecting children into the bloodstream of Hebridean society as a civilising serum, this is a chilling text. Was this already the master plan in 1609? The statute on education has often been seen as explicitly anti-Gaelic. Goodare sees its intention as ‘to convert the clan elite into Lowlanders’, and couples it with the ‘eighth’ statute, ‘against the Gaelic bards ... as well as promoting Lowland culture, Gaelic culture was to be repressed’.<sup>120</sup> Other interpretations are, however, possible. Since the early fifteenth century, it had been practically incumbent upon the political elite of Gaelic Scotland to communicate with central authority

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<sup>119</sup> *RPC* x, 777.

<sup>120</sup> Goodare, ‘Statutes’, 52-3.

in English. Bannerman's pioneering study of literacy in the Highlands suggests the slow and steady spread of such a competence over the next two hundred years, from south to north and east to west. Penetration was probably at its slowest in the Isles, and the concentration here of the learned orders – professional cultural lineages united by their literacy in classical Gaelic, and whose functions could include the education of the social elite – also makes this the zone which furnishes hardest evidence for lay literacy in Gaelic. A chief like Lachlann MacKinnon of Strath in Skye, who invariably appended a Gaelic signature to deeds in English in the era of the Statutes, may well have done so because he was illiterate in English.<sup>121</sup> In part at least, the spread of English literacy was effected through the very mechanism identified in the Statutes, a 'voluntary' educating of their children in burgh grammar schools by members of the mainland Highland elite. Whether such a process was also under way in the Isles before 1609 is unclear.<sup>122</sup> The import of this statute might not prepare us for the fact that the text as a whole claims to bear the signatures of all nine participating Islesmen.<sup>123</sup>

Gaelic itself is not mentioned in the 'sixth' statute. Bishop Knox, as Goodare points out in a footnote, was later to sanction its use for preaching in the Irish context, suggesting at minimum a pragmatic acceptance of the need to employ the language if the reformed church were to make progress in Gaelic areas.<sup>124</sup> On the evidence of their

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<sup>121</sup> J. W. M. Bannerman, 'Literacy in the Highlands', in *The Renaissance and Reformation in Scotland*, ed. I. B. Cowan and D. Shaw (Edinburgh 1983) 214-35. For a facsimile of MacKinnon's signature, see *Coll. De Reb. Alban.*, 202.

<sup>122</sup> Macinnes, *Clanship*, 76-7. Eachann MacLean of Duart's father, Lachlann, had had a southern and continental education, and was fully literate in Scots: Cowan, 'Clanship', 133; J. M. Bannerman and R. Black, 'A Sixteenth-century Gaelic letter', *Scottish Gaelic Studies* 13 (1978) 62-3.

<sup>123</sup> The literacy of the Iona cohort needs further investigation, but it is very probable that some of these signatures must have been notarial. Clanranald and MacLean of Coll were unable to sign other contemporary deeds; *Dunvegan Bk.*, i, 49, 54. Bannerman, 'Literacy', 231-2, argues that all nine signatories of the original text of the Statutes may have done so in Gaelic, 'perhaps as a gesture of defiance against the implied denigration of their language in the body of the text'. The form of Dòmhnall Gorm's signature copied into the register of the Privy Council tallies with his normal English signature, while the forms of some of the other signatures suggest English rather than Gaelic versions. Ruairi Mòr MacLeod of Dunvegan's normal signature combined Gaelic orthography and English script. Although he was posthumously claimed to have been illiterate in Scots (*ibid.*, 215) several letters in Scots have survived in his name, while his post-Iona career (below, pp. 159-60; cf. *HP* iii, 241-2) surely implies competence in the spoken language.

<sup>124</sup> Goodare, 'Statutes', 52, n. 80; Barkley, 'Scottish bishops and ministers', 153. On the contrasts between Knox's approach as bishop of Raphoe – particularly his more positive attitude to Gaelic and indigenous clergy – and the 'colonial reformation'

names, all the clergy named in his son's report on the condition of the diocese of the Isles in 1626 were local men and Gaelic speakers.<sup>125</sup> Given also the local esteem in which Knox was held, then it is legitimate to question whether either he or the signatories would have regarded this statute as representing an ideologically motivated and premeditated policy to supplant Gaelic by English as the language of the Hebridean aristocracy.<sup>126</sup> Rather, in the political equivalent of this ecclesiastical pragmatism, it may have set out to equip the elite with a skill essential to fulfilling the remit envisioned for them in the Statutes, as local agents of central government.

To read the 'eighth' statute as an explicit assault upon Gaelic culture is equally problematic. Its reference to bards, and to those 'pretending libertie to baird and flattir', has been most commonly assumed to refer to the classical poets, and justified by some with reference to their perceived role as eulogists and perpetuators of an aristocratic mindset and social order founded on force.<sup>127</sup> Macinnes suggested that its target was rather *Cliar Sheanchain*, parasitical troupes of roving entertainers operative at lower social levels. Goodare rejects this, but notes the basis of the statute in the provisions of the Poor Law legislation of 1579, while Macinnes sets it in the tradition of parliamentary enactments against itinerants going back to 1449.<sup>128</sup> The statute itself is concerned to mend breaches of 'the lawis and loveable Actis of Parliament', and the roll-call of undesirables cites not only bards, but also 'idill bellies, speciallie vagaboundis', 'idill and sturdie beggaris' (meaning the able-bodied unemployed), 'profest pleisant[s]', and 'juglouris'. The injunction against receiving and accommodating such persons applies to 'ony of the saidis speciall barronis and gentilmen or ony utheris inhabitantis' of the Isles.

The company in which we find the 'bairdis', and the scope of this injunction, surely makes it impossible to see the classical poets – aristocratic, inordinately status conscious, and patronised exclusively by the social elite – as the priority of this statute, if indeed they come into the frame at all. We are back to the seeking of support in kind by those who refuse to be responsible for themselves, and who are to be dealt with by incarceration and deportation. There is this time an emphasis upon cultural itinerants which serves to distinguish this

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espoused by his predecessor George Montgomery, see Ford, *Protestant Reformation*, 159-68.

<sup>125</sup> *Coll. De Reb. Alban.*, 122-5.

<sup>126</sup> Cf. Macinnes, *Clanship*, 76.

<sup>127</sup> Bannerman, 'Literacy', 225-6; Goodare, 'Statutes', 53; Stevenson, *Highland Warrior*, 29.

<sup>128</sup> Macinnes, *Clanship*, 66-7; Goodare, 'Statutes', 53; *Acts of the Parliament of Scotland*, edd. T. Thomson and C. Innes (Edinburgh 1814-75) [hereafter *APS*] ii, 36.

statute from the earlier material in the same vein. Itineracy – in the shape of the *cuairt*, or circuit of the courts of the lay elite – was as integral to the professional lifestyle of the classical poets as it was to that of lower-ranking cultural personnel, and it may be that this aspect of their activities came within the remit of the statute. Nevertheless, it is clear that the priority, here as elsewhere, is rooting out itineracy, not Gaelic culture.<sup>129</sup>

The ‘seventh’ statute also purports to reinforce an act of parliament, on firearms, forbidding their being carried outwith the bounds of the domestic residence, or use to kill game. In the Isles, it is asserted, the act has been a dead letter, ‘in respect of the monstrous deidlie feidis heirtfoir intertenyit ... to the grite hurte of the maist pairt of the inhabitantis thairof’. Henceforth, no-one in the Isles should ‘beir hagbutis nor pistolletis furth of thair awne houses and dwelling places, nathir schuit thairwith at deiris, hairis, foullis, nar na uther maner of way’. The parallel measure of 1616 sanctioned their public use in royal service alone, and also restricted the wearing of swords ‘or ony otheris waponis or armour’ to the signatories and their legally permitted retinues.<sup>130</sup>

Precisely which act of parliament is being invoked here is not clear. There were two main strands to Scottish legislation on the subject in the sixteenth century, respectively concerned with the consequences for humans and game. It is in the former that we find the injunctions against public display of firearms, but permitting their use for leisure within the domestic ‘yard’. The strands had their origins in two separate acts of 1567 which provided the templates for subsequent statutes, but no single act seems to merge the strands in the way the Iona text does.<sup>131</sup>

Establishing why the restriction of the use of firearms should be a priority in the Isles at this juncture is also problematic. That prevalence of feud had generated a public prevalence of firearms is a proposition for both sides of which we lack compelling evidence. Guns were certainly available and in use in the Isles before 1600, but it is not clear

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<sup>129</sup> Our best, though late, account of cultural itineracy within Gaelic Scotland in the late medieval era, suggests that it may be wrong to posit too rigid a distinction between *Cliar Sheanchain*, as representing low status cultural itinerants, on the one hand, and the entourage of a travelling professional poet on the other. The latter is described as *Cliar Sheanchain* by this text, and seems to have constituted a microcosm of Gaelic cultural society; C. A. Gordon, ‘Letter to John Aubrey from Professor James Garden’, *Scottish Gaelic Studies* 8 (1955–8) 18–26. On the *Cliar Sheanchain* in general, see John Shaw, ‘Scottish Gaelic traditions of the *Cliar Sheanchain*’, in *Celtic Languages and Celtic Peoples: Proceedings of the Second North American Congress of Celtic Studies*, ed. C. J. Byrne *et al.* (Halifax 1992) 141–58.

<sup>130</sup> *RPC* x, 774.

<sup>131</sup> *APS* iii, 29; iv, 134, 228 (humans). *Ibid.*, iii, 26; iv, 67, 140, 180, 236–7 (game).

to what extent this was true of society as a whole, while they had by no means eclipsed traditional weaponry in the form of the bow and the sword.<sup>132</sup> The statute says nothing about these, therefore suggesting that its aim – either because it saw no need, or because it had other priorities – was not to nail feud in its coffin through wholesale demilitarisation. Here it stands in sharp contrast to the far more aggressive ‘Instructions’ of spring 1608, which included bows and two-handed swords in a far more extensive ban to which the only exceptions were one-handed swords and targes.<sup>133</sup> The attack upon a particular form of weaponry rather than weaponry *per se* echoes the clause forbidding the import of wine and whisky by the general population, while permitting the consumption of alcohol. Might the parallels extend further, and point to an economic rationale for the statute on firearms? Macinnes suggests that the elite, already missing its Irish income, would now have to fund the switch to the gun, a cost not only more significant in itself, but also recurrent as technology advanced, and subject to inflation.<sup>134</sup> Yet given the end of the Irish mercenary trade, and the momentum, whatever its origins, towards the elimination of feud, it is difficult to identify a factor which would have necessitated such a response from the chiefs upon any significant scale.

The text itself seeks to impose restrictions across society as a whole. This might suggest, *pace* Macinnes, that what was at stake was not the price for the chiefs of financing firearms, but their acquisition by the general populace, directly rather than through the medium of its chiefs, and for its own use. If any concern over cost did exist, it may thus have centred upon another drain upon the wealth of the commonality, thereby linking this statute to the theme of several others, most obviously that on alcohol. But unlike that statute, this is not a concern articulated explicitly in what is said on firearms. What is specified – and this would be consistent with the argument that the role of firearms in feud or interpersonal violence is not the real issue – was the shooting of game.

The most recent act of parliament on this theme, agreed in 1599 and ratified again in 1600, sought to preserve the pursuit of game by

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<sup>132</sup> A. Matheson, ‘Documents connected with the trial of Sir James MacDonald of Islay’, *Transactions of the Gaelic Society of Glasgow* 5 (1956–7) 213–7. On the basis of evidence from 1593 relating to Hebridean mercenaries (*CSPS* xi, 253–5), Macinnes argues that a shift from the bow to the gun as the favoured weapon was under way; Macinnes, *Clanship*, 65–6. An Irish description of MacLeod and MacDonald mercenaries from Skye in 1594 mentions their weapons as swords and bows (McLeod, *Divided Gaels*, 47), tallying with the traditional accounts we possess of the feud of 1601 between these same kindreds. In 1639 Gaelic Scots were still regarded as geared towards the bow; Stevenson, *Highland Warrior*, 68.

<sup>133</sup> *RPC* viii, 737.

<sup>134</sup> Macinnes, *Clanship*, 65–6.



those ‘as be thir revenewis may beir the charges and burdein of the halkis, houndis and dogis requisite in sic pastimes inrespect the samyn alsweill heis bein creatit for the recreatioun of mankind as for thair sustentatioun’. Hunting should only take place by traditional ‘direct’ means which served to maintain national health and vigour, and not by ‘indirect’ means, namely the use of guns, traps, nets and ‘fouller dogs’, which were tantamount to effeminacy. Those who hunted in this manner were also condemned for their practice of selling game, to those ‘quha preferis thair awin inordinate appetite and gluttony ather to the obedience of the saidis lawis, or to the recreatioun that may be haid be the direct slaying of the samyn.’<sup>135</sup> Such practices were threatening to create a national scarcity of game. In the emphasis upon upholding the existing social hierarchy, husbanding resources and attacking parasitism, there are points of contact with the Statutes of Iona. It is conceivable therefore, that foremost in the thinking of those who drafted the statute on firearms was the desire to preserve hunting – very much a traditional benchmark of behaviour and identity for the Gaelic elite – as an aristocratic monopoly, and to prevent the squandering or misuse of a valuable indigenous commodity. This interpretation would see the statute as buttressing the social, and perhaps fiscal, position of the signatories. It is they who were empowered to enforce the parliamentary legislation in case of breaches. In the parallel statute in 1616, it was they alone who were permitted to wear traditional weaponry in public. A month later, the king empowered the council to grant them licences to bear and use firearms ‘for thair awne recreatioun and within a mile of thair awne houses onlie’.<sup>136</sup> In 1628, a number of Hebridean chiefs agreed a contract preserving their monopolies and rights over their own deer forests.<sup>137</sup>

### Conclusions: A New Interpretation

All aspects of the genesis of the Statutes of Iona – length and phases of gestation, parentage, place and manner of delivery, number and rank of those who came to give witness – point to what in fact we find in the text: a landmark statement advancing an intellectually coherent programme. The delay in registration reflected importance, not irrelevance. When it came on 27 July 1610, it enshrined the Statutes as the new vision for the Isles, excluding Lewis. This was confirmed in 1614, with the onset of the crisis precipitated by the Islay rising. The

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<sup>135</sup> *APS* iv, 180, 236-7.

<sup>136</sup> *RPC* x, 626.

<sup>137</sup> *Coll. De Reb. Alban.*, 190-3; cf. Macinnes, *Clanship*, 80-1. A fiscal motive was certainly present here, as the chiefs stood to benefit from commercial exploitation of game, their share of the fines imposed upon transgressors, and the sale of licences to those seeking permission to hunt.

legislation enacted by the Privy Council on 26 July 1616 was the Statutes reincarnated, and was the last occasion in the seventeenth century on which government set out a strategy for the Hebrides. Nevertheless, the seven years since conception made for much alteration, enough to beg the question whether, from the vantage point of 1609, or even 1616, Bishop Knox would have acknowledged or disowned this offspring of Iona.

Goodare's contention that too much has been made of the Statutes does have unexpected pertinence in respect of a text overlooked by himself and most others, the Band of Iona. Contemporaries from the king down did not make the same mistake, but saw Band and Statutes as interdependent. It was logical that the Band be concluded on the day after the Statutes were signed, for its purpose was to identify their place within a wider scheme of allegiance. It is perhaps no accident that on the three occasions on which both texts are cited together – the king's letter of 8 May 1610, their registration on 27 July 1610, and reaffirmation on 3 August 1614 – it is the Band which comes first.

*Andrew Knox and the bishopric of the Isles*

Band and Statutes were outcomes of the close relationship fostered between the Hebridean elite and Andrew Knox in the years on either side of 1609. Knox is one of the most interesting and neglected figures active in the post-1603 colonial waters which stretched from the Isles and Ulster across to America.<sup>138</sup> Bishop of the Isles from 1605, we first find him acting as intermediary between their elite and the king in September 1606, when Aonghas MacDonald of Dunivaig, who had been refused licence to go to court in person, entrusted him to present offers on his behalf.<sup>139</sup> Knox was already soliciting James with his own ideas for reform of his diocese in 1607.<sup>140</sup> His stock was high with the Islesmen by the time of Ochiltree's expedition. On 17 September 1608, in the wake of the notorious kidnapping incident at Aros in which he played a pivotal role, Knox wrote to the king in a mood of some despondency and pessimism, asking to be excused from further diplomatic duties in the Isles, 'seing my ould aige dayle crepis on and be thir trubilsum jurneys now semis to mak gritter haist nor of befoir, and my credeit amangis thir folkis, be the forme of this last actioun practischit amangis tham swmwhat (as apperis) deminischt ...'.<sup>141</sup> A contemporary account states that it was on Knox's advice that Ochiltree

<sup>138</sup> See now *ODNB* xxxii, 5-6. Another is the Englishman John Mason, captain of Knox's fleet on his expedition of 1610, and the future founder of New Hampshire; *ibid.*, xxxvii, 181-2; *RPC* ix, 18, 377.

<sup>139</sup> *HP* iii, 86-8.

<sup>140</sup> *Ibid.*, iii, 103-4.

<sup>141</sup> *Ibid.*, iii, 114.

invited the chiefs on board, to hear a sermon by the bishop, an invitation to which all but one of them acceded.<sup>142</sup> Knox may have acted as security for the chiefs, and hence as bait for Ochiltree. On 13 October the council could still recommend Knox to the king, ‘in respect of his awne credite and freindshippe among the Yllismen’,<sup>143</sup> and over the next decade he was to defy his own prognosis and make many more voyages in the west, until forced to resign the bishopric of the Isles in 1618 because of the difficulties inherent in his simultaneous tenure of Raphoe. His career peaked in and after 1610, when endorsement of the Statutes was coupled with the concentration of unprecedented powers in his hands to enforce them. He made an immediate and considerable impact in Ulster, authoring two influential reports in 1611 and 1612, and described as early as October 1611 as having ‘done more good in his church government in the short time of his being [there] than his predecessor in all his time’.<sup>144</sup> In 1614 came hubris and his darkest hours when his Hebridean settlement, upon which his political reputation presumably rested, gave every appearance of unravelling because of the Islay rising. Yet even then, the leaders of the MacDonalds of Dunivaig turned to him again in the hope, as expressed by Sir Seumas in 1615, ‘that zour lord will, as ze ever did, interseed for me at his majesties hand’.<sup>145</sup> It may be that in 1609, when Sir Seumas was tried and condemned to execution but the sentence was not carried out, he owed his life to the bishop’s intervention. Knox was a witness to the pre-trial depositions taken in Edinburgh on 11 May, and departed on his mission to the king soon afterwards. The principal accusation against Sir Seumas at his trial was the alleged fire-raising in 1598 which had endangered the lives of his mother and father. The depositions of 1609 reveal that ‘three yeiris syne or thairby’, when Sir Seumas had gone on his knees to ask his parents’ forgiveness, he did so ‘in presence of the bischop of the Ylis’.<sup>146</sup> Knox may have brokered the reconciliation, perhaps around the time of his earlier mission to the king on behalf of Sir Seumas’s father in September 1606.

That Knox was bishop of the Isles influenced the Iona settlement more deeply than a reading of the texts alone might suggest. Casting a long shadow over what happened in 1609 was the fact that the

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<sup>142</sup> *A Chronicle of the Kings of Scotland, from Fergus the First, to James the Sixth, in the year M.DC.XI*, ed. J. W. Mackenzie (Maitland Club: Edinburgh 1830) 176-7.

<sup>143</sup> *HP* iii, 116.

<sup>144</sup> Ford, *Protestant Reformation*, 167.

<sup>145</sup> *HP* iii, 264, 268-70. In late 1614 Knox was representing both the local ringleaders – who wanted him to become tacksman of Islay, with themselves as his tenants – and Sir Seumas; *ibid.*, iii, 149-52, 221-2; Gregory, *Western Highlands*, 351, 353.

<sup>146</sup> Matheson, ‘Trial of Sir James MacDonald’, 215, 217-18. For Knox and Aonghas MacDonald of Dunivaig together in Edinburgh in early May 1609, see *RPC* viii, 752.

ecclesiastical, political and economic clout of the bishop had for centuries been inferior to that of the abbot of Iona. James IV had attempted to reverse the polarity as part of his programme to decapitate the Lordship of the Isles c. 1500. This contributed to the attrition of the Iona community come 1560, and ought to have left the post-Reformation bishop of the Isles in an uncompromised position. Yet difficulties persisted because of the secularisation of the lands belonging to Iona, largely to the benefit of the MacLeans in the first instance.<sup>147</sup> A constant of Knox's career was his determination to enhance the resource base of his bishopric, whose emaciated condition was cruelly highlighted in 1608, when the council had needed to step in to subsidise his personal retinue on Ochiltree's expedition.<sup>148</sup>

The decision to hold the court at which the Statutes were promulgated on Iona was surely Knox's, and quite deliberate. As both royal commissioner and bishop of the Isles, he had dual agendas which dovetailed in his desire for a diocese and region which was materially and spiritually healthy. Quite apart from Iona's logistical convenience as a central meeting point for the leading men of the Isles, it endowed the court and its proceedings with a sense of theatre, sanctity, solemnity and history. As royal commissioner Knox was underlining that what was to be concluded there would be politically momentous. As bishop, he was making a proprietorial statement, laying claim to the spiritual authority and material wealth historically possessed by the abbey and abbot of Iona, and at present denied him.

Success brought its due rewards, but not immediately or without opposition. It was only on 24 February 1612 that the king wrote to the council commending Knox for 'the grate paynes and travelles ... taken in reducing of that rude people to some order and acknowledgement of our authority, whereby he hath not only discharged the dewty of a faithful byshoppe, but likewise of a good servant to us'. The prizes included the restoration to Knox of the extensive church lands belonging to his diocese which had passed into secular hands since the Reformation and Act of Annexation; and the surrender by the crown of the abbacy of Iona and priory of Ardochattan, and their re-annexation *ad perpetuam remanentiam* to the bishopric of the Isles (to which they had formerly belonged *in commendam*) as a means of compensating for the

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<sup>147</sup> Steer and Bannerman, *Monumental Sculpture*, 116-18, 208-9; *Coll. de Reb. Alban.*, 15-18, 161-79; cf. M. Dilworth, 'Iona Abbey and the Reformation', *Scottish Gaelic Studies* 12.1 (1971) 77-109.

<sup>148</sup> *RPC* viii, 739: 'the Bischop of the Yllis ... whose rent being so meane as that he may not at his awne chargeis undergo the furnissing of ony grite nomber'; cf. *HP* iii, 103, 17 June 1607, when Knox referred to 'the remede of my inhablit estait'.

smallness of the rent of the bishopric.<sup>149</sup> However, the worth of these grants remained questionable, for a subtext of the Islay rising was the rival claim of Sir Eoin Campbell of Cawdor to the abbacy and priory.<sup>150</sup> Furthermore, for all that in 1619 Knox saw his son Thomas succeed him as bishop of the Isles, by 1635 Gilleasbuig Lord Lorne, the future eighth earl and first marquis of Argyll, had been successful in gaining effective control of the abbey lands by installing his own man, Niall Campbell of Glassary, as bishop, ‘notwithstanding great oppositione maid by both noblemen and clergie in favour of others’.<sup>151</sup>

### *Economics*

Knox’s episcopal priorities fit the reading of the Statutes offered here. Paramount is the economic condition of the Isles. The Statutes do not view this society as naturally poor, but instead are concerned to preserve, enhance and redirect resources currently being consumed in unprofitable ways. The bounty of the labour of the tenantry is being devoured by a panoply of parasites from within and without: chiefly retinues, mercenaries, travellers, the able-bodied poor, cultural itinerants, and – if expenditure on wine and whisky has reduced them to poverty – each other. The fruits are being dissipated among the likes of local and mainland entrepreneurs, Bordeaux merchants, and economic migrants, rather than accruing upwards to an elite now deprived of its Irish income.

It could be argued then, that even if Knox did not conduct a survey of the Isles, he did not ignore the fiscal component of his remit. Nowhere is it spelt out what was meant to happen to these resources once the Statutes were implemented. But the implication is that with everyone needing to support himself, whether by craft or land or rent,

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<sup>149</sup> *RPC* ix, 733. Knox was also to receive the payment (including arrears if existing), of the annual pension granted him out of the revenues of the Isles, in particular compensation for having taken upon himself the maintenance of Dunivaig and its garrison; and a feu-ferme charter in liferent of Barra, whose houses and main fortress Knox had pledged to keep for the crown. The annual pension, worth 2,000 merks, had been paid to him in 1610, and was bought out for a lump sum of £3,333 prior to February 1613; *NAS*, E24/29, f. 24v; E24/30, 22r. Knox had also been granted an annuity of £100 sterling on 6 May 1610, following his election as bishop of Raphoe; *Calendar of State Papers Ireland, 1608–10*, 442.

<sup>150</sup> *HP* iii, 272-3, 304; Lee, *Government by Pen*, 153, n. 83. The grant of Iona and Ardochattan eventually passed the great seal in 1615; *Coll. de Reb. Alban.*, 180-1. However, they had previously been granted in liferent to the prior of Ardochattan, and assigned by him to Cawdor; *ibid.*, 124. A scion of the house of Cawdor was bishop of the Isles in the later sixteenth century; Steer and Bannerman, *Monumental Sculpture*, 117-18.

<sup>151</sup> *Coll. de Reb. Alban.*, 184-5; Lee, *Government by Pen*, 107, n. 54; Macinnes, *Clanship*, 79-80. Thomas Knox had already been handling most of the administrative business of the diocese before 1619.

individual productivity and wealth would increase from the bottom up. The enrichment of society as a whole would be reflected in the rental. The Statutes are notably astute and inclusive in the way they link more efficient exploitation of resources to economic benefit for all. Beyond the prospect of a fatter rent roll, potential extra income for the chiefs was built in through their monopoly of game, fines for selling or buying wine, and control of inns. The commonality would be freed from itinerant oppression and arbitrary elite exaction.

Also set to gain materially was the crown. As Goodare notes, there is nothing explicit about rents in the Statutes. But he misses the pledges of obedience to the king and the law in the Band of Iona, of which rent payment could hardly not be a part. It is highly revealing that the council's immediate response to the Statutes on the day that Knox reappeared with them on 28 September 1609 was to end the embargo on the sale of cattle and horses between the Isles and Argyll, which had been preventing the chiefs, so they said, from paying their rents. The implication is that the embargo was inimical to the meaning and direction of the Iona settlement, and had to go. This could confirm that the thrust of the Statutes was understood to be economic, with their connecting rationale and primary outcome to be to place the chiefs in a position where regular payment of rent would be possible, and the wealth of the Isles tapped through them rather than more drastic means. To the fore in pressing for a repeal of the embargo were the chiefs of Dunivaig and Duart, and they were the first to address their rents backlog, respectively paying £3, 000 and £9, 957, including arrears, to the Exchequer by August 1610.<sup>152</sup> The further implication is that the months between 28 September 1609 and 27 July 1610 represented not a limbo into which the Statutes fell, but a trial period in which the sincerity of what had been pledged on Iona was to be put to the test. A level playing field had to exist for the trial to operate fairly, hence the lifting of the embargo. The king's acceptance of Band and Statutes was proof that the Hebridean elite had passed the test, and the reward was registration.

#### *The Hebridean Elite*

What has been said thus far endorses the view of Macinnes that the Statutes aimed to shore up the position of the Hebridean elite. Goodare's verdict, that they overwhelmingly constituted 'bad news' for an elite whose power they aimed to curb, sits far better with the 'Instructions' of spring 1608, and to a lesser extent the legislation of 1616, both of which make for illuminating contrasts with the Statutes

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<sup>152</sup> NAS, E24/29, f. 20r.

on this score.<sup>153</sup> It is made explicit at five points within the texts of the Band and Statutes that their subscribers are to be their enforcers. The final statute states that ‘the principall of every clan maun be ansuerable for the remanent of the samyn, his kin, freindis, and dependairis’, and reiterates this in its last sentence, prohibiting resetting: ‘it is specialie provydit that na cheif of ony clan, superiour of ony landis, or principall of ony familie, recept or mantene ony malefactour fugitive and dissobedient to his awne naturall kyndlie cheif and superiour’.<sup>154</sup> There was no question of pulling the roof in on the existing social structure. The logic was to retain the kin-based hierarchy, accept the natural social authority of the chiefs, and turn it to advantage by converting poachers into gamekeepers. Band and Statutes sought to redraw the frontier demarcating clan and centre so as to make the chiefs the foremost representatives of the authority of the latter, rather than the first line of defence of the former. Henceforth parliament’s writ would run in the Isles via a localised network of officials, with the chiefs as the vital link between the clan and state justice. Their responsibility for their people would include liaison with the king and the local judiciary to ensure enforcement of the provisions of the Band and Statutes of Iona, to the extent of handing over their dependants to the authorities if necessary.<sup>155</sup>

This was where the Statutes’ radicalism – or realism – lay. The central theme and thesis of Allan MacInnes’s recent study of early modern Gaelic Scotland is of a shift from medievalism to modernism driven less by centralist pressure than the gradual renunciation by the indigenous elite of its obligations within the social contract that was clanship.<sup>156</sup> It is arresting to find this agenda so well understood, and the nettle so decisively and comprehensively grasped, as early as 1609, and for the Isles. The elite would continue to be the elite, but the pillars of its legitimacy would shift from the traditional chiefly functions to its

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<sup>153</sup> The ‘Instructions’, which concerned negotiations with the chiefs of Dunivaig and Duart, contemplated the surrender of their fortresses, the education of their children elsewhere, denying them any judicial functions, restricting their landholdings, and drastically reducing their fleets and arms; *RPC* viii, 737.

<sup>154</sup> *Ibid.*, ix, 29-30.

<sup>155</sup> For action to be taken by the signatories in the case of breaches of the Band, see above, p. 137. The Statutes themselves constituted ‘ane sufficient warrand to the barroun and speciall man within quhais boundis the contravenair makes his speciall residence, to command him to waird, and in caice of disobedience to tak and apprehend the persone or personis disobeyairis, and eftir dew tryall of thair contraventioun in maner foirsaid to sease upoun thair movable guidis and geir, and to be ansuerable for the samyn to be brocht in to his Majesteis use, and to produce lykwyse the malefactouris before the judge competent quhill his Majestie tak forder ordour thairanent’; *RPC* ix, 26, 30.

<sup>156</sup> MacInnes, *Clanship*, p. ix.

status as government agents and overseers of a new legal and economic order. The judicial power of the chief over his people was now circumscribed by and commensurate with his role as implementer of the Statutes. By the same token, protection of dependants would no longer be unconditional, but would be dictated by their standing before the law. Military leadership was redundant in a world without feud and involvement in Ireland. The scope for patronage, hospitality and welfare would diminish in line with the reduction of retinues and the expectation that the chiefs, like everyone else, would live within their means and off their own. The chiefs would remain as the redistributors of the wealth and resources of society, but crown and kirk would now head the queue of recipients. The fiscal realignment envisaged in the Iona settlement would give the chiefs the means to pay their dues, and to address the other cost implications of their refounded status: maintaining churches and stipends; establishing inns; supporting their own households; acquiring residences and representatives to expedite their summoning by the council as laid down on 27 July 1610; travelling south regularly to appear before the council, and educating their children there. The recasting of the balance sheet of the Hebridean elite had perhaps been rendered imperative by the drying up of income from the Irish mercenary trade. In this new context, it can be argued that the Statutes were economically alert, even opportunistic, designed to manipulate the wealth of the Isles so that the centre could benefit, and the chiefs could fund their new obligations and lifestyles.

The Hebridean elite was indispensable to the implementation of the Iona project, which offered them preservation in return. In this light, it is tempting to see in the Statutes, especially those concerned with establishing inns, and restricting firearms, a strain of chiefly anxiety about what present and future might hold, and of need for reassurance over rank, monopolies and privileges. In this light also, regular appearances before the council make sense as government operatives reporting back on work in progress, rather than coercive surveillance by a mistrustful regime. Agreement and partnership is embedded in the syntax of Band and Statutes. The opening words of the former – ‘We and everie ane of us, principall gentilmen indwellairis within the West and North Illis of Scotland’ – present the signatories as active and willing parties, instigators and authors. They refer to the Statutes thus: ‘we haif aggreit unto, set down, and establischit as necessar lawis to be keipit amangis ourselffis’.<sup>157</sup> This did not go unnoticed in the king’s letter of 8 May 1610: ‘the said Ilesmen ... have with the said Bischopis consent set down and maid suche statutis and ordouris among

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<sup>157</sup> *RPC* ix, 26.



thameselves as we cannot bot allow of'.<sup>158</sup> In the Statutes the narrative voice is in the third rather than the first person plural, but the signatories remain the subject. This is legislation in their name, and, so it claims, done not on the basis of what Knox or anyone else has told them, but what they have unanimously agreed to in his presence and with his participation. The statute on firearms, for example, is presented as the outcome of Knox and the chiefs deliberating the matter together, and approving a course of action. The genesis and substance of Band and Statutes, and in particular their vision for the future role and status of the elite of the Isles, make it reasonable to conclude that the elite had authorial input. The Statutes of Iona were no exercise in gunboat diplomacy, but based upon inside knowledge as to what was required to make this society march to a different drumbeat.

#### *Antecedents and Implementation*

Had that march commenced before 1609? Although Macinnes has suggested that the Statutes and subsequent legislation aimed to extend to the Isles developments already in evidence in mainland Gaelic Scotland, no-one to date has argued that the Statutes represented anything other than year zero for the west. But the degree of elite implication in the Iona process makes it worth asking whether the Statutes incorporated or addressed trends already present in Hebridean society, whether initiated by the elite, or acceptable to it as serving its interests, or threatening it. Knowledge of that society in the sixteenth century is currently limited, but straws in the wind already mentioned as perhaps predating 1609 are the withering of feud, the existence of alehouses, and the spread of competence in English and education in the south. To these might be added the loyalty to the crown which Donald Gregory believed did not exist prior to 1609. One well-known source written with inside authority, an economic and military census of the Isles on behalf of the English government about 1596, points not to stasis but to ongoing economic transition in the co-existence of older and less prescriptive forms of rent with a newer system based on much more regularised annual payments, in both money and kind. Trotternish in Skye 'pays yeirlie ilk merk land thair of twa bollis meill, twa bollis malt, four mairtis, 16 wedderis, 16 dozen of pultrie, [and ] twa merks by [without] the auld mailis and utheris dewteis accustomat'. Sleat, in the same island, on the other hand, 'is occupeit for the maist part be gentlemen, thairfore it payis but the auld deuteis, that is, of victuall, buttir, cheis, wyne, aill, and aquavite, samekle as thair maister may be

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<sup>158</sup> *Ibid.*, ix, 18.

able to spend being ane nicht (albeit he were 600 men in companie) on ilk merk land'.<sup>159</sup>

Implementation, on the other hand, has generated much debate. Opinions range from Goodare's categorical statement that 'the Statutes were *not* implemented', to the more widely held view that their impact was partial and patchy at most, and even then indebted to enforcement by other enactments, particularly that of 1616.<sup>160</sup> Yet if the Islay rising was indeed a watershed which wrought a metamorphosis in the function and substance of the Statutes, then what demands special attention is their impact between 1609 and 1614–15. Payment of rent and regular appearances before the council in these years support the view that the signatories backed this legislation. So does their response at the time of the Islay rising itself. Dòmhnall Gorm, in fact, was delegated to help Knox at the rising's outset, and accompanied him to Islay.<sup>161</sup> He held long discussions with Sir Seumas MacDonald on his coming to Skye, but for the latter the only fruits were help in kind, in the form of a galley.<sup>162</sup> A more detailed case-study can be made of Ruairi Mòr, chief of the MacLeods of Dunvegan. Like Dòmhnall Gorm, his adherence to the law for resolution of disputes probably predates 1609. When his children commenced attendance at school in Glasgow is not known, but this was certainly so in 1615.<sup>163</sup> The source here is a letter of 18 June of that year, in the wake of Sir Seumas MacDonald's escape from prison, in which Ruairi Mòr recommended that the council commission 'the Superiours of the Yles', with the Iona contingent to the fore, to quell the Islay rising. The grounds upon which he vaunted his own fitness for service make him a post-Iona paragon, who had drunk deep at the same lexical spring that fed the Band and Statutes:

I have geven a proof of my obedience and service to his Maiestie and Counsell allreddye, in taking, and apprehending, and delyuering my own name and blood, the rebellis of the Lews; and in making these landis peaceable to his Maiestie. Lett the rest do the lyk seruice now to his Maiestie, and it is verie well knowen to his Maiestie and Nobilitie of Scotland, that my hous neuer rebelled, nor yet shall rebell. But as it hes beene ay subject to his Maiesties will sa shall I contenev God willing to my lyves end and shall endeavor my selue with all possible force and

<sup>159</sup> W. F. Skene, *Celtic Scotland*, 3 vols. (Edinburgh 1880) iii, 428-40 (at 432). Note also the comment on Uist: 'ilk merk land in this Ile payis 20 bolls victuall, by all uther customes, maills, and oist silver, quhair of thair is no certane rental'; *ibid.*, iii, 430.

<sup>160</sup> Goodare, 'Statutes', 57; Macinnes, *Clanship*, 84, n. 20.

<sup>161</sup> *RPC* x, p. xxxviii.

<sup>162</sup> *HP* iii, 243.

<sup>163</sup> *Ibid.*, iii, 241; cf. Bannerman, 'Literacy', 217.

powar till persew these rebels and all other rebels that shall  
 rebell againes his highnes autoritie, yea if it wer my father,  
 brother or sone, ffor blissed be god and his Maiestie I have  
 whereon to leeve his Maiesties peacyable subiect, whilk I will  
 not losse for my lyve and all the world ...<sup>164</sup>

Ruairi Mòr is here alluding to his pursuit and surrender to the authorities of Niall MacLeod and his son Dòmhnall, members of the ruling family of the MacLeods of Lewis, in a manner diametrically at odds with another account which seeks to whitewash him of premeditated behaviour in the matter.<sup>165</sup> He had been enlisted by the king to this end in July 1610, the same month which saw the registration of Band and Statutes.<sup>166</sup> Niall was a government target, whose surrender in March 1613 led swiftly to his execution in April. Ruairi Mòr repaired equally swiftly to London and the king, whence he returned bearing a knighthood and other tokens of royal favour including the office of justice of the peace in his own bounds; ‘as we planelie persave into him not onlie ane earnist desire to be repute civile, bot also a full intention to reforme his whole tennentis and servandis’. On his return he offered to continue in his service against the Lewis MacLeods. A relative latecomer to the Iona bandwagon, Sir Ruairi Mòr was rapidly making up for lost time.<sup>167</sup>

15 February 1613 saw marriage contracted between Ruairi Mòr’s daughter Mòr, and Iain Muideartach, son and heir of Dòmhnall mac Ailein ’ic Iain of the Clanranald.<sup>168</sup> From as early as 1610 Clanranald was also acting on behalf of the government in Barra, to resolve difficulties between the sons of MacNeill of Barra’s first, irregular marriage, and the sons of his subsequent, orthodox marriage, to Clanranald’s sister. It was to his uncle Clanranald that Niall, the eldest son by the second marriage, was to be released in July 1610. Clanranald fulfilled a commission to bring in the eldest son of the first marriage to answer charges of piracy involving a ship from Bordeaux; and when his brothers reacted badly, believing themselves demoted in favour, he

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<sup>164</sup> *HP* iii, 244.

<sup>165</sup> *Ibid.*, ii, 278.

<sup>166</sup> *RPC* x, 3.

<sup>167</sup> *Ibid.*, x, p. xxxii; *Dunvegan Bk.*, i, 140-1; *HP* iii, 132. For other evidence for Ruairi Mòr’s relationship with the crown after 1609, see *ibid.*, iii, 133-4, and the royal remission granted to him on 6 June 1610, shortly before the registration of the Statutes; *Dunvegan Bk.*, i, 109-10. That his loyalism stayed with him to the end of his life is suggested by his contribution to the expropriation of the MacLains of Ardnamurchan in 1625; Macinnes, *Clanship*, 64.

<sup>168</sup> *Dunvegan Bk.*, i, 52-4. Macinnes, *Clanship*, 66; Bannerman, ‘Literacy’, 217.

received a second commission against them.<sup>169</sup> Clearly, Clanranald had a vested interest in advancing the status of his nephews, but it is nevertheless instructive to find him and Ruairi Mòr as active crown agents *vis à vis* other members of the Hebridean elite at the same time as they made a marriage alliance.<sup>170</sup> That deed was signed by both Mòr and Iain Muideartach, and the latter was probably the son of Clanranald, then fourteen, noted as at school in Edinburgh in 1615, and who became implicated in Sir Seumas MacDonald's breakout from Edinburgh Castle. Suspicion therefore fell upon his father, who rapidly satisfied the authorities of his innocence, and refused either to treat with Sir Seumas, or to take back his son without warrant from the council.<sup>171</sup> Clanranald, along with Dòmhnall Gorm's nephew and successor had been knighted by July 1617, Lachlann Mackinnon of Strath at least a year earlier.<sup>172</sup>

*The king, the Isles and Ulster*

The discourse of Band and Statutes is *sui temporis* in its subscription to Gaelic barbarity. But it is misleading to confuse this with actual intent, and to see the Statutes' *raison d'être*, as Stevenson does, as the neutering of a warlike society.<sup>173</sup> What truly united retinues, mercenaries, itineracy, wine and weaponry was economics, not their potential role in violence. The terms of the additional restriction concerning galleys in 1616 is a telling pointer to the real agenda. That Band and Statutes cloaked themselves thus may be better explained by the need to sell them to a king who spoke this language, and needed persuading. Both texts addressed an audience of one. As the king hesitated, the ultimate fiscal dividend which the Statutes would deliver to the crown must have been another tool of persuasion in the bishop's repertoire, given James's long-held fixation with the wealth of the Isles

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<sup>169</sup> *RPC* ix, 533-4; x, pp. xxxii-xxxiii, 817; Gregory, *Western Highlands*, 346-7. Before 31 August 1610 Clanranald had received a reward from the crown for the taking of MacNeill of Barra, presumably with reference to the eldest son of the first marriage; NAS, E24/29, f. 29v.

<sup>170</sup> Cf. *Dunvegan Bk.*, i, 48-9.

<sup>171</sup> *HP* iii, 252-3. For further evidence of Clanranald's constructive relationship with the council, see Macinnes, *Clanship*, 72.

<sup>172</sup> Gregory, *Western Highlands*, 396-7; *RPC* x, 772. On Iain Muideartach, Captain of Clanranald from 1618, and the expropriation of the MacIains of Ardnamurchan, see Macinnes, *Clanship*, 64. Royal letters in favour of Sir Lachlann at Greenwich on 16 June 1616 granted him remission for acts of fire-raising and homicide committed in Islay; *Registrum Magni Sigilli Regum Scotorum*, ed. J. M. Thomson *et al.* (Edinburgh 1882-1914) [hereafter *RMS*] vii, no. 1449. This may represent the point of his knighting, and the reason for it.

<sup>173</sup> Stevenson, *Highland Warrior*, 29.

which was being denied him.<sup>174</sup> Knox could add to this the fact that his way forward represented best value for money, change on the cheap. The Estates had already signalled their reluctance to finance more draconian options in spring 1608. The Knoxian prospect of solid order and speedy reformation which he held before the king in September 1608 could be achieved ‘without hostelite or openyg of zour hines cofferis’.<sup>175</sup> James’s letter to the council of May 1610 noted approvingly that Knox had agreed to underwrite the costs of his new commission.

The Band and Statutes of Iona represent a point of maximum plurality in the strategy pursued by and on behalf of James VI and I towards those regions within the Gaelic hinterlands of his extended imperium deemed most deviant. ‘Concerted British action on the part of the Crown did not require a uniform policy for “civilising” the Gael’.<sup>176</sup> Cost was certainly one factor informing the range of policy choices. Ulster, the top priority offering the richest financial rewards, was alone accorded the solution of state-sponsored conquest and colonisation. In the Isles, colonisation was put out to tender and pursued in Lewis by the Fife Adventurers. Both initiatives stalled simultaneously. In Lewis, the outcome was a switch to indigenous expropriation, through the medium of the MacKenzies, in 1610. Knox’s appointment to Raphoe around the same time was part of the Scottish contribution to the plantation of Ulster, which had been put on hold for a year in July 1609, to allow ‘for more mature consideration and planning’.<sup>177</sup> Organisation of the Scottish scheme passed from the Scottish privy council to the king and English and Irish councils, while the 77 Scottish planters who had originally come forward by September 1609 were thoroughly scrutinised and very largely replaced – only about 18 survived – with 59 Scottish ‘Undertakers’ of higher rank. August 1610 saw some movement across, including Ochiltree, and by 1611 he was one of the few who was present and active. While still ‘in its struggling infancy’, there were definite signs of ‘the foundations of an effective Scottish colony ... being laid’.<sup>178</sup>

#### *King and council*

Andrew Knox seized the moment afforded by a propitious policy crossroads, and succeeded in shifting strategy for the rest of the Isles onto a wholly different footing from Lewis, and from Ulster, based

<sup>174</sup> The ship commanded by Captain John Mason in the king’s service in the Isles – presumably Knox’s expedition of 1610 – was called ‘The Golden Fleis’; *RPC* ix, 377.

<sup>175</sup> *HP* iii, 114.

<sup>176</sup> Macinnes, *Clanship*, 58.

<sup>177</sup> *RPC* viii, pp. lxxxii–xciii; ix, 570, n. 1.

<sup>178</sup> *Ibid.*, ix, pp. lxxviii–lxxxv.

upon the retention and recruitment of society's natural leaders as opposed to their elimination. It was a remarkable personal achievement, the fruit of a sustained campaign he had waged to win over a sceptical and prejudiced king. In this he was helped by the co-operation of the Hebridean elite, the stance of parliament, and, it would appear, the support of his colleagues on the council. Maurice Lee has argued that the council's actions between 1607 and 1610 suggest opposition to further colonisation schemes in the Isles, and that the Statutes represented both a paradigm shift from colonisation to conciliation, and a victory for council over king. While Goodare objects that such a tension never surfaces explicitly in the contemporary sources, they nevertheless bear an interpretation which accords with Lee's view. Between spring 1608 and summer 1610 Knox was a constant presence at the heart of the council's deliberations on the Isles, and, in his four missions to the king in that time, was surely acting as no more and no less than its official spokesman, with its full authority and blessing. The council's letter of 3 August 1610 could not have been more fulsome in its praise of what he had done.

Given the extent to which the achievement of Iona and the royal favour which went with it, expressed in a shower of offices and rewards, was seen to be Knox's, it would be surprising if this did not breed jealousies. The knives certainly came out in some quarters come the Islay rising.<sup>179</sup> But the evidence preserves nothing explicit or implicit to indicate that the Statutes were a cause of significant division or debate within the council. The most obvious 'casualty' of the rise of Knox was Ochiltree. Embroiled in financial difficulty and scandal arising from his lieutenancy of the Isles, he seems to have ceased service on the council in August 1609.<sup>180</sup> Yet the transfer of power seems to have been smooth enough. Ochiltree was present on 27 July 1610 to assent to the arrangements whereby custody of Dunivaig passed from himself to the bishop, and, like the bishop, commenced his service in Ulster with the full endorsement of king and council.<sup>181</sup>

*The Statutes, the Campbells, and the Islay rising*

Goodare suggests that Ochiltree may have been the author of the trade embargo with Argyll, and thus the target of the criticisms made on its repeal on 28 September 1609:

<sup>179</sup> See the letter from Secretary Binning to Knox, and Knox's response; *HP* iii, 146-8, 153.

<sup>180</sup> *RPC* viii, p. lxii, 348, 590; ix, 32-3, 571; x, 68-70. Ochiltree's lieutenancy brought him major financial headaches, in terms of personal debts, delay in extracting recompense from the public purse, and intense and critical scrutiny of the accounts he submitted.

<sup>181</sup> *Ibid.*, ix, 32-3, 571.

quhairby as the makaris of that proclamatioun hes committit a very grite errour and ouersight in usurping upoun thame suche a soverane pouer and auctoritie, noway competent in the persone of a subject, and thairwithall hes defraudit and prejudgeit his Majesteis goode subjectis of the benefeit of thair lauchfull trade and and intercourse of thair goodis, wairis, and mercheandice, so haif they verie far hinderit his Majstie in the tymous and thankfull payment of his dewyteis, in heich contempt of his Majesteis auctoritie and lawis ...<sup>182</sup>

Imposition of such an embargo would have been a strange step to take for a lieutenant charged with ensuring payment of crown rents. In the severity and thinly veiled anonymity of its strictures, this text invites linkage to the king's letter of 8 May 1610, asking the council to cancel rival claims of jurisdiction over the Isles at the point at which Knox was appointed crown steward there:

And, because some acclameing pouer of jurisdiction over those Yllis in tyme past have not maid muche farder use of there offices then upoun that cullour sometymes to oppres the inhabitantis, nochtwithstanding all these Illis, at leist most pairt, be of oure propertie, over whiche no uther officer bot oure awne stewart sould have jurisdiction and power, you ar thairfore to inhibite and dischairge all and quhatsumevir officeris other than oure Stewart and his deputis foirsaidis to use, exerce, and usurp any jurisdiction in any of these Illis, upoun quhatsumevir pretext or challenge to be maid by thame that the same do lye within schirefdome quhairof thay haif the heritable graunte.<sup>183</sup>

The last words point to the sheriffdom of Tarbert, which embraced Kintyre and all the Isles south of Ardnamurchan.<sup>184</sup> At times it had already been described as the sheriffdom of Argyll and Tarbert, under the one sheriff, and Tarbert's absorption was confirmed in 1633.<sup>185</sup> The sheriffship had been held by the earls of Argyll since at least 1526.<sup>186</sup> If we eliminate Ochiltree and ask who else could realistically issue a proclamation instructing the merchants of Argyll to cease trading with the Isles; who had long enjoyed 'pouer of jurisdiction' there through innumerable grants, heritable or otherwise; and who had most to lose

<sup>182</sup> Goodare, 'Statutes', 39, n. 34; *RPC* viii, 757.

<sup>183</sup> *Ibid.*, ix, 17, and duly enacted by the council on 27 July 1610 in virtually identical language; *ibid.*, ix, 32.

<sup>184</sup> Gregory, *Western Highlands*, 312; *RMS* vii, nos. 109, 126, 265, 663, 1628.

<sup>185</sup> *APS* iii, 218, 449; v, 80-81.

<sup>186</sup> *RMS* iii, no. 345. The lieutenantancy and sheriffship of Argyll, and sheriffship of Tarbert, had been confirmed to the earl of Argyll on 16 March 1610; *ibid.*, vii, no. 265.

from the elevation of Knox and the Statutes, then all roads lead to Inveraray and the Campbells.<sup>187</sup> Consider also a series of complaints levelled by Lachlann MacLean of Duart at Cailean earl of Argyll in December 1578. Not only was Cailean encouraging and assisting the MacDonalds of Dunivaig to attack the MacLean enclave in Islay, but since July he had prevented Lachlann's people – some of whom had been captured and relieved by ransom – from gaining access to Lowland markets to sell their goods, 'for payment of your hienes maillis and dewtais quhairby we are laitlie chargit be your hienes controller'.<sup>188</sup>

1609 was apparently not the first time that the Campbells had used the bulwark of Argyll as an economic ratchet to pressurise and compromise the chiefs of the South Isles. The earlier argument that the Islay rising was for the Campbells about dishing Knox and the Statutes as much as annexing Islay, can now be coupled to the further contention that Band and Statutes were expressly designed to dish the Campbells, a dimension long obscured by preoccupation with the Statutes' relationship to colonisation alone.<sup>189</sup> By 1609 the Campbells had already swallowed up Kintyre, Gigha and Jura, and were superiors of Colonsay.<sup>190</sup> Andrew Knox – whose known political career in the Isles started and ended as intermediary for the MacDonalds of Islay – laid down the gauntlet and set his face against continued Campbell ingestion of the Hebrides from south to north. Campbell economic influence stood in the way of the reform of the diocese and the conservation and redirection of its resources. The legal and fiscal powers long wielded by their chiefs were now eclipsed by those vested in the bishop, and a new judicial order for the west.

Hard-line initiatives including colonisation had offered rich pickings for the Campbells and others like them. In Lewis, MacKenzie of Kintail had assiduously stoked the circumstances which led to the abandonment of its annexation by the Fife Adventurers, before selflessly stepping forward to assist the government by annexing it himself. The lesson, that even in a case where the indigenous elite was hopelessly divided, privatised colonisation by outside parties was

<sup>187</sup> As recently as August 1607 Argyll had been granted commission over the South Isles; Gregory, *Western Highlands*, 312. When he resigned the office of Justice-General of Scotland in 1628, he retained the justiciarship of Argyll and the Isles; Macinnes, *Clanship*, 46.

<sup>188</sup> *Argyll Transcripts* made by 10<sup>th</sup> Duke of Argyll, in Glasgow University, Department of History, 29 December 1578, at date. The text of 28 September 1609 described the trade in the cattle and horses of the Isles as 'in all tymes bigane a free, constant, and peceable trade to the mercheantis alsweill of Ergyll as of the incuntrey'; *RPC* viii, 757.

<sup>189</sup> See however the brief but perceptive discussion in G. Donaldson, *Scotland: James V–James VII* (Edinburgh 1990) 230.

<sup>190</sup> Gregory, *Western Highlands*, 311, 376.



doomed to failure, and likely to lead instead to the aggrandisement of native imperialists, was a path Knox was resolutely set against, and the Statutes of Iona were formulated as a genuine alternative. Colonisation of this order yielded results wholly at odds with its intentions, and was unlikely to work anywhere if it did not work in Lewis. What price the chances of its success in Skye or Mull, where internal weakness was much less apparent or non-existent, and which offered the prospect of substantial military opposition to be overcome, in the shape of mercenaries battle-hardened through service in Ireland? By the time the Campbells moved to annex Mull, in the 1670s, MacLean manpower had been annihilated on the battlefields of the Civil Wars, especially Inverkeithing.

The Iona settlement was revolutionary in its attempt to insulate the Isles from the Campbells, and its frank acknowledgement of the dangers to all concerned of basing policy upon them. They would be the only losers. Band and Statutes were balanced and sophisticated in the way they sought to cater for all interests, and create something for everyone.<sup>191</sup> Their provisions were universal, applying to any ‘person or personis of quhatsumevir clan, degrie or rank, within the boundis of the saidis Yllis’.<sup>192</sup> King and parliament, law courts and kirk, would all benefit in terms of enhanced wealth and authority. Knox would win as bishop. The chiefs would stay, their primacy founded on other pillars. The commons would be delivered from casual exploitation from all quarters, their new-found wealth and freedom perhaps envisaged as enough to reconcile them to the alteration in the basis of chiefly rule. Arguably the single most remarkable piece of evidence for the Statutes’ impact came from the crown’s tenants of Islay. Suffering alike from the excessive and alien exactions on the Irish model imposed upon them by their new landlord, Sir Ragnall MacDonnell of Antrim, and their continuing spoliation by sorners, they took matters into their own hands and sought redress directly from the council, with positive results. Their petition, as echoed in the council’s enactment of 17 March 1613, demonstrated that they knew their Statutes quite as well as the likes of Ruairi Mòr Macleod of Dunvegan:

they are verie havylie oppreist, troublit and wrackit be a nombir of ydill men, vagaboundis and sornaris, who lysis upoun thame, consumes thair viveris, and spoyllis thame of thair goodis at thair pleasour.<sup>193</sup>

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<sup>191</sup> Cf. Lee, *Government by Pen*, 81.

<sup>192</sup> *RPC* ix, 29.

<sup>193</sup> *Ibid.*, x, 13-14, 818.

Islay was where the honeymoon ended. It was always going to be the testing ground. The Statutes needed chiefs, which was why they came too late for Lewis. Aonghas MacDonald of Dunivaig was the first of the Iona signatories to die, in late 1612 or early 1613, leaving a divided ruling family and the succession unclear as long as his eldest son and heir, Sir Seumas, languished in jail in Edinburgh.<sup>194</sup> Hovering with intent were the Campbells: the earl, Cawdor, and their fixer, Gilleasbuig of Glencarradale. Cawdor's first move, paying 6,000 merks to buy over Aonghas's tack of Islay on 1 January 1612, backfired spectacularly in September, when the council left him with no choice but to honour his bond to renounce the tack in Aonghas's favour upon repayment of the sum. By Aonghas's side to make the redemption in St Giles in Edinburgh was a new and serious rival to Campbell ambitions in Sir Ragnall MacDonnell, head of the Irish segment of Clann Eoin Mhòir or Clan Donald South, and future first earl of Antrim. The money may have been his, for a tack of Islay had already been made to Sir George Hamilton of Greenlaw, who was acting as a front for Sir Ragnall, and henceforth made the requisite annual payments to the Exchequer on his behalf.<sup>195</sup> MacDonnell was certainly in possession from the point of Aonghas's death. Once the initial backlash to his proprietorship of Islay died down, he may have gone on to commence negotiations for more permanent title.<sup>196</sup> His involvement is difficult to construe for lack of further evidence. As an enthusiastic and highly successful colonial undertaker in his native Antrim, he enjoyed royal favour. He may have been approached (by Knox?) to head off Cawdor, and keep the Iona settlement on track. Equally, the initiative may have been his own, and as calculated and predatory as that of the Campbells. The two halves of Clan Donald South were by now largely estranged and sometimes at loggerheads, while his presence was unlikely to be welcomed by those within the ruling family of the MacDonalds of Dunivaig who harboured their own ambitions towards the chiefship.<sup>197</sup>

<sup>194</sup> Aonghas died between 10 September 1612 and 17 March 1613; *The Book of the Thanies of Cawdor* ed. C. Innes (Spalding Club: Edinburgh 1859) [hereafter *Cawdor Bk.*] 224-5; *RPC* x, 13.

<sup>195</sup> *Cawdor Bk.*, 224-6; *HP*, iii 158-9, 168; Julian Goodare, *State and Society in early Modern Scotland* (Oxford 1999) 278.

<sup>196</sup> *RPC* x, 817-8, *HP* iii, 132, 150; Gregory, *Western Highlands*, 348.

<sup>197</sup> *Ibid.*, 268-9, 273-5; Cowan, 'Clanship', 148; Stevenson, *Highland Warrior*, 30-31. Cf. Hayes-McCoy, *Scots Mercenary Forces*, 259, 277, 279-80, 289-90, 325, 332, 336-8; Macinnes, *Clanship*, 62-3; J. H. Ohlmeyer, *Civil War and Restoration in the Three Stuart Kingdoms: The Career of Randal MacDonnell, Marquis of Antrim, 1609-1683* (Cambridge 1993) 22-6. Once the Islay rising began, Sir Seumas and his younger brother Aonghas Òg both made overtures to have the tack of Islay transferred to themselves, and there are hints that Knox's favoured solution was the granting of the tack to the former; Lee, *Government by Pen*, 140.

The promise of a future with the Campbells reined in by the Iona settlement very likely contributed to the extensive support it gained. Their return as crown agents must have deepened the dilemma of loyalties created by the Islay rising, particularly once Sir Seumas escaped and launched a crusade to roll back the tide of Campbell influence between Colonsay and Kintyre, seeking to reverse by eloquent but fruitless epistolary persuasion, and by arms, what Knox had sought to stay by diplomacy alone.<sup>198</sup> The Iona coalition held at the chiefly level, but such loyalism brought scant reward. The triumph of the Campbells and Cawdor's annexation of Islay fatally ruptured the 'third way' for the Isles, and it was in an antagonistic atmosphere still conditioned by the fallout from the rising that the Statutes were punitively recast in 1616.<sup>199</sup>

Not for nothing did Andrew Knox pinpoint as his personal nemesis Gilleasbuig Campbell of Glencarradale, the key figure in the rehabilitation of his clan. Perpetually and irrepressibly in motion between court, the Scottish council, the west highlands and Ireland, his influence shadowed and then eclipsed that of the bishop, and demonstrates one means of Campbell adaptation to the realities of multiple monarchy, and the opportunities of the westward enterprise.<sup>200</sup> Campbell profited from the questionable wisdom of Knox's appointment to Raphoe, which distracted him from the Isles at the very point when prospects were so fair. Another pointer to the crown's order of priorities was its thoroughly niggardly approach throughout to

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<sup>198</sup> From his escape from Edinburgh in late May with a handful of men and boys, to the taking of Dunivaig in late June with a force of 400, to the point in late July when he was on the on verge of invading Argyll from Kintyre, support for Sir Seumas escalated dramatically. Initial recruits were said to be mainly North Isles men, from the territories of MacDonald of Sleat, Clanranald and MacLeod of Dunvegan. The 'hail cuntry people' of the region from Colonsay to Kintyre declared overwhelmingly for him, 'and for the most part they never left Sir James, nather in Kintyre nor Ila, until he was constraynit to leve them'. As the rising peaked in July, reports circulated of a secret bond between Sir Seumas and the chiefs of Sleat, Clanranald and Dunvegan, and of the benevolent neutrality of Maclean of Duart. Those indicted for involvement ultimately totalled 970. See *HP* iii, 256, 273, 274-6, 287, 296; *RPC* x, 760-1, 766.

<sup>199</sup> *Ibid.*, x, p. lvi.

<sup>200</sup> His career between 1613 and 1616 can be followed through the references indexed in *ibid.*, x, 869 (read 'lxvi' for 'xlvi'). See also *HP* iii, 156-7, 168-70, 200, 217-8, 289-92, 303; Gregory, *Western Highlands*, 359, n. 1, 362, 365, 368. His closeness to the king is best demonstrated by his appointment in late 1614 as the intermediary for all those in the Highlands and Islands seeking royal pardon for past offences, James 'having prooffe and experience of the sufficiency of his trustie servitour ... and how cairfullie he hes dischairgit him self in sindrie his Majesteis imploymentis formerlie committit to his chairge and truste, and finding him to be a persone most able and meit to attend and dispatche the affairis and adois of the said yllismen and hielanderis, both in regard of the frequent accesse he hes to his Majesteis presence, and of his commoun and ordinarie attendance upoun his Majesteis Counsell heir'; *RPC* x, 724-5.

governing the Isles. Knox and Ochiltree – ‘the only man who appeirndlie sall perishe by doing your Majestie good service’ – were not the only ones to meet policy costs out of their own pockets, or to wait long for recompense or reward to materialise.<sup>201</sup> John Mason, captain of Knox’s expedition of 1610, was still trying to extract payment from the crown in 1629.<sup>202</sup> Cawdor offered to part-finance the costs of suppressing the Islay rising, Argyll was forced to return £7,200 in late 1615, and Lord Lorne won plaudits for part-financing his suppression of the MacIains of Ardnamurchan in 1625.<sup>203</sup> Side by side with this penny-pinching ran an unseemly public auction for Islay, which Cawdor virtually bankrupted himself to win.<sup>204</sup>

The Band and Statutes of Iona were a great lost watershed of Hebridean history. They sought to foster a new understanding between centre and chiefs which, necessarily, demoted the Campbells. The origins of the Islay rising may always remain mired in obscurity and controversy, but it was certainly in the interests of the supposed instruments of civility and the centre to swing the wrecking ball in 1614, seeking to restore the ‘drumlie waters’ in which they fished so well.<sup>205</sup> It would have been of little consolation to Andrew Knox to learn how prophetic were the sentiments to which he persuaded his king to subscribe in May 1610, or that James’s reversion to the Campbells would come back to haunt his successors. Grand ironies like these are all that is left to take from the wreckage. Another is that, insofar as it was preserved in 1616, and responsible for developments such as annual appearances before the council, and schooling in the south, the Iona settlement contributed to the fiscal problems and prodigality of the Hebridean elite which was the watchword of the rest of the century, and normally resolved at the expense of the tenantry, through rent-raising. This, and the resultant social tension, was a world away from the vision of Iona, where economic progress was to be measured and universally

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<sup>201</sup> *HP* iii, 124. It took at least four years for Ochiltree’s petitions to bear fruit; NAS, E24/31, f. 35v.

<sup>202</sup> *Royal Letters, Charters and Tracts relating to the Colonization of New Scotland, and the Institution of the Order of Knight Baronets of Nova Scotia. 1621–1638.* ed. D. Laing (Bannatyne Club: Edinburgh 1867) 4-5, n. 3. My thanks to Dr Aonghas MacCoinnich for this reference. According to Mason he served for 14 months in 1610–11, and had charge of two ships of war and two pinnaces. His reward was a grant of the assize herring revenues of the North Isles, stretching from Buchan to Uist, in May 1612. He was subsequently accused of extortion by the Fife fishing burghs whose boats were active in the Isles; *RPC* ix, 377, 531.

<sup>203</sup> Gregory, *Western Highlands*, 355-6; *RPC* x, pp. liv-lv; Macinnes, *Clanship*, 64.

<sup>204</sup> Cowan, ‘Clanship’, 154-5; Goodare, *State and Society*, 278-9.

<sup>205</sup> *HP* iii, 202, 302; cf. Gregory, *Western Highlands*, 289-90.

beneficial, not a source of trauma.<sup>206</sup> Andrew Knox was surely no believer in the asset stripping society that he may inadvertently have helped to bring forth. In waters kept dark by debt, the Campbells continued to fish with profit. The legislation of 1616, and the succession of his son as bishop in 1619, seemed to cement Andrew Knox's legacies, but in fact he lost the political and ecclesiastical wars he had fought with courage, tenacity, vision, and such conspicuous initial success.<sup>207</sup>

## APPENDIX<sup>208</sup>

### 1. THE BOND OF FRIENDSHIP BETWEEN DÒMHNALL GORM AND RUAIRI MÒR

At Ilcolmekill the [blank] day of August the yeir of God I<sup>m</sup> sax hundred and nyne yeirs:

It is appointit, concordit, contractit and finalie agreit and endit betwix the rycht honorabill personis pairteis underwrittin, to wit, Donald Gorme M<sup>c</sup>Donald of Slait on the ane pairt and Rorie M<sup>c</sup>Cloyde of Hareis on the uther pairt, in maner, forme and effect as eftir followis:—

That is to say, forsamekle as the foirsaidis personis pairteis abovenamit being certanelie persuadit of thair dreid Soverane his Majesteis clemencie and mercye towardis thame and willing of thair reformatioun, and thair leiving heirefter in peace, as his Hienes quiet, modest and peciable subjectis; and that be his Majesteis and Lordis of his Secreit Counsalis willis and directionis committit to ane reverend father Andro Bischoep of the Iyles:—

And the saidis pairteis considering the godles and unhappie turnis done be ather of thame, their freindis, servandis, tennentis dependaris and pairt taikaris to utheris, quhilkis frome thair hairtis thay and ilkane of thame now repentis:—

Thairfoir the saidis Donald gorme M<sup>c</sup>Donald and Rorie M<sup>c</sup>cloyde pairteis abone rehersit takand the burdyne on thame ilkane of thame for thair awne kyn, freindis, servandis, tennentis, dependaris and allya to haif remittit, frelie dischargeit and forgiven, Lyke as be the tennour heirop thay fra thair hairtis frelie remittis, dishargeis and forgevis, ilkane of thame utheris and thair foirsaidis for all and quhatsumevir slauchteris, murthouris, heirschippis, spuilyeis of guiddis and raising of fyre committit be ather of thame aganis utheris thair freindis, servandis, tennentis and dependaris at ony tyme preceeding the dait heirop, renunceand all actiounis or persute quhatsumevir

<sup>206</sup> Perhaps Aonghas MacDonald of Dunivaig's sale of his tack of Islay to Cawdor was symptomatic of fiscal pressures generated by the Band and Statutes.

<sup>207</sup> My warmest thanks to Thomas Clancy, Dr Aonghas MacCoinnich, and Dr Steve Boardman for their very helpful comments on a draft of this paper.

<sup>208</sup> Texts have been taken from the following published editions, with minor adjustments in layout: *Coll. De Rebus Alban.*, 204-5 (no. 1); *RPC* ix, 24-30 (nos. 2 and 3); *RPC* x, 773-8 (no. 4).

criminales or civiles that can or may be competent in either of their persons or their foirsaidis against either for the samyne, *jure, lite et causa* for ever; without prejudice to either of the foirsaidis parties to settle whatsumevir lands alleged pertaining to either of them lying within either's bounds, as law will;

And for their former securities binds and obliges them to take the burden on them as said is, likewise to make, subscribe and deliver letters of sealings to either for whatsumevir slaughters committed by either of them on either's friends, servants and tenants in dew and competent form if need be, so that the said parties and ilk one of them be their own means and diligence may deal and travel with his Majesty and Council for his Highness's remission for the samyn;

And heiro baith the said parties binds and obliges them to be the faith and truth in their bodies to observe, keep and fulfill the premisses likewise to either and never to cum in the contrary heirof directly nor indirectly under the pain of perjury and defamation for ever:

And former faithful promises, binds and obliges them to give hereafter in Christian society and peace and ilk one to assist and maintain either in their honest and lawful affairs and businesses:-

And for the former securities if need be they are content and consent that their presents be inserted and registered in the books of Consale and Session and the same to have the strength of an act and decree of the Lords their interponit heiro with execution to be direct heirupon in form as effectis; and to that effect make and constitute [blank] their Procuratoris conjunctie and severally *in uberiori forma, promittentes de rato*;

In witness whereof by the said parties he subscribed their presents with their hands as follows, written by John Henryson, Commissar of the Illis, daye year and place foirsaidis; before their witnesses Lauchlan McKynnoun of Strathordell, Ewyn McKynnoun his father brother, Allane O'Colgan Minister of Durriness and Ewin Camroun servant to the Laird of Coll and the said John Henryson.

*Sic subscribitur* Donald Gorme off Sleate, Macleoid, MacFionguine,<sup>209</sup> Ewin McKynnoun witness, Alane O'Colgan Minister of Dowreness, witness.

## 2 & 3. THE BAND AND STATUTES OF IONA

[Edinburgh, 27 July 1610]

The quhilk day in presence of the Lords of Secrite Counsale compeirit personally Andro, Bishop of the Illis, and gave in the band and rollment of Court underwritten, desyreing the samyn to be inserted and registered in the books of Secrite Counsale, to have the strength of an Act and decree of the Lords their interponit. Quhilk desyre the said Lords finding reasonable, they have ordained and ordained the said band and rollment of Court to be inserted and registered in the said books, and he interponit and interponis their authority thairto in tyme coming. Off the quhilk the tenour follows:-

<sup>209</sup> Lachlan MacKinnon's signature in Gaelic.

**[2. The Band of Iona]**

We and everie ane of us, principall gentilmen indwellairis within the West and North Illis of Scotland, undirsubscryvaris, acknowledgeing and now be experience finding that the speciall caus of the grite miserie, barbaritie and povertie unto the quhilk for the present our barrane cuntrie is subject hes proceidit of the unnaturall deidlie feidis quhilkis hes bene foisterit amangis us in this lait aig, in respect that thairby not onlie the feir of God and all religioun, bot also the cair of keiping ony dewtie or geveing obedience unto oure gracious soverane the Kingis Majestie and his Heynes lawis, for the maist pairt wes decayit: and now, seing it hes pleasit God in his mercie to remove thair unhappie distractionis, with the causis of thame all, frome amangis us; and undirstanding that the recoverie of the peace of oure conscience, our prosperitie, weill, and quietnes consistis in the acknowlegeing of our dewtie towardis our God and his trew worschip, and of oure humble obedience to our dreid soverane and his Heynes lawis of this his Majesteis kingdome: and also being perswadit of mercie and forgivenes of all our bygane offensis of his Majesteis accustomet clemencie: Bindis and obleisis ourselffis, be the faith and treuth of oure bodyis, under the pane of perjurie and defamatioun for evir, and forder undir sic uther civile penulteis as it sall pleis his Majestie and his honnourable Counsale to subject us unto at our nixt compeirance before thair Lordschippis:—

That, as we presentlie profes the trew religioun publictly taucht, preitchit and professit within this realme of Scotland, and imbracet be his Majestie and thre Estaitis of this realme, as the onlie and undoubtit treuth of God, sua be his grace we sall continew in the professioun of the samyn without hypocracy to our lyves end, and sall dewtifullie serve his Majestie in maintenance of the treuth, libertie of the samyn, and of all the lawis and previlegeis of ony pairt of his Heynes dominionis, with our bodyis and goodis, without excuis or weyring to oure last breath.

Lyke as alsua we and everie ane of us protestis in the sicht of the evirliving God that we acknowledge and reverence our soverane Lord his sacred Majestie allanerlie supream judge undir the Eternall God in all causis and above all personis, both spirituall and temporall, avowing our loyaltie and obedience to his Heynes onlie, conforme to his Majesteis most lovable Act of Supremacie, quhilk we imbrace and subscryves unto in our hairtis.

And forder, under the samyn aith and panes, we faithfullie promeis dewtifull obedience to the halsome lawis, Actis of Parliament, and constitutionis of this his Heynes kingdome of Scotland, and to observe and keip everie point and ordinance of the same as thay ar observit and keipit be the rest of his Majesteis maist loyall subjectis of this realme, and to be ansuerable to his Heynes and his Majesteis Counsale as we salbe requirit upoun our obedience thairto, and forder as salbe mair particularlie injoinit unto us, for our weill and reformatioun of this our pur cuntry, be his Majestie and Counsale, haveing consideratioun quhat it may beir and we ar able to performe, and also as mair speciallie we haif aggreit unto, set down, and establischt as necessar lawis to be keipit amangis ourselffis in our particular

courtis haldin be his Majesteis Commissionair, Andro, Bischop of the Illis, and subscriyvit with all oure handis in his presence.

And, finalie, we bind and obleis ourselffis undir the aith and panes foirsaid that, in caice ony of us, or oure freindis, dependairis, or servandis, upoun ony evill or turbulent motioun (as God forbid thay do), dissobey ony of the foirsaidis ordinanceis or be found remis or negligent in observeing of the speciall pointis of oure obligatioun above writtin, and being convict thair of be the judge ordiner of the cuntrey, spirituall or temporall, that then and in that cais we sall afauldlie concur togidder, conjunctlie or severalie, as we salbe imployit be his Heynes or the said judge ordiner or schireff, and sall concur with the said schireff or judge quhatsumevir haveing warrand of his Majestie to persew, tak, apprehend and present to justice the said dissobedient persone, intromet with his landis, guidis and geir, and dispone thairupoun, as we sall haif commissioun of his Majestie.

And heirto we and everie ane of us faithfullie promitt, bind, and obleis us, be oure grite aithis, as we salbe savit and condempnit upoun the grite day of the grite Judge of the world, to observe, keip, and fulfill the premissis. And, for the mair securitie gif neid beis, we ar content and consentis that thir presentis be insert and registrat in his Heynes buikis of Secrite Counsale of this realme, and the samyn to haif the strenth of ane act and decrite of the Lordis thair of interponit heirto, with executoriallis to be direct heirupoun in forme as effeiris. And to that effect makis and constitutes etc. our procuratouris conjunctlie and severalie *in uberiore forma promittenti de rato*.

In witnes quhair of we haif subscriyvit thir presentis with our handis as followis (writtin be Johnne Henrysoun, noter publict, commissair of the Illis) in Icolmakill the xxiiij day of August the yeir of God j<sup>m</sup>vj<sup>c</sup> and nyne yeiris before thir witnesses: Johnne Hammiltoun of Wodhall, Johnne Stewart of Ascok, Johnne Colquhoun younger of Camstrodane, Mathew Semple, servitour to Robert lord Semple, Aulay M<sup>c</sup>Caulay of Stuck, and Mr Malcome Colquhoun.

*Sic subscribitur:-*

Angus McConeill of Dunivaig, M<sup>c</sup>Clane of Dowart, Donald Gorme of Slait, M<sup>c</sup>Cleud, M<sup>c</sup>Kynnowne, M<sup>c</sup>Clane of Cole, Donald M<sup>c</sup>Donald of Iintyrim, M<sup>c</sup>Clane of Lochbowy, M<sup>c</sup>Quirie.

### **[3. The Statutes of Iona]**

The Court of the South and North Illis of Scotland haldin at Icolmekill be ane Reverend Father in God, Andro, Bischop of the Illis, haveand speciall pouer and commissioun to that effect of his Majestie and Counsell the twenty thrie day of August the yeir of God j<sup>m</sup>vj<sup>c</sup> and nine yeiris: the suitis callit and the Court lauchfullie affermit be ...

The quhilk day in presence of the said reverend father the speciall barronis and gentilmen of the saidis Yllis undirwrittin, viz. Angus M<sup>c</sup>Donald of Dunnoveg, Hector M<sup>c</sup>Cleane of Dowart, Donald Gorme M<sup>c</sup>Donald of Slait, Rorie M<sup>c</sup>Cloyd of Hareis, Donald M<sup>c</sup>Allane V<sup>c</sup>Eane of Ilanterane, Lauchlane



M<sup>c</sup>Cleane of Coill, Rorie M<sup>c</sup>Kynnoun of that Ilk, Lauchlane M<sup>c</sup>Clane of Lochbowie, Lauchlane and Allane McCleanis brether german to the said Hectour McClane of Dowart, Gillespie McQuirie of Ullowa, Donald McFie in Collonsaye, togidder with the maist pairt of thair hail speciall freindis, dependairis and tennentis, compeirand judiciallie, and undirstanding and considering the grite ignorance unto the quhilk not onlie thay for the maist pairt thameselffis, bot also the hail commonalitie inhabitantis of the Illandis, hes bene and are subject to, quhilk is the caus of the neglect of all dewtie to God and of his trew worschip, to the grite growth of all kynd of vice, proceiding pairtlye of the laik of pasturis plantit and pairtlye of the contempt of these quha ar alreddy plantit: ffor remeid quhair of thay haif all aggreit in ane voice, lyk as it is presentlie concludit and inactit, that the ministeris alswele plantit as to be plantit within the parrochynis of the saidis Illandis salbe reverentlie obeyit, thair stipendis dewtifullie payit thame, the ruynous kirkis with reasounable diligence repairit, the sabothis solemplie keipit, adultereis, fornicationis, incest, and sic uther vyle sklanderis seveirlye punist, mariageis contractit for certane yeiris simpliciter dischairgit and the committaris thair of haldin, repute and punist as fornicatouris, and that conforme to the lovable Actis of Parliament of this realme and discipline of the Reformit Kirk; the quhilk the foirnamit personis and every ane of thame within thair awne boundis faithfullie promiseis to sie put to dew executioun.

The quhilk day the foirsaidis personis, considering and haveing found be experience the grite burdyne and chairges that thair hail cuntreyemen, and speciallie thair tennentis and labourairis of the ground, hes sustenit be furnissing of meit, drink, and intertenyment to straingeris, passingeris and utheris idill men without ony calling or vocatioun to win thair leiving, hes, for releif of passingeris and straingairis, ordanit certane oistlairis to be set down in the maist convenient placeis within every Ile, and that be every ane of the foirnamit speciall men within thair awne boundis as thay sall best devyse; quhilkis oistlairis sall haif furnitoure sufficient of meit and drink to be sauld for reasonable expensis.

And also thay consent and assentis, for releif of thair said intollerable burdyn, that na man be sufferit to remaine or haif residence within any of thair boundis of the saidis Iles without ane speciall renew and rent to leve upoun, or at the leist ane sufficient calling and craft quhairby to be sustenit. And, to the intent that na man be chargeable to the cuntrey be halding in houshold of ma gentilmen nor his proper rent may sustene, it is thairfore aggreit and inactit, with uniforme consent of the foirsaidis personis, barronis and gentilmen within-nameit, that thay and ilkane of thame sall sustene and interteny the particular number of gentilmen in houshald undirwrittin, - to wit,

the said Angus M<sup>c</sup>Donald six gentilmen  
 the said Hectour M<sup>c</sup>Cleane of Dowart aucht gentilmen,  
 the saidis Donald Gorme M<sup>c</sup>Donald, Rorie M<sup>c</sup>Cloyde, and Donald M<sup>c</sup>Cawne  
 [*recte* M<sup>c</sup>Allane] V<sup>c</sup>Eane, ilkane of thame sex gentilmen,  
 the saidis Lauchlane M<sup>c</sup>Cleane of Coill and Rorie M<sup>c</sup>Kynnoun ilkane of thame  
 thrie gentilmen,  
 the said Lauchlane M<sup>c</sup>Cleane, bruther to the said Hectour, thrie servandis;

and the saidis gentilmen to be sustenit and interteneit be the foirnamit personis ilkane for thair awne pairtis as is above rehersit, upoun thair awne expensis and chairges, without ony supplie of thair cuntreyis.

And, finalie, to the intent that the inhabitantis of the saidis Ilandis haif na caus to complene of ony oppressioun or that the fruit of the labouris of the puir tennentis and labouraris of the ground within the samyn (as thay haif bene heirtofoir) be eitting up be soimaris and idill belleis, thay haif all aggreit in ane voice, lyke as it is inactit, that quhatsumevir persone or personis, strangearis or inborne within the boundis of the saidis Yllis, salhappin to be found soirning, craveing meit, drink or ony uther geir fra the tennentis and inhabitantis thairof be way of conzie as thay terme it, except for reasonable and sufficient payment fra [“to”] the oistlairis to be appointit as is foirsaid, thay salbe repute and haldin as thevis and intollerable oppressouris, callit and persewit thairfore before the judge competent as for thift and oppressioun. And, to the intent that thay may be maid ansuerable to the lawis, the foirsaidis gentilmen and barronis bindis and obleisis thame with thair freindis and dependaris (quhill his Majestie tak furder ordour thairanent) be force to resist thame, tak and apprehend thame, and mak thame ansuer to the lawis.

The quhilk day, it being foundin and tryit be appeirance that ane of the speciall causis of the grite povertie of the saidis Illis, and of the grite crueltie and inhumane barbaritie quhilk hes bene practisit be sindrie of the inhabitantis of the samyn upoun utheris thair naturall freindis and nyctbouris, hes been thair extraordinair drinking of strong wynis and acquavitie brocht in amangis thame, pairtlie be merchandis of the maneland and pairtlie be sum trafficquaris indwellaris amangis thame selffis, ffor remeid quhairof it is inactit be commoun consent of the foirnamit personis that no persone nor personis indwellairis within the boundis of the saidis haill Iles bring in to sell for money ather wyne or acquavitie, undir the pane of tinsale of the samyn, with pouer to quhatsumevir persone or personis may apprehend the said wyne or acquavitie to be brocht in as said is to dispone thairupoun at thair pleasour without ony payment or satisfacioun to be maid thairfore. And forder, gif it salhappin ony merchand on the mainland to bring ather wyne or acquavitie to the saidis Iles or ony of thame, it is lykwyse inactit that quhatsumevir persone or personis indwellairis thairof that salhappin to buy ony of the samyn fra the said merchand sall pay for the first fault fourty pundis money, the secund fault ane hundreth pundis, and the thrid fault the tinsale of his haill rowmes, possessiounis, and moveable goodis, and the samyn to be [blank]; without prejudice alwyse to ony persone within the saidis Illis to brew acquavitie and uthir drink to serve thair awne housis, and to the saidis speciall barronis and substantious gentilmen to send to the Lawland and thair to buy wyne and acquavitie to serve thair awne housis.

The quhilk day, it being undirstand that the ignorance and incivilitie of the saidis Iles hes daylie inressit be the negligence of guid educatioun and instructioun of the youth in the knowlege of God and good letters for remeid quhairof it is inactit that everie gentilman or yeaman within the said Ilandis, or ony of thame, haveing childreine maill or famell, and being in goodis worth thriescore ky, sall put at the leist thair eldest sone, or haveing no childreine maill thair eldest dochter, to the scuillis on the Lawland, and interteny and

bring thame up thair quhill thay may be found able sufficientlie to speik, reid, and wryte Ingliche.

The quhilk day, the said reverend father with the foirsaidis barronis and gentilmen considerding ane lovable Act of Parliament of this realme be the quhilk, for divers good and reasounable causis contenit thairintill, it is expreslie inhibite, forbiddin and dischairgit that ony subject within this his Majesteis kingdome beir hagbutis or pistolletis out of thair awne housis and dwelling places, or schuit thairwith at deiris, hairis, or foullis, or ony uther maner of way, undir certane grite panes thairin specifeit; quhilk Act of Parliament, in respect of the monstrous deidlie feidis heirtofoir intertenyit within the saidis Yllis, hes nawyse bene observit and keipit amangis thame as yit, to the grite hurte of the maist pairt of the inhabitantis thairof; for remeid quhairof it is inactit be commoun consent foirsaid that na persone nor personis within the boundis of the saidis Iles beir hagbutis nor pistolletis furth of thair awne housis and dwelling places, nathir schuit thairwith at deiris, hairis, foullis, nor na uther maner of way, in tyme cuming, undir the panes contenit in the said Act. And, gif it salhappin ony man to contravene the same, that the speciall man undir quhome the contravenair dwellis execute the said Act and panes contenit thairintill upoun him, the contraventioun alwyse being sufficientlie tryit, or at the leist produce him before the Judge ordinar.

The quhilk day, it being considerit that amangis the remanent abuses quhilkis without reformatioun hes defylit the hail Iles hes bene the intertenyment and beiring with idill belleis, speciallie vagaboundis, bairdis, idill and sturdie beggaris, expres contrair the lawis and loveable Actis of Parliament, for remeid quhairof it is lykwyse inactit of commoun consent that na vagabound, baird, nor profest pleisant pretending libertie to baird and flattir, be ressavit within the boundis of the saidis Yllis be ony of the saidis speciall barronis and gentilmen or ony utheris inhabitantis thairof, or interteneit, be thame or ony of thame in ony soirt; but, incais ony vagaboundis, bairdis, juglouris, or suche lyke be apprehendit be thame or ony of thame, he to be tane and put in suir fe[n]sment and keiping in the stokis, and thairefter to be debarit furth of the cuntrey with all guidlie expeditioun.

And, for the bettir observeing, keiping and fulfilling of the hail actis, lawis, and constitutionis withinwritin and ilkane of thame, it is aggreit unto, concludit, and inactit, seing the principall of every clan man be ansuerable for the remanent of the samyn, his kin, freindis, and dependairis, that, gif ony persone or personis of quhatsumevir clan, degrie or rank, within the boundis of the saidis Yllis, salhappin to contravein the actis, lawis and constitutionis withinwritin or ony of thame, or dissobey thair schiref or superiour foirsaid, that then and in that caice thir presentis salbe ane sufficient warrand to the barroun and speciall man within quhais boundis the contravenair makes his speciall residence, to command him to waird, and in caice of disobedience to tak and apprehend the persone or personis disobeyairis, and eftir dew tryall of thair contraventioun in maner foirsaid to sease upoun thair movable guidis and geir, and to be ansuerable for the samyn to be brocht in to his Majesteis use, and to produce lykwyse the malefactouris before the judge competent quhill his Majestie tak forder ordour thairanent. Lykeas it is specialie provydit that na cheif of ony clan, superiour of ony landis, or principall of ony familie, receipt

or mantene ony malefactour fugitive and dissobedient to his awne naturall kyndlie cheif and superiour.

In witness quhairof the foirsaidis barronis and speciall gentilmen abovewritten hes subscriyvit thir presentis with our handis as followis in taikin of thair presentis [consentis?] thairto.

*Sic subscribitur:*

Angus M<sup>c</sup>Coneill of Dunivaig, M<sup>c</sup>Clane of Dowart, Donald Gorme of Slait, M<sup>c</sup>Cleud, M<sup>c</sup>Kynnoun, M<sup>c</sup>Clane of Coill, Donald M<sup>c</sup>Donald of Ilentyram, M<sup>c</sup>Clane of Lochbuy, M<sup>c</sup>Quirie.

#### 4. THE PARALLEL LEGISLATION OF 1616.

[Edinburgh, 26 July 1616]

The quhilk day, in presence of the Lordis of Secreit Counsaill, compeirit personalie the personis particularlie underwrittin, and become actit and oblist, conjunctlie and severalie, for the otheris personis particularlie efterspecifeit, in maner, upoun the conditionis, and under the soumes, following: that is to say,

Sir Rory M<sup>c</sup>Cleude of Hereis, as principall, and Sir Lauchlane M<sup>c</sup>Kynnoun of Strathurdill and [blank] M<sup>c</sup>Clayne of Coill, as cautionaris and sourteis for him, conjunctlie and severalie;

the said Sir Lauchlane McKynnoun, as principall, and the saidis Sir Rory McCleude and [blank] McClayne of Coill, as cautionaris and sourteis for him, conjunctlie and severalie;

the said laird of Coill, as principall, and the saidis Sir Rory M<sup>c</sup>Cleude and Sir Lauchlane M<sup>c</sup>Kynnoun, as cautionaris and sourteis for him, conjunctlie and severalie;

Hectour M<sup>c</sup>Clayne of Lochbuy, as principall, and the said Laird of Coill, as cautionar for him, conjunctlie and severalie;

Donald M<sup>c</sup>Allane M<sup>c</sup>Eane of Ylantlyrum, Capitane of the Clanrannald, as principall, and the saidis Sir Rory M<sup>c</sup>Cleude and Sir Lauchlane M<sup>c</sup>Kynnoun, as cautionaris and sourteis for him, conjunctlie and severalie:

that the saidis personis principallis, for whome caution is now fundin, for thame selffis and takand the burding on thame for all suche personis as thay ar oblist to answer for be the lawis of this kingdome, sall observe oure Soverane Lordis peace, [keep] goode reule and quietnes in the cuntrey, and that thay sall behave thame selffis as lauchfull, ansuerable, and lawbyding subjectis in all tyme comeing, and that thay and everyone of thame during the terme of thair naturall lyves sall compeir befoir the Lordis of his Majesteis Previe Counsell anes everie yeir upoun the tent day of Julij yeirlie, yf it be lauchfull, and, failyeeing thairof, the nixt laughfull day thairefter following: And forder that thay and everyone of thame sall compeir personalie befoir the saidis Lordis sa oft as thay salbe chargeit to that effect upoun 1x dayis warning at the duelling housis of thair advocatis and agentis specialie nominat and designit be thame in the preceding actis maid to that effect, in forme and maner specifeit and

contenit in the saidis actis, and ansuer to suche thingis as salbe layed to thair charge: As alsua that thay and everyone of thame sall bring, present, and exhibite with thame befor the saidis Lordis upoun the tent day of Julij nixttocome, yf it be laughfull, and, failyeeing thairof, the nixt lauchfull day thairefter following, the particulair personis underwrittin, nominat and gevin up be thame upoun thair grite and solemne oathe to be the cheif and principall personis of thair clan, viz.:-

The said Sir Rory M<sup>c</sup>Cleude sall exhibite [eight specified persons], or ony three of thame;  
 the said Capitane of Clanrannald sall exhibite [six specified persons], or ony tua of thame;  
 the said Sir Lauchlane M<sup>c</sup>Kynnoun sall exhibite [two specified persons], or ony one of thame;  
 the said [blank] M<sup>c</sup>Clayne of Coill sall exhibite [two specified persons], or ony ane of thame;  
 and the said Hector M<sup>c</sup>Clayne of Lochbouy sall exhibite [two specified persons], or ony ane of thame:

and that yeirlie thairefter, yf it be laughfull, and, failyeeing thairof, the nixt lauchfull day thairefter following, the said Sir Rory M<sup>c</sup>Cleude sall exhibite other three of his kynnismen and freindis abonewrittin, the said Capitane of Clanrannald other tua of his kynnismen and freindis abonewrittin, and the saidis lairdis of M<sup>c</sup>Kynnoun, Coill, and Lochbuy sall exhibite everyone of thame ane other of thair kynnismen abonewrittin; and sua accordinglie the personis principallis foirsaidis sall yeirlie exhibite thair freindis abonewrittin be turnis, as is abone sett down; to the effect that by thair comeing heir yeirlie they may be reduceit to civilitie and maid to acknowlege thair obedience to his Majestie and his lawis.

As alsua that the foirsaidis personis principallis nor nane of thame sall not keepe in houshold with thame ony ma gentlemen servandis nor the particulair number following allowit unto thame be this present act, and that thay sall not exceid the said number: – that is to say, the saidis Sir Rory M<sup>c</sup>Cleude and the Capitane of Clanrannald, ather of thame, sex gentilmen, and the Lairdis of Coill, M<sup>c</sup>Kynnoun, and Lochbuy, ilkane of thame, three gentlemen, and for every tua of thair gentlemen abonewrittin that thay sall keepe bot ane boy.

As alsua that the saidis principallis sall purge thair cuntreyis of sornaris and ydill men wanting a trade, calling, and laughfull industrie.

And that the saidis personis principallis nor nane of thame sall not beare nor weare hacquebutis nor pistollettis bot in the Kingis Majesteis service, and that thay sall tak ordour and gif directioun throughoute thair hail boundis that nane of thair kine, servandis, tennentis, nor cuntrey people sall beare or weare hacquebutis or pistolettis bot in the Kingis service; and that thay sall tak the lyke ordour and gif directioun that nane of thair men, tennentis, servandis, nor cuntrey people (exceptand alwayes thame selffis and the particulair number of thair housholde servandis allowit to thame in maner foirsaid) sall weare swerdis or ony otheris waponis or armour within the Yllis.

As alsua that the saidis personis principallis and everyone sall mak thair residence and duelling at the particular placeis underwrittin now designit be thame for thair duellingis:– viz.

the said Sir Rory M<sup>c</sup>Cleude at Dunveggane,  
the said Capitane of Clanrannald at Ylantyrin,  
the said Sir Lauchlane M<sup>c</sup>Kynnoun at Killimoyrie,  
the said Laird of Coill at Brecache,  
and the said Laird of Loichbuy at Moye;

and that suche of the saidis personis as wantis duelling housis ansuerable to thair rankis in the placeis foirsaidis sall with all convenient diligence prepar materiallis and builde civile and comelie housis for thair duellingis; and, wher thair housis ar decayit, that thay sall repair and mend the same, and that thay sall mak policie and planting about thair housis, and that thay sall tak maynes about thair housis in thair awne handis, and labour the same with thair awne goodis, to the effect thay may be thairby exercised and eshew idilnes; and, wheiras the Capitane of Clanrannald hes not maynes about his house, that thairfor he sall labour with his awne goodis the maynes callit Hobeg in Ust now designit be him for his maynes, and that he sall tak the same in his awne handis.

And that the saidis personis at Martymes nixt sall sett the rest of thair landis to tennentis for a certane constant and cleir dewyitie, and that thay sall exact no forder frome thair tennentis bot the cleir dewyitie contenit in thair tak and sett; especiallye that thay sall in all tyme comeing forbear the taking of coudighis frome thair tennentis, and sall content thame selffis with the constant and cleir dewyitie for the quhilk thair landis ar sett.

And that the saidis personis principallis nor nane of thame, according to thair severall oblimentis, sall haif or keepe ony ma birlinggis of xvj or xvij airis bot everyone of thame ane; and that, quhen thay travell athorte the Ilis with thair birlingis and comes on land, that thay nor nane in companie with thame in thair birlingis sall not some upoun the cuntrey.

And siclike that the saidis personis principallis sall send thair bairnis being past the aige of nyne yeiris to the scollis in the Lawlandis, to the effect thay may be instructit and trayned up to write and reid and to speake Inglishe. And thay ar content and consentis that, according to ane act of Counsaill maid to this effect, nane of thair bairnis salbe served air unto thame, nor acknowledgeit nor ressavit as tennentis to his Majestie, unles thay can write, reid, and speake Inglishe.

And, last, that the saidis personis principallis nor nane of thame sall not rine<sup>210</sup> nor drink, nor suffer to be rwn or druckin in thair housis, ony ma wyne nor by this present act is allowed unto thame:–viz. to the said Sir Rory M<sup>c</sup>Cleude foure tw<sup>n</sup><sup>211</sup> of wyne, to the said Capitane of Clanrannald, to M<sup>c</sup>Kynnoun, Coill, and Lochbouye, ilkane of thame, ane tw<sup>n</sup> of wyne; and that thay sall not exceid the quantitie of wyne abonewrittin allowit to thame to be

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<sup>210</sup> Dispense.

<sup>211</sup> A tun was a cask, or measure of liquid.

rwn in thair housis; and that thay sall tak a strait ordour throughout thair haill boundis that nane of thair tennentis or cuntrey people by or drink ony wyne.

And heirto, and for fulfilling of the haill pointis, clausis, and headis of this present act, the personis principallis and cautionaris abonewrittin bindis and oblis thame *respective* according as thay ar severallie and particularlie bundin, under the panes following *toties quoties* incise thay failyee in ony point of the premis:- that is to say, the said Sir Rory M<sup>c</sup>Cleude under the pane of aucht thowsand pundis, the said Capitane of Clanrannald under the pane [of] ten thowsand merkis, the saidis Lairdis of M<sup>c</sup>Kynnoun, Coill, and Loichbouy, ilkane of thame, under the pane of fyve thowsand merkis. And the saidis personis principallis oblist thame and thair airis to warrand and releve ilkane of thame thair awne cautionaris of thair becomeing caution for the premis and of all pane and dangeir that thay salhappin to susteane thairthrow.

*[The Privy Council then proceeded to approve two separate acts which reinforced and amplified the provisions already made concerning the consumption of wine, and education]*

Forsamekle as the grite and extraordiner excesse in drinking of wyne commonlie usit amangis the commonis and tennentis of the Yllis is not onlie ane occassioun of the beastlie and barbarous crueltis and inhumaniteis that fallis oute amangis thame to the offens and displeasour of God and contempt of law and justice, bot with that it drawis numberis of thame to miserable necessitie and povertie, sua that thay ar constraynit quhen thay want of thair awne to tak from thair nichtbouris: for remeid quhairof, the Lordis of Secrete Counsell statutis and ordanis that nane of the tennentis and commonis of the Yllis sall at ony time heirefter buy or drink ony wyne in the Ylles or continent nixt adjacent, undir the pane of twenty pundis to be incurrit be every contravenair *toties quoties*, the ane half of the said pane to the Kingis Majestie, and the uther half to thair maisteris and landislordis and chiftanes; commanding heirby the maisteris, landislordis, and chiftanes to the saidis tennentis and commonis, everyone of thame within thair awne boundis, to sie this present act preceislie and inviolablie kept, and the contravenaris to be accordinglie punist, and to uplift the panes of the contravenaris, and to mak reckning and payment of the ane halff of the said panes in [his] Majesteis Exchecker yeirlie, and to apply the uther halff of the said panes to thair awne use.

Forsamekle as the Lordis of Secrete Counsell understanding that the cheif and principall caus quhilk hes procurit and procuris the continewance of barbaritie, impietie, and incivilitie within the Yllis of this kingdome hes proceedit from the small cair that the chiftanes and principall clannit [men] of the Yllis hes haid of the educatioun and upbringing of thair childrene in vertew and learning, –who being cairles of thair dewteis in that point, and keeping thair childrene still at home with thame, whair thay sie nothing in thair tendar yeiris bot the barbarous and incivile formes of the countrie, thay ar thereby maid to apprehend that thair is no uther formes and dewteis of civilitie kept in ony uther pairt of the countrie, sua that quhen thay come to the yeiris of majoritie

hardlie can thay be reclaimed from these barbarous and incivile formes quhilkis for laik of instructioun wer bred and satled in thame in thair youth, whereas, yf thay had bene send to the Inland in thair youthe and traynit up in vertew, learning, and the Inglis tung, thay wald haif bene the better preparit to reforme thair countreis and to reduce the same to godlines, obedience, and civilitie, -Thairfoir the saidis Lordis hes ordanit and commandit, and be vertew of this present act ordanes and commandis, the hail chiftanes and principall clanit men of the Yllis, that thay and every ane of thame send thair bairnis, being past nyne yeiris of age, to the schoolis in the Inland, to be trayned up in vertew, learning, and the English tung, and ordanes that no personis quhatsomevir in the Yllis salbe servit air to thair father or utheris predicessouris, nor ressavit nor acknowledgeit as tennentis to his Majestie, unles thay can write and reid and speake Englishe. And ordanes letteris of publicatioun to be direct heirupoun, quhairthrou nane pretend ignorance of the same.

DR MACGREGOR LECTURES IN SCOTTISH HISTORY AT THE UNIVERSITY OF GLASGOW