

Chapter VII

Dingwall Burgh Politics in the
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Apart from the pioneer work of the Forritts, which drew in bold outline the main features of the burghal electoral system, little has been written on Scots burgh politics in the 18th. century.¹ As an introduction to the subject their work is good and still of service, but it can in no sense be regarded as definitive. For one thing, it is open to the serious objection that it does not afford a detailed analysis of political life in any specific burgh or group of burghs, and this generalised treatment has given rise to quite a few misapprehensions. In particular, through drawing mainly on family papers illustrating the part played by burgh patrons, the Forritts tend to overemphasise that part and in consequence to minimise the rôle of the town councils. The same criticism applies to the references to burgh politics in Holden Furber's study of Henry Dundas.² That the general picture thus drawn was open to exception was demonstrated by Professor W.L. Burn, when, again working mainly from the papers of the burgh

1.

E. and A. Forritt, "The Unreformed House of Commons", 1903, vol.II, especially ch.XXXVIII, pp.115-142, passim.

2.

Holden Furber, "Henry Dundas, First Viscount Melville, 1742-1811", 1931, pp.175-289, passim.

managers, he showed that in the parliamentary election of 1761 at Ayr the town council was by no means a negligible factor.³

The purpose of the following chapters is to examine in some detail the burgh politics of Dingwall in Ross-shire and to elucidate, as far as possible, the methods practised in various council elections. Primarily it will be a study of the municipal politics which, in the royal burghs of Scotland, underlay parliamentary election procedure. To a large extent the evidence is drawn from a source previously, and rather unaccountably, overlooked by students of the subject - namely the records of the processes that arose from time to time over disputed elections, and particularly from the Session Papers which contain the pleadings of the advocates before the Court of Session. The records of the Justiciary Court also furnish some material, excellent as illustrating the skullduggery side of elections but neither as rich nor as full as the Session Papers. These legal sources are all the more valuable in that the three main treatises on the electoral law of Scotland in the 18th. century (that is to say between 1707 and 1832) are noticeably slight on burgh matters.⁴

Dingwall, small and impoverished like most of the northern

3.

W.L. Durn, "The General Election of 1761 at Ayr", in *English Historical Review*, 1937, pp.103 et seq.

4.

Alexander Wight, "Rise and Progress of Parliament", eds. 1734 and 1806; Robert Eoll, "Treatise on the Election Law", 1812; Arthur Connell, "Treatise on the Election Law of Scotland", 1827.

burghs of Scotland, again like them never seems to have been free of patrons.⁵ Indeed, as the Report of the Commissioners on the Scots burghs of 1835 made clear they were underpopulated as regards inhabitants and overpopulated in respect of councillors, not all of whom were residents. Population figures are hard to come by but according to Webster Dingwall parish in 1755 numbered 1,030 souls.⁶ As to prosperity the burgh enjoyed little. In 1691 when the Convention of Royal Burghs undertook an investigation of the economic circumstances of its constituents Dingwall appears as having no trade, though free of debt for no good reason. The place was so miserably poor that no one was willing to extend credit.⁷ From the burgh's records it is clear that the 18th. century did little to alter this picture. The ancient and royal burgh that will figure so much in the following pages was, in truth, nothing more than a poverty stricken village. Such a situation demanded the capitalisation of every available asset and not least of these was its parliamentary franchise. The burgh, therefore, solicited largess, nor would it be too much to claim

5.

Forritts, op.cit., vol.II, pp.119-120.

6.

Alexander Webster, "Scottish Population Statistics", ed.J.G.Kyd, p.61, S.H.S. 1952.

7.

Report in "Miscellany of the Scottish Burghs Record Society", 1881, pp.149-150. See too W.M. Mackenzie, "The Scottish Burghs", 1949, pp.155-6, citing same in R.C.B., vol.IV, pp.129-130.

that for Dingwall a generous patron was an economic necessity, a claim well supported by the printed extracts from the council records.⁸

At the beginning of the 18th. century the Cromartie Mackenzies, then at the height of their brief spell of power, held sway in the burgh. Their influence was of the 17th. century type, personal rather than venal, and unfortunately for them the spoils system arose soon after the Union precisely at the time they were declining in wealth, prestige and political connections. All the same from 1707 until 1716 they maintained their hold. In 1703, for example, Lord Macleod, eldest son of the Earl of Cromartie, was Provost and his brother, Sir James Mackenzie of Royston, was elected commissioner to the Convention of Royal Burghs.⁹ But that the new electoral arrangement introduced in 1707 overtaxed the strength of the Mackenzies was proved in 1703 when Sir James stood for the Wick burghs and was defeated.¹⁰ Nor did a successful petition against the elected member, William Lord Strathnaver, on the ground that as eldest son of a Scots peer he could neither

8. Extracts from 1703 printed in Norman MacRae, "Dingwall's Thousand Years", 1923, pp.203 et seq.

9. MacRae, op.cit., p.203.

10. Dingwall, Tain, Dornoch, Wick and Kirkwall constituted the Northern or Wick, occasionally Kirkwall, district of burghs.

elect or be elected, secure the return of Sir James.¹¹ For one thing, Tain was dominated by Lord Ross, a bitter enemy of the Mackenzies and a ceaseless source of annoyance to them. Again the high Tory politics of the Mackenzies found little response in the Northern Burghs and in 1710 Robert Munro younger of Fowlis was returned by them to the House of Commons where he represented the constituency without intermission until 1741.¹²

Another important factor in the politics of 18th. century Dingwall, and a more constant one than the Mackenzies of Cronartie, was the neighbouring family of Bayne of Tulloch. Closely related to the Mackenzies, this family always had a strong, though by no means dominant, influence in the burgh, and its goodwill was of great importance to the parliamentary politicians. Between 1703 and 1761 the following instance could be multiplied many times over; on 26th. April 1709 Kenneth Bayne of Tulloch was appointed delegate to represent the burgh at a parliamentary election meeting.¹³ The Baynes of Tulloch were in fact the most

11. House of Commons Journals, vol. XVI, 1703-1711, 25 Novr. 1703, p.18. For some interesting sidelights on this election, see Sir William Fraser, "Earls of Cronartie", vol. II, pp.76 et seq.

12. For Colonel Sir Robert Munro of Fowlis, see Alexander Mackenzie, "History of the Munros of Fowlis", pp.117-8, a poor work but adequate for this purpose; D.N.B. ; and most interesting of all the English dissenting minister, Dr. Doddridge, "Works", 1803, vol. IV, pp.123-144, "Account of the Munros of Fowlis", a contemporary eulogy; for his parliamentary career, brief notice in Joseph Foster, "Members of Parliament, Scotland", p.260.

13. MacPac, "Dingwall's Thousand Years", p.204.

permanent fixtures in the politics of the burgh in the period under review.

Yet another important factor, the sett or constitution of the burgh, which played a large part in elections both municipal and parliamentary, underwent a change in 1710. Before this year the number of councillors was undefined and often as high as 21, but by an Act of Sett approved in 1710 and entered in the records of the Convention of Royal Burghs the number was limited to 15.¹⁴ Under this new sett the annual election was to take place on the 29th. September when that day happened to be a Tuesday, and that failing the Tuesday following. The existing council would then meet at 10 a.m. and choose the new council of 15 members who must be merchants or tradesmen "resiant" in the burgh. Of this number the old council would then choose a Provost, two Bailies, Dean of Guild and Treasurer. Provost, Dean of Guild and Treasurer were not to continue in office for more than three years without change. On demitting office, these, with the Bailies were to continue in the fifteen of council. No one could bear office as a magistrate until he had served two years on the council.¹⁴

It was almost a classical instance of self-perpetuation except that "there shall be two at least of the Council changed

14.

For the revised sett of the burgh see, "Miscellany of the Scottish Burgh Records Society", p.203; Session Papers, vol.57:5, Mackenzie against Scott, Respondents Proof, 25 July 1759, Appendix, pp.54-5, for certified copy of sett; and MacRae, op.cit., pp.204-05 for digest of same.

every year," an ambiguous phrase that was to give rise to acrimonious disputes. For this "purging of the Council", as it was technically called, a committee was set up at each Michaelmas meeting. Clearly, those who had schemes to promote were forced somehow or other to be of this committee, for the work of this body engrossed the crucial stage in most disputed elections.

Under the new dispensation the Cromartie Mackenzies and the Baynes of Tulloch continued to dominate the burgh but in 1716 the Munros of Fowlis made a compact with Kenneth Bayne and from that year dominated the council. Precisely how and why this came about is not known, but the following circumstances must have played a part. Firstly, the Cromartie Mackenzies were on the wane, due to some extent to their unsuccessful Tory politics and to the fact that debts were accumulating on them fast. Secondly, the power of the Earl of Seaforth, chief of the clan Mackenzie and under whose sufferance the Cromartie family operated, was shattered by his part in the rebellion of 1715 and consequent forfeiture. Thirdly, the Munros with their traditional Presbyterian Whig background, and their grip on the other burghs of the constituency, were the best bet in the circumstances, and in the 18th. century the ancient and royal burgh of Dingwall had a long nose for such. However exactly it came about in October 1716 Robert Munro younger of Fowlis (a soldier who had seen service in Flanders, was later to distinguish himself at Fontenoy and die bravely at Falkirk) was

elected Provost, nemine contradicente.¹⁵ Three other Munros were appointed to the council, including the young laird's brother, George Munro of Culcairn, also, as Dingwall was soon to know, a soldier by profession. It was now the turn of the Munros to monopolise offices, and the Provostship for several years alternated between young Fowles and his brother Culcairn. But by 1721 the Mackenzies were rallying and preparing the ground for the General Election of 1722.

In 1721 the elections in all the northern burghs of Scotland - and in the Wick, Inverness and Banff districts especially - seem to have been tempestuous. If one accepts at this point the theory of "interests" then the battle lay between the Duke of Argyll and the Squadrons. But something more than "interests", in the strict later definition of that term, was at work in the north. The Jacobites as yet did not altogether despair of a restoration by parliamentary means, and there is some evidence to suggest that much of the animosities involved in these elections derived from the late rebellion.¹⁶ More immediately, in Ross-shire the part played by the Munros in suppressing the attempted rising at Glenshiel in 1719 did not endear that clan to many of

¹⁵ MacRae, "Dingwall's Thousand Years", p.207.

¹⁶ See "More Culloden Papers", ed. D.Warrand, vol.II, 1704-25, pp.210 et seq., "Local Intrigues 1721-22", passim. It is only fair to add that each side levelled charges of Jacobitism and treachery at the other. Nonetheless, in this matter, as between Forbes of Culloden and Seaforth's friends it is not hard to guess on which side truth lay.

its neighbours, among them the Cromartie Mackenzies who, although they had taken no active part in either of the risings, were Jacobites at heart.

For the Squadron "the General Muster-Master", as his enemies dubbed him, was Alexander Gordon of Ardoch, who in the following year contested the Inverness Burghs with Duncan Forbes. His Argathelian counterpart was Forbes of Culloden, Duncan's brother, "Dumper John". Among other pranks Gordon attempted to overawe Nairn with some mounted men, but was obliged to beat a hasty retreat on the appearance of a larger force of opponents.¹⁷ On the day of election young Rose of Kilravock showed that Gordon had no monopoly of wrong-doing, as the Culloden Papers seek to prove, by kidnapping some of the councillors who resented the way in which Nairn had fallen to the Kilravock family.¹⁸

In Dingwall numerous shady tricks were employed, one of which attempted to saddle a certain John McPae of Dornie, a councillor, with the attainder passed against "John McRa" of Davochcarty. McPae was in the interest of Colonel Munro and refused to be seduced from his allegiance by the Colonel's opponent, Robert

17.

"More Culloden Papers", vol. II, pp. 210-11.

18.

Nat. Lib. Scotl. Ms. 68, Taylor Collection, item ^{VII}~~VI~~, Depositions taken at Dingwall concerning this riotous election and particularly that of Hugh Dallas, Clerk of the Peace in Ross-shire, ff. 39-44.

Gordon.¹⁹ In reply to a letter from the Lord Advocate, Robert Dundas, concerning McRae's attainder the town council denied that any such person resided in Dingwall, and asserted that the John McRae who had been elected a councillor at the last Michaelmas meeting never had been heritor of Davochcarty.²⁰ Nonetheless, the unfortunate Dornie, who had been forced out by Seaforth in 1715 but deserted at the first opportunity, took fright and hurriedly leaving Dingwall "consequently endangered Munro's election."²¹

It was probably on this account that Colonel Munro resorted to violent means to attain his end, but of the riotous election that ensued accounts are meagre and confused. Alexander Mackenzie in his "History of the Munros" makes the cardinal error of identifying the events of 1721 with those of 1740 and thus little credence can be allowed to his narrative. His error is the more indefensible in that he had access to a Memorial on the subject prepared by the Lord Advocate Dundas. It should have been apparent that the facts as set forth by Dundas could not be reconciled with the other documents, mainly recognitions, used by

19. That it was Robert Gordon who opposed Colonel Munro in the Wick Burghs appears from Commons Journals, vol. XX, p. 43.

20. MacRae, "Dingwall's Thousand Years", p. 209.

21. "Munro Culloden Papers", II, p. 213, Duncan Forbes to Duke of Argyll, 17th October 1721.

Mackenzie and that consequently the recognitions must refer to some similar but separate and distinct episode.²² Eain follows the same disastrous course.²³

The facts seem to have been as follows. According to certain depositions brought before the Circuit Court at Inverness in May 1722 Dingwall on the eve of the preceding Michaelmas election was alive with rumours to the effect that the Mackenzies were preparing a descent upon the town, allegedly to ward off any possible interference on the parts of Munro or Lord Lovat, then the great friend of Forbes of Culloiden.²⁴ To safeguard his own interest Colonel Munro proceeded to take drastic steps. On the 2nd. October, the night preceding the election, at 2 a.m. a company of Munros headed by Captain Munro of Culcairn broke into the house of John Tuach, notary in Dingwall, and thence carried off three of the principal councillors of the opposite party who

22.

Mackenzie, op.cit., pp.121-127.

23.

Robert Eain, "History of Ross", 1899, pp.282-3.

24.

H.M. Advocate against Colonel Robert Munro and others [24, all named], Northern Circuit Book (1722-24), Reg. Co., under date 2d. May, 1722. The folios are not numbered and references can only be made by parties and dates, the standard legal practice. For above, see Depositions of Colin Graham of Drynie, John Roy Fraser, John Fearn, James Menro H.P. and William Hewat. The witnesses were not all for the pannels, Graham and Fearn appearing for the pursuers. All attest the uneasy situation, each side fearing violent interference from the other.

had lain there for safety. To give a veneer of legality to the proceedings, before being carried off the three councillors - Kenneth Bayne of Tulloch, Alexander Bayne of Knockbayne and John Dingwall - were touched by the wand of peace by a Messenger, David Bothune, who had pretended captious against them.²⁵ The design to ship them off to Orkney until the election was safely over broke down, and, aided by a mob of indignant women, they managed to make good their escape and attend the election on the following day.²⁶

On the election day the Munros invaded Dingwall in force to the strength of 30 or 40 horse and over 100 foot. About 10 a.m. the foot were drawn up outside the council house. The council had already met, including the three abducted the night before and John Earl of Cromartie. Clearly the majority were keen to make an election before the arrival of Colonel Munro and his friends and started a little earlier than the customary hour. The Committee to purge the Council was chosen and consisted of the Earl of Cromartie, Kenneth Bayne of Tulloch and John Dingwall. As use was, these left the meeting for a brief space to deliberate,

25.

Northern Circuit Book, 2 May 1722, deposition of John Tuach, notary; confirmed by council minutes in MacRae, "Dingwall's Thousand Years", p.211. The captious concerned non-payment of Aquies, i.e., supplies due to the King, and missive dues alleged in arrears. *ibid.* p.209.

26.

MacKenzie, "History of the Munros", pp.126-7, credible at this point since he is quoting in extenso from the Lord Advocate's Memorial.

and, as can well be imagined, the space on this occasion was of the briefest. They speedily returned decided to remove four persons, an unusual number but not outside the terms of sett, and these, naturally, were all in the Munro interest. Into their places were to be brought four favourable to the Mackenzies. Tulloch was elected Provost, and according to their minutes the business was all over and done with "except for the formality of putting the matter to the vote" before Colonel Munro interfered.²⁷

John Tuach, notary, then graphically describes what followed. "He saw Coll. Robt. Munro go up to the Council house wt. a pistoll in his hand, which he believes was cockt, & a Crowd of oyr. people followed him, particularly he saw George Ross Serjeant go along with him." The deponent did not know what passed within the council house, but he saw the Town Officers assaulted and thrown down the stairs by the party headed by Colonel Munro, and a little later the three councillors abducted the night before being dragged from the council house. In the afternoon Forbes of Culloden and some other gentlemen rode into town, and later still Lord Lovat with a body of horse and a party of armed Highlanders.²⁸

27.

MacBae, op.cit., pp.210-11, Minute of Council of 7th. October 1721. The party making this election claimed to be a majority, and that by "splitting the Council" any election made by the Munros was void.

28.

For all this see deposition of John Tuach, notary. It is confirmed by several others, particularly those of Joseph Robertson and Colin Mackenzie of Kincaig.

What passed in the council-house appears from the deposition of John Tuach elder of Logierach.²⁹ Colonel Munro, pistol in hand, entered and ordered the messenger, Bethune, to arrest the same three councillors. Asked why he treated them in this way he answered, "It was because they had deforsed ye. Kessr. ye day before, and ye sd. Council did yn. offer to pay ye sums for qt. ye Caption was." But this was clean contrary to Munro's plans, and the three prisoners were dragged off to Tain there to lodge in gaol till the following Friday. In the meantime Culcainn demanded the town books from John Tuach, elder, who was Town-Clerk, and the latter was forced to deliver them up at pistol point. The Munros then proceeded to make an election that was more to their liking. John Tuach was deposed from the clerkship which was conferred upon one James Munro. Robert Munro younger of Fowlis was unanimously chosen Provost, and suitable candidates elected to the magisterial offices.³⁰

The outcome of these activities is not too clear. Despite the fact that Colonel Munro and his brother Culcainn were tried before the Circuit Court at Inverness, found guilty of abducting the three councillors and fined £200 sterling each,³¹ there is no

29.

Northern Circuit Book, 2d. May 1722; also deposition of John Tuach son to Rory Tuach in Gargostown.

30.

Deposition of John Tuach elder, and MacRae, op.cit., p.212, Minute of 3d. October, 1721.

31.

Northern Circuit Book, 1722-24, Assize's verdict, 3d. May, 1722.

evidence that the election made by them was voided. Indeed, the town records suggest that it was not, for Culcairn was elected commissioner to the Convention of Royal Burghs and the Convention accepted his commission whilst rejecting that given to another by the rival "council".³² From October 1721 to October 1725 two councils existed and each year saw a double election. On 5th. October 1725 both councils made a coalition and elected fifteen councillors drawn from both sides.³³ The point to notice, however, is that it was Munro's council that was recognised both by the Convention of Royal Burghs and the House of Commons. At the parliamentary election of 1722 Colonel Robert Munro was returned once more for the Northern Burghs and his election sustained despite a protest to the House of Commons by his rival Robert Gordon. Gordon asserted that Alexander Bayne as delegate for Dingwall had not been entertained by the returning officer who was guilty of this and other malpractices. The House did not vote upon the issue, the Committee for Elections not even bothering to report on

32.

MacRae, "Dingwall's Thousand Years", p.212.

33.

Session Papers, vol.57:5, Mackenzie against Scott, Respondents Proof, 25 July, 1759, Appendix, p.57, "Copy Excerpts from the Council Books of the Burgh of Dingwall."

it.³⁴

Colonel Munro continued to represent the Northern Burghs and Dingwall had to reconcile itself to its fate. More amicable relations were slowly restored, helped by the gift of £105 Sterling made by the Colonel in 1725, the year of the coalition of councils.³⁵ By 1727 old wounds had so far healed that Kenneth Bayne of Tulloch was elected delegate to the parliamentary election of that year.³⁶ Colonel Munro was again returned and this time the election was undisputed.

For twelve years thereafter the Tulloch-Fowles combination ruled the burgh apparently without meeting any real opposition. But in 1739 measures were secretly concerted against Munro by some of his more powerful neighbours headed by Mackenzie of Kilcoy. These schemes brought pressure to bear upon Kenneth Bayne of Tulloch who was an indigent and feeble man. Thus it was that at the Michaelmas election of 1739 Sir Robert Munro of Fowles, as he now was, found to his chagrin that the majority of the council had leagued against him and deposed two of his friends. A few

34.

Cordon's Petition, Commons Journals, vol. XX, 25 October 1722. On 7 Feb., *ibid.* p. 130, the House ordered that no further election disputes were to be heard and thus Cordon's Petition was swept into limbo.

35.

MacRae, "Dingwall's Thousand Years", p. 213. From subsequent entries it is clear that the burgh's affairs could not have proceeded without this money.

36.

MacRae, *op.cit.*, p. 213.

days before the election of 1740 he wrote to Tulloch remonstrating with him at the part he had played in the previous Michaelmas meeting and wishing to know precisely where he stood in regard to the one now due. "I insisted to be at a Certainty before ye day of Election & not to Trust to such solemn oaths as were made no last year when I was kept in ye dark yt no injurio was intended me or no prejudice to my Intrest." He was ready to settle any differences and to "act on ye old Bottom of Friendship in Defiance of Delnio [Ronald Bayne of Delnio, Tulloch's brother] and Bailie Colin [Mackenzie]." Sir Robert describes the "Cruelty of the usage I had last year not to tell me of your Concert till I was in the Councill house a place where no stone had been laid without me." This, Sir Robert felt, was indeed to be wounded in the house of his friends, the more so as he had one Munro less on the Council than his compact with Tulloch's predecessor allowed. This last is an interesting reference and it is unfortunate that no other evidence of the transaction has been uncovered. According to Sir Robert at some unspecified time after 1715 he made an agreement with Tulloch's predecessor, his cousin also named Kenneth Bayne who died in 1719, whereby at least five Munros were constantly to be on the council.³⁷ Very probably, but not

37.

Nat. Lib. Scotl. Ms. 1392, Delvine Papers, f.170. Copy of a letter from Sir Robert Munro to Bayne of Tulloch, Fowles 27th. September, no year, but obviously 1740. See too Session Papers, vol.76:11, Criminal Letters against Sir Robert Munro and others. The pages are not numbered and hence more precise citation is impossible.

certainly, this refers to the events of 1716 when the Munros first penetrated the burgh council.

On the failure of his efforts at reconciliation Sir Robert felt it necessary to undertake another coup de force to safeguard his parliamentary interest. He was assured of Tain which was controlled by Lord Ross, the implacable enemy of the Mackenzies.³⁸ Nor had Sir Robert failed to prepare for extremities should his attempts to come to terms with Tulloch break down. In brief, he had taken care to secure colourable grounds for captious against the leading councillors opposed to his interest.³⁹ Two examples of these must serve. First of all there was a burning against the burgh of Dingwall which had been fined £100 Scots by the Convention of Royal Burghs for failure to send a Commissioner in 1738.⁴⁰ This was a real grape-shot, for it rendered the entire town-council liable to summary arrest. In addition, there were individual captious against most of the anti-Munro councillors, all of them secured by devious methods and resting

38.

W. McGill, "Old Ross-shire", 2 vols., 1909, vol. I, pp. 101-2, Lord Ross to W. Baillie, 1740 (undated), but clearly before the Michaelmas elections.

39. Full details of these captious in Delvine 1392, in various papers, b. v especially, "Condescendance of the diligence raised against Mine of Tulloch and others", ff. 133-140.

40.

Delvine 1392, f. 139.

on dubious grounds.

The classical example of this must surely be the warrant against Alexander Mackenzie, a merchant in Dingwall who had the temerity to be elected a councillor in 1739 in place of Captain Munro of Culcairn.⁴¹ From this point onwards Mackenzie was subjected to numerous slights and injuries. It is clear from the evidence that he did not always traffic in legal merchandise. Wine and salt which had not passed the customs seem to have formed a regular part of his stock in trade, nor later did he deny this. At the same time, dealings in smuggled goods were common in that remote and sparsely populated area and it was with a real sense of victimization that Mackenzie found himself hampered at every turn by customs officials not hitherto noted for zeal and of whom one, significantly, was of the name of Munro. For example, in December 1739 Mackenzie "happened to have Some Hogsheds of Wine in a heaping near Sir Roberts house along with some of Millie Frasers the only man in the place who favoured Sir Roberts Intrest. Mine was Seiz'd and Millie Frasers left tho' equally liable to Challenge by the officers of the Revenue."⁴² Then, "in February following I had a parcell of great salt and

41.

Delvino 1392, f.153, "Rough scroll of an address to be delivered before the Lords of Justiciary by Alexander Mackenzie."

42.

Delvino 1392, f.153, "Rough scroll of an address to be delivered before the Lords of Justiciary by Alexander Mackenzie."

Bailly Fraser and Teaninich [a Munro] another. Mine was Seiz'd and Carried off and theirs left. Not only so but this very Teaninich joined with Culcairn and Ellichson [another Munro] in granting a Warrant to Seize my person for Importing this very Salt as if I had Intending to run off and leave the Country and when Teaninich himself was equally guilty and this Warrant was Issued a day or two before our Elections."

The means whereby this warrant was secured were equally unscrupulous. At the instance of Alexander Colville, Collector of Customs at Inverness, Mackenzie was summoned before the Justices of the Peace of the shire of Ross. The gravamen of the charge was that James Munro, land-waiter of the Customs, had seized 160 bushels of foreign salt which Alexander Mackenzie "has not accounted for, and therefore he should be fined the statutory penalty of £100 Sterling." The proceedings were farcical, the bench packed with Munros under Culcairn as Preses. Despite protests from Mackenzie's procurator, Charles Hamilton-Gordon, Mackenzie was commanded on 27th. September 1740 to answer the libel immediately. The desired object was gained. Mackenzie thrice called and not appearing was held to be self-confessed, found guilty and liable to the penalties enumerated. Right of appeal to the next Quarter Sessions was denied.⁴³ Mackenzie thereupon

⁴³ For all this, see Dalrymple 1392, ff.163 et seq.; "An Exact Double & Copie of the Procept & Summons at the instance of Alexander Colville... against Alexander Mackenzie", 9 Oct.1740, certified copy by George Mackenzie. H.P.

appealed to the Lords of Council and Session for a Bill of Suspension on Colville's warrant. This was granted on 16th. October 1740, but too late to affect the true issue aimed at by the Munros.⁴⁴

Early on the morning of 30th. September, the day of the election, Sir Robert saw Tulloch and some of the other councillors and repeated the arguments he had already addressed to Tulloch. When these failed to produce the desired effect Sir Robert "was apparently in great passion and indignation, and amongst other Expressions did utter the following Words, 'Every man for himself, and God for us all'."⁴⁵ One of the councillors having died since the last election the council now numbered fourteen, of whom Sir Robert could reckon upon four. The plan he adopted to meet this emergency closely paralleled that followed with such success in 1721. Captions were all ready to be executed against the dissident ten and all that remained was to secure their persons. On the night before the election Bailie Fraser had procured the key of the town-house from its custodian on the pretext that Sir Robert Munro wished to release a prisoner held at his instance for debt.⁴⁶ The usual place of election now

⁴⁴•Dolvine 1392, ff.147-8, "Notarial Copy Bill of Suspension & Sist granted to Alexander Mackenzie."

⁴⁵•Session Papers, vol.76:11, H.M. Advocate against Sir Robert Munro and others; same Criminal Letters in Book of Adjournal (series D), 1739-42 (Reg.No.), under date 23d.Feb.1740/1. For some reason these folios are numbered; above, ff.536-556. Copy of the same Criminal Letters in Dolvine Papers, 1527, No.14. See too Deposition of Murdoch Mackenzie in Dolvine Papers 1392, ff.143-4.
⁴⁶•

Dolvine 1392, Deposition of Ronald Dingwall, Town-officer

securely in his hands Sir Robert's next step was to hide some four score armed men, his tenants mostly, in the outhouses belonging to Bailie Fraser, his principal ally on the council.⁴⁷

Tulloch and the nine other councillors, forewarned of these moves, prudently withdrew to the house of Alexander Mackenzie, there to make their election. Just as this was accomplished a band of about 80 men, "armed with Guns, Swords, Pistols, and other hostile Weapons," headed by Captain Munro of Culcairn burst in upon them "and under a false Pretence of Captions, and other pretended Warrants, they did violently and forcibly drag the said ten Counsellors down the Stairs by the breast." In the scuffle Mackenzie was knocked over the head and his wife, Annabel Bayne, still in weak health after recent labour, was hurled down the stairs "whereby she was severely bruised and wounded in a most barbarous manner."⁴⁸

Despite their protests the captives, ostensibly prisoners of three Messengers employed for the occasion, were carried off to Tain. In all upwards of 200 men were engaged in the

47.

H.M. Advocate against Sir Robert Munro and others; Depositions of Ronald Dingwall, John Heard and James Gala - all in Delvine 1392, ff.141-146, "Abridgement of the precognition taken by the Earl of Cromarty for William Gordon at Dingwall, 7 October 1740."

48.

H.M. Advocate against Sir Robert Munro and others; descriptions of the invasion of Mackenzie's house in following depositions in Delvine 1392, ff.141-6; Colin Mackenzie minister; James Gala; William Taylor.

expedition, most of them Sir Robert's clansmen or dependents. The party that carried off the councillors, led by Munro of Killichonan's brother,⁴⁹ numbered about 80 and was soon reinforced along the route. Among his other preparations Sir Robert had prevailed upon the Justices of the Peace to have the able-bodied men of the parishes of Kiltarn and Alnos set to repairing the roads near Dingwall on election day. This was most unusual in the harvest season and in fact these men were Sir Robert's mobile reserves.⁵⁰ Nor was the abduction without its comedy. The captors wished to hold their prisoners at the house of James Robertson in Culcairn but the captives insisted on being lodged in the gaol at Tain, hoping doubtless that this would expedite their release. Whilst at Culcairn the prisoners tried to gain a sight of the captives but this was evaded on one pretext or another. Finally, Alexander Mackenzie was informed that he was arrested "for selling and vending of foreign Salts," which can hardly have been news to him. All attempts at payment of sums due were refused, and next day the councillors were removed to Tain and there imprisoned.

At Dingwall in the meantime Sir Robert Munro with three

49. Delvine 1392, f.141, Deposition of John Miller.

50. Delvine 1392, f.171, Mackenzie of "Inchcoulter's Memoriall anent Dingwall", 27th Novr.1740; presumably sent to John Mackenzie of Delvine. This is a neat and accurate summary of Sir Robert's activities.

other councillors proceeded to make an election. The inhabitants of the burgh, alarmed at these events, gathered in the streets inveighing against Sir Robert and his friends. The latter maintained that the mob, originally incited thereto by Tulloch and his party, attempted to obstruct the officers in the discharge of their duties and that the Riot Act was duly read by Culcairn as deputy-sheriff of Ross.⁵¹ The Bingswall people were doubtless free with their language and Culcairn did indeed go through these motions. Nonetheless certain of the depositions taken on behalf of Tulloch and party carry more conviction than the accounts given in the criminal process raised by Sir Robert against his rivals. These eye-witness accounts all agree that the Munros fired upon the crowds indiscriminately, mortally wounding the unfortunate Mrs. Mackenzie and slightly injuring several other women and

⁵¹. Session Papers, vol. 76:12, Criminal Letters against Kenneth Bayne of Tulloch and others.

children.⁵² It is clear too that it was a deliberate act ordered by Sir Robert and Culcainn. The latter feared some violence on the part of the mob and probably were apprehensive lest some of the neighbouring Mackenzies should appear on the scene. They must have known, however, that such high-handed measures could not but provoke bitter resentment. It was, therefore, most probably the result of sudden panic and not part of the preconceived plan.

The whole countryside seems to have been roused, the Mackenzies in particular howling for vengeance, although not unnaturally, the lead was taken by the ten abducted councillors. On 8th October the town-council resolved to apply to the

52.

Delvine 1392, "Abridgement of Recognitions", ff.141-146: Colin Mackenzie, minister; John Heard; Daniel Mackenzie, Surgeon; Donald Simpson.

A. Mackenzie, "History of the Munros of Fowlis", pp.121-7, transposes this incident to 1721, as does R. Bain, "History of Ross", pp.282-3. H. MacRae, "Dingwall's Thousand Years", pp.217-3 seems to question whether it ever happened at all but the records of the High Court of Justice and items in the Delvine Papers leave no room for doubt. To some extent MacRae's scepticism is justified in that the number of wounded and the seriousness of their conditions were both exaggerated. MacRae's difficulty arises largely from the loose way in which Mrs. Mackenzie is sometimes described as the wife of a merchant, sometimes of a Bailie, and again of a Provost. But Alexander Mackenzie could at different stages of his life fit all three descriptions. As the papers cited above prove he was at the time of the incident a merchant and councillor. Later, he was a Bailie (*vide infra*), the identification being proved by a deposition in Session Papers, 57,5, Pursuers Proof, p.50, where his daughter refers specifically to her mother being shot in a previous election riot. Mackenzie was then a Bailie. In 1766 an Alexander Mackenzie, merchant was Provost (MacRae, *op.cit.*, p.223). This may account for the Provost part, although it cannot be taken as certain, the name being a common one in Ross-shire.

magistrates and town-councils of Edinburgh and of all the other royal burghs, "for their advice, concurrence, and such assistance for prosecuting the committers of such cruel, unhuman and barbarous actions."⁵³ On 10th. October John Dingwall, doer for the burgh, wrote to Ludovick Brodie, Writer to the Signet, at Edinburgh, apprising him of certain details and precognitions that were being taken and that "the nobillitie of this Countrie, as well as the neighbouring Gentlemen are next wednesday to meet in this place with no other view but that of creating a fund, for enableing the town to insist for redress, as well criminally, as in a civil manner."⁵⁴ Whatever happened the process had to be ended that Session as otherwise Munro's council would be able to choose a delegate to the parliamentary election meeting and this had to be avoided at all costs.

These were no doubt important considerations at the meeting between the chiefs of the Mackenzies - Kenneth Mackenzie titular Lord Fortrose or Seaforth as he was often called, and John Earl of Cromartie. But as well as this they were obviously enraged at the insults heaped upon the clan Mackenzie and this aspect of the affair appears very strongly in their joint letter to John Mackenzie of Delvine, their legal agent in Edinburgh, charging him and John

53.

MacRae, "Dingwall's Thousand Years", p.217.

54.

Delvine Papers, 1260, f.183, John Dingwall to Ludovick Brodie, W.S., 10 Oct. 1740.

Dingwall to arrange for prosecutions. The letter ends, "We doe assure our Selves, that ye as a McKenzie will Exert your Self for a legall Vindication of our honour & Intrest, & that of all our Name."⁵⁵

Criminal letters were raised against Sir Robert Munro and his brother Culcairn and every effort made to arrest them. On 15th. November, for example, Delvine paid an account of three guineas owed to several men for their services in "searching and watching for Sir Robert Munro seven days."⁵⁶ Tulloch's libel accused the Munros of murder, plagium and obstruction of free elections, whilst Sir Robert for his part accused Tulloch and others of riotous assembly and "molesting Messengers at Arms, Constables and other Executors of the Law in execution of their offices."⁵⁷ Curiously enough Mackenzie of Delvine handled affairs for both parties, his clannishness not overcoming the lawyer's respect for a fee. In fact, one of the principal sources of information on these criminal

55.

Delvine Papers, 1357, f.1, Lord Fortrose to John Mackenzie of Delvine, 16 Oct. 1740.

56.

Delvine Papers, 1392, f.149.

57.

Session Papers, vol.76:11, H.M. Advocate against Sir Robert Munro and others; some Criminal Letters in Book of Adjournal (series D), 1739-42, ff.536-556; another copy in Delvine Papers, 1527, No.14; Session Papers, vol.76:12, H.M. Advocate against Kenneth Bayne of Tulloch and others; also in Book of Adjournal, ff.556-72.

processes is the part of the Delvine Papers numbered 1392 and headed "Munros of Fowlis". From this source it looks very much as if Delvine was playing a double game and turning over to Munro the legal instructions and information passed on to him from Dingwall. This would not be out of character, for close study of the Delvine Papers reveals him time and again subordinating the interests of his clients to his own.⁵⁸

The criminal processes were not seriously pressed. For one thing, the Mackenzies were startled at the way the Munros controlled the precognitions and particularly by the fact that some of the principals in the riot on that side were allowed to make depositions on oath. On 23rd. February the cases were heard in the High Court of Justiciary but both adjourned for eight days.⁵⁹ For unrecorded reasons both diets were deserted with concurrence of parties on 2nd. March 1740/1.⁶⁰ Light is thrown upon the matter though by some items in Delvine 1392, particularly a "Scroll Discharge" from Bayne and others to Munro and others. The pursuers

58.

In December 1754 Fortrose broke with him on just such an issue. See Delvine Papers, 1357, f.201, Fortrose to Delvine, 3 December 1754; "In short you have all along taken liberties with me... In yr. accts. & otherwise. I have wrot to you about Things seven Years agoe, which to this day are not done." John Mackenzie of Delvine was a shifty character who had the gift of inspiring trust. Nor was it only a quarrelsome fellow like Fortrose who found him difficult. Macleod of Cadboll also had his troubles with him, cf. Delvine Papers, 1380-1383, Macleod of Cadboll.

59.

Book of Adjournal (series D), 1739-42, f.572.

60. Ibid., ff.576-8.

there describe themselves as "now fully Satisfyed & Convinced that the Death of Annabella Bayne Wife to Me the said Alexander Mackenzie mentioned in the said Criminall Letters happened through meer Fatality without any previous Intention on the part of the said Sir Robert Munro". . . . "And that the other Wrongs & Injuries also mentioned in the said Criminall Letters in so far as all or any part of those Wrongs or Injuries were truly Committed were not intended by the said Sir Ro^t.." This cannot be taken to mean that these incidents were imaginary. Evidence already adduced rules out that interpretation. The answer is simple enough and the scroll gives it. The criminal process, it says, "has been by the Interposition of Certain Gentlemen accommodated." In short, it was settled out of court but on what terms we do not know. Money was probably involved and perhaps the fine imposed on Mackenzie withdrawn, so helping to mend his broken heart.⁶¹ Significantly, in the official stamped version of the discharge handed to the Munros no mention is made of the good offices of certain unnamed gentlemen in achieving a settlement out of court.⁶²

However, Sir Robert Munro's parliamentary career came to an end in 1741, much to the satisfaction of Fortrose who hated him with a fervour that 18th. century politics rarely engendered. Sir

61.

Delvine Papers, 1392, ff.160-1, "Scroll Discharge", undated.

62.

Ibid., ff.168-9, "Discharge to Sir Robert Munro", Edinburgh, 2d. March, 1741.

Robert's rival, Charles Erskine of Tinwald the Lord Advocate, was returned by the Wick Burghs but on 15th. December 1741 Sir Robert presented to the House of Commons a petition against that return.⁶³ From this it appears that Tulloch's election in 1740 had been sustained, but in 1741 the council was ill enough advised to commission the Earl of Cromartie as delegate to the parliamentary meeting. Probably the idea was sound enough, namely to select a man of standing who could not lightly be crossed or intimidated, but in putting it into execution the council forgot electoral law, which definitely forbade a nobleman to take part in shire or burgh elections. Sir Robert was quick to see the opportunity thus thrown in his way, and this, coupled with the fact that Sinclair of Ulbster was irregularly commissioned as delegate for Wick, made up the substance of his petition. He argued that two of Erskine's votes were disqualified and a third, that of the Preses Brigadier Sinclair dubious. Ergo, only Sir Robert Munro was duly elected since he alone had two good votes, namely those of Tain and Kirkwall.

On 1st. March 1741/2 the House voted on the issues, and found that Charles Erskine was not regularly elected. On the other point, that Sir Robert Munro was, the House divided 129 against and 105 for,⁶⁴ so that as Fortrose gloated "wee carried it by 24 to my

63.

Commons Journals, vol.XXIV, 15 Decr. 1741, pp.23-4.

64.

Ibid., p.103.

great joy."⁶⁵ A warrant for a new election writ was ordered on 3d. March.⁶⁶ Erskine, however, who had been a keen supporter of Sir Robert Walpole did not choose to stand now that the great minister had fallen. It was imperative for the new administration that a Lord Advocate should be returned to parliament at once and the Northern Burghs offered the best means of securing this end. The Marquis of Tweeddale, Secretary of State for Scotland, obtained the appointment of Robert Craigie, a diligent and experienced lawyer, as Lord Advocate and wrote to him assuring him of an easy passage in the Northern Burghs. "I have obtained assurances from the Earl of Sutherland and Lord Fortrose of their interest in these Towns on your behalf; and I hope the Earl of Morton and Colonel Douglas will be prevailed upon to concur, which will make your attempt easy."⁶⁷ Sutherland on the same day wrote to Craigie asking him to stand for "My Towns."⁶⁸

On the 3rd. March Fortrose in a letter to Delvine acquaints him of the new move and gives incidentally an interesting glimpse

65. Delvine Papers, 1357, f.20, Fortrose to Delvine, 2d. March 1741/2.

66. Commons Journals, vol. XXIV, p.108.

67. G.W.T. Omond, "The Lord Advocates of Scotland", vol. II, p.7, quoting from Tweeddale to Craigie, 2d. March, 1742.

68. Ibid., p.8.

of influence at work. "This Morning I promised to the Marquis of Tweedale all the Intrest I had to Mr. Robert Craigie for represent ye Burghs etc. I have already got a Promise of a Pair of Colours for Tullochs Son - probably Sir Robert Monro may still offer Money for Dingwall. I know Tullochs Situation wants it therefore if you think proper you may represent his Case to Mr. Craigie. All elections costs money nowadays. I have writ a Particular Letter to Belma [duthy] & Fair [burn]. Another to Coul Inshcoult [er] & Allangrange.⁶⁹ One to Tulloch & another to Delnie,⁷⁰ write to whom you think most proper representing The obligations Tulloch & the Town of Dingwall lies under to the Mackenzies In as strong a Light as you can and the Inconveniences wee & they must be putt to If Sir Robert Is again in Parliament."⁷¹

This was followed up on the 6th. March by another letter intimating that as Sir Robert had given it out that he meant to have either Wick or Dingwall whatever the cost Delvine ought to approach Craigie "and tell him he must give three, or four Hundred Pd. to the Town of Dingwall to make his Election quite sure considering Sr Robert Is content to give two Thousand. Insist hard

69.

All prominent landowners in Ross-shire and members of the clan Mackenzie.

70.

Ronald Bayne of Delnie, Tulloch's brother.

71.

Delvine Papers, 1357, f.21, Fortrose to Delvine, 3rd. March, 1741/2.

wt. Craigie what Is It to one who gets 1500 a year."⁷² Fortrose pleaded his own poverty, which was real enough, and also that it was Craigie's business if he wished to represent the burghs. Should he refuse Sutherland of Forss was to stand in his place. Bailie Colin Mackenzie was to be chosen delegate to the election meeting. "As Force is Sinclair's Friend he has wrot him, yt If he doth sett up he will give him Credit to agree wt Tulloch for Mony not ready Mony upon the day of Election, but B. Colin must be Delegate."

On the 11th. Craigie, having apparently accepted those terms, wrote to Delvine who was to act as his agent at Dingwall. Sir Robert had informed Craigie that he did not mean to oppose him and in fact would advise his friends to vote for the Advocate. All the same Craigie warned Delvine to be on the alert. They were both new to electioneering and "it would Disquiet us both shoud any advantage be taken of us by Trusting to what others are to do for us or against us."⁷³ By the 13th. it was confirmed that Sir Robert, because of financial straits, would not stand.⁷⁴ Fortrose, however, continued his vendetta. "If I gett nothing by

72.

Delvine Papers, 1357, f.22, Fortrose to Delvine, 6th. March, 1741/2.

73.

Delvine Papers, 1142, f.46, Craigie to Delvine, 11th. March, 1741/2.

74.

Delvine Papers, 1357, f.23, Fortrose to Delvine, 13th. March 1741/2: confirmed again by a letter of 27th. March, 1742, *ibid.*, f.24.

Parliamenting I will at least humble the Knight, who has, and is putting in hard to be Governor of Inverness, which I think I have stopt. I bear him so perfect a Hatred yt to be able to thwart his Designs I dont grudge the great Sums I have spent this year at London."⁷⁵ A little later Fortrose toyed with the tempting idea of buying up the debt owed to one of Sir Robert's outstanding creditors, Andrew Drummond. This would certainly have been a case of the biter bit, for Sir Robert used this method, then a favourite in Scotland where debts abounded, to obtain certain of his captions in 1740. Fortrose gloated over the tempting prospect. "If it be a good debt I will force him to sell fousis, & Inshcoulter may buy It if he has a mind."⁷⁶ Fortunately for Sir Robert, Fortrose's finances were almost as shaky and the vindictive scheme came to nothing.

On 2nd. April 1742 Robert Craigie was duly elected for the Wick Burghs. He himself was not present but his agent, writing from Dingwall "after a three days' debauch" informed him that "there's no argument here more powerful than strong brandy and

75.

Delvine Papers, 1357, f.39, Fortrose to Delvine, 1st. July, 1742. In fact, Sir Robert Munro was a baronet, but this title seems to have been held in contempt in 18th. century Scotland and the derogatory use of the term "Knight" to describe such a one was common.

76.

Ibid., f.64, Same to same, 28th. December, 1742.

claret."⁷⁷ Mr. Omond seems to accept this as an adequate reason for Craigie's success, but in fact the liquor sat on stomachs well prepared to enjoy it. Ronald Bayne of Delnie reveals something of this in a letter to Delvine in which he gives some interesting snippets of information about the election and more than hints that alcohol was not the only inducement employed. Craigie, he says, ought to be sensible of the favours done him, especially by Lord Fortrose and the delegate from Dingwall. "I hope hell have gratitude; one ought not to Forgett Doing Something for the poor place, & the preserving to Tulloch Intrest, qch shoud affect me Most Considering all things. I have not the least Doubt of your Pulfilling your promise towards Tulloch & me for we Relay too Much upon it I hope a Strick Friendship will Continue twixt us." Then comes a significant postscript: "Tulloch & I are Runn down by Severalls for our Conduct but I hope will have noe Reason to Repent, I think I will not, for my own Shear."⁷⁸

Alas for Delnie's hopes, his brother fell foul of Kenneth Mackenzie over the latter's attempt to rebuild his old patrimonial interest in the county of Ross. Fortrose, imperious and vindictive, wrote to his agent Delvine, "My intention Is to ruin totally his Family, that his Children may remember who It was there Father dis-obliged."⁷⁹ Ere this was penned both Tulloch and Delvine had felt

⁷⁷ G.W.T. Omond, "The Lord Advocates of Scotland", vol.II, p.9.

⁷⁸ Delvine Papers, 1142, f.7, Delnie to Delvine, 16th. April, 1742.

⁷⁹ Delvine Papers, 1357, f.102, Fortrose to Delvine, 22nd. September, 1743.

the weight of Fortrose's displeasure, manifested as usual by savage dunning for old debts.⁸⁰ Neither Tulloch or Delnie made anything from the fall of the Munros, and since Tulloch's affairs were straitened he needed a patron and possibly also a protector from Fortrose's savage temper.⁸¹

Poor Tulloch indeed was in the classical position 'twixt the upper and the nether. As well as the venomous Fortrose he had to contend with the malice of Sir Robert Munro. It was a bad day's work on Tulloch's part to cross the fat baronet, for the latter was one of the main creditors on the estate of Tulloch. As Tulloch ruefully admitted in a later process, "Sir Robert became further Creditor to the Respondent in several Sums; and Matters went amicably on betwixt them, 'till the Year 1740, at which Time, unluckily differing about the Politicks of the Town of Dingwall, the Respondent, among others fell under Sir Robert's displeasure, and felt the Weight of it as far as legal Diligence could go."⁸² All that saved the estate at this time was the problem of the ranking of creditors. Then again another fortuitous circumstance came

⁸⁰ Delvine Papers, 1142, f.9, Delnie to Delvine, 17th. November, 1742.

⁸¹ For an instance of this, see Northern Circuit Book, 1739-1741, under date 1st. May 1741, wherein Fortrose was indicted at Inverness for assaulting and maltreating Charles Campbell, servant to Donald Macdonald of Tirnadriah, by binding him with ropes and throwing him into water "to the Danger of his Life." Fortrose escaped on a legal quibble.

⁸² Session Papers, vol.6:49, Answers for Kenneth Bayne of Tulloch to the Petition of Mr. John Gordon, Assigny of Sir Robert Munro, 6th. Jan. 1747, p.1.

to the aid of the feeble Kenneth Bayne. The eclipse of the Cromartie Mackenzies as a result of their ill-judged participation in the rebellion of 1745 left the way open for a reconciliation between Tulloch and Sir Harry Munro, who succeeded to the baronetcy on his father's death at Falkirk. All this was reflected in the Michaelmas election of that same year, 1746, in which George Earl of Cromartie and his eldest son, John Lord Macleod, were purged from the Council and Sir Harry Munro was one of the replacements.⁸³

Thus beset, with Fortrose a bitter personal enemy and Sir Harry Munro a pressing creditor, Tulloch, whose insolvency was by then the true key to the burgh's politics, became for a time the ally of Sir Harry. The latter represented Ross-shire for a year, 1746-7, then the Wick Burghs from 1747-54 and again from 1754-61.⁸⁴ He seems to have treated his debtor leniently, although in 1751 the pressure of the other creditors led to the judicial sequestration of the estate of Tulloch. The details are little to the point but that Alexander Mackenzie, the persecuted merchant of Dingwall, was appointed by the Court of Session factor upon the estate is, as we

83.

Session Papers, vol.57:5, Mackenzie against Scott, Respondents Proof, 25 July 1759, Appendix, p.58, "Copy Excerpts from the Council Books of the Burgh of Dingwall."

84.

Joseph Foster, "Members of Parliament, Scotland", pp.259-60. Craigie proved as indifferent a Lord Advocate as Tweeddale a Secretary of State and both fell together in 1746. He remained member for the Northern Burghs until the dissolution in June 1747 but thereafter abandoned politics in pursuit, ~~again not very~~ ^{ultimately} successful, of legal preferment.

shall see, both of interest and consequence.⁸⁵

The renewal of the old alliance between Tulloch and Fowles seems to have met with no effective opposition in the burgh until 1757. No information on this decade has been uncovered and more likely than not this is negative testimony to the completeness of Munro's hold upon Dingwall. Indeed, it is not surprising, for he stood well with the administrations of the day, unlike so many active (and when it came to the pinch not so active) Jacobites in that area. Added to this he had a strong grip on Tulloch. It is, then, significant, but not surprising, that neither of his returns for the Wick Burghs was petitioned against.

85.

Session Papers, vol.49:7, "Memorial for Alexander Mackenzie", Merchant in Dingwall, Factor on the Sequestrated Estate of Tulloch", 12 Jan. 1760, p.1.

Chapter VIII

Dingwall Burgh Politics. II.

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By 1757 Sir Harry Munro, who was at heart a scholarly recluse, was losing ground and two new interests had begun to contend for control of Dingwall. In that year Colonel John Scott of the Third Regiment of Foot-guards, sitting Member of Parliament for Caithness, proceeded to insinuate himself into the council.¹ This was done, he later alleged, on the invitation of Mackenzie of Kilcoy,² one of the most powerful of the neighbouring landowners and since 1746 one of the burgh's leading political figures.³ More remotely, and at

1.

For Colonel Scott see J. Foster, "Members of Parliament, Scotland", p.306; D.N.B. under Sir John Scott of Scotstarvet - "Sir John's male descendants became extinct in the person of Major-General John Scott, M.P. for Fife, his great-great grandson, who at his death on 24 January 1776, was reputed the richest commoner in Scotland." In 1773 he married Margaret, daughter of the second Lord President Robert Dundas and niece of the famous Henry, with which latter Scott in his last years was politically very intimate. Omond, "Arniston Memoirs", pp.187-9. By this marriage he left three daughters. The extent of his fortune may be gauged from the fact that the portion of each of the younger girls was £100,000. One of them married George Canning and it was her fortune that helped him to rise from comparatively humble beginnings. Omond, op.cit., pp.263-4. Contrary to the usual run of luck Scott's fortune was said to have been made largely from cards and dice. See Delvine Papers, 1258, ff.11-12, Henry Davidson to Delvine, 22 Dec. 1761, and other evidence from this source cited later in this chapter.

2.

Session Papers, vol.57:5, Answers for Col.Scott and others, 7 Dec. 1758, p.13; also ibid., Observations for Col.Scott and others, 15 Jan. 1759, p.5.

3.

N. MacRae, "Dingwall's Thousand Years", pp.218 et seq. In 1746 Kilcoy was elected Provost.

first glance more importantly, he was a ministerial candidate favoured by the Dukes of Newcastle and of Argyll.⁴ His needs were both simple and pressing, as indeed were those of his rival, Sir John Gordon of Invergordon. Each of them represented a "paired" county, Colonel Scott sitting for Caithness and Sir John for Cromarty. In the next Parliament both these counties would be unrepresented, Bute returning a Member in place of Caithness and Nairn in place of Cromarty. The rivals, then, were casting about for a new constituency and not unnaturally settled upon the Northern Burghs, the more so as Sir Harry was known to have fallen upon hard times and to be no longer persona grata with administration.⁵

Scott was further aided by the fact that he was Lord Mansfield's cousin,⁶ whereas Sir John was not only in straitened circumstances but burdened by the fact that he was a member of the Prince's party. Newcastle's difficulties following the loss of Minorca forced him to enter temporarily into closer relationship

4. As may reasonably be inferred from the disjointed entries in "The Pocket-Book of Sir John Gordon", Nat. Lib. Scotl. Ms.108, pp.364-5.

5. See, "Pocket-Book of Sir John Gordon", p.361 et seq. in which is given the substance of conversations Gordon had with Lord Hardwicke and the Duke of Argyll, on 21 Nov. 1757 and 1 Dec. 1757 respectively. From this it is clear that Sir Harry had fallen from grace.

6. Ibid., p.364.

with Lord Bute and the Leicester House group,⁷ and on this rather shaky foundation Sir John built his hopes. But he soon discovered and bitterly noted in his pocket-book that "The accessibility of the 1757 was lessen'd in the 1758 and seem'd in the 1759 converted into a total Inaccessibility." In reality "the accessibility" was never as great even in 1757 as Sir John's sanguine hopes. The Leicester House group was always distrusted by Newcastle (not without reason), and like Bubb Dodington, Sir John Gordon found the alliance snare a dangerous one. Two considerations weighed heavily against Sir John. First, Mansfield had greater claims on the ministers than Bute, and secondly the quarrel between Bute and his uncle Argyll boded ill for those in Scotland who relied upon the Groom of the Stole. In addition Sir John, like Bubb and the rest of the coterie, put rather too high a value upon himself and looked for too much.

Never one to hide his light, in his talks with Hardwicke and Argyll he reveals himself as a curious blend of egotism and naïvete. All was to be done to smooth his way. "My Elections," he reflects righteously to himself, "never cost the Administration any Money, or any Exertion of Ministerial Influence." He forgets to add that he had never enjoyed the luxury of being a ministerial

7.

For the various twists and turns of Newcastle and Hardwicke from their resignation as ministers in Nov. 1756 until Hardwicke triumphantly constituted a new ministry on 18 June 1757, see L.B. Namier, "England in the Age of the American Revolution", 1931, pp. 55-58; P.C. Yorke, "Life and Correspondence of Lord Chancellor Hardwicke", 3 vols. 1913, vol.II, pp.367 et seq.; Horace Walpole, "Memoirs of the Reign of King George II", 3 vols. 1847, vol.II, pp.249 et seq., vol.III, pp.29 et seq.

candidate; that, in fact, he belonged to a group whose exclusion from the Commons was, wherever possible, a point of policy with George II's ministers. Yet that influence was now to be exerted to the full on his behalf. Scott, an adventurer, could shift for himself, leaving Sir John to reap the advantages of his "natural influence" in that area, a phrase of which he was inordinately fond. If, claimed Sir John, Lord Morton could be prevailed upon to secure Kirkwall for him he would carry the District of Burghs. As he somewhat optimistically put it to the Duke of Argyll, "Dornoch and Wick I suppos'd conditionally engag'd agst Me but concluded for Me Tayne certain Dingwall probable." The Duke seemed startled at this. Sir John proceeded to press his advantage. "I observ'd the Event improbable, in which Baillie Mackenzie had said he wd. join Kilcoy for Col. Scott, But if said Event happen'd, own'd it in that Case probable that I shod lose the Vote of Dingwall, But if it cod be made a void Vote, Tayne the returning Burrow & Kirkwall wod carry the Election."⁸

The event that was to decide Baillie Mackenzie's allegiance was Colonel Scott's projected purchase of the estate of Tulloch which was then labouring under a great load of debt.⁹ Once Scott's purchase was completed the Baillie was to be continued as factor and, moreover, the lands of Tulloch were to be leased to him on

8.

"The Pocket Book of Sir John Gordon", p.365.

9.

Cf. Session Papers, vol.49:7, Creditors of Bayne of Tulloch against Alexander Mackenzie factor on the estate, for some details of the situation.

very easy terms.¹⁰ But, as Sir John pertinently jotted in the ever-ready note-book at some unspecified time in 1757, "What if Sale of Tulloch put off, or Col. Scott not be the Purchaser."¹¹ Burgh-mongering in 18th. century Scotland was not such an infallible science that an election contest of considerable severity could not arise from the hopes of such as Bailie Mackenzie and their threatened disappointment. There is a lesson here. The concurrence of the great men in London, the winning over of the local lairds and burgh big-wigs, the wealth and connections of the ministerial candidate were not necessarily sufficient to turn the issue. The small men who sat upon the town-councils, men like Alexander Mackenzie, although overshadowed by the parliamentary politicians and for the most part manipulated by them emphatically were not ciphers. They have their places in the equation. Their greed, ambitions, vanities, hopes and fears all had to be catered for.

Both candidates understood this. As it was later delicately put for Colonel Scott "a candidate will certainly endeavour by all means to conciliate the Regard and Affection of his Electors."¹² Unlike his military predecessor in the burgh Scott put persuasion

10. "The Pocket Book of Sir John Gordon", p.368; also Session Papers, vol.57:5, Pursuers Proof, p.25, Deposition of Andrew Robertson. At a meeting of several councillors in Bailie Mackenzie's house on the night before the election of 1757, the Bailie demanded that Scott should make him factor on the estate once he had purchased it. To this the Colonel was forced to agree. To some extent the Bailie's anxiety was probably to prevent a close examination of his factory since 1751. See Session Papers, 49:7, Creditors of Bayne of Tulloch against Alexander Mackenzie, from which it appears that the Bailie had been misappropriating funds.

11. "The Pocket Book of Sir John Gordon", p.368.

12. Session Papers, vol.57:5, Observations for Col.Scott, 15 Jan.1759, p.6.

first and force a poor second. Among the means adopted by him were the settlement of an annuity of £20 upon the indigent Provost Bayne who was now blind as well as ruined; the gift of £100 Sterling, "for use of the poor of the community" which was handed over to Bailie Alexander Mackenzie, who at this point had hopes on the estate of Tulloch; and the bestowal of the office of Clerk to the Justices of the Peace of Ross-shire upon the Town-clerk Andrew Robertson.¹³ The intermediary in these matters was Mackenzie of Kilcoy,¹⁴ and the object, of course, to secure a sufficient party to obtain Scott a footing on the Town-council. Tulloch in a quandary whether or not to support his old patron Sir Harry Munro at first opposed Scott's nomination to the council but on receiving scant hope from Sir Harry conformed, although he resisted the purging of Fowles from the council.¹⁵ "Such," as the other party later sarcastically observed, "was the substantial Interest by which the Colonel procured himself to be elected and received as

13.

Session Papers, vol.57:5, Petition and Complaint of John Mackenzie of Brae and others, 28 Nov., 1758, pp.5-6. The account there given is to be preferred to that in "Select Decisions, 1752-1768" (Kames). pp.216-7, repeated in Morison's "Dictionary of Decisions", p.1877. According to the latter the above acts of bribery did not take place until 1758, but Brae's evidence disposes of this idea.

14.

Session Papers, vol.57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.5.

15. For Tulloch's wavering, Session Papers, 57:5, Answers for Col. Scott, 7 Dec.1758, p.13; that he opposed the purging of Sir Harry Munro, *ibid.*, Respondents Proof, 25 July 1759, p.12. Deposition of John Mackenzie of Brae.

a Member of the Council, at the annual Election which happened on the 4th. of October 1757."¹⁶ At that same meeting, despite Tulloch's feeble protests, Sir Harry Munro was purged from the council.¹⁷

Sir John Gordon in the meantime was busy, although not to such purpose as his adversary. His activities were confined to displaying a letter from Lord Bute recommending him to the electors, to approaching Alexander Mackenzie (who sat on the fence trying to judge on which side it would pay best to jump), and having the minister of Dingwall, Mr. Rose, solicit in his favour. Mrs. Rose attempted to win over Roderick Morison, a councillor, but Sir John's past was against him. Apparently at a recent general election (most likely in 1747 when Cromarty, which was then virtually Sir John's "pocket county", was unrepresented) the baronet had declared himself a candidate for the Northern Burghs and provisionally engaged Dingwall in his interest. Unluckily for the burgh Sir John had failed at Kirkwall and Dingwall lost £100 Sterling that had been offered by his rival. Morison on this occasion feared a like consequence.¹⁸ Rose gave as his reason for supporting Sir John

16. Session Papers, 57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.6.

17. N. MacRae, "Dingwall's Thousand Years", p.221.

18. Session Papers, vol: 57:5, Pursuers Proof, p.41, Deposition of Roderick Morison.

zeal for buttressing the established Church especially as those in opposition to Invergordon "did not observe its Gospel ordinances." Later it was alleged by Charles Hamilton-Gordon, Sir John's advocate brother, that five of the opposite party "suffer their children to be baptised by non-jurant Clergymen."¹⁹ Sir John indeed was a staunch Presbyterian whereas many of the people of Easter Ross were at that time stubborn non-jurors. The established clergy were for him to a man. He was, for example, also supported by Colin Mackenzie, minister of Fodderty and later, shortly after the Michaelmas election of 1758, the Synod of Ross fulminated against bribery and the swearing of false oaths in a manner that made it clear to whom these criticisms applied.²⁰ That party was not Sir John Gordon.

Whilst Sir John was using these spiritual weapons Scott was busy rendering unto Caesar the things that were properly Caesar's. The same means that had served so well in 1757 were used to secure a majority on the council against the Michaelmas election of 1758. Alexander Cameron and Donald Bayne, two of the councillors, were approached by Kilcoy and Clerk Robertson, "But finding they were not like to succeed by the ordinary Means of Persuasion and fair Intreaty, the same grand Specific was applied to cure their

19.

Session Papers, 57:5, Pursuers Proof, pp.44-46, Deposition of Adam Rose, minister of Dingwall.

20.

Session Papers, 57:5, Pursuers Proof, pp.114-116, Copy Act of Synod of Ross against Perjury.

Obstinacy; and it did not fail in its Effect."²¹ Cameron received £30 Sterling and promised in writing that he would vote in council as Kilcoy and the Colonel directed. Bayne accepted the like sum from Tulloch's daughter who was actively engaged in the Colonel's interest, but prudently declined to give any undertaking in writing. Dean of Guild John Robertson was bribed by the promise of a waiter's office. Attempts were also made to win over by similar means Donald Morison, Treasurer, and his brother Roderick, councillor. The latter's daughter, who worked at Kilcoy, "was more than once sent to make an offer of eighty Guineas to them."²² These offers were spurned, and finally William Fraser, an ex-Bailie of Dingwall and Sir Robert Munro's old comrade in arms but now an agent for the Colonel, "offered to them any Sum not exceeding \$100 sterling." This character was very persuasive and among other things told them, "That many honest and good Men had done the like, and why should they be singular? That if they did not soon accept, the Colonel

21.

Session Papers, vol.57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.6. For details of Kilcoy's use of bribery see *ibid.*, Pursuers Proof, Deposition of Kenneth Mackenzie Tacksman of Kilcoy, the laird's brother, *passim*, and specifically for bribing of Bayne by Tulloch's daughter, pp.5-6. There can be no doubt of the truth of the statements made in Brae's petition. They are confirmed by numerous depositions on oath by those who like the Tacksman of Kilcoy were active supporters of Colonel Scott.

22.

Session Papers, 57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.6. Also details in *ibid.*, Pursuers Proof, pp.72-3, Deposition of Mrs. Martha Fraser, Widow of deceased Colin Mackenzie of Kilcoy. For the bribing of John Robertson, see Session Papers, 57:5, Replies for John Mackenzie of Brae et al., 1 Jan.1759, p.15.

would get his Job done without them; That this was a fine round Sum for Families in their Condition; and they might regret that they had missed such an Occasion when it was too late."²³ All was to no purpose. The brothers were incorruptible, or, as the sequel will show, were either already corrupted in another interest or hoping to be so.

The real stumbling block in Scott's path, however, turned out to be the supposedly complaisant Bailie Alexander Mackenzie into whose hands he had resigned the £100 sterling in September 1757. Scott later alleged that on first setting up for the Burghs he was assured of the Bailie's friendship and considering the undoubted fact that he gave him £100 it is scarcely to be disputed. He further strengthened his allegation by reference to a letter then written to him by Bailie Mackenzie in which that gentleman preferred him to Sir John Gordon. "Some Time thereafter, however, the Respondent [i.e. Colonel Scott] was led to understand (the Manner of the Conveyance the Bailie himself will perhaps recollect) that such Friendship deserved a substantial Recompence and valuable Consideration; but that this was a Subject more proper for an Interview, and therefore till Meeting no more should be mentioned."²⁴ At the meeting Mackenzie informed Scott that Sir John Gordon had offered him £500 sterling and "that he therefore

23.

Session Papers, vol.57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.7.

24.

Session Papers, 57:5, Observations for Colonel Scott, 15 Jan. 1759, p.2.

was intitled to a very considerable Sum; nevertheless, as he had formerly declared his Inclination to support the Respondent, he would accept of a less Sum from him only; he was also to have some something reasonable for his two Friends, Donald and Rpderrick Morisons, the two other great Patriots in this Cause."²⁵ Mackenzie of Highfield was cited as a witness and later deponed to this effect, Bailie Mackenzie having incautiously divulged his thoughts to him.²⁶ In short, the Bailie was unblushingly on the make. The factor that steered him into Sir John Gordon's party, apart from possible monies bestowed on him, was undoubtedly the failure of Scott to purchase the Tulloch estate so disappointing Mackenzie's hopes of becoming a landed gentleman of some sort.

Thus the stage was set for the Michaelmas election of 1758 which both parties recognised as crucial. Scott's position was good but victory for him by no means certain, due mainly to Bailie Mackenzie. His defection powerfully aided Sir John for Mackenzie took with him the Morison brothers. Sir John's initial strategy had been to attempt to reach a compromise with Sir Harry Munro but Fowlis would not play.²⁷ Indeed by bidding Tulloch look out for himself since the Munro interest was now in eclipse he strengthened

25.

Session Papers, 57:5, Observations for Colonel Scott, 15 Jan. 1759, pp.2-3.

26.

Session Papers, 57:5, Respondents Proof, p.24, Deposition of Thomas Mackenzie of Highfield.

27.

Ibid., Respondents Proof, pp.6-9, Deposition of Sir Harry Munro of Fowlis, copy letter from Sir John to Sir Harry 19 Sept.1758, and Munro's reply of the same date.

Scott. Possibly Sir Harry had got wind of Sir John's conversations with Lord Hardwicke and the Duke of Argyll and, recognising that he was now out of the lists, was having his tit for tat with Sir John. The latter was then forced to rely, perhaps overmuch for his liking, on Bailie Alexander Mackenzie. The plan as it finally evolved was to introduce Alexander Mackenzie of Fairburn into the council and turn off Tulloch and his friends. Of Fairburn Tulloch had a peculiar dread, largely perhaps because he was of the type of Sir Robert Munro. He was a landowner of substance who if affairs ran a riotous course could probably bring in enough tenants and dependents to offset those of the Colonel's party. This service Fairburn already accorded a certain party of the councillors of Fortrose and he was nothing loth to spread his influence.²⁸

To offset this possibility the Colonel had recourse to a few other election devices not unknown in the burgh's political history. A party of about twenty recruits commanded by Lieutenant John Sinclair, the Colonel's cousin, came to Dingwall supposedly to augment their numbers but in reality "to be ready for any Occasion about the Time of the Election."²⁹ On the Friday preceding Michaelmas the Colonel invited Cameron and Bayne, whom he had won over by bribes, to a party held at Tulloch's house. John Robertson, Dean of Guild and like the Colonel a Fifer by origin, was secured in the

28.

Session Papers, 57:5, Respondents Proof, 25 July 1759, deposition of Sir Harry Munro of Foulis (at Edinburgh, 9 March, 1759), p.5; *ibid.*, deposition of Roderick Mackenzie of Reidcastle (at Dingwall 25 April 1759), pp.10-11.

29. Session Papers, 57:5, Petition and Complaint of John Mackenzie of Brae and others, 28 Nov. 1758, p.7.

same way.³⁰ The recruits stood on guard and there the councillors had to remain, more or less willing guests, until the following Tuesday when the election was to be held.

That morning the whole military party mustered, but in the main unarmed, at the foot of the council house stair, "where they remained during the Proceedings of the Election."³¹ The election itself was a very one-sided affair, the Colonel's party having a marked ascendancy which was unimpaired even by the fact that Cameron and Bayne, who had lost their nerves at the prospect of a legal process, refused to take the oaths against bribery and corruption (a common form at election meetings) and had to be bundled out of the council-chamber and held prisoners in an adjoining room in the charge of the Colonel's servant, James Bruce.³² Next, Bailie Alexander Mackenzie revealed what was by now no secret, namely that he had been handed £100 by Colonel Scott in September 1757, and desired the Colonel to take it back and disburse

³⁰ Session Papers, 57:5, Pursuers Proof, deposition of Roderick Morison, pp.36-37; in his deposition Robertson denies this, but not very convincingly, *ibid.* pp.59-64; cf. Appendix to Pursuers Proof, Letter of Scott to Robertson and reply to same, pp.59-64. These show that Robertson feared to act for Scott lest the burghesses should take umbrage, but at the same time he pledged himself to do what he could for the Colonel.

³¹ Session Papers, 57:5, Petition and Complaint of Mackenzie of Brae, 28 Nov. 1758, p.8. That they were unarmed is a fair inference from depositions later taken in the process that rose out of this election and which are given in the Respondents and Pursuers Proofs in vol. 57:5.

³² For this and other details of the election, see Session Papers, vol.57:5, Petition and Complaint of Mackenzie of Brae, 28 Nov., 1758, *passim*.

it himself. Scott saw the trap, refused to accept the sum, so admitting to a prima facie case of bribery, and the money remained, for the time at least, with the Bailie. Its ultimate disposal is not recorded, but the Bailie's character being what it was, its fate is perhaps not beyond conjecture.

Then the actual election business was pushed through, punctuated at every stage by shrill protests from the minority party. The first item in these proceedings, the filling of the vacancy caused by the recent death of Scott's friend, Mackenzie of Kilcoy, indicated the way things were to go. Twelve voters took part, the absentees, of course, being Kilcoy and Cameron and Bayne. By seven votes to five Mackenzie of Belmaduthy beat Mackenzie of Fairburn. The minority party (which consisted of the two Bailies, Alexander Mackenzie and John Mackenzie of Brae, John Dingwall Writer in Edinburgh, and the two Morison brothers) protested that four of Belmaduthy's votes were vitiated through bribery and corruption, namely those of Colonel Scott as the briber and Provost Tulloch, Dean of Guild Robertson and Clerk Robertson as the bribed. This set the tone for the entire meeting and was well marked in the next item of business, the crucial one of purging the council. Usually only two councillors were turned off but on this occasion "for the sake of the Colonel, and to support his System, it was at this Election judged convenient to remove no fewer than four of the old Counsellors, and introduce as many new ones in their Place." Unusual this may have been but it was not outside the terms of sett. Bayne and Cameron, as untrustworthy instruments and notoriously open

to the objection of bribery, were purged from the council and with them Alexander Mackenzie, not the Bailie but a writer in Edinburgh, and Roderick Morison. Four persons strong in the interest of Colonel Scott were introduced in their room. These were all Mackenzies although this time the struggle had no tincture of clan feeling, Mackenzies figuring indifferently in both parties. These new councillors were:- Bailie Colin Mackenzie, Murdoch Mackenzie tacksman in Dingwall, Mackenzie of Strathgarve and Mackenzie of Muirtown. All this, of course, was done to the din of the usual complaints from the party headed by Bailie John Mackenzie of Brae. As the sequel will demonstrate, this party erred at this vital point in not treating Scott and the three others already cited as disqualified and then going through the forms of election by themselves. No double election ensued, which was to prove a source of weakness to Brae and his friends.

The next stage, the election of the Provost, followed the same pattern. Kenneth Mackenzie, Tacksman of Kilcoy, the deceased laird's brother, was elected by six votes to five. For some undisclosed but perhaps easily guessed motive Dean of Guild John Robertson, the Colonel's fellow Fifer, switched sides, voting with the minority against the Tacksman of Kilcoy. He probably wished to keep a foot in both camps, voted for the Colonel at the vital points and then sought to placate his neighbours by changing sides - but only after he had helped to put Scott in an impregnable position. Besides, he had already promised to vote for Bailie Alexander Mackenzie who was one of the three candidates for provost. Clerk

Robertson at this point saw fit to act peculiarly in writing up the minutes of those proceedings. The three candidates were the Tacksman of Kilcoy, Bailie Alexander (as ever, nothing if not ambitious) and John Dingwall. In recording the votes cast the Clerk listed six for Mr. Kenneth Mackenzie (the Tacksman, that is) and five against Mr. Kenneth Mackenzie. John Dingwall was listed as voting for Mr. Kenneth Mackenzie. What game he was playing is not easy to see, any more than Robertson's reason for choosing this odd presentation of fact, or what advantage Bailie John and the other petitioners hoped from a more formal account of the business. They, not surprisingly, had voted for Bailie Alexander Mackenzie. But doubtless they - or to speak more accurately their patron and mentor, Sir John Gordon - clutched at any informality that promised dividends in the Court of Session.

These irregularities Bailie John attributed to Sir William Dunbar of Westfield, a friend of Colonel Scott who apart from Lieutenant Sinclair was the only outsider suffered to witness these proceedings. "And Sir William Dunbar, who had been privileged to be present, and was thought to have acquired a particular Knack in Borough-elections, from his Experience in the Case at Forres, assumed the Character of Spokesman and Procurator in making Answers for the Colonel's Party; though, for the better Grace, the Clerk has been pleased to mark the Answers as given and made by the Colonel and the Provost."³³ Westfield's experience in the Forres

33.

Session Papers, 57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p. 12.

case would make him a dubious candidate for expert status. In 1753-4 he and some friends made an effort to extricate the burgh from the clutch of Brodie of Brodie on the plea that the latter had gained control of the burgh by intruding non-resident councillors.³⁴ The attempt was singularly unsuccessful.³⁵

The Michaelmas meeting concluded with Bailie John Mackenzie making a general protest against the election. "That the Election is void; in respect 1^{mo}, Of the Protests severally taken by him, 2^{do}, Because the same has been carried on by the Voices and Votes of Persons who did subscribe illegal Letters and Concerts with respect to the modelling of the Town-council of this Borough. 3th, Because this Election has been made under the Influence and by means of Bribery and Corruption. And, 4th, That some Members of the Council, and who are Electors at this Election, have been sequestered for several Days past at the House of Tulloch, in the Company of Colonel John Scot of the Guards, and some other leading Members, whereby they have been detained from their own Houses and Families, under a Guard of several armed Men, called Recruits of Captain Sinclair; by which means, and other undue Influence some Voters have given their Voices at this Election contrary to what

34.

For details, see Session Papers, vol.60:38, Dunbar and others against McLeod and others, 1754-56. There is a convenient summary of the case in Faculty Collection of Decisions, vol.II, No.VII, under date 7 Jan., 1757.

35.

F.C. vol.II, No.VII, 7 Jan. 1757; Bell, "Treatise on the Election Law of Scotland", p.483.

was their known and professed Inclinations."³⁶

Sir John Gordon naturally was keenly interested in this meeting. All this time he was busy like a commander-in-chief supervising his array in the five burghs, as of course was his rival. But old Sir John found "natural influence" and concern for the "gospel ordinances" of the established church poor substitutes for hard cash and the promise of ministerial favour. He was forced to rely on intrigue whereas Scott could exploit more tangible assets. Sir John's attempts to make mischief for the Colonel by spreading tales that the latter undervalued Lord Horton's interest in Kirkwall produced no visible results. Nor did his agent Willie Budge appear to make much of the task allotted to him, namely "to insinuate to Ulbster the Schemes about cutting him out from the Command of Wick."³⁷ Neither was Sir John by this time as certain of Tain as he had once given out.³⁸ Busy with such feeble conceits, it is no surprise that at this point he desired nothing more than an accommodation with Scott, but for all his scheming he could not bring sufficient pressure to bear on

36.

Session Papers, vol.57:5, Petition of Mackenzie of Brae, 28 Nov. 1758, p.13. The account of the election here given is based mainly on this paper for reasons adduced below.

37.

N.L.S. Ms.108, "Pocket-Book of Sir John Gordon", undated entries from July to November 1758, p.382.

38.

W.MacGill, "Old Ross-shire", vol.I, p.106, No.284, undated letter (1757) from Sir John Gordon to one Baillie at Tain.

the Colonel.³⁹ Consequently, the election of Michaelmas 1758 at Dingwall was of paramount importance to the obstinate baronet. If that were lost then all was lost. A less experienced but wiser head would have admitted defeat at this point and gracefully slid out of the unequal contest. But that was not Sir John Gordon's way. He was by nature a last ditcher. The harder the battle, the more desperately he dug himself in utilising every circumstance, however forlorn it might appear, that could by any stretch of the imagination tell in his favour. "Defeat" was not in Sir John's political vocabulary.

It was he, therefore, who instigated the process brought into the Court of Session on 28th. November 1758 in the names of John Mackenzie of Bras, Donald Morison and Alexander Mackenzie of Fairburn. That this is so is clear from certain entries in his pocket-book. Thus he writes in his precise, elegant little hand, "Reduction of the annual Election of the Town Council of Dingwall for 1758, given my Brother Chas. [Charles Hamilton Gordon, advocate] on the 18th. Octr. My obligatory of the 12th. to Mr. Colin Mackenzie [Minister of Fodderty] for relieving his Brother [Mackenzie of Bras] agst. the Expences of the Dingwall Complaint Ordered Gorry [John Gorry, Commissary Clerk of Ross and Factor at Invergordon] on the 18th. to tell Fairburn he had Directions to defray any incidental Expences he shod. see necessary to be at in the Town of Dingwall."⁴⁰

³⁹."Pocket-Book of Sir John Gordon", pp.372-3.

⁴⁰. Ibid., p.409.

Mackenzie's "Petition and Complaint", then, which was handed in on the 28th November 1758, had been worked up by Sir John and his brother, Charles Hamilton-Gordon. In the main the Court found the facts to be as the Petition set them out. Scott for his part at first treated the process too lightly, his "Answers" and "Observations" in no wise contradicting Mackenzie's allegations although occasionally bringing out some interesting but for purposes of the cause irrelevant information. Indeed the paper entitled "Answers for Colonel Scott", handed in on 7th December 1758, is little more than a witty and amusing squib. The opening sentences reflect the flippant tone maintained throughout. "It is the Privilege of losing Gamesters, to complain and be peevish. Political Disappointments are hard to be digested; Such is the Nature of this Complaint now to be answered, the last Speech and dying Words of a departing political Ghost."⁴¹ But the Colonel's metaphor from his favourite pastime, however wittily expounded by his advocate Alexander Lockhart, was no effective reply to the charges contained in Mackenzie's petition. The facts were all too patent. The Lords allowed proof in the allegations of bribery.⁴² A commission was granted to hear the numerous witnesses cited by the pursuers and later by the

41.
Session Papers, vol.57:5, Answers for Colonel John Scott,
7 Decr., 1758, p.1.

42.
Session Papers, 57:5, Petition of Mackenzie of Erao et al.,
19 Feb. 1759, p.2.

respondents.⁴³ This produced a large bulk of evidence, the weight of which told heavily against Scott and party.

After much learned and ingenious arguments from the advocates, the Lords deliberated on the evidence. They were unanimous that bribery was immoral and that even if no statute was specifically directed against its use in burgh elections it was still precluded on common law principles and even by the statute against bribery at parliamentary elections. The great difficulty, however, lay in the proof. No reliance could be placed on testimony under oath, since one prepared to bribe or be bribed would be equally prepared to lie. Thus the Lords could see no general procedure that could be adopted in dealing with such cases. Following the old Scots legal tradition every such case must be treated according to its attendant circumstances and the application of common sense on the part of the judges. Viewed thus the Colonel's case was clear. He and his associates were found guilty of gross acts of bribery and corruption. The Lords, therefore, "rejected the votes of the candidates and of those corrupted by him; and gave full costs to the plaintiffs."⁴⁴

In fact, the law relating to burgh elections was vague in

43.

Session Papers, 57:5, Petition of Mackenzie of Erac, 19 Feb. 1759, pp.1-2.

44.

Kames, "Select Decisions of Court of Session, 1752-1768", No. OLV, pp.212-215. Same report in Morison's "Dictionary of Decisions", pp.1887-1830.

the extreme. As Connell remarks in discussing this very case, "the effect of the corrupting of individuals will depend on circumstances. If a majority have yielded to the temptation, the election will be reduced." But, he goes on, in Mackenzie against Scott this was not proved and the Court rejected only the votes of those who had been corrupted.⁴⁵ It was but a partial triumph for the complainers, the Lords refusing to declare the persons voted for by them to be legally elected. What, then, was the exact status of the council? On 9th. August 1759 the Lords gave the answer. It was concluded that such an imperfect election must be void. This being so, the council of the burgh could only be restored by a poll-warrant.⁴⁶

The complainers, therefore, petitioned further that, under 2 George II, "the Persons found guilty of such corrupt Practices in Elections, are disqualified, and ought to be declared incapable of exercising any Vote or Right as Burgesses hereafter." This, it was submitted, was a necessary consequence if the original complaint were found competent, as it had been.⁴⁷ Corruption,

45.

Arthur Connell, "Treatise on Election Laws in Scotland", p.302.

46.

Kames, "Select Decisions", No.CLVI, pp.216-217; same in Morison, op.cit., pp.1830-2. For procedure by poll-warrant, see Alexander Wight, "Rise and Progress of Parliament", 1806 ed., vol.I, pp.355 et seq.

47.

Session Papers, 57:5, Petition of Mackenzie of Eras et al., 9 Aug., 1759, pp.2-4.

it was contended, was as great an evil as treason, for "this Transgression tends to the Dissolution of all Government, and to substitute in its Place a Syatem of Fraud, and Depravity of Manners."⁴³

This fresh petition led to even more protracted litigation, the purpose of which was dominated by political no less than legal considerations. The complainers protested shrilly their concern for public morality, whilst the respondents contrived to defend the liberties of the subject! Scott and Company argued that the Court of Session was "functus" in respect of the original complaint which was not brought in terms of the election statutes 2 George II and 16 George II. These alone prescribed penalties for corruption such as the complainers now demanded. The original petition prayed in fact for a simple act of reduction. That process had been decided. Hence, if the Court of Session were to give ear to this fresh plea it would be usurping a criminal jurisdiction it was never intended to have, and as a result "the whole criminal Jurisdiction might by Degrees be transferred to the Court of Session, and that inestimable Privilege of Trials by Juries would be evacuated."⁴⁹ Nor, once the

43.

Session Papers, 57:5, Petition of Mackenzie of Frae et al., 9 Aug., 1759, p.5.

49.

Session Papers, 57:5, Petition of Colonel Scott et al., 14th June, 1760, p.17.

Lords had refused Mackenzie's reclaiming petition of 9th August 1759, was it competent for the complainers to found on a fresh complaint. This refers to a petition brought in by Mackenzie and others in December 1759 libelling upon the Acts 2 George II and 16 George II against bribery and corruption at elections.⁵⁰ Throughout, the respondents were on firm ground and sustained by the interlocutors of the Judges.⁵¹ On 13th. January 1762 the Lords found the action not competent, and this decision was upheld by the House of Lords on 14th. March 1763.

The pious moralisings interjected into these proceedings were largely the joux d'esprits of the advocates. The purposes of their clients were severely practical, and centred upon the poll-warrant that was bound to follow the voidance of the election. Mackenzie and party put little faith in a poll-election if Scott and party were still at liberty to bribe and corrupt. "The Petitioners would be easily forgiven for struggling every Point of this kind, as far as Law and Justice will support them, if they were at Liberty to lay open, with what Audacity the Means of Corruption, attended with other unjustifiable Practices, have, since the Judgment of the 7th. of August, been pursued in prosecu-

50.

In Session Papers, 57:5, Petition of Mackenzie of Erse et al., 21st. December, 1759, pp.2-3.

51.

Session Papers, vol.95:49, Appeal of Sir John Gordon to the Lord Justice General and Lords of Justiciary, 13th. August 1765, p.5.

tion of the same corrupt Plan, and for the End of procuring the Government of this Borough to be again vested in the Hands of those who, for Bribes formerly received, or others yet ready to be given, will concur to support Colonel Scott in his Views for the next general Election for Parliament, which he was from the Beginning open enough to own was the Object of all the Doings that now stand condemned by your Lordships."⁵²

Just as clearly, it was important for Scott that he and his friends should not be disfranchised. There was another possibility, that the poll-warrant would arrive too late to effect the issue at the parliamentary election. Sir John in particular dreaded this, for with Dingwall out of the lists he had no hopes although in a letter to Baillie at Tain he tried to put the best face on things. "With respect to the corruption of Dingwall, warrant for restoring ye burrow . . . believe it will not come in time enough to give Dingwall any voice at ye next General Election. . . They will have Themselves and Baillie Alexander [Mackenzie] to thank . . . such a profligate and abandoned fellow . . . Tain will have ye double voice in virtue of its presiding in case two for me and two for Colonel Scott."⁵³ What

52.

Session Papers, 57:5, Petition of Mackenzie et al., 12 June 1760, p.16.

53.

W. MacGill, "Old Ross-shire", vol. I, p.106, No.285, Sir John Gordon to Baillie, undated (1759). MacGill's transcripts are defective.

particular piece of rascality on the part of Bailie Alexander gave rise to this outburst is not known.

The poll-warrant, however, arrived in time. It did Sir John no good for the other essential was lacking. Scott and party were not disfranchised, and on 7th. October 1760 Thomas Mackenzie of Highfield was elected Provost. The election was challenged by Mackenzie of Brae and others, but confirmed by the King in Council on 28th. January 1761.⁵⁴ Thus Sir John Gordon failed to secure Dingwall, and at the parliamentary election of 1761 Colonel John Scott was returned for the Northern Burghs. No details of this are available, but that his victory was beyond dispute may be safely inferred from the absence of a protest to the House of Commons. His interest was for a time maintained in the burgh, strengthened by the acquisition of the estate of Tulloch not indeed by Scott but by his close friend Harry Davidson. Davidson was Bayne of Tullach's cousin, a solicitor in London who specialised in handling Scots appeal cases to the House of Lords. By 1761 he had made enough money to wish to set up as a landed gentleman in his native Fess. The estate of Tulloch he thought would suit his needs admirably. Its political value did not interest him and he disclaimed any intention of trying to recapture the burgh. "At present indeed it is in the same Channel that I would put it, and where I think it is likely to

54.

H. MacRae, "Dingwall's Thousand Years", p.221.

continue."⁵⁵

To keep the expense of the sale down Davidson agreed to act in concert with Colonel Scott, who did value the estate's political possibilities. "We have agreed to act in Concert as Bidders for the Estate of Fulloch, and to go the Length of Ten Thousand Pounds Sterling, or even Five Hundred Pounds more for that Purchase; And that whichever of us shall be the Purchaser will afterwards throw the Dice with each other, and that Throw to determine between ourselves the real Purchaser."⁵⁶ Davidson feared the test. "It would be something uncommon, were the Dice to favour me against one who has made his Fortune by them."⁵⁷ He was therefore, relieved to reach an agreement with the Colonel whereby the latter, for certain other considerations, agreed to let Davidson have the estate without recourse to the dice. Nonetheless it was to be given out that the dice had been thrown and had for once decreed against their votary. "Scott's View in our Concert (as to the Report of our Throwing) you can easily guess - It was to make his political Friends believe that he had done all

55.

Delvine Papers, 1253, f.2, Henry Davidson to Delvine, 24 October, 1761.

56.

Delvine Papers, 1253, f.11, Davidson to Delvine, 22 Dec., 1761.

57.

Ibid., f.12, same to same, 22 Dec., 1761.

in his power to get the Potato. And therefore I need not recommend it to you, to keep his secret."⁵⁸

Indeed, as far as Scott was concerned the burgh had served his purpose. At the next General Election he stood and was elected for his native county of Fife. In 1770 he was made a Major-General, and he died in 1776.⁵⁹ Nonetheless, he wished to maintain his interest in the Northern Burghs and did not altogether neglect Dingwall after 1763. In 1772 he wrote to the town council "offering a donation of one hundred pounds, as a mark of his good will, for a town clock or any other useful purpose that may be agreeable to the Burgh."⁶⁰ The offer was accepted with quite pathetic enthusiasm and on 2nd. February 1773 our old friend Donald Morison was one of a trio appointed to visit Forres and prepare a model of the steeple and bells there "as a plan for the proposed operations of the same kind in this Burgh."⁶¹ Meanwhile Henry Davidson forgot his original aversion to politics and by

⁵⁸. Polvine Papers, 1258, f.23, same to same, 2 Feb., 1762.

⁵⁹. J. Foster, "Members of Parliament, Scotland", p.306.

⁶⁰. N. MacRae, "Dingwall's Thousand Years", p.231. Scott, however, still retained control of the Northern Burghs constituency until his death in 1776. See "Parliamentary Papers of John Robinson", ed. Inprado, 1922, p.5.

⁶¹.
N. MacRae, "Dingwall's Thousand Years", p.231.

1771 he was brought on the Council. But he had arrived in time to share in the spoliation of the burgh's property, which doubtless did something to sweeten his introduction to political life.

These events might suggest that the processes arising from the election of 1753 had long been stilled. Such a view would merely reveal ignorance of the character of Sir John Gordon. Once launched on a law-suit the baronet never gave in till he had exhausted every resource known not merely to the law but to lawyers. As late as 27th. July 1764 papers were being handed in for Mackenzie of Frae and Donald Morison, Fairburn having died in the interim. This time the wrangle was over the costs of suit that had to be borne by Scott and his friends. The original costs were fixed at £369. 8. $7\frac{6}{12}$ Sterling, but, unwilling to accept the interlocutor of 1759 as final the complainers had carried on process until their final costs were in the region of £200 sterling. So long did the complainers take to attempt to recover costs that Scott brought in a bill of suspension. The dispute also centred upon the terms of payment. Scott was willing to pay only if all parties concerned gave him a valid discharge, and Fairburn (probably at the instigation of Sir John Gordon) had stubbornly held out against this. The main trouble lay in the fact that Scott required the decret to be delivered up to him in exchange for payment. The complainers were unwilling to do this. They might yet sue in another court "either before the justiciary, or the magistrates of that borough where

the bribery was committed. Whichever of these measures the chargers shall be advised to follow, they have an interest to retain the extract, because it may be serviceable to them in their after-proceedings."⁶²

Scott in reply went to the root of the matter. Mackenzie and Morison were pawns, "the tools of another gentleman, who defrayed the whole expences of the process to gratify private resentment."⁶³ What came of the wrangle over expenses is not recorded but probably, to the relief of the Court, a private agreement was reached. The "malicious gentleman", however, as Scott designated Sir John Gordon was by no means "functus", even if the Court of Session was. Ever since February 1762, long before the final judgment of the House of Lords, Sir John had been badgering the Lord Advocate, Thomas Miller of Glenlee, to raise a criminal process against Scott, purely, as he put it, out of regard for the public good. The Advocate averred that Sir John's legal advisers had originally counselled him in 1758 to take the case into the criminal court, but he had refused and the

62.

Session Papers, vol.95:1, Information for John Mackenzie of Erskine et al., 27th July, 1764, p.7.

63.

Session Papers, vol.95:1, Information for Colonel John Scott et al., 6th. August 1764, p.2.

civil court had now exhausted the cause. Sir John, like many amateurs at law, was jealous of his knowledge and could brook no criticism of it. The charge made by the Advocate, and apparently much tittered at behind Sir John's back, that he had been "opinionateering" -- that is, overriding counsel -- angered him greatly. He was, as he complained bitterly, being held up as a laughing stock and this of all things was what his touchy, pernicketty nature could not bear. The charge was denied by Sir John's advocates, Garden and Cosmo Gordon and his solicitor John Hay.⁶⁴ Fortified with these good opinions he prepared once more to enter the lists.

He pestered the Advocate again in February 1763, only to be fobbed off by the latter on his deputies at Edinburgh. But later when the Advocate was in Scotland Sir John raised the matter again in a most importunate manner. "The Lord Advocate returned this information some weeks after, with an answer wrote on the back of it in the following words: 'I will not prostitute my office to serve the purpose of private resentment. When the criminal libel was brought in the Court of Session, recently after the crime was committed the pursuers, by advice of their council asked no more than the concurrence of the King's Advocate for the time, that being sufficient for all the purposes of private and publick reparation. At this distance of time, I

64.

Letters of David Ross, Reg. Ec., Garden and Gordon to Hay, 20 Feb., 1762, and Robert Mackintosh to Sir John Gordon, 9 March, 1762.

will not adopt the action at my own instance. I will give my concurrence to any criminal libel brought by a party having interest to pursue."⁶⁵ On these grounds, Sir John, citing the Claim of Right which denies the Crown any dispensing power, asked the Lords of Justiciary to prevent the Lord Advocate from dispensing from the statutes 2 George II and 16 George II.

The petition was entered in the records of the High Court,⁶⁶ but consideration of it was twice delayed and not until 25th. January 1766 were answers heard from the Lord Advocate. This dignitary was not much put out at the aspersions cast upon him "since it comes from such a notoriously litigious and cantankerous character." As to the accusation that he was biased in the matter so far from the truth was it that the Advocate, then an ordinary pleader, had actually helped to draw up the original papers in the process for Mackenzie and had even been thanked for his pains by Sir John Gordon himself!⁶⁷ In fact Sir John could no longer find counsel to follow up his rash schemes. Hay Campbell, who appeared for him, revealed the truth of this by requesting

⁶⁵. Session Papers, vol. 95:49, Sir John Gordon's Appeal to the Lord Justice-General et al., 13 August, 1765. For part quoted, pp. 9-10

⁶⁶. Book of Adjournal (D34), 1765-1767, under date 16 Aug., 1765.

⁶⁷. Ibid., 25 Jan., 1766. Millor in fact drew up two petitions for Mackenzie of Frae and others - one dated 21 Dec., 1759, the other 7 Aug., 1760 and both in Session Papers, vol. 57:5.

~~⁶⁸. Book of Adjournal (D34), 21st. June, 1766.~~

numerous adjournments and finally coming up with nothing. On 21st. June 1766 the Lords of Justiciary refused the Petition.⁶⁸ Sir John had exhausted every resource known to the law and was now obliged to desist. Anyway, he was by this time engulfed in the Cromarty election cases which must have produced litigation enough to satisfy even his fantastic appetite for law.

From 1768 until 1832 the history of Dingwall seems to have been relatively tranquil. At anyrate, there are no records of any severe election contests. But the Northern Burghs constituency continued to be a problem for the political managers. In 1773 John Robinson, the Clerk of the Treasury and electoral expert, drew up the following table in preparation for the election of the next year.

" Kirkwall	Is Sir L. Dundas's, who has given it to General Scot for some time, who is connected with Governor Grant and joins with Weemyss in bringing Grant in.
Wick Governor Grant (member)	Is in private hands, but would go with Mr. Mackenzie for Lord Seaforth.
Dornock	Is Mr. Weemyss's, who joins General Scot for Grant.
Tain	Is Mr. David Ross's, and would go with Mr. Mackenzie.
Dingwall	Is a Mr. Mackenzie's of Delvie's, a friend of Governor Grant's." ⁶⁹

⁶⁸. Book of Adjournal (D34), 21st. June, 1766.

⁶⁹.

"The Parliamentary Papers of John Robinson", ed. Inprade, p.5.

Scott, then, still maintained a considerable interest in the constituency, although no longer sitting for it himself. Robinson regarded the constituency as doubtful, later in 1734, and passed the following comment: "These are a parcel of very compound boroughs. They are classed doubtful and Mr. Dundas can best say whether good can be drawn out of them."⁷⁰ Compound and uncertain they remained and the great Henry himself had difficulty keeping them in order. After involved negotiations with Sir John Sinclair, Dundas managed to secure the return of his nephew, William Dundas, for the constituency in 1796.⁷¹ But in November 1810 a "Sketch of the political Interest in Scotland" was drawn up for Lord Melville in which it was remarked of the Tain Burghs - "generally arranged by compromise, otherwise a doubtful Contest depending on the returning Burgh."⁷²

It remains now to comment briefly upon the trends noted in Dingwall between 1707 and 1763. How far these events were of purely local significance or how far characteristic of the royal burghs as a whole would be a distinction by no means easy to make

70.

"Parliamentary Papers of John Robinson", p.105. In fact, so little good was drawn out of them at this time that they returned Charles James Fox.

71.

Holden Furber, "Henry Dundas, First Viscount Melville", pp. 242-3.

72.

Melville Papers, N.L.S., Ms. No.1, f.203.

and in the present state of our knowledge perhaps impossible. It is, indeed, hard to visualise a norm in such a heterogeneous collection as the royal burghs of Scotland. Their sets varied widely; their customs and other circumstances also differed. In a sense each was sui generis and to attempt to impose uniformity, whether for clarity of exposition or any other purpose, would be to play with truth. Nonetheless, Dingwall shows certain features that can be regarded as typical, not of the royal burghs as a whole, but of certain aspects of a fair number of them. In short, Dingwall might stand as the type of the small impoverished burgh for which the parliamentary franchise was an important source of revenue and not merely a source of easy money for the leading councillors. The community itself needed the £100 Sterling, whether applied to the relief of the poor or the building of a steeple or a tolbooth or whatever. Furthermore, such a burgh would not, like say Inverary, be under the absolute sway of a patron. Few Scots burghs were. In the majority, a patron might prevail for a time by "doing something for the poor place," to quote Ronald Bayne of Delnise once more. The minute he ceased to do so, or the minute it was no longer possible for him to do so, or the minute someone better situated to do so started up, he was in danger. The lesson pointed by the career of Sir Harry Munro is clear and needs no elaborating.

Nor was it merely a question of money and places. Constant attention had to be paid to the magistrates and councillors

of the burghs. Evidence is lacking but it could well be that this was where Sir Robert Munro slipped up in 1739. As he himself pointed out in his indignant letter to Tulloch he had not been niggardly with the burgh so far as money and help went. But the Munros undoubtedly carried things with a high-hand. Even in the mid-eighteenth century when corruption was general the proverbial touchiness and pride of the Scot was still a factor to be reckoned with. Far from being servile the magistrates and councillors were quick to take the huff at any slight or injury. This was the entire basis of Ayr's refractory conduct in the negotiations leading up to the General Election of 1761. The town-council of Ayr resented the haughty manner in which the aristocratic interests contending for the Burghs (Argyll-^uLondon and Duto-Eglinton) had made a compromise and decided who should represent the constituency. It only made matters worse when the Ayr councillors were informed "that they were of no consequence whatever part they acted." All the same it was the patrons in this interesting episode who had to climb down and make, for such magnificos, abject apologies.⁷³ Then, as we have seen, in Dingwall Colonel Scott ran into difficulties through underestimating the importance of that ambitious rascal, Bailie Alexander Mackenzie. Scott prevailed in the end, but his failure to secure the Bailie led to protracted litigation

73.

See W.L. Burn, "English Historical Review", 1937, pp.103 et seq.

which must have cost the Colonel at least £1500 Sterling. Now, had he secured Mackenzie the other side would have had no effective party in Dingwall at all. Or again, to take an example from a later date, just before the election of 1820 Lord Kintore lost the burgh of Inverury in the Banff group over a similar slight to certain of the councillors. This made Elgin the key to the parliamentary election and a fierce contest raged there over the election of a delegate.⁷⁴ The conclusion is unmistakable. It is a dangerous error to regard the town-councils as mere passive agents in the hands of the parliamentary politicians and their agents. They were by no means necessarily such.

There must have been many burghs exhibiting some if not all of the characteristics of Dingwall. Forres, Elgin, Wick, Dornoch, Tain, Kintore, Inverury - all show some of the diagnostic features. Pending deeper investigation one cannot, of course, be dogmatic, but a prima facie case seems to exist for the contention that the burghs of the north-east and of Fife were largely of this description. Certainly in the few legal cases dealing with this subject they figure largely. The paucity of cases need not puzzle us. As Mackenzie of Raas's petition warned the Court, "It cannot in Reason be supposed, that many of the dark and secret Dealings of those who go about, even with the least Reserve, to practise such corrupt Methods and Acts, to obtain Elections, can

74.

E. Dunbar Dunbar, "Social Life in Former Days, 2d. Series", p.165.

be brought to open light by judicial evidence."⁷⁵ The judges in their deliberations agreed with the petitioners on this point. Nor, perhaps for this reason, does there ever seem to have been more than four cases of this kind before the Court of Session.⁷⁶ Indeed, Mackenzies against Scott was something of a cause célèbre. It was the first and most fully debated trial of a case alleging bribery at municipal elections. The only comparable case was tried shortly after the decisions in Mackenzie against Scott and largely under the influence of these. Haldane against Holburn, which concerned the burgh of Inverkeithing, shows very similar features to that of Dingwall. But here both sides were found guilty of bribery. Had Scott's advocates been more adroit in their conduct of his case the same result would likely have ensued, for the evidence indicates that Sir John Gordon was doing his humble best in this respect.

As to violence, existing accounts have usually spoken of it in connection with the parliamentary election or else the preparatory steps to this the choice of a delegate to that meeting.

75. Session Papers, vol. 57:5, Petition and Complaint of Mackenzie of Brae et al., 28 Nov., 1753, p.4.

76. Only two other cases are listed in the Index to the Session Papers; Geddie and Mackintosh against Dempster, 1763; and the Petition of Ferguson and others, 1816. Morison, "Dictionary of Decisions", s.v. Burgh-Royal, Sub-section III, Burgh Elections, No.27, gives another, Captain Haldane against Admiral Holburn, 12 March, 1761.

But, like corruption, it goes deeper than that and violence was also used as required to influence municipal elections. Dingwall was characterised by the way in which its municipal politics were influenced by its Highland hinterland. Nor was this peculiar to Dingwall. It was in fact a regional phenomenon reflected not only in the burgh elections but in those of the counties as well. It should not, of course, be exaggerated. Violence of some degree or other was apt to be a common feature of 18th. century elections, English as well as Scottish. But in the majority of cases it was usually the work of hired rowdies and in all but a few notorious instances the struggle was played like a boisterous game. But in the Highlands an election contest could rouse older and deeper antagonisms than those temporarily synthesised by the inducements of rival political interests. The clash between the Munros and Mackenzies is a case in point. But here one remarks how the Munros, well entrenched in the county and using the legal forms that their possession of offices and favour in the eyes of government afforded them, were able to take the offensive. The Mackenzies, tainted with non-juring Episcopacy and thus suspect to the authorities as Jacobite sympathisers, could neither strike the first blow or even make the reprisals that their strength would have made possible. This appears very strongly in 1740. In that same year, the consequence of with-drawing the Independent Companies was evinced in no uncertain manner by sudden outbreaks of disorder on the

large scale in a province supposedly disarmed. Thus, the Mackenzies, already suspect, could not afford to appear too aggressive in the battle for Dingwall. Even so, it was possible, as Sir Robert Munro discovered, to press such an advantage too far. The general point, though, remains an interesting and valid one. Nor did these old clan feelings and rivalries cease with the Heritable Jurisdictions Act of 1747. For almost a century thereafter they coloured contested elections in the Highlands and adjacent parts. In 1820 a noted instance of this occurred at Elgin. There the contest lay between the Earl of Fife and the Grants. The all important occasion was the choice of a delegate to the parliamentary election meeting. Fife carried it by the more assiduous bribery, but for a time it was touch and go. The Lady Ann Grant, angered at the insult to "the name" (a potent Highland rallying call), summoned 700 no less of her clansmen and dependents in an effort to chastise the town into better manners. Fife riposted by calling in almost as many Duffs. So that all told something like 1500 armed men faced each other. Only after frantic expostulations from the Sheriff of Moray could Lady Ann be brought to relent and order her Highland levies back up Speyside whence they had come. Even so, the Grants won the election by a narrow margin.⁷⁷ Well on

77.

For this fascinating episode, see E. Dunbar Dunbar, "Social Life in Former Days, 2d. Series", pp.164-174.

into the 19th. century the old spirit of clanship was still playing a not inconsiderable part in Highland county elections. That this is true of Ross-shire is clear from the Seaforth Papers.⁷³

Finally it is sometimes asserted that the English rotten borough has no counterpart in Scotland. This is a meaningless half-truth. On the English analogy the Scottish burghs would all be classified as "corporation boroughs." That they were not openly hawked in the market like some of the English rotten boroughs cannot be regarded as evidence of sweetness and light. Like the English corporation boroughs the Scots burghs were in their separate ways just as venal as the disappointed and exasperated Eubb Bodington found Bridgewater to be. The answer lies in particular circumstances. The channel through which corruption and influence worked varied with the different set-ups. In Scotland, some burghs such as Campbelltown and Inverary, were as near nomination burghs as made no difference. Others, like Dingwall, were corporation boroughs, or to speak more accurately, fractional corporation boroughs, either a fourth or a fifth of a constituency as the case might happen to be. The great, the fundamental difference between English and Scottish parliamentary boroughs lies in the constitutional differences between England and Scotland. It was the system of grouping in the Scottish burghs that seems to set them apart.

73. Vide infra, chapter X on Ross-shire elections.

It was this that gave patrons such a hard time and which necessitated different election techniques from those employed in England. The Scottish burghs were neither more or less corrupt than the English boroughs. It was merely that existing electoral arrangements dictated that they should be handled differently. It also explains the potential strength of the individual town-councils. Where there was an equipoise, or near equipoise, of interests in a group consisting of five burghs the importance of the fifth requires no demonstrating. This was often Dingwall's case.

Chapter IX

Ross-shire 1817-1832.

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As a means of illustrating the changes that took place in the conduct of politics in the counties after the Reform Act of 1832 we propose in the following chapters to examine in some detail the electoral history of the shire of Ross between 1817 and 1847. Elsewhere we have touched in passing upon the politics of Ross and it may be recalled that in the early 18th. century the main interests were those of the Earl of Seaforth, Ross of Ealnagowan and Munro of Foulis. The forfeiture of Seaforth in 1716 left the way open for the others and they seem to have reached an accommodation, the Rosses representing the shire and the Munros the Northern Burghs. But an effective challenge to this hegemony was made by Seaforth's heir, Kenneth Mackenzie, titular Lord Fortrose. He worked away assiduously to restore his patrimonial interest and in the main he succeeded. From 1747 until his death in 1761 he represented the county in Parliament.¹ His son and heir maintained this interest, had the ancestral estates restored and was created Earl of Seaforth in the peerage of Ireland.² On the death of the Earl in 1781 the estates passed to his cousin, Thomas Frederick Mackenzie, afterwards

1. Complete Peerage, vol. XI, p. 536.

2. Ibid., p. 536.

Mackenzie Humberston. He seems to have been little interested in politics but died of wounds in India in 1783 before the family interest in Ross had time to die out.³ He was succeeded by his brother, Thomas Humberston Mackenzie, who because of his physical disabilities was unfit for the active military service that had prematurely terminated the lives of his two immediate predecessors. He was indeed a remarkable man and made a distinguished career for himself in spite of being virtually deaf and dumb.⁴ In Ross he maintained the family interest and in 1788 of 74 votes on the Roll Seaforth could count 24, most of them on nominal liferents. Next came Mackenzie of Applecross who controlled 5 votes. Humberston Mackenzie, Lord Seaforth as he was after 1797, continued to dominate the shire until his death in 1815. Before that date, though, two important factors had emerged. First, Seaforth was predeceased by his four sons and it was a question how far a political interest of this kind could be wielded by a sole heiress, Mary Frederica Elizabeth, then the widow of Vice-Admiral Sir Samuel Hood. Secondly, despite his high intelligence Lord Seaforth suffered from the vicious habits of his age. He had the misfortune to be one of "Frimmy's set" and the double misfortune not to have a long suffering

3. Complete Peerage, vol. XI, p. 537.

4. Ibid., p. 538.

Legislature to pay off his gambling debts. As a result his affairs were straitened in his last years. A worse conjuncture could hardly have been effected than that of an impoverished heiress trying to maintain a political influence in a county where something of the old clan spirit still obtained.

The heiress married in 1817 James Alexander Stewart of Glassorton, a cadet of the Galloway family and like herself somewhat straitened financially. Quite apart from the important question of the expense involved it by no means followed that Stewart Mackenzie, as he became known, would automatically fall heir to the representation of the county. In the years under review it is difficult to know just how much weight to attach to the old spirit of clanship in relation to politics. It was certainly not the only or even the most important factor, but neither was it negligible. At times it was whipped up to a height of spurious sentimentality, but this rested upon a basis of fact. Ross-shire was very definitely "Mackenzie country" and there were many freeholders of "the Name" who were not at all keen to see a stranger usurp the representation, even if he did do his best to pass himself off as a clansman and chief, albeit of a very nominal variety. Of the 68 freeholders on the Roll Thomas Mackenzie of Applecross, who was well to do, was very definitely of this persuasion and he set up for the county early. He evidently offended the Seaforth family by the terms of his circular in which apparently he founded his claims on clanship

and gave out that it would be shameful for a stranger to sit for the county, thus hitting out at both Stewart Mackenzie and the late Seaforth's friend, Alexander Fraser of Inchcoulter, both of whom might aspire to the representation. His arguments were not without force nor he without popularity, for over twenty freeholders of the name of Mackenzie pledged themselves to support him. The Seaforths, too, had erred in not making their opinions known early and Applecross had availed himself of this oversight by spreading reports that the family did not intend to influence the election. This confirmed many of the Mackenzies in the belief that Applecross ought to be supported. All this appears in Major General Sir Alexander Mackenzie of Fairburn's correspondence with Mrs. Stewart Mackenzie. As he says, "I am very much concerned at the determination you have taken at this stage of the business to support his [Applecross] opponent. Are you aware, that independent of others, two and twenty Mackenzies have pledged themselves to support him; if you are, I must conclude that Mr. S. Mackenzie has made up his mind to deviate from the constant practice of your predecessors by placing himself in opposition to those, who have been the constant supporters of your family. If such be the intention, I owe it to you, I owe it to myself, to declare at once, that I am not reconciled to follow that line of conduct, and I am not without the hope that you will hereafter allow I am pursuing your best political interest in joining my namesakes and my friends on the present occasion, -

the more we are divided, the more difficult it will be to unite us again."⁵ At this point Stewart Mackenzie tried to play down the claims of clanship but later, once he was accepted as Seaforth, he varied his arguments. At this time, however, Mrs. Stewart Mackenzie in her reply to Sir Alexander builds on interest and friendship, the staples of old style electioneering. Inchcoulter, she claimed, had started without the knowledge of either herself or her husband but his claims on their friendship were too strong to be ignored. "If we should prefer an opponent with a favourite name to so respectable and tried a friend, we should ill deserve a constancy in friendship ourselves and I am sure that any who considers the affair in an unprejudiced view, will allow that we should have been most ungrateful not to have supported our friend, even though he is not a Mackenzie; and to have supported our declared enemy, because he is one could still less have been expected."⁶ This was pretty plain speaking and quite accurate but for the denial of all knowledge of Inchcoulter's intention to stand. From later evidence it seems clear that Inchcoulter was meant to act as locum tenens until such time as Stewart Mackenzie had built up a strong enough interest

5.

Seaforth Papers, Box 32 (Reg.No.), Bundle 120, Sir Alexander Mackenzie of Fairburn to Mrs. Stewart Mackenzie of Seaforth, 6 October, 1817.

6.

Seaforth Papers, 32, 120, Mrs. S. Mackenzie to Sir Alexander Mackenzie, 14 Oct., 1817.

in the county.

Once the rivals had taken the field the usual tactics were pursued. Individual votes were solicited and, of course, the Roll of the Freeholders was carefully scrutinised. The chief agent for Inchcoulter, James Horne, an Edinburgh lawyer, was soon busy drawing up tables that purported to reveal how individual voters were likely to go. All sorts of problems and queries arose in an effort to counteract Applecross's workings. Thus on 19th. November 1817 we find Horne making a request of Mackenzie of Attadale. "Being aware of the interest you take in my friend Mr. Fraser's Election, I beg to State to you in Confidence that we suspect it is in the Contemplation of Applecross to bring forward your Ally Mr. Frederick Mackenzie of Ruraig who was inrolled in 1782, along with a cloud of others on liferent Superiority to him by the then Thomas Mackenzie of Applecross on a part of his land of Lochcarron Called Streame and others. The suspicion arises from his Grandson the Candidate, not otherwise Occupying that qualification. You will have the goodness to inform yourself, and let me know how this stands in Course of Test." Attadale evidently was to consult the Register of Sasines at Inverness and report his findings. He was also requested to approach several freeholders and try to secure them for the candidate favoured by the Seaforth family.⁷

7.

Seaforth Papers, 32, 120, James Horne to Mackenzie of Attadale, 19 Nov., 1817.

Some of the parties approached in this way by Lorne and his agents expressed regret at promising their votes to Applecross but gave out that they could not decently retract such promises. The following account was typical of many. "I only wish," wrote Charles Fraser, "that you had opened your plans to me at whatever period they were formed; it was my wish to serve you, & I never should have given my Vote to A but under the circumstances I have before explained by supposing that you did not mean to interfere; if it had been understood that Inchcoulter was to stand as L.T. for Mr. Stewart McK, I am pretty sure that many even connected with A would have supported him." The writer of this note at the time represented Ross-shire in Parliament, having in 1814 undertaken to maintain the Seaforth interest in the absence of the heiress, then Lady Hood. Although somewhat piqued at Inchcoulter who had not supported him in 1814 Fraser of Inverallochy maintained that if early enough apprised of the Seaforth plans for the coming election he would have fallen in with them.⁸ There can be no stronger testimony to the negligence of the Seaforth family at this juncture than that they should have neglected to put their proposals to Inverallochy. It placed many would-be friends in an awkward position and not only those who had pledged themselves to vote for Applecross. Others when

8.

Seaforth Papers, 32, 120, Charles Fraser to Mrs. Stewart Mackenzie, 8 Dec., 1817. For his parliamentary career, see J. Foster, "Members of Parliament, Scotland", p.223.

pressed by him had acted more cautiously and promised neutrality, but all the blandishments of the Seaforth family could not induce them to retract. Of those who declared themselves neutral Sir Hugh Munro of Foulis was the most important.⁹

By the 29th. November Horne had heard from Attadale and passed on the information to Mrs. Stewart Mackenzie, a masterful woman who co-ordinated measures and was as Sir Walter Scott observed, fit in every way to be a Highland Chieftain.¹⁰ The main burden of Horne's message was that Mackenzie of Raraig was to act for Applecross and it was therefore deemed essential that this vote should be offset by that of Mackenzie of Laxay, whose qualification was just as nominal. To satisfy old Laxay's tender conscience Horne urged the lady to write him a honeyed note and he ended his exordium with the following post-script. "You will of Course take no notice of the motive for engaging Laxay. On the Contrary you may signify your Surprise at hearing that Raraig should think of coming forward against your family, and that Laxay's qualification is the best of the two."¹¹

9.

Seaforth Papers, 32, 120, Sir Hugh Munro to Thomas Coutts, 30 Nov., 1817.

10.

For some details of her life see D.N.B.

11.

Seaforth Papers, 32, 120, James Horne to Mrs. Stewart Mackenzie, 29 Nov., 1817.

About this time, probably in late November or early December 1817, a "Decipheration of the Ross-shire Roll" was drawn up for the use of Mrs. Stewart Mackenzie.¹² In sum, "The Roll at Michaelmas 1817 was - 70, Accounted for thus viz. -

Pros ----- 25

Cons ----- 25

Non-declarants &c.

as above ----- 20 Mr. Fraser expects to get more friends out of this list than his opponent can do (i.e. those who have not declared).

Supposed disqualified ----- 4

70.

And should no General Election take place until the end of Autumn 1818, Mr. F. will have more friends to claim Inrollment than his opponent can possibly have, both on real property and on Superiority, - Such as Mr. McKenzie of Seaforth, Mr. Parkly of Mounteagle, &c. &c. &c." This last observation, incidentally, helps to explain why Stewart Mackenzie of Seaforth did not come forward as a candidate at this particular election. When the contest began in 1817 he was not even on the Roll of Electors for the county and on the whole it was better not to contest the seat in person until this matter, and others of a kindred nature, such as the enrolment of certain friends and supporters, were taken care of.

12.

Seaforth Papers, 32, 120, Decipheration of Ross-shire Roll, no date.

That this reading of the situation was just a little too optimistic, however, Horne realised and he pressed hard in other directions. He was particularly keen to secure Hugh Innes of Lochalsh but not too hopeful of the outcome of his endeavours. In fact, his pessimism proved unjustified and Lochalsh became the most powerful ally of the Seaforth-Incheculter interest. At the same time every effort was to be made to have the friends of that interest provide qualifications.¹³ Dundonnell and Tarlogie, of the more important landowners named, proved compliant but with General Sir Alexander Mackenzie of Fairburn the resourceful agent caught a tartar. The Major-General, who since the conclusion of the peace in 1815, had spent much of his time in retirement at Vienna, had expressed the wish to purchase certain superiorities on the estate of Strathconon to which he held the property rights. These would prove very serviceable at the coming election. Negotiations for increasing the value of Strathconon by buying up feu duties had begun fully two years before but for some reason came to a standstill. On 24th. September 1817 Stewart Mackenzie wrote to Fairburn on the subject informing him that a contest was in the offing and that the Seaforth family would support Incheculter. He then requested the making up of the Strathconon superiorities with a view to creating votes on them. Horne took up the matter and, in the high-handed way then

13.

Seaforth Papers, 32, 120, Horne to Mrs. Stewart Mackenzie, 11 Dec., 1817.

used in electioneering, proceeded to make up Fairburn's titles and to dispose of the superiorities to certain parties. Fairburn complained bitterly to Inchcoulter: "I really am at a loss in what light to view the proceedings which have been adopted by Mr. Horne. He sends me a deed, by which without any knowledge or consent on my part, he appoints himself and others my Commissioners, Factor &c. &c. with full authority to complete a purchase of which I neither know the nature nor the price. Not satisfied with this, he invests himself and others with power to raise money and to grant heritable Securities on my lands, and also to sell and dispose of all superiorities that may belong to me, to such persons, and in such manner as they may Consider best. I again repeat that I know not in what light to Consider so extraordinary a proceeding, but it is altogether so preposterously absurd, that I shall not occupy any more of your time or my own in forming any conjecture upon it." Fairburn washed his hands of the whole business, "for I have no vote in Ross-shire, nor do I feel any desire to have any."¹⁴ Horne, smarting under the rebuke explained to Stewart Mackenzie that Fairburn "writes more like a soldier than a man of business" and hinted that the General was besides acting a Janus part, one face turned to Applecross and the other to Inchcoulter. Next day

14.

Seaforth Papers, 32, 120, Mackenzie of Fairburn to Fraser of Inchcoulter, Vienna, 29 Dec., 1817.

Horne added a post-script to this letter to Seaforth which shows how the party was forced to clutch at every straw. He mentioned that there was a freehold in Ross-shire advertised for sale in the Edinburgh papers and he opined that this must be that of Captain Smith, R.N., who had paid Lord Seaforth £400 for the superiority in 1810. Every effort was to be made to buy it back, "for if we are not on the alert, they will huddle up some transaction for the purpose of destroying it, and laugh at us when it is done."¹⁵

Captain Smith was indeed the defaulter, but it looked as if through the interposition of mutual friends the vote would be saved in time and the Captain persuaded to retain it. "But," says the conveyor of this news, Hugh Rose, "You know him well and how much it will require to manage him." Whether the reference was to money or to the inherent difficulty of managing naval captains is not clear - most likely a bit of each. Evidently, the Duke of Athol was exerting himself in Ross-shire, presumably on behalf of Mackenzie of Applecross, and Captain Smith had been overcome by his Grace's blandishments.¹⁶ He was so far unpersuaded by Rose and others, however, that he offered his qualification to the Seaforth family at cost price. Every effort was

15.

Seaforth Papers, 32, 120, Horne to Stewart Mackenzie, 28 Jan., 1818.

16.

Seaforth Papers, 32, 120, Hugh Rose (? of Cromarty and Glas-tallich) to Mrs. Stewart Mackenzie, 3 Jan., 1818.

to be made to get him to post-pone the sale until after the election or failing that for him to sell the fee and retain the liferent. Horne also felt misgivings about their other London freeholder, Francis Proby, brother-in-law of the late Lord Seaforth, from whom nothing had been heard. All the same circumstances in his case were more reassuring for "He stands in a different situation, having got his Vote in a present, but still he may be under the influence of bad advice." Fraser of Inchcoulter was urged to see to these matters in London, if not personally then through a friend.¹⁷

Much of these troubles arose from the poor state of the Seaforth finances. Alex Young, Seaforth's estate agent, did his best to keep election expenses down and warned Stewart Mackenzie that "in the true spirit of Election Politics, Mr. Horne wishes you to play all the game, to spare no trouble and expence, and to devote yourself and your agents to the prosecution of objects of a most secondary consideration; but I trust that all this bustle and nonsense will be justly estimated and that you will steadily pursue that course, which you had prescribed to yourself at the first, giving Mr. Fraser your countenance and support where it may properly be done without incurring useless expence, and adding to your present difficulties."¹⁸ Opposition between estate agent

¹⁷Seaforth Papers, 32, 120, Horne to Stewart Mackenzie, 15 Jan., 1818.

¹⁸Seaforth Papers, 32, 120, Alexander Young to
~~INCHCULTER~~ Stewart Mackenzie, 16 Jan., 1818.

and election agent was quite common when these Highland lords of stony acres were bitten by the political bug. As can easily be seen, in such circumstances professional reputations were at stake. Young was anxious to repair his client's financial condition and felt that the election struggle was an expenditure of time and money "which can have no result that will ever repay the sacrifice or cost." He would admit of only one exception, the purchase of superiorities actually on the Seaforth estate. Horne's interests were the complete negation of Young's - namely, to win elections irrespective of costs.

By the spring of 1818 it was clear that the contest would be close and Inchcoulter's agents were busy clutching at every prospective vote. The death of Stewart Wortley Mackenzie of Belmont was a blow to the cause but the resourceful Horne saw how to counteract the loss. Belmont was enrolled not as liferenter, as Inchcoulter had supposed, but as fiar and the vote could still be made good by his son claiming on the apparenacy.¹⁹ Every effort was made to secure this and particularly through the good offices of William Dundas. From the latter a piece of bad news was received, quite unconnected with Wortley and the worst probably that a candidate in Scotland could then hear. This was that Colin Mackenzie of Kilcoy had seen Lord Melville and had so worked

19.

Seaforth Papers, 32, 120, Inchcoulter to Mrs. Stewart Mackenzie, 18 March, 1818.

upon him with accounts of the bad methods pursued by Inchcoulter's agents that the great man had promised to be neutral. But according to William Dundas Fraser would still receive government support.²⁰ Inchcoulter must have known what this meant.

Government support that did not come through the Melville channel could hardly be expected to have the volume or the power necessary to leave a mark upon an election in Scotland. Consequently direct approaches were made to Lord Melville and on the 16th. May Hugh Innes had an interview with the great man at the Admiralty. He professed himself satisfied with the result of the interview. Apparently Melville had been misinformed as to the situation in Ross and in particular had been led astray by reports that Stewart Mackenzie would be obliged to sell the Seaforth estates and was most unlikely to remain a landed proprietor in the county. Corrected on this point, "he [Lord Melville] instantly said, altered the case entirely."²¹ Despite Innes' high hopes it made no odds, for whoever received ministerial support it was not Inchcoulter.

All this notwithstanding Korne, as befitted a professional, continued optimistic, or seemingly so. On 20th. April he wrote

20.

Seaforth Papers, 32, 120, Alex. Dundell to Mrs. Stewart Mackenzie, 4 April, 1818.

21.

Seaforth Papers, 32, 120, Hugh Innes to Stewart Mackenzie, 16 May, 1818.

to Stewart Mackenzie enclosing a list of new claimants, "by which you will see that Our friend will stand on high ground when they are ripe. And I believe that no more can be done on either side, excepting that Mr. Innes has the Vote of Ellandonan still unoccupied."²² Activities in other directions seemed promising. Where it had been found impossible to secure voters every effort was to be made to get them to stay away from the election or "pair off" with those of Inchcoulter's voters who, for various reasons, could not attend. Innes was particularly active in this line at London and held forth some pleasing prospects.²³ It was not such a poor expedient as one might imagine for those who agreed to pair off usually stood by the agreement. Roguery at elections hardly ever led to the infringement of personal pledges. There the 18th. century code of honour worked in the most peculiar circumstances. Even tampering with those who had promised to appear for the opposite side was regarded as bad form and this Innes in his letter recognised. Conscious of certain dubious passages in it he craved that it might be burned.

By the beginning of June 1818 it was clear that the dissolution was near and the election imminent. Home was all activity. The date of the election was to be apprised from the

22.

Seaforth Papers, 32, 120, Home to Stewart Mackenzie, 20 April, 1818.

23.

Seaforth Papers, 32, 120, Innes to Stewart Mackenzie, 12 May, 1818.

Shoriff, Macleod of Geanies, at the earliest possible moment so that timely notice should be dispatched to the voters in Edinburgh and London and this task was entrusted to Stewart Mackenzie. If possible Geanies should be induced to set as late a date as possible, for two of Incheculter's voters, Graham of Drynie and Mackenzie of Tarradale were on route from the Continent and on 14th. June news of their arrival in London had not been received.²⁴ On the 15th. June Applecross sent round a new circular. It was of its period, extremely vague and general, soliciting the votes of the freeholders, hinting (not too vaguely) at the returns he would win for the county by his labours at Westminster, and lastly and most explicitly abusing his rival. He intimated that Incheculter, by tampering with Applecross's promised votes, was not playing the game. He concluded: "My political principles have been openly avowed, and I am happy to think to the satisfaction of the Freeholders."²⁵ It may have been so but his political principles, like those of most Scottish candidates of that time, are not easily recaptured now. On the whole Mackenzie of Applecross seems to have been a Tory of the pig-tail school, but these were not principles to be too openly

24.

Scaforth Papers, 32, 120, Memo to Stewart Mackenzie, 14 June, 1818.

25.

Scaforth Papers, 32, 120, Applecross's Circular, 15 June, 1818.

flaunted in Scotland and especially in the north where the church question made for every degree of awkwardness. A supporter of the ministry would run up Applecross; it would equally epitomise Fraser of Inchcoulter.

On the same day that Applecross sent out his circular, the 15th. June, Horne wrote to Mrs. Stewart Mackenzie apparently in good heart and forecasting "that we shall give them battle in good style, even upon the present Roll, and not withdraw hopes of the Victory."²⁶ Inchcoulter remained in London mustering his voters there and among them Captain Smith and Proby. But as Horne observed "our success will entirely depend on the side that may be taken by the non-declarants, Sir Hugh, Howar, Ardross, Rigg & Newhall, with this support we should triumph, but without we must fall unless some of the opposite party are conscience struck & secede."²⁷ Wortley, however, could not be prevailed upon to come north²⁸ and John Gladstone also declined.²⁹ The dubious ones

26.

Seaforth Papers, 32, 120, Horne to Mrs. Stewart Mackenzie, 15 June, 1818.

27.

Seaforth Papers, 32, 120, Fraser of Inchcoulter to Mrs. Stewart Mackenzie, 11 June, 1818, citing Horne's views.

28.

Seaforth Papers, 32, 120, Horne to Mrs. Stewart Mackenzie, 16 June, 1818.

29.

Seaforth Papers, 32, 120, John Gladstone to Stewart Mackenzie, 21 June, 1818.

continued dubious and this was the state of affairs when on the 17th. June Macleod of Geanies, the Sheriff, intimated that the day of election was fixed for the 7th July.³⁰ This was cutting things rather fine for Incheculter's out-voters but nothing could be done about it. By the 26th. June the out-voters were on their way and Horne thought that particular difficulty overcome. "In short we expect all may be effective." He also felt that they should continue to work on some of the doubtfuls and in particular he considered young Mackenzie of Ord a promising subject since Applecross had treated him shabbily by first giving him a qualification and then taking it away to bestow on another. The Ord family felt the indignity and Incheculter's election agent thought it might be played upon to some purpose in the hope of winning the vote of Ord elder. As an additional safety measure Attadale was to bring down his uncle Laxay but this was to be done in strictest secrecy.³¹

The exertions of Incheculter and his friends all went for naught, Applecross carrying it by six votes, 29 to 23. Captain Smith, Proby and the others who had promised attendance all appeared but the neutrals held firm and this, as Horne had

30.

Seaforth Papers, 32, 120, Donald Macleod of Geanies to Stewart Mackenzie, 17 June, 1818.

31.

Seaforth Papers, 32, 120, Horne to Mrs. Stewart Mackenzie, 26 June, 1818.

reluctantly forecast, proved fatal.³² Still, for a scratch team that had come late into the field and had by this forfeited some votes it was not too bad a performance. The Seaforth interest, however, still continued weak largely owing to the poor state of the family's finances. Debts abounded not only on the Seaforth estates but also on Stewart Mackenzie's interest in the estate of Glasserton and the Muirkirk Iron Works.³³ Thus in 1820 Applecross was again returned and this time virtually unopposed. No vestige of a struggle appears and in an interesting and usually precise and accurate list of parliamentary representatives for the county from 1707-1906 neither opponent or majority are given.³⁴ Thomas Mackenzie of Applecross died, however, in October 1822 but still the Seaforth family did not feel itself strong enough to contest the seat. Sir James Wemyss Mackenzie of Scatwell stood, supported by the Seaforth interest. Mrs. Stewart Mackenzie, who took most of the decisions in that family,

32.

Seaforth Papers, 32, 120, Decipheration of Ross-shire Roll, no date. Brief notice of election of 7 July 1818 on opposite page.

33.

This is clear from numerous items in the Seaforth Papers; see, e.g., Bound Volume 59, 1821-22, which contains detailed accounts of the Seaforth estates, along with J.A. Stewart Mackenzie's Memorandum on the Seaforth Finances. It was a recurrent theme and figures largely in the collection as a whole. In 1829 it looked as if the estates would have to be sold, vol.79, various notes and letters.

34.

Seaforth Papers, Box 34, Bundle 182, List (typewritten) of Parliamentary Representatives, 1707 to 1906, 30 July, 1906; an accurate and useful compilation.

wrote to Sir Hugh Innes of Iochalsh, as he now was, that she considered it a fortunate candidature since it was "of the healing kind as his wife's relationship to me makes it not desirable for us to support any other Candidate."³⁵ Whatever Inchcoulter's ambitions may have been at this point the Seaforth decided that the clan spirit had to be courted before the claims of friendship. Innes approved the choice, wondered if Fraser of Inchcoulter would stand but concluded that "as you do not intend to give him your support, I presume that he will not be a candidate."³⁶ He supposed rightly. On 4th November 1822 Sir James wrote to Mrs. Stewart Mackenzie informing her of "the uncommon Success of my canvass, so much so that my Election will be Unanimous."³⁷ And so indeed it turned out.³⁸ He was re-elected in 1826 and again in 1830 with no sign of a struggle.³⁹

35.

Seaforth Papers, vol.61, Mrs. Stewart Mackenzie to Sir Hugh Innes, 25 Oct., 1822.

36.

Seaforth Papers, vol.61, Sir Hugh Innes to Mrs. Stewart Mackenzie, 26 Oct., 1822.

37.

Seaforth Papers, vol.61, Sir James Mackenzie to Mrs. Stewart Mackenzie, 4 Nov., 1822.

38.

J. Barron, "Northern Highlands in 19th Century", vol.I, p.215.

39.

J. Barron, op. cit., vol.II, p.21 (1826); II, p.84 (1830).

The election of 1831, however, was a vastly different proposition. Seaforth's financial condition had taken a slight turn for the better - the year of gloom was 1829 - and his impulsive nature could not resist the great drama then being enacted at Westminster. Stewart Mackenzie's was a complex character. Easy-going, indolent up to a point, not very talented - he was all of these. But he could be moved to precipitate, if not always well calculated, action by two stimuli. One was his wife who was as sharp as he was dull, as imperious (one of her correspondents always and very aptly addressed her as "Empress") as Stewart was bucolic, and as ambitious and energetic as he was otiose. Yet with it all Stewart could be roused and then he was for a spell enthusiastic in a wrongheaded way, sometimes to the point of violence. One of the few things that could rouse him was the political philosophy attributed to Charles James Fox (whom he revered) and now represented in the person of Earl Grey. The battle over the Reform Bill and the promptings of the "Empress", who perhaps already saw Stewart saving the paternal acres from the profits of Consul of Empire, these proved decisive. Yet curiously, in a correspondence otherwise rich on election matters, little or no detail of this important contest is preserved. Seaforth, throughout, seems to have entertained no great hopes of success and others accepted his evaluation of his condition. Charles Stuart, writing to Mrs. Stewart Mackenzie, summarised the general opinion. "I suppose," he wrote, "Your Husband has little or no chance in Ross-shire on the present system, and probably he will

not stand till more favourable times."⁴⁰

Sir James Wemyss Mackenzie did not put himself forward as a candidate; instead he adopted the pose of the Great Unknown. Four candidates set up - J.A. Stewart Mackenzie of Seaforth, Sir Francis Mackenzie of Gairloch, Colin Mackenzie of Kilcoy and Hugh Munro of Novar. The field soon narrowed down to Seaforth and Kilcoy, with Sir Francis holding the decisive votes. Now if party had really meant something in 1831 this should have given Seaforth a narrow but decisive enough victory. There was only one obstacle and that was the character of Sir Francis. He was a pormicketty gentleman, a Whig who at this time enjoyed playing the rôle of an extreme radical. Thus on 20th. October 1830 he had presided at a reform meeting in Dingwall which passed a resolution based purely on the ideas set forth in James Mill's "On Government".⁴¹ For some reason or other Seaforth objected to this and he made some disparaging remarks about Gairloch which, unfortunately, were communicated to that quick individual. It must be admitted that Sir Francis soon had sufficient cause to detest Seaforth, who had wit enough to devise rather shady moves but not to conceal or palliate them. Stewart Mackenzie, for example, early made a bid for Sir Francis' support and evidently

40.

Seaforth Papers, 32, Bundle 132, Hon. Charles Stuart to Mrs. Stewart Mackenzie, 27 April, 1831.

41.

J. Barron, "Northern Highlands in 19th. Century", vol.II, p.87.

Gairloch gave him some assurance if he, Seaforth, would enter into a coalition. The latter refused the coalition but tried to influence the baronet's friends by stressing Sir Francis' offer of support as if it were unconditional. Later Sir Francis turned against Seaforth on the score that he was not a true reformer (there was an element of jealousy here) and complained sourly of the way in which Seaforth had made use of his early provisional offer, but not promise, of support.⁴² Stewart's somewhat spluttering explanations do not really free him from these charges.⁴³

The three serious candidates all gave themselves out as reformers, although Kilcoy must have been of a dubious kind. On 25th. May 1831 the election took place at Tain. Seaforth came prepared for defeat but the absence of Sir Francis owing to the death of a near relative gave Stewart Mackenzie a chance.⁴⁴ Seaforth's election agent, John Cunningham, an advocate, wrote a brief but very revealing note to Mrs. Stewart Mackenzie describing the progress, or rather lack of it, that had been made when the meeting opened at 10 a.m. "This," he wrote, "has been

42.

Seaforth Papers, Box 32, Bundle 133, Sir F. Mackenzie to Stewart Mackenzie, 2 June, 1831.

43.

Seaforth Papers, 32, 133, Stewart Mackenzie to Sir F. Mackenzie, 9 June, 1831.

44.

J. Barron, "Northern Highlands in 19th, Century", vol. II, pp. 97-8.

the most curious & interesting election I ever attended. Since we came here last night, every hour has produced some change in our prospects one way or another, all parties acting like cautious chess-players, in the various conferences. Our numbers in Court stand as nearly as possible as follows

Kilcoy 20

Seaforth 18

To Novr. 15 or 16.

The two latter parties have so far agreed as to choose Tulloch Preses, arst. the person proposed by Kilcoy's friends.

We expect too that Sir F's friends (who seem greatly incensed at Kilcoy) will join us in the vote for Member; but I don't wish to make you too sanguine, as nothing is given us, but what is wrung out, at the last Hour, & with a great grudge."⁴⁵ The anger felt by Sir Francis' friends against Kilcoy arose from the latter voting after he had agreed to tie off with Sir Francis. This resentment, together with Seaforth's adroit if not strictly ethical use of his early letter from Gairloch on a coalition, decided the election. An abstract of the roll, undated but certainly referring to this election, supplies some details. From this it appears that the final vote was: for Seaforth 23 (among them Captain Smith and Proby), and for Kilcoy 21. From an exact enumeration of votes cast it seems that six non-declarants finally

45.

Seaforth Papers, 52, 133, John Cunningham to Mrs. Stewart Mackenzie, 25 May, 1831.

voted for Seaforth and that in the absence of Sir Francis Mackenzie of Cairloch four of his voters were persuaded to go the same way, whereas no non-declarants voted for Kilcoy and only one of Cairloch's voters countenanced him. Five declined to vote, three of whom belonged to Sir Francis' shepherdless flock, and seventeen freeholders were absent.⁴⁶ The absent ones were the subject of terse comments - such, for example, Davidson of Tulloch who, "should receive attention", Ross of Bhandwick who "sd. be courted", young Bailie of Dochfour, "Write to the young man."

Kilcoy bore no grudges and congratulated Seaforth on his unexpected victory.⁴⁷ This was not to be without significance in future operations. The cost of the election came to £224.8.6 $\frac{1}{2}$., which even the parsimonious George Gillanders of Highfield, who had managed the financial side of the campaign, regarded as reasonable. The bulk of the cost went in lawyers' fees, John Cunningham collecting £52.10/- for his trouble and £35 going to three other lawyers who had assisted him. Mackay, the inn-keeper at Tain, received £50 for his "election bill" and an additional £3.3s. for "2 Gal. 6 pints whisky sent to the Castle."⁴⁸

46.

Seaforth Papers, 32, 133, Abstract (Ross-shire), no date.

47.

Seaforth Papers, 32, 133, Colin Mackenzie to Stewart Mackenzie, 14 June, 1831.

48.

Seaforth Papers, 32, 133, George Gillanders to Stewart Mackenzie, 20 June, 1831.

Even more than the lawyers' fees Gillanders grudged "those to Sir Hugh's voters. The Baronet was wrong in creating such a class of Freeholders, but it can't be helped now." These payments are not itemised but most likely under the guise of travelling expenses some judicious bribery was effected. In addition there were the usual begging letters to be dealt with, chief of which came from Sir Hugh Ross on behalf of Tain and self. "Considering that the people of Tain carried you in triumph I hope you will give £100 or at least £50 which was the sum given by Genl. Fraser, Charles Fraser, and Inchecoulter tho' an unsuccessful Candidate to the Tain Academy who are poor beyond description. You perhaps do not know that I had it in my power to make Kilcoy 33 and but for me after you got my six you would have been equal. I shall explain this when we meet, I would not have alluded to it but that my Brother told me from the toasts that passed that you were under a mistake - all this is anter nous."⁴⁹

What substance there was in Sir Hugh's claim and whether or not his hints were acted upon does not appear, but on the whole it is safe to conclude that the last parliamentary election held in Ross under the old system was worthy of its predecessors. Nothing had altered except that a little political heat had been

49.

Seaforth Papers, 32, 133, Sir Hugh Ross to Stewart Mackenzie, 30 May, 1831.

generated. That apart it might as easily have been Lord Fortrose and the Honourable James Stuart Mackenzie battling it out in 1754 under the same system and using precisely the same methods.

Stewart Mackenzie of Seaforth did not long enjoy his triumph undisturbed. Once the Reform Bills were carried an early dissolution was expected and this would confront Seaforth with the same serious difficulties that generally beset candidates at this time. In brief, the old personal ties on which politics had largely been conducted hitherto were now for the first time overshadowed by ideological differences. Ardent reformers in Ross and Cromarty, as the constituency now would be, were in a definite minority. Lukewarm supporters of "moderate" reform (whatever that might be) were more numerous, and out and out conservatives more numerous still. As Seaforth and his friends were to discover time and again in the ensuing months the county was Tory at heart. This naturally made things difficult for Seaforth for he was a moderate reformer both from conviction and from political necessity. At the same time he needed the support of the enthusiasts for reform among his constituents and nothing must be done to forfeit this. But he could not afford to purchase that support by endorsing their more advanced, if very vaguely defined, programme. His great task, therefore, was to put himself over as a safe "constitutional" reformer.

As early as August 1831 he was on the horns of this dilemma, as appeared from his correspondence with William Mackenzie

of Muirton. Muirton had voted for Kilcoy at the recent election in May but shortly thereafter he transferred his allegiance to Seaforth. Not only so but he also suggested the means whereby Kilcoy might be won over. Colin Mackenzie desired to be created a baronet and if Seaforth would undertake to push his claims with Earl Grey he would become Stewart Mackenzie's political supporter.⁵⁰ From this point onwards Muirton, an Edinburgh lawyer, undertook the nursing of the constituency. On 16 August he wrote to Stewart Mackenzie that, after conferring with Sir Francis Mackenzie of Gairloch, that storm tossed radical, it had been agreed not to call a meeting to support the Reform Bill since this would only inflame political passions in Ross-shire and involve Seaforth in an unprofitable controversy.⁵¹ These views accorded well with Stewart's inclinations. The rest of the year was absorbed in the debate over the Bills, although as early as 8th. December 1831 Seaforth was soliciting Mackenzie of Allangrange's vote and, significantly, his support with his tenants.⁵² This last was a new and not too readily calculable factor which was to cause a great deal of fumbling experiment. Was it quite playing

50.

Seaforth Papers, 32, 136, William Mackenzie to Stewart Mackenzie, 29 Feb., 1832; enclosed is a copy of a petition Kilcoy had drawn up for the King's consideration, giving as much of his family history and personal background as might be supposed to attest his fitness ~~to~~_{for} the honour of a baronetcy.

51.

Seaforth Papers, 32, 132, William Mackenzie to Stewart Mackenzie, 16 Aug., 1831.

52.

Seaforth Papers, 32, 145, Stewart Mackenzie to Allangrange, 8 Dec., 1831.

the game to interfere with another man's tenants; should it be done openly or covertly; should the landlord attempt to influence his tenants; should they be left to decide for themselves? These were interesting questions and the near future would throw up equally interesting, and very diverse, answers.

It was not, however, until the spring of 1832 that any real moves were made to prepare for the election. In May Seaforth commenced his campaign in earnest by drawing up a letter to the electors that was to be lithographed for circulation.⁵³ It was brief and general, merely announcing the coming dissolution and that Seaforth solicited the votes of the electors at the subsequent election. As yet no rival had appeared and Stewart seems to have hoped that a contest would be avoided. His finances were still very straitened and a unanimous return would have been welcome on this score if no other. All the same it was necessary to prepare his armament just in case of a struggle and the first problem that had to be tackled was that of Kilcoy. Through the good offices of Muirten a vague agreement had been reached in February 1832 but Kilcoy, probably reflecting that in politics bygones were forever bygones, wished to have the agreement implemented at once. It was no time for quibbling as Muirten was quick to inform Seaforth. "This is the time then

53.

Seaforth Papers, 32, 137, Stewart Mackenzie to John ? ,
May, 1832.

to move in the affair we have talked of. It will be necessary now to try to effect either attaining the object or a promise of it from Lord Grey within a given time & on your giving me fair Evidence of obtaining this I will say that Kilcoy & those whom he can influence will go with you at the dissolution."⁵⁴ Seaforth could not promise definitely. Like most candidates he found it easier to make such bargains than to implement them. Earl Grey was deluged with such requests at this time and Seaforth thought it would be wise not to add to the volume until the Reform Bills were carried.⁵⁵ Evidently Muirton felt that this would not do. It looked too much as if Kilcoy were to be used to serve an election purpose only then to see the promise shelved indefinitely. Finally, after considerable argument, Muirton on the 24th. June, acting on behalf of Kilcoy, gave Seaforth carte blanche to proceed in the matter as he should judge best.⁵⁶ Kilcoy placed his trust in Seaforth and was already active in his interest.

It was well to have the alliance cemented thus early for

54.

Seaforth Papers, 32, 136, Muirton to Stewart Mackenzie, 12 June, 1832.

55.

Seaforth Papers, 32, 136, Stewart Mackenzie to Muirton, 15 June, 1832.

56.

Seaforth Papers, 32, 136, Muirton to Stewart Mackenzie, 24 June, 1832.

about the middle of June it was learned that young Hugh Munro of Novar had set up as the Tory candidate for Ross-shire.⁵⁷ This prompted Seaforth to make written applications to his friends such as young Macleod of Cadboll and Lady Mary and Sir Charles Ross of Balnagowan. His address to the latter is of interest mainly because he thinks they must and will influence their tenantry.⁵⁸ He would not, he explained, have troubled them at this early stage of the proceedings were it not for the reports that Novar was already actively canvassing. Both Cadboll and Lady Mary assured him of their utmost support. Kilcoy had formally promised full support as had Lady Stafford, whose great estates were not confined to Sutherland. On the whole Stewart might well write to John Cunningham, whom he wished to manage his election, that "matters on commencement promise well."⁵⁹ Cunningham, however, had now practically no connection with the county and would neither undertake the management of the election or, as Seaforth greatly desired, intercede with his friend and brother lawyer Thomas Mackenzie of Applecross.

57.

Seaforth Papers, 32, 145, Stewart Mackenzie to Roderick Macleod of Cadboll, no date, but probably 20 June, 1832.

58.

Seaforth Papers, 32, 145, Stewart Mackenzie to Lady Mary Ross of Balnagowan, 20 June, 1832.

59.

Seaforth Papers, 32, 145, Stewart Mackenzie to John Cunningham, 27 June, 1832.

Nor was this the only rebuff suffered by Seaforth at this time. Duncan Davidson of Tulloch frostily intimated that in his opinion Seaforth was "too decided a partisan of the present ministry whose general policy I entirely disapprove of."⁶⁰ It was the first of many such communications and epitomised the wholly changed circumstances in which election politics had to be conducted. This the candidates were slow to perceive and perhaps even if they had been quicker on the uptake there was not much they could have done about it in the mixed atmosphere of the times. The old ways no longer sufficed but they were not yet negligible. As to the new ways, the politicians were still groping in the dark. The import of the Reform Bill, and even its exact terms, were still obscure and mysterious. Something of this uncertainty appears in a list of voters drawn up about this time. It is purely old style in concept, with one significant exception, and can be summarised - for Seaforth 34, plus Fouars in Rosemarkie; for Kovar, 15 plus Newmore Tenants; for Fowlis 11.⁶¹ But any idea that the tenants were to be so lightly regarded was soon abandoned.

On 23rd. June Kilcoy, in an execrable scribble at midnight,

60.

Seaforth Papers, 32, 145, Tulloch to Stewart Mackenzie, 30 June, 1832.

61.

Seaforth Papers, 32, 145, List of voters, enclosed in Seaforth to Lady Mary Ross, 20 June, 1832.

imparted some unwelcome news to Seaforth who, of course, was still in London. This was that yet another candidate had appeared, Evan Billie younger of Dochfour, grandson of a large landowner in Inverness-shire who had little interest in Ross. The fact that he stood as a conservative brought no joy to Seaforth for in every respect he made a more formidable opponent than Novar, who was lightly regarded even by his own supporters. Young Dochfour, too, had formidable backers, notably Hugh Ross of Cromarty and Mackenzie of Applecross, and he was already busily engaged personally canvassing electors. To speed on his campaign rumours were being circulated that represented Seaforth as a dangerous man, an ultra-radical. Kilcoy at once put his finger on Seaforth's weak spot - his absence. He would have to come north himself and counter these thrusts.⁶² It was no longer sufficient for the candidate to leave all to election agents and himself make only a flying visit on the day of election. Kilcoy's acumen is to be commended. He saw, even though he did not state it in so many words, that with the passing of the Head Court the day of the leisurely election campaign, moving from one comfortable arithmetical table to another even more so, was over. In the new dispensation less than thorough would not do and to be thorough one had to be on the spot, not in London or even Edinburgh. This point was all unconsciously underlined by Muirton who, writing to Seaforth on 25th. June, showed himself to be ignorant of the latest moves. He had heard

62.

Seaforth Papers, 32, 145, Kilcoy to Stewart Mackenzie, 23 June, 1832.

that Novar had set up but was not even very sure of this. Munro he regarded as a feeble opponent, of Baillie he seems to have known nothing.⁶³

In other respects, however, Muirton proved himself an admirable agent. As well as arranging for pressure to be brought to bear on the waverers his legal mind was busy sorting out the problems likely to arise from the operation of the new electoral law. To forestall some difficulties thus envisaged he wrote to Alexander Stewart, Seaforth's factor in the Lewis, and to Kelly, factor at Brahan, warning them to caution the tenants to have their taxes paid up before the 20th. of July, the day ^{on} ~~of~~ which claims for registration were to be handed in.⁶⁴ He soon saw, as Kilcoy had done, that an active agent on the spot was essential. Operations could not successfully be directed from Edinburgh. To solve this difficulty he tried to persuade George Gillanders of Highfield, who handled the Seaforth estate affairs, to go north but Highfield, more concerned about the estate than the election, did not wish to leave Edinburgh while the Court of Session, with which he had some business pending, sat.⁶⁵ Muirton did his best, writing once more to Stewart at Stornoway, apprising him of the impending election

63.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 25 June, 1832.

64.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 30 June, 1832.

65.

Seaforth Papers, 32, 145, Gillanders of Highfield to Stewart Mackenzie, 26 June, 1832.

and furnishing him with details of the new Act and a memorandum of the qualifications of the tenants and feuars in the Lewis. As to money, Highfield, as befitted the estate agent, was all for restraint. Muirton hoped the expense would not be great "but there must be the Expence of erecting hustings at the polling places and of Employing probably more than one Sub-Agent to see the Tenants & feuars in the different districts. I am sure that at the very least from 500 to 800 might be required to be in readiness and it Cant be asked or expected that Highfield or any other Could advance or lay out this. This difficulty as a preliminary requires to be Considered & HHH I am sorry if it prove troublesome."⁶⁶

The matter of the rumours going the rounds about Seaforth caused great concern. The substance of them was that he was a doctrinaire reformer, committed among other things to the abolition of slavery and of the Corn Laws. In Ross and Cromarty, where the agricultural interest was predominant and many of the land-owners had estates in the West Indies, neither of these projects commended themselves. Gillanders of Highfield saw the danger. Young Dochfour, he wrote, was a more formidable opponent than Novar and "he will almost certainly carry with him all the West India people, who are influential in Ross-shire - I know AppleX dwells largely on a vote of yours anent the West India matters." Fowler of Roddery was the most powerful of the West Indian group, one of whom was John

66.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 27 June, 1832.

Gladstone, father of William Ewart, who was still busy defending the harsh repression of slave revolts on his plantations. The elder Evan Baillie of Dochfour also derived his wealth from the West Indies trade. In view of all this Gillanders thought that Seaforth should have played down the reform element in his circular of 22nd. June, "for there is no concealing or disguising the fact that Ross-shire is a Tory County, and that a majority of the landed proprietors in it abhor anything which sounds of reform or liberal principles."⁶⁷ Kilcoy, writing to Mrs. Stewart Mackenzie, expressed much the same sentiments. It cannot, however, be inferred from this that the circular was a liberal manifesto, for it was far from being that.⁶⁸ The only concrete reference to reform, or to anything else for that matter, extolled Seaforth's support of the Reform Bill and solicited votes from those enfranchised under the Act. For the rest it was vague, neither Whig nor Tory, and incapable, one would say, of rousing passions of any kind. Doubtless this was wise and at first sight it is difficult to see why Kilcoy and Highfield should have found it alarming. The trouble indeed sprang from Seaforth's dilemma and was shared by many candidates at this General Election. In a word, they were apt to be judged on their attitudes to the Reform Act. For Seaforth to approve of the Act implied in Tory minds his approval of further measures of reform. The circular,

67.

Seaforth Papers, 32, 145, Gillanders to Stewart Mackenzie, 26 June, 1832.

68.

Seaforth Papers, 32, 145, Election Circular, To the Freeholders and Future Electors of the Counties of Ross and Cromarty, 22 June 1832.

therefore, played into the hands of the "negro Drivers" as the Ross-shire Radicals dubbed the Tories. On the other hand, Seaforth could not afford to make no mention of reform at all. Muirton's brother, John Mackenzie, a writer at Inverness and a keen reformer, summed the situation up beautifully. Usually, he explained, he was indifferent to politics, but in the late struggle he felt duty bound to strive in the cause of reform and was now convener of the radical Committee at Inverness. He warmly applauded Seaforth's adhesion to reform principles, but hinted that it would be well for him to placate the West India interest.⁶⁹ This really was the crux of the dilemma. How could this be done without alienating such allies as John Mackenzie himself?

The contest then began in earnest. Applecross had come north and was busy canvassing for young Baillie of Dochfour. James Beaton, a noted Radical, wrote on 30th. June a very pointed letter to Seaforth on this head. "Your friends express regret that there is no equally active agent, or rather an agent at all, acting similarly for you. All the Highland Tenantry will be for you, with the exception perhaps of Applecrosses people. But the trumpeter of the other Party, viz. my neighbour Colin Munro, Surveyor of Taxes, gives out that they have already secured 200 Votes. I hope this cannot be true. It is very probable, however, that exertion on your part will be necessary, and I hope you will excuse me for saying that the sooner it is made, personally, the better."

69.

Seaforth Papers, 32, 145, John Mackenzie to Stewart Mackenzie, 28 June, 1832.

Beaton, who hated the "Negro Drivers" as he invariably termed them, thought that the distribution of pamphlets among the Highland tenants on the question of slavery would secure results as they were apt to be very hazy on the whole matter and easily deceived.⁷⁰

All sorts of technical problems connected with the new electoral procedure arose. First, what exactly were the titles that tenants had to show? Were they to be stamped missives and, if so, of what value should the stamps be?⁷¹ Again, what if a parish did not possess a schoolmaster, who was then to act as enrolling officer? This was discovered to be the case of the parish of Rosemarkie, the scholars of which attended the Academy at Fortrose.⁷² While these and other matters were being debated Seaforth's canvass was being carried on. Lists of tenants on the various estates were drawn up for future reference and individual proprietors batted upon. One of the busy volunteers reports that "I have no doubt that generally the Votes of the Tenants will go with the Proprietor of the Estate." This same correspondent insists, ere long it was to be a monotonous refrain, that either Seaforth or Mrs. Stewart Mackenzie should be in Ross immediately.⁷³

⁷⁰ Seaforth Papers, 32, 145, James Beaton to Stewart Mackenzie, 30 June, 1832.

Kilcoy to Mrs.

⁷¹ Seaforth Papers, 32, 145, ~~John Mackenzie~~ to Stewart Mackenzie, 6 July, 1832.

⁷² Seaforth Papers, 32, 145, John Mackenzie to Stewart Mackenzie, 2 July, 1832.

⁷³.

Seaforth Papers, 32, 145, William Sim to Stewart Mackenzie, 3 July, 1832.

That the tenants were to come under pressure was soon manifest. Thomas Fraser wrote to one of Seaforth's lieutenants, Hugh Cameron, to this effect.⁷⁴ Robertson of Kindeace informed Stewart Mackenzie that he had instructed Mr. Paul, his trustee, "to secure all the votes on the Estate of Kindeace for you."⁷⁵ Mrs. Lillingston of Balmacara wrote reassuringly to her gossip Mrs. Stewart Mackenzie - "Feel assured that you have our warmest wishes for your success in the present election. As yet we do not know who are Voters or who are not but I inclose a letter soliciting Messrs. Cunninghams vote & I feel certain that if my Uncle can assist by attending that he will do so As soon as we can find which of our Tenants can vote we shall lose no time in using all our influence to engage them on the right side."⁷⁶ Nor was the activity all one sided, though we have no records of Novar's proceedings. A glimpse is afforded of them, however, in parts of the Seaforth correspondence. For example, Munro of Newton replied to a card sent him by Mrs. Stewart Mackenzie soliciting his vote that, although well disposed

74.

Seaforth Papers, 32, 145, Thos. Fraser to H.I.Cameron, 3 July, 1832.

75.

Seaforth Papers, 32, 145, Wm. Robertson to Stewart Mackenzie, 3 July, 1832.

76.

Seaforth Papers, 32, 145, J.E.I. Lillingston to Mrs. Stewart Mackenzie, 6 July, 1832.

to Seaforth, he was already pledged to Novar, whose principal tenant he was. He concludes, somewhat pathetically, "situated as I am I trust I shall be forgiven for adhering to the pledge already given."⁷⁷

Early in July it was learned that young Baillie of Dochfour had retired⁷⁸ and that Hugh Munro of Novar, now supported by Applecross and Sir Francis Mackenzie of Gairloch, was the sole Tory candidate. Gairloch's behaviour sprang from personal ill-will at Seaforth of whom he was jealous and whom he regarded as a self-seeking pseudo-reformer.⁷⁹ Novar's canvass was already begun and assuming formidable dimensions. As well as Applecross and Sir Francis he could count upon Sir James Wemyss Mackenzie of Scatwell who had 36 votes on his property.⁸⁰ That Sir James and Sir Francis were thick was learned from James Eaton who had received a letter from Gairloch abusing Seaforth and eulogising young Munro. Applecross moved silently and was more difficult to pin down. Mackenzie of Millbank, writing to Muirton, gave voice to the general fears

77.

Seaforth Papers, 32, 145, H.M. Munro of Newton to Mrs. Stewart Mackenzie, 17 July, 1832.

78.

Seaforth Papers, 32, 145, Evan Baillie of Dochfour to Stewart Mackenzie, 9 July, 1832.

79.

Seaforth Papers, 32, 145, Sir Francis Mackenzie to Stewart Mackenzie, 2 July, 1832.

80.

Seaforth Papers, 32, 145, Wm. Sim to Stewart Mackenzie, 3 July, 1832.

that a strong party was forming and that Seaforth ought to put in an appearance at once.⁸¹ Further it was known that Novar meant to carry his canvass into the Seaforth preserve of the Lewis itself.⁸² Muirton again urged Seaforth to come north and, failing that, at the least to dispatch Highfield to Ross-shire at once.⁸³ The month of July was one of furious activity, with each party trying to cut the other out.

On the 5th. Brown, Novar's factor, and his agent George Mackenzie "were riding about among the Tenantry and Villagers of Easter Ross, soliciting Votes." The Seaforth interest made no organised attempt to counter-act this, although Donald Stewart, a writer in Tain and an ardent reformer, acting off his own bat, prevented five electors from making promises to Novar. He also sent his clerk round with letters exhorting the tenants not to pledge themselves to the Tory candidate.⁸⁴ John Munro, factor on Fowlis estate, also on his own initiative cautioned the tenants not

81.
Seaforth Papers, 32, 145, Mackenzie of Millbank to Muirton, forwarded to Stewart Mackenzie, 3 July, 1832.
82.
Seaforth Papers, 32, 145, John Mackenzie to Muirton, 4 July, 1832.
83.
Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 6 July, 1832.
84.
Seaforth Papers, 32, 145, James Beaton to Stewart Mackenzie, 6 July, 1832.

to listen to Novar's agents and in this way saved six votes.⁸⁵ It was known that the conservatives were prepared to make an all out assault in which money was to be no object. As Beaton wrote to Seaforth, "I have discovered that the whole country is to be traversed by Mr. Munro's agents; & you need not be surprized if even your own Stronghold, in the Lewis, should be entered by the enemy. Everything that money and activity can accomplish will be effected. It seems to be part of the policy which is intended to be pursued to make no public declaration of views or principles; & verbal promises probably will be made, likely to suit the Opinions and Sentiments of each individual elector. It seems to be understood that the Conservatives and Negro Drivers are the class chiefly relied on, and that the Occupants of corn land will have all their prejudices against free trade upheld by the Solicitors of Votes. The only liberal Opinion which will be generally avowed is that unmerited pensions and Sinecures ought to be discontinued, & that the public expenses should, as far as possible, be economised." Seaforth was represented as a mere tool of the Whig government, out for his own ends. The correspondent ends that with the enemy so active it is imperative that the Seaforth interest should bestir itself. Personal application to the new electors was indispensable, the more so as many of them were ignorant of affairs "in consequence of the infamous taxes on Newspapers" and hence easy

85.

Seaforth Papers, 32, 145, John Munro to Mrs. Stewart Mackenzie, 9 July, 1832.

targets for specious canvassers.⁸⁶ Succour, however, was at hand. By the 7th. July the "Empress" was in residence at Brahan Castle and from that point onwards the Seaforth interest girded up its loins.

The Seaforths had been warned that Kilcoy needed managing, not that his loyalty was suspect but simply that he was a good-natured soul who could be spurred on to greater exertions by a little flattery and attention.⁸⁷ This was Mrs. Stewart Mackenzie's first care, nor did her efforts prove unrewarding. Kilcoy had been trained as a lawyer and was in many ways shrewd and resourceful. He saw, for instance, that the clergy would play an important part in the coming election both as individual voters and on account of their influence with the tenants and feuars. As well as Seaforth writing to the ministers personally "a judicious man or two to canvass the Parishes under their sanction might be productive of much good."⁸⁸ Writing to Mrs. Stewart Mackenzie on 7th. July, clearly sensible of the honour she had conferred by consulting him, he was full of good advice and in particular approved her idea of going in person to Easter Ross "and lighting the torch there." Among other things he mentioned Sim of Drummond as a "very suitable

86.
Seaforth Papers, 32, 145, James Beaton to Stewart Mackenzie, 6 July, 1832.

87.
Seaforth Papers, 32, 145, Highfield to Stewart Mackenzie, 26 June, 1832.

88.
Seaforth Papers, 32, 145, Kilcoy to Mrs. Stewart Mackenzie, 6 July, 1832.

person to interest the Tenantry" in that quarter.⁸⁹ William Sim indeed was already actively employed although forced to work sub rosa. Nevertheless, he did well in providing lists of probable voters on the estates in Easter Ross and equally useful was the information he provided of the enemy's activities. These he did not regard as too dangerous, especially now that Baillie had stepped down. Inchcoulter and Sir James, who had secured all 36 voters on his estate, Sim thought should be assiduously courted. Fraser of Inchcoulter in particular was a promising subject in that he was disgusted at the rumours circulated by the West Indians and would now at worst be neutral and possibly if adroitly managed friendly.⁹⁰ The rumours, in fact, were having a boomerang effect. Muirton felt that a happy outcome was likely, especially after he received a letter from Mackenzie of Ord, one of Fowler of Roddery's sons-in-law, to the effect that Seaforth's letter to Kilcoy on this very subject, which the latter had freely circulated, would satisfy Fowler, Sim, and perhaps Sir James and Inchcoulter.⁹¹ So much for the West India question but harder to eradicate was the persistent report, which Novar kept in circulation, that Seaforth was about to be raised to the peerage and that to vote for him in this instance

89.

Seaforth Papers, 32, 145, Kilcoy to Mrs. Stewart Mackenzie, 7 July, 1832.

90.

Seaforth Papers, 32, 145, Wm. Sim to Mrs. Stewart Mackenzie, 7 July, 1832.

91.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 10 July, 1832.

was a waste of time. Stewart tackled Munro of Novar on this point but received no satisfactory answer.⁹²

On the whole Easter Ross was well covered being within easy reach of the Seaforth ancestral seat at Brahan. The West Coast was more inaccessible and gave greater cause for alarm. Sir Francis was not in the county but it was known that he was looking for an agent to begin a canvass there and this threat had to be counteracted. Gillanders offered to undertake the task until such time as Seaforth himself could leave for the north.⁹³ Circulars were once more sent out to the individual electors but the response was none too encouraging. Hay Mackenzie of Cromartie refused to vote at all but made it clear that he would not attempt to influence his tenants.⁹⁴ Charles Ross of Shandwick refused to pledge himself but also left his tenants to do as they should see fit.⁹⁵ Sir George Mackenzie of Coul frostily announced that his vote was already engaged but of his tenants, significantly, not a word.⁹⁶

92.

Seaforth Papers, 32, 145, Stewart Mackenzie to Munro of Novar, 6 July, 1832, and Novar's reply, *ibid.*, no date.

93.

Seaforth Papers, 32, 145, Highfield to Stewart Mackenzie, 8 July, 1832.

94.

Seaforth Papers, 32, 145, Hay Mackenzie to Stewart Mackenzie, 9 July, 1832.

95.

Seaforth Papers, 32, 145, Ross of Shandwick to Stewart Mackenzie, 9 July, 1832.

96.

Seaforth Papers, 32, 145, Sir George Mackenzie to Stewart Mackenzie, 9 July, 1832.

Quite clearly, the big guns cared nothing for Seaforth and his politics and if it rested with them Ross would be, as Highfield and others feared it was, a Tory county. The reason for this was not far to seek. The bulk of the landowners dreaded an assault upon the Corn Laws and the rumour was assiduously spread that Seaforth had openly expressed an opinion that they should be abolished. The best means to counteract this particular rumour seems to have been subject of debate. That bold Radical, and incidentally Sheriff-substitute, James Beaton, was equally hot on this as on the question of slavery. He argued skilfully and his analysis of the situation was remarkably sound. The big landowners, he contended, were Tory at heart and merely used the Corn Laws as a weapon. The real trouble as Beaton saw it was that potential liberal voters among the farmers "still believe that these iniquitous laws are beneficial to them & may wish to uphold them." Beaton's answer to this was typical of his creed. The farmers must be properly educated. Seaforth should declare war on the Corn Laws as they then stood, at the same time explaining that they were of no advantage to the agriculturists, that in fact so far as they were concerned they had become a mere fetish whilst proving detrimental to the manufacturing and other classes. He further suggests that Seaforth should attack the system as it stood and advocate instead of a fluctuating a moderate fixed duty which would safeguard the farmers and benefit the community as a whole.⁹⁷ Beaton goes on to list one or two other items

which in his opinion ought to figure in Seaforth's programme - abolition of slavery, of the monopolies of the Bank of England and the East India Company. These last were not, in the circumstances, very practical suggestions. Indeed, for Seaforth to have adopted them would have been political folly.

The really pressing question was protection and how to allay the fears of the agriculturists. A letter from the principal Cadboll tenant to Roderick Macleod describing the advantage that Novar and party reaped from the situation forced on a decision.⁹⁸ Seaforth as usual hedged, refusing to come out entirely with the line suggested by Beaton but adapting parts of it. First of all, he would not say what he would do about the Corn Laws until the question arose as a direct issue - not a very happy expedient but one of the perennial political standbys. On the other hand he admitted that the existing system stood in need of revision "to make it what it is not, a security to farmers for a certain steadiness of price in Grain, & to prevent its being, what it really is, a mode of throwing into the hands of the great capitalist, or Corn factor (not Corn grower) large profits by Speculation & sudden rises and falls in the market prices of grain." It was the stock clap-trap but how it was to be achieved Stewart did not venture upon. If he thought fit Macleod of Cadboll was to insert this manifesto in the Inverness papers.⁹⁹ This was done and apparently the letter was not without

⁹⁸ Seaforth Papers, 32, 145, Crauford Ross to Roderick Macleod of Cadboll, 9 July, 1832.

⁹⁹ Seaforth Papers, 32, 145, Stewart Mackenzie to Roderick Macleod, M.P., 13 July, 1832.

some effect.

How to treat the tenants was also a problem at this time. The truth is that very few regarded them as independent voters. One or two of the large landowners, like Ross of Shandwick and Hay Mackenzie of Cromartie, professed to leave their tenants to their own devices but this was mainly because these proprietors had little real interest in the election. Where the landlord's sympathies were engaged it was a different story, and this posed a problem for the election agents. Should they canvass a rival's tenants or would not this be too much like poaching? Seaforth's agents hesitated, not because of moral scruple but in the hope of reaping some advantage from stigmatising Novar as the original transgressor. As Muirton bluntly put it, "I want to fasten on the enemy the Matter of first interference with the tenants and feuars of others."¹⁰⁰ In the meantime the future electors of this class were put on their guard by an address from Seaforth warning the new voters that Novar represented the party that had opposed their enfranchisement and not to be taken in by his specious talk now, especially when their member was still busy in parliament "awaiting the completion of that measure, by which your right of voting will be secured."¹⁰¹ Gillanders of Highfield had no doubt about the course that ought to be pursued with the tenants, but he was one of those who sincerely believed that their votes were

100.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 9 July, 1832.

101.

Seaforth Papers, 32, 145, To the Future Electors of the Counties of Ross and Cromarty, 11 July, 1832.

their own and that the landlords had no right, moral or otherwise, to interfere with them. He informed Seaforth that he was going north to cover the West Coast and that he proposed to "wait upon the tenantry of Sir F. M., Mr. Hay Mackenzie, Lochalsh, Applecross &c." He goes on, "I think it would be wrong not to seek the support of every Elector, whether proprietor, tenant or feuar. It is to be presumed that every Elector is a free agent, and the Compliment of asking the Vote of every qualified person is the duty of a Candidate, and is due to the Electors - but be so good as to mention your views as to this matter."¹⁰² The Lewis looked safe, thanks to the efforts of Stewart and Murdoch Reid, and there was in Highfield's opinion little likelihood of Novar making an impression there. The clergy were generally favourable to Seaforth, partly from political conviction and partly because young Munro of Novar was an open libertine. Highfield thought that some play might be made of this last. "Novar is well known for the character of his fair attendants; and tho' in canvassing agst. him, you will avoid saying or doing anything disagreeable to him, your friends may quietly take an opportunity of referring to yr. private character as being marked for a strict and most attentive regard to religion and moral rectitude."¹⁰³ Seaforth, indeed, was all these things that Novar was not, and his ^{must have} evangelical piety/made considerable appeal in a county then permeated

102.

Seaforth Papers, 32, 145; Gillanders of Highfield to Stewart Mackenzie, 11 July, 1832.

103.

Ibid., same to same, 11 July, 1832.

by strong religious feeling. Muirton also refers to this weak spot in Novar's armour - "he is a person unknown to the great bulk of the County and he is one whom the serious minded & the Clergy wont approve of."¹⁰⁴

At this point Beaton drew up for the absent Seaforth's information a "Summary of Political proceedings in the County of Ross."¹⁰⁵ It is an extremely interesting and generally accurate description of the activities of the two parties. First, he analyses the doings of "the self-styled Conservatives," as he dubs the opposition. Applecross he singles out as the true leader of that party and this squares both with the known facts and the expressed opinions of others.¹⁰⁶ Equally acute is the observation that Applecross and Sir Francis believed each to be the dupe of the other, with Applecross undoubtedly right in his opinion. He was very active in Novar's interest and had secured all the votes on the Applecross estate, perhaps 20 in all. The Gairloch voters to about the same number were similarly pledged. So was Sir George Mackenzie of Coul and two or three of his tenants. Novar had won about 10 in his own neighbourhood. Inchcoulter stood neutral and probably took with him the villagers of Evanton. On the estates of Fowlis and Inver-

104.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 10 July, 1832.

105.

Seaforth Papers, 32, 145, James Beaton to Stewart Mackenzie, 11 July, 1832.

106.

See, e.g., Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 10 July, 1832.

gordon Novar's canvassers were busy but had made no impression, although they had scored some success among the tenants of Ferintosh but with the notable exception of one well-known character "Big William" Mackenzie. On the whole it could fairly be stated that they had enjoyed scant success in Easter Ross and on the morrow one of their number, John Cameron, was to leave for Lochbroom and later the Lewis.

As to the Seaforthians they had not been inactive. Captain Sutherland of Udal had spoken on behalf of Seaforth at a roup dinner at Invergordon Mains where most of the tenantry of Easter Ross were assembled. The speech, according to Beaton, "was heard with cordiality and enthusiasm." The "Empress" had been working hard and entirely to the satisfaction of Beaton who was by no means easy to please. She had it was thought won over Sir James Mackenzie to neutrality, a great triumph. On Monday last she had set out on a personal canvass and secured several tenants but not Major Forbes Mackenzie of Fodderty. The gruff old soldier was proof against the lady's wiles. "The Major is in the habit of observing that he has been a Tory all his life, & that it is not now worth his while to change his politics, especially as his doing so might be disagreeable to his patron the Duke of Gordon!" Soft soap worked well, however, with the tenants, who were unused to being courted by the great. Seaforth's daughter accompanied her mother and asked one of the tenants to honour her papa with his vote. "Weel," said the honest Farmer, "I was never askit for a vote afore, for troth I had nane to give; but gin I hae one" - giving her a cordial shake of his hand - "by God yese get it." The lady, like Gillanders, believed

in carrying the war into the enemy's camp, for she was then busily engaged canvassing Sir Francis' tenants. She was also working hard on old Fowler of Roddery whose word was law with the West India fraternity. If he were won over his sons-in-law, Mackenzie of Ord and Mackenzie of Allangrange would follow. She also instructed Mackenzie of Hillbank to work upon the Highland tenantry. He was "to throw himself, as by accident into the Inn of Garvie this evening, when he will meet all the West Country Tenants, on their way to the Inverness wool market. He has no doubt of gaining some of them; & by meeting them there the expence of his going further will be saved, parties will be pledged, before John Cameron can apply to them. He thinks, too, that he can get at least one of those whom Cameron visited yesterday to retract his promise, the man not being fully aware of what he was about."

Beaton also recounted and extolled the activities of the zealous reformer, Donald Stewart, writer in Tain, and recommended that overtures should be made for the services of Stewart and Hugh Leslie, also a writer, and former chairman of the Tain reformers. These men could prove invaluable in securing the tenantry of Easter Ross and in this matter "Big William" would make a useful auxiliary since he carried much weight with the other tenant farmers. As well as this the schoolmasters had been won over to Seaforth's cause and were apparently telling tales out of school. Thus of one waverrer Beaton writes, "I now learn that his son stated today at School that he said he wd. vote for Seaforth. Capt. F. Munro's son

made a like report."¹⁰⁷

The lady had also secured the services of another keen reformer in John Mackenzie, Muirton's brother, who although much busied with the Inverness burghs election promised to devote what time and efforts he could to Seaforth's campaign and particularly to canvass the tenants on the estates of Redcastle and Flowerburn. He had also helped out by enlisting Thomson, the factor for Culloden, to canvass in Ferintosh.¹⁰⁸ Through Ure, the agent, and "Big William" it was hoped to win back all the Ferintosh voters. The expected arrival of Highfield on the 13th. July would strengthen these efforts and on the whole Muirton thought that prospects looked good.¹⁰⁹ Certain aspects of the campaign, however, worried him. For one thing, he felt it was wrong to rely overmuch on circulars which he regarded as an outmoded way of proceeding. He saw, correctly, that in the new conditions public meetings were the answer. "I certainly wd. advise your doing so when you can fix the days for Dingwall, Invergordon, Tain, Cromarty & Fortrose." In the meantime Highfield should take this course in the west - "to

107.

For these and other details in above paragraphs, see, Seaforth Papers, 32, 145, James Beaton to Stewart Mackenzie, 11 July, 1832.

108.

Seaforth Papers, 32, 145, John Mackenzie to Mrs. Stewart Mackenzie, 11 July, 1832.

109.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 12 July, 1832.

meet the prospective Electors there to Answer any questions &c."¹¹⁰
 Stewart at Sornoway was again warned not to be too complacent for
 Sir Francis gave out that he meant to send an agent to the Lewis.¹¹¹
 Finally, there was the old source of weakness - the absence of Sea-
 forth. It was noted by correspondent after correspondent but
 until parliament rose nothing could be done about it. No member
 dared absent himself from the House whilst it was in such a dis-
 turbed state and that was that. In the meantime Muirton did what
 he could, among other things a dinner at Dingwall; "a plain dinner
 with Whisky toddy each man paying his own Club 7/- or 8/- a head
 & there would be some speechifying & fun which would infuse a little
 spirit and activity among your friends."¹¹² The parsimony arose,
 of course, from Seaforth's chronic poverty. He himself was worried
 about his affairs generally at this time and viewed his election
 prospects gloomily. He was enraged at the use made of the various
 rumours circulated about him and despaired of overcoming their
 effects. The list of opponents and waverers drawn up did not, in
 his opinion, tell the full story, for there were he felt "no doubt

110.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 11
 July, 1832.

111.

Seaforth Papers, 32, 145, Muirton to Alex. Stewart, 11 July,
 1832.

112.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 14
 July, 1832.

many more, who quietly at present look on."¹¹³

That certain of the tenants were not as easy to hook as some people imagined was made clear by Mrs. Macleod of Cadboll, a faithful worker in Seaforth's cause. She wrote to him asking for circulars, especially those containing his views on the Corn Laws, which the farmers were anxious to see. Novar had been unsuccessful at Cadboll, winning only one vote, but at the same time the tenants needed careful handling. "The people are extremely active and proud of their votes, & do not like Agents or Factors alone to go to them. By neglecting to call on one of our tenants we are in great danger of allowing the Major to carry him off, but I heard of it in time, & took such active Steps of soothing, that I received his pledge this morning, & I am now going to thank him."¹¹⁴ Doubtless the relative compliance, or otherwise, of tenants depended on their circumstances. Those on long leases could afford a certain degree of political independence that was beyond the reach of those on short term leases or those who were otherwise beholden to the proprietor. But quite apart from these considerations all the tenant farmers were greatly interested in the Corn Laws question. Crauford Ross reported that Novar's propaganda on this matter was

113.

Seaforth Papers, 32, 134, Stewart Mackenzie to Mrs. Stewart Mackenzie, 14 July, 1832.

114.

Seaforth Papers, 32, 133, I. Macleod to Stewart Mackenzie, 19 July [1832].

having an unsettling effect on the tenants in Easter Ross generally and that somehow this ghost had to be laid. The article in the Inverness Courier, that is Seaforth's letter to Cadboll on this subject, should be circulated as widely and as speedily as possible. Novar, too, had let it be known that money was not to be spared, so "Let your Agents look sharp after bribery."¹¹⁵ Muirton was also apprehensive at this time. He would, but for pressure of other business, have set out for Brahan at once. "But I certainly would advise not a day being lost in infusing more Energy into the Canvass on our side." Highfield should at once summon a meeting of the chief men with a view to setting up district committees. "Something of this kind must be done as Applecross, Davidson, & Sir Fras. together are very heavy Metal and have the field too much in their own hands at present." Muirton, too, had heard of Novar's expressed determination "to go any length with his purse to carry the Election and he so far has started in this way by Naming such a squad of Writers to canvass for him."¹¹⁶ Bribery there may have been but it seems to have been on a petty scale and seems mainly to have taken the form of treating in a modest style. Mrs. Macleod noted this in Easter Ross when Broun, Novar and Applecross were canvassing

115.

Seaforth Papers, 32, 133, I. Macleod to Stewart Mackenzie, 14 July, [1832].

116.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 22 July, 1832.

there. "Wine is liberally given, the man at Alness was offered first a glass, then a bottle of wine if he would give his vote - both were rejected."¹¹⁷ If this was the worst that could be said respecting the bribery practised by Novar it did not amount to much. On the other hand, taking into consideration the general poverty of that countryside and Seaforth's very limited means, Novar's modest treating might have results out of all proportion to its cost. And after all it was by its effects that bribery at elections must be tested not by the bill run up by the briber.

Seaforth's situation was sufficiently alarming but not as black as all this would suggest. On the credit side the bulk of the ministers had been secured although one and all they refused to cast their votes. Still, their support, especially among the tenant farmers, was invaluable. As well as this the dreaded invasion of the Lewis had taken place and proved a signal failure. Dr. Mackenzie, Sir Francis' brother, accompanied by John Cameron and his canvassers, had made the attempt but had not secured a single voter. This meant that Seaforth could count on 60 votes from the island.¹¹⁸ Muirton, however, thanks to the slackness of Stewart, did not possess this welcome news for a few days and continued to

¹¹⁷.

Seaforth Papers,

¹¹⁸.

Seaforth Papers, 32, 145, Alex, Stewart to Stewart Mackenzie, 19 July, 1832.

annoy Seaforth with his dismal croakings. He was cheered, though, by another welcome piece of intelligence, namely that the canvass on the hostile estates of Cromarty and New Tarbet had been more successful than was expected.¹¹⁹ Muirton took a malicious pleasure in speculating on Hugh Ross's reaction to the independent spirit evinced by some of his Cromarty tenants. Sir James Mackenzie was now the great cipher. He had pledged his neutrality but before canvassing his tenants it would be wise to obtain his permission, for, "I have no doubt he considers them as much his property as he did the Negroes in Jamaica." Muirton also considered it a stroke of luck that Sir Francis was absent from the scene, "as his Manner rather takes with the Tenants."¹²⁰ There was consolation, too, in the reflection that that stout old Tory, Macleod of Geanies, as Sheriff-Depute, could neither vote nor interfere with his tenants and these would go with Dudgeon, the most influential tenant on the estate and a declared partisan of Seaforth.¹²¹

119.

Seaforth Papers, 32, 145, Crawford Ross to Mrs. Stewart Mackenzie, 21 July, 1832. The estate of Cromarty is not to be confused with that of Cromartie. The former, then owned by Hugh Ross of Glastullich, lay in the old sheriffdom of Cromarty; the latter, held by Hay Mackenzie, was part of the lands in Ross annexed to the sheriffdom of Cromarty in 1690.

120.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 24 July, 1832.

121.

Seaforth Papers, 32, 145, Muirton to Mrs. Stewart Mackenzie, 21 July, 1832. For Geanies' view of politics see, 32, 145, Donald Macleod of Geanies to Mrs. Stewart Mackenzie, 24 July, 1832.

Early in August Seaforth at last put in an appearance. From his point of view matters went well and the main problems confronting him were to consolidate the votes promised and to see that nothing went wrong in the Courts of Registration. This was arduous work and Gillanders felt that the assistance of a committee was needed. There were, however, difficulties about setting up a committee. First, it had to be respectable - a committee composed largely of tenants would not do. The problem was that many of the proprietors were Tory at heart and had no wish to appear enthusiastic about Seaforth or his principles, vague as they might seem. Many of the proprietors who supported him did so mainly because they despised his rival. Nonetheless, the need for a committee was pressing and Highfield forwarded to Seaforth a list of 19 names, mostly proprietors, who would in his opinion be willing to act on a committee. But of these the really active members would be Highfield himself and Hugh Innes Cameron of Dingwall.¹²² Highfield was at the time occupied in scrutinising the claims for registration and instructing Stewart at Stornoway on the correct procedure to be adopted. This last topic, the registration of the Lewis electors, had caused a good deal of worry,¹²³ Geanies at first not being willing to appoint

¹²² Seaforth Papers, 32, 145, Highfield to Stewart Mackenzie, 1 Aug., 1832, and enclosure, "Seaforth's Committee."

¹²³ See, Seaforth Papers, 32, 145, Alex. Stewart to Mrs. Stewart Mackenzie, 16 Aug., 1832. At the time of writing Stewart could not have known of Geanies' decision of the 15th. Aug.

a special substitute to hold a Registration Court at Stornoway.

This matter was finally resolved on 15th. August when the Sheriff-depute received a circular from the Lord Advocate authorising this procedure.¹²⁴ The Court at Stornoway was to be held on 25th. September, the same day on which similar Courts were to sit at Dingwall and at Janetown of Lochcarron for the west. This, as Cameron pointed out to Highfield, would make for a great deal of work. Not only must every care be taken of the claims for prospective Seaforth voters but the hostile or dubious claims would have to be examined in advance so that "it will be necessary forthwith to organize our Plan of Operations in regard to lodging Objections - the Second Act of the drama." He suggested that agents, who would themselves have to be electors, should go round the different parishes examining the lists of claims compiled by the schoolmasters. The time factor was of the utmost importance and precluded any idea that this work could be handled from Dingwall.¹²⁵

The first Court for Registration of voters was held at Tain on 13th. September. Of 40 objections lodged 13 were sustained. A great number of questions were raised, arising largely from ignorance of the new procedure. It was, for example, queried whether a free-

124.

Seaforth Papers, 32, 145, Geanies to H.I. Cameron, 15 Aug., 1832.

125.

Seaforth Papers, 32, 145, H.I. Cameron to Highfield, 20 Aug., 1832.

holder already on the roll could object to a claimant under the new Act. The question of titles also raised a deal of trouble. Now, exactly, were the new claims to be instructed? Geanies, too, had caused mischief, whether deliberately or not, by altering the original dates for registration. This so worried Seaforth that he applied to the Lord Advocate, Francis Jeffrey, for advice. Jeffrey did not think that this would give a handle to any valid objections about the conduct of these Courts. As it was Seaforth did well in the Courts of Registration and Novar's complaints to the Review Court were not productive of the results he desired.¹²⁶ The election, with the close of the poll curiously fixed for the last day of the year, was moving into its last phase.

This was marred by displays of temper in the course of which Seaforth challenged Hugh Ross of Cromarty and Glastullich. Details of the affair are lacking but the challenge issued from an acrimonious correspondence carried on in the Inverness Courier late in November 1832.¹²⁷ The exact terms of the controversy are not known but most probably it raged round the central points at issue between the parties, namely the West India question and the Corn Laws. At anyrate, whatever the provocation, Seaforth sent his friend Captain

126.

Seaforth Papers, 32, 145, Muirton to Stewart Mackenzie, 2 Nov., 1832.

127.

J. Barron, "Northern Highlands in Nineteenth Century", vol. p.122.

Murray of the Royal Navy to call out Ross, who was to be seconded by Novar. Later Murray was sent on a similar errand to Charles Fitzgerald Mackenzie of Kincraig. The authorities got wind of these developments and at Tain Ross of Cromarty was bound over to keep the peace, whilst Seaforth, Novar and Captain Murray were similarly restrained at Dingwall, in their case at £500 bond each for twelve months.¹²⁸ Hugh Cameron, the Procurator-fiscal, had reason to believe that the matter was not likely to end there; Munro of Novar had enquired of him whether the Sheriff's warrant were not restricted to Ross-shire. This Cameron interpreted as forecasting a meeting in some other county and to counteract this he asked for a Justiciary Warrant against all who were implicated. Apparently the fiscal's move was well advised for in fact Seaforth was invited by Mackenzie of Kincraig to a meeting outside Ross.¹²⁹

That the required Justiciary Warrants were taken out is clear from a letter from Lord Advocate Jeffrey to Stewart Mackenzie in which it was laid down that unless they found adequate security for their good behaviour the would-be duellists were to be taken into custody and brought to Edinburgh. Jeffrey, as a colleague and personal friend of Seaforth, did not wish to push matters to extremes and suggested that the best way to settle the affair would be for

¹²⁸ Seaforth Papers, 33, 154, Copy Letter H.I. Cameron Procurator Fiscal to D. Cleghorn, Esquire, Crown Agent Edinburgh, Dingwall, 29th. Nov., 1832.

¹²⁹ Seaforth Papers, 33, 154, Copy Letter, H.I. Cameron to Captain Murray, R.N., Dingwall, 19 Jan., 1833.

those involved to swear jointly before a magistrate not to have a meeting or be guilty of any other breach of the peace.¹³⁰ The whole episode was typical of Stewart Mackenzie, a type who smouldered usually rather than explode but who when once touched off lost all sense of restraint. Jeffrey's advice was acted on, the culprits undertook the necessary guarantees but there were still ominous rumbles from Seaforth. Jeffrey had to despatch another restraining warrant against his friend and at the same time he took out fresh warrants against two new troublemakers, Colonel Munro and Sir Francis Mackenzie. The Lord Advocate also informed Muirton that, in the warm prevailing atmosphere, bells, flags and party colours would be best omitted from the election preparations.¹³¹ On 12th. December Jeffrey, as he hoped, concluded this unhappy episode by writing a short private note to Stewart Mackenzie urging him "for God's sake keep the match out of your combustibles at least until the Election is over, when they will be less inflammable."¹³²

Indeed, the main task of Seaforth's friends by this time was to prevent him ruining his chances of election by some public display of folly. John Cunningham wrote him a long and earnest letter

130.

Seaforth Papers, 32, 138, Jeffrey to Stewart Mackenzie, 1 Dec., 1832.

131.

Seaforth Papers, 32, 138, Muirton to Stewart Mackenzie, 11 Dec., 1832.

132.

Seaforth Papers, 32, 138, Jeffrey to Stewart Mackenzie, 12 Dec., 1832.

advising caution. Apparently Seaforth had detected Novar in some gross inconsistency and had documentary proof of this. Cunningham advised him not to publish it at that time. "The fact is," he went on, "that I conjure you as a friend, & I advise you, as a man of business, not to make one personal allusion now, to your opponent.... The Hustings at Dingwall is the place, when such explanations should be made." Even there Cunningham advised him to act with dignity and restraint and not to give the least appearance of quarrelling.¹³³ It was excellent advice, the more so as it was known by this time that Seaforth had a majority of pledged votes. Since the quarrel almost certainly arose over the crucial Corn Law or West Indian questions, though, he may have been worried about the effect of these matters on the minds of some of his promised voters. Conscious of this, he distributed a last minute circular in which he beseeched those who had promised to support him to stand firm. He would, he said, make no rash promises — "But this I boldly declare, that should I obtain the honor which I ask at your hands, my constant endeavor will be to act up to my professions, firmly & impartially to reform abuses, wherever proved to exist; to uphold

133.

Seaforth Papers, 32, 138, John Cunningham to Stewart Mackenzie, 15 Dec., 1832.

just rights, whenever in danger; to confer them, where yet withheld; zealously tho' with caution to advance the cause of liberty; & watchfully to promote your local prosperity, & the general interests of the United Kingdom."¹³⁴ It was a typical manifesto of its time, attesting the curious position in which Seaforth and so many other candidates then stood. For the first time it was necessary to take stock of interests other than those of the landed proprietors but yet these were still too important to be lightly cast aside. Party organisation was still rudimentary, and party programmes vague and ill-defined. The candidate had to do what he could to meet whatever local prejudices existed. The result was usually an attempt to box the compass.

On the day before the hustings at Dingwall Cunningham again returned to the charge, urging Seaforth to refrain from all personalities, "on the ground before indicated of the peculiar situation in which you & all the individuals concerned are placed by the proceedings of the public prosecutor."¹³⁵ Geanies had again caused trouble, apparently through a disinterested misreading of the Lord Advocate's instructions, in fixing nomination day for 24th. December, but Jeffrey felt that there was no real danger of valid objections arising from this.¹³⁶ Jeffrey again cautioned Seaforth to

¹³⁴•Seaforth Papers, 32, 145, To the Electors of the Combined Counties of Ross and Cromarty, Brahan Castle, 10 Dec., 1832.

¹³⁵•Seaforth Papers, 32, 138, John Cunningham to Stewart Mackenzie, 23 Dec., 1832.

¹³⁶•Seaforth Papers, 32, 138, Lord Advocate Jeffrey to Stewart Mackenzie, 20 Dec., 1832.

step warily. Stewart had taken exception to a recently published letter in one of the Inverness journals by one of the opposite faction who had been sworn to keep the peace. He complained bitterly to Jeffrey about this, threatening a law suit, but there was no legal remedy, for as the Lord Advocate told him "No letter is a breach of the Peace."¹³⁷

On the 24th. December 1832, nominations took place at the hustings in Dingwall. Seaforth was proposed by Kilcoy and seconded by Dudgeon - both of whom felt greatly honoured. Novar was proposed by Sir George Mackenzie of Coul and seconded by Davidson of Tulloch. The candidates and their adherents behaved themselves and all passed off quietly.¹³⁸ In a facetious letter to Mrs. Stewart Mackenzie Charles Fraser affords us a few reflections on the last stages of the election. He thanks her for the gift of an Inverness paper (he was then at Chatham) "with," as he puts it, "an account of all your fine proceedings at the nomination of your candidates for your great County: take care that these enormous territorial grandees do not make yours a nominational County. What work there has been among you! One has to go through fire and water nowadays for the honour of !!! & a great deal of fudge besides, for these little amiable electors require a great deal more blarney than their old

137.

Seaforth Papers, 32, 138, Lord Advocate Jeffrey to Stewart Mackenzie, 27 Dec., 1832.

138.

J. Barron, "Northern Highlands in Nineteenth Century", vol. II, p.122.

Tyrants."¹³⁹ By the 31st. December the polling was completed and the count finished. Of 562 registered votes 420 voted and Seaforth carried it by 272 to 148.¹⁴⁰ Quite clearly at this point the grantees were going down before the "little amiable electors." The expense account also reflected the changed conditions and the necessity of courting the new voters. Bribery there seems to have been none but more agents had to be used and these had to travel extensively. Cameron spent £250, Kelly £187.7/-, and the sum of these and sundry other items was £457.7/-;¹⁴¹ This, however, was merely a rough estimate and the following day, 24th. January 1833, Highfield gave a more considered opinion. "I hope that £1,000 will cover all the Expenses of the last Election. You cannot however safely calculate on their being a farthing under that sum." The cost of wining and dining the Dingwall magistrates alone, a burgh in which the Seaforth influence was strong and had to be maintained, was £145.¹⁴² These were not unreasonable sums but the

139.

Seaforth Papers, 32, 145, Charles Fraser to Mrs. Stewart Mackenzie, 31 Dec., 1832.

140.

Seaforth Papers, 34, 182, List of Representatives, Ross and Cromarty. Barron, op.cit., vol. II, p. 122, gives the figures as 277 to 152.

141. Seaforth Papers, 32, 152, Gillanders of Highfield to Stewart Mackenzie, 23 Jan., 1833.

142.

Seaforth Papers, 32, 152, Highfield to Stewart Mackenzie, 24 Jan., 1833.

low state of Seaforth's finances made them seem crippling. He must have looked forward with relief to a term of six or seven years free from costly election struggles but soon found that the times were out of joint. Unfortunately politics reflected this all too faithfully.

Chapter X

Ross-shire, 1832-47.

Chapter X.Foss-shire. 1832 - 47.

The uncertain state of national politics gave the politicians no rest whether at Westminster or in the constituencies. In Scotland the problem of the constituency was troublesome largely because the implications of the Reform Act were still being worked out. For one thing, the Act did not as some of its supporters had hoped put an end to the manufacturing of votes. Seaforth like many other "liberals" in the Scots counties found that the only way out of this difficulty was to create as many votes as possible. Then, quite apart from manufactured votes, it was discovered that a goodly number of tenants who could have voted in December 1832 had not for one reason or another been registered. The system of registration was none too efficient and particularly the question of the supply of claim forms needed clarifying. Cameron asserted that at the last election Seaforth had lost many votes due to his rival buying up the entire stock of forms available.¹ The months following that election were devoted to these problems. In addition, other expedients were being devised, particularly a rearrangement of ^{leases} ~~cases~~ to secure the maximum number of votes on any given

1.

Seaforth Papers, Box 33, Bundle 157, H.I. Cameron to Stewart Mackenzie, 23 June, 1834.

estate. Thus in the spring of 1854 Alexander Mackenzie of Millbank was busy estimating the number of £50 leases that could be granted on the estates of Strathconan and Strathgarve which were then up for sale. Millbank was troubled by a report that John Gladstone was about to purchase Strathconan. Gladstone was a Tory and in Millbank's view it was essential that a certain friend of Seaforth, who had evinced some interest in the estate, should be spurred to immediate action. At £35,000 he considered it a bargain, but obviously the 18 votes that could be made on it was its principal value in Millbank's eyes. His report on the situation is of great interest and not merely from the political point of view. It raises the further question as to how far these political exigencies contributed to evictions for, in the case of Strathconan, Millbank pointed out that, in order to create 18 votes it would be necessary to remove a considerable number of people. True, he was at pains to show how they could be fitted in elsewhere but the point remains - how many of the great landlords would be prepared in such cases to make provision for the displaced small tenants? Further, even the tender little hearted Millbank demonstrated how, by a more ruthless activity, an additional 6 votes might be had on the estate. In the case of Strathgarve he reckoned that 12 or even 13 votes might be secured with no removals at all and that this estate would greatly

benefit by revised leasing in £50 lots.² Doubtless the conservatives were equally busy in these matters although they were not so diligent in scrutinising the register of electors and challenging votes tied to the rival interest.

The measures of the Reform Ministry also contributed to Seaforth's troubles, particularly the abolition of slavery and the Whig government's attitude to the Irish Church question. Fraser of Inchcoulter was apparently hard hit by abolition and complained bitterly to his erstwhile friend, Seaforth, that "the calamitous destruction of the West India Colonies", which Seaforth had seen fit to support, had ruined his friend who was now obliged to sell at grave loss an estate in Ross-shire which had cost £70,000. In the circumstances, Inchcoulter concluded, Seaforth need look neither for his vote or countenance in any future election.³ This, of course, was the general reaction among "the Negro Drivers." Scarcely less potent as a cause of unrest was the Irish Church question. Thus, Evan Baillie of Dochfour, who had made an immense fortune in the West India trade, courteously but firmly declined to support Seaforth but giving as his reason the measures taken by government in Ireland

2.

Seaforth Papers, 33, 153, Alexr. Mackenzie of Millbank to Stewart Mackenzie, 5 April, 1834.

3.

Seaforth Papers, 33, 153, Alex. Fraser of Inchcoulter to Stewart Mackenzie, 23 Nov., 1834.

which Baillie felt to be prejudicial to the Protestant Church.⁴ The reference was to Althorp's Bill introduced in February 1833 to tax the established Church of Ireland and use the proceeds to further education in that country.⁵ Were still there was talk of endowing the seminary at Maynooth and in fact if Grey's ministry had worked deliberately to make hard the way of Stewart Mackenzie in Ross and Cromarty it could not have procured more positive results. The Whig government had justified the worst fears of the West Indians; its attitude to Church matters, at this point a purely Protestant, anti-Catholic and extremely bigotted question, turned the ministers away from the cause of reform which they had formerly espoused; and finally, ^{though} rather more vaguely, the government's attitude to the Corn Laws was highly suspect. And, of course, radicalism was then such a curiously vague mixture of the abstract theoretical and the purely personal that no ministry on earth could hope to hold it captive for long. Many Radicals seem seriously to have expected the millenium to date from 1832 A.D. and its failure to appear was taken hard. Of this number, Dudgeon, who had played a yeoman's part in 1832, was one who by 1834 was seriously weighing

4.

Seaforth Papers, 33, 158, Evan Baillie to Stewart Mackenzie, 14 Nov., 1834.

5.

Sir Spencer Walpole, "History of England from 1815", vol. III, pp. 150-2.

up the pros and the cens of this failure to create heaven on earth. All in all, when next Stewart Mackenzie of Seaforth solicited the Ross-shire electors for the honour of representing them in parliament he was going to meet very heavy opposition.

The retirement of Earl Grey in July 1834 seemed to open up prospects for the Tories since, quite apart from the political impasse in which the Whig government found itself, no one placed much faith in his successor, Lord Melbourne. At once Seaforth was made aware of his difficulties in Ross-shire. As well as individual refusals of support, such as that from his relative Humberston Mackenzie, he knew that an opposition was forming augmented by Sir James Wemyss Mackenzie of Scatwell, the Lord Lieutenant of the county, who, as a "Negro Driver" had at last deserted neutrality and was busily conferring with Crd, Allan-grange and, most oninous of all, Davidson of Tulloch. Seaforth's informer, Muirton, also feared that the young Chicholm, who had the Protestant religion on the brain, could no longer be relied upon, and old Cadboll only if checked by his son, whose immediate presence would be necessary.⁶ Even the pious William Lillingston, a close personal friend of the Seaforth family, was not as

6. Seaforth Papers, 33, 158, Muirton to Stewart Mackenzie, 19 Nov., 1834.

enthusiastic as of old, being at more pains to warn Seaforth against the evils of duelling than to promise support.⁷ Soon the intelligence was all of Mackenzie of Applecross's activities and the problem of how best to counter them. He was busy in Wester Ross collecting rents and doubtless votes as well and once more the old bogey of a raid on the Lewis came to the fore. The nil returns yielded by that of 1832 could not safely be regarded as a precedent. Muirton thought the Lewis voters would be steady but any defection from their ranks, in view of the hostility of so many of the mainland voters, might easily prove fatal. Stewart the factor at Stornoway had been dismissed but Muirton wondered if his successor Knox was capable of managing an election and suggested that Stewart should be employed as an election agent on the island.⁸ Knox himself entertained few doubts about the Lewis electors intimating that they would be with Seaforth to a man, with the possible exception of Lewis McIver of Gress who was threatening to vote Tory. "Daniel and James, the late Capt. Mackenzies sons also grumble, because you have not got the latter a Surgeon's appointment in India; but I think James Reid will be able to manage them. There need be no

7.

Seaforth Papers, 33, 153, W. Lillingston to Stewart Mackenzie, 20 Nov., 1834.

8.

Seaforth Papers, 33, 153, Muirton to Stewart Mackenzie, 21 Nov., 1834.

fear of the result, if your former opponent, or any other Tory (particularly if not a Mackenzie) contest your return." Yet oddly, Knox feared the rumour that John Gladstone was to contest the county, "because by his extensive shipping he would have much influence, both here and at other parts of Ross-shire."⁹ It would be interesting to know what precisely Knox found so formidable in Gladstone's shipping. Was it that he supplied so many Ross-shire seamen with posts, or was it on account of the ships that he could put at his own disposal for electioneering purposes? More probably it was the former, but the latter supposition is by no means fanciful, for transport to Wester Ross and the isles was one of the great problems which then confronted candidates. Seaforth was forced to appeal to the captains of the revenue cruisers for transport and on occasion failure to secure this threatened to be disastrous.¹⁰ As it is we are unenlightened about the source of John Gladstone's strength for the rumour turned out to be without substance.

On the 29th. November, Cameron submitted a long report on Seaforth's prospects to Mrs. Stewart Mackenzie. In his

9.

Seaforth Papers, 33, 153, Thomas Knox to Stewart Mackenzie, 26 Nov., 1834.

10.

See, e.g. Seaforth Papers, 33, 153, M. Doatson to Stewart Mackenzie, Campbelltown, 2 Dec., 1834, arranging for use of some of the revenue cruisers, and ibid., Captain Knight to Stewart Mackenzie, Custer House, Leith, 3 Dec., 1834, refusing aid.

judgement the most dangerous question was still that of the Corn Laws, the more so as the conservatives now had a strong handle in Seaforth's failure to support the Marquis of Chandos' motion for an enquiry into the impoverished state of agriculture.¹¹ That Seaforth had then been confined to bed by illness was making no impression on the corn growers whom Cameron found "badly prejudiced." For the rest, the report is taken up with Cameron's activities in drawing up lists of voters, parish by parish, which would show how individual voters had gone in 1832 and what might be expected of them in the near future. The lists were to be sent to agents in each parish who were to ferret out the required information and return the completed lists to Cameron. The latter would then work out the probable result of the election from these returns, an interesting atavism still feasible in an electorate of perhaps just under 600. Then come some interesting news items, principally about an accidental rencontre with the enemy in the parlour of an inn at Dingwall. Cameron had gone there to meet Hugh Ross of Cromarty on some business matter, but found Applecross at dinner with one of Seaforth's supposedly staunch Dingwall supporters who had the grace to look

11.

For this episode, see Sir Spencer Walpole, "History of England from 1815", vol.III, p.227. The Chandos motion, 21 Feb. 1834, was defeated by the very narrow margin of 206 to 202 and hence perhaps the anger against the Scots M.P.s who had failed to vote for it. Vide infra. See, too, D.G. Barnes, "History of the English Corn Laws", 1930, ch.X, esp. pp.224-5.

flustered. Cameron had carried on to Tulloch House where he was expected for dinner and again found himself surrounded by the opposition in the persons of Dr. Mackenzie, Sir Francis' brother, Munro of Novar and Sir George Mackenzie of Coul. The following day there was a full meeting at which appeared, in addition to those already named, Applecross, Cromartie, Cromarty, Cra, Incheculter, Newhall, Colonel Munro, young Dochfour, Poyntzfield, Captain Sutherland, John Munro of Fowlis, and, of course, their host, Davidson of Tulloch. It was, in fact, a gathering of most of the principal landlords in the county. Tulloch, Applecross, Novar, Ross of Cromarty and Hay Mackenzie of Cromartie were frequently closetted together and to Cameron, a mighty interested spectator of all this, it seemed that some weighty matter was being settled. He assumed that they were selecting the conservative candidate and finding some difficulty in doing so. Novar was said to be ready to stand once more if in the event of failure the party would bear the cost. Should he succeed he would pay. His factor, Brown of Linkwood, opposed his standing, probably on the grounds that whatever compact were reached it would disrupt the estate's finances. Baillie was also hampered by lack of means, unless his grandfather could be induced to help him. Young Chisholm, who had the means, was considered but though a mere youth in his early twenties he was too canny to risk the chance of a defeat. So with their host, Tulloch, who was likewise too prudent for the undertaking, knowing

full well that he would be left to bear the greater part of the cost. Cameron did not say it, but this left only one man - Applecross. It was incidentally of significance, and noted by Cameron as a heartening sign, that Sir George Mackenzie of Coul had been very open and friendly towards him, expressing regret at the late change in government and not a little amusement at the rather strained conference of which they were afforded revealing glimpses. Cameron believed that Coul was a liberal at heart and tiring of the perverse attitude of Gairloch under whose influence he usually acted in political affairs. If he could be won over it would more than balance the loss of Sir James.¹²

This was the uneasy situation into which Stewart Mackenzie found himself projected when in November 1834 Lord Melbourne rather incautiously offered William IV his resignation only to have it accepted. On 26 November Seaforth drew up an address to the electors which did little more than announce his candidature.¹³ Cameron felt that this intimation should be made through the Inverness papers at once so as to scotch any rumours

12.

Seaforth Papers, 33, 153, H.I. Cameron to Mrs. Stewart Mackenzie, 29 Nov., 1834.

13.

Seaforth Papers, 33, 153, Address from James Alexander Stewart Mackenzie to the Freeholders of Ross and Cromarty, London, Nov. 26, 1834. Note the rather archaic form of address.

that Seaforth would not stand. Carruthers, editor of the Whig Inverness Courier, was eager for a copy so that it might appear with that of Charles Grant who was again standing for Inverness-shire.¹⁴ When it appeared in the Courier is not known but it certainly ran in the Inverness Journal for 5th. December 1834.¹⁵ Probably in that same paper Thomas Mackenzie of Applecross settled the question as to who was to be the conservative candidate. His was a brief, general, cautious address. He gave out that he would be above faction and party, would uphold the constitution but "subject to any alterations which the age in which we live may render proper," and particularly he would promote the agricultural interest.¹⁶ That the agricultural question loomed large was clear from an anonymous letter in the same issue of the newspaper that contained Applecross's address. This craved the editor to insert an article from an Edinburgh newspaper quoted in the Inverness Courier of 6th. August entitled "Scotch Anti-Agricultural Members". These, writes anonymous, all at the time held posts of great value under government.

14.

Seaforth Papers, 33, 158, H.I. Cameron to Mrs. Stewart Mackenzie, 29 Nov., 1834.

15.

Seaforth Papers, 33, 158, Clippings from Inverness Newspapers.

16.

Ibid.

The editor duly obliged. The article was brief but very pointed, asking the farmers to memorise the names of "those patriotic gentlemen" who had voted against the Marquis of Chandos' motion. The names were those of Charles Grant, George Trail (Orkney and Shetland), Stewart Mackenzie and Frederick Macleod of Cadboll (Sutherland). The article ends, "If any of these Members be again returned, their supporters deserve to be ruined without remedy."¹⁷ For good measure a bitter attack upon the Whig ministry as the puppet of the mercantile interests was reprinted from the Farmers Journal.¹⁸ That these were savage blows is clear from the short note scrawled on the back of the clippings by Stewart Mackenzie. "These were the papers held in my hand on 19th. Janry. 1855, when for 2 Hours I was compelled to address from the Hustings in Snow Storms & wind such as had not been in this County for years." That remark epitomises with complete accuracy the great change wrought in the conduct of elections by the Reform Act.

By 1st. December 1854 Cameron was warned by a messenger from Sir George Mackenzie that Applecross was the Tory candidate. Coul, however, was still disposed to be neutral. Cameron desired Seaforth to come north at once (that old refrain once

17.

Seaforth Papers, 33, 153, Clippings from Inverness Newspapers.

18.

Ibid.; headed "The Landed Interest and the Tenantry."

more) and took it upon himself to publish the address whether or not a dissolution had taken place. He was busy issuing circulars and would attend to the organising of committees which Seaforth had suggested. If Stewart could not come north then it was imperative that Mrs. Stewart Mackenzie should come, whatever the personal inconvenience. If this were not attended to Cameron feared that "Applecross and his friends may be working their will with the electors."¹⁹ This last was no idle fear for in the course of the campaign numerous observers remarked that this time it was largely a case of first come best served.

On the 2d. December Chisholm wrote giving his reasons for opposing Grant in Inverness-shire. This was mainly on account of the Whig attack on religious education, as Chisholm saw it. He explained that he had not made up his mind as to the exact course he would pursue in Ross-shire but that he certainly would not vote for Seaforth.²⁰ There can be no doubt that in general the religious issue was almost as strong as the Corn Laws question

19.

Seaforth Papers, 33, 153, R.I. Cameron to Stewart Mackenzie, 1 Dec., 1834.

20.

Seaforth Papers, 33, 153, Alexr. Chisholm to Stewart Mackenzie, 2 Decr., 1834. This was quite in character for he was extremely devout. See Alex. Mackenzie and Alex. Macbain, "History of the Chisholms", pp. 103-116.

Muirton saw this and advised Seaforth that "it would give you a great lift with the Clergy and perhaps with others if you made a declaration of your determination to support the Church of Scotland."²¹

Such an assurance, vague though it was, might have had some good effect but would have worked no miracles, for the Scottish Church was not yet the burning issue. The trouble in 1834 all arose from the late government's educational policy in Ireland which bigotted Protestants could only regard as popish. The Reverend John Kennedy of Killearn was by no means an extremist, as extremism was then measured, but this he would not stomach. It was, he thought, a denial of the sacred duty which God had imposed on the British to civilize benighted Ireland.

"My daily prayer to God is, for poor Ireland, that the Bible be in every house & in every hand, and that a Protestant Church be placed in every district of it, whether the inhabitants of the District be Roman Catholics or Professed Protestants."²² A more faithful and devoted pastor, but as sad a bigot, the Reverend Donald Sage of Rosolis wrote in equally stringent terms. In his view the Whigs had yielded to mob pressures and this appeared

21.

Seaforth Papers, 33, 153, Muirton to Stewart Mackenzie, 2 Dec., 1834.

22.

Seaforth Papers, 33, 153, Revd. John Kennedy to Stewart Mackenzie, 12 Dec., 1834.

most prominently in their dealings with the Irish Church. "More particularly their concessions to O'Connell whom I take to be one of the worst and most dangerous men in Europe and their treatment of the Protestant church in Popish Ireland are facts which I cannot help thinking speak at this moment hardly against them."²³

Not all of the clergy spoke out as boldly as this but those who did not were very much colder, less inclined to help Seaforth, than formerly. Typical of these was Alexander Cameron of Edderton who had tried to get by with vague answers but who was finally brought to task by Seaforth. Cameron replied in deferential terms which did not prevent his real thoughts from emerging. It was the same old story, the policy pursued in Ireland. Once launched on this subject the deference wears noticeably thin and Mr. Cameron's words have about them the same trumpet ring as those of his brethren who had spoken out earlier. "To supply the Romanists of Ireland with priests, to vote grant of money for their education in that antichristian system which is so clearly denounced in the word of God, is treason against the Most High, is to encourage idolatry, & will sooner or later, if not testified against, bring down divine judgement on our land!"²⁴

23.

Seaforth Papers, 33, 153, Donald Sage to Stewart Mackenzie, 16 Dec., 1834.

24.

Seaforth Papers, 33, 159, Revd. Alex. Cameron to Stewart Mackenzie, 3 Feb., 1835.

We may safely conclude that these were the real sentiments of most if not all of the clergymen of Ross-shire, and that what the ministers believed in these matters would scarcely be disputed by their flocks. Ross-shire was then one of the most fiercely Protestant counties in Scotland. Its stubborn non-juring Episcopal sentiments had endured until near the end of the 18th. century to be replaced by an equally stubborn and intense evangelicalism.²⁵ Nor was the change confined to forms of church government, for the evangelical party in early 19th. century Ross derived much of its outlook and spirit from the revolutionary Presbyterian sects of the days of Charles II. This was seen in its attitude to such subjects as popery and patronage. The latter was abominated and then caused a good deal of ill suppressed discontent in the county. Seaforth, himself an evangelical, had always been very tender of the rights of congregations and in 1832 this was a minor but not inconsiderable source of strength. In 1834, however, the patronage question was overshadowed by the popish scare with very real loss of support for the Whig candidate. As one correspondent, John Fraser, wrote simply, "I am just a Covenanter

25.

See Colin MacNaughton, "Religious Life in Ross and Sutherland", p. 298 et seq.; John Mackay, "The Church in the Highlands", pp. 223-273.

and while I yield the preest toleration, I insist for maintaining our covenant with God as a protestant Christian Nation."²⁶ To be sure, Fraser honestly mentions another good reason why he would not vote for Seaforth. He was a Seatwell tenant, but he was not a long-lease tenant and in fact merely held the farm, on which he was not dependant, until it was to be taken over by Sir James' son. There can be no doubt that it was his religious scruples which prevented him, liberal as he was in other ways, from supporting Seaforth. Nor can his case have been an isolated one. Indeed, even Applecross was given a moment of worry by the prevailing anti-popish feeling. A report went the rounds that the Peel administration meant to make provision for the Roman Catholic clergy and Applecross found it necessary to circulate printed hand-bills asserting that he would never approve of or support such a measure.²⁷

It was also quite clear that, as before, the bulk of the landlords opposed Seaforth. To offset this he could only make five definite captures. The Gleaners tenants were now thrown open to him, old Donald Macleod having got into straits and his principal creditor, William Paul, declaring for Seaforth and requesting

26.

Seaforth Papers, 33, 153, John Fraser to Stewart Mackenzie, 15 Dec., 1834.

27.

Seaforth Papers, 33, 159, Applecross's Circular, 16 Jan., 1835.

the tenants to do likewise.²⁸ Five of them were under particular obligations to Paul for reducing their rents and it was thought that this would prove decisive. Dudgeon, who headed the list, was a different proposition entirely and was to prove worthy of his name. Sir George Mackenzie of Coul was favourable without being very active although he did supply Muirton with much useful information. Old Cadboll, prompted by his son, was securing the Cadboll and Invergordon votes.²⁹ Colin Mackenzie of Kilcoy caused some worry by the length of time he took to declare himself and sundry lukewarm expressions he dropped in the interim.³⁰ The long and the short of it was that he was piqued at not yet being Sir Colin and required some action in that matter.³¹ The Duchess of Sutherland had early declared for Seaforth and her tenants around Tain had been secured.³² The Balnagowan tenants

28.

Seaforth Papers, 33, 153, William Paul to Stewart Mackenzie, 1 Dec., 1834.

29.

Seaforth Papers, 33, 153, Muirton to Stewart Mackenzie, no date but evidently early December 1834.

30.

Seaforth Papers, 33, 153, H.I. Cameron to Mrs. Stewart Mackenzie, 29 Nov., 1834. But Muirton did not have a letter from Kilcoy confirming this until 6 or 7 Dec. See, 33, 153, Muirton to Stewart Mackenzie, 7 Dec., 1834.

31.

Seaforth Papers, 33, 159, Kilcoy to Stewart Mackenzie, 5 Dec., 1834.

32.

Seaforth Papers, 33, 153, Muirton to Stewart Mackenzie, 23 Nov., 1834.

were pledged to Seaforth although Sir Charles and Lady Ross were non-committal.³³ Robertson of Kinleace was friendly without being very enthusiastic and this completed Seaforth's list of friends among the landlord class. His election team was much as before, Muirton directing affairs from the Edinburgh end and Cameron taking over most of the work at Dingwall. Highfield still professed himself friendly but his heart was no longer in the work and he seems to have taken no part in the canvassing.

Of Applecross's activities little can be said except that he was carrying on a very brisk canvass. Muirton in particular was distressed by this and repeatedly urged Seaforth to hasten north. "I assure you," he states very explicitly at one point, "every hour you remain there is a vote lost."³⁴ Muirton perhaps had cried wolf too often in the past but this time his fears were justified. He even itemised the causes of gloom. Supporters were being lost on all sides, all the Cromarty tenants except three went with Applecross and various tenants elsewhere did likewise. An interesting instance was that "Chisholm at Ardnagrash formerly your Tenant at Avean is keenly ag. you for not settling his Claim of Reparations & you will see that Appx. will be agent

33.

Seaforth Papers, 33, 158, Muirton to Stewart Mackenzie, no date, but early Dec., 1834.

34.

Seaforth Papers, 33, 158, Muirton to Stewart Mackenzie, 7 Dec., 1834.

prosecute you for the Amt."³⁵ On the 6th. December Applecross was busy canvassing in the town of Cromarty and Seaforth's informant on this occasion, James Hill, also warned that the liberal candidate should be on the spot "for personal conferences have a powerful effect and its a pity that your opponents should have this decided advantage." Roynzfield was elated at Applecross's progress and told Hill that the Tory candidate was making converts on all sides. In the face of the evidence, which was plain enough, Hill doubted this.³⁶ The postmaster at Invergordon, Wilson Mackenzie, furnished some details. Seaforth had apparently laboured under the illusion that it was a secret canvass but Wilson Mackenzie soon set him right on this point. "Mr. Rose of Clastullich is not ceasing night or day, but canvassing for Applecross - Novar, Peter Brown Linkwood, Kincaig Family and the laird of Tulloch the same." Wilson concludes, significantly, "you will find your opposition at this time much changed than it was at the last Election."³⁷ This, in fact, was the news from every side. Thomas Fraser of Beaufort was only one of many who

35.

Seaforth Papers, 33, 153, Wuirton to Stewart Mackenzie, 7 Dec., 1834.

36.

Seaforth Papers, 33, 153, James Hill to Stewart Mackenzie, 6 Dec., 1834.

37.

Seaforth Papers, 33, 153, Wilson Mackenzie to Stewart Mackenzie, 8 Dec., 1834.

wrote that "if the reports I hear are well founded you will require to make every exertion."³⁸ Besides electors who had definitely changed sides there were many waverers whose faith in Seaforth had been sorely tried by the episode of the Chaudes motion but who were willing to give their member a chance to explain his conduct. One such was James Rose who put forward the interesting proposition that the farmers did not regard the Chaudes motion as a purely parliamentary dodge, as Seaforth's friends tried to make out, but as a lever that might have been used to force a complete enquiry into agricultural distress which would have revealed that the plight of the farmers really arose from excessive rents.³⁹

On the 11th. December Seaforth put out a new circular designed to counteract these dangers. Stripped of its verbiage it was merely a promise "to explain my conduct in Parliament, on any subject on which you may think fit to question me."⁴⁰ The manifesto seems to have done little to stem adverse developments

33.

Seaforth Papers, 33, 153, Thomas Fraser to Stewart Mackenzie, 10 Dec., 1834.

39.

Seaforth Papers, 33, 153, James Rose to Stewart Mackenzie, 10 Dec., 1834.

40.

Seaforth Papers, 33, 153, Stewart Mackenzie to the Electors of the Combined Counties of Ross and Cromarty, 11 Dec., 1834.

for the news continued bleak. The West Coast was securely in the hands of the conservatives; as one of Seaforth's informers put it, "all the electors round this coast are under influence of their landlords and will of course vote with them."⁴¹ Seaforth was despondent as ever, despite Muirton's brags.⁴² The candidate had by this time, 18 December, not only arrived in Ross-shire but made a personal canvass of the Black Isle in the course of which he could not but notice the great strides made by Applecross. Cameron, however, may have cheered him a little with a report that Applecross believed he would have a majority of 10 on the mainland but that this would be annihilated by the Lewis votes.⁴³

A few days later Seaforth received an interesting letter from his staunch ally of 1832, Dudgeon of Arbolli. In 1834 the absence of Deaton, Stewart of Tain, John Mackenzie and Dudgeon is marked. Admittedly, Mackenzie had been ill and took some part in the later stages of the campaign, but as a whole the radical fraternity was not now much taken either with the Whig

41.

Seaforth Papers, 33, 158, Roderick MacLennan to Stewart Mackenzie, 11 Dec., 1834.

42.

Seaforth Papers, 33, 158, Muirton to Mrs. Stewart Mackenzie, 18 Dec., 1834.

43.

Seaforth Papers, 33, 158, H.I. Cameron to Stewart Mackenzie, 18 Dec., 1834.

government or with Seaforth. This emerges very forcefully from Dudgeon's letter. He begins, "The manner in which you are represented by the Newspapers to have Voted in Parliament on several questions has led to considerable discussions amongst many who were your Political friends, and who I believe are desirous if a Satisfactory Explanation can be given to Continue So." Dudgeon would seem to be acting as spokesman for these discontented erstwhile "Political friends" of Seaforth, an extremely interesting state of affairs, if the assumption is correct, in the light of what he has further to say. The blunt farmer then delivers himself of a catechism that must have galled Stewart Mackenzie's aristocratic pride. "1st. What were the reasons which induced you to vote against Mr. Hume's Motion for an Enquiry into the State of the Pension List. 2nd. Why did you not Vote in favour of the Marquis of Chandos' Motion for an Enquiry into the Distressed State of Agriculture with the View of giving them relief. 3. Did you Strenuously oppose the Late Alteration on the Duty of Spirits whereby Ireland gained an Undue advantage over Scotland." The writer indicated that he could have gone on much longer in this strain, particularly on the need for a revision of the Game Laws and the introduction of the ballot, but he forbore.⁴⁴

44.

Seaforth Papers, 33, 158, Archibald Dudgeon to Stewart Mackenzie, 20 Dec., 1834.

Evidently the answers returned to these queries failed to satisfy Dudgeon for he wrote once more on 22nd. January declining to vote for Seaforth. His reasons are more than interesting but can barely be touched on here. Mainly he was decided by Seaforth's failure to vote for an enquiry into the Pension List and his not favouring vote by ballot. "A full account of the Pension List appeared lately in the Edinr. Patriot Newspaper. It appears in so shocking a light That I cannot reconcile it to my Conscience to vote for anyone who would not exert himself to abolish it almost in toto with the Exceptions of the Allowances to Disabled Seamen and Soldiers. £5,000 a year to the King of Belgium! Twint 2 & 3 Millions to support the non-effective Service! Allowances to the Branches of the Royal Family! A Degree of Waste of the Public money that neither my Duty as a member of the Community, nor the Interests of my own family will allow me to be accessory to in Supporting." His views on the virtues and necessity of the ballot were as decided. On this subject he concluded, with what degree of truth needs no stressing, "in many cases they [the tenants] are brought forward like a herd of vassals to vote as their Laird bids them, contrary to their own principles. Where so is the case they had better never have had the franchise. To such it is worse than mockery, 'tis Degradation." The honest farmer ended by saying that if these ideas appealed to Seaforth he might have Dudgeon's vote, but not otherwise.⁴⁵ Not the least interesting fact to emerge

⁴⁵ Seaforth Papers, 33, 159, A. Dudgeon to Stewart Mackenzie, 22 Jan., 1835.

from this correspondence is that a Ross-shire farmer should have been regularly and attentively reading not just the Edinburgh and Inverness newspapers, but the Edinburgh radical papers as well. A biography of Archibald Dudgeon would probably prove more instructive than the many volumed works devoted to some of his "great" contemporaries but for all practical purposes he is a village Hampden. His name would suggest that he was a Lowland farmer, whether Scottish or English, brought in by Geanies to improve the land by means of advanced techniques. In the late 18th. century, when the rage for improved agriculture was beginning to penetrate the Highlands, the importation of Lowland farmers and sheep rearers was not uncommon. It must be matter for regret that apart from this surmise nothing can be added to the history of Archibald Dudgeon.

By this time it was clear to Seaforth that much, if not all, depended on the Lewis voters. The outlook seemed reassuring, for Knox and Stewart, the latter by no means popular and perhaps a hindrance rather than aught else, had a tight grip on the island. Indeed, at one point it looked as if Alex Stewart would throw in with the conservatives and though pouring scorn on the ex-factor's boast that he could carry a third of the electors with him Knox admitted that some of the tenants were dissatisfied and that Seaforth would be well advised to visit them personally lest they should listen to the blandishments of Applecross "or

any Gentleman of his rank and influence."⁴⁶ Stewart, however, was secured and proved very forward in canvassing and organising committees, though, in the manner of ex-factors, he was neither loved nor respected. Still, by 11th December even the dissident Lewis McIvor of Gress was placated and wrote to Muirton that all went well. There was, he reported, some dissatisfaction over rents, which he himself shared, "but we shall all go together in the right path. We are all staunch Whigs." No small part of McIvor's disgruntlement seems to have arisen from Seaforth's failure to "place" his son, Evander. "You carved out his education for his present line," he complained, "tho' you all forget his existence afterwards."⁴⁷ The failure to secure a clerical post for young John Mackenzie of South Beach, who had canvassed diligently for Seaforth in 1832, was also ill received.⁴⁸ All the same, in spite of these difficulties, Knox wrote a very comforting dispatch to Muirton on 13 December, lauding Stewart's

46.

Seaforth Papers, 33, 158, Thomas Knox to Muirton, 3 Dec., 1834.

47.

Seaforth Papers, 33, 153, Lewis McIvor to Muirton, 11 Dec., 1834.

48.

Seaforth Papers, 33, 158, Alex. Stewart to Mrs. Stewart Mackenzie, 13 Dec., 1834. Muirton was already trying to secure John Mackenzie a post as a copying clerk in London, but the terms suggested were too low. See, *ibid.*, ? to Muirton, 24 Nov., 1834.

efforts and giving an abstract of the canvass. Of the 75 electors 57 were definitely for Seaforth, 2 against, 8 doubtful and the rest, many of whom were absent from the Lewis, not yet contacted.⁴⁹ Much to Muirton's discomfiture the Lewis mail of the 8th. December was delayed owing to storms and as late as the 18th. he was worrying about the situation in the island and beginning to suspect some underhand trick on the part of the enemy.⁵⁰ By the 17th., however, Cameron had the letters of the 11th. and 13th. and found them "very gratifying."⁵¹ By the 19th. it had been estimated, by collating the results of Cameron and Knox, that Seaforth would carry the election.⁵² Nonetheless, there was no slackening in the efforts put forth. Cameron was still worried about the farmers and busy devising ways and means to convince them that Seaforth had been misrepresented. He was all for public meetings where reports could be examined in the light of day and rumors killed. He saw too that by bringing the

49.
Seaforth Papers, 33, 153, Thomas Knox to Muirton, 13 Dec., 1834.

50.
Seaforth Papers, 33, 153, Muirton to Mrs. Stewart Mackenzie, 18 Dec., 1834.

51.
Seaforth Papers, 33, 153, H.I. Cameron to Stewart Mackenzie, 17 December, 1834.

52.
Seaforth Papers, 33, 153, Robert Carruthers to Stewart Mackenzie, 19 Dec., 1834.

non-electors into the proceedings much good might result. After all, the electors were open to all sorts of influences. They discussed matters with all and sundry and not just among themselves.⁵³ Cameron's idea was sound. Got the non-electors firmly on Seaforth's side and nothing but good could come of it. For a young man of 32 Hugh Innes Cameron was remarkably shrewd and knowledgeable.

The time for the poll was drawing near and this raised problems. A particular source of worry, keener this time than in 1832, was the situation of the Lewis electors whose votes were vital for Seaforth. Cameron advised that the Sheriff-substitute at Stornoway should hold the poll there even if not officially informed of the day appointed. Also, very careful provision should be made for the transport of the poll book to Dingwall both to ensure that it should arrive in time for the final count and that it should be well guarded on the way to prevent any malpractice.⁵⁴ From the 28th, the writ was daily expected at Dingwall⁵⁵, and finally arrived on 3rd. January, 1835. The 19th, was fixed as nomination day, the polls to be held on 22nd. and 23rd; and the return to be made on the 26th.⁵⁶ The weather,

53.

Seaforth Papers, 33, 158, H.I. Cameron to Stewart Mackenzie, 20 Dec., 1834.

54.

Seaforth Papers, 33, 158, H.I. Cameron to Stewart Mackenzie, 23 Dec., 1834.

55.

Seaforth Papers, 33, 158, H.I. Cameron to Stewart Mackenzie, 23 Dec., 1834 (another letter).

56.

Seaforth Papers, 33, 158, H.I. Cameron to Stewart Mackenzie, 4 Jan. 1835.

which had been unseasonably mild, broke in the second week of January into a wild flurry of snow.⁵⁷ At the hustings on the 19th. Seaforth spoke for two hours, mainly on the agricultural question, the malt tax, the general principles of the Whig ministry, the West India question. Throughout he insisted on "Peace, Retrenchment and Reform", an interesting anticipation of the great Gladstonian slogan.⁵⁸ The weather was atrocious, snow falling heavily and continuously, and evidently few electors chose to brave the elements. Davidson of Tulloch and Colonel Munro of Teaninich were there, however, to put some awkward questions, relating, in particular, to the Irish Church. Seaforth could not deny that he had supported the measures involved and the opposition took advantage of this admission to write a highly coloured account of the hustings speech and answers. This was distributed among the electors at the last minute, appealing to their anti-popish sentiments and urging them to save the Protestant religion.⁵⁹ On top of all this Seaforth contracted

57.

J. Barron, "Northern Highlands in the Nineteenth Century", vol. II, p. 160.

58.

Seaforth Papers, 33, 153, Note on the heads of election address.

59.

Seaforth Papers, 33, 159, Dr. Mackenzie to Donald Urquhart, no date, but apparently 20 Jan., 1835.

a severe attack of rheumatism.⁶⁰ For did his adversary escape the hustings ordeal unscathed for in the last stages of the election Applecross was ill and not really fit to supervise the polling.⁶¹

This was accompanied by a good deal of sharp practice, on both sides doubtless, although naturally the Seaforth correspondence rings with indignant denunciations of Tory rascality. Shortly before the poll opened the conservatives displayed placards which caused considerable annoyance and irritation to the Whigs. The exact contents of these are not known, although they undoubtedly descanted on the religious question, but Seaforth wrote in despair to an unknown correspondent that he had lost votes because of them. "I know not how it will have closed. I dread the worst now I assure you - if the effect of this placard is not arrested."⁶² Whether as a result of this provocation or not the pacific Lillingston of Lochalsh wrote about the same time to Seaforth cautioning him against quarrels and rash

60.

Seaforth Papers, 33, 153, Colin Mackenzie of Eilcoy to Stewart Mackenzie, Jan., 1835. (Gic.).

61.

Seaforth Papers, 33, 159, Major Mackenzie of Fodderty to Stewart Mackenzie, 27 Jan., 1835.

62.

Seaforth Papers, 33, 159, Stewart Mackenzie to ? , no date, evidently a scroll or rough draft of a letter.

challenges.⁶³ No serious quarrel arose out of the incident but it led to a bitter fight at the polls. The old idea that it was dishonourable to interfere with pledged voters was now thrown to the winds. On 22nd. John Mackenzie jubilantly reported that he was poaching successfully at Cromarty and that among others "I took Ferguson of the Ferry to roll for you after he was seized on by Foyntzfield."⁶⁴ The conservatives showed even less scruple, in some cases hauling off electors from under the very nose of the Sheriff himself. At Dingwall on the 22nd. Joseph MacPae, a Highfield tenant, lost his nerve at the last moment and told the Sheriff that he was equally interested in both candidates and declined to vote. On leaving the polling hall he was seized by a messenger-at-arms, who had been bribed to act for Applecross, and taken to see the Tory candidate. He was harangued for a while by Applecross and his friends and then escorted back to the booth, Brown of Linkwood on one side and that valiant old Tory, Major Mackenzie of Fodderty, on the other. MacPae, however, escaped and obtained leave from Seaforth's agents to go home. Just outside the town he was overtaken by the Major and several others who dragged him back to the roll.

63.

Seaforth Papers, 33, 159, Wm. Lillingston to Stewart Mackenzie, no date.

64.

Seaforth Papers, 33, 159, John Mackenzie to Stewart Mackenzie, 22 Jan., 1835.

Alas for so much honest endeavour, the Sheriff refused to accept his vote, despite the protests of Applecross's agents! Nothing daunted, Applecross's men held him in durance all night and presented him once more on the 23rd. Again he could not bring himself to elect and the Sheriff, not a little annoyed by this time, peremptorily ended the matter.⁶⁵ Equally blatant was the treatment of William Mackenzie of Achternood who had pledged himself to vote for Seaforth, but was marched into the polling booth by Major Mackenzie. Seaforth's agent thereupon required the Sheriff to put the oath of non-duress to William Mackenzie. The poor man hesitated to take the oath and was then pressed by the Major to do so. The Sheriff, properly, reprimanded the Major and at this William Mackenzie, plucking up courage, confessed that he was pledged to Seaforth but that he would rather not vote. He turned away and left the hall hurriedly but was cornered by Applecross and his agents who spoke to him for a little and then marched him back into the polling-hall. An agent required the Sheriff to take Mackenzie's vote for Applecross but this the Sheriff would not do. Poor Mackenzie himself spoke not a word and was probably glad of this way out of his difficulties.⁶⁶

⁶⁵ Seaforth papers, 33, 159, David Rose to H.I. Cameron, Sat., Jan., 1835, Enclosure, 'Statement of Facts connected with the polling at Dingwall on 22 and 23 January, 1835.'

⁶⁶.

Ibid., Rose to Cameron, Enclosure, Statement of Facts, etc.

Others were constrained to vote for Applecross who would rather have cast their votes for Seaforth. One such, Alex. Mackenzie in Tarradale, wrote Seaforth to this effect ending, rather pathetically, that with the rest of the tenants dragooned into voting conservative "were I to be a Contrary Bird I would have no life." Mackenzie hoped that this would not prevent Seaforth from granting him a lease in the Lewis that he had been promised.⁶⁷ On the other hand, Thomas Munro in Kinbeachy was sorely abused for voting for Seaforth after a promise to give Applecross his suffrage had been extracted from him. The Tories were scandalised that Munro, an elder, should have broken his word and even spoke of calling a Kirk Session about it.⁶⁸ The very shopkeepers who had supported Seaforth were threatened with boycott, although that word, of course, had not as yet been coined.⁶⁹ On the whole Applecross's conduct was reprobated and left a poor impression on the minds of many who were not hostile to his politics. It looked very much as if the Scots politicians

67.

Seaforth Papers, 33, 159, Alex. Mackenzie to Stewart Mackenzie, 4 Feb., 1835.

68.

Seaforth Papers, 33, 159, Thomas Urquhart to Stewart Mackenzie, 10 Feb., 1835.

69.

Seaforth Papers, 33, 161, H.I. Cameron to Stewart Mackenzie, 10 Feb., 1835.

had been quick to learn the methods of oppressing tenants that had long been standard practice in some of the English counties where many of the freeholders were not really independent electors.

In the event it turned out as Applecross had feared. The mainland voters gave him a majority of 11 but this was wiped out by the 51 votes cast for Seaforth in Stornoway.⁷⁰ The latter topped the poll with a majority of 40, a better showing than Charles Grant's slim majority of 7 over Macleod in Inverness-shire. In a constituency of 595 registered electors Seaforth got 240 votes and Applecross 200.⁷¹ Without a doubt the conservatives were gaining rapidly in the northern counties and should an election take place again soon, which was by no means out of the reckoning, their chances were good. In his circular following the poll Applecross dwelt upon these bright prospects and bitterly denounced the Lewis voters, declaring that the Lewis was an unnatural appendage to the county and that it should have been merged in the northern burghs. But he drew courage from the fact that despite the great exertions of the Whigs on the roll of electors since 1832 Seaforth's majority had been reduced from 125 to a mere 40. He ended by pledging himself to contest

70.

Seaforth Papers, 33, 159, State of the Poll.

71.

Seaforth Papers, 34, 182, List of Representatives of the county of Ross.

the county in the conservative interest at the next election.⁷² As well as this he petitioned against Seaforth's return on the score that the poll at Stornoway had not been officially authorized - which it had not - but he was obliged to withdraw his petition.

Seaforth and his friends were equally conscious of this dwindling majority and that the state of parliament was such that they might easily be called upon to contest the county in the near future. Peel's cabinet still stood but there was no certainty about the situation. Seaforth's address to the "Independent Electors of Ross and Cromarty" mirrored his fears and in particular he warned his supporters not to be deceived in his absence by rumours of his conduct in parliament and above all not to let religion become a watchword of faction.⁷³ He had learned the very important lesson that a member was no longer the relatively free agent he had been in the last years of the old system, that his electors now examined his conduct in parliament with alert, not to say suspicious, eyes and that he who would sit twice would have to be in those matters that interested the bulk of his constituents like Caesar's wife. The lesson was not

72.

Seaforth Papers, 33, 159, Thomas Mackenzie of Applecross to the Electors of Ross and Cromarty, 27 Jan., 1835.

73.

Seaforth Papers, 33, 160, Stewart Mackenzie to The Independent Electors of the Combined Counties of Ross and Cromarty, 2 Feb., 1835.

lost on others and one old friend, Thomas Urquhart, predecessor of Flincolt as the seaman's advocate, wrote from London pointing this out and suggesting that Seaforth might gain in popularity if he paid heed. It would also help if he could bring in a petition to the House that might be of benefit to the shire generally.⁷⁴

This advice was acted upon when on 9th. March 1836 Seaforth laid before the House of Commons a petition "from proprietors and occupiers of land in the counties of Ross and Cromarty, complaining of agricultural distress." Among the remedies suggested by Seaforth was the removal of taxes on seeds. The move was a rather perfunctory one but perhaps it did something to eliminate the bitter memory of the Chandos motion.⁷⁵ The whole political situation, indeed, whether regarded from a national or local standpoint, was curious. The old personal ties that had dominated politics before 1832 no longer ruled unchallenged, although many of the new electors wished for nothing more than the continuance of influence. That is the sober truth of the matter. Many still regarded politics as a means to an end, that end being personal advancement; so much to the member, understandably, but something, too, to his electors. The Bill of 1832 certainly did

74.

Seaforth Papers, 33, 159, Thomas Urquhart to Stewart Mackenzie, 5 Feb., 1835.

75.

J. Barron, "Northern Highlands in the Nineteenth Century", vol. II, p.181.

not dissipate these ideas, particularly in the rural areas where the candidate was often well known to electors both great and small. Whatever he might think of such an attitude a successful candidate could not safely disregard it. For example, "Big William" Mackenzie, tenant in Forintosh, who had used his massive frame to Seaforth's advantage at the recent polls, expected the re-elected member to provide his son with a place in the excise, would not take no for an answer and insisted on the son's name heading Seaforth's patronage list.⁷⁶ This list was an extensive one and a considerable part of Seaforth's correspondence was taken up with such matters, soliciting places and livings and asking impatient importuners for time in which to act.⁷⁷ Influence, then, remained and had to be reckoned with. At the same time party beliefs and principles were more important than ever they had been, though they could not be said to dominate the conduct of politics. Kilcoy was at heart as conservative as Applecross but the promised baronetcy outweighed the claims of

76.

Seaforth Papers, 33, 159, Sutherland of Ullal to Stewart Mackenzie, 17 Feb., 1835. On this topic generally, see Norman Cash, "Politics in the Age of Peel", ch.13, pp.342-372. Cf. particularly, p.351, John Young, patronage secretary to Peel's government in 1844 on this very subject - "the patronage of the Treasury does not afford the means of providing for one in a hundred of the persons recommended for appointments in Scotland." What of the number who solicited M.P.s without winning their recommendation?

77.

See Seaforth Papers, 33, 186, three large bundles entirely devoted to patronage.

Church and State. Sir Francis Mackenzie of Cairloch was really a doctrinaire reformer and Benthamite to boot but his jealousy and dislike of Stewart Mackenzie drove him to act with the local Tories,⁷⁸ quite apart from all these considerations blind prejudice was more rampant than ever, an utterly incalculable factor that was apt to boomerang on both Whigs and Tories, especially in religious matters. As a further complicating touch the requirements of the radicals were insatiable. And just to complete the gloom Scaforth's financial condition was worse than ever. He was now hopelessly insolvent and had difficulty even in raising money for day to day expenses. About this time some of the estates had to be sold, and the Lewis itself but for its political importance would have gone under the hammer.⁷⁹ A lucrative post under government was Scaforth's aim and last hope. All this, of course, was well known to Applecross and encouraged him in his efforts. He was rich, confident of success in a war of attrition, and undoubtedly to keep the county in a ferment, thus involving Scaforth in further expenditure, was a large part of his strategy.⁸⁰

Little wonder, then, that Stewart Mackenzie, never by

78.

See Scaforth Papers, 34, 176, Cairloch to H.I. Cameron, 23 Feb., 1837, offering his votes to Scaforth's successor.

79.

Scaforth Papers, 33, 169, Mackenzie of Muirton to Stewart Mackenzie, 25 May, 1835.

80.

Scaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 12 April, 1835.

nature too confident in himself, should at this time have been more than usually cast down. No sooner had he been elected than he was forced to begin the dreary work all over again, thanking those who had voted for him and begging their support in the future. As he wrote to Lady Mary Ross of Inchnagowan, "It is sad work to have the dread of another Canvass impending the moment I turn my back."⁸¹ Soon every means was being used to produce more votes. Brewster, probably the factor or agent on Fairburn, wrote asking how many votes could be created on that estate.⁸² Quite clearly the estates held by Seaforth and his allies were to be made to yield the maximum number of votes. But in addition to this John Cunningham suggested a new line of activity. He informed Seaforth that leuars and liferenters should not be disregarded, the more so since those who acquired property on these terms before 31 January could be registered the following August and that with a little care these might provide a goodly crop of votes. He cited the case of the Tory Duke of Buccleuch who had his friends buy up small freeholds in Selkirkshire to the number of 92. Cunningham concluded, "If possible do you increase your strength a little in that way, or rather as much as possible; whenever there are tenements that you can get

81.

Seaforth Papers, 33, 159, Stewart Mackenzie to Lady Mary Ross, 4 Feb., 1835.

82.

Seaforth Papers, 33, 159, D. Brewster to Stewart Mackenzie, 31 Jan., 1835.

friends to purchase, do get them to do so."⁸³ In addition as many liferent interests as possible should be introduced into the tenancies. This last advice was not at once acted upon, but so pushed was Seaforth for votes that he had to meet the exacting demands of Lewis McIvor of Gress for reparations on his old lease and the grant of a new one on a better farm. Muirton gave it as his opinion that Seaforth was not legally bound to meet McIvor's claims but that at all costs he must be placated as otherwise he might bring to a head the latent discontent in the Lewis.⁸⁴ It is odd to find the exigencies of politics thus altering the usual order of things to the extent that the tenant could clap a loaded pistol to the landlord's head.

Another grievous disappointment soon befell Seaforth. Ever since his first election for the county in 1831 both he and his supporters had expected that he would achieve some high office under government but all that had come his way had been a seat on the Indian Board of Control. It was now confidently believed that on the formation of Melbourne's cabinet in April 1835 he would be suitably rewarded. During April and early May all sorts of rumours were flying round Ness-shire. The favourite

83.

Seaforth Papers, 33, 159, John Cunningham to Stewart Mackenzie, 31 Jan., 1835.

84.

Seaforth Papers, 33, 160, Muirton to Stewart Mackenzie, 16 March, 1835.

was that he was being created a peer and sent to China as ambassador - a remarkable flight of fancy considering the strained and rather remote connections of the two Empires. But it caught the public imagination and, of course, spurred Applecross on to further efforts. The bubble burst early in May when it became known that Stewart Mackenzie had once more been passed over. His supporters, including some who hoped to benefit from his patronage, were downcast at the news. Sutherland of Ullal wrote that the clergy were now united in a bitter opposition to him,⁸⁵ and Lillingston wrote him to much the same effect.⁸⁶ It must have been the blackest spring of Stewart Mackenzie's life with nothing but trouble on all sides. Kilcoy, too, grew restless and seemed inclined to listen to Applecross's propaganda. Seaforth's failure to come through with the promised baronetcy rankled and Muirton informed him that he must move in the matter or lose a staunch supporter. It was further stipulated that the patent must be so devised that the remainder should go not to Kilcoy's eldest son Charles, who had been cognosed fatuous, but to the second son Ivan. This would have the additional advantage that it would "accure Evan for you

85.

Seaforth Papers, 33, 159, Capt. Sutherland of Ullal to Stewart Mackenzie, 13 May, 1835.

86.

Seaforth Papers, 33, 159, W. Lillingston to Stewart Mackenzie, 19 May, 1835.

which is of importance, as he is too much inclined to toryism."⁸⁷ Seaforth had not been idle in that business but after 1832 there was a great pressure of claims of this kind on the ministry and he was not of sufficient weight to have the baronetcy approved at once as Milcoy seemed to expect. Besides, as Mairton bitterly animadverted on the Melbourne government's shabby treatment of Seaforth, and agreeing with Milcoy in this, much of the blame attached to the leaders of the Whig party in Edinburgh. They "take too Confined ideas as to influence. If this County (i.e. Midlothian), East Lothian, Roxburgh, Perth, Lanark and Ayr are right they care not a straw for what becomes of all the influence to the North of Tay. There should be either no Edin. influence at all or make it on a broader & more extended principle."⁸⁸ Seaforth must now have made desperate representations to the ministry which, together with his own dwindling majority and the Whig defeat in Inverness-shire in May 1835, were finally successful. In April 1836 Milcoy at last became Sir Colin Mackenzie with remainder to his second son Evan.⁸⁹

87.

Seaforth Papers, 33, 169, Mairton to Stewart Mackenzie, 12 April, 1835.

88.

Seaforth Papers, 33, 169, Mairton to Mrs. Stewart Mackenzie, 19 June, 1835.

89.

J. Barron, "Northern Highlands in Nineteenth Century", vol. II, p. 181.

The rest of the year 1835 was uneasy with both sides working desperately to keep their armaments in trim. The Whigs feared an early dissolution and Chisholm's victory in the election occasioned by Charles Grant's elevation to the peerage as Lord Glenelg in May 1835, a victory largely secured on the Irish Church question,⁹⁰ made them strain their resources to the utmost. So worried was Muirton by the religious question that he suggested to Seaforth that the latter should write a letter to Cameron or Kilcoy revealing himself as safe on these matters of religion and that his correspondent should communicate the letter to the Inverness papers.⁹¹ He concluded, "We cant be too active or too attentive to guard ag. the extraordinary activity and perseverance & the purse of Appx." Sir James Wemyss Mackenzie was now fanatical in his opposition to Seaforth whom he affected to regard as the merest place hunter. There was too much truth in Scatwell's coarse remarks to make them pleasant hearing. He also gave out that he was ready to strike an agreement with Applecross whereby the latter would share the representation of the county

90.

J. Barron, op.cit., vol.II, pp.166-7.

91.

Seaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 3 June, 1835.

with Sir James' son, young James Mackenzie of Roschaugh.⁹² If consummated this would be a formidable alliance that would sway many. As it was Seaforth's old ally George Gillanders of Highfield had already succumbed to the united pressure of Applecross and the Gladstones.⁹³

John Gladstone had apparently toyed with the idea of contesting the county and perhaps as a preparation for this he conferred liferent qualifications on his sons, Thomas, John, William and Robertson.⁹⁴ This was one of the earliest instances of such claims in the county and Stewart Mackenzie acted very indiscreetly in openly stigmatising them as nominal and fictitious. At this Muirton took umbrage for, acting as Gladstone's agent, he had actually made the conveyances. For a time he and Seaforth were on cold terms over this matter but eventually Seaforth was made to realise that he had acted indiscreetly and to make abject apologies to prevent the breach from widening.⁹⁵ In the broad

⁹²•Seaforth Papers, 33, 169, Muirton to Stewart Mackenzie, no date, but certainly in the spring of 1835.

⁹³•Seaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 9 March, 1835.

⁹⁴•For brief details of Thomas, Robertson and John, see J. Morley, "Life of William Ewart Gladstone", vol. I, p. 17.

⁹⁵•Seaforth Papers, 33, 163, Muirton to Stewart Mackenzie, 12 Sept., 1835, a very cold letter taking Seaforth to task for some of his utterances, notably that Muirton had "blundered" in drawing up the conveyances; enclosed in same two abject letters from Seaforth to Muirton half acknowledging his error, but, typically, couched in very evasive terms.

view the history of the Gladstone votes is interesting mainly as it illustrates the tortuous genius of William Ewart Gladstone. Objections were lodged against them in the Registration Court in July 1835 on the score that they were not bona fide liferents, but consideration of the cases was held over until the following year to give the claimants an opportunity to defend themselves.⁹⁶ Cameron, level headed as ever, saw that Scaforth had gone too far, that the titles were ex facie good and therefore within the terms of the statute as several recent cases had shown. He therefore suggested to the Gladstones that if they would swear on their honour that their interests were real the objections would be withdrawn.⁹⁷ William Ewart undertook the defence which he argued in the tortuous style that was to prove such a trial to friends and enemies alike.⁹⁸ The objections were withdrawn and the votes registered. From the narrower Ross-shire standpoint the episode is of interest mainly because it paved the way for a mass manufacture of such votes. It is no reflection on Gladstone's later

96.

Scaforth Papers, 33, 163, Copy of claims for Gladstones and objections thereto; that the matter was held over to 1836 see *ibid.*, Mairton to Stewart Mackenzie, 12 Sept., 1835.

97.

Scaforth Papers, 33, 163, Copy, H.I. Cameron to George Mackenzie, writer in Dingwall, 16 Aug., 1836.

98.

Scaforth Papers, 33, 163, Copy, W.E. Gladstone to George Mackenzie, 19 Aug., 1836.

position regarding the franchise, for in 1835 such votes were accepted as common-form and Scaforth's opposition sprang from his own uneasy circumstances at the time.

The lesson was not lost on the conservatives and Sir James Menzies Mackenzie of Scotwell was soon busy forcing his tenants to bring relations into their tenancies on liferent interests. By March 1836 he had definitely cemented his alliance with Applecross whereby the latter and Sir James' son were to share the representation between them.⁹⁹ By December Sir James had made 60 liferent votes and Muirton felt that Scaforth's only hope was to do likewise.¹⁰⁰ The Lewis had been worked to the limit where Knox had scored a triumph in the Registration Court of 1835. There was something shady about this whole episode in that Drummond who drew up the protests for Applecross spoiled all but ten of the 43 and these were withdrawn without discussion. At the same time twelve Scaforth voters were added to the register kept at Stranoway.¹⁰¹ Apparently Drummond had treated the persons objected to as claimants whereas they were

99.

Scaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 19 March, 1836.

100.

Scaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 23 Dec., 1836.

101.

Scaforth Papers, 33, 164, Thomas Knox to Stewart Mackenzie, 19 Aug., 1835.

already registered.¹⁰² The peculiarity lies in the fact that Drummond, who at the last election had acted as Applecross's agent at Stornoway, had since gone over to Seaforth's service and had in fact been commissioned as baron bailie and general factotum in the Lewis.¹⁰³

By March 1836 William Mackenzie of Muirton was showing himself more enthusiastic in Ross-shire politics than ever before. It must be remembered that Muirton was a busy lawyer, that the political side of Seaforth's affairs was really to him a minor charge and that besides he held other agencies than Seaforth's. When all this is taken into consideration it must be concluded that by March 1836 he began to evince a more personal interest in the politics of the county. The reason is not far to seek; it was by then known that Seaforth was to be appointed to some post abroad and even this early a careful study of Muirton's utterances suggests that he more than half hoped to be Stewart Mackenzie's successor in parliament. On 21 March he wrote to Seaforth that Milcoy was the only possible candidate who would have a chance against Applecross.¹⁰⁴ For

102.

Seaforth Papers, 33, 166, Alex. Stewart to Stewart Mackenzie, 19 Aug., 1835.

103.

Seaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 25 June, 1835.

104.

Seaforth Papers, 33, 169, Muirton to Stewart Mackenzie, 21 March, 1836.

months the problem of Seaforth's successor seems to have been debated in a half-hearted way, but early in January 1837 it could no longer be buried. Seaforth was then offered and accepted the Governorship of Ceylon. He at once came out/strongly for Sir Colin Mackenzie of Kilcoy as his successor in parliament, and wrote asking young Macleod of Cadboll if he would help him with a requisition for Kilcoy's candidature which he thought would carry weight with all classes in the county.¹⁰⁵ Cadboll was willing and expressed the view that if Sir Colin refused all was lost.¹⁰⁶ It was essential to act quickly for news of Seaforth's appointment had leaked out and Applecross was on his way north. All agreed that Kilcoy was best equipped to oppose him and warm the seat either for Seaforth or his son Keith.¹⁰⁷

The unexpected snag was that Kilcoy, on the grounds of uncertain health, absolutely declined the honour,¹⁰⁸ a development

105.

Seaforth Papers, 34, 176, Scroll to Cadboll, Jan., 1837; that a letter containing some such matter was sent to Frederick Macleod, see note 106 below.

106.

Seaforth Papers, 34, 176, Frederick Macleod to Stewart Mackenzie, 24 Jan., 1837.

107.

Seaforth Papers, 34, 176, see, o.e., Donald Stewart to Stewart Mackenzie, 31 Jan., 1837.

108.

Seaforth Papers, 34, 176, Kilcoy to Stewart Mackenzie, 31 Jan., 1837.

Muirton had probably foreseen. On the 2d, February he wrote to Mrs. Stewart Mackenzie lamenting Milcoy's decision and pointing out how hopeless Sir Francis Mackenzie of Cairloch and Sir George Mackenzie of Coul would be as candidates. Applecross, he concluded sadly, would walk the course without opposition.¹⁰⁹ On the 6th, his brother, John Mackenzie, wrote an extremely disingenuous letter to Mrs. Stewart Mackenzie, commiserating with her on Milcoy's "inexorable" decision and throwing out as a "dernier resort" that his brother William, who of course knew nothing of all this, should stand for the county in opposition to Applecross.¹¹⁰ On the 10th, Muirton wrote to "the Express", expressing surprise at the suggestion that he should stand but that, after due deliberation, he would do so to preserve the Seaforth interest and keep the Tory out. He made two important stipulations, viz. that Cameron and John Mackenzie should give him their candid opinions on his prospects, based upon close scrutiny of the register of voters, and that the place he held in the Register House should be transferred to his son Alex. He went out of his way to appear reluctant and undecided, but on the whole it was a none too convincing performance.¹¹¹ In the meantime John

¹⁰⁹ Seaforth Papers, 34, 176, Muirton to Mrs. Stewart Mackenzie, 2 Feb., 1837.

¹¹⁰ Seaforth Papers, 34, 176, John Mackenzie to Mrs. Stewart Mackenzie, 6 Feb., 1836 (sic), but obviously 1837.

¹¹¹ Seaforth Papers, 34, 176, Muirton to Mrs. Stewart Mackenzie, 10 Feb., 1837.

Mackenzie set the proposal before Seaforth and asked for a requisition for Muirton.¹¹² Stewart accepted it, perhaps for want of a better candidature, and took a certain malicious pleasure in reading back in suitable disguise some of the homilies Muirton had but lately delivered to him. Muirton need not imagine that a requisition would obviate the need for a strict personal canvass; he must go to Ross-shire at once and by the sweat of his brow earn his place in parliament. It was, Seaforth sanctimoniously declared, nothing but intolerable grind and at best a thankless task. Fame was the spur and all that; as for material rewards there were none!¹¹³ Had he addressed someone less familiar with his affairs this would have merited the name of hypocrisy, but as it was it can only be called stupidity. The two had played a brief hesitation waltz, Muirton put off by Stewart's gloomy croakings and the latter then having hurriedly to provide a more cheerful tune. Both knew that there was no alternative Whig candidate possible. Some of Muirton's fears and objections appear genuine and perhaps it is unjust to infer that he hoped to succeed Seaforth as early as the first news of the overseas post was received. But mixed motives are nothing new in

112.

Seaforth Papers, 34, 176, John Mackenzie to Stewart Mackenzie, 10 Feb., 1837.

113.

Seaforth Papers, 34, 176, Stewart Mackenzie to Muirton, 23 Feb., 1837.

human affairs and throughout Muirton seems to have been tantalised by the prospect of a seat in the House and tormented by the price that might be exacted for it. On 3rd. March the glittering prospect prevailed and William Mackenzie informed Seaforth's wife that modesty was vanquished and that he was the liberal candidate.¹¹⁴

The Conservatives in the meanwhile were busy; Applecross's canvass was intensified and the cry of the Church in danger and the Corn Laws likewise was assiduously dinned into the ears of the electors. The troubles of the liberals in securing a candidate also provided material for jeers. That the proud Seaforths should stoop to setting up their legal agent was eagerly seized upon and stigmatised as an attempt to maintain an intolerable feudal hegemony. The Stornoway voters were adjured to give the lie to the taunt directed at them after the last election, that they had helped to make Ross-shire "a great Close Burgh, dependent on one influential family."¹¹⁵ Muirton was now committed but still hung back waiting for the Lord Advocate to confirm that the office in the Register House would go to Alex. Mackenzie. In private, Cameron felt that Muirton had little chance and that his shilly-shallying over the requisition (he required 250 signatures no less!) would prove fatal.¹¹⁶

114.

Seaforth Papers, 34, 176, Muirton to Mrs. Stewart Mackenzie, 3 March, 1837.

115. Seaforth Papers, 34, 176, Muirton to Stewart Mackenzie, 27 Feb., 1837, enclosure, clipping from Inverness Herald headed "Representation of Ross-shire."

116. Seaforth Papers, 34, 176, H.I. Cameron to Mrs. Stewart Mackenzie, no date, but received 4 March, 1837.

In this view he was well justified. Not only had Tory strength on the mainland increased but at last Applecross was winning votes in the Lewis, due to some extent to the failure of Seaforth to keep his people there abreast of developments.¹¹⁷ Again, there was as hitherto the danger of the liberal vote being split. Sir Francis Mackenzie of Gairloch wrote from Rome, evidently overjoyed that Ross-shire had done with Seaforth and pledging his vote to the liberal candidate.¹¹⁸ He gave out that he himself would not consider standing until a pure system of election guaranteed by the ballot should be introduced. Typically, like the Benthamite he was, he then went on to laud the educational reforms introduced by the Duke of Tuscany and even the work of the Austrians in Milan! All this was very well but privately he was angling for votes and had once more committed Sir George Mackenzie of Coul to his support.¹¹⁹ Coul was on terms of close personal friendship with Gairloch but for the most part Sir Francis, though much and deservedly loved by his tenants, was held in peculiar dread by the landlord class,

117.

Seaforth Papers, 34, 176, Muirton to Stewart Mackenzie, March 1837 (sic).

118.

Seaforth Papers, 34, 176, Copy letter from Sir Francis Mackenzie of Gairloch to H.I. Cameron, 28 Feb., 1837.

119.

Seaforth Papers, 34, 176, Sir George Mackenzie to Muirton, 6 March, 1837.

Whig and Tory alike, and his efforts came to nothing. Despite his good qualities he was spiteful enough once this was apparent to place his tenants at the disposal of Applecross.¹²⁰

Muirton's circular announcing his candidature was hardly likely to impress the electors. He told how his natural diffidence in his own abilities had been overcome by frequent persuasions and what was worse he stated in no uncertain terms that he approved of the government's measures in Ireland, a subject on which a discreet silence or at most some vague circumlocution would at this time have been best. He was too early in hinting that he was opposed to patronage in the Scottish Church for this question had not yet devoured all others. On the whole, it was not a good performance.¹²¹ Applecross's circular, put out two days later on the 8th. March, was better calculated to please. There was the usual clap-trap about "constitutional reform" and the need to maintain the great institutions in Church and State. But the most telling stroke was his promise to maintain the Protestant religion.¹²² Worked up as the ministers were over the Irish Church question this was bound to yield

120.

Seaforth Papers, 34, 176, John Mackenzie to Stewart Mackenzie, 29 March, 1837.

121.

Seaforth Papers, 34, 176, To the Electors of the Combined Counties of Ross and Cromarty, 6 March, 1837.

122.

Seaforth Papers, 34, 176, To the Electors of the Combined Counties of Ross and Cromarty, 8 March, 1837.

votes. Still, Muirton seemed confident and wrote to Mrs. Stewart Mackenzie that of an electorate of 660 he was certain of 321 to Applecross's 244.¹²³ A day later, the 16th. March, he was even more satisfied. The Lewis was his and Cameron had that same night received the letter Sir Francis had written from Rome on 28th. February. Such was the effect of this supposed intelligence that Muirton even believed that Applecross would not proceed to a poll.¹²⁴ Cameron, though, was not so sure. That cool mind was better equipped to register correct impressions than Muirton's and among other disturbing facts he noticed that, although the canvass went better than he had expected, the Irish Church question rankled. One elector had told him bluntly that were Seaforth himself standing, though he had supported him before, Stewart Mackenzie would not on this occasion have got his suffrage. The present ministry he considered "a pack of Infidels, who will bring this Kingdom to ruin unless God interpose to save it."¹²⁵ All the same Cameron gave much the same estimate of pledged votes as Muirton had done. Of 668 there were accounted for 658, and of these 311 were for Muirton

123.

Seaforth Papers, 34, 176, Muirton to Mrs. Stewart Mackenzie, 15 March, 1837.

124.

Seaforth Papers, 34, 176, Muirton to Stewart Mackenzie, 16 March, 1837.

125.

Seaforth Papers, 34, 176, H.I. Cameron to Stewart Mackenzie, 17 March, 1837.

and 262 for Applecross. The doubtfuls he gave as 23, the remaining 62 being supposedly divested. Even if the Tories won over the doubtfuls, and even if only 60 of the 81 Lewis electors voted, Muirton would still have a majority of five.¹²⁶

On the 25th. March the bright prospect was suddenly dimmed. Captain Sutherland of Udall wrote from the Lewis that Applecross "was playing sad Havoc amongst our party here." Sutherland reported that after great exertions the thirty votes pledged to the Tory candidate had been cut to ten. But on the mainland it was now known that all of Gairloch's tenants were secured for Applecross.¹²⁷ The letter and its appeal was addressed to the wrong person, for Seaforth was keen to see his new satrapy and had already paired off.¹²⁸ This indifference to Muirton's fate was noted and resented. Donald Stewart, pressed once more into the Whig service by John Mackenzie, openly reprimanded Seaforth. His tone was forthright, as was the radical way. "As you have induced Muirton to Come forward you ought to strain every exertion to secure his return and I must Candidly inform you that some of his friends are amazed that

126.

Seaforth Papers, 34, 176, Enclosure in Cameron to Stewart Mackenzie, 17 March, 1837, headed "Election Estimate."

127.

Seaforth Papers, 34, 176, Captain G.H. Sutherland of Udall to Stewart Mackenzie, 25 March, 1837.

128.

Seaforth Papers, 34, 176, Roger Ayton to Stewart Mackenzie, 27 March, 1837.

your influence has not been brought fuller into play on his behalf. It is better that you should know this than that it should be suppressed and I communicate the circumstance in my private capacity if not as a political agent."¹²⁹ In particular the Ealnagowan tenants were like to be lost through the lukewarm attitude of the estate agent, William Murray, who affected to regard Muirton as a mere "professional gentleman" and unfit to represent such a county of great landowners. The laird, Sir Charles Ross, was a noted eccentric and difficult to manage, but for some reason he had a remarkable belief in Seaforth's abilities. A scrape of the pen from Seaforth to Sir Charles might have done the trick but for some reason, possibly because he shared Murray's belief that Muirton was not a gentleman of the kind who should be returned to parliament, he made no move in this important matter.¹³⁰ John Mackenzie also remonstrated with Seaforth over his failure to influence the Lewis voters of whom only 43 could now be reckoned upon. Worse, the ministers there had openly declared for Applecross. The estimates made of the West Coast were also thrown out of joint by the fact that Lillingston of Lochaleh had declared for the Tories on the ground that the Whig government had undertaken measures "to advance

129.

Seaforth Papers, 34, 176, Donald Stewart to Stewart Mackenzie, 26 March, 1837.

130.

Seaforth Papers, 34, 176, Donald Stewart to Stewart Mackenzie, 28 March 1837.

the Papacy." Others on the West Coast were of a similar persuasion.¹³¹ The house of cards was falling. John Mackenzie drove himself hard, beating up vote after vote, even writing to Paris for Grant of Glenmoriston and Graham of Drynie. He found that the only objection held against his brother was not just that he was a professional gentleman, but that he belonged to the particular profession he did. Nor, apparently, in his professional capacity did he please everyone. A certain elector, Henry Anderson, was described by John Mackenzie as an ardent Whig, but he pledged for Applecross nonetheless.¹³² At John's request Seaforth wrote to this gentleman only to be informed that, Whig as he was, Anderson would never vote for Muirton whom he accused of swindling some of his friends in his professional capacity.¹³³ Faced with this disastrous train of events John Mackenzie pleaded urgently with Seaforth to intercede with Sir Charles Ross and to appear at the nominations on 11th. April.¹³⁴

131.

Seaforth Papers, 34, 176, John Mackenzie to Stewart Mackenzie, 26 March, 1837.

132.

Seaforth Papers, 34, 176, John Mackenzie to Mrs. Stewart Mackenzie 1 April, 1837.

133.

Seaforth Papers, 34, 176, Henry Anderson to Stewart Mackenzie, 3 April, 1837.

134.

Seaforth Papers, 34, 176, John Mackenzie to Stewart Mackenzie, 29 March, 1837.

At the hustings on the 11th. Applecross declared that he looked on the contest, "not as between Conservatives and self-styled Liberals, but as a fierce struggle between Protestantism and its hydra-headed enemies."¹³⁵ This was the note that triumphed. Applecross carried the election by 307 to 196, a sharp defeat for the Whigs.¹³⁶ The reasons for this are not far to seek. Seaforth's power and prestige as a great, if somewhat impoverished, landed proprietor, his personal popularity, and the belief shared by so many electors that he had a great political future before him, in which many of them hoped to share, had held in check the conservatism latent in the county. His failure adequately to support Muirton proved fatal. The latter by himself was not an attractive proposition, being little more than a bonnet laird and not having much prestige in the county. Then again, the liberals played their cards badly, particularly over the question of the Irish Church which was crucial at this time. It did not matter how well they pleased in other respects if they failed in this. But, indeed, at this juncture they had nothing to offer an agricultural county which was dominated by Protectionist and Protestant sympathies. These mistakes naturally promoted the marked conservative reaction which had been under way since 1834. Had

135.

J. Barron, "Northern Highlands in Nineteenth Century", vol. II, p. 198.

136.

Barron, op. cit., vol. II, p. 199; Seaforth Papers, 34, 182, List of Parly. Representatives.

Seaforth thrown himself whole-heartedly into Muirton's fight the conservative majority would probably have been smaller than it actually was, but it is unlikely that any exertions on Seaforth's part could have secured a Whig victory.

James Alexander Stewart Mackenzie never again contested the county. The brief span of life left to him was taken up by his overseas appointments, first as Governor of Ceylon from 1837 to 1841 and then as High Commissioner to the Ionian Isles from 1841 to 1842. In neither sphere did he reveal the great talents that his Ross-shire admirers contrived to see in him. In Ceylon he carried through some liberal measures which stripped the Sinhalese princes of much of their powers but in a clumsy doctrinaire way that did nothing to ease social tensions in the island. Then in his curiously illogical way he was slow to abolish slavery and his old friend Charles Grant, then Lord Glenelg, had to make this the subject of some sharp letters.¹³⁷ Poor Stewart's heart was not in the business of empire building. His personal correspondence makes it clear that he would much rather have lived the satisfying life of a Ross-shire grandee agreeably spiced by the political diversions of Westminster. His health broke under the strain and it was for this reason that he left Ceylon in 1841. He would fain have gone home but the "Empress" was inexorable and in this perhaps she had no option. The salary Stewart drew from his offices was

137.

Charles Pridham, "An Historical, Political and Statistical Account of Ceylon", 2 vols., 1849; vol.I, pp.212-3.

all that staved off complete ruin. The end of his career came suddenly and as a result of his odd wilfulness. He was recalled in August 1842 for disobedience of Colonial Office instructions.¹³⁸ Broken in health and spirit he died at Southampton in November 1843 at the age of fifty-nine. The "Empress" survived him by almost twenty years, dying at Brahan Castle on 24 September 1862, aged 79.¹³⁹

After the election of April 1837 the conservatives reigned supreme, so much so that in the July of that year, in the general election that followed the accession of Queen Victoria, Thomas Mackenzie of Applecross was returned unopposed.¹⁴⁰ The liberals were in great difficulties, not merely through the lack of an attractive policy but financially as well. Muirton found the cost of the April election prohibitive and was cured of any further political ambitions. The financial problem indeed was intractable and among other expedients his efforts to raise money by subscription to meet the costs of the Registration Courts do not seem to have enjoyed much success. Certainly his attempt to raise money

138.

J.J.Tumelty, "The Ionian Islands under British Administration, 1815-1864", unpublished Cambridge Ph.D. thesis (1952) *passim*; for Stewart Mackenzie's dismissal, p.60, 62, 63. I am deeply indebted to Dr. Tumelty for access to this invaluable and unique study.

139.

D.N.B., LIV, p.368, s.v. Stewart Mackenzie, Maria Elizabeth Frederica, by T.F.H.[Anderson].

140.

Seaforth Papers, 34, 182, List of Representatives of Ross-shire.

from Sir Francis Mackenzie was abortive. That sea-green incorruptible absolutely refused to contribute on the grounds that it would undermine political morality and that the defects of the Reform Bill, which he enumerated in every detail, ought to be allowed to fester to that point where an outraged public opinion would force on another instalment of much needed reform. These opinions were consistent with his character but he was also moved by his old implacable resentment at the Seaforth hegemony. If Seaforth wished to engross the liberalism of Ross-shire in his own family, then, held Sir Francis, let him foot the bill.¹⁴¹ Footing the bill, as Gairloch well knew, was precisely the difficulty. It was largely on account of this leaderless, impecunious condition of the Whigs that Applecross was returned once more in 1841¹⁴², for, as we shall see, politically the tide was slowly turning and had their physical fitness allowed of it the Whigs might have put up a hard fight in that year. The death of Seaforth in 1843 increased the disorder in their ranks and it looked as if the conservatives were set for a long period of control, the more so as the great Seaforth estates were breaking up. In 1844, for example the Lewis, long their political mainstay, was put up for sale and

141.

Seaforth Papers, 34, 179, Sir Francis Mackenzie to Donald Stewart, 1 Dec., 1838.

142.

J. Barron, "Northern Highlands in the Nineteenth Century", vol. II, pp. 307-08.

purchased by James Matheson of Achany in Sutherland.

Matheson had had a fascinating career and since the vast fortune he accumulated in the course of it is germane to our theme it may be permissible to say a few words about both the career and the fortune. Born in 1796 the second son of a not too wealthy Sutherland laird young James suffered the fate of most younger sons and had to make his own way in the world.¹⁴³ After taking his degree at Edinburgh he was appointed to an East India merchant house - a Country firm as distinct from the monopolist Honourable East India Company - and served his time in the Calcutta office. The period was right. The Celestial Empire wished no truck with the West but she had a monopoly of goods then greatly in demand in the Occident. The key that led to the unsealing of China by means of a brisk illegal trade was Indian opium and Matheson became one of the main purveyors. Soon he was a partner in the leading Country firm of Jardine Matheson and Company. By 1834 the Chinese government, alarmed at the increased consumption of opium, was proving refractory and Matheson was obliged to return to Britain there to conduct a crusade for free trade with China - in opium among other things. Rebuffed by the government of the day he turned for support to the new mercantile classes that were beginning to invade the preserve of government. During the Opium War Matheson virtually conducted operations on the spot in his capacity

143.

Alex. Mackenzie and Alex. Macbain, "History of the Mathesons", p.142.

of Danish Consul - a romance in itself that - and corresponded frequently with Stewart Mackenzie while he was Governor of Ceylon. Mackenzie obligingly passed on Matheson's news and views to government. A year after the Treaty of Nanking Matheson left for home and there embarked upon a political career, succeeding his old partner and friend William Jardine as M.P. for Ashburton in Devon.¹⁴⁴ This was the man who purchased the Lewis. A devotee of the Manchester school of economic science he was willing to make a vast fortune out of the drugging of coolies but at home he proved himself an excellent and progressive landlord. In the grim winter of 1846 he took the lead in relief work and spent over £40,000 in succouring the Lewis people alone.¹⁴⁵ Matheson's acquisition of the Lewis became one of the most telling factors in Ross-shire politics.

A culmination of other developments in that same year in which Seaforth died lightened the darkness in which the Whigs were groping. Indeed, shortly after Applecross's double triumph in 1837 the conservatives in Ross-shire began, slowly at first but with increasing momentum, to lose ground. In the course of the controversy over patronage the maintenance of the existing Church Establishments, from being the most potent weapon wielded by the

144.

For a detailed account of Matheson's Eastern career, see Michael Greenberg, "British Trade and the Opening of China, 1800-42", Cambridge, 1951, passim - a fascinating work.

145.

J. Barron, "Northern Highlands in Nineteenth Century", vol. III, intro, p. xxiv.

Tories, became a millstone round their necks. The Synod of Ross was particularly disturbed over patronage and had a cause célèbre of its own in Logie-Easter.¹⁴⁶ From the late summer of 1838 this, and the judicial decisions in the Auchterarder case, pushed every other question into limbo. For months on end the patronage crisis was the great subject of discussion in Ross-shire and indeed in the Highlands generally. In vain a few hardy Chartist speakers sought to interest the county in their programme. Only the Veto Act interested the citizens, electors and non-electors alike. Public meetings on the Church question were many, far more numerous, lively and better attended than the somewhat groping experiments conducted in this new medium by the politicians since 1832. Hugh Miller still resided in Cromarty and was then making his name, marshalling the non-intrusionist forces with his incisive tracts, such as the masterly "Letter to Lord Brougham" and "Whiggism of the Old School."¹⁴⁷ That gifted pen never wrote to more purpose.

Until 1841 the gravamen of the charges brought by the non-intrusionists against the government was, of course, aimed at a Whig administration. This brought the Tories no joy, for even the most

146.

C. Macnaughton, "Church Life in Ross and Sutherland, 1683-1914", pp. 357-370; J. Barron, op. cit., vol. II, pp. 223-6. This digest of the Inverness papers of the period is full of interesting material on the Church question and has been largely drawn on in the following paragraphs.

147.

Both printed in Hugh Miller, "The Headship of Christ."

purblind in Ross could see that the really determined opponents of the Veto Act were the conservative lairds. It was not long before the ecclesiastical parties of the Moderates and Evangelicals recognised that, in some ways, they approximated to the political divisions of Tories and Whigs. Not that this was preordained or in the natural order of things - quite on the contrary in many cases. But one ineluctable fact made it so - this was the rigid Tory adherence to their old battle-cry of the maintenance of the great institutions in Church and State, of which the Patronage Act was deemed to be one. It was, indeed, the last genuinely, one hundred per cent Scottish political issue and the Tories somehow or another contrived to meet it with ideas that derived fundamentally from English sources. Thus, like it or lump it, non-intrusionists, whatever they may have felt themselves to be politically, were forced to move towards the Whigs, even though it was a Whig administration that watched in somewhat bewildered fashion as the Court of Session dealt sledge hammer blows to the non-intrusionist majority in the General Assembly. Chalmers himself put it beautifully when he recorded his impressions of the talks held in London with the conservative Lord Aberdeen in July 1839, when that indifferent politician but devout Christian was trying to seek a settlement by compromise. Nothing came of the talks but Chalmers, who as he himself once put it had "a moaral loathin' o' thae Whugs," noted that, "The Conservatives are all on the qui vive about the matter, but I can perceive that they are sadly blind and prejudiced."¹⁴⁸

¹⁴⁸ Rev. William Hanna, "Memoirs of the Life and Writings of Thomas Chalmers", vol. IV, p. 129.

In August 1839, at the same time as the abortive Chartist mission, Chalmers was in the north addressing large audiences in Dornoch, Cromarty and Dingwall, ostensibly on the subject of Church extension but doubtless, too, delivering some hard thoughts, in that suave persuasive way of his, on the grave crisis that faced the Church in Scotland.

The ensuing months demonstrated the truth of Chalmers' observations on the attitude of the conservatives. In Ross-shire non-intrusionists and Tories were soon battling fiercely in the presbyteries. Bitterness increased and as an instance of this Hugh Ross of Cromarty, a prominent conservative landowner, resigned the provostship of Tain when that burgh elected a non-intrusionist as commissioner to the General Assembly.¹⁴⁹ The patronage controversy also contributed to a great religious revival in Ross which, in turn, fired the Church question with yet more zeal and intolerance. Something of the tactics as well as of the spirit of the Covenanters of the so-called "Killing Time" took command of the situation. The communion service in Gaelic was always an occasion for large open-air gatherings in the north, but in the summer of 1840 the prevailing excitement and the Celtic eloquence of the Reverend John Macdonald of Ferintosh drew what was for these regions vast crowds of 5,000 to 6,000 persons. At these services "the people were engaged

149.

J. Barron, "Northern Highlands in Nineteenth Century", vol. II, p. 272.

night and day in prayer meetings."¹⁵⁰ The same phenomenon had been witnessed the year before at Kilsyth, in supposedly more level-headed Saxon parts. In truth, politics, whether of orthodox Whig-Tory variety or more forward-looking Chartist brand, was, except in the slums of Glasgow and the homes of the half-starved weavers of its environs, in abeyance in these years of bitter ecclesiastical warfare. So far as Ross is concerned the old view of the Disruption as an all absorbing question is absolutely correct. Old views are not necessarily false views, as new schools of historians occasionally imagine. The touchstone is the evidence and in this case there can be no doubt as to its import. Chartism, Corn Laws, evictions, social grievances, the need to safeguard the constitution, the danger from Irish popery, all as we have seen operative factors up to 1837 - all for the time vanished from the scene. From 1838 until 1843, and to some indeterminate point beyond that, politics in Ross-shire was the Scottish Church question.

The later stages of the controversy and the maladroit handling of the points at issue by Peel's government make one of the cardinal facts in the history of Scotland in the 19th. century and make indeed that year 1843 in some ways more significant than 1832 itself. The Reform Bill of 1832 extended the franchise, but the effects of 1843 made a responsible electorate. The Whigs had fumbled the entire question, thanks to other more pressing difficulties that then

150.

J.Barron, op.cit., vol.II, pp.279, 282-3.

confronted them and, in part at least, to the extraordinary gyrations of that political fly-by-night, Brougham. And in justice to Whigs and Tories alike it must be said that the non-intrusionists were not easy to deal with. They did not force the issue, as apologists for the conservatives have asserted, but once it was fairly joined they showed themselves possessed of more than a slight inheritance from the "suffering bleeding remnant" of the tragic days of Charles II and James VII. But to the credit of the Whigs they had shown themselves willing to try a compromise solution. As much credit cannot be allowed Peel and his advisers, particularly Sir James Graham. They have had their defenders but these do not convince. The only real defence that can be put for them was that used so disarmingly by Samuel Johnson, "Ignorance, ma'am, pure ignorance." Their ignorance of the real matters at issue, carefully fostered by the Dean of Faculty John Hope, conjured up bogies that had no existence except in their own fevered imaginations. There is something almost ludicrous in the spectacle of the great, but stiff-necked statesman, Peel, adopting the guise of a haughty Emperor Henry IV. He actually seems to have believed that the Scottish Church was, like the Anglican Church, erastian and that parliament as the ultimate seat of sovereignty here reigned supreme as in all else. No good purpose would be served by refuting here the contention that the Scottish Church, in the persons of the non-intrusionists, had deliberately challenged the authority of the state or that Chalmers had come like another Melville to assault the

ear of the civil power with far-fetched claims. Yet somehow the hoary old myth perpetuates itself still as in E.L. Woodward's "Age of Reform".¹⁵¹ It has been exposed time and again but where passions are involved evidence apparently counts for nothing. That great French scholar, Elie Halévy, as usual presents his cool and dispassionate assessment of the situation, and finds that Peel and Graham could not conceive of relations between Church and State in which the former was not subordinated to the latter.¹⁵² That is the precise truth of the matter. One unfortunate result of the Disruption must be noted before we end this long digression and this was that the good relations that had been slowly built up by the Established Churches in Scotland and England were shattered. At bottom non-intrusionists and High Churchmen were fighting against the secularising tendencies of their age. Chalmers was the great champion of the Establishment principle and heard as eagerly on this subject in London as in Edinburgh or Glasgow. The common cries raised against popery and the widespread fear of radical "atheism"

151.

E.L. Woodward, "Age of Reform", pp.506-09. For much better balanced accounts of the entire problem, see, Hugh Watt, "Thomas Chalmers and the Disruption", and G.D. Henderson, "Heritage, A Study of the Disruption".

152.

E.Halévy, "History of the English People in the 19th. Century. Age of Peel and Cobden", pp.60-65. For a fair and penetrating treatment of the question which on the whole finds for the statesmen, see Sir Spencer Walpole, "History of England since 1815", vol.IV, Ch.XXI, pp.448-477. Walpole points out very forcefully the basic identity of purpose in the Tractarian Movement and the non-intrusionist movement.

had brought the two Churches closer than they had been for centuries, possibly since the days of Elizabeth. The Disruption changed all this. "Black Prelacy" became as hated and feared as ever it had been in the 17th. century. This meant that after 1843 the political party that accepted the deadly embrace of the English Churchmen could expect nothing but bleak hostility shading into passionate hatred from a large number of Scots, including, unfortunately for that party, a high percentage of those who enjoyed the parliamentary franchise.

Ross-shire is very much a case in point. There took place the most complete secession of ministers and congregations in the whole of Scotland.¹⁵³ At a stroke the fortunes of the political parties were transformed, the Whigs at last had a policy that appealed to many of the electors and the Whig landlords played it for all it was worth, granting the Free Church every facility that it was in their power to give. The Tories, on the other hand, harried and distressed the disruptionists at every turn. The results of these manoeuvres began to show in 1846. In January of that year Keith Stewart Mackenzie of Seaforth and William Mackenzie of Muirton decided that it was time to revive opposition to the Tories and that preparations should be made against the next election which it was confidently expected the crisis over the Corn Laws would

153.

C. Macnaughton, "Church Life in Ross and Sutherland", ch. XII, p. 382 et seq.

would soon provide. Muirton thought that Keith should await developments before committing himself as a candidate. Hugh Innes Cameron, a fervent non-intrusionist, was back at his old work with a new zeal, examining Registers and estimating probabilities.¹⁵⁴ On the 7th. January Muirton described a meeting with Applecross in Edinburgh, who looked "very quiet, and very black", though whether on account of his election prospects or Sir Robert's imminent treason is not disclosed.¹⁵⁵ By the 12th. Muirton had Cameron's estimate of the political situation in the county. This was favourable to the liberals, based largely on the friendly attitude of the Free Church and the certainty of the Lewis voters. Muirton, though, adds that in his opinion the Church question would not be enough. "I should like," he writes, "to Count Noses with the Knowledge of how the Voters will go on this question [the Corn Laws] and which in truth is of more importance than the Church question and where I know Applecross feels himself strongest with his Constituents, this therefore is the touchstone."¹⁵⁶ He had some cause for alarm. From early in 1844 meetings against repeal of the Corn

154.

Seaforth Papers, 34, 178, William Mackenzie of Muirton to Keith Stewart Mackenzie of Seaforth, 6 Jan., 1846.

155.

Seaforth Papers, Muirton to Keith Stewart Mackenzie, 7 Jan., 1846.

156.

Seaforth Papers, 34, 178, Muirton to Keith S. Mackenzie, 12 Jan., 1846.

Laws had been frequent. He should have noted, however, that they were composed almost entirely of landlords and that of these some dissented from the resolutions passed. Prominent among the dissentients were Colonel Ross of Strathgarve, H.I. Cameron as Provost of Dingwall, Ross of Humberstone, Provost Gillanders of Fortrose, Laidlaw of Contin, Sir George Mackenzie of Coul and Mrs. Stewart Mackenzie of Seaforth.¹⁵⁷ The great cipher was the attitude of the tenant farmers to repeal.

Later in January 1846 Muirton, Cameron and James Matheson conferred on the subject in Edinburgh. They concluded that, even allowing for the uncertain factor of the Corn Laws, which might easily arouse the conservative instincts of the farmers, the risk was worth taking and a narrow victory likely. All the same, the old impediment of the Seaforth family, lack of means, might again cause trouble. Muirton warned that every vote would be needed and that at least £1500 would have to be expended, much of it to bring the outvoters to the polls.¹⁵⁸ Keith's address, too, was rash in the extreme, unnecessarily aggravating the question of the Corn Laws. In fact, one gathers that he was neither a bright nor an amiable youth and that the conference at Edinburgh devoted quite a

157.

J. Farron, "Northern Highlands in the Nineteenth Century", vol. III, pp.42-45.

158.

Seaforth Papers, 34, 178, Muirton to Keith S. Mackenzie, 12 Jan., 1846.

bit of time to discussing how best to get him to stand down without rousing his resentment. Matheson would make a better candidate in every respect, with his wealth, experience and shrewd mind. For months the see-saw went on, months which Applecross undoubtedly used to the best of his no mean abilities. Again and again Cameron put the question to Keith - would he stand or not, and if not, would he support Matheson?¹⁵⁹ Finally, Cameron lost patience and delivered himself of some blunt opinions to Keith. "You know my opinion entirely. As regards the Free Church, you are the best Candidate; but I don't know that you are as regards free trade and general politics. I believe however that you would be successful: but still, I thought the resolution you formed and intimated to Mr. H[atheson] of not standing at present. . . . a very prudent one." The matter had to be settled at once, one way or the other.¹⁶⁰

Cameron's own preference should have been clear to the cloudiest intellect, and finally the way was smoothed for Matheson. On 21st. July 1846 he distributed his circular announcing his candidature.¹⁶¹ It was in its way a remarkable document, the most

159.

See, e.g., Seaforth Papers, 34, 178, H.I.Cameron to Keith S. Mackenzie, 31 Jan., 1846; *ibid.*, Muirton to Keith S.Mackenzie, 18 April, 1846.

160.

Seaforth Papers, 34, 178, H.I.Cameron to Keith S.Mackenzie, 28 April, 1846.

161.

Seaforth Papers, 34, 179, James Matheson's Circular to the Electors of Ross and Cromarty, 21 July, 1846.

decided and explicit yet to appear in the county. He gratefully acknowledged the requisition for his services that had been signed by many of the electors and then went on to define with little of either fear or favour the precise platform on which he stood. As member for Ashburton in Devon he had voted against the Corn Laws and to this he adhered. There was, therefore, no question of Matheson flying under false colours. He declared himself categorically an out and out free-trader, giving chapter and verse for his opinions. The social problems of the day he hoped to see improved by a better system of education. Then, and perhaps most important of all, "My respect for the religious sentiments of a large body of the population, has been evinced by my readily furnishing sites for churches and manses, as well as glebes, where required on my properties - acting on the spirit of the Bill recently introduced into Parliament." The reference was to Fox Maule's Bill for the relief of the Free Church brought into the House in June 1846, but abandoned as needless, for the Tory landowners deserted their original severity to the seceders once the political implications of it stared them in the face. This was all that Matheson had to say on this important topic, but it was enough. His actions were well known and needed no elaborate puffing. Indeed, so secure was he on this all-important topic that he could venture unscathed into the Irish question. He declared himself for every measure that would advance the prosperity of "our fellow-countrymen," who should enjoy equality of civil rights, equitable settlement of their

agrarian problems, better educational facilities, and whatever other civil reforms might be needful. This was to say much, but one measure that would have fitted snugly into his programme he deemed it prudent to disown. "I think it right to add, that I am opposed to endowment of the Roman Catholic Priesthood." Thus early was the puritan conscience making an odd bed-fellow with liberal sympathy for a crushed and abused country.

The programme even attracted some of the hitherto conservative landlords, notably Humberstone Mackenzie.¹⁶² Indeed, the gravest danger arose from the impetuous nature of Keith Stewart Mackenzie who at one point talked of withdrawing in a huff from the liberal party. Apparently others did not estimate his talents as highly as he did, and Matheson had some difficulty keeping him yoked to the cause.¹⁶³ Muirton was also enraged at a jocular remark made by Matheson which suggested that he, Muirton, was secretly in league with the Tories. William Mackenzie was a tricky individual and perhaps an uncomfortable measure of truth underlay the jest. At anyrate, he too went into the sulks and had to be wooed back.¹⁶⁴

162.

Seaforth Papers, 34, 179, Humberstone Mackenzie to Keith S. Mackenzie, 25 Aug., 1846.

163.

Seaforth Papers, 34, 180, James Matheson to Keith S. Mackenzie, 6 Feb., 1847; and same to same, 27 Feb., 1847.

164.

Seaforth Papers, 34, 180, James Matheson to Keith S. Mackenzie, 27 Feb., 1847.

Seaforth rallied and worked hard for Matheson, but Muirton figures little in the correspondence after the little contretemps in February. Cameron was busy as ever with the vital statistics and in June considered that Matheson would have it by at least two to one.¹⁶⁵

The truth or otherwise of this estimate was never put to the test. The election was fixed to end on 10 August, but in the middle of July there came a startling development. John Munro, then Seaforth's factor, informed his employer that since the 12th. "the politicks of the combined Counties have taken a very extraordinary turn, and your friend Mr. Matheson will now be returned as the representative of the Counties, without any Opposition."¹⁶⁶ And so indeed it turned out. Nor is it hard to see what brought Applecross to this pass. First, he was disheartened by the solid wall of opposition raised by the Church question. Everything forecast five years before by Hugh Miller, a shrewd observer who knew well those northern parts, had come true. In the event of a disruption of the Church, prophesied Miller, the intrusionist landlords would not be able to drive their non-intrusionist tenants to the polls. "Conservatism may give up at least the northern Highlands as a

165.

Seaforth Papers, 34, 180, James Matheson to Keith S. Mackenzie, 28 June, 1847.

166.

Seaforth Papers, 34, 180, John Munro to Keith S. Mackenzie, 24 July, 1847.

political field whenever it pleases."¹⁶⁷ So wrote Hugh Miller in December 1842 and the truth of the observation was experienced by Thomas Mackenzie of Applecross in July 1847. On the kind of issues at stake in that year the tenants refused to be dragooned to the polls by their landlords. Indeed, nature itself seemed to fight against Applecross, for never surely did Protectionist campaign in such season. All winter the land had lain under the shadow of famine, a famine that might have been as severe as that in Ireland but for the energy and generosity of the landlords, of whom none could outshine Matheson. Who could believe in Corn Laws when the arrival of grain ships from the Baltic was desperately awaited or when troops had to be drafted into the county to quell meal riots? From the Black Isle to the Lewis the report was the same.¹⁶⁸ The greatest hardship fell of course on the cottars but many of the small farmers were hard hit too. Nor were their landlords heartless Irish absentees. Improvers and evictors some of them may have been, but butchers they were not.¹⁶⁹ All in all the cause of conservatism

¹⁶⁷•Hugh Miller, "The Headship of Christ", p.413.

¹⁶⁸•J.Darron, "Northern Highlands in Nineteenth Century" vol.II, pp. 108-137, for details of the famine consequent upon failure of the potato crop; see, too, R.Somers, "Letters from the Highlands, or the Famine of 1847", 1848.

¹⁶⁹•For some interesting and revealing comments on the attitude of the Highland landlords to famine conditions as compared to that of most of the Irish proprietors, see Sir Spencer Walpole, "History of England since 1815", vol.IV, pp.304-05. Unlike the Irish absentees, says Walpole, "The Scotch laird, on the contrary, submitted to his own ruin in a vain attempt to save his people, and when he applied to the Government, sought no relief for himself, but only demanded help for his tenantry."

seemed stricken with as deadly a blight as the potatoes, and Apple-cross, ill and worn out, at last recognised the fact. No one was found hardy enough to contest the election in the conservative interest, and Matheson was returned unopposed.

From that point onwards Ross and Cromarty remained a liberal stronghold. Only in 1852 did the Conservatives manage to put up a fight when Sir James Matheson, as he then was, scraped through with a mere 70 of a majority. But thereafter at election after election liberal candidates - Matheson until 1868- were returned unopposed. The Tories gave the combined counties up as a thankless and unrewarding task, chiefly, there can be no doubt because of the Free Church attitude. But in 1847 other causes of discontent had existed in the county although muted by the Free Church and Corn Laws question and finding little or no expression in organised political action. Throughout Ross, however, as in so many other parts of the Highlands a bitter social war was being waged between the landlords and the big tenants on the one hand and the small tenants and cottars on the other.¹⁷⁰ This resulted in the formation of the Highland Land League in 1882, a body which at one point seemed to aim ultimately, if somewhat vaguely, at peasant proprietorship in the Highlands of Scotland. Henry George and his ideas were used for propaganda purposes but the true aim of the

170.

For a vivid, if at times inaccurate, description of these social tensions, see R. Somers, "Letters from the Highlands, or the Famine of 1847", passim.

League was to secure a fair deal for the crofter. The consequences of the formation of this body and of the Representation Act of 1834 were demonstrated when in 1835 a crofters' candidate, Dr. Macdonald, defeated the sitting member, the Gladstonian Mento-Ferguson of Novar, by 4942 votes to 2925. This was Macdonald's second attempt, the first, at a bye-election a few months before the franchise was extended proving abortive.¹⁷¹ The Liberal Unionists fared no better than straight Tories and the old pattern was carried over into the new era when in 1886 Dr. Macdonald was triumphantly returned with a majority of almost 3,066 votes, almost three to one.¹⁷² The agitation died down and Macdonald ended his parliamentary career as a Gladstonian. Until the great Liberal party faded away in the 20th. century the combined counties of Ross and Cromarty remained one of its most certain seats.¹⁷²

For the most part the electoral history of Ross before and after 1832 speaks for itself. There is no point in recapitulating the obvious and it would be work of supererogation to detail here the differences wrought in the conduct of elections by the Reform Act. No doubt many of the seeming anachronisms noted after 1832

171

Scottish Historical Review, 1956, D.W. Crowley, "The Crofters Party", pp.110-126, passim.

172.

For a convenient summary, see Seaforth Papers, 34, 182, List of Representatives of Ross and Cromarty, 1707-1906; T.Wilkie, "Representation of Scotland", pp.257-258.

can be accounted for by the smallness of the electorate which made possible the retention, in diluted form, of so many of the old expedients. It is to be hoped that these matters of pure electioneering technique have been sufficiently described to make their implications plain. One or two points, though, may profitably be made. First, it must be concluded that the evidence examined shatters any idea that the Highlands were so back of the north wind as to be outside the orbit of British politics. Clearly, that is not the case. The point is not self-evident and that is sufficient reason for touching upon it. Too often the history of Scotland is regarded as halting at "the Highland Line" - whatever that may be. In the 18th. and 19th. centuries there is no warrant for this at all. Both on the old style of electioneering and the new Ross-shire reveals itself as politically alive as any other county in Scotland. If politics and elections before 1832 seem rather pointless and sterile, a game played strictly by the lairds for the lairds, of what shire in Scotland can the contrary be demonstrated? Anyway, to a great extent this is a surface view. Before 1832 county politics touched deeper issues than the old electoral formulae would at first sight imply. But after 1832 the politics of Ross-shire requires no subtle analysis, no special pleading whatever to justify its claim to reality. It starts to life in new and boisterous fashion and anyone who accused it of being unreal would at once put himself out of court. One does not painfully have to look under every stone in the hope of making a discovery.

Political activity becomes open - the electors to some extent now have to be caught - and the signs are no longer hidden away in the secret conclaves of the grandees.

True, the grandees continued to lord it after 1832 and feudalism, if that is the proper term for it, played indeed an even larger part in county politics. All the same, we cannot miss the development of new and significant trends, some of them quite unexpected. The extreme Protestantism of the combined counties cannot be classed with the unexpected, yet novel or not it must be regarded as one of the most potent factors in the period under review. Much less obvious, but just as strong in the long run, was the intense reforming zeal displayed by many at the height of the Reform Bill crisis in 1831-32. This in turn was largely the off-spring of religious factors. Old fashioned Whiggism of the Scottish type, based on the more extreme Presbyterian ^hetic and a considerable misreading of history, as exemplified in the life and works of Hugh Miller, was there from the beginning. But in the early '30s it was damped down by the Tory monopoly of the agricultural interest and its own blind prejudices. Until the extreme Presbyterians once more felt the chastening qualities of the anvil they were not altogether fit material for the reformers. The Tories kindly solved the difficulties of the Whigs in both respects. How the Disruption rivetted the Free Churchmen to the Whigs needs no words here.

But the agrarian question perhaps does. Leaving out of the

account the crofters, who were at this time politically impotent, it can be said that the question did not turn solely on the Corn Laws, as the conservatives would have it. Long before the crisis of 1846 some of the Ross-shire Radicals, such as Beaton and Rose particularly, saw where the true issues lay. The conflict of interests really lay between tenant and landlord. It was then believed that what the Tories meant by the agricultural interest was in reality the landlord's interest. The failure of the potato crop and the last ditch stand made by the conservatives for the retention of the Corn Laws completed this transformation. But it might be asked, in the antagonism between tenants and landlords were the Whig landowners any better than the Tories? The answer is clear. It is simple matter of record that in Ross-shire the most enlightened, progressive and humane landlords were liberals of one kind or another. Sir Francis Mackenzie of Gairloch, for example, had a record second to none. He even wrote tracts on good husbandry, English on one side of the page, Gaelic on the other, which he distributed gratis among his people. He was much of his time an absentee, yet his heart was in his estates and indeed it was partly due to his work for the tenants that he got into serious financial difficulties in his last years. Again, Sir George Stewart Mackenzie of Coul was a noted scientist and a great exponent of scientific agriculture, but, as in the case of Gairloch, with him it was in its applications tempered with humanity. Lillingston of Lochalsh was a model resident proprietor who did much for his tenants and was

warmly commended for his relief work in 1847. Into Matheson's career we need not go. He was best of all in that year of disasters. Even the financially burdened Seaforth's were good and humane landlords so far as their means would allow. Of the out and out Tories it is not possible to say as much. Applecross was a lawyer and ran his estate on strictly business lines. In that age, this meant no concessions to the tenants and cottars. Tulloch, Novar, Cromarty and Rosehaugh were of the same category. Cromarty and Rosehaugh were also saddled with the evil popularly associated with "negro driving". They were not the worst types of landlords, but their deeds do not speak for them as do those of Gairloch, Coul and Matheson. The tenant farmers of Ross had a deeper, more intimate knowledge of all this than we can ever hope to acquire, and their vote on the question was decisive.

Indeed, the most enduring impression conveyed by these records is of the revolt of the tenants. Even from the beginning they had much of the germs of later 19th. century Gladstonian liberalism in them, but so long as the Tories could cater for their prejudices in the religious and economic spheres they could be dragooned to the polls by the landlords of that persuasion and were in truth as Hugh Miller, Dudgeon and H.I.Cameron bitterly noted, mere political bondsmen. After 1832, the substantial tenants were the key to the situation. As long as they remained political bondsmen, then, as Highfield and others noted from time to time, Ross-shire was at heart "a Tory county". But once the Tories could no longer serve these

interests, or prejudices, the tenants went their ways. The Whigs were alert enough to take advantage of this, and theirs was the harvest.

The next most enduring impression is that reforming zeal was not a purely urban phenomenon, as is too commonly supposed. Quite clearly, the Ross-shire evidence is against this view, and very probably investigation of other rural areas would yield similar results. Certainly it looks as if East Lothian would if the career of George Hope of Fenton Barns is anything to go by.¹⁷³ All in all, it is hard to escape the conclusion that historians have been far too obsessed with the Forth-Clyde areas - rightly up to a point, since these were, and would increasingly become, the areas of highest concentration for radicalism. But the countryside is not to be ignored. It had its radical elements too which pressed the general slogans of radical thought into the context of the area's particular grievances. However hypothetical these considerations may be (and after all the problems are almost untouched) the case of Ross-shire is very suggestive, and it does much to explain why the northern counties of Scotland became so stubbornly and so consistently Liberal.

173.

See the extremely interesting account of his life in "George Hope of Fenton Barns", by his daughter, C. Hope, 1881.

Chanter XI

Conclusion

On the whole it must be concluded that there is more to be said for the system of representation evolved in Scotland before the Union than is generally allowed. The subject has suffered great neglect, largely because of a somewhat snobbish, and completely unhistorical, comparison with English developments. Again, the rise of a true parliamentary system in Scotland was late and soon terminated by the Union of 1707. For these reasons the subject where touched upon at all has usually been treated in a very cavalier manner. Of the general historians only John Hill Burton, a judicious student whose judgments are always worthy of respect, broke through the conventional attitudes and delivered himself of a brief but penetrating sentence on the electorate before the Union. It was, he found, a narrow but genuine one and the fictitious vote an indirect product of the Union.¹ Unfortunately, Hill Burton had neither the time, the space or the materials to pursue the topic further or he would undoubtedly have laid a few ghosts that continue to haunt the subject. In particular he might have demonstrated the important rôle played in 18th. century politics by the representative ideas

1. J.Hill Burton, "History of Scotland", vol.VIII, p.187. .

elaborated in Scotland between the Restoration and the Union. As it is it speaks much for his discernment that he should have seen the essential factor in the problem. It would be wise, however, to supersede judgment on the old pre-Union electoral system in Scotland. The whole matter is best regarded as lying sub judice, for while the old view is no longer tenable reassessment must wait upon closer inspection of the evidence.

But that the electoral system rapidly deteriorated after the Union, and as a result of it, seems to be clearly established from the evidence considered in Chapter II. There is no need to recapitulate here the arguments there advanced or the conclusions drawn from them. The electoral machinery was badly injured by the failure to provide for adequate supervision of the work of the Head Courts and from this central fact can be traced most of the abuses that disfigured elections in the 18th. century. This oversight, and its disastrous consequences, was perhaps the most important single factor in the system of elections that obtained from 1707 until 1832.

As to electoral procedure and techniques in the counties, the history of Cromarty provides its own conclusions. There is no need to touch on those here, but something perhaps might briefly be said on the score of their general applicability. The salient feature here was the intensely legal nature of electoral procedure in the Scots counties, not only in the sense that the Scottish system was much more rigidly regulated by statute but

also in the sense that the franchise was deeply involved in the complicated feudal law of Scotland. Thus, from first blow to last a contest was dominated by legal considerations. This, with the small electorates, constituted the main differentia between the Scottish and English systems. The dogged stand taken by Sir John Gordon in the election of 1768 was typical and ought to dispose of any idea that the Scots counties were easy. To be sure, often they were, for compromises were as marked a feature of politics in the Scottish as in the English counties.² But where contests did arise in the Scots counties they could be peculiarly tricky, difficult and above all uncertain. The small electorates so far from making for easy returns could render them hazardous. Nor is the reason far to seek. It is simply that where such small numbers were involved it was worth fighting to the last gasp even for a few votes and this necessarily meant the expense, and, what was even more distasteful to politicians, the uncertainty of long-drawn out lawsuits. It is significant that John Ramsay of Ochtertyre should remark that "lawyers are never paid so handsomely as in election disputes."³ On the other hand it can fairly be said that if Sir John Gordon at all resembled

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See, for example, Scots Magazine, vol. XLII, 1780, pp. 637-8, which gives details of an election compact in Warwickshire based upon a petition presented to the House of Commons protesting its illegality.

3.

"Scotland and Scotsmen in the 18th. Century", ed. Allardyce, vol. II, p. 433.

the typical litigant the lawyers earned their fees.

For was the importance of a small number of votes restricted to the small counties. It applied equally in the larger electorates for there electors were often splintered into small groups. To some extent private bargaining solved this problem, but even so it might be worth carrying the fight into the Court of Session in the hope of gaining 6 or 7 votes. And indeed some of the larger counties, where there were fair numbers of independent freeholders, maintained a constant war against the nominals of the local nobles or great landed proprietors. The shires of Renfrow and Stirling are very much in this category and threw up a goodly number of franchise cases. Indeed, the creation of nominal votes was by no means a certain answer. Undoubtedly, such projects were always in the air. Faced with opposition a candidate would automatically consider the possibility of making new freeholds. It was standard electioneering practice to draw up a table which calculated how many freeholds the enemy had or could make and ditto for self and allies. This has laid a snare for the unwary. If we rely upon family papers alone, and particularly upon those sometimes elaborate enumerations of votes and probable or possible votes, we are too apt to conclude that the creation of nominals was the decisive stroke. So it was - if it succeeded. Many clever expedients, however, proved to be so on paper only. All sorts of technical and legal difficulties might attend the practice of vote-making. The records of the Head

Courts and of the Court of Session demonstrate that vote-making could be a very troublesome, risky and expensive business. And when all is said and done what counted was the number of such voters who got upon the Roll in time to influence the election they were designed to serve. On the importance of the Roll of the Freeholders in the Scottish electoral system no words are needed here; it should be self-evident.

To turn for a moment to the burghs, it looks very much as if Scotland's alleged, and sometimes vaunted, freedom from rotten burghs is a mirage. The tricks and stratagems employed in Dingwall and in the Northern District generally are closely akin to the techniques associated with English borough-mongering. This is not really surprising, for in the electoral sense the burghs in Scotland more nearly resembled their English counterparts than did the counties. Particularly, burgh elections were not ~~entirely~~^{nearly} so enmeshed in legal details either in the form of statutes or common law.⁴ Indeed, the law relating to burgh elections was loose, as MacKenzie against Scott amply demonstrated. But as with the counties, so to a lesser extent with the burghs, electioneering in Scotland differed in some important respects from English practice mainly because in some ways the two electoral systems were

4.

The reference, of course, is to the common law of Scotland. Contrary to general belief England has no monopoly of this technical term.

at considerable variance. Yet when every allowance is made it is rather a dangerous half-truth to insist upon Scotland's lack of rotten burghs. It is impossible to generalise on such a heterogeneous collection as the Royal Burghs of Scotland, but Dingwall and the East Neuk burghs of Fife,⁵ were obviously of close kin to the Cricklades and Old Sarums of England. If analogy there must be, however, the Royal Burghs would have to be classified with the English corporation boroughs. Even then the parallel would not be exact, for after 1707 the Scots burghs were at best fractional corporation boroughs. It was the system of grouping in the Scots burghs that seems to set them apart. It was this that gave patrons such a hard time and which necessitated different election techniques from those employed in England. But that the Scottish burghs were either more or less corrupt than the English boroughs is not a proposition to be seriously maintained. It was merely that existing electoral arrangements dictated that they should be handled differently.

5.

This group was notoriously venal and was accused in 1773 of selling itself to the highest bidder. See Scots Magazine, vol. XL, pp.5-6, "Letter on Borough Elections in Scotland". The writer asserted that it was well known that burgh elections were carried by illegal practices and instanced the recent case of the East Neuk Burghs where a complete stranger was returned after a great deal of bribery. "Such an election," he writes, "may have the practice of some English boroughs to plead in its support; but such a practice is held infamous in England, and such boroughs are quoted proverbially and derisively as saleable commodities." The writer regarded this incident as "a base innovation on the custom of Scotland," but clearly he was behind the times, since the same methods were pursued in the Northern Burghs in 1742.

In Scotland ministerial support was not such a harbinger of success as in England. True, in the latter country it was not an infallible factor but where the train had been well laid it was a potent one. Similarly in Scotland where it reinforced an interest already well entrenched, fit and able to undertake the steps necessitated by the electoral system it could be an effective aid. But ministerial influence would be thrown away on any interest not so equipped, and could quite easily be on some that gave every appearance of being so. The secret of success or failure very largely lay in the individual county itself, on the adroitness with which the politicians conducted their operations and the skill with which their cases were, if need be, argued in the Court of Session. Expert knowledge of this kind was also required in the English counties but in Scotland it was particularly necessary. So far as the latter country was concerned ministerial support could be wielded most effectively at the London end, either in influencing the judgments of the House of Lords on franchise cases⁶ or the committees of the House of Commons on contested returns.

As to "management" it falls outside the scope of this study

6.

See, for example, a suggestive passage in Ramsay's "Scotland and Scotsmen in the 18th. Century", vol. I, p. 341. This refers to the influence brought to bear by Lord Mansfield on the House of Lords to countenance parchment votes, "to extend the right of suffrage to persons who derived their sham titles from peers or great commoners." In this work Mansfield obviously had definite political ends in view.

which must admittedly be accounted a serious source of weakness. The subject, however, was too vast to be attempted here and anyway a close study of electoral law and procedure is a prerequisite for any worth-while examination of this particular problem. Quite clearly management rested upon a series of bargains between the manager and the leading interests in the counties and burghs. No one man could hope to dominate 45 constituencies of very diverse composition and structure, all of which might pose intricate technical as well as merely personal problems. Unfortunately, we hardly know enough about the main managers to venture far upon this tack, although Holden Furber's study of Henry Dundas does plot the main course of his career. It fails, however, to penetrate into the High Courts and the Court of Session. It relies too much upon the plans bruited from time to time in the Melville papers; it fails to show us the implementation of the plans in practice. In short, we know the pre-match strategy and the result and just have to assume that this is the operation of cause and effect. It need not necessarily be so. In this field the greatest desiderata, both from the point of view of Scottish and British history, are without question detailed studies of Isla, Stuart Mackenzie and Henry Dundas as political managers of Scotland. Till these are forthcoming the political history of Scotland in the 18th. century will be merest guesswork. And just how important the closely knit Scottish contingent at Westminster might be recent

work on parliament in the 18th. century demonstrates.⁷

The Reform Act of 1832 was not such a decisive stroke as was once imagined. The defects of that Act were glaring and permitted another era of electoral abuses. Again the history of Ross-shire speaks for itself and requires no elaboration here. It shows clearly that undue influence at elections still played a large part in politics, albeit rivalled after 1832 by other factors. The year of decision was 1847. In that year the electorate revolted, broke free from the old feudal bonds and could thenceforth be fairly described as responsible. The greatest factor leading up to this development seems to have been the Disruption of the Church in 1843, although economic factors played an important but subordinate auxiliary rôle. Again, so far as the conduct of politics in Scotland after 1832 is concerned it is not possible to dogmatise on the available evidence. The old view is no longer tenable but the new must await detailed analysis of the electoral histories of the shires and burghs. That perhaps is the greatest single lesson imparted by this study: the key to politics really lay in the localities as much as at the centre of government. The latter has monopolised the stage too long. To

7.

See, e.g., John Brooke, "The Chatham Administration, 1766-68." Mr. Brooke does not deal specifically with this topic, but by revealing the small number of supporters that any one parliamentary interest could command his work does much to explain the extraordinary influence wielded by Henry Dundas after 1734.

redress the balance and secure a closer approximation to truth a minute examination of the political life of the constituencies is essential. It is to be hoped that the analysis of politics in Crenarty, Ross and Dingwall has contributed a little towards this end.

Finally, perhaps, a word might be devoted to the moral problem implicit in the conduct of 18th. century politics itself at the time and in the latter-day study of the same. Rightly or wrongly the belief gains ground that 18th. century English politics were amoral, that bribery, corruption and all manner of chicanery were then regarded as perfectly normal transactions only to be deplored if success were denied. Bubb Dodington's famous and bitter words spring naturally to mind in this context. But clearly had Bubb succeeded he would scarcely have deplored the necessity of keeping company with low and venal wretches. That, however, is rather beside the point. So far as England is concerned the present writer does not venture to pass comment on the matter one way or the other. But in the case of Scotland he is of opinion that bribery and corruption were always recognised and condemned as such. The practices were deep-rooted, but reprehended. And indeed many of the freeholders who stooped to the ~~existing~~ ^{existing} stratagems of the time bitterly lamented the necessity that brought them to this pass. Colonel Scott was a rather rare bird in that he made no endeavours whatever to conceal his bribing operations, in this perhaps reflecting English influences. Sir

John Gordon, on the other hand, who was also doing his humble best in this way, was very much more discreet. It is impossible to avoid the conclusion that although electoral abuses were prevalent in Scotland public opinion roundly condemned them. This appears in such diverse works as those of Wodrow, the autobiography of Thomas Sommerville and the extremely interesting reminiscences of Ramsay of Cchteryre. It is also reflected in the statute book, for the Act of 1743 was the work of our old friend, the Lord Advocate Robert Craigie. Craigie was new to the political game and seems to have been shocked by the prevailing corruption and not least perhaps in his own return for the Northern Burghs. Ramsay, in his interesting account of Craigie, notices this aspect of his character and that he was also responsible for the sober decorum and honesty that marked the conduct of politics for many years in Forth-shire.⁸ If there was indeed this different moral approach to politics in Scotland and England it would be no easy matter to explain it. The greater influence of the Church in Scotland, and the rigid moral code which it inculcated, must have played a large part in creating an atmosphere ill-disposed to accept blatant dishonesty. Yet over the greater part of the 18th. century the distaste for

8.

Ramsay's, "Scotland and Scotsmen in 18th. Century", vol. I, p.112 for Act of 1743; *ibid.*, vol. I, pp.119-120, for Craigie's influence in Forthshire.

unsavoury electoral practices seems to have been restricted to the educated politically conscious class itself. There is no real record of popular discontents or criticisms. As already noted there arose at the end of the century when, for reasons discussed in chapter II, the conduct of politics became more openly corrupt than hitherto. That the system was corrupt from 1707 until 1832 and beyond there can be no question, but that this corruption was ever accepted as in the nature of things does not appear to have been the case.

The second facet of the moral problem concerns the approach adopted by the student. The golden rule here must surely be to try to get at the attitudes and accepted values of the age under consideration. This is by no means the easiest of the historian's tasks and lapses, perhaps unconscious, into latter-day standards may occur from time to time. If some hard things have been said about various aspects of elections or particular persons involved they may be set to this account. At the same time, the problem is not quite so simple as all that. As indicated above there were those who refused to seek refuge in "double-think" or whatever the 18th. century equivalent was for that. Some believed, just as we do today, that corruption was corruption and not a constitutional blessing or anything else. In fact those who held this view are very near the way of regarding the matter propounded by Professor Fures. They lamented the existence of bribery and corruption but saw that something more than statutes were needed

to terminate their sway. They failed to perceive that a fundamental change in the constitution alone could do that, that the answer lay in the closing of the dangerous gap between the legislature and the executive. As a solution it would have horrified them, raising, as it would have seemed, the ghosts of Cromwell and his parliaments.

Appendix.

Session Papers

R.P. 14. 22.

I. Another copy of same in vol. 45. 46.

which has marginal notations giving decision.

Nov. 19. 1753.

Unto the Right Honourable the Lords of Council
and Session.

The
Petition and Complaint
of

Thomas Mackenzie of Highfield, and Roderick Macleod
of Cadboll, Freeholders of the County of Cromarty,

Humbly sheweth,

That in Consequence of an Act past in the 16th Year of
his present Majesty, intituled, An Act to explain and amend the
laws, touching the Elections of Members to serve for the Commons
in Parliament, for that part of Great Britain called Scotland,
Sir James Mackenzie of Royston, a Freeholder standing on the Roll
for the said County of Cromarty, did in the Year 1743, prefer to
this Court a Petition and Complaint against Sir John Gordon of
Invergordon, Alexander Gordon of Ardoch, Mr. Charles Hamilton-
Gordon Advocate, John Gordon, Son to the deceased Sir William
Gordon of Invergordon, Leonard Ureuhart Writer to the Signet, and
Adam Gordon younger of Ardoch, setting forth That all and each of

these Gentlemen stood upon the Roll for Elections, without having the proper Qualifications in their Persons to intitle them to that Privilege; and therefore praying your Lordships to grant Warrant to summon them to answer to the said Complaint.

That the Determination of the foresaid Complaint was delayed for some time, by reason of the Defenders their asking Diligences to recover the Titles of their Qualifications, and Lord Royston having died in the meantime, there was no further Procedure had in that Complaint: And such of these Gentlemen as are alive, have ever since continued upon the Roll of that County.

That the Roll of that County at present consists of the following Persons, viz. Sir John Gordon of Invergordon, Mr. Charles Hamilton-Gordon Advocate, Adam Gordon now of Ardoch, Leonard Urquhart Writer to the Signet, and the Petitioner, Roderick Macloed of Cadboll.

That upon the 25th. July last, the Petitioner Thomas Mackenzie lodged his Claim with William Davidson Sheriff-Clerk of Cromarty, whereby he claimed to be inrolled upon the Roll of Freeholders for the County of Cromarty, as apparent Heir-male to the deceas'd John Mackenzie of Highfield his Grandfather, and in Possession of the Lands of Koikie Farrel and others, lying in the County aforesaid, in which Lands the said deceas'd John Mackenzie his Grandfather stood infeft, upon a Charter under the Great Seal, in favour of him and his Heirs-male, dated 12th February 1732, and which Lands stood valued in the Cess-books at

519.L.Scots.

That a few Days after giving in the foresaid Claim, the said Thomas Mackenzie did likewise give in to the foresaid Sheriff clerk Objections against the said Sir John Gordon, Mr. Charles Hamilton-Gordon, and Leonard Urquhart, their being continued upon the same Roll, for that a remarkable Alteration had occurred in their Circumstances since they were inrolled; viz. That the whole Lands and Estate which had belonged to the deceas'd Sir William Gordon of Invergordon, and for Parts of which Estate they and each of them had been inrolled, had since their Inrolment been brought to a judicial Sale in this Court, at the instance of the said Sir John Gordon, as apparent Heir to the said deceas'd Sir William Gordon his Father, and in which Process the other two were Defenders among many others, and had been sold to Thomas Polches Sheriff clerk Depute of Edinburgh, conformable to the Decreet of Sale, dated the 22d. of November 1751.

That the Petitioner Roderick Macleod of Caiboll did likewise in due Time lodge Objections, against those three Gentlemen continuing upon the Roll, the same in substance with those given in by Thomas Mackenzie. And the foresaid Claim and Objections were received and indorsed by the said William Davidson as Sheriff Clerk.

That in like Manner Sir John Gordon made Objection against the said Mr. Charles Hamilton-Gordon, and Adam Gordon their continuing upon the said Roll.

That the said William Davidson did thereafter write Letters to the Petitioners intimating to them that the Michaelmas Head-Court for the present Year was to be held at the Burgh of Cronarty upon the 16th. Day of October.

That accordingly upon the said 16th. Day of October, the Petitioner Thomas Mackenzie did repair to the Burgh of Cronarty, and when he arrived there about 10 o'Clock before Noon, he was informed the said Sir John Gordon, Mr. Charles Hamilton-Gordon, Adam Gordon of Ardoch, and Leonard Urquhart were in Town: Whereupon the Petitioner set about preparing every thing for supporting his own Claim, and maintaining the Objections he had made to the Votes of the other three Freeholders; for which last Purpose he likewise had a Mandate of Precuratory from Roderick Macleod of Cadboll.

That as it plainly appeared the foresaid Objection against Sir John Gordon, Mr. Charles Hamilton-Gordon and Leonard Urquhart, that they were denuded, could admit of no Answer, it was certainly of Importance to them to devise some Scheme for their own Preservation. And although since the Act of the 16th of the King which put Matters of Election upon so certain a Footing, one would have thought it almost impossible to have fallen upon a Way to elude the Law, yet an Attempt of that kind has been made in the present Case. Such is the Fertility of human Invention! A Meeting of the Freeholders was a dangerous thing, and therefore was to be parried. Accordingly the Petitioner was soon let to know, that

the foresaid Gentlemen, though all in the Town of Cronarty, were resolved to hold no Michaelmas Meeting for Inrolment that Day.

They were the only Gentlemen upon the Roll except Roderick Macleod of Cadboll, who by accidental Indisposition could not attend, and they thought if they did not meet, no Alteration could be made upon the Rolls.

That the Petitioner having got Intelligence of this Scheme, did betwixt the Hours of Twelve and One that Day, with a Notary and Witnesses, repair to the personal Presence of the said William Davidson, who had hitherto acted as Sheriff Clerk of the County, and in his own Name, as well as in the Name of Roderick Macleod of Cadboll, required him under Form of Instrument to repair to the Town House, and there to call over the Roll of Freeholders and constitute the Meeting, that he might have an Opportunity to prosecute his own Claim, as well as the Objections made by him and Cadboll to the other Freeholders. To which William Davidson answered, that he was not now Sheriff Clerk of the County, and could not act in that Capacity, whereupon the Petitioner asked him who was Sheriff-Clerk, to which he declined to give any Answer. Thereafter the Petitioner required the said William Davidson to deliver up to him the foresaid Claim and Objections he had lodged in his Hands, or authentick Extracts of the same. To which the said William Davidson answered, that betwixt and Two o'Clock that Afternoon he would give the Petitioner an Answer whether he would comply therewith or not. But though the

Petitioner remained in Town 'till betwixt Four and Five o'Clock that Afternoon, he received no Answer from the said William Davidson.

That the Petitioner likewise repaired to the personal Presence of the said Sir John Gordon, Mr. Charles Hamilton-Gordon, Adam Gordon of Ardoch, and Leonard Urquhart, and under Form of Instrument, required Sir John Gordon, as last Member of Parliament for that County, to repair with these other Gentlemen to the Town-house of Cronarty, to hold the Michaelmas Meeting for Inrolment; and particularly required the said Leonard Urquhart so to do, as the Person who the Petitioner was informed was named Sheriff-clerk, in place of William Davidson. To which Sir John Gordon answered, That he did not think himself authorised to proceed to hold the Michaelmas Meeting for Inrolment, nor to call the Rolls, and refused to do the same. And the said Leonard Urquhart answered, that he was not Sheriff-clerk of the said County, and that he neither could nor would act in that Capacity. And, in Fact, no Meeting of Freeholders was held that Day, nor any other Day in this Year.

That by this Contrivance, of which, at least, the Ingenuity must be admired, the Petitioner will be cut out of his just Right and Privilege of being inrolled as an Elector in this Country, to which he has an undoubted Title; and from prosecuting his Objections against the Titles of the foresaid Gentlemen who have not the Shadow of a Right to stand upon the Roll, was it not that

the Law has wisely provided Recourse to this Court against all wrongs done by Freeholders in the Admission or Non-admission of Electors: To your Lordships therefore your Petitioners must resort one of them to have his Claim to be inrolled, sustained, and both to have their Objections against the other Freeholders discuss. For which Purpose they have herewith produced Copies of the Claim, and Objections, with the Protests beforementioned; and by a Diligence, they will recover the principal Claim and Objections.

By the Laws made with respect to Elections, particularly by the Act 1631, "The Freeholders are required to meet at the Head-burrows of the several Shires at the Michaelmas Head-court yearly, to revise the Roll of Election, and make such Alterations therein as have occurred since their last Meeting from time to time." If the Freeholders shall contumaciously refuse to hold such Meeting, to do Justice in the different Cases that may come before them, the Parties interested must have Recourse to your Lordships ob denegatum justitiam.

Should this Remedy be refused, it would, in many Counties, be in the Power of a few Freeholders of one Way of Thinking, to keep themselves upon the Roll for ever, tho' without being intitled to such Privilege, and to debar all others, tho' possessed of the clearest Right. It would at once unhinge and overturn the whole System of the Laws so anxiously contrived to prevent Abuses in Matters of Election.

May it therefore please your Lordships, to take the Premises into your Consideration, and to grant Warrant for summoning the said Sir John Gordon, Mr. Charles Hamilton-Gordon, Adam Gordon, Leonard Urquhart, and William Davidson, above complained upon, or such of them as your Lordships shall think proper, and to ordain them to answer upon 30 Days Notice; and to find that the Petitioner, Thomas Mackenzie, ought to be enrolled in the Roll of Freeholders for the County of Cromarty, upon the foresaid Claim and Title-deeds produced by him for that Purpose; and to find that the said Sir John Gordon, Mr. Charles Hamilton-Gordon, and Leonard Urquhart, ought to be expunged from the said Roll upon the foresaid Objections entered against them; and, lastly, to ordain the said William Davidson to exhibit in Court the foresaid principal Claim and Objections, or Extracts of the same, or to Grant Diligence to the Petitioners for recovering them.

According to Justice, &c.

And. Fringle.

His. note here appended.

"Edinr. 20 Novr. 1753."

"The Lords having heard this Petition they grant Warrant for serving the persons complained upon personally or at their Dwelling places with a Copy of this Complaint & Deliverance And ordain them & each of them to give Answers thereto within Thirty days after such Service and grant Diligence at the Complainers

instance agt. ? for recovering the Claims given by the
Complainer Thomas Mackenzie to be inrolled in the Roll of free-
holders in the County of Cromarty and Objections given in by both
the Complainers agst. the Persons complained upon and also for
recovering of the Minutes of former Meetings of the Freeholders
and of the Elections of this County to the fifteen December
next." — (Sign'd) Gilb. Elliot. I.P.D.

S.P. 14: 22.

December 15th. 1753.

Answers

For

Sir John Gordon of Invergordon, Bart., Mr. Charles Hamilton-Gordon Advocate, Adam Gordon of Ardoch, Leonard Urquhart Writer to the Signet, and William Davidson Writer in Cromarty,

To The

Petition and Complaint of Thomas MacKenzie of Highfield, and Frederick MacLeod of Catbole.

The Respondents have been served, by Order of your Lordships, with a Petition and Complaint in Name of Thomas MacKenzie of Highfield, and Frederick MacLeod of Catbole, under the Title and Character of Freeholders of the County of Cromarty; and which Complaint is said to be founded upon the Statute of the 16th of the King, for explaining and amending the Laws touching the Election of Members to serve for the Commons in Parliament for that Part of Great Britain called Scotland. ¹/₂ And the Complaint does in Substance, set forth, "That in the Year 1743, Lord Royston preferred a Petition and Complaint against the Respondents and others, then standing upon the Roll of Freeholders for this County, but that little or no Procedure was had thereupon, by reason of Lord Royston's Death. That the

Respondents Sir John Gordon, Mr. Charles Hamilton-Gordon, and Leonard Urquhart, and with them Adam Gordon, now of Ardoch, and the Petitioner Catbole, are the only Freeholders who now stand upon the Roll of said County. That the Petitioner Highfield timeously lodged his Claim with William Davidson Sheriff-clerk of Cromarty, for being entered upon this Roll, as apparent Heir to his Grandfather, in Lands which stand valued in the Cess-Books at 519.L. Scots. That both Petitioners did timeously lodge separate Objections against the three Respondents, Sir John Gordon, Mr. Hamilton and Leonard Urquhart, in order to have them struck off the Roll, in respect of a remarkable Alteration in their Circumstances since they were inrolled. That the Respondent Sir John Gordon did likewise lodge Objections against the Respondent Mr. Charles Hamilton-Gordon, and against Adam Gordon now of Ardoch. That Highfield repaired to the Burgh of Cromarty upon the 16th of October, being the Day appointed for holding the Michaelmas Head Court, with a View to prosecute his own Claim, and the Objections to the three Respondents above named; for which last he had also a Mandate or Procuratory from the other Petitioner Catbole. That though the aforesaid three Respondents, and Ardoch, being the whole Freeholders upon the Roll, except Catbole, were that Day in the Town of Cromarty, they declined to hold the Michaelmas Meeting. That the Respondent William Davidson, as Sheriff-clerk, was required to constitute the Meeting, and call over the Roll, which he refused, in regard (as he said)

he was not then Sheriff-clerk, but refused to tell who was Sheriff-clerk, and declined or postponed to deliver up the Claims^{2/3} and Objections which had been lodged in his Hands. That the like Requisition was made to the Respondent Leonard Urquhart, as the Person who was said to have been named Sheriff-clerk, in Name of William Davidson, which he likeways refused, saying that he neither could, nor would act in that Capacity; and as by these Means it happened that no Meeting was held, the Petitioners think themselves intitled to complain thereof to your Lordships, in this summary Manner, as of a Wrong done, which therefore must have a Remedy, in respect the Petitioner Highfield was thereby debarred an Opportunity of being inrolled, and of having the Respondents expunged; and therefore the Petitioners pray, that your Lordships would do Justice in both the Premises, by ordaining Highfield to be inrolled, and the Respondents expunged."

The Respondents will readily admit, that as MacLeod of Catbole has stood upon the Roll of Freeholders of this County for several Years past, so he is duly qualified to continue upon that Roll. But one unlucky Circumstance occurs, which disables him to act as a Freeholder, viz. That he has not hitherto chosen to take the Oaths required by Law; and it is for this Reason that he has wisely abstained from being present at any Meeting of Freeholders, or acting in any Capacity which required these Oaths to be previously taken; and while he continues in these Sentiments,

though he may stand upon the Roll, he cannot act in any one respect as a Freeholder. And the Respondents will submit it to your Lordships, how far, under these Circumstances, it was competent for Catbole to have lodged Objections to the Qualifications of the other Freeholders standing upon the Roll, or to complain to your Lordships of any Wrong done by these other Freeholders, whether by acts of Commission or Omission. Had there been a Meeting of Freeholders, he could not have moved these Objections without first taking the Oaths: How then he should be entitled to complain of a Wrong done, must be submitted. ^{3/4}

And upon this Consideration the Respondents will be forgiven greatly to doubt, whether Catbole authorises this Complaint, or whether the Objections lodged in his Name had any Authority from him. That he did not lodge them personally, is certain. They are not authenticated by his Subscription, and no Mandate or Commission is produced to any third Party to lodge the same, though, from the whole Strain of the Act, it is apparent, that none but a Freeholder, standing upon the Roll, can object to the Titles of another Freeholder, which, therefore, makes it necessary, that where Objections are lodged, they should be some how authenticated to proceed from that Person in whose name they are lodged, as, without some such Check, any Street body might lodge Objections against the whole Freeholders in Scotland. But the Respondents have the less Occasion to be solicitous upon this Article, as they are advised that the whole Complaint is, in other

respects, incompetent and irrelevant.

As for the other Petitioner, MacKenzie of Highfield, neither he nor any of his Predecessors ever stood upon this Roll; and when his Titles come to be canvassed, it will be found, that he is so far from having 400L. of valued Rent, that he has no Valuation at all, further, than as the Lands under which he claims may have been included in a cumulo Valuation of the Lordship of Cromarty, never legally divided or disjoined. But supposing his Qualification to be ever so good, he is yet but in petitorio, and therefore had no Title to lodge Objections against any Freeholder who stood upon the Roll; and consequently no Title to complain on that Score; so that the Complaint, quo ad him, would at any Rate fall to be restricted to his own Claim for being entered upon this Roll.

All that the Respondents have Occasion therefore to say at present, in support of their own Titles, is, that they were duly admitted to this Roll by the Michaelmas Meeting 1740; and when their Titles shall be called in Question by any Person intitled to object, they will have no Difficulty to show that no Alteration ^{4/5} in their Circumstances has occurred by the Sale of Sir William Gordon's Estate. What Interest in these Lands belonged to Sir William Gordon, viz. the Reversion of some Wadoets was sold, and no more could be sold; for, though it is true, that Lord Royston, in Resentment of the Objections he was well apprised were to be made to his Qualification, and which were

accordingly made in the Year 1743, did object to every single Freeholder that stood upon the Roll, except MacLeod of Catbole, from whom he expected no Opposition, for the Reason above mentioned, yet as these mutual Complaints were not prosecuted, the Respondents have continued, and must continue upon that Roll, until their Titles are called in Question by some proper Contradictor, and in the Way and Manner prescribed by Law.

These Observations being premised, before that the Respondents proceed to state their more particular Objections and Defences, both to the Competency and Relevancy of this Complaint, they beg Liberty to observe, that these Michaelmas Meetings were calculated for the Ease and Conveniency of the Freeholders themselves, to facilitate and prepare Matters for the Election of Commissioners to Parliament, by previously adjusting the Rolls of those that were found qualified to vote at such Elections; but as the Directions of the Statute 1631, in this respect had not been complied with in many of the Counties in Scotland, the Statute of the 16th of the King, pursuing the same Plan, and which is now the governing Rule, put this Matter under very different Regulations.

And more particularly, as no precise Day was fixed for holding the Michaelmas Head-court in the different Counties, which furnished a Handle for playing Tricks, the Statute of the 16th of the King, in order to prevent all Uncertainty in Time coming as to the Day of Meeting enacts, "That every Sheriff or Steward shall,

at least Fourteen Days before Michaelmas then next (1743) appoint a precise Day for holding his Michaelmas Head-court, in the Year 1743, and shall cause intimate $\frac{5}{6}$ the Day of holding his Court, at all the Parish Churches within the said Shire or Stewartry, upon a Sunday, at least eight Days preceeding the next Michaelmas Head-court; and that the Days so to be appointed before Michaelmas next, shall be the Anniversary for holding the Michaelmas Head-court of said Shire or Stewartry in all Time coming."

How far these Regulations may have been complied with in the other Counties of Scotland is to the Respondents unknown; but it is certain Fact, and will so appear from the Records of the Sheriff-court of this County, that the Earl of Cromarty, who was then heretable Sheriff, did not, within the Time limited in the Year 1743, appoint any Day for the Michaelmas Head-court of that Year, and which, if so appointed, the Law had declared to be the Anniversary in all Time coming; and tho' it may be true, that after Michaelmas 1743 he appointed the third Tuesday of October to be the Anniversary for the County of Cromarty, such Appointment had no Authority from the Statute, and therefore it may well be doubted, whether, supposing all the other Rules prescribed by that Statute had been complied with, there is to this Hour, any anniversary Day legally established for the Freeholders to meet. But be that as it will, the Order was defective in another more essential Point, that to this Hour no Intimation was made in the Form and Manner prescribed by the Statute; and while that is not done,

the Freeholders are not presumed to know that any Day for their Meeting is appointed. No Citation of the Freeholders to assemble is required. It was the Intention of the Law, that the Day notified in this public Manner should stand in lieu of all further Notice; so that had there been a Penalty upon the Freeholders (sic) that did not attend, they would not have been subjected to such Penalty, when the Anniversary Diet was not fixed and notified in the Way and Manner the Law required. And in Fact, from that Day to this, there has never been one Meeting of the Freeholders of this County. 6/7.

Nor will this be Matter of Surprise, when it is considered, that as the Property of this small County was in a few Hands, so that there were never above four or five Freeholders intitled to be upon the Roll, they had no Business to transact that should require their Meeting; and if any Alteration was to be made upon the Roll, by adding or expunging, this could easily be done upon the Day of Election, without interrupting the more important Business of that Day.

A second Observation, which the Respondents will take the Liberty to premise, respects the particular Cases in which this Statute authorises a summary Complaint to your Lordships, and which is only in these two: 1st, If the Michaelmas Meeting shall refuse to admit any Claimant who was intitled to be inrolled; or 2dly, shall strike off any Person who was intitled to have been continued upon the Roll; it is in these Cases only, that the Law

authorises such summary Complaint, and gives your Lordships a Power to review and rectify the Proceedings of the Freeholders.

But there is a 3d. Case, whether designedly omitted, or by Oversight, is immaterial, in which the like Wrong may be done, but as to which the Law has not thought proper to give Relief, in this summary Manner, or to vest your Lordships with any Authority. What the Respondents intend is, that supposing a Freeholder standing upon the Roll to be objected to, in respect of an Alteration of his Circumstances, and notwithstanding thereof to be kept upon the Roll, however unjustly, the Statute gives no Relief by summary Application to your Lordships, nor gives your Lordships any Power to review or rectify the Proceedings of the Freeholders in that Particular. Whether any other Remedy may be competent at common Law is not *hujus loci*.

The 3d. and last Observation proper to be premised is, that your Lordships have no original Jurisdiction in these Matters, at least, not in the Form of a summary Complaint. You are a Court of Review, authorised by positive Statute, to review the Proceedings ^{7/8} of the Meetings of Freeholders, and to redress any Wrong by them done, in such Particulars as the Statute has authorised to be brought before your Lordships in this Summary Manner; further than this you have no Power, no original Jurisdiction. Was it ever so apparent, that any Person was entitled to be upon the Roll of any County, your Lordships cannot place him upon that Roll, or expunge any other, however apparently defective

his Title may be. The Freeholders have a private Jurisdiction in these Particulars in the first Instance, either at their Michaelmas Meetings, or Meetings for Election; and whoever means to be inrolled, or to disqualify any other that stands upon the Roll, must present and prosecute his Claim and Objections, before the Freeholders themselves, and can only resort to your Lordships, by summary Complaint, in case of Wrong done by the Freeholders.

And these Particulars being attended to, a very few Words shall suffice for Answer to all the material Heads of this Complaint.

The first and capital Article of Complaint is, that the Respondents refused to constitute themselves into a Michaelmas Meeting, in order to receive Highfield's Claim for being inrolled, and to expunge themselves; and therefore as this was a Wrong, the Petitioners think they are entitled to demand Relief of your Lordships in this summary Manner.

To which the following Answers are humbly offered; 1st, That the Law has not made it necessary, that the Freeholders should hold their Michaelmas Meetings, whether they are inclined so to do or not. Had that been intended by the Legislature, there must have been a Penalty imposed upon every single Freeholder that was absent; and where the same Person happened to be a Freeholder in different Counties, where the Anniversary was the same, as he could not be in many Places once, he must have

been liable to as many Penalties for not performing Impossibilities. These Michaelmas Meetings were meant for the Conveniency and Accommodation of the Freeholders ^{8/9} themselves, and to facilitate Matters upon the Day of Election. If they chuse to hold their Meetings, good and well; if not, there is no Compulsature, nor any Penalty; consequently no Ground for summary Complaint. If one Freeholder may impune be absent, so may all. And here lyes the cardinal Mistake in the Petitioners whole Argument, that they suppose the Freeholders to be laid under an absolute Necessity of holding these Michaelmas Meetings.

2dly, The Anniversary for this County was not legally ascertained nor notified in the Form and Manner the Law directed; and therefore the Freeholders were neither entitled to meet, where no Day of Meeting was appointed, nor are they presumed to have known the Appointment, irregular as it was, where the same was not notified in the Manner prescribed by the Statute.

3dly, If all these Difficulties could have been got over, what for a Meeting would this have been, where the whole Freeholders upon the Roll, Catbole only excepted, who never attends, were objected to? The first Thing that falls regularly to be done in such Meetings, is to purge the Roll of all that are disqualified by Alteration of Circumstances, before new Claimants are admitted. And supposing, for Argument's Sake, that the Objections to the Respondents and Ardoch, who are all in par casu, had been relevant, and that these Gentlemen should have been all so disinterested as

to expunge themselves, and thereby to leave a naked Roll, where was the Meeting that could have admitted Highfield supposing his title had been good?

4thly., Or supposing, and which is more probable, that these Gentlemen, satisfied of the Sufficiency of their own Titles, had repelled the Objections, and continued themselves upon the Roll, where would have been the Foundation for this Article of the Complaint?

It has been already noticed, that the Statute authorises these summary Complaints in two Cases only, viz. the admitting one that is not qualified or the striking off one ⁹/₁₀ that is qualified, but gives no such Remedy, where a Person standing upon the Roll, but objected to, is by the Freeholders continued; and if the Complaint would, in this Respect, have been incompetent, supposing the Freeholders had not and repelled the Objections, how can the Petitioners be heard to complain that they did not meet for that Purpose? or what entitles them to demand of your Lordships to assume an original Jurisdiction in this Particular, because it so happens that there neither was nor could be a Michaelmas Meeting in this County, when no such Complaint would have lain, had the Meeting continued the Respondents upon the Roll? If Highfield is duly qualified, he will soon have an Opportunity to present his Claim, and to have the Respondents expunged if they are disqualified.

5thly, As Highfield did not stand upon the Roll, he was

not entitled to have lodged Objections against the Respondents; consequently not to complain of the Freeholders for not meeting to judge of these Objections.

6thly., Tho' Catbole was entitled to have objected, there is no Evidence that he lodged any Objections, and as he did not attend upon the supposed Anniversary, there was no Person to move and support his Objections, consequently no Ground of Complaint at his Instance, more especially as, supposing him to have been there, it is notorious that he would not have sisted himself as a constituent Member of that Meeting.

The other Objections are but Embellishments, and no ways material to the Issue.

And first, as to the Respondent William Davidson, who is complained of under the Character of Sheriff-clerk, that when required to constitute the Meeting, and call the Roll of Freeholders, he refused; the Petitioners ought to have pointed out the Law that makes the Sheriff-clerk, Clerk to the Meeting of Freeholders, or entitles him, under that Character, to constitute the Meeting of Freeholders, and to call the Rolls. But this must appear the more groundless when your Lordships are ¹⁰ 11 informed, that William Davidson had acted only as an interim Sheriff-clerk, by Commission from Rose of Geddes his Majesty's Sheriff-depute, 'till another Clerk should be appointed: That he had neither got Possession of the principal Roll of Freeholders, as made up at any former Meeting of Election or Enrolment, nor

of the principal Minutes on either of these Occasions, and that he was superseded from this Office by a Commission from the Lord Wilton, in name of the Respondent Leonard Urquhart.

2dly, The Respondent Leonard Urquhart is complained of, for that tho' a new Commission had been issued in his Name as Sheriff-clerk, he likewise refused to constitute the Meeting and call the Rolls; to which the former Answer is repeated, with this Addition, that he never did accept of this Commission or act under it, for this good Reason, that as he could not attend it in Person, and as it has no Salary or Perquisites, he could then find no body that would accept of being his Depute, the people of that Country not having so much of the Spirit of Patriotism as to bestow their Labour in these public Offices for nothing.

And as the Petitioners have said, that the whole Freeholders refused to meet or act, the Respondents beg to know what it would have availed if either Mr. Davidson or Mr. Urquhart had attempted to constitute a Meeting without any Members; or how Highfield could by Means thereof have got himself inrolled or the others expunged? But as both these were impracticable, and as the Petitioners do not complain of any actual Wrong done, but, on the contrary, that the Freeholders would neither meet nor act, if that Wrong is to be redressed, the Prayer of their Complaint ought to have been, that your Lordships would ordain the Freeholders to meet against next Michaelmas, sooner than which they

cannot meet, unless an Election intervene, and to take under Consideration Highfield's Claim for being enrolled, and the Objections to the Titles ^{11/} ¹² of the Respondents; and if he can prevail with your Lordships to make it a Condition of this Order, that the Respondents shall strike themselves off the Roll, Highfield as being the only acting Freeholder upon the Roll, will have a good Game to play.

And therefore, to conclude, it is hoped your Lordships will dismiss this Complaint as incompetent and irrelevant, leaving it to the Petitioners to prosecute, as they shall be best advised, the Claim and Objections in any Meeting of the Freeholders, whether at a Michaelmas Meeting, or for an Election; when, and no sooner, if Wrong is done they may be entitled to complain to your Lordships for Redress.

In respect whereof, it is humbly hoped your Lordships will not only dismiss the Petition and Complaint as incompetent, but also will find the Petitioners liable to the Respondents in Expenses.

Al. Lockhart.

Bibliography.

Rather than list every work that was consulted, sometimes with negative results, it was thought preferable to write a brief bibliographical essay which would try to reveal something of the nature of the principal sources on which this study is based and, where necessary, indicate their peculiarities. The sources are listed as primary and secondary material and not on the more artificial lines of manuscript and printed. The latter are merely physical descriptions. As such they are employed here but subordinated to the more fundamental divisions of primary and secondary.

I. Primary Sources.

(a) Manuscripts. Note: Reg.No. = H.M. General Register House, Edinburgh; N.L.S. = National Library of Scotland, Edinburgh; Sig.Lib., = Signet Library, Edinburgh.

1. Books of Adjournal, Series D. Reg.No., These are the day to day accounts of the proceedings of the High Court of Justiciary. Since election cases rarely gave rise to criminal proceedings the records of the High Court are of limited value. A brief guide to them is furnished by the Minute-Books which contain most of the entries written up at greater length in the corresponding Books of Adjournal. The Circuit Books are very useful, for in them is often to be found information not recorded in the Minute-Books or Books of Adjournal. For this particular study the

Northern Circuit Book proved of some value.

2. Cunningham-Graham Memoranda, Reg.No., These papers are recently acquired and not yet fully inventoried. I owe the references to this source to the kindness of the Curator of the Historical Section of the Record Office and his assistants.

3. Delvine Papers; Lauriston Castle Collection, N.L.S. This vast collection includes the correspondence of a distinguished line of Edinburgh lawyers, the Mackenzies of Delvine, with their clients in the north of Scotland. John Mackenzie of Delvine (d. 1778) was interested in politics and his correspondence often reflects the important part played by lawyers in 18th. century Scottish elections. For that subject the main volumes of the correspondence (carefully sorted and bound by the N.L.S. since the papers were acquired) are:-

Vol.1142, Various correspondence of John Mackenzie of Delvine, in 1742.

Vol.1253. Davidson of Tulloch.

" 1260. Dingwall politics, 1740, et al.

" 1281, Gordon of Invergordon, et al.

" 1333, Mackenzie, Earl of Cromartie, et al.

" 1344, Mackenzie of Highfield and Strathgarve, et al.

" 1346, Mackenzie of Kilcoy, et al.

" 1354, Mackenzie of Royston, et al.

" 1357, Mackenzie of Seaforth; Kenneth styled Lord Fortrose.

" 1379-83, Macleod of Cadboll.

Vol.1392, Munro of Fowlis.

" 1488, Urquhart of Meldrum, et al.

" 1496, Ross-shire elections, et al.

4. Letters of David Ross, Writer in Edinburgh, 1762-1772,

Reg. Ho. Similar to the Delvine Papers, but on a much reduced scale, these letters again reveal the important parts played by lawyers in 18th. century political manoeuvres.

5. Melville Papers, N.L.S., Mss.1-2; 1, 1775-1811; 11, 1811-1837.

As they stand these papers are disappointing. It must be remembered that Dundas' papers have been widely dispersed, although the N.L.S. has acquired a fair proportion of them. Even so, Mss.1-2, furnish little more than some illuminating examples of election methods.

6. Miscellaneous Memoranda, transcripts made by George Chalmers, 2 vols., N.L.S., 35.6.4. There is much authentic and interesting material in these volumes, dealing largely with the local history and politics of the northern counties of Scotland in the 18th. century. Chalmers' transcripts are particularly useful for county valuations, papers now notoriously hard to come by.

7. Pocket-Book of Sir John Gordon of Invergordon, Part.,

1754-59. N.L.S., Ms.108; a fascinating olla podrida condensed by Sir John Gordon from a series of memorandum-books, now unhappily lost.

8. Records of the Sheriff Court of Cromarty; Freeholders'

Records, Reg.No., File L/18, Box 40. These sources are straightforward, except that they are not continuous over the whole period. Apart from a brief paper giving a list of freeholders in 1702-03 there is nothing until 1754; then comes another break until 1765, but thereafter the records of Michaelmas Head Courts and election meetings become continuous until 1832. The papers are loose and in general reflect the somewhat sporadic and haphazard proceedings of the freeholders in this county.

9. Records of the Freeholders of the Shire of Stirling, Reg.No.,

11 volumes, 1703-1831. This is an excellent source, extremely detailed and reliable throughout. There is no break in continuity whatever. Unfortunately, these records could only be used for purposes of illustration in this study. They could, however, very easily form the backbone of a minute study of the politics of Stirlingshire in the 18th. century.

10. Records of the Sheriff Court of Midlothian, Freeholders'

Records, Reg.No. Not nearly so complete as those of Stirlingshire, but furnish some important items for purposes of illustration.

11. Ross Estate Laminents, Reg.No., A few items, Nos. 551 and

⁵⁶³, deal with the politics of Dumbartonshire in 1774 and 1780 respectively.

12. Seaforth Papers, Reg.No., Boxes 32-34. This is only part of an extremely voluminous collection; Boxes 32-34, deal exclusively with politics. There are also important items bearing on

this subject in the Miscellaneous Bound Volumes. There is an excellent inventory of these papers.

15. Taylor Collection, H.L.S., Ms.63, vii. Contains some important depositions relating to the burgh politics of Dingwall and Mairn in 1721.

Primary Sources (Continued)

(b) Printed.

I. Record Publications:-

- (i) Acts of the Parliaments of Scotland.
- (ii) Journals of the House of Commons.
- (iii) Register of the Privy Council of Scotland.
- (iv) Registrum Magni Sigilli Scotie.

II. Statutes: (i) Statutes at Large.

- (ii) Scots Statutes Revised.

III. Decisions of the Court of Session.

The most important collection is that usually known as,

1. The Faculty Collection of Decisions, 1752-1825, 21 volumes. The volumes are consecutive but not numbered; references to this source given above number the volumes for convenience. Legal writers often cite this source by naming the compiler of the individual volumes, but as a method it has little to recommend it. This work is more or less continued in Shaw's "Cases, 1821-1834". 12 vols. 1831-34.

In addition there are numerous 18th. century compilations of decisions by private hands which while they cover the same ground often introduce new material. On the whole law reporting in the 18th. century was poor and even the collection sponsored by the Faculty of Advocates, which broke new ground by its fuller reporting, is by no means comprehensive. It pays, therefore, to consult all the collections. The principal ones, with their cumbersome titles shortened, are:-

2. W.H. Morison, "Dictionary of Decisions", 42 vols., 1801-07, and particularly vols. 5 and 6 (Burgh Royal) and 21 (Member of Parliament) which deal specifically with elections. This great digest forms an invaluable guide to the cases but the reports are usually too compressed to be of much service.

3. Sydney Bell, "Dictionary of Decisions, 1808-1833", 2 vols., 1841.

4. John Edgar, "Decisions, 1724 - ", 1742. Found in the same volume (Sig.Lib.) is David Falconer, "Decisions, 1744-48". 1756.

5. Lord Elchies, "Decisions, 1733-54", 2 vols., 1813.

6. David Falconer, "Decisions, 1748-51". vol.II, 1753.

7. William Forbes, "Decisions, 1705-13". 1714.

8. Lord Fountainhall, "Decisions, 1678-1712". 2 vols., 1759.

9. Alexander Nemo, "Decisions, 1735-44", 1757.

10. Lord Kames, "Remarkable Decisions", 2 vols., 1741.

11. Lord Kames, "Dictionary of Decisions", 2 vols., 1741.

- 12. Lord Kilkerran, "Decisions, 1738-52", 1775.
- 13. "Select Decisions, 1752-63", (Anon.), 1780.
- 14. Lord Woodhouselee, "Dictionary", 2 vols., 1797.

IV. Session Papers, Signet Library Collection.

Most of the pleading before the Court of Session in the 18th. century was conducted in writing and this vast collection contains most of the actual papers handed in by the advocates on behalf of their clients. The papers are bound together in numbered volumes, care being taken to have papers relating to particular processes bound together, so far as possible. This, however, was not always practicable and occasionally the plan breaks down. The papers are printed (something like 20 or 30 copies would be run off, for use of the Court, advocates, writers and litigants); sometimes individual papers contain useful marginal notations written in longhand and these occasionally help to unravel some intricate point under discussion or to elucidate the rationes decidendi of the judges. There is an admirable index to the processes, listed under subjects and also under parties.

As sources they are difficult. First, they are the work of advocates relying upon information supplied by litigants. They cannot, therefore, always be accepted at their face-value, except insofar as contending parties agree on issues of fact. Nonetheless, by reconciling the evidence adduced by parties and collation with other sources they can be made to yield an extremely detailed,

and on the whole accurate, account of the matters at issue. Secondly, they are difficult sources in that the multitudinous number of papers is not always arranged according to plan. In addition, some of the papers are duplicated in different volumes and since once launched the advocates tended to churn out the same arguments in the same words this makes for confusion. It is safest to make a complete inventory of all the papers dealing with a particular process and to strike out the duplicates before proceeding any further. Citation also presents problems. The plan followed here has been to cite the number of the volume in the collection. Thereafter the following procedure has been adopted: to give the number assigned to the particular series of papers dealing with one particular process or phase in a process. Thus, we have: Session Papers, vol. 684 : 1. This is followed by the title of the paper (usually abbreviated) and, most important as a means of identification, the date. Where relevant page references are given to particular papers. Such a reference will then run: Session Papers, vol. 684 : 1, Petition of Patrick Lord Elibank and others, 10th. Jan., 1767, p.2.

The main volumes of this collection that have been used are:-

Vol.6 : 49, Bayne of Tulloch v. Creditors.

vol.57 : 5, Dealing with the burgh of Dingwall.

vol.76 : 11, 12, " " " "

vol.95 : 1-49, " " " "

vol.65 : 47, Ranking of Creditors of Daine of Tulloch.

vol.60 : 38, Forres Burgh Election, 1754.

The following volumes contain important material dealing with the politics of the shire of Cromarty:-

vol.14 : 22.

vol.45 : 56.

vol.107: 4.

vol.133, passim.

vol.139, passim.

vol.140, "

vol.632 "

vol.634 "

Perthshire:-

vol.665, passim.

V. Printed Primary Sources relating to politics and elections.

1. Sir C.E. Adam, ed., "View of the Political State of Scotland in 1733". 1837. This is a very useful and accurate analysis of the Freeholders' Rolls in the individual counties, in which the structure of politics within each county is anatomized. It contains nothing on the burghs. There is a valuable introduction and appendices.

2. Anonymous. "A View of the Political State of Scotland at the late General Election", 1790. On same general lines as above but consists merely of lists of voters with no

attempt at analysis of interests. There is a slight treatment of the burghs, giving seats and the results of the last parliamentary election within each district of burghs.

3. Anonymous, "A View of the Political State of Scotland at Michaelmas 1811", 1812. Resembles 2 rather than 1.

4. "Culloden Papers", 1815.

5. "More Culloden Papers", ed. Warrand, 5 vols., 1923-30.

6. Seafield Correspondence, S.H.S., H.S., vol. III.

7. H. M. C. Reports; XV, Buccleuch; particularly, App., pt. III, 1897.

H. M. C. Reports; Laing Manuscripts, 2 vols., 1914, 1925.

8. Lord Cockburn, "Journal", 2 vols., 1874.

9. Lord Cockburn, "Letters on the Affairs of Scotland", 1874.

10. D. Littlejohn, ed., "Records of the Sheriff Court of Aberdeenshire", vols., 1904.

11. Scots Magazine, 1739 - .

VI. No division of sources can be absolute and some works are difficult to categorise. The following printed books are not properly speaking primary sources but neither can they be rightly regarded as secondary. On the whole they are best listed with the primaries.

1. Arthur Connell, "Treatise on the Election Laws of Scotland", 1827.

2. Robert Bell, "Treatise on the Election Laws, as they relate to the Representation of Scotland", 1812.

3. Alexander Wight, "The Rise and Progress of Parliament",
ed. 1784, 1 vol., ed. 1806, 2 vols.
4. The Old Statistical Account of Scotland, 1791-99.
5. The New Statistical Account of Scotland, 1835-45.
6. Cobbett's Parliamentary History.

VII. Works of Reference.

1. W. Anderson, "The Scottish Nation", 3 vols., 1860-63.
2. R. Chambers, "Eminent Scotsmen", rev. T. Thomson, 3 vols.,
1875.
3. Dictionary of National Biography.
4. J. Foster, "Members of Parliament Scotland".
5. G. E. C., "Complete Peerage", 13 vols., 1910-53.
6. "Scots Peerage", ed. Sir James Dalhousie Paul,
9 vols., 1904-11.
7. G. E. C., "Complete Baronetage", 6 vols., 1900-06.
8. "Ordnance Gazetteer of Scotland", ed. F. Groome, 6 vols., 1886.

II. Secondary Works.

1. A. Allardyce, ed. John Ramsay of Ochtertyne's "Scotland and
Scotsmen in the Eighteenth Century", 2 vols., 1883.
2. R. Bain, "History of the Ancient Province of Ross", 1899.
3. J. Barron, "The Northern Highlands in the Nineteenth Cen-
tury", 3 vols., 1903-13.
4. Robert Bell, "On the Completion of Titles to a Purchaser",
1815.

5. G. Brunton and D. Haig, "Senators of the College of Justice", 1936.
6. Gilbert Burnet, "History of My Own Times", ed. Airy, 2 vols., 1897.
7. John Cay, "An Analysis of the Scottish Reform Act with the Decisions of the Courts of Appeal", 1850.
8. Henry Cockburn, "Memorials of His Time, 1779-1830", ed. 1910.
9. Henry Cockburn, "Life of Francis Jeffrey", 1852.
10. J.B. Craven, "Visitation Journals of Bishop Forbes", 1886.
11. James Dallas, "History of the Family of Dallas", 1912.
12. "Diaries of the Lairds of Brodie", Spalding Club, 1863.
13. W.C. Dickinson, ed., "Sheriff Court Book of Fife", S.H.S., 1928.
14. E. Dunbar Dunbar, "Social Life in Former Days", Ser.1, Ser.2, 1865-6.
15. James Fergusson, ed., "Letters of George Dempster to Sir Adam Fergusson, 1756-1813", 1934.
16. William Forbes, "A Letter from William Forbes Advocate to his Friend in England.....concerning the Law of Election of Members of Parliament for Scotland, etc." 1710.
17. Sir William Fraser, "The Earls of Cromartie", 2 vols., 1876.
18. Holden Furber, "Henry Dundas, First Viscount Melville", 1931.
19. Norman Gash, "Politics in the Age of Peel", 1953.
20. A Dewar Gibb, "Law from over the Border; a Short Account of a Strange Jurisdiction." 1950.

21. Mrs. Elizabeth Grant of Rothiemurchus, "Memoirs of a Highland Lady, 1797-1830", ed. Lady Strachey, 1911.
22. Michael Greenberg, "British Trade and the Opening Up of China". 1951.
23. E. Halévy, "History of the English People in the Nineteenth Century", var. eds.
24. Rev. William Hanna, "Memoirs of the Life and Writings of Thomas Chalmers", 4 vols., 1849-52.
25. Lord Kames, "Historical Law Tracts", 1792.
26. W.L. Mathieson, "Scotland and the Union", 1905.
27. W.L. Mathieson, "The Awakening of Scotland". 1910.
28. W.L. Mathieson, "Church and Reform in Scotland". 1916.
29. H.W. McKillo, "Scotland and the French Revolution." 1912.
30. Hugh Miller, "The Headship of Christ", 1861.
31. Hugh Miller, "Essays Historical and Critical". 1862.
32. Macfarlane's, "Genealogical Collections", S.H.S., 2 vols., 1900.
33. W. McGill, ed., "Old Ross-shire, from the Tain and Balnagowan Documents", 2 vols., 1909.
34. A.J.G. Mackay, "Manual of the Court of Session Practice". 1893.
35. J. Mackay, "The Church in the Highlands", 1914.
36. Alexander Mackenzie, "History of the Macleods", 1839.
37. Alexander Mackenzie, "History of the Chisholms". 1891.
38. Alexander Mackenzie, "History of the Mackenzies", 1894.

39. Alexander Mackenzie, "History of the Munros", 1898.
40. Alexander Mackenzie, "History of the Mathesons", 1900.
41. Sir George Stewart Mackenzie, "View of the Agriculture of Ross and Cromarty", 1810.
42. W. Mackay Mackenzie, "The Old Sherifffdom of Cromarty", 1922.
43. J. Mackinnon, "The Union of Scotland and England", 1896.
44. C. MacNaughton, "Religious Life in Ross and Sutherland, 1633 to present day", 1915.
45. Norman MacPac, "Romance of a Royal Burgh, Dingwall's Thousand Years". 1923.
46. L.B. Namier, "The Structure of Politics at the Accession of George III", 2 vols., 1929.
47. L.B. Namier, "England in the Age of the American Revolution", 1930.
48. G.W.F. Ozond, "The Lord Advocates of Scotland", 2 vols., 1883.
49. G.W.F. Ozond, "Arniston Memoirs", 1887.
50. R. Innes, "George III and the Politicians". 1953.
51. "Bishop Pococke's Tours", B.H.S., 1887.
52. E. and A. Porritt, "The Unreformed House of Commons", 2 vols., 1903.
53. Charles Fridham, "An Historical, Political and Statistical Account of Ceylon", 2 vols., 1849.
54. G.S. Hyde, "Treaty of Union", 1950.
55. R.S. Rait, "The Parliaments of Scotland", 1923.

56. Walter Ross, "Lectures on the Law of Scotland", 2 vols., 1792.
57. Thomas Sommerville, "My Own Life and Times, 1741-1814", 1861.
58. R. Somers, "Letters from the Highlands", 1843.
59. Sources and Literature of Scots Law", Stair Soc., 1936.
60. H. Taylor, "History of the Family of Urquhart", 1946.
61. Charles Sanford Terry, "The Scottish Parliament, 1603-1707", 1905.
62. E.B. Thomson, "The Parliament of Scotland, 1690-1702". 1929.
63. T. Thomson, "Memorial on Old Extent", ed. J.D. Mackie, Stair Soc., 1946.
64. J.J. Tumulty, "The Ionian Islands under British Administration, 1815-54." Unpublished Cambridge Ph.D. thesis, 1952.
65. Sir Spencer Walpole, "History of England from the Conclusion of the Great War in 1815". Var. eds.
66. T. Wilkie, "Representation of Scotland since 1832", 1895.
67. J. Willcock, "Sir Thomas Urquhart of Cromarty", 1899.
68. E.L. Woodward, "The Age of Reform", Oxford History of England, 1938.
69. L.C. Wright, "Scottish Chartism". 1953.