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The MacKenzie Earls of Seaforth and the Stuart Dynasty, 1651-1719

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BA, MSc

**Submitted in fulfilment of the requirements for the
Degree of Doctor of Philosophy in History**

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Abstract

Clan MacKenzie was a dominant force in Ross-shire throughout the seventeenth century and in the early eighteenth century. Its chiefly line was the MacKenzies of Kintail/Seaforth, who at times were the earls of Seaforth and Jacobite marquesses of Seaforth, sheriffs of Ross-shire, provosts of Fortrose, Scottish Privy Councillors and Jacobite secretary of state for Scotland. However, the noble house of Seaforth remains under-analysed in scholarship for the period after 1639.

Instead, scholarship tends to approach the Scottish Highlands and Highland nobility during the temporal span of this thesis (1651-1719) from an Edinburgh- and London-centric perspective and, therefore, through nobles and clans who engaged more regularly with the Scottish and British central authorities, such as the house of Argyll, consecutively chiefs of Clan Campbell. This has led to skewed understanding of Highland nobility and clanship during this period.

Taking inspiration from successful noble- and Highland-centred approaches to historical research, this thesis describes and analyses the change in the strength of the house of Seaforth through focused studies on the political careers of Kenneth Mòr MacKenzie, third earl of Seaforth (1651-78), Kenneth Òg MacKenzie, fourth earl of Seaforth (1678-1701), and William Dubh MacKenzie, fifth earl of Seaforth (1701-19). To accomplish this, this thesis utilises source material irrespective of its genre or the language in which it was written, painting a multi-layered picture. This thesis uses a mixture of family papers and correspondence, governmental records, Gaelic poetry and genealogical histories to assess how the nature of Highland noble power changed from the perspective of the chief, revealing his apparent strategy.

More broadly, this thesis provides a local, Seaforth-centred perspective of the years 1651-1719 in order to challenge and complement long-held historiographical beliefs on national phenomena, such as on minority and absentee lordship, Highland nobles and their gentry, clans and royalism and Jacobitism, clans and religion, and clans and politics.

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This thesis is dedicated to my family. To my parents, Patricia and Edwin Lawrence Sheffield; my sisters, Trisha, Ashlee, and Rachel; my grandmother, Jacqueline Sheffield; my aunts, uncles, and cousins; my brother-in-law Jerry; my nephew Erik; and my future wife Fiona. They never lost faith in me, never stopped supporting me and were always just a phone call away. This thesis is dedicated to them and to the memory of my grandparents, Edwin William Sheffield and Verna and Dr Charles McAdams.

Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, this thesis is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signature:

Printed name: Edwin C. Sheffield

Abbreviations

The following abbreviations have been used:

APS	<i>Acts of Parliaments of Scotland, 1424-1707</i> , 12 volumes, ed. T. Thomson and C. Innes (Edinburgh, 1814-1875).
BL	British Library, London.
Brodie of Brodie	<i>The Diary of Alexander Brodie of Brodie MDCLII-MDCLXXX And of his son, James Brodie of Brodie MDCLXXX-MDCLXXXV. Consisting of Extracts from the Existing Manuscripts, and a Republication of the Volume Printed at Edinburgh in the Year 1740</i> , ed. by David Laing (Aberdeen: The Spalding Club, 1863)
Chron. Frasers	<i>Chronicles of the Frasers, The Wardlaw Manuscript entitled 'Polichronicon seu policratica temporum, or the True genealogy of the Frasers, 916-1674', by Master James Fraser minister of the Parish of Wardlaw (now Kirkhill), Inverness</i> , ed. by William Mackay (Edinburgh: T. & A. Constable, 1905).
Fasti	Scott, H. (et al. eds.), <i>Fasti Ecclesiae Scoticae</i> (8 vols., Edinburgh, 1915-50)
Firth, S and C	<i>Scotland and the Commonwealth: Letters and Papers relating to the Military Government of Scotland from August 1651 to December 1653</i> , ed. by C. H. Firth (Edinburgh: T. and A. Constable, 1895).
Firth, S and P	<i>Scotland and the Protectorate: Letters and Papers relating to the Military Government of Scotland from January 1654 to June 1659</i> , ed. by C. H. Firth (Edinburgh: T. and A. Constable, 1895).

Fraser, <i>Cromartie</i>	<i>The Earls of Cromartie: kindred, country and correspondence</i> , 2 volumes, ed. by William Fraser (Edinburgh, 1876).
GCA	Glasgow City Archives, Mitchell Library, Glasgow
<i>Highland Papers</i>	MacPhail, J.R.N. (ed.), <i>Highland Papers</i> (4 vols., Edinburgh, 1914-34).
HMC	Historical Manuscripts Commission.
<i>HoP</i>	<i>History of Parliament Online</i> (The History of Parliament Trust, 1964-2020), < https://www.historyofparliamentonline.org/ >
<i>Lauderdale Papers</i>	<i>The Lauderdale Papers</i> , ed. by O. Airy, (3 vols., London: The Camden Society, 1884-5).
Macgill, <i>Old Ross-shire</i>	<i>Old Ross-shire and Scotland as seen in the Tain and Balnagown Documents</i> , 2 volumes, ed. by W. Macgill (Inverness: The Northern Counties Newspaper and Printing and Publishing Company, Limited, 1909-11).
NLS	National Library of Scotland, Edinburgh.
NRS	National Records of Scotland, Edinburgh.
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> (Oxford University Press, 2004), < http://www.oxforddnb.com >.
<i>RPCS</i>	<i>Register of the Privy Council of Scotland, Third Series, 1661-1691</i> , 16 volumes, ed. by P. Hume-Brown, et al. (Edinburgh: General Register House, 1908-70).
<i>RPS</i>	Brown, K. (et al. eds.), <i>Records of the Parliaments of Scotland</i> – Published online by the University of St Andrews at: www.rps.ac.uk .
SAUL	St Andrews University Library.
<i>SP</i>	<i>Scots Peerage</i> , 9 volumes, ed. by J.B. Paul (Edinburgh, 1904-14).

<i>Stuart Papers</i>	Historical Manuscripts Commission, <i>Calendar of the Stuart Papers belonging to His Majesty the King preserved at Windsor Castle</i> , 7 volumes (London, 1902-23).
<i>TGSI</i>	<i>Transactions of the Gaelic Society of Inverness</i>
TNA	The National Archives. Kew, England.

Nomenclature and Use of Gaelic Verse

This thesis will use the first name and Gaelic byname only for the later earls of Seaforth, consecutively chiefs of Clan MacKenzie, instead of referring to them by their titles.

This thesis will use Scottish titles when they differ from English titles or if one person holds multiple titles. For example, the future James VII held the dual titles of the duke of Albany in Scotland and duke of York in England. He will be referred to by his Scottish title.

All Gaelic verse used in this thesis will include the text and translation as printed in the source it has been cited from. It has not been modified to conform to modern spelling and conventions.

Introduction

In the seventeenth and early eighteenth centuries, Clan MacKenzie dominated Ross-shire, and their chiefs, consecutively the Earls of Seaforth from 1623 to 1716, were agents for the Stuart monarchs and claimants in the far north of Scotland, although with varying degrees of reliability. The MacKenzies had come to fill the vacuum in Ross-shire left by the MacDonalds after the forfeiture of the earldom of Ross (1475), an earldom which had been ‘a symbol of royal inability to secure royal authority in northern Scotland’.¹ The MacKenzies of Kintail had been loyal to the MacDonald Earls of Ross, who had superiority over them until 1475.² By c.1490, however, the MacKenzies had ‘redeemed themselves in the eyes of the crown’, due, in large part, to their opposition to Clan Donald, and in the early decades of the sixteenth century, chief John of Killin rehabilitated the clan and helped to secure a mutually beneficial relationship with the Stewart/Stuart dynasty.³ Martin MacGregor argues that the Stewart monarchy’s failure to assert itself in the region enabled the chiefs of Clan MacKenzie were to pursue their own interests in Ross.⁴ When Colin MacKenzie of Kintail was made the earl of Seaforth in 1623, it was, as John Bannerman notes, recognition that the MacKenzies of Kintail had become ‘the earls of Ross in all but name’.⁵ Although George MacKenzie, second earl of Seaforth had reaffirmed his support for the Stuart cause and died while in exile with Charles II in 1651, he had ‘wobbled between King and Kirk, and Kirk and King, in a fashion that rendered him unserviceable to either side’ and left Clan MacKenzie lands open to reprisal.⁶ Indeed, when Kenneth Mòr succeeded his father in 1651, Ross-shire was an evolving mixture of religious and political loyalties and would continue to be so throughout the temporal span of this thesis.⁷

¹ David Cochran-Yu, ‘A keystone of contention: the Earldom of Ross, 1215-1517’ (unpublished doctoral thesis, University of Glasgow, 2015), p. 248.

² Aonghas MacCoinnich, “‘Kingis rabellis’” to Cuidich ‘n’ Rìgh; the emergence of Clann Choinnich, c. 1475-1508’, in *The Exercise of Power in Medieval Scotland, 1200-1500*, ed. by S. Boardman and A. Ross (Dublin, Four Courts Press, 2003), pp. 175-200 (pp. 198).

³ *Ibid.*, pp. 194, 198-9.

⁴ Martin MacGregor, ‘Civilising Gaelic Scotland: the Scottish Isles and the Stewart Empire’, in *The Plantation of Ulster: Ideology and Practice*, ed. by Éamonn Ó Ciardha and Micheál Ó Siochrú (Manchester: Manchester University Press, 2012), pp. 33-54 (pp. 45-9).

⁵ John Bannerman, ‘The lordship of the Isles’, in *Scottish society in the fifteenth century*, ed. by Jennifer Brown (London: Edward Arnold, 1977), pp. 209-40 (pp. 212-3).

⁶ W. C. Mackenzie, *The Highlands and Isles of Scotland: A Historical Survey* (Edinburgh & London: The Moray Press, 1937; repr. New York: AMS Press, 1977), p. 236.

⁷ Fiona A. Macdonald, *Mission to the Gaels: Reformation and Counter-Reformation in Ulster and the Highlands and Islands of Scotland* (Edinburgh: John Donald, 2006), pp. 136, 161-2, 171-3, 179-80, 219, 222-5, 265, 270-1.

The successors to George as the earls of Seaforth, too, had to balance personal, local and national interests, but these interests did not put them at odds with their respective Stuart monarchs and claimants. Kenneth Mòr, third earl of Seaforth (1651-1678) fought to restore Charles II in the royalist rising of 1653-54 and enforced his religious policy. Kenneth Òg, fourth earl (1678-1701), also, enforced Charles II's religious policy before supporting James VII in the Highland War (1689-91), for which James elevated Kenneth Òg to marquess in the Jacobite peerage in 1690. William Dubh, fifth earl (1701-16, d. 1740), rose for James Francis Edward Stuart in the 1715 and 1719 Jacobite risings; his involvement in the 1715 Jacobite rising resulted in the forfeiture of the Seaforth estates and the Earldom of Seaforth in 1716.

Kenneth Mòr, Kenneth Òg and William Dubh were more steadfast in their support of the Stuart monarchs and claimants than was George, second earl of Seaforth. This was related to the fact that, unlike George, there were little-to-no confessional differences between those earls and the Stuart monarch or claimant of the day.⁸ As stated above, Kenneth Mòr and Kenneth Òg both enforced Charles II's religious policy and did so with the broad support of the Clan MacKenzie gentry (see Chapters 1 and 2). Kenneth Òg converted to Catholicism after the Catholic James VII ascended to the throne in 1685; this thesis will argue that although Kenneth Òg undoubtedly benefited from his conversion, it was not done merely to ingratiate himself with the new regime.⁹ Lady Frances Herbert (d. 1732), the wife of Kenneth Òg, and her family ensured that the young William Dubh received a Catholic education, which took place in France from 1702-08.¹⁰ He remained Catholic his entire life, much to the dismay of many members of the Clan MacKenzie gentry, including his grandmother, Lady Isobel (d. 1714), who used her ownership of the Seaforth estate to punish Lady Frances for not bringing William Dubh back to Ross-shire to be raised Protestant and to support Queen Anne.¹¹

Politics and religion were important factors in determining the amount of support the Earls of Seaforth could expect from their clan, client clans and tenants, as well as the

⁸ W. C. Mackenzie, *History of the Outer Hebrides (Lewis, Harris, North and South Uist, Benbecula, and Barra)* (London: Simpkin, Marshall and Co., 1903), pp. 331-5, 338-9; T. F. Henderson, 'Mackenzie, George, second earl of Seaforth (d. 1651), chief of clan Mackenzie', rev. by Edward M. Furgol, in *ODNB*; Mackenzie, *History of the Mackenzies*, pp. 277-80.

⁹ *Historical Notices of Scottish Affairs, Selected from the Manuscripts of Sir John Lauder of Fountainhall, Bart., One of the Senators of the College of Justice*, ed. by John Lauder, 2 vols (Edinburgh, 1848), II, p.759; *RPCS*, XI, p. 213.

¹⁰ BL, Add. MS 61624, fol. 59; *More Culloden Papers*, ed. by Duncan Warrand, 5 vols (Inverness, 1923-30), I, pp. 254, 256.

¹¹ *RPS*, A1704/7/21; BL, Add. MS 61624, fol. 61.

amount of resistance they would face from rival clans, groups and individuals. Few in Clan MacKenzie converted with Kenneth Òg and the clan remained almost entirely episcopalian throughout the second half of the seventeenth century and in the eighteenth century after having broken with its presbyterian past.¹² In fact, one issue which united the mostly episcopalian clan with the Catholic earls of Seaforth was the rejection and ejection of presbyterians in Ross-shire, which reached its peaks in the 1670s and 1710s.¹³ When Kenneth Mòr succeeded his father in 1651, he faced threats in Easter Ross from the covenanting presbyterian clans of Ross and Munro and in Sutherland from the Sutherland men and women, as well as from the MacLeods of Assynt in southwest Sutherland, in pursuit of vengeance for a previous raid.¹⁴ Within Ross-shire, the Rosses and Munros were most hampered by a strong house of Seaforth and benefited most from exclusion of the house of Seaforth from holding public office after the Revolution of 1688-89 (see Chapters 2 and 3).¹⁵ Unsurprisingly, the Rosses and Sutherland men were Williamites in the Highland War and both groups and the Munros fought against the William Dubh in the 1715 Jacobite rising.¹⁶

Despite the importance of the noble house of Seaforth, and by extension the earldom of Seaforth and Clan MacKenzie, to the north of Scotland and the Stuart dynasty, relatively little is known about the political careers of the third, fourth and fifth earls of Seaforth [hereafter collectively known as the ‘later Earls of Seaforth’] and how they operated. This thesis will be a continuation of the research of David Cochran-Yu and Aonghas MacCoinnich, in that it will examine the use of noble power in Ross-shire from 1651 to 1719. To date, the political careers of Kenneth Mòr, Kenneth Òg and William Dubh have remained on the periphery of historical narrative. The study of their political lives has been limited to brief discussions in clan histories or general histories of the Highlands and the *Oxford Dictionary of National Biography*. This is despite MacCoinnich’s research, which has, for an earlier period, shown that although the

¹² Fraser, *Cromartie*, I, pp. clxvii-clxviii; Mackenzie, *History of the Mackenzies*, pp. 280-1; Warrand, *Some Mackenzie Pedigrees*, pp. 28, 31; *Records of the Scots Colleges at Douai, Rome, Madrid, Valladolid and Ratisbon*, (Aberdeen: New Spalding Club, 1906), p. 57.

¹³ *Fasti*, VII, pp. 26, 87; Tristram Clarke, ‘The Scottish Episcopalians, 1688-1720’ (unpublished doctoral thesis, University of Edinburgh, 1987), pp. 263-4, 267-8.

¹⁴ Macinnes, *Clanship*, p. 242; Malcolm Bangor-Jones, ‘Mackenzie Families of the Barony of Lochbroom’, in *Peoples and Settlement in North-West Ross*, ed. by John R. Baldwin (Edinburgh: The Scottish Society for Northern Studies, 1994), p. 91.

¹⁵ *More Culloden Papers*, II, p. 24; Macgill, *Old Ross-shire*, p. 233; *The Munro Tree: A Genealogy and Chronology of the Munros of Foulis and other Families of the Clan, A Manuscript Compiled in 1734*, ed. by R. W. Munro (Edinburgh, 1978), p. 20; D. W. Hayton, ‘Ross-shire, 1690-1715’, in *HoP*.

¹⁶ Macinnes, *Clanship*, p. 245.

MacKenzies ‘may have been Gaels and at home in Gaelic society... they also had wider horizons and were switched on to all the latest developments of their day’.¹⁷ A dedicated study of the political careers of the earls of Seaforth during this period has the potential to offer different perspectives on Highland lordship and, by extension, chiefship and clanship, as well as the broader themes of royalism, religion, politics and Jacobitism in the mid-seventeenth- to early-eighteenth-century Highlands. It will fill a gap in the historical record and demonstrate the value of placing the earls of Seaforth at the centre of the historical narrative.

Aims

At its most basic level, this thesis aims to provide the first in-depth narrative-based account of the political careers of Kenneth Mòr MacKenzie, third earl of Seaforth, Kenneth Òg MacKenzie, fourth earl and William Dubh MacKenzie, fifth earl. Similar to MacGregor’s doctoral thesis, this thesis differs from a traditional biographical entry in the *ODNB* or a clan or genealogical history by considering their strategy and behaviour as earls, and the relationship between the earls as clan chiefs and their gentry, clanship and religion, and clanship and local politics.¹⁸ Second, this thesis will offer fresh insights into how early-modern Highland elites exercise noble power through clan society, including the dynamics of the relationship between chief and clan, absentee chiefship, surrogate leadership and the role of women. As this thesis is a political history of the earls, the economics of clan society will receive little consideration. Lastly, this thesis will offer fresh insights into the place of the Highlands within Scotland and Britain during this period, including insights into the ‘national’ picture derived from the local study of a noble family.

This then is the central thesis question: how and to what extent did these three earls advance the house of Seaforth during a period of intense change spanning from the start of Kenneth Mòr’s chiefship in 1651 until the departure of William Dubh from Scotland after the 1719 Jacobite rising?

¹⁷ Aonghas MacCoinnich, *Plantation and Civility in the North Atlantic World: The Case of the Northern Hebrides, 1570-1639* (Leiden: Brill, 2015), p. 344.

¹⁸ Martin MacGregor, D. W., ‘A Political History of the MacGregors before 1571’, (unpublished doctoral thesis, University of Edinburgh, 1989), p. 8.

Historiography

Keith Brown's study of Scottish noble power and Julian Goodare's exploration of state formation and its subsequent impact on the nobility show that the role and function of the Scottish nobility changed throughout the seventeenth century, although both disagree on the extent and nature of those changes.¹⁹ The historiographical consensus is that, as Brown notes, the 'roots of the nobility's political power lay in the continued vitality of kinship and lordship, their dominance of local office, military power, government and royal court'.²⁰

While historians agree that seventeenth-century monarchs needed the support of their nobilities and to find roles for their nobles, there is disagreement over the vitality of the Scottish nobility after the Covenanting Revolution in 1638.²¹ Goodare argues that their strength diminished from 1638 and, while they were restored in a literal sense to their estates and titles in 1660, they never returned to the strength they had in the sixteenth century.²² Certain noble houses did regain some of their former standing, but this was only through the acquisition of power by serving as politicians within the state apparatus, rather than as regional magnates exercising independent authority.²³ However, Maurice Lee, Jr's study of John Maitland, duke of Lauderdale shows the extent to which certain nobles 'dominated' Restoration-era politics in Scotland, and that their 'political behaviour was conditioned, and often dominated, by family considerations', in exactly the same strategies of power exercised over generations.²⁴ Brown and Barry Robertson contend that as a group, the nobility was resilient into the eighteenth century; furthermore, Brown and Robertson argue that it was just as strong as it had been, even if individual nobles and noble houses declined.²⁵ One example of this is Sarah Fraser's *The Last Highlander*, in which Fraser shows how the house of Lovat reached a nadir in 1702 when Alexander

¹⁹ Keith M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh: Edinburgh University Press, 2012); Julian Goodare, *State and Society in Early Modern Scotland* (Oxford: Oxford University Press, 1999); Julian Goodare, *The Government of Scotland, 1560-1625* (Oxford: Oxford University Press, 2004).

²⁰ Brown, *Noble Power in Scotland*, p. 209.

²¹ *Ibid.*, p. 208; Goodare, *State and Society*, p. 326; Laura A. M. Stewart, 'The "Rise" of the State', *The Oxford Handbook of Modern Scottish History*, ed. T. M. Devine and Jenny Wormald, pp. 220-35 (p. 223).

²² Goodare, *State and Society*.

²³ *Ibid.*, p. 238.

²⁴ Maurice Lee Jr, '*Dearest Brother*': *Lauderdale, Tweeddale and Scottish Politics, 1660-1674* (Edinburgh: John Donald, 2010), p. 321.

²⁵ Keith M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (New York City: Macmillan Education, 1992), pp. 33-5; Barry Robertson, *Lordship and Power in the North of Scotland: The Noble House of Huntly, 1603-1690* (Edinburgh: John Donald, 2011), pp. 3-4.

MacKenzie of Fraserdale effectively supplanted them as chiefs of Clan Fraser through marriage and legal manoeuvring.²⁶ During the 1715 Jacobite Rising, however, Simon Fraser of Lovat reclaimed the clan (see Chapter 3) and Lovat slowly rehabilitated the Fraser house of Lovat until the 1745 Jacobite Rising.²⁷ However, as Laura Stewart notes, elite expectations of the Scottish state were ‘increasingly incompatible with the political imperatives of the monarchs’.²⁸ As Scottish monarchs were engaging more in Continental European affairs, they expected the nobility to maintain the peace at home.²⁹ This thesis will compare the resilience of the later Earls of Seaforth and the house of Seaforth as it waxed and waned as a noble house during the Cromwellian occupation, Restoration era and Jacobite era; the extent to which they relied on their kin and kinship networks; and, as the house of Seaforth waned, how some of their noble power was transferred to lesser MacKenzie nobles and their neighbours. This thesis will argue that when the strength of the house of Seaforth waned, it was due to a combination of changing political structures in Scotland and the inability of the specific earls to navigate their new roles.

When considering the political careers of the later Earls of Seaforth, what can be seen is that they are often dismissed in or omitted from the historiography of early-modern Scotland, and even of the Scottish Highlands, which tends to focus on the house of Argyll. Allan Macinnes’s survey of the relationship between the Highlands and the house of Stuart (1603-1788) and Paul Hopkins’s research on Highland politics during the second half of the seventeenth century focus heavily on Clan Campbell.³⁰ Indeed, Macinnes’s study of Archibald Campbell, first marquess of Argyll (d. 1661) exemplifies the tendency to view the Highlands through the house of Argyll and Clan Campbell.³¹ Macinnes’s and Hopkins’s works show how the house of Argyll utilised family and courtly connections within and outwith the Highlands to aggressively expand their power and influence at the expense of their neighbours. The MacKenzies were also an expansionist clan during the first half of the seventeenth century, and theirs is a good counter-example to the Campbells of less aggressive – and certainly less notorious – but sustained development that has received little attention beyond the Civil War period.

²⁶ Sarah Fraser, *The Last Highlander: Scotland’s Most Notorious Clan Chief, Rebel & Double Agent* (London: HarperPress, 2013), pp. 69, 121.

²⁷ Fraser, *The Last Highlander*, pp. 153-7, 170-80, 206-10, 251-72.

²⁸ Stewart, ‘The “Rise” of the State’, p. 230.

²⁹ Ibid.

³⁰ Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton: Tuckwell Press, 1996); Paul Hopkins, *Glencoe and the End of the Highland War* (Edinburgh: John Donald, 1986).

³¹ Allan I. Macinnes, *British Confederate: Archibald Campbell, Marquess of Argyll, 1607-1661* (Edinburgh: John Donald, 2011).

Another recent study provides a point of comparison for a nobleman or noble family that spent significant time in their locality and out of national politics. Robertson's study of the Gordon house of Huntly shows how a nobleman's Catholic faith impacted the overall standing of the house and its relationship with the central authorities until 1690, sometimes to its benefit and sometimes to its detriment. Ultimately the nobles of the house of Huntly depended on their regional authority, grounded in their large following and regional offices. Furthermore, George Gordon, fourth marquess of Huntly and, from 1684, first duke of Gordon, was a contemporary of Kenneth Òg, and their wives were first cousins. Both men, and indeed other members of both noble houses, were successively promoted and excluded due to their Catholicism. Alastair Mann's biography of King James VII provides a Scottish-wide context for the relationship between the Catholic nobility and the Crown, and between the Catholic nobility and Scottish politics.³² A study of the later Earls of Seaforth until 1719 will provide direct comparisons to the experiences of other Catholic nobles in Scotland, in analysing how Kenneth Òg and William Dubh's Catholicism impacted the house of Seaforth after the Revolution Settlement of 1690. Indeed, it will help to fill a lacuna in long-term, biographical studies on individual nobles and noble families which bridge the historiographical watershed of the Revolution of 1688/9.³³ This long-term approach to the study of noble strategies of power and survival over generations is seldom done and is unique for the periods covered in this thesis.³⁴ Additionally, against the Campbells of the west and Gordons of the northeast, the MacKenzies also fill out our geographical understanding of noble power into the far north of Scotland, a very much under-studied area.

A third comparison is George Keith, fifth earl Marischal, who, like the later Earls of Seaforth, spent significant time outwith national Scottish and British politics to focus on managing his estates, among other reasons. A study of the later Earls of Seaforth provides an opportunity to compare noblemen who, as Kerr-Peterson notes, 'responded to events, but seldom led or drove them', who tried their best to shun court politics and focus on their

³² Alastair J. Mann, *James VII: Duke and King of Scots, 1633-1701* (Edinburgh: John Donald, 2014).

³³ For studies on individual nobles, see: Nicholas Maclean-Bristol, *Castor and Pollux: Two Jacobite Maclean Knights from The Sound of Mull at War in The Hebrides, The Highlands of Scotland, Ireland & Mainland Europe 1674-1716* (Isle of Coll: Society of West Highland & Island Historical Research, 2012); Rosalind K. Marshall, *The Days of Duchess Anne: Life in the Household of the Duchess of Hamilton, 1656-1716* (East Linton: Tuckwell Press, 2000); Sarah Fraser, *The Last Highlander: Scotland's Most Notorious Clan Chief, Rebel & Double Agent* (London: HarperPress, 2013).

³⁴ Barry Robertson's study on the noble house of Huntly concludes with the end of the Revolution in 1690, Robertson, *Lordship and Power*.

respective localities.³⁵ However, unlike the fabulously wealthy Fifth Earl Marischal, the later Earls of Seaforth struggled with increasing debt during the temporal limits of this thesis, and this struggle also adds to our understanding of strategies for noble survival, estate management and the limitations of power when not participating in government. By 1651, some Highland chiefs had built elaborate networks of debt around themselves, which made them and their clans vulnerable.³⁶ The debt of the Clan MacKenzie chiefs had been rapidly increasing since 1610 and would eventually, according to Allan Kennedy, keep Kenneth Mòr and Kenneth Òg from sitting in Scottish Parliament as nobles.³⁷

As stated above, the Earls of Seaforth were concurrently the chiefs of Clan MacKenzie. The clans of the Scottish Highlands are, more often than not, absent from mainstream Scottish historiography. Although referring to an earlier period, MacCoinnich concluded, 'If anyone had asked either the Macleods of Lewis or their Mackenzie successors, it is unlikely they would have considered their lands peripheral'.³⁸ Furthermore, Allan Kennedy's research has shown that the 'stark Highland/Lowland divide' in how we think about Scottish history needs to be revisited.³⁹ Recent work has been more inclusive of Highland perspectives. For an earlier period, Jane Dawson in *Scotland Re-formed, 1488-1587* tried to examine events through perspectives in Scotland irrespective of geography, observing that because Scots 'looked at the wider kingdom through a local lens, a regional perspective is an essential ingredient'.⁴⁰ A study of the House of Seaforth that takes into consideration that a source of authority for the later Earls of Seaforth was the social infrastructure of clanship would complement the existing work on Clan Campbell by providing another example of how Highland nobles viewed themselves in the context of Scotland and the wider world.

One possible reason for the lack of attention on the later Earls of Seaforth is that, like the earldom of Marischal, the earldom of Seaforth was forfeited after the 1715 Jacobite rising and, although it was recreated in 1771, it became extinct in 1781. Although the second creation of the earldom of Cromartie in 1861 encouraged some attention to the

³⁵ Miles Kerr-Peterson, *A Protestant Lord in James VI's Scotland: George Keith, Fifth Earl Marischal (1554-1623)* (Woodbridge: The Boydell Press, 2019), p. 191.

³⁶ Robert A. Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), p. 36; Paul Hopkins, *Glencoe and the End of the Highland War* (Edinburgh: John Donald, 1986); Macinnes, *Clanship*, pp. 142-51.

³⁷ MacCoinnich, *Plantation and Civility*, p. 300; Macinnes, *Clanship*, pp. 22-3; Allan Kennedy, *Governing Gaeldom: The Scottish Highlands and the Restoration State, 1660-1688* (Leiden: Brill, 2014), p. 35.

³⁸ MacCoinnich, *Plantation and Civility*, p. 337.

³⁹ Kennedy, *Governing Gaeldom*, p. 255.

⁴⁰ Jane E. A. Dawson, *Scotland Re-formed, 1488-1587* (Edinburgh: Edinburgh University Press, 2007), p. 20.

heritage of the MacKenzies, the extinction of the main title may have impeded study of house of Seaforth.⁴¹ The historiography of Clan MacKenzie relevant to the chronological span of this thesis is quite limited, although there has been recent research by David Cochran-Yu and Aonghas MacCoinnich for the previous centuries. Although it contains little information on Clan MacKenzie, David Cochran-Yu's unpublished doctoral thesis on the earldom of Ross from 1215 to 1517 details how the royal government granted Clan MacKenzie and the Munros of Foulis control over Wester Ross in 1514 while the Rosses of Balnagown were granted Easter Ross.⁴² Aonghas MacCoinnich's *Plantation and Civility in the North Atlantic World: The Case of the Northern Hebrides, 1570-1639* (2015) transcends a schism between Scottish historians and Celticists (who work primarily in Gaelic) and incorporates as many different types of source material as possible, regardless of language or genre.⁴³ MacCoinnich concludes that the MacKenzies were not insular, but were 'politically well-connected, and well-practised in appropriating their neighbours' territories', and not 'the victims of the state formation process'.⁴⁴ Indeed, *Plantation and Civility* provides a launching point for this thesis. In addition to his monograph, MacCoinnich has published extensively on other aspects of Clan MacKenzie culture, such as a poem by Alasdair MacKenzie of Achilty composed c. 1639 x 1643 and discussion as to why most Clan MacKenzie genealogical histories written between 1550 and 1711 were written in English instead of Gaelic.⁴⁵ MacCoinnich has also provided historical background for archaeological research on the Strathconon settlements in Ross-shire and Dùn Èistean in Lewis.⁴⁶

⁴¹ Kerr-Peterson, *A Protestant Lord*, pp. 2-3; Fraser, *The Earls of Cromartie*, vols. I-II; Andrew McKenzie, *May we be Britons?: A History of the Mackenzies* (London: Andrew McKenzie, 2012) is dedicated to the current chief of Clan MacKenzie, John Ruairidh Grant Mackenzie, fifth earl of Cromartie. The first creation of the earldom (1703-46) was the 'Earldom of Cromarty' while the second creation of the earldom from 1861 is the 'Earldom of Cromartie'.

⁴² Cochran-Yu, 'A keystone of contention', p. 229.

⁴³ This schism is best shown in Frances Shaw, 'Sources of the History of the Seventeenth Century in the Highlands*', in *The Seventeenth Century in the Highlands*, ed. Lorraine Maclean (Inverness: Inverness Field Club, 1986), pp. 10-23 (p. 10). The asterisk denotes a footnote which reads 'Note: the scope of this article excludes Gaelic and non-Scottish sources'.

⁴⁴ MacCoinnich, *Plantation and Civility*, pp. 343-5.

⁴⁵ Aonghas MacCoinnich, 'Long, fion agus fine. Dàn le Alasdair mac Mhurchaidh, fear Aicheallaidh, c. 1639 x 1643', in *Rannsachadh na Gàidhlig 6*, ed. C. O Baoill and N. R. McGuire (Aberdeen: An Clò Gàidhealach, 2013), pp. 121-59; Aonghas MacCoinnich, "'Scribis le pen de shenchis.'" Criomagan de Ghàidhlig ann an Eachdraidhean Beurla Chlann Choinnich, c. 1550-1711', in *Rannsachadh na Gàidhlig 5*, ed. Kenneth E. Nilsen (Antigonish: Cape Breton University Press, 2011), pp. 149-94.

⁴⁶ Aonghas MacCoinnich, 'Strathconon and the MacKenzies in the sixteenth and seventeenth centuries', in *Strathconon, the History and Archaeology of a North East Highland Glen* (Inverness: North of Scotland Archaeological Society, 2011), pp. 28-37; Aonghas MacCoinnich, 'Dùn Èistean: the historical background, c. 1493 – c. 1700', in *Dùn Èistean, Ness: The Excavation of a Clan Stronghold*, ed. R. C. Barrowman (Stornoway: Acair Press, 2015), pp. 41-68.

Most texts concerning Clan MacKenzie during the chronological span of this thesis can be classified as clan histories that focus primarily on the genealogies of the chiefs and various branches of the clan. Alexander Mackenzie's numerous clan histories include two on Clan MacKenzie: *History of the clan Mackenzie with genealogies of the principal families* (1879) and *History of the Mackenzies: with genealogies of the principal families of the name* (1894). The differences between the two versions are stylistic rather than the inclusion of new or different information. Alexander Mackenzie's histories discuss the major events that involved the MacKenzies of Kintail and Seaforth along with very brief histories of the heads of thirty-nine cadet branches, mostly concerned with how they received their lands and whom they married, occasionally providing more detail if they were involved with national events.⁴⁷ While Mackenzie's treatment of the Seaforth line during the Wars of the Three Kingdoms is particularly thorough, likely reflecting the wealth of information in seventeenth and early eighteenth century Mackenzie genealogical histories, he dedicated relatively few pages to discussing their activities from 1660 to 1707. Whilst Mackenzie's histories are impressive for how much of Clan Mackenzie he tries to include, they are mostly narrative and very little is provided on how the clan operated. In the twentieth century, the only histories of Clan MacKenzie are Jean Dunlop's thirty-page booklet *The Clan Mackenzie: Independence in the North* (1953), which is simply a brief summary of the clan, and Duncan Warrand's *Some Mackenzie Pedigrees*, which corrects several errors in Mackenzie's histories.⁴⁸

A recent attempt to fit these histories within larger historiographical narratives is Andrew McKenzie's *May we be Britons?: A history of the Mackenzies* (2012). For the period covered by this thesis, McKenzie places the chiefs of Clan MacKenzie as peripheral figures within two larger narratives: the rise of Sir George MacKenzie of Tarbat, first earl of Cromarty; and the argument that William Dubh's Jacobitism was not representative of Clan MacKenzie. These narratives are justified. As McKenzie and others have shown and as this thesis will argue, Cromarty became a dominant figure within Clan MacKenzie and in Scottish and British politics; and many of the clan gentry and lesser nobility stayed neutral during the 1715 and 1719 Jacobite risings.⁴⁹ However, regarding the first narrative, McKenzie portrays the Earls of Seaforth as inept, jealous, and under Cromarty's thumb

⁴⁷ Alexander Mackenzie, *History of the Clan Mackenzie with genealogies of the principal families* (Inverness: A. & W. Mackenzie, 1879); Mackenzie, *History of the Mackenzies*.

⁴⁸ Jean Dunlop, *The Clan Mackenzie: Independence in the North* (Edinburgh: Johnston & Bacon, 1953); Duncan Warrand, *Some Mackenzie Pedigrees* (Inverness: R. Carruthers & Sons, 1965).

⁴⁹ Colin Kidd, 'Mackenzie, George, first earl of Cromarty (1630-1714), politician and polymath', in *ODNB*.

from 1660, when Kenneth Mòr married Cromarty's sister, Lady Isobel. Furthermore, the book goes to great lengths to defend Cromarty from his well-deserved reputation for fabricating documents.⁵⁰ This was done (in part) so that McKenzie could argue in favour of the story that Colin Fitzgerald was the progenitor of the clan, which William F. Skene accused Cromarty of fabricating.⁵¹ By the time McKenzie wrote *May we be Britons*, it had already been demonstrated that Colin Fitzgerald almost certainly did not exist, and that Cromarty was not the creator of the myth.⁵² The limitations of the works by Alexander Mackenzie and Andrew McKenzie necessitate a thorough study of the chiefly line of Clan MacKenzie – the Earls of Seaforth – during the period covered by this thesis, 1651 to 1719.

Sources and Methodology

The key approach taken by this thesis is to assess the political careers of the Third, Fourth, and Fifth Earls of Seaforth and how they engaged with the Stuart dynasty and central authorities, by placing the Earls of Seaforth at the centre of discussion. This will be achieved by drawing from two models. The first is the model for biographical studies of early modern Scottish nobles and noble families used by Macinnes, Robertson and Kerr-Peterson in which a nobleman or noble family is placed at the centre of the narrative, allowing for an analysis of a noble's or noble family's local, Scottish, British and European interests and their relationship with the monarchy and central authorities.⁵³ The second is for clan research used by Macinnes, MacGregor, Cathcart and MacCoinnich in which source material is utilised irrespective of its genre or the language in which it was written, painting a multi-layered picture.⁵⁴ This thesis will therefore rely on family papers and correspondence, governmental records, Gaelic poetry and genealogical histories to assess the political careers of the later earls of Seaforth from the perspective of the earls, revealing their apparent strategy. These sources are from Scotland, England and France and were composed in English, Gaelic, Latin and French.

Records for the MacKenzie kindred can be found in the National Records of Scotland, the National Library of Scotland, St Andrews University Library, and the British

⁵⁰ Ibid.

⁵¹ McKenzie, *May we be Britons*, pp. 1-31, 152-4; William F. Skene, *Celtic Scotland: a history of ancient Alban*, 3 vols (Edinburgh: D. Douglas, 1886-1890), III, pp. 351-3.

⁵² Skene, *Celtic Scotland*, III, pp. 351-3, 485; William Matheson, 'Traditions of the Mackenzies', *TGSI*, 39/40 (1963), 193-228 (pp. 205-6, 211); David Sellars, 'Highland Family Origins – Pedigree Making and Pedigree Faking', in *The Middle Ages in the Highlands*, ed. by Alan B. Lawson (Inverness: Inverness Field Club, 1981), p. 108; MacCoinnich, "'Kingis rabellis'", p. 177.

⁵³ Macinnes, *The British Confederate*; Robertson, *Lordship and Power*; Kerr-Peterson, *A Protestant Lord*.

⁵⁴ Macinnes, *The British Confederate*; MacGregor, 'A Political History of the MacGregors before 1571'; Cathcart, *Kinship and Clientage*; MacCoinnich, *Plantation and Civility*.

Library. There are few papers and letters for the MacKenzies of Kintail in the Seaforth Papers (GD 46) at the National Records of Scotland for the years before 1700, which Robert Carruthers hypothesises was because ‘Clan feuds and Jacobite risings, proscription and exile, were ill suited to the preservation and transmission of such memorials, which were probably never very numerous’.⁵⁵ Most of their letters and information about their activities are contained in other family papers and government papers. The Mitchell Library in Glasgow has a collection of estate papers related to Kenneth Òg MacKenzie’s wife, Lady Frances Herbert (MS 591705) and her legal troubles, which will be discussed in Chapter 3. The British Library contains a small collection of legal papers for Kenneth Òg MacKenzie and Lady Frances (Add. MS 28251), as well as the papers for the MacKenzies of Suddie and Scatwell (Add. MS 39187-39211). The Cromartie Muniments (GD305) contain information related to the MacKenzies of Tarbat, who became the Earls of Cromarty. Within the Advocates MS in the National Library of Scotland are the Delvine papers (Adv. MSS 1101-1530). The MacKenzies of Delvine, the Edinburgh-based legal kindred, corresponded with many members of Clan MacKenzie. The family papers of Frazer-MacKenzie of Allangrange at the St Andrews University Library contain legal documents, documents relating to the transfer of land from the MacKenzies of Kintail to various MacKenzie kin-groups in the Black Isle, and correspondence to and from the MacKenzies of Lochslin and Allangrange.

The National Records of Scotland contains papers for relatives of the MacKenzies of Kintail: the Forbes family, Lord Forbes (GD 52), the Mackay family, Lords Reay (GD 84), the Sinclair family of Mey (GD 96) and the Erskine family, Earls of Mar and Kellie (GD 124). It also contains legal papers and correspondences for the MacKenzies of Kintail in the papers of their creditors: the Smyth family (GD 190) and the Logan and Mowat families (in the Grant of Monymusk, Aberdeenshire papers (GD 345)).

Official records of government include a range of documentary evidence, such as the registers of the Scottish Privy Council (printed and manuscript), parliamentary records, burgh council records, accounts of state trials, and the second series (1688-1783) and letter books (1713-46) of state papers relating to Scotland. The Lauderdale Papers in the British Library supplement these documents for the years 1660-81, which includes the period

⁵⁵ Robert Carruthers, ‘The Seaforth Papers: Letters from 1796 to 1843’, *The North British Review*, 39 (Nov. 1863), 318-356 (p. 318).

during which John Maitland, duke of Lauderdale was Secretary of State for Scotland (1660-79), and his years in retirement.

Gaelic verse will also be used. As Thomson has argued, this source provides contemporary commentary and insight into the perspective of people in the Gàidhealtachd and complements other documentary evidence.⁵⁶ Furthermore, it shows what ideas and information were being transmitted orally at local gatherings and ceilidhs at lower levels within clan society.⁵⁷ This thesis will use poetry published in English translations and later transcriptions of the original Scottish Gaelic.⁵⁸ Clan MacKenzie poetry is defined in this thesis as verse and poetry composed by a member of the clan or their client clans, such as the MacRaes and Mathesons. The poetry and verse used in this thesis is primarily panegyric poetry, in the form of eulogy – a set of conventional images which support the view of the chief or patron as the ‘protector and rewarder’ – and elegy, and political poetry, which ‘flourished most vigorously’ between 1640-1720.⁵⁹

The final source is contemporary and near-contemporary clan genealogical histories written during the chronological limits of this thesis. The Mitchell Library holds five of these clan genealogical histories (MS 591699a, MSS 591701-3, and MS 591706). Whilst there are numerous issues with using this source material, only some of these are relevant to their use in this thesis as a contemporary source.⁶⁰ As Martin MacGregor has shown, their authors could be partisan and since some authors used oral informants, shared information or used other genealogical histories as a source, inaccuracies had a tendency to be reproduced and repeated.⁶¹ However, one can use documentary evidence to show how well-founded the information they derived from oral informants could be.⁶² Furthermore, William Matheson has demonstrated how, with critical analysis, these texts are a useful source to historical study and his careful treatment of clan genealogical histories has been

⁵⁶ Derick Thomson, *An Introduction to Gaelic Poetry* (London: Victor Gollancz Ltd), p. 27.

⁵⁷ *An Laisar: Anthology of 18th Century Scottish Gaelic Verse*, ed. by Ronald Black (Edinburgh: Birlinn Ltd, 2001), pp. xii-xv.

⁵⁸ Thank you to Simon Egan and Martin MacGregor for translating verse that had not yet been printed in English.

⁵⁹ Thomson, *An Introduction to Gaelic Poetry*, p. 118; John Macinnes, ‘The Panegyric Code in Gaelic Poetry and its Historical Background’, *TGSI*, 50 (1976-8), 435-98 (p. 495).

⁶⁰ For a history of these texts as well as issues with their authorship, sources, see Martin MacGregor, ‘The genealogical histories of Gaelic Scotland’, in *The Spoken Word: Oral Culture in Britain, 1500-1850*, ed. by Adam Fox and Daniel Woolf (Manchester: Manchester University Press, 2002), pp. 196-235. For a list of known clan genealogical histories, see Martin MacGregor, ‘Writing the history of Gaelic Scotland: a provisional checklist of “Gaelic” genealogical histories’, *Scottish Gaelic Studies*, 24 (2008), 357-79.

⁶¹ MacGregor, ‘Genealogical histories’, pp. 196, 199, 208-11, 221, 223, 226.

⁶² *Ibid.*, pp. 210-1, 226.

continued by John Bannerman, David Sellar, Steve Boardman, Martin MacGregor, Aonghas MacCoinnich, David Cochran-Yu and Ross Crawford.⁶³

Structure

The chronological limits of this thesis, 1651-1719, have been chosen for several reasons. Word limits did not allow for the lordship of William Dubh to be analysed down to his death in 1740. The start of Kenneth Mòr's earlship coincided with the English occupation of Scotland in 1651, stimulating him to raise his clan in support of Charles II. The final time the head of the house of Seaforth rose and led members of his clan in support of the Stuarts was in 1719, after which William Dubh returned to exile in France. These dates offer clear boundaries for one of the enduring themes of this thesis, Stuart royalism.

This thesis is divided into three chapters, each centred on a different earl of Seaforth from birth to death, except for William Dubh. The earls are Kenneth Mòr MacKenzie, third earl of Seaforth and chief from 1651 to 1678; Kenneth Òg MacKenzie, fourth earl and chief from 1678 to 1701; and William Dubh, fourth earl and chief from 1701 to 1740. Chapter 3 will end with William Dubh's return to exile in 1719. As stated above, these chapters will create the first narrative-based accounts for each earl's political career. This will allow for the examination of interlinked themes related to lordship, including minority lordship and chiefship, how Highland elites exercise noble power through chiefship, the role of the clan gentry, absentee lordship and chiefship, Stuart royalism, religion, the role of women in governing clan politics, and local and national politics; these themes will be revisited in the conclusion.

⁶³ Matheson, 'Traditions of the MacKenzies'; William Matheson, 'Traditions of the Mathesons', *TGSI*, 42 (1965), 153-181; Bannerman, 'Lordship of the Isles', pp. 209-40; Sellar, 'Pedigree Making and Pedigree Faking'; Steve Boardman, 'The Tale of Leper John and the Campbell Acquisition of Lorn', in *Alba: Celtic Scotland in the Medieval Era*, ed. by E. J. Cowan and R. Andrew McDonald (East Linton: Tuckwell Press Ltd, 2000), pp. 219-47; MacGregor, 'Genealogical histories'; MacCoinnich, *Plantation and Civility*; Cochran-Yu, 'A keystone of contention'; Ross Mackenzie Crawford, 'Warfare in the West Highlands and Isles of Scotland, c. 1544-1615' (unpublished doctoral thesis, University of Glasgow, 2016).

Chapter 1: Chief Kenneth Mòr MacKenzie, third earl of Seaforth, 1651-1678

Figure 1-1: Painting attributed to John Michael Wright (1617-1694), entitled 'Kenneth Mackenzie (1635-1678), 3rd Earl of Seaforth'.



SOURCE: John Michael Wright (1617-1694) (attributed to), *Kenneth Mackenzie (1635-1678), 3rd Earl of Seaforth*, oil on canvas, 119.4 x 99 cm, Fortrose Town Hall, Fortrose <<https://artuk.org/discover/artworks/kenneth-mackenzie-16351678-3rd-earl-of-seaforth-166724>> [accessed 13 December 2022].

Kenneth Mòr MacKenzie (1635-1678) was chief of Clan MacKenzie and the third earl of Seaforth from 14 October 1651, sheriff of Ross-shire from 1662, provost of Fortrose from 1665, and a Scottish Privy Councillor from 1674 until his death in 1678. During his political career and chiefship, Kenneth Mòr and the MacKenzies advanced their position in the far north of Scotland, aided by their collaboration with the House of Stuart. However, Kenneth Mòr remains on the fringes of Campbell- and crown-centric narratives. The historiography of Kenneth Mòr's political career can be divided into two chronological periods: pre-Restoration and post-Restoration. The historiography thus far tends to be weighted to the pre-Restoration period of his political career. After lamenting that Kenneth Mòr has been 'strangely overlooked by Highland historians', W. C. Mackenzie provides a

detailed account of Kenneth Mòr's activities during the interregnum period and a summary of his government relations and duties after the Restoration.¹ Frances Dow and Kirsteen MacKenzie have further examined and analysed Kenneth Mòr's involvement in Glencairn and Middleton's rising and his relationship with the Cromwellian regime in Scotland.²

After the Restoration, the historiography tends to focus on his financial hardships, inactivity on the national stage and his activities in Ross-shire and neighbouring shires and indeed, has developed substantially since Alexander Mackenzie wrote the following in 1894:

During the remainder of his life little or nothing of any importance is known of him, except that he lived in the favour and merited smiles of his sovereign, in the undisputed possession and enjoyment of the extensive estates and honours of his noble ancestors, which, through his faithful adherence to the House of Stuart, had been nearly lost during the exile of the second Charles and his own captivity.³

Malcolm Bangor-Jones and Andrew McKenzie have since added to our understanding of the financial troubles of the Seaforth estate, and this financial trouble is one reason cited for Kenneth Mòr's inactivity on the national stage after the Restoration.⁴ McKenzie adds that Kenneth Mòr 'was not at all astute at playing the political game required to achieve his ambitions' in part because he did not marry well.⁵ Hopkins and Kennedy have shown how Kenneth Mòr and Clan MacKenzie engaged with Clan Campbell and the central authorities in and around Ross-shire.⁶

This chapter will build on previous, fragmentary research to present a detailed study of his political career. The cause of this historiographical lacuna is focus rather than a lack of source material. Printed and manuscript primary source material exists to investigate Kenneth Mòr's political career, including family papers in the National Records of Scotland, National Library of Scotland, Mitchell Library in Glasgow and St Andrews Library, and political papers in the British Library. Additionally, clan genealogical histories will be used. These histories are often ignored due to their partisanship in favour

¹ Mackenzie, *History of the Outer Hebrides*, pp. 340-76.

² F. D. Dow, *Cromwellian Scotland: 1651-1660* (Edinburgh: John Donald Publishers Ltd, 1979); Kirsteen M. MacKenzie, 'The Conundrum of Marginality: *Mercurius Politicus*, Order and the Politics of Glencairn's Rising', *Journal of Irish and Scottish Studies*, 6.2 (2013), 93-113.

³ Mackenzie, *History of the Mackenzies*, p. 280.

⁴ Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', pp. 79-117; McKenzie, *May we be Britons*, pp. 112-6, 126; Kennedy, *Governing Gaeldom*, p. 35.

⁵ McKenzie, *May we be Britons*, p. 125.

⁶ Hopkins, *Glencoe*; Kennedy, *Governing Gaeldom*.

of their patron clan and because they can be unreliable for the deeper past.⁷ This chapter will not wholly accept the clan genealogical histories at face value but will use them to explain how the MacKenzies and their allies sought to portray themselves in the recent past.

This chapter is structured chronologically, although there is some overlap. The first two sections focus respectively on Kenneth Mòr's life before becoming chief from 1635 to 1651, and the early years of his chiefship from 1651 to 1660. This section offers an insight into the importance of Kenneth Mòr's education and the support he had around him during the interregnum as he was a minor until c. 1666. The second section in particular will show how involved Kenneth Mòr was in restoring Charles II, which in turn proved important for Kenneth Mòr in the early Restoration years. The third section is concerned with the years 1660 to 1670 and challenges the historiographical neglect of how Kenneth Mòr was rewarded during the early Restoration years as well as furthering our understanding of how the MacKenzies were represented in Edinburgh. The fourth section examines how Kenneth Mòr, his kin, and his allies advanced the MacKenzie position on a local level from 1664 to 1674. During this period, Kenneth Mòr consolidated his authority in Ross-shire, protected his authority in the region against encroachment by rival clans, destabilised his neighbours, and continued to acquire land that was part of the old earldom of Ross. The fifth and final section considers how Kenneth Mòr balanced his role as chief with being a Scottish Privy Councillor from 1674 to 1678. This section will argue that Kenneth Mòr's political manoeuvring as chief from 1651 to 1674 helped establish him as a reliable Highland magnate whom the central authorities could trust. Kenneth Mòr rewarded this promotion with a 'faithful adherence' to crown policy, even if that adherence meant breaking with his predecessors' legacies and with his kin. Ultimately, this chapter will expand on the fragmentary historiographical accounts of Kenneth Mòr's life and analyse his political career as the Earl of Seaforth and chief of Clan MacKenzie and will complement and challenge the historiography of this period with regards to noble power and the use thereof in the far north of Scotland.

1.1: Pre-political Career, 1635-51

Before investigating Kenneth Mòr's political career, it is necessary to explain his experiences before becoming chief in 1651. Kenneth Mòr was born in 1635 and was often

⁷ MacGregor, 'Genealogical histories'.

referred to by the title Lord Kintail, a title invested within the earldom of Seaforth.⁸ From 1641 to 1650, Kenneth Mòr was fostered by Rev. Farquhar MacRae, the minister for Kintail parish and the constable of Eilean Donan castle. In contemporary Highland society, it was common to foster children with a kinsperson or an ally of lower social standing.⁹ Fosterage remained common throughout early-modern Highland society and served to create ‘a relationship akin to that of blood’ and other important social bonds amongst most clans.¹⁰ Alison Cathcart and Aonghas MacCoinnich argue that the non-threatening nature of fosterage allowed it to survive into the seventeenth and eighteenth centuries, despite increasing intervention in the Highlands by the Scottish and, after 1707, British governments.¹¹ Fosterage was viewed as a way to ‘maintain good relations with political allies, neighbouring families, cadet branches of a particular lineage, or... with satellite kindreds geographically separate from the main clan’.¹²

It was no different for the MacKenzies. In addition to their cadet branches, the MacKenzies’ ruling lineage entrusted the fosterage of their children to Clan MacRae, who had fostered two of Kenneth Mòr’s uncles, Colin Ruadh MacKenzie, first earl of Seaforth and Kenneth.¹³ The MacRaes were a client kindred to the MacKenzies and remained so throughout the temporal span of this thesis. As such, the MacRaes of Kintail had historically possessed several hereditary offices in the service of the MacKenzies, including the constablenesship of Eilean Donan Castle and chamberlainship – or manager of the house – of Kintail, and MacRae clansmen were also among Colin Ruadh’s chief bodyguards.¹⁴ In addition to being devoted and trustworthy, Rev. MacRae was well educated, having attended Perth Grammar School and Edinburgh University.¹⁵ George Donn, second earl of Seaforth would have known Rev. Farquhar MacRae well. MacRae

⁸ T. F. Henderson, ‘Mackenzie, George, second earl of Seaforth (d. 1651), chief of clan Mackenzie’, rev. by Edward M. Furgol, in *ODNB*.

⁹ Cathcart, *Kinship and Clientage*, pp. 81-2.

¹⁰ Ibid., p. 80; Steve Murdoch, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe, 1603-1746* (Leiden: Brill, 2006), p. 33.

¹¹ Cathcart, *Kinship and Clientage*, p. 81; Aonghas MacCoinnich, ‘Daltachas, Fineachan agus Alba anns an t-siathamh agus san t-seachdamh linn deug’, in *Cànan & Cultar/Language & Culture: Rannsachadh na Gàidhlig 4*, ed. by Gillian Munro and Richard A. V. Cox (Edinburgh: Dunedin Academic Press, 2010), pp. 37-53.

¹² Ibid.; Peter Parkes, ‘Celtic Fosterage: Adoptive Kinship and Clientage in Northwest Europe’, *Comparative Studies in Society and History*, 48 (2006), 359-95, (p. 375).

¹³ MacCoinnich, ‘Daltachas, Fineachan agus Alba’, pp. 42-4.

¹⁴ Edward M. Furgol, ‘The Northern Highland Covenanter Clans, 1639-1651’, *Northern Scotland*, 7 (1986), 119-31 (p. 98).

¹⁵ R. W. Munro, ‘The Church in Western Parishes: Kintail to Lochbroom’, in *Peoples & Settlement in North-West Ross*, ed. by John R. Baldwin (Edinburgh: The Scottish Society for Northern Studies, 1994), 118-35 (p. 123).

accompanied Kenneth, first lord Kintail (d. 1611), the second earl's father, to Lewis in 1610 and successfully preached the gospel there.¹⁶ After the first lord Kintail's death, Rev. MacRae was transplanted to the parish of Kintail by Colin Ruadh (first earl of Seaforth after 1623) after reportedly turning down offers in Fife.¹⁷ The MacRaes of Kintail were a trusted client kindred of the MacKenzies from the earliest days of both clans.¹⁸

Rev. Farquahar MacRae taught Kintail how to be a chief. In the Ardintoul MS, written by Rev. Farquahar's grandson, Rev. John MacRae (d. 1704), Rev. John MacRae stated that staying with Rev. Farquahar MacRae allowed for Kenneth Mòr to be 'among his people, followers, and dependants, on which the family was still valued'.¹⁹ Additionally, Kintail 'not only learn[ed] the language but become thoroughly acquainted with and learned the genius of the several tribes & Clanns of his Highlanders'; the language, in this case, was Scottish Gaelic.²⁰ Being among his people, followers, and dependents acquainted Kintail with 'their circumstances, which indeed was his interest and part of their happiness, so that it was better to give him that first step of education than that which would make him a stranger at home, both as to his people, estate, and condition'.²¹ In 1650, Kintail was sent to King's College, Aberdeen – a university which was still appointing royalist chancellors in the 1640s – to study under the discipline of Patrick Sandilands.²² The sons of MacKenzie gentry during the second earl's chiefship typically attended King's College. George MacKenzie of Tarbat, Kintail's second cousin, graduated from Aberdeen in 1646 and George MacKenzie (later of Rosehaugh), Kintail's first cousin, also entered King's College in 1650.²³ Sandilands served as regent in 1646, became a sub-principal in 1657, and served as a commissioner for King's College in 1658.²⁴

¹⁶ *Highland Papers*, I, p. 226; Mackenzie, *History of the Mackenzies*, p. 200.

¹⁷ *Highland Papers*, I, pp. 226-7; *Fasti*, VII, p. 152.

¹⁸ Alexander Macrae, *History of the Clan Macrae with Genealogies* (Dingwall: George Souter, 1910), pp. 3-9; Mackenzie, *History of the Mackenzies*, pp. 64-65; Furgol, 'The Northern Highland Covenanter Clans', pp. 121-2; Macinnes, *Clanship*, p. 98; Stevenson states that tradition places the MacRaes as also subordinate to Clan MacLennan until the Battle of Auldearn in 1645, see David Stevenson, *Alasdair MacColla and the Highland Problem in the Seventeenth Century* (Edinburgh: John Donald Publishers Ltd, 1980), p. 189.

¹⁹ BL, Add. MS 40721, Ardintoul Manuscript, fol. 79. [Hereafter: The Ardintoul MS]

²⁰ *Ibid.*, fol. 80.

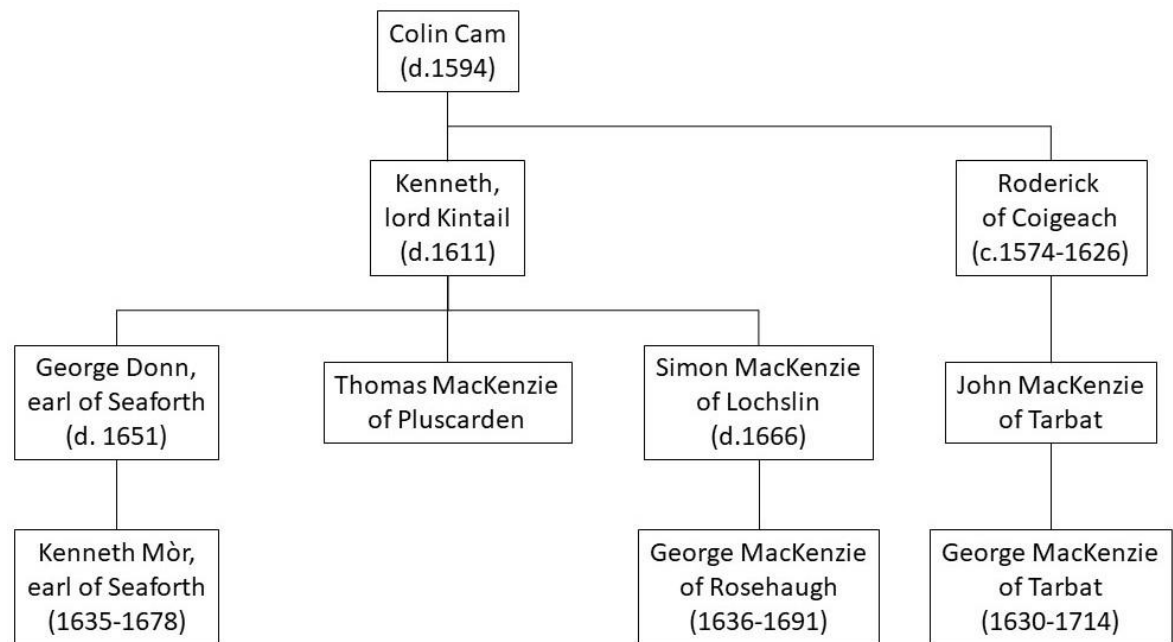
²¹ *Ibid.*

²² *Ibid.*; David Stevenson, *King's College, Aberdeen, 1560-1641: From Protestant Reformation to Covenanting Revolution* (Aberdeen: Aberdeen University Press, 1990), p. 123.

²³ Kidd, 'Mackenzie, George, first earl of Cromarty', in *ODNB*; Clare Jackson, 'Mackenzie, Sir George, of Rosehaugh (1636/1638-1691), judge and politician', in *ODNB*; MacCoinnich, *Plantation and Civility*, p. 93, n. 93.

²⁴ Alexander Munro (ed.), *Records of Old Aberdeen, 1498-1903*, 2 vols (Aberdeen, 1900-9), II, p. 53; William Orem, *A Description of the Chanonry, Cathedral, and King's College of Old Aberdeen In the Years 1724 and 1725* (Aberdeen: J. Chalmers and Company, 1791), p. 91; William Kennedy, *Annals of Aberdeen*

Figure 1-2: Family Tree, including key Kenneth Mòr's key uncles and cousins²⁵



Kenneth Mòr's college education lasted less than a full year as he was called home in 1651 to lead the clan after the Battle of Dunbar (1650); his father had left Scotland to join Charles II in Holland after Charles I was beheaded.²⁶ Kenneth Mòr received a commission to try to raise at least 1100 other members of the MacKenzies for the upcoming Battle of Worcester (1651) and managed to raise 982 men.²⁷ Kenneth Mòr was accompanied by leading members of the Clan MacKenzie gentry, including his uncles Lieutenant Colonel Thomas MacKenzie of Pluscarden and Major Simon MacKenzie of Lochslin, his cousins George MacKenzie of Tarbat and Kenneth MacKenzie of Coul, and his distant cousins Roderick MacKenzie of Davochmalaug and Hector MacKenzie of Fairburn.²⁸ According to Rev. John MacRae, the MacKenzies were reluctant to join Kenneth Mòr because he was too young at fifteen years old, and if Charles II needed their help, he would have ordered the second earl of Seaforth back home from his exile in Holland.²⁹ Lochslin blamed Rev. Farquhar MacRae for 'fostering this mutinous spirit within the clan' and evicted him from Eilean Donan Castle.³⁰ Despite the desertions,

from the Reign of William the Lion to the End of the Year 1818; with an Account of the City, Cathedral, and University of Old Aberdeen, 2 vols (London: A. Brown and Company Aberdeen, 1818), II, pp. 118, 403, 405.

²⁵ Mackenzie, *History of the Mackenzies*, pp. 177, 224, 356, 551.

²⁶ Ibid., p. 277; Henderson and Furgol, 'Mackenzie, George, second earl of Seaforth', in *ODNB*.

²⁷ Furgol, 'The Northern Highland Covenanter Clans', p. 122; Mackenzie, *History of the Mackenzies*, p. 277. It is not known from whom Kintail received his commission.

²⁸ The Ardintoul MS, p. 80.

²⁹ Ibid.

³⁰ Furgol, 'The Northern Highland Covenanter Clans', p. 122.

Kintail's force was the largest of the clans present.³¹ The Battle of Worcester was the final defeat of the Scottish Covenanters and royalists in the Wars of the Three Kingdoms and ended the Scottish invasion of England.³² Among the Highland clans present at Worcester were the MacDonalds of Sleat, the MacLeods of Dunvegan, the Mackays, the Sinclairs, the Rosses of Balnagown, the Frasers of Lovat, and the MacKenzies and the subordinate clans of Clan MacKenzie.³³ Alexander Mackenzie claims that defeat at Worcester led to Kenneth Mòr's brief imprisonment, but there are no contemporary records of this.³⁴ The second earl of Seaforth did not return for the campaign and would die in Schiedam, Holland on 14 October 1651, when Kenneth Mòr succeeded him as the third earl of Seaforth and chief of the MacKenzies.

1.2: Interregnum Lordship, 1651-60

Kenneth Mòr's contribution to the royalist cause from the start of his political career in 1651 until the restoration of the Stuart monarchy in 1660 can be divided into two periods. The first is Kenneth Mòr's early royalism, culminating in his involvement in the failed Glencairn and Middleton risings, 1653-54. The second is the aftermath of the rising until the Restoration in 1660, during which time Kenneth Mòr's royalist activity was limited by his surrender and forfeiture after the failed risings. Analysis of his early royalism in the historiography of the period has been limited to a few works.³⁵ There are several reasons for this. First, historical commentary on the royalist cause in Scotland after the end of the Wars of the Three Kingdoms in 1651 focuses primarily on the royalist leaders William Cunningham, earl of Glencairn and Lieutenant-General John Middleton or the covenanting leader Archibald Campbell, marquess of Argyll and chief of Clan Campbell.³⁶ The majority of David Stevenson's work ends in 1651 and the Glencairn Rising of 1653-54, which included many prominent Highland royalists, receives little attention.³⁷ Second, the Ardintoul MS, which details this period most thoroughly, is rarely consulted by historians except to erroneously repeat that Kenneth Mòr, before becoming

³¹ Ibid., pp. 122-9.

³² Macinnes, *Clanship*, p. 109.

³³ Furgol, 'The Northern Highland Covenanter Clans', pp. 121-6.

³⁴ Mackenzie, *History of the Mackenzies*, p. 279.

³⁵ Mackenzie, *History of the Outer Hebrides*; Dow, *Cromwellian Scotland*; MacKenzie, 'The Conundrum of Marginality'.

³⁶ Macinnes, *Clanship*, pp. 110-2; Allan I. Macinnes, *The British Confederate: Archibald Campbell, Marquess of Argyll, 1607-1661* (Edinburgh: John Donald, 2011); Hopkins, *Glencoe*.

³⁷ Stevenson, *Alasdair MacColla*; David Stevenson, *Revolution and Counter-Revolution in Scotland, 1644-1651* (London: Royal Historical Society, 1977); David Stevenson, *The Government of Scotland under the Covenanters, 1637-1651* (Edinburgh: Scottish History Society, 1982).

chief, was unable to raise the men of Kintail to fight at the Battle of Worcester.³⁸

Furthermore, earlier clan genealogical histories by John Molach MacKenzie of Applecross (c. 1667) and Sir George MacKenzie of Tarbat (c. 1669), available in early-twentieth-century printed volumes, provide very brief summaries of those nine years.³⁹ A later history by Alexander Mackenzie states that Kenneth Mòr fought when he could, but spent most of the time in prison.⁴⁰ Applecross's, Tarbat's, and Alexander Mackenzie's histories are most commonly used by historians to evaluate Kenneth Mòr's involvement during this period. However, as F. D. Dow, Mackenzie and MacKenzie have shown, not only was Kenneth Mòr more involved than he has been portrayed in the historiography, but substantial printed and manuscript primary source material exists to examine the period with Kenneth Mòr at the centre.⁴¹

1.2.1: Kenneth Mòr and the Royalist Cause, 1651-54

Kenneth Mòr MacKenzie became chief of Clan MacKenzie and the third earl of Seaforth at the approximate age of sixteen and joined a growing list of chiefs taking over their clans as minors during this period.⁴² As a minor, Kenneth Mòr had a tutor to act as his guardian and a factor to administer his estate. Kenneth Mòr's paternal uncles, Pluscarden and Lochslin, respectively filled these roles; Lochslin occasionally filled in for Pluscarden.⁴³ It was common practice that the tutor position would be filled by members of the father's family; Kenneth Mòr's mother, Lady Barbara (*fl.* 1666), could have been chosen, but was not.⁴⁴ Kenneth Mòr threw himself into the royalist cause with the help of his powerful uncles. While in exile in 1649, George Donn had ordered Pluscarden to lead the MacKenzies whenever Charles required it; this effectively deputised him. However, despite being the chief, he had difficulty levying men after the failure at the Battle of Worcester.⁴⁵ Nothing is known about Kenneth Mòr's political career between then and the spring of early 1653. Presumably, he had accepted that his clan was unwilling to fight and

³⁸ Furgol, 'The Northern Highland Covenanter Clans', p. 122.

³⁹ *Highland Papers*, II, pp. 5-68; James Toshach Clark (ed.), *Genealogical Collections Concerning Families in Scotland, made by Walter Macfarlane, 1750-1751*, 2 vols (Edinburgh: T. and A. Constable for the Scottish History Society, 1900), I, pp. 54-69.

⁴⁰ Mackenzie, *History of the Mackenzies*, pp. 279-80.

⁴¹ Dow, *Cromwellian Scotland*; Mackenzie, *History of the Outer Hebrides*; MacKenzie, 'The Conundrum of Marginality'.

⁴² Chiefs who succeeded their fathers as minors during this period included Sir James MacDonald of Sleat in 1643, Hugh Fraser, eighth lord Lovat in 1646, and Lewis Gordon, third Marquess of Huntly in 1649.

⁴³ NRS, GD124/15/146.

⁴⁴ Cathcart, *Kinship and Clientage*, p. 83; Brown, *Noble Society in Scotland*, pp. 46-7, 83-4.

⁴⁵ Dow, *Cromwellian Scotland*, p. 17.

was hiding from authorities in Ross-shire – as George MacKenzie of Tarbat was – and was learning to manage his estates.⁴⁶

In early 1653, Glencairn expressed his interest to Charles II, who was based in Holland, in leading a royalist rising to oppose the English occupation of the Scottish Highlands; and Charles made him commander-in-chief until Charles's preferred commander, Middleton, could arrive from the Holland.⁴⁷ MacKenzie notes that the 'exiled Royal Court did not harness English Presbyterian support because they were too close to the Cromwellian government'.⁴⁸ Glencairn had agents in Ulster, and Colonel Robert Lilburne, commander of the English forces in Scotland, feared that the royalists aimed to capture Scotland and start a rising in the north of Ireland.⁴⁹ On 22 April 1653, Kenneth Mòr led a royalist council in Glenelg in western Ross-shire. He wrote a letter to Charles II on behalf of the council in which he assured Charles that the council and others in the Scottish Highlands and Islands 'have all been carrying on your Majesties services with all possible diligence and celerity' and that there are a 'very considerable number of loyall subjects that are most ready and willing to spend their lives and fortunes' for the royalist cause.⁵⁰ Not wishing to upset other royalist leaders, however, Charles authorised the meeting of another war council from leading Highland men, which included Kenneth Mòr and Pluscarden, in the hope that they would select Glencairn for themselves; Charles had been encouraging the members of the council individually.⁵¹ The members of the council chose Glencairn as their leader at a meeting in Lochaber in July 1653.⁵² Archibald Campbell, marquess of Argyll and chief of Clan Campbell chose not to participate in the rising on either side. Campbell-hating was an effective motivator, even if Argyll's son, Archibald Campbell, lord Lorne fervently supported the royalist cause.⁵³ Lorne and Argyll had poor personal relations.⁵⁴ Even though Lorne was heavily involved in the royalist cause, Glencairn promoted unity through hatred of the Campbells.⁵⁵ Glencairn urged Charles to declare Argyll a traitor and to cancel the debts owed to him by other Highland

⁴⁶ Fraser, *Cromartie*, I, pp. lxx-lxxi.

⁴⁷ David Stevenson, 'Cunningham, William, eighth earl of Glencairn (1610/11-1664), royalist army officer', in *ODNB*.

⁴⁸ Kirsteen M. MacKenzie, *The Solemn League and Covenant of the Three Kingdoms and the Cromwellian Union, 1643-1663* (Abingdon: Routledge, 2018), p. 86.

⁴⁹ *Ibid.*

⁵⁰ Dow, *Cromwellian Scotland*, p. 81; Firth, *S and C*, pp. 127-8.

⁵¹ Dow, *Cromwellian Scotland*, p. 82; McDougall, 'Covenants and Covenanters', p. 121.

⁵² Firth, *S and C*, p. 160; Stevenson, 'Cunningham, William, eighth earl of Glencairn', in *ODNB*.

⁵³ Firth, *S and C*, pp. 200, 203, 220, 228.

⁵⁴ Hopkins, *Glencoe*, pp. 39-40; McDougall, 'Covenants and Covenanters', pp. 121-2.

⁵⁵ Stevenson, *Alasdair MacColla*, p. 273; McDougall, 'Covenants and Covenanters', p. 122.

chiefs.⁵⁶ Despite Glencairn's best efforts to present a united front, any unity within the royalist cause was short-lived.⁵⁷ Jamie McDougall argues that divisions existed from the start due to the range of different ideological and geographical backgrounds of the supporters: conservative and royalist Covenanters who wished to limit the king's power but were unwilling to rebel against the king, Catholics who refused to sign the Covenant, younger supporters whose fathers had fought for and against the Covenanters.⁵⁸ Charles, however, wanted religious unity, and early public declarations did not make reference to covenants.⁵⁹ The initial strategy used by the royalists was to extort money from covenanter lords rather than fight. This benefited the movement because the responsibility placed on individual leaders to raise money lessened the bickering amongst the royalist leaders.⁶⁰

Indeed, as Kenneth Mòr began to take a leadership role in the renewed royalist cause, he was able to encourage the MacKenzies to fight for him. Furthermore, as chief of the MacKenzies, Kenneth Mòr would come to expect the support of his clan gentry but did not always receive it. One notable example was Thomas MacKenzie of Inverlaur, who was formerly the minister for the parishes of Tarbat (1633-35) and Killearnan (1638).⁶¹ In 1649, the Engager Parliament ordered certain persons to give surety for peace; Inverlaur refused to give his assurance and was brought before the Commissioners of Ross.⁶² He declared that he was not involved in any insurrections and that any assistance his men in Lochbroom provided the second earl of Seaforth were done against his wishes.⁶³ While that may have been true, Inverlaur eventually joined Kenneth Mòr for the 1654 rising.⁶⁴

Another example how of how Kenneth Mòr's did not receive support from his clansmen was when they abandoned him during his ill-fated attempt to secure Stornoway. By May 1653, Kenneth Mòr had received an Englishman named Crawford, who was an emissary sent by Charles II.⁶⁵ In May, a privateer named *Fortune* arrived at Stornoway harbour. At first glance, Kenneth Mòr believed the ship had been sent by Charles II for

⁵⁶ Firth, *S and C*, pp. 273-4.

⁵⁷ McDougall, 'Covenants and Covenanters', p. 124.

⁵⁸ *Ibid.*, pp. 23, 121-2.

⁵⁹ MacKenzie, *The Solemn League and Covenant*, pp. 83-4.

⁶⁰ Dow, *Cromwellian Scotland*, p. 83; Firth, *S and C*, pp. 99-102, 202.

⁶¹ *Fasti*, VII, pp. 11, 75.

⁶² *RPS*, 1649/1/53; *APS*, VI, pp. 502-3; *Fasti*, VII, pp. 11, 75; Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 90.

⁶³ *Registrum Magni Sigilli Regum Scotorum: Register of the Great Seal of Scotland* [hereafter *RMS*], ed. by J. M. Thomson, 11 vols (Edinburgh, 1882-1914), X, nos. 24, 25, 272, 286; Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 90.

⁶⁴ *Ibid.*, pp. 90-1.

⁶⁵ Mackenzie, *History of the Outer Hebrides*, p. 343.

Crawford.⁶⁶ Kenneth Mòr's men on the Isle of Lewis captured the English crew of the *Fortune*, and unsuccessfully tried to persuade the captain, Captain Edwards, and crew of the *Fortune* to join the royalist cause.⁶⁷ Captain Edwards escaped before Kenneth Mòr could seize the *Fortune* and fired at Stornoway as he sailed away.⁶⁸ The owner of the *Fortune*, Captain Brassie, complained to Colonel Lilburne of the occupying Cromwellian army.⁶⁹ Colonel Lilburne quickly ordered Lieutenant Colonel Blunt, Governor of Inverness, to capture and imprison Pluscarden, Sir John MacKenzie, first baronet of Tarbat (d. 1654), and other leading MacKenzies, which Lieutenant Colonel Blunt was very successful in doing.⁷⁰ Colonel Lilburne also wrote to Oliver Cromwell to suggest that Kenneth Mòr's estates be sequestered.⁷¹ He later repeated his desire for Kenneth Mòr's estates to be sequestered so that financial pressures and debts would not encourage Kenneth Mòr, Pluscarden, and others to fight to protect their estates.⁷² Colonel Lilburne wrote to Pluscarden to apologise to him for his predicament and confirmed that he was being held until Kenneth Mòr released the captured men.⁷³ On 26 June 1653, Kenneth Mòr wrote to Lieutenant Colonel Blount to request his uncle be set free in exchange for the release of the crew of the *Fortune*; they were freed in Lochaber in July.⁷⁴ Tarbat was released before Pluscarden, but died the following year and was succeeded by his son, George MacKenzie [hereafter Tarbat].

In retaliation, Oliver Cromwell ordered Colonel Lilburne to reduce Stornoway.⁷⁵ However, according to W. C. Mackenzie, Kenneth Mòr 'received early intelligence' and 'immediately took counsel with his friends how to avert the storm'.⁷⁶ He constructed a fort nearby with 'two great guns and four sling pieces'.⁷⁷ Kenneth Mòr seems to have split time between Lochaber, Eilean Donan Castle and Lewis until Lilburne garrisoned Lewis in

⁶⁶ Mackenzie, *History of the Outer Hebrides*, p. 343.

⁶⁷ Dow, *Cromwellian Scotland*, p. 81; Firth, *S and C*, p. 140; Mackenzie, *History of the Outer Hebrides*, p. 343.

⁶⁸ Mackenzie, *History of the Outer Hebrides*, p. 343.

⁶⁹ Ibid.

⁷⁰ Dow, *Cromwellian Scotland*, p. 81; Firth, *S and C*, pp. 147-9; Mackenzie, *History of the Outer Hebrides*, pp. 343-4.

⁷¹ Dow, *Cromwellian Scotland*, p. 81; Firth, *S and C*, pp. 147-9; Mackenzie, *History of the Outer Hebrides*, pp. 343-4.

⁷² Firth, *S and C*, p. 295.

⁷³ Ibid., p. 153.

⁷⁴ Ibid., pp. 151-2; Mackenzie, *History of the Outer Hebrides*, p. 345.

⁷⁵ Firth, *S and C*, p. 153.

⁷⁶ Mackenzie, *History of the Outer Hebrides*, p. 344.

⁷⁷ Ibid., p. 345.

September 1653.⁷⁸ Kenneth Mòr, accompanied by Alexander Lindsay, earl of Balcarres, headed back to Lewis after the July 1653 meeting of royalist leaders in Lochaber (when Glencairn was named the leader) to improve defences.⁷⁹ Colonel Lilburne believed that Kenneth Mòr was planning to move arms from Kintail (presumably those in Eilean Donan Castle) to Lewis to strengthen the island and, to prevent Kenneth Mòr turning Lewis into stronghold for the royalists, Lilburne garrisoned the island.⁸⁰ In late July, Kenneth Mòr had become an object of ridicule and scorn for Marchamont Nedham in his republican newspaper, *Mercurius Politicus*, in which Nedham accused Kenneth Mor of playing ‘*Rex in Lewis-Island*’.⁸¹

Lilburne and Nedham did not need to worry. Kenneth Mòr’s clansmen on Lewis did not support his decision to seize the *Fortune*, which led many to flee Lewis.⁸² Furthermore, Kenneth Mòr had left his brother, John of Gruinard, to manage the defence of Lewis, but he fled once Colonel Lilburne’s forces arrived.⁸³ The clan disapproved of Kenneth Mòr’s actions; indeed, his clansmen did not even seem to support strengthening Eilean Donan against a potential attack from Lilburne.⁸⁴ Regardless, his efforts were praised by Charles II. On 12 September 1653, Charles II wrote to Kenneth Mòr to thank him for ‘the greate affection and courage which you have so seasonably shewed to our service’, and assured him that he would not ‘forgett the good service done to us by your father and your selfe, but shall reward you both’.⁸⁵ However, as Mackenzie argues, Charles II ‘was as artful in winning the support of his friends by appealing to their personal interests, as he was forgetful in fulfilling his promises after their services had been secured’.⁸⁶

With Middleton’s departure from the continent imminent, Charles warned Glencairn, Kenneth Mòr, and the other Highland chieftains against further factionalism in

⁷⁸ Firth, *S and C*, pp. 145, 160.

⁷⁹ Ibid., pp. 160, 164; Mackenzie, *History of the Outer Hebrides*, p. 346. The first earl of Balcarres was married to Seaforth’s cousin, Anna MacKenzie, the daughter of Colin Ruadh MacKenzie, first earl of Seaforth.

⁸⁰ Firth, *S and C*, pp. 157, 221.

⁸¹ MacKenzie, ‘The Conundrum of Marginality’, p. 105.

⁸² Mackenzie, *History of the Outer Hebrides*, p. 346.

⁸³ Firth, *S and C*, p. 221; Mackenzie, *History of the Mackenzies*, p. 276. Colonel Lilburne wrote that ‘The Lord Seaford had left his bastard brother Governour there’. John of Gruinard was Seaforth’s only known illegitimate sibling.

⁸⁴ Mackenzie, *History of the Outer Hebrides*, pp. 346, 350.

⁸⁵ Firth, *S and C*, p. 201.

⁸⁶ Mackenzie, *History of the Outer Hebrides*, p. 354.

September 1653.⁸⁷ Despite Charles's hopes, schisms further developed once Middleton arrived and brought with him Sir George Munro to be his second in command.⁸⁸ This upset Glencairn, who had hoped to fill that role, and his and Munro's mutual dislike for each other culminated in a duel with swords; the duel ended with injuries, but neither man died.⁸⁹ Charles began to receive differing versions of events. Glencairn urged Charles to only believe information if Angus MacDonald of Glengarry was one of the signatories; nevertheless, Middleton replaced Glencairn as commander by March 1654.⁹⁰ Kenneth Mòr sided with Glencairn and on 2 June 1654, he wrote to Charles to warn him that he would not receive a full account of public affairs from Middleton.⁹¹ While it is clear from Charles's letters to Middleton that he was frustrated with the lack of information, it is unclear if this was deliberate, as Kenneth Mòr suggested.⁹² After criticising the lack of information that he was receiving from Middleton in several previous letters, Charles II wrote to Middleton that a representative accompanied his latest letter with the instruction to 'receave from [Middleton] the true state of affayres'.⁹³ This letter never reached Middleton, as the bearer, Colonel Thomas Blagge, turned back after the failure of the rising in the summer of 1654.⁹⁴

Kenneth Mòr was able to garner support from three hundred of his clansmen for the royalist risings.⁹⁵ In late 1653, he and Angus MacDonald of Glengarry unsuccessfully tried to recruit further support for Charles II in Lochaber.⁹⁶ Afterwards, Kenneth Mòr joined other Highlanders in guerrilla warfare against the English, energising the Highland fighters and reaching as far south as Falkirk.⁹⁷ Throughout December, Kenneth Mòr made preparations to retake Lewis, and unsuccessfully sieged the English garrison in January 1654 with the help of Colonel Norman Macleod.⁹⁸ In retaliation, the English army garrison massacred Kenneth Mòr's supporters on Lewis, a move supported in by Nedham in

⁸⁷ Firth, *S and C*, pp. 99-102, 202.

⁸⁸ *Ibid.*, pp. xxv, 52.

⁸⁹ *Ibid.*, pp. 88-9.

⁹⁰ Stevenson, *Alasdair MacColla*, p. 274; Allan I. Macinnes, *The British Revolution, 1629-1660* (Basingstoke: Palgrave Macmillan, 2005), p. 203.

⁹¹ Firth, *S and P*, p. 117.

⁹² *Ibid.*, pp. 130-1, 169-70.

⁹³ *Ibid.*, pp. 130-1, 169-70, 205-6.

⁹⁴ Firth, *S and P*, p. 205, n. 2.

⁹⁵ Mackenzie, *History of the Outer Hebrides*, p. 348.

⁹⁶ *Ibid.*, p. 356; MacKenzie, 'The Conundrum of Marginality', p. 109.

⁹⁷ Mackenzie, *History of the Other Hebrides*, p. 356.

⁹⁸ Firth, *S and C*, pp. 306-7; Mackenzie, *History of the Outer Hebrides*, pp. 359-60.

Mercurius Politicus.⁹⁹ Kenneth Mòr gathered his men again in March 1654 in Kintail as the nearby Eilean Donan Castle was becoming a base for royalist operations and munitions.¹⁰⁰ However, the risings would be over within a few months.

On 5 May 1654, Cromwell's Act of Pardon and Grace to the People of Scotland was proclaimed at the Mercat Cross in Edinburgh. Kenneth Mòr was one of the twenty-five supporters (and families of supporters) of Charles II to have their estates forfeited, whereas fines ranging from £500 to £15,000 were levied on the others.¹⁰¹ This allowed for Kenneth Mòr's in-laws to pursue debts owed by his father, which will be discussed in more detail below. To make matters worse for Kenneth Mòr, rumours had been spread that Kenneth Mòr had tried to marry one of Cromwell's daughters; he would deny these rumours in a letter to Charles the following month.¹⁰² Charles appeared to be satisfied with Kenneth Mòr's response in his reply, expressing happiness with Kenneth Mòr's loyalty and stating that he was an example for others.¹⁰³ However, this letter, written in August and also being carried by Colonel Blagge, never reached Kenneth Mòr.¹⁰⁴ Nevertheless, Kenneth Mòr and some of his gentry, including Lochslin, Kenneth MacKenzie of Coul, John MacKenzie of Applecross, and the previously apprehensive Thomas MacKenzie of Inverlaul invaded the lands of the MacLeods of Assynt in July.¹⁰⁵ Indeed, Monck told Cromwell that the MacKenzies were amongst 'the stubbornest Enemy wee have'.¹⁰⁶ Soon after, the royalist leaders individually sought terms with Monck, beginning with Glencairn in September. The MacLeods of Assynt retaliated for the July raid by stealing forty-seven horses and forty cows from the MacKenzies in October 1654.¹⁰⁷ Kenneth Mòr finally submitted in January 1655.

1.2.2: The Aftermath of the Glencairn and Middleton Risings, 1655-60

On 10 January 1655, General Monck and Pluscarden, who was negotiating on behalf of Kenneth Mòr, reached a settlement for Kenneth Mòr's surrender and forfeiture which became the benchmark for future settlements with other forfeited royalists. There

⁹⁹ Mackenzie, *History of the Outer Hebrides*, pp. 359-60; MacKenzie, 'The Conundrum of Marginality', p. 111.

¹⁰⁰ Firth, *S and P*, pp. 56, 91.

¹⁰¹ John Nicoll, *A Diary of Public Transactions and other Occurrences, Chiefly in Scotland, From January 1650 to June 1667*, ed. by David Laing (Edinburgh: T. Constable, 1836), pp. 125-6.

¹⁰² Firth, *S and P*, pp. 117-8; Mackenzie, *History of the Outer Hebrides*, pp. 366-7.

¹⁰³ Firth, *S and P*, pp. 206-7.

¹⁰⁴ *Ibid.*, p. 205, n. 2.

¹⁰⁵ *Ibid.*, p. 236; Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 91.

¹⁰⁶ Firth, *S and P*, p. 144.

¹⁰⁷ Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 91.

were nine clauses in the settlement. The most novel was the fourth, which allowed Kenneth Mòr and his clan, after capitulating, to ‘have the liberty to carry their armes for their owne defence against broaken men and theeves within their owne bounds’.¹⁰⁸ The rest of the settlement was typical for the time. Kenneth Mòr was to give security of £6000 sterling to Colonel Thomas Fitch thirty days after surrendering some of their arms to the Colonel, although there were allowances for delinquent payments due to the damage to MacKenzie estates.¹⁰⁹ Some of Kenneth Mòr’s lands had been burnt by Monck the previous year.¹¹⁰ The treaty with Glencairn, made on 20 August 1654, contained neither of these concessions.¹¹¹ Macinnes notes that Monck’s strategy was ‘a return to the legislative offensive of James VI and I: namely, selective favouring for the *fine*, but containment for the clansmen’ and Monck made concessions, like the leniencies to Kenneth Mòr, to discourage further royalist risings.¹¹² While Glencairn was allowed to return home with his and his private soldiers’ horses and swords, they were required to sell their horses within three weeks. This treaty would benefit both parties, at least in the short term. Kenneth Mòr’s lands were being systematically devastated by the English and Monck realised that he could not govern the Scottish Highlands without the aid of local elites.¹¹³ A potential repercussion that did not materialise was to let Neil MacLeod of Assynt recoup his losses from Clan MacKenzie estates, but Monck cancelled Assynt’s claim to losses after learning that he had raised men to oppose the English.¹¹⁴

On 6 April, Kenneth Mòr wrote to Monck to complain about three terms of his capitulation. With regards to the fifth clause, whereby the MacKenzies were ‘Burdouned with the prooff of M^cCloud of Assins’, Kenneth Mòr claimed to have proof that Assynt ‘Led witnesses contrair to Law & your ex[press] Meaning in the express words’ of the fifth clause.¹¹⁵ The sixth clause granted the MacKenzies and their tenants a reprieve from making rent payments on lands that had been burnt or destroyed (including Kintail and Lochbroom) until after the next harvest, while rents for undamaged lands were granted a

¹⁰⁸ Firth, *S and P*, p. 235.

¹⁰⁹ Ibid., pp. 234-7.

¹¹⁰ Bangor-Jones, ‘Mackenzie Families of the Barony of Lochbroom’, p. 86.

¹¹¹ Firth, *S and P*, pp. 165-8.

¹¹² Macinnes, *Clanship*, p. 111.

¹¹³ Stevenson, *Alasdair MacColla*, p. 274; Dow, *Cromwellian Scotland*, p. 137; Danielle McCormack, ‘Highland Lawlessness and the Cromwellian Regime’, in *Scotland in the Age of Two Revolutions*, ed. by Sharon Adams and Julian Goodare (Woodbridge: The Boydell Press, 2014), pp. 115-33 (pp. 130-2).

¹¹⁴ Dow, *Cromwellian Scotland*, p. 155.

¹¹⁵ Firth, *S and P*, p. 236; NRS, GD190/3/195/3.

shorter grace period.¹¹⁶ He requested that no distinction be made and the reprieve cover all lands until after the next harvest.¹¹⁷ The eighth clause set up a trust from which Kenneth Mòr's debts would be paid and the trustees would be appointed before Kenneth Mòr returned from prison, but Kenneth Mòr hoped that Pluscarden could have more say who would be appointed as trustees.¹¹⁸ It is not known if anything came of these complaints and requests, but Kenneth Mòr and the MacKenzies appeared to live peaceably for the rest of the interregnum. From mid-1655, the Protectorate government began to develop a new containment strategy in the hope of preventing another royalist rising. Even though Monck occasionally rounded up royalists whenever there was a threat of another uprising, by and large he let all the clans continue to carry arms to protect themselves from cateran bands and keep the peace.¹¹⁹ Monck and Roger Boyle, lord Broghill decided to keep Glencairn and Lorne under surveillance.¹²⁰ In 1655 and 1656, Monck began to suspect a royalist invasion of Scotland with the help of Spain and by 10 October 1656, Kenneth Mòr and five other Highland royalists were apprehended.¹²¹ Furthermore, Monck and Broghill were aware that Middleton was travelling around Europe after the failed rising.¹²² In 1656, Middleton went to Thorn, Prussia to try and get his former Scottish soldiers who were fighting for the Swedish Empire to surrender to the Polish besiegers during the Second Northern War (1655-60).¹²³ Middleton himself likened fighting for the Swedish cause to fighting for Cromwell and the Protectorate.¹²⁴ Despite frequent assertions by historians that Kenneth Mòr remained imprisoned until the Restoration, he was out of prison by 7 September 1659 after signing an engagement at Dalkeith not to support Charles II after Cromwell died in 1658.¹²⁵ Glencairn and John Leslie, Earl of Rothes had already signed by 11 August, along with Hugh Montgomery, viscount Montgomery.¹²⁶

¹¹⁶ Firth, *S and P*, p. 236.

¹¹⁷ NRS, GD190/3/195/3.

¹¹⁸ Firth, *S and P*, p. 237; NRS, GD190/3/195/3. Only the name of one trustee is known, a Mr. Harper.

¹¹⁹ Macinnes, *Clanship*, p. 113; Dow, *Cromwellian Scotland*, p. 190; McCormack, 'Highland Lawlessness and the Cromwellian Regime', pp. 130-3.

¹²⁰ Dow, *Cromwellian Scotland*, p. 191.

¹²¹ *Ibid.*, pp. 190-3; Brodie of Brodie, p. 190.

¹²² Dow, *Cromwellian Scotland*, pp. 191-3.

¹²³ Murdoch, *Network North*, pp. 79-80.

¹²⁴ *Ibid.*, p. 80.

¹²⁵ Dow, *Cromwellian Scotland*, p. 247; Nicoll, *Diary*, p. 247; *The Clarke Papers. Selections from the Papers of William Clarke, Secretary to the Council of the Army, 1647-1649, and to General Monck and the Commanders of the Army in Scotland, 1651-1660*, ed. by C. H. Firth, 4 vols (Westminster, 1891-1901), IV, p. 41; David Stevenson, 'Livingston [Livingstone], James, first earl of Callendar (d. 1674), army officer', in *ODNB*. Thank you to Andrew Lind for directing me to the correct engagement. Mackenzie, *History of the Mackenzies*, p. 280: Mackenzie claims that Charles II ordered Seaforth to be set free. Henderson and Furgol, 'Mackenzie, George, second earl of Seaforth', in *ODNB*. Henderson and

Another repercussion of the MacKenzies' participation in Glencairn and Middleton's rising was their exclusion from the Protectorate Parliaments in London. On 4 May 1654, the Protectorate was established and known royalists were prohibited from voting for or standing as representatives to the first Parliament, which convened on 3 September 1654.¹²⁷ All of the representatives for the shire of Ross, Sutherland, and Cromarty and the shire of Inverness were English Republicans with no known grounding in their districts. Therefore, the MacKenzie position was not being represented in Scottish Parliament for the first time since Pluscarden and Sir John MacKenzie of Tarbat attended the 1645 parliament in Perth as shire commissioners for Elgin and Inverness respectively; Kenneth Mòr's father had last attended a meeting in 1641.¹²⁸ While Scotland was allotted thirty shire representatives, only twenty-one constituencies returned members.¹²⁹ The shire of Inverness was represented by Lieutenant Colonel William Mitchell.¹³⁰ The second Protectorate Parliament of 1656 saw the return of an MP from the shire of Ross, Sutherland, and Cromarty, Doctor Thomas Clarges, an English politician who was returned for a different borough in the next Protectorate Parliament, while the shire of Inverness returned Colonel Thomas Fitch.¹³¹ The third Protectorate Parliament of 1659 saw the shire of Ross, Sutherland, and Cromarty return Ralph Knight while the shire of Inverness again returned Colonel Fitch.¹³²

1.2.3: The State of the House of Seaforth at the Restoration

Charles II was restored as King of Scots on 29 May 1660, although his crowning at Scone in 1651 would be the last time that he set foot in Scotland as king.¹³³ Since his release from prison in September 1659, Kenneth Mòr had been restoring and stabilising Seaforth estate in Ross-shire. After it was clear that Glencairn and Middleton's rising would fail in 1654, Kenneth Mòr's second cousin, Tarbat, fled to the continent until the Restoration in 1660; he spent his time in exile studying law, which would benefit himself,

Furgol write that '[Kenneth, third Earl of Seaforth] was captured during the battle [of Worcester] and languished in prison during the English rule of Scotland' and implies that he was freed at the Restoration.

¹²⁶ Dow, *Cromwellian Scotland*, p. 247; *Clarke Papers*, IV, p. 41.

¹²⁷ John R. Young, *The Scottish Parliament 1639-1661: A Political and Constitutional Analysis* (Edinburgh: John Donald Publishers Ltd, 1996), pp. 298-9.

¹²⁸ *RPS*, 1645/1/2; *Ibid.*, 1645/8/247.

¹²⁹ Young, *The Scottish Parliament 1639-1661*, p. 299.

¹³⁰ William Cobbett (ed.), *Cobbett's Parliamentary History of England. From the Norman Conquest, in 1066. To the Year 1803. From which last-mentioned epoch it is continued downwards in the work entitled, "Cobbett's Parliamentary debates"*, 36 vols (1806-20), III, p. 1432.

¹³¹ *Cobbett's Parliamentary History of England*, p. 1483.

¹³² *Ibid.*, p. 1536; Stuart Handley, 'Knight, Sir Ralph (1619?-1691), parliamentarian army officer', in *ODNB*.

¹³³ Jackson, *Restoration Scotland*, pp. 14, 16.

Kenneth Mòr, and Clan MacKenzie.¹³⁴ Kenneth Mòr married his second cousin, Isobel, Tarbat's sister, in 1660. As McKenzie notes, Lady Isobel was not liked by her contemporaries, who criticised her personality and appearance.¹³⁵ Kenneth Mòr's marriage to Isobel appears to have been motivated by a combination of debt management and a desire for clan cohesion and to consolidate kin networks.¹³⁶ While the MacKenzies rarely contracted marriages outwith Gaeldom, Kenneth Mòr was the first MacKenzie chief ever to marry within the clan.

Figure 1-3: Painting by David Scougall (c.1610-c.1680), entitled 'Isabella, Wife of Kenneth Mackenzie, 3rd Earl of Seaforth'.



SOURCE: David Scougall (c.1610-c.1680), *Isabella, Wife of Kenneth Mackenzie, 3rd Earl of Seaforth*, oil on canvas, 119.4 x 99 cm, Fortrose Town Hall, Fortrose <<https://artuk.org/discover/artworks/isabella-wife-of-kenneth-mackenzie-3rd-earl-of-seaforth-166723>> [accessed 13 December 2022].

Previously, like other Highland clans, the MacKenzies had been using marriage to build alliances within the Highlands and north-eastern Scotland. Keith Brown notes that Kenneth Mòr's great aunt's marriage to the eldest son of Lachlann Maclean of Duart 'was certainly

¹³⁴ Kidd, 'Mackenzie, George, first earl of Cromarty', in *ODNB*; Fraser, *Cromartie*, I, pp. lxxv-lxxvi; GCA, MS 591701, f. 164.

¹³⁵ McKenzie, *May we be Britons*, p. 125.

¹³⁶ Macinnes, *Clanship*, p. 8.

seen by contemporaries as of major political significance in the Western Isles'.¹³⁷

Macinnes has argued that 'marriage was less significant in promoting alliances between clans than the financial underwriting required by the respective contracting clan elites'.¹³⁸

After he married Lady Isobel, Kenneth Mòr's new brother-in-law, Tarbat took over from Lochslin and helped Kenneth Mòr manage his estate. Indeed, this endogamous marriage was unique for the Kintail/Seaforth line of Clan MacKenzie and may have sent a deliberate message about cohesion and a role for the clan nobility. Another strategy Highland nobles used was fosterage. As the Campbells of Glenorchy were growing remote from the house of Argyll, Lord Lorne (Eighth Earl of Argyll from 1638) tried to bring the Campbells of Glenorchy closer by fostering his son (the future Ninth Earl) with Sir Colin Campbell of Glenorchy (d. 1640) from 1633-39, to great effect.¹³⁹

The most enduring threat that Kenneth Mòr faced throughout his political career was the debt he inherited from his predecessors as chief. The MacKenzie ruling lineage had been in debt since the death of Kenneth Mòr's grandfather, Kenneth MacKenzie, first lord Kintail in 1611.¹⁴⁰ Kintail had bought Lewis from the Fife Adventurers in July 1610 to exploit the island's resources, which included cattle and fish.¹⁴¹ However, the MacKenzies faced resistance from a group of MacLeods of Lewis.¹⁴² Led by Roderick MacKenzie, tutor of Kintail, and his half-brother, Alexander MacKenzie of Coul, the MacKenzies apprehended and executed those who resisted.¹⁴³ The acquisition of Lewis, coupled with Colin Ruadh, Kenneth Mòr's uncle and first earl of Seaforth's building of numerous churches and the new Brahan Castle, added to the MacKenzies' debt.¹⁴⁴ This debt seems not to have been an issue for Colin Ruadh until 1630, when the Scottish burghs and chief Archibald Campbell, lord Lorne and future eighth earl of Argyll lobbied against Colin Ruadh's plan to develop Stornoway with help from Dutch merchants, and the English

¹³⁷ Keith M. Brown, *Noble Society in Scotland: Wealth, Family and Culture, from Reformation to Revolution* (Edinburgh: Edinburgh University Press, 2004), p. 129.

¹³⁸ Macinnes, *Clanship*, p. 9.

¹³⁹ Janay Nugent, "'Your louing childe and foster": The Fostering of Archie Campbell of Argyll, 1633-39', in *Children and Youth in Premodern Scotland*, ed. by Janay Nugent and Elizabeth Ewan (Woodbridge: The Boydell Press, 2015), pp. 47-64 (p. 47-50).

¹⁴⁰ Douglas Watt, "'The laberinth of thir difficulties": the Influence of Debt on the Highland Elite c. 1550-1700', *The Scottish Historical Review*, 85 (2006), 28-51 (p. 32).

¹⁴¹ MacCoinnich, *Plantation and Civility*, p. 257.

¹⁴² *Ibid.*, p. 218.

¹⁴³ *Ibid.*, pp. 186-8, 218-21.

¹⁴⁴ *Ibid.*, p. 288; 'Brahan Castle', in *Canmore: National Record of the Historic Environment* <<https://canmore.org.uk/site/12867/brahan-castle>> [accessed 21 August 2020]; McKenzie, *May we be Britons*, p. 112.

established a presence there.¹⁴⁵ Kenneth Mòr's father, the second earl, had to defend Lewis from all fronts from his brother's death in 1633 until 1637 when Charles I made the second earl a Privy Councillor and gave him a royal title for Lewis.¹⁴⁶ Indeed, the plantation of Lewis proved a reliable source of income for the Seaforth family for almost two hundred years and helped to alleviate their debt issues.¹⁴⁷ Yet, despite this, debt became a more serious issue for the MacKenzies after 1639. MacKenzie lands in Ross-shire were ravaged by the Covenanter army during the wars of 1639-51 and then by the English forces in the mid-1650s. As McKenzie notes, these military operations also disrupted agriculture and trade.¹⁴⁸ The MacKenzies were never monetarily compensated for what they lost from 1639 until the Restoration.

Pluscarden and Lochslin helped pay off some of the second earl's debts and helped Kenneth Mòr evade his creditors after he took over as chief on 14 October 1651.¹⁴⁹ In 1658, while Kenneth Mòr was in prison, Lochslin was given a ten-year tack of Kenneth Mòr's land in Lochbroom with the rents intended to pay off some of Kenneth Mòr's creditors.¹⁵⁰ The forfeiture of Kenneth Mòr's estates on 5 May 1654 had complicated his finances further. His in-laws, especially the Sinclairs of Mey, had been pressuring him to repay his father's debts soon after he became chief.¹⁵¹ The second earl of Seaforth owed Sir James Sinclair of Mey (d. 1662) 10,000 merks as dowry for Seaforth's second daughter, Margaret for her marriage to Sir James's son, William Sinclair of Mey; Sir James's children tried to recover this on their father's behalf.¹⁵² William Sinclair of Mey, Sir James's son who was also Kenneth Mòr's brother-in-law, acted as the tutor for the rest of his, William's, siblings, John, Alexander, and Elizabeth. Before Kenneth Mòr's estates were forfeited, Sir James's children tried to convince Kenneth Mòr to be entered heir to the second earl of Seaforth before reaching his majority.¹⁵³ After the forfeiture, Mey's children appealed directly to the Commission on Confiscated Estates to recover the 10,000 merks.¹⁵⁴ Kenneth Mòr's brother-in-law, John Erskine, earl of Mar had acted as cautioner for the second earl of Seaforth and was reluctantly drawn into helping manage Kenneth

¹⁴⁵ MacCoinnich, *Plantation and Civility*, pp. 288-91, 321-9, 346-7.

¹⁴⁶ *Ibid.*, p. 333.

¹⁴⁷ *Ibid.*, p. 343.

¹⁴⁸ McKenzie, *May we be Britons*, p. 114.

¹⁴⁹ Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', pp. 86-7. Whilst Seaforth was now in his majority, Lochslin managed Seaforth's estate whilst the latter was in prison.

¹⁵⁰ *Ibid.*; NRS, RD3/9, pp. 425-38.

¹⁵¹ Seaforth's sister, Margaret, married William Sinclair of Mey, son and heir to Sir James Sinclair of Mey.

¹⁵² NRS, GD96/599/2.

¹⁵³ NRS, GD96/599/1.

¹⁵⁴ NRS, GD96/599/2.

Mòr's finances from 1652-55; Mar also lobbied for Kenneth Mòr to be entered heir to his father.¹⁵⁵ Mar entrusted lands to Pluscarden and others solely for the relief of the second earl's debts.¹⁵⁶ Pluscarden, in turn, tried to use any money raised from 1655-6 to pay debts to Patrick Smyth of Braco, one of the second earl's largest creditors.¹⁵⁷ Ultimately, Braco seized 20,000 merks worth of second earl's escheatable goods in January 1656, some of which he sold to Lady Elizabeth, Mey's wife.¹⁵⁸ Kenneth Mòr would never be able to pay off the considerable debt he inherited. That Kenneth Mòr and George Donn had managed to stay afloat was, as MacKenzie shows, enabled by the clan system their decision to wadset lands to their kinsmen.¹⁵⁹ However, as will be shown in this thesis, Kenneth Mòr and his son's usefulness to the Stuart monarchy prevented them from being too hampered by their debt.

1.3: Clan MacKenzies and the Central Authorities, 1660-70

The Restoration parliaments of 1661-62 brought opportunities for the MacKenzies and their allies. As Kenneth Mòr and his kindred had backed Charles II, they expected to be rewarded for their support and suffering. Kenneth Mòr was not alone in his optimism, as this excerpt from Iain Lom's 'Crùnadh an Dara Rìgh Teàrlach' ['The Crowning of King Charles II'] shows:

O'n bha sheann orinne chluinntinn
 Ged bu teann a bha chuing oirn,
 Gun do thionndaidh a' chuibhle mar b'àill leinn.
 [...]
 'S thu thighinn dhachaidh gu d' rìoghachd
 Mar a b'oil le d' luchd mìoruin
 An coinne ri mìle ceud fàilte.

[Since we have chanced to hear, although the yoke was tight upon us, that the wheel (of fortune) has turned propitiously for us [...] Since you have returned to your kingdom, to the chagrin of your enemies, to be greeted by a hundred thousand welcomes.]¹⁶⁰

MacKenzie notes that even most Presbyterians were 'overjoyed at the Restoration, despite being slightly apprehensive about the future religious settlement'.¹⁶¹ The assessment of Kenneth Mòr during the early Restoration years is that he did not receive much for his

¹⁵⁵ NRS, GD124/2/100. Seaforth's sister, Jane, married John Erskine, earl of Mar (d. 1668).

¹⁵⁶ Ibid.

¹⁵⁷ NRS, GD190/3/178.

¹⁵⁸ NRS, GD190/2/212.

¹⁵⁹ MacKenzie, *May we be Britons*, pp. 112-6, 126.

¹⁶⁰ Iain Lom, 'Crùnadh an Dara Rìgh Teàrlach', *Orain Iain Luim*, pp. 76-81 (pp. 76-7), ll. 908-10, 926-8.

¹⁶¹ MacKenzie, *The Solemn League and Covenant*, p. 184.

loyalty and his father's occasional loyalty.¹⁶² This section will first explain why this view is incorrect before analysing the impact of his rewards for himself and Clan MacKenzie. Next, this section will show how the political scandal known as the Billeting Affair (1662-63) returned two of Kenneth Mòr's loyal allies, Sir George MacKenzie of Tarbat and Sir John Urquhart of Cromarty, to Ross-shire.¹⁶³ Finally, this section will reflect on how the exile of these two from politics affected Kenneth Mòr's ability to advance the MacKenzie position in Ross-shire and Edinburgh.

1.3.1: Clan MacKenzie Appointments after the Restoration, 1660-65

According to Rev. Fraser in his *Clan Fraser* history, Kenneth Mòr's hereditary rival, Angus MacDonald of Glengarry, lord MacDonell 'had the best luck of any chiften in the North, for he got the title of Lord Æneas Mackdonel, and a pension, proportionable to that stile, to keep up his spending, still at Court'; his pension was £3600 per year.¹⁶⁴ Instead of receiving a promotion to a new title, Kenneth Mòr had a different experience:

Yet, all that Seaforth gaind at Court was the Kings countenance, and the complement of carrying the Sword of Honor before the King uppon some solemn holy day from the presence to the Chappell Royall, and, after service, back again. A farthing of the Kings mony he never saw, not so much as to repaire his castle of Brahan, which the rebells spoild.¹⁶⁵

Kennedy states that Rev. Fraser's account was not entirely accurate, as Parliament ordered Laurence Dundas to repay Kenneth Mòr the £205 sterling that had been taken from his estate after his forfeiture in 1659.¹⁶⁶ While Seaforth received more than Rev. Fraser stated, this paltry one-off payment was hardly sufficient to replace war losses, nor did it compare to MacDonell's annual pension. Nevertheless, Rev. Fraser did provide two explanations as to why Kenneth Mòr did not receive the reward that he felt he deserved. Firstly, Kenneth Mòr's father, George Donn, 'ruined his interest in the civil wars' because of his vacillation.¹⁶⁷ The second reason concerns John Maitland, earl of Lauderdale, secretary of state for Scotland:

¹⁶² *Chron. Frasers*, p. 451.

¹⁶³ Sir George MacKenzie of Tarbat will henceforth be referred to as 'Tarbat' for periods before he became the Earl of Cromarty in 1703. Sir John Urquhart of Cromarty (d. 1678) will be referred to as 'Cromarty'.

¹⁶⁴ *Chron. Frasers*, p. 451; Kennedy, *Governing Gaeldom*, p. 163.

¹⁶⁵ *Chron. Frasers*, p. 451.

¹⁶⁶ Kennedy, *Governing Gaeldom*, pp. 162 n. 58, 164.

¹⁶⁷ *Chron. Frasers*, p. 451. George Donn was not the only person with shifting loyalties during this period, e.g. James Graham, first Marquis of Montrose, see: Edward J. Cowan, *Montrose: For Covenant and King* (Edinburgh: Canongate Books Ltd, 1977), pp. 106-29.

Lauderdale, the universall enemy to all loyalists, stood in [Kenneth Mòr's] way, and a profest enemy to the Mackenzies, for it was the Maitlands motto to be *M'kenio mastix*, the Scurge of the Mackenzies; and himself heard to say that to be a Mackenzy was a mortall sin!¹⁶⁸

Rev. Fraser's explanations were only partially true. While Lauderdale did hate Kenneth Mòr and his father, he was not always able to stand in Kenneth Mòr's way. Lauderdale did not explicitly state why he disliked them, but it was presumably due to an incident or incidents during the Wars of the Three Kingdoms and personality clashes. At the Restoration, Middleton, the lord high commissioner to the Scottish Parliament, and his allies held the balance of power in the Privy Council and were hostile towards Lauderdale, which prevented Lauderdale from fully ostracizing Kenneth Mòr.¹⁶⁹

The best example of the inability of Lauderdale to keep Kenneth Mòr from receiving posts was the contest over the newly created sheriffdom of Ross. On 5 April 1661, the Privy Council decided to create the sheriffdom of Ross from the sheriffdom of Inverness for more efficient administration of justice and Kenneth Mòr and Lauderdale's nephew, Alexander Stewart, fifth earl of Moray were the leading contenders for the new post. The sheriffdom would include Ross-shire and Lewis, excluding Cromartyshire, Ferintosh in Black Isle, and the lands belonging to Lord Lovat. Kenneth Mòr, the largest landholder in the new shire, was now in competition with Moray, the hereditary sheriff of Inverness, for the role of sheriff.¹⁷⁰ The MacKenzies lobbied heavily for Kenneth Mòr, the largest land-holder in Ross-shire, to become sheriff.¹⁷¹ Moray argued that because he been sheriff of Inverness while the two sheriffdoms were one, he should be appointed the sheriff of Ross in addition to remaining the sheriff of Inverness.¹⁷² Moray forced his claim by holding courts in Tain and Dingwall in Ross-shire but received a cautionary letter from the Privy Council to refrain from holding court until a sheriff was chosen.¹⁷³ At a meeting of the Privy Council in March 1662, Tarbat, Rosehaugh, and Sir John Urquhart of Cromarty, Kenneth Mòr's brother-in-law, appeared as Kenneth Mòr's procurators to make the case against Moray's continued attempts to hold court.¹⁷⁴ The Privy Council sided against Moray and condemned his 'rash and unadvysed' actions.¹⁷⁵ Additionally, they allowed the

¹⁶⁸ *Chron. Frasers*, p. 451.

¹⁶⁹ Kennedy, *Governing Gaeldom*, p. 154.

¹⁷⁰ Macinnes, *Clanship*, p. 47; Kennedy, *Governing Gaeldom*, p. 156.

¹⁷¹ Kennedy, *Governing Gaeldom*, p. 156.

¹⁷² *Ibid.*

¹⁷³ *RPCS*, I, p. 133-4.

¹⁷⁴ *Ibid.*, p. 177-8.

¹⁷⁵ *Ibid.*, p. 178.

MacKenzies to place information about how Moray was not allowed to hold court at the mercat crosses of Dingwall, Tain, Fortrose, and elsewhere in the shire.¹⁷⁶

In early 1662, Kenneth Mòr gave a deposition to Lauderdale listing five reasons why he should be granted the newly created sheriffdom of Ross. These were: 1. His father's and his own service to the crown, 2. His great sufferings and losses, 3. Favourable comparison between himself and unnamed neighbours, 4. 'A complain of rigide dealing for what he is due', and 5. His desire for bygone feu duties, which becoming sheriff would enable him to collect more easily.¹⁷⁷ Lauderdale provided a harsh and scathing rebuttal for each. He accused the second earl of Seaforth of betraying the Marquess of Montrose and John Lindsay, earl of Crawford and accused Kenneth Mòr of mismanaging his own estate.¹⁷⁸ Furthermore, he accused Kenneth Mòr of having tried to marry one of Cromwell's daughters, which Kenneth Mòr had denied in a letter to Charles II dated 1654.¹⁷⁹ Despite his disdain for Kenneth Mòr, Lauderdale was unable to help his nephew, Moray, become the sheriff of Ross-shire because the largely Middletonian Privy Council viewed Moray as 'a potential cipher for Lauderdale in the north'.¹⁸⁰ John Leslie, earl of Rothes and holder of the three highest offices of the Kingdom of Scotland – lord high commissioner, lord high treasurer, and keeper of the privy seal – expressed the view that neither Kenneth Mòr nor Moray should be trusted to be sheriff of Ross because the loser would only cause trouble for the one appointed.¹⁸¹ However, Rothes did not suggest an alternative. Moray suggested that Lochaber rather than Ross should be separated from the sheriffdom of Inverness, which, as Macinnes notes, would have been the more pragmatic solution due to Lochaber's distance from Inverness and well-deserved reputation as the most lawless of Highland regions.¹⁸² Kennedy argues that the central authorities' indecisiveness over who should be sheriff of Ross is an example of 'the failure of government to take firm, proactive measures for the settlement of the Highland administration'.¹⁸³ One plausible explanation for why Kenneth Mòr was awarded the sheriffdom over more pragmatic and proactive solutions is that the sheriffdom was a

¹⁷⁶ Ibid.

¹⁷⁷ BL, Add. MS 23117, fol. 17.

¹⁷⁸ BL, Add. MS 23117, fols. 17-8.

¹⁷⁹ Firth, *S and P*, p. 117. Charles II's response to Seaforth was undelivered, but Charles assured Seaforth that he did not believe the rumours.

¹⁸⁰ Kennedy, *Governing Gaeldom*, p. 154.

¹⁸¹ Lee Jr., 'Dearest Brother', p. 26.

¹⁸² Macinnes, *Clanship*, p. 47.

¹⁸³ Kennedy, *Governing Gaeldom*, p. 154.

reward for his loyalty to Charles II, and a reward that would enable Kenneth Mor to further support Charles in the far north of Scotland.

Kenneth Mòr became sheriff of Ross on 23 April 1662 and selected Alexander Bain of Knockbain, provost of Dingwall, as his depute.¹⁸⁴ This appointment greatly increased his ability to exercise political power at a local level. Keith Brown best summarises the responsibilities of a sheriff in Scotland:

‘Essentially, the role of the sheriff was to collect revenue from the crown’s feudal casualties, organise military activities in the locality, preside over the sheriff court and execute crown letters and decreets’.¹⁸⁵

Furthermore, sheriffs were increasingly expected to enforce religious conformity.¹⁸⁶

Kenneth Mòr now had freedom from the previous sheriff, Moray. Kenneth Mòr and Bain worked with the burgh bailies for Dingwall (William Dingwall), Tain (James Hay), and Fortrose (James Anderson). These customary positions certain families acquired gave them sway in these burghs.¹⁸⁷ Provosts were selected by the burghs, but families could establish near-hereditary control by custom. Alexander Forrester was provost of Tain by 1663 and had represented the burgh of Tain at the Convention of Royal Burghs in 1657.¹⁸⁸

Alexander Graham of Drynie was provost of Fortrose until 1660 and was eventually replaced by Kenneth Mòr in 1665.¹⁸⁹

From 1660-5, Kenneth Mòr, his kinsmen, and his royalist allies received numerous committee appointments. Royalist losses during the Wars of the Three Kingdoms and interregnum period needed to be assessed for compensation and Parliament entrusted Kenneth Mòr’s brothers-in-law Tarbat and Cromarty, among others, to evaluate the losses of MacDonell and Kenneth Mòr’s first cousin, John MacKay, lord Reay.¹⁹⁰ Cromarty and Rosehaugh contributed to the evaluation of Sir Thomas Hamilton of Preston’s losses.¹⁹¹ Tarbat, Cromarty, and Kenneth Mòr’s brother-in-law, Mar, were appointed to the Lords of the Articles in 1661, a parliamentary committee responsible for drafting legislation and setting the Parliament’s agenda.¹⁹² The method for electing committee members was

¹⁸⁴ *RMS*, XI, p. 118.

¹⁸⁵ Brown, *Noble Power in Scotland*, p. 96.

¹⁸⁶ *Ibid.*

¹⁸⁷ Macgill, *Old Ross-shire*, I, pp. 81, 84, 302.

¹⁸⁸ *Ibid.*, pp. 228, 379.

¹⁸⁹ *NRS*, PA7/25/1.

¹⁹⁰ *RPS*, 1661/1/366; *Ibid.*, 1661/1/351.

¹⁹¹ *RPS*, A1661/1/85

¹⁹² *RPS*, 1661/1/13.

designed to ensure those ‘well disposed to royal policy’ would make up a majority of the committee.¹⁹³ The clergy elected eight noblemen, who in turn elected eight bishops, and then these sixteen men would elect eight shire commissioners and eight burgesses.¹⁹⁴ Almost one-fourth of the Lords of the Articles were from the Highlands, the most prominent being John Murray, earl of Atholl. In the previous two Lords of the Articles elections in 1633 and 1639, the only Highlanders who were appointed were Archibald Campbell, earl of Argyll (first marquess of Argyll from 1641) and George Gordon, second marquess of Huntly in 1639.¹⁹⁵ The Mackenzie appointments put Kenneth Mòr in an advantageous position in comparison to his neighbours. Tarbat and Cromarty were the only Lords of the Articles with footholds in Ross-shire and none were from Caithness, Sutherland, or Inverness-shire. While the magnates in Caithness, Sutherland, and Inverness-shire were not being replaced, they only received key positions which Kenneth Mòr, the MacKenzies, and their allies also received (e.g., appointments to the commission for bills and trade).¹⁹⁶ For the Caithness and Sutherland magnates, such as John Gordon, earl of Sutherland, this was probably due to his and the region’s strong support for the Covenanters.

Furthermore, the MacKenzies and their allies received lucrative local appointments. On 29 March 1661, fourteen tax collectors named for Ross-shire and eleven had links to Kenneth Mòr.¹⁹⁷ Of the fourteen, four were MacKenzies: Kenneth Mòr, Tarbat, Thomas MacKenzie of Inverlaur, and Hector MacKenzie of Assynt. Another of the fourteen, John Munro, younger of Foulis, had signed a bond of friendship with Kenneth Mòr on 23 January 1661, which paved the way for both clans to settle their disputes once John became chief in 1666.¹⁹⁸ This mutually beneficial agreement meant that the Munros would be protected from MacKenzie aggression and Kenneth Mòr added an important ally in Ross-shire. This became more significant for both parties after Ross-shire was separated from the sheriffdom of Inverness and Kenneth Mòr became sheriff. Two Sinclairs were collectors, Kenneth Mòr’s brother-in-law, William Sinclair of Mey, and Kenneth Mòr’s ally, William Sinclair of Dunbeath. Walter Innes of Inverbekie was related to the

¹⁹³ MacIntosh, *The Scottish Parliament*, p. 48.

¹⁹⁴ Ibid.

¹⁹⁵ *RPS*, 1633/6/10; Ibid., 1639/8/31/6.

¹⁹⁶ *RPS*, 1661/1/13.

¹⁹⁷ *RPS*, 1661/1/160.

¹⁹⁸ Mackenzie, *History of the Munros of Fowlis*, p. 90.

Fairburn MacKenzies by marriage.¹⁹⁹ James Hay, as the burgess for Tain, would be subject to Kenneth Mòr once he became sheriff. Therefore, Kenneth Mòr, his allies, and his relations accounted for most the tax collectors in Ross-shire. Only three tax collectors – David Ross, chief of Clan Ross, William Ross of Gruinard, and David Ross of Pitcalnie – were hostile to Kenneth Mòr and the MacKenzies.

The MacKenzies also benefitted from new justice of the peace appointments. The first replacement of interregnum appointments for justices of the peace for Ross-shire was announced by Parliament on 9 October 1663.²⁰⁰ Of the twenty-eight justices of the peace for Ross-shire, nine were MacKenzies, including Kenneth Mòr, Lochslin, and Tarbat, with the last latter being named convener.²⁰¹ Of the remaining seventeen justices of the peace, eight were friendly with Kenneth Mòr. Cromarty, Mey, and Inverbearie were related to the MacKenzies by marriage.²⁰² Alexander Bain was Kenneth Mòr's sheriff-depute. Four of the eight were bailies, and of those, three worked with Kenneth Mòr as sheriff: Anderson (Fortrose), Dingwall (Dingwall), and Hay (Tain). John Munro, younger of Foulis, was also appointed. Between being sheriff and having a pro-MacKenzie majority for the justice of the peace court, Kenneth Mòr was well-placed to advance the MacKenzie position. Only three justices of the peace – Balnagown, Gruinard, and Malcolm Ross of Kindeace – were hostile towards Kenneth Mòr. As will be shown, one of Kenneth Mòr's first acts as sheriff was to use his newfound position to harass Clan Ross.

The selection of Kenneth Mòr as sheriff is evidence of interregnum allies using their new positions to empower each other and, therefore, should be considered a reward for Kenneth Mòr at the Restoration. Furthermore, Kenneth Mòr benefitted from the central authorities' plan, as identified by Kennedy, to 'leave the Highlands to its own devices'.²⁰³ In the shires, the maintenance of law and administration were executed by sheriff courts and justices of the peace courts. As a sheriff, Kenneth Mòr dealt with both criminal and civil cases and had jurisdiction over everyone, except in cases of treason, murder, arson, rape, and robbery, while as a justice of the peace, he dealt with riots, servants' fees, and,

¹⁹⁹ Mackenzie, *History of the Mackenzies*, pp. 513-4.

²⁰⁰ *RPS*, 1663/6/144; Kennedy, *Governing Gaeldom*, pp. 276-7.

²⁰¹ *Ibid.*

²⁰² Mackenzie, *History of the Mackenzies*, pp. 275, 513-4.

²⁰³ Kennedy, *Governing Gaeldom*, pp. 156, 162.

according to Rosehaugh, ‘many such like, relateing to good neighbour-hood’.²⁰⁴ Before Ross-shire was separated from the sheriffdom of Inverness on 5 April 1661, Kenneth Mòr’s judicial authority over Ross-shire was non-existent. Now, when combined with his and the MacKenzies’ other appointments, Kenneth Mòr was well placed to advance the MacKenzie position at a local level.

1.3.2: The Billeting Affair, 1662-63

Tarbat and Cromarty’s time as Lords of the Articles would not last, due to their closeness to Middleton, Charles’s commissioner to the Scottish Parliament, and an episode known as the Billeting Affair.²⁰⁵ Tarbat’s friendship with Middleton began during the interregnum period when both fought to restore Charles in the rising of 1653-54. When Middleton became the king’s commissioner in Scotland, he made Tarbat his principal adviser as Middleton ‘had ample experience of [his] abilities’.²⁰⁶ Cromarty’s involvement was due to his close, personal relationship with Tarbat, which began, at the latest, while Tarbat was a student at King’s College, Aberdeen in the 1640s.²⁰⁷ In January 1662, Charles sent instructions to Middleton with orders for Parliament to pass an act of indemnity, the final version of which would pardon ‘all manner of treasons, rebellions, murders, offences, crimes, contempts, injuries, misdemeanours and all other deeds’ from 1 January 1637 to 1 September 1660.²⁰⁸ Nine people were excepted from the pardon, including Archibald Campbell, marquess of Argyll, who had already been executed for high treason in 1661. Middleton decided to take advantage of the situation to remove rivals from public office, with help from his agent and ‘indispensable spin doctor’, Tarbat. He also conspired with Glencairn, now chancellor, the king’s cousin Charles Stewart, duke of Richmond and duke of Lennox, James Livingston, the earl of Newburgh, and James Drummond, earl of Perth.²⁰⁹ Middleton planned to include a clause in the indemnity act which would exclude twelve members from the public trust in addition to being fined, The conspirators’ targets

²⁰⁴ Allan Kennedy, ‘Crime and Punishment in Early-Modern Scotland’, *International Review of Scottish Studies*, 41 (2016), 1-36 (pp. 3-4); Sir George MacKenzie, *Institutes of the Law of Scotland* (Edinburgh: John Reid, 1684), p. 31.

²⁰⁵ This account of the billeting affair focuses on the MacKenzies and their allies’ involvement in the affair. For an examination of government policy before and after as well as the details of the affair, see MacIntosh, *The Scottish Parliament*, pp. 36-56; Lee Jr., ‘*Dearest Brother*’, pp. 17-44.

²⁰⁶ Fraser, *Cromartie*, I, p. lxxvii.

²⁰⁷ *Ibid.*, p. lxxix. Tarbat practiced his Latin in letters to Cromarty and would visit him on trips home from King’s College.

²⁰⁸ *RPS*, 1662/5/87.

²⁰⁹ Lee Jr., ‘*Dearest Brother*’, p. 17.

included John Lindsay, earl of Crawford and of Lindsay, Lauderdale, Sir Robert Moray, justice clerk, and John Hay, earl of Tweeddale.²¹⁰

Gillian MacIntosh argues Tarbat probably proposed the idea of using secret ballots to remove these individuals.²¹¹ Later, Cromarty would try to shift the blame for the idea of a secret ballot from Tarbat to Lennox in his deposition after the plot was discovered. Middleton was able to delay the act from being passed until September 1662 and, in the meantime, convinced Charles II that parliament wanted to exclude twelve people from public office and then told parliament that Charles was in favour of Middleton's proposal.²¹² He sent Tarbat to London with two copies of the act: one to the King which included a clause that members would be excluded from the public trust via a secret ballot and one to Lauderdale which excluded this clause. Cromarty, Charles Gordon, first earl of Aboyne, and James Crichton distributed the list of names Middleton wanted to be billeted.²¹³ Each member of Parliament was given a billet, or slip of paper, to vote for one person who would be excluded. When Parliament voted 9 September 1662, Lauderdale and Sir Robert Moray (Tarbat's own friend) were excluded from office as a result of this vote.²¹⁴ Lauderdale brought the billeting to Charles's attention and, when Tarbat and William Crichton, earl of Dumfries arrived in London with the result, Charles chastised them.²¹⁵ According to Sir George MacKenzie of Rosehaugh's *Memoirs*, Tarbat defended his intentions to Charles:

Tarbat finding his Majesty dissatisfied, did at his parting from him, protest that he design'd nothing in that affair beside the serving of his royal interest, and the suppression of those discontents that were like to grow amongst his servants, and the prevention of that ruin which the cavaliers of Scotland were like to suffer by Lauderdale's influence; and therefore entreated his Majesty might not misconstrue him in it, nor believe Lauderdale in any thing to his disadvantage, as being an open and malicious enemy; which his Majesty promis'd, and having given him a kiss of his hand upon this promise, did send him back to Scotland.²¹⁶

²¹⁰ MacIntosh, *The Scottish Parliament*, pp. 41, 45. There is no complete list of the twelve individuals.

²¹¹ *Ibid.*, pp. 43-4.

²¹² Lee Jr., 'Dearest Brother', p. 17.

²¹³ *Lauderdale Papers*, I, p. 111; MacIntosh, *The Scottish Parliament*, p. 45, n. 32.

²¹⁴ *Lauderdale Papers*, I, p. 112; MacIntosh, *The Scottish Parliament*, pp. 45-6; Fraser, *Cromartie*, I, pp. lxxv-lxxvi.

²¹⁵ MacIntosh, *The Scottish Parliament*, p. 46.

²¹⁶ George MacKenzie, *Memoirs of the Affairs of Scotland from the Restoration of King Charles II A.D. M.DC.LX.*, ed. by T. Thomson (Edinburgh: General Register House, 1821), p. 77. The memoir ends in 1677. Thomson states that Rosehaugh's memoirs were supposed to continue until Rosehaugh died in 1691, however, no fragments after 1677 remain (pp. iii-iv).

Parliament approved the Indemnity Act on 9 September 1662.²¹⁷ As Macintosh has shown, Middleton infuriated Charles further by trying to collect fines on the 896 people who had been listed in the Indemnity Act and then lying to Parliament and claiming that Charles approved, which he did not.²¹⁸ Middleton was forced to resign in May 1663.²¹⁹

Tarbat and Cromarty were removed from their offices. While both men had been Lords of the Articles, Tarbat was on the commissions for deciding precedence, for creditors of forfeited persons, for forfeited persons, for the mint, for settling church affairs, and for treating with the magistrates of Edinburgh.²²⁰ Now, however, Tarbat was in political exile and would remain so until 1678. Cromarty had been a commissioner to Parliament for Inverness-shire since 1660 but was not after the next election in 1665. This was most probably due to his involvement in the billeting affair, as Tarbat also ceased to be a commissioner to Parliament for Ross-shire after the 1665 election. Apart from Middleton, Tarbat, and Cromarty, there were few other casualties of the billeting affair. Macintosh argues that the billeting affair had ‘little real long-term impact on either personnel or policy within Scotland’.²²¹ Middleton’s opponents Casillis, Crawford, and Balmerino were not reinstated and there were ‘no radical changes in government policy’.²²² Nevertheless, an investigative committee was formed and those implicated, including Kenneth Mòr, were called to give depositions to Lauderdale. In his deposition on 10 July 1663, Cromarty claimed that Lennox proposed using billets to remove people from the public trust at a meeting they both attended with Newburgh and stated that Charles would approve of Lauderdale’s removal.²²³ Lauderdale took a deposition from Kenneth Mòr, in which Kenneth Mòr claimed to know nothing of the plan.²²⁴ He did, however, see billets with the names of Crawford, Lauderdale, and Moray on them during the vote.²²⁵ Kenneth Mòr had no known involvement in the plan, despite the mutual dislike between him and Lauderdale and his close relationship with Tarbat and Cromarty, and escaped unscathed. In 1664, Cromarty wrote to Lauderdale about an issue between Kenneth Mòr and Argyll – which will be discussed later in this chapter – and the tone suggests that Cromarty was trying to

²¹⁷ *RPS*, 1662/5/87.

²¹⁸ MacIntosh, *The Scottish Parliament*, p. 47.

²¹⁹ Gilbert Burnet, *Bishop Burnet’s History of His Own Time*, 3 vols (London, 1724-34), I, pp. 202-3.

²²⁰ Kennedy, *Governing Gaeldom*, p. 312.

²²¹ MacIntosh, *The Scottish Parliament*, p. 48.

²²² *Ibid.*

²²³ BL, Add. MS 23119, fol. 120.

²²⁴ *Ibid.*, fol. 121.

²²⁵ *Ibid.*

ease tensions between himself and Lauderdale and show his usefulness.²²⁶ The Privy Council and crown were keen for Kenneth Mòr and Argyll to resolve their issues, and Cromarty and his unnamed uncle mediated on Kenneth Mòr's behalf.²²⁷

Sir George MacKenzie of Rosehaugh, Kenneth Mòr's first cousin and Tarbat's second cousin, tried to return Tarbat from political exile. On 9 June 1672, Rosehaugh wrote encouraging Lauderdale to ignore the 'misinformation' spread about Tarbat and meet with Tarbat to resolve any remaining tensions.²²⁸ Rosehaugh was on good terms with Lauderdale and his second wife and wrote to both of them regularly. He tried to use his working relationship with Lauderdale to return Tarbat to public office. Furthermore, in his memoirs, Rosehaugh tried to defend Tarbat when possible. Tarbat claimed at the time that he was only following Middleton's orders and, therefore, could not be held responsible for his actions.²²⁹ To defend Tarbat from those who accused him of making up this defence or even for 'burdening [Tarbat] with the guilt of this affair', Rosehaugh included this letter that Middleton wrote to Tarbat in 1663:

My Lord; I had, in my papers, fully justified you in every thing you did in the employments I trusted you with; and by this express I do declare, that you did nothing but according to your Instructions. I hope no misfortune that has or can befall me, can render me unworthy of the esteem of honest men; nor shall I ever condemn any innocent person, for excusing any escape in me. You have many witnesses of your faithful and loyal deportment; and if my testimony be of any weight, I will never be wanting to give it, in all places where you are concerned.²³⁰

William Fraser claimed that Tarbat initially resisted Middleton's order, and only agreed to carry the letters to Charles after being bullied by Glencairn, Middleton, Archibald Primrose, lord Carrington and lord clerk register, and Sir John Fletcher, the Lord Advocate.²³¹ Regardless, Charles would not pardon Tarbat for his involvement in the billeting affair until 27 September 1678.²³²

The most significant consequence to Kenneth Mòr was that Tarbat had been advocating for Kenneth Mòr to be made the 'government's chief representative in the

²²⁶ BL, Add. MS 23122, fol. 216.

²²⁷ The record does not name which uncle assisted Cromarty. It was likely Patrick Urquhart of Meldrum (d. 1664). Cromarty had six uncles (including Meldrum), three of whom died before 1664. *Burke's Peerage, Baronetage & Knightage*, ed. by Charles Mosley, 107th edn, 3 vols (Wilmington, Delaware, U.S.A.: Genealogical Books Ltd, 2003), II, p. 2062; *Ibid.*, III, pp. 3510, 3971.

²²⁸ BL, Add. MS 32094, fol. 262.

²²⁹ MacKenzie, *Memoirs*, p. 126.

²³⁰ *Ibid.*, pp. 130-1.

²³¹ Fraser, *Cromartie*, I, p. lxxxii.

²³² *Ibid.*, pp. cii-ciii.

North-East and North', but Middleton's downfall allowed for Lauderdale to make his nephew, the Earl of Moray, the chief representative.²³³ However, after returning to Ross, Tarbat and Cromarty, along with Alexander MacKenzie, younger of Coul and Colin MacKenzie of Redcastle, began helping Kenneth Mòr with his estate by buying up the debts which hurt Kenneth Mòr's estate most.²³⁴ The four mobilised a larger group of MacKenzie landholders and between 1667 to 1675, Kenneth Mòr's 'friends' and 'trustees' were able to claim ownership of the largest and most badly affected part of the Seaforth estates.²³⁵ Furthermore, as the next section will show, Tarbat and Cromarty would help Kenneth Mòr against neighbouring clans.

1.3.3: Representation in Edinburgh after the Billeting Affair, 1664-69

With Tarbat and Cromarty back in Ross-shire, Mackenzie representation in Edinburgh was left to shire commissioners. Tarbat was replaced as shire commissioner by John MacKenzie of Inverlaul from 1665-69. In 1669, Rosehaugh was elected as commissioner for Ross-shire and would remain so until he took the post of Lord Advocate in 1677. As stated previously, Rosehaugh had attempted to ease the tensions between Tarbat and the recently elevated duke of Lauderdale, who by this point had also become president of the Privy Council, by writing to him and asking Lauderdale to at least meet with Tarbat.²³⁶ Apart from this, there is no surviving evidence that Rosehaugh collaborated with Tarbat or even Kenneth Mòr to advance the MacKenzie position in Edinburgh. Recognising Kenneth Mòr's vulnerability, Tweeddale and others tried to exploit Kenneth Mòr's financial situation.

As previously mentioned, Kenneth Mòr inherited substantial debt from his father, George Donn, second earl of Seaforth. According to Lee Jr., from 1667, Lauderdale, Tweeddale, Sir Robert Moray and their colleagues planned to put the kingdom's finances on a sound footing by collecting money owed, cutting expenses, and punishing those who 'had their hand in the till' (e.g., Sir Walter Seaton, whom Tweeddale accused of fraud and embezzlement).²³⁷ Tweeddale suggested reducing Kenneth Mòr's feu of Lewis, which was 'technically escheated for non-payment of feu duties'.²³⁸ In a letter to Alexander Bruce, earl of Kincardine on 16 March 1669, Moray wondered why Kenneth Mòr's 'rights to the

²³³ McKenzie, *May we be Britons*, p. 129.

²³⁴ Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 87.

²³⁵ Ibid.

²³⁶ BL, Add. MS 32094, fol. 262.

²³⁷ Lee Jr., 'Dearest Brother', pp. x, 142; Macinnes, *Clanship*, p. 129.

²³⁸ Lee Jr., 'Dearest Brother', p. 153.

Lewes are not reduced, he having as yet paid none of his debts to the king'.²³⁹ Moray was also trying to help his close friend and Kenneth Mòr's first cousin, Lady Anna MacKenzie – daughter of Colin Ruadh, first earl of Seaforth and widow of Alexander Lindsay, first earl of Balcarres (d. 1659) – obtain money owed to her from the Seaforth estate – an estate against which both Lady Anna and her son had a legitimate claim.²⁴⁰ In the end, Lady Anna gave up those claims in exchange for 80,000 merks through a bargain with Kenneth Mòr negotiated by Cromarty.²⁴¹ Moray hoped that Lauderdale and King Charles II would intervene so that Lady Anna MacKenzie could recover her money: 'If [Kenneth Mòr] had paid [his debts], [Anna MacKenzie] comes in after the King... for neither the one nor the other will bring her monney in haste, if severe courses of all kinds be not presented against Earl Seaforth'.²⁴² Despite interest from Lauderdale and Charles in the plan, the crown chose to increase rents paid by Kenneth Mòr instead of calling in Kenneth Mòr's debt.²⁴³

Neither of these attempts to exploit Kenneth Mòr's weak financial position and force him to repay creditors was successful, suggesting Kenneth Mòr's importance to Charles outweighed his fiscal fragility. Nor was Kenneth Mòr hampered by complaints that he was an ineffective and aggressive sheriff, that he was suspected of backing a Sinclair malcontent in Caithness, or that he harassed the Rosses and other neighbouring clans.²⁴⁴ These events will be discussed in more detail in the next section. While the Restoration-era regime feared disorder in the Highlands, it seemed unconcerned that Kenneth Mòr was creating disorder in Ross-shire and Caithness. The rest of this chapter will argue that the combination of clan unity and royal favour allowed Kenneth Mòr and his gentry to advance the MacKenzie position locally. Indeed, as sheriff, Kenneth Mòr was 'the crown's agent in the far north', and, despite his own dislike for Kenneth Mòr, even Tweeddale acknowledged this.²⁴⁵

1.4: Kenneth Mòr, the MacKenzies and the Far North, 1664-74

This section will use four episodes from Kenneth Mòr's political career to explain how he and his kin utilised the political power granted to Kenneth Mòr to capitalise on law

²³⁹ *Letters of Sir Robert Moray to the Earl of Kincardine, 1657-73*, ed. by David Stevenson (Aldershot: Ashgate, 2007), pp. 107-8.

²⁴⁰ Rosalind K. Marshall, 'Mackenzie, Anna [known as Lady Anna Mackenzie], countess of Balcarres and countess of Argyll (c. 1621-1707), noblewoman', in *ODNB*.

²⁴¹ Marshall, 'Mackenzie, Anna', in *ODNB*; *Letters of Sir Robert Moray*, p. 107.

²⁴² *Letters of Sir Robert Moray*, pp. 261-2.

²⁴³ Lee Jr., 'Dearest Brother', p. 153.

²⁴⁴ BL, Add. MS 23131, fol. 111; Kennedy, *Governing Gaeldom*, p. 185; Hopkins, *Glencoe*, pp. 54-5; Lee Jr., 'Dearest Brother', p. 181.

²⁴⁵ Lee Jr., 'Dearest Brother', p. 182.

and crown policy and advance and protect the MacKenzie position from 1664 to 1674. As Kennedy notes, the government policy towards the Highlands during this period alternated between a self-governing approach to the Highlands and more rigorous public authority led from Edinburgh, ultimately leading to uncertainty over government policy.²⁴⁶ This section will show how the MacKenzies manoeuvred in relation to the vacillating stance of the central authorities. The first episode shows how Kenneth Mòr utilised his role of sheriff of Ross, granted to him in 1662, to harass the neighbouring Clan Ross. The second shows how he protected his earldom and authority in Ross from Lord MacDonell. The third episode shows how Kenneth Mòr and Tarbat exploited a financial crisis experienced by George Sinclair, earl of Caithness by backing Caithness's rivals. Finally, the MacKenzies learned lessons from each of these three episodes that they applied in a fresh attempt to complete their ancestors' goal of obtaining the last part of the MacLeods of Lewis's land in Assynt. Together, these examples will form a case study of how Kenneth Mòr and the MacKenzies advanced their position at a local level during a period of eclipse in national politics.

1.4.1: Clan Ross, 1664-65

Kenneth Mòr used his newfound authority as sheriff to move against his neighbours, the Rosses of Balnagown. David Ross of Balnagown was chief of the Clan Ross and Moray's brother-in-law. Like the MacKenzies, the Rosses received Ross-shire appointments in the 1661-2 parliament, though not as many. As noted above, Balnagown, William Ross of Gruinard, and David Ross of Pitcalnie were appointed to collect Charles II's annuity in 1661 and Balnagown, Gruinard, and Malcolm Ross of Kindeace were appointed justices of the peace in 1663.²⁴⁷ The timing of the MacKenzies' actions against Clan Ross – after Tarbat and Cromarty returned to Ross-shire, both of whom had legal training – suggests that Kenneth Mòr may have felt confident that he would be able to avoid being reprimanded by the central authorities. That Kenneth Mòr now held the office of sheriff and had a cadre of legal minds made Clan Ross vulnerable to MacKenzie encroachment, even though Balnagown was related to Kenneth Mòr's former tutor, Pluscarden.²⁴⁸ Furthermore, as Kennedy notes, the early Restoration-era Highland policy

²⁴⁶ Kennedy, *Governing Gaeldom*, pp. 183-5, 211-2.

²⁴⁷ *RPS*, 1661/1/160; *Ibid.*, 1663/6/144.

²⁴⁸ Balnagown's father, David Ross, twelfth of Balnagown, and Pluscarden were first cousins who fought alongside each other during the Wars of the Three Kingdoms.

was hands-off and relied on delegating peace-keeping to local elites, and Rothes hoped for a self-governing Highlands led by Seaforth, Argyll, and Atholl.²⁴⁹

The most probable motivation for MacKenzie action was to acquire access to resources. Balnagown had considerable rights to land for salmon fishing in the Kyle of Sutherland (which includes the River Cassley and River Oykel), Abhainn a' Chnocain and other areas near the northern border of Ross-shire.²⁵⁰ Robert Munro of Foulis held these fishing lands until Balnagown paid his father's considerable debt after being served heir by 1657.²⁵¹ As stated above, Kenneth Mòr and John Munro, younger of Foulis, had signed a bond of friendship on 23 January 1661.²⁵² If Balnagown was not able to pay off the debts to Foulis by 1664, then Kenneth Mòr was in a position to benefit from Balnagown's fisheries through his bond of friendship with Foulis's son, John. However, if Balnagown recovered the rights, then it might have been easier for him to resist encroachment from Kenneth Mòr and the MacKenzies.

Kenneth Mòr's actions against Balnagown are indicated by a lawsuit brought against Kenneth Mòr and most of the Clan MacKenzie gentry from 22 December 1664 to 10 February 1665. Kenneth Mòr, Tarbat, and others received a warrant to appear in front of the Privy Council in Edinburgh.²⁵³ The legal complaints raised by Balnagown and others were that Kenneth Mòr, as sheriff of Ross, did not administer justice fairly and raised bands of armed men to extort tenants in Ross-shire.²⁵⁴ The complaint was summarised by the Privy Council thus:

[Kenneth Mòr's] in prosecution of ane implacable malice, entertained by the name of McKenzie against the name of Rosse, essayed by acts of violence and injustice, shrouded under colour of his office and jurisdiction, and by frequent convocations under the pretence of asserting and executing his decreitts, to provock and tempt the said complainer and his name to ryse in armes, or to take such other course for their defence as might bring them under the compasse of the law.²⁵⁵

The complaint went on to accuse the MacKenzies of stealing horses under the pretext of pouncing (when a creditor collects a debt by taking the debtor's property) and the killing of deer and salmon.²⁵⁶ Kenneth Mòr was implicated personally when Balnagown accused

²⁴⁹ Kennedy, *Governing Gaeldom*, pp. 26-7, 183-4.

²⁵⁰ NRS, GD305/1/119/475.

²⁵¹ Ibid.

²⁵² Mackenzie, *History of the Munros of Fowlis*, p. 90.

²⁵³ *RPCS*, I, p. 639; *RPCS*, II, pp. 1, 15, 18-26.

²⁵⁴ Ibid., II, pp. 18-9.

²⁵⁵ Ibid., p. 19.

²⁵⁶ *RPCS*, II, pp. 19-20.

Kenneth Mòr of stating that he planned to organise an armed party that would poind Ross property.²⁵⁷ During an ensuing campaign, MacKenzies ‘from the most barbrous Hielands’ attacked and injured Malcolm Ross and ‘left him upon the place for deid’.²⁵⁸ Kenneth Mòr almost certainly attacked and provoked Balnagown for the benefit of his ally John younger of Foulis in concert with John, as Kenneth Mòr and his men spent one night on John’s estates.²⁵⁹

Kenneth Mòr, Tarbat and Alexander Bain submitted a counter-complaint. According to Tarbat, thirty to forty of Balnagown’s kinsmen ‘did in a hostile way, armed with swords, pistolls and other weapons invasive, convocat themselves without any warrand of authority’ in Milton in Easter Ross.²⁶⁰ A further two hundred to three hundred reportedly gathered in Tain in a bellicose posture and ‘would not lay doune their armes nor disband themselves until the said Earle of Seaforth as shreff did repair to the place and dissipat them in his Majesties name and authority’.²⁶¹ Despite Kenneth Mòr’s order for everyone to stand down, Walter Ross then attacked Knockbain’s home and threatened to shoot and kill him.²⁶² Furthermore, none of the Rosses of Balnagown respected Kenneth Mòr’s authority as sheriff to summon them to court.²⁶³ The Privy Council sided with Kenneth Mòr and the MacKenzies, although they acquitted almost every one of Balnagown’s kinsmen. The Council ruled that Kenneth Mòr was not guilty of Balnagown’s accusations because Balnagown had not complied with Kenneth Mòr’s requests and therefore Kenneth Mòr’s convocation was necessary for keeping the peace in the Highlands.²⁶⁴ The MacKenzies were also absolved of their beating of Malcolm Ross, as he was defying the sheriff-depute at the time.²⁶⁵ Balnagown was ordered to remain in prison until he paid a total of £330 Scots to witnesses and Malcolm Ross was fined 500 merks for deforcing an officer.²⁶⁶ However, Balnagown retained his lands and in 1670, further protected his clan by allying with his brother-in-law, Alexander Stewart, earl of Moray.²⁶⁷

²⁵⁷ Ibid., pp. 20-1.

²⁵⁸ Ibid., p. 22.

²⁵⁹ Ibid.

²⁶⁰ Ibid., p. 24.

²⁶¹ Ibid.

²⁶² Ibid., pp. 24-5.

²⁶³ Ibid., p. 25.

²⁶⁴ Ibid., p. 23.

²⁶⁵ Ibid.

²⁶⁶ Ibid., pp. 25-6.

²⁶⁷ Kennedy, *Governing Gaeldom*, p. 156.

1.4.2: Clan MacDonald of Glengarry, 1665-66

Angus MacDonald of Glengarry, lord MacDonell (after 1663) and chief of the MacDonalds of Glengarry may have been considered by contemporaries as the best-rewarded chief at the Restoration, but MacDonell wanted more than the title of Lord MacDonell and his annual pension of £3600; MacDonell wanted the earldom of Ross.²⁶⁸ His attempts to rise to comital rank renewed a historic feud between the MacKenzies and the MacDonalds of Glengarry in 1665 and 1666. This section will first show the origins of MacDonell's claims to the earldom of Ross as a reward for his service to Charles II during the interregnum. Then, this section will explore how the MacKenzies responded and what the consequences were for Kenneth Mòr and Ross-shire. The section will also show how this episode likely contributed to a plethora of Clan MacKenzie histories being written around this period and most of which strongly feature the historic feud between the MacKenzies and MacDonells of Glengarry in such a way that it argues Clan MacKenzie had superior claims to disputed lands.

MacDonell, like Kenneth Mòr, had supported Charles II during the rising of 1653-54. While there is no extant evidence that Kenneth Mòr asked for favours in exchange for his support, a series of letters between MacDonell, Charles II, and Lieutenant General Middleton show that MacDonell hoped the king would reward him by granting him an earldom. Glengarry made his first known request to Charles by 1653, but Charles refused to make any promises other than that supporters would be rewarded.²⁶⁹ In private instructions to Middleton dated 6 February 1654 from Paris, Charles expressed doubt that he had it within his power to grant MacDonell the earldom of Ross, even though it was vested in the crown.²⁷⁰ Charles asked Middleton to tell MacDonell that he has 'sent [the Earl of Loudon] a warrant to create him an Earle', but that he 'cannot [learn] without enquiry in whose possession the antient lands belonging to [the Earl of Ross] are, and by what right they hold the same'.²⁷¹ The warrant to Loudon was endorsed in Paris on the same day.²⁷² Middleton wrote back to Charles on 30 May, 1654 to discuss, among other issues, MacDonell. After praising MacDonell's faithful service, Middleton made a recommendation to Charles:

²⁶⁸ *Chron. Frasers*, p. 451; Kennedy, *Governing Gaeldom*, p. 163.

²⁶⁹ Firth, *S and C*, p. 313.

²⁷⁰ Firth, *S and P*, p. 29.

²⁷¹ *Ibid.*, p. 29.

²⁷² *Ibid.*, p. 31.

I have informed my selfe by persons who understand the lawe of this Nation, that your Majestie may as weill confere the title of Rose upon him as anie other, and that you may confere the estate of the Earldome of Rose upon him...²⁷³

In 1655, Charles wrote to MacDonell that ‘I will not fayle of doing my parte, as a good master, in rewardinge so good a servant’.²⁷⁴ But making MacDonell the earl of Ross would have been a direct challenge to Kenneth Mòr’s authority in the region, undermined the MacKenzies and destabilised the region. Furthermore, that Charles even contemplated this may be evidence of the dire situation in which the Earldom of Seaforth found itself in the 1650s. As John Bannerman notes, by the end of Colin Ruadh MacKenzie, first earl of Seaforth’s chiefship in 1633, the MacKenzies of Kintail had become ‘the earls of Ross in all but name’.²⁷⁵ The MacKenzies may have been aware of this exchange with MacDonell, as Tarbat and Cromarty were close, personal allies of Middleton from the Restoration until their collective downfall in 1664.

Regardless of any promises which Charles may have made in 1654, MacDonell was not made an earl in the interregnum. Charles II’s broken promise to MacDonell is an example what W. C. Mackenzie’s assertion that Charles knew how to win support from friends and followers through vain promises.²⁷⁶ After the Restoration, MacDonell decided to press his claim. On 1 September 1663, MacDonell wrote to the king requesting that Charles recreate the earldom of Ross and bestow upon him the rents thereof as a reward for his ‘service and sufferings for Crown & Interest’.²⁷⁷ In his petition, Glengarry implied that Charles promised him this title along with several other unlisted benefits. Upon realising that the earldom of Ross was not forthcoming, MacDonell raided lands in mainland Ross-shire and in Inverness-shire. Kennedy has shown that not only was MacDonell gaining a reputation for lawlessness and banditry but that he even inflated this reputation.²⁷⁸ Concurrently, MacDonell’s other actions worried some in Clan Donald. Although Iain Lom was generally positive about MacDonell, he disapproved of MacDonell’s claim to the chiefship of Clan Donald.²⁷⁹ Indeed, MacDonell believed that ‘notoriety would augment his authority’.²⁸⁰ However, MacDonell’s aggression only strengthened the MacKenzies.

²⁷³ Ibid., p. 112.

²⁷⁴ Ibid., p. 230.

²⁷⁵ Bannerman, ‘The lordship of the Isles’, pp. 212-3.

²⁷⁶ Mackenzie, *A Short History of the Scottish Highlands and Isles*, p. 195; Mackenzie, *History of the Outer Hebrides*, pp. 354-5.

²⁷⁷ BL, Add. MS 23120, fol. 7.

²⁷⁸ Kennedy, *Governing Gaeldom*, pp. 71, 74.

²⁷⁹ Iain Lom, ‘Oran do Aonghas Og Morair Ghlinne Garaidh’, *Orain Iain Luim*, pp. 94-101 (pp. 96-9), ll. 1230-45; Mackenzie, *Orain Iain Luim*, pp. 272-4, 276. Annie Mackenzie argues that Iain Lom’s generally

First, as Hopkins notes, MacDonell's aggression led Argyll and Kenneth Mòr to 'settle a traditional hostility, since both had far stronger hereditary feuds against the Macdonalds of Glengarry'.²⁸¹ MacDonell complained in 1666 that both Kenneth Mòr and Argyll were buying up superiorities over his lands in concert, which Hopkins argues that Argyll did as a 'means of harassment'.²⁸² Nevertheless, Kenneth Mòr and Argyll were both careful with how they settled their own feud. In 1665, Argyll made it clear that no friendship with Kenneth Mòr would include agreements on religion, writing that he did not wish to 'renew any thing that talkes of religion, for I resolute to subscribe no covenants'.²⁸³ Argyll wrote to Lauderdale that Kenneth Mòr seemed to want their friendship talks kept quiet until their differences were settled.²⁸⁴ The only issue which slowed the process was Kenneth Mòr and Balnagown's requirement to appear before the Privy Council.²⁸⁵ At some point shortly before 14 February 1665, Kenneth Mòr had a meeting with Argyll and Moray during which they all agreed to 'live in friendship'.²⁸⁶ Argyll, who also sought friendships with Atholl and the earl of Caithness, was clearly in line with Rothes's strategy.²⁸⁷ The friendship between Kenneth Mòr and Moray was short-lived. Months before the 1670 session of Scottish Parliament, Moray allied himself with the Rosses of Balnagown in March 1670 in a joint attempt to erect the eleven parishes of Ross into 'new and distincte' jurisdictions that would favour them.²⁸⁸

Secondly, MacDonell's raiding strengthened Kenneth Mòr's position locally. In 1665, the burgh of Fortrose offered Kenneth Mòr 500 merks to serve as their provost, patron, and protector while Inverness asked Moray to be their protector.²⁸⁹ The position of provost had been held by Alexander Graham of Drynie until 1660, but remained vacant until 1665.²⁹⁰ As provost, Kenneth Mòr aided the Fortrose council in communicating with

favourable portrayal of MacDonell may have been because Iain Lom wanted to gain MacDonell's support after the Keppoch Murders (1663). In 'Murt na Ceapaich', Iain Lom lamented that MacDonell was in Parliament in Edinburgh instead of seeking justice for the murdered chief Alexander MacDonald of Keppoch and Keppoch's brother, Ranald. See Iain Lom, 'Murt na Ceapaich', *Orain Iain Luim*, pp. 82-93 (pp. 90-1), ll. 1134-41.

²⁸⁰ Ibid., p. 71.

²⁸¹ Hopkins, *Glencoe*, p. 42.

²⁸² BL, Add. MS 23122, fol. 260; Ibid., Add. MS 23124, fol. 107.

²⁸³ *Letters from Archibald, Earl of Argyll, to John, Duke of Lauderdale*, ed. by C. K. Sharpe and Sir G. Sinclair (Edinburgh: 1829), p. 12.

²⁸⁴ Ibid., p. 13.

²⁸⁵ Sharpe and Sinclair (ed.), *Letters from Archibald, Earl of Argyll*, p. 14.

²⁸⁶ Ibid., pp. 14-5.

²⁸⁷ Ibid., pp. 12-3.

²⁸⁸ BL, Add. MS 23133, fol. 45r; Kennedy, *Governing Gaeldom*, p. 156.

²⁸⁹ Ibid., p. 51.

²⁹⁰ NRS, PA7/25/1.

the proper people in Edinburgh, recommended burgesses for Parliament, and approved funding for projects.²⁹¹ The town was satisfied with Kenneth Mòr and re-elected him as provost in 1676.²⁹² This indirectly benefited from Rothes's approach of a self-governing Highlands which delegated authority to local elites.²⁹³ Kenneth Mòr was building his local influence, which further increased after MacDonell's raiding backfired.

Furthermore, MacDonell's aggression also allowed the MacKenzies to portray themselves as trusted and reliable crown agents in Ross-shire. One of the ways that the MacKenzies did this was through the written word. John Molach MacKenzie of Applecross and Tarbat wrote clan genealogical histories in c. 1667 and c. 1669, respectively. While these unpublished histories were filled with errors, they served a purpose. By 1667, the MacKenzies had several aspect of their past behaviour that they would have wanted to portray differently. As MacGregor notes, the second earl's civil war record of vacillation provided motivation to reassert the MacKenzies' royalism after 1660.²⁹⁴ With Kenneth Mòr having been accused by the Rosses of Balnagown of misusing his power as sheriff to harass them, the authors needed to portray the MacKenzies as reliable, law-abiding agents for the crown in the Highlands. Finally, they needed to show their clan's historic right to Glengarry's lands in the old earldom of Ross. Therefore, MacDonell's aggression allowed the MacKenzies to recast their image and rewrite their history.

Both authors drew parallels between historic Mackenzie-Glengarry feuding and MacDonell's aggression in the 1660s. The histories state that the feud began during the chiefship of Colin Cam MacKenzie, Kenneth Mòr's great-grandfather, and the chiefship of Glengarry's grandfather, Donald.²⁹⁵ The troubles came to a head during the chiefship of Kenneth Mòr's grandfather, Kenneth, who became lord Kintail in 1609. MacGregor describes the MacKenzies during that period 'as native imperialists at turns more successful, enterprising and even more truly British than the multiple monarchy itself'.²⁹⁶ MacCoinnich describes them as expansionists who developed a 'stranglehold' over the region.²⁹⁷ According to Applecross, the feud was about revenge and ownership of Lochalsh

²⁹¹ NRS, B28/7/2, fols. 38-41, 48, 51, 58.

²⁹² Ibid., fol. 50.

²⁹³ Gillian H. MacIntosh, 'Leslie, John, duke of Rothes (c. 1630-1681), politician and nobleman', *ODNB*.

²⁹⁴ MacGregor, 'Genealogical histories', p. 217.

²⁹⁵ *Highland Papers*, II, p. 33.

²⁹⁶ MacGregor, 'Civilising Gaelic Scotland', p. 49.

²⁹⁷ Aonghas MacCoinnich, "'His spirit was given only to warre": conflict and identity in the Scottish Gàidhealtachd, c. 1580 – c. 1630', in *Fighting for Identity: Scottish Military Experience, c. 1550-1900*, ed. by Steve Murdoch and Andrew Mackillop (Boston: Brill, 2002), p. 152.

and Lochcarron. Both Kintail and Glengarry had parallel claims on contiguous lands in Lochalsh and Lochcarron. Applecross claimed that Kintail was better to his tenants and managed the land more justly, which made Glengarry's tenants envious.²⁹⁸

Both Mackenzie authors portray Donald of Glengarry as the aggressor, but only Applecross provides Glengarry's motivation. Two of Glengarry's cousins sought to avenge the deaths of their fathers at the hands of two of Kintail's tenants, 'Donald mac Iain Leithe' and 'Angus mac Echin'. The deaths occurred while Kintail accompanied the duke of Lennox to France.²⁹⁹ Glengarry was said to have encouraged his cousins despite attempts by members of Clan MacKenzie to effect reconciliation.³⁰⁰ Applecross tells story after story as to how Kintail repelled persistent attempts by Glengarry and his kin to attack mainland Ross-shire and reacquire previously held lands. He concludes with Glengarry's capitulation in 1606:

Ther were manie more skirmishes betwixt Glengarrie and M`Kenzie but to conclude Glengarrie was necessitat to take his peace w[ith] ye loss and qwiting of his part of Lochalsh and Lochcarron. Yet though M`Kenzie had comprysing agt. his estate and ye lawes of ye na[tio]ne to back qt what he did agt. him qn he came and submitted himself to M`Kenzie he gave him two thousand mrks for making a perfynt disp[ositio]ne of y^t lands qch he law[fully] conqweist of him.³⁰¹

Kintail's victory over Glengarry was complete and, more importantly, acknowledged by Glengarry himself. While there is no known evidence that the MacKenzies were aggressors in 1602, the MacDonalds of Glengarry were fighting against MacKenzie encroachment.³⁰² Similarly, the MacKenzies fought with the Munros over the Chanonry of Ross in the mid-sixteenth century and after ending the Glengarry feud, turned their attention to the MacLeods of Lewis.³⁰³

In his history, Tarbat stressed the legal means by which the MacKenzies had acquired the disputed lands. He stated that Colin Cam had bought some of Glengarry's lands while wadsetting others.³⁰⁴ Lord Kintail, whom Tarbat described as 'truely of an Heroick Temper', then took 'a Legal Procedure' and obtained commission of fire and sword against Glengarry because Glengarry had 'most outrageously without any Cause and

²⁹⁸ *Highland Papers*, II, p. 37.

²⁹⁹ *Ibid.*, p. 39; MacCoinnich, *Plantation and Civility*, p. 221.

³⁰⁰ *Highland Papers*, II, p. 39.

³⁰¹ *Ibid.*, p. 49.

³⁰² MacCoinnich, 'Conflict and identity', p. 148; MacCoinnich, *Plantation and Civility*, p. 222.

³⁰³ MacCoinnich, 'Conflict and identity', p. 134; MacGregor, 'Civilising Gaelic Scotland', pp. 45-6.

³⁰⁴ *Genealogical Collections*, I, p. 63.

against all Equity and Law' attacked MacKenzie lands while Kintail was in France.³⁰⁵ . Again, MacKenzie victory was presented as complete. Tarbat wrote that 'Glengarry did ever acknowledge it as a Favour to be overcome by such Enemies who over Disobligements did deal both justly and generously'.³⁰⁶ Both MacKenzie authors wrote that Kintail or his brother paid Glengarry for the superiorities of his lands. While this is portrayed as an act of benevolence, it also indicates that the MacKenzies needed to compensate Glengarry for his buying Glengarry's *dùthchas*, or kindly tenure, a recognition of the strength of Glengarry's claims to the lands. This is not new, MacGregor has shown that the Campbells heavily compensated the original possessors of Ardnamurchan and Glenstrae.³⁰⁷ Tarbat would later acknowledge that they were compensating Glengarry in an information he wrote in c. 1671-72, which will be discussed below.³⁰⁸

This episode in Kenneth Mòr's political career shows the strength of the clan in legal and political challenges. For the second time since 1661, the MacKenzies withstood direct challenges to their authority in Ross-shire and came away in a stronger position. Kenneth Mòr and Tarbat added insult to injury by backing MacDonell's rival, Sir James MacDonald of Sleat, in his claim to the chiefship of Clan Donald; Sleat was Kenneth Mòr's first cousin and Tarbat's uncle by marriage. Once Kenneth Mòr became a Privy Councillor in 1674, he supported Sleat's appeal for an earldom.³⁰⁹

1.4.3: The MacKenzies in Caithness, 1668-73

With the affirmation of MacKenzie authority in Ross-shire, the MacKenzies exploited Clan Sinclair's internal struggles for their own gain and tried to prevent the Campbells of Glenorchy from gaining a foothold in Caithness. By 1668, however, the MacKenzie strategy would have to change, as events led the central authorities to take a more interventionist approach to the Highlands. The Pentland Rising of 1666 was an armed, popular uprising which reminded the central authorities too much of the Covenanting period.³¹⁰ While the government was able to put down the rising, Clare Jackson argues that 'Restoration Scots were determined that the preservation of order should be the chief priority'.³¹¹ Continuing problems with nonconformity, and a growing

³⁰⁵ *Genealogical Collections*, I, p. 63..

³⁰⁶ *Ibid.*, p. 66.

³⁰⁷ Martin MacGregor, 'Civilising Gaelic Scotland', p. 40.

³⁰⁸ SAUL, MS Dep 75, 3/5.

³⁰⁹ Hopkins, *Glencoe*, p. 46.

³¹⁰ McIntyre, 'Saints and Subverters', pp. 14, 52-3.

³¹¹ Jackson, *Restoration Scotland*, p. 133.

mistrust in local elites – especially Kenneth Mòr, Huntly, and Argyll – led the central authorities to adopt a more interventionist attitude towards the localities.³¹²

Luckily for the MacKenzies, George Sinclair, earl of Caithness had two problems. First, Caithness's family debts had increased during his lifetime due to English ravaging of his estates, loans to Middleton, and his aristocratic lifestyle.³¹³ Caithness had married Lady Mary Campbell, Argyll's sister, in 1657. This marriage originally cost him the post of sheriff of Caithness, but he was able to recover it.³¹⁴ The second was that throughout the chiefship of the earl of Caithness (1643-1676), prominent members of Clan Sinclair openly defied him. William Sinclair of Dunbeath reportedly challenged Caithness to a duel in 1652 and, except for a brief truce in 1668, the two fought throughout the 1660s.³¹⁵ As convener for the justice of peace courts and sheriff-depute in Caithness, Dunbeath prevented Caithness from taking his seat as sheriff and stole the court books.³¹⁶ Hopkins notes that despite all the trouble Dunbeath caused, Caithness, who was childless, 'drifted under Dunbeath's influence' and 'secretly settled the earldom's estates on Dunbeath, to be surrendered by September 1668'.³¹⁷ In early 1668, Caithness joined Dunbeath in raids against John Mackay of Scourie's lands in Sutherland and was briefly imprisoned in Edinburgh Castle.³¹⁸ However, in December, Caithness joined Argyll, the new sheriff-depute John Campbell of Glenorchy, who was also Caithness's principal creditor, and George Gordon, lord Strathnaver on the commission to apprehend Dunbeath.³¹⁹ Fear of unrest delayed the commission until June 1669, when a Privy Council granted a commission of fire and sword to John Campbell of Glenorchy.³²⁰ Caithness's kin turned on him because he did not defend Dunbeath. Kenneth Mòr's brother-in-law, Sir William Sinclair of Mey, and other senior members of Clan Sinclair were accused of protecting Dunbeath as he continued to escape his captors.³²¹ Additionally, the entire affair put Caithness on even shakier grounds financially.³²²

³¹² Kennedy, *Governing Gaeldom*, p. 184.

³¹³ Hopkins, *Glencoe*, p. 53.

³¹⁴ Ibid.

³¹⁵ Kennedy, *Governing Gaeldom*, p. 101.

³¹⁶ Ibid., p. 155.

³¹⁷ Hopkins, *Glencoe*, p. 54.

³¹⁸ Ibid.; Macinnes, *Clanship*, p. 48.

³¹⁹ Hopkins, *Glencoe*, p. 54; John Henderson, *Caithness Family History* (Edinburgh: David Douglas, 1884), p. 9.

³²⁰ *RPCS*, III, pp. 48-50; Hopkins, *Glencoe*, p. 54.

³²¹ *RPCS*, III, pp. 134-8.

³²² Hopkins, *Glencoe*, p. 54.

Several people tried to exploit Caithness's weak situation. Sir Robert Sinclair, first baronet of Longformacus of a Lowland branch of Clan Sinclair, bought up Caithness's debts at a large discount between 1668 and 1670 in hopes of taking control of the clan and the chief's estates.³²³ After he unsuccessfully attempted to obtain an Exchequer grant of the estate, Longformacus failed to force Caithness to sign away his estate in 1672.³²⁴ Instead, Caithness decided to leave the estates with his wife's cousin, Glenorchy, who had lent Caithness £3800 sterling and worked to pay off Caithness's creditors from 1672 until Caithness died in 1677.³²⁵ Glenorchy's ambitions were partly expansionist and partly for the benefit of Argyll, on whose behalf he had bought part of Caithness's debt.³²⁶ Furthermore, the countess of Caithness and Glenorchy remained in constant contact throughout this period and even married each other after Caithness died. Longformacus countered by attempting to ruin Caithness and, by extension, Glenorchy. In 1672, he used his agents to disrupt Caithness's estates and drove the tenants to refuse to pay rents.³²⁷ Members of Clan Sinclair refused to help Caithness and had been helping Dunbeath avoid capture since 1669.³²⁸

Ostensibly, this affair revolved around Caithness, his Highland and Lowland kin, and the Campbells. However, Kenneth Mòr and possibly Tarbat were acting behind the scenes from at least 1668 until 1673 to support dissident members of Clan Sinclair. Kenneth Mòr's performance as sheriff brought him negative attention in 1668. Tweeddale, an extraordinary lord of session, expressed his frustration with Kenneth Mòr's performance as sheriff to Lauderdale:

The earel of seaforths frinds say if he had the trust of a Regiment he uold ruine the hole country [...] uhen [Kenneth Mòr] is in Rose he lifts all the rents they haue for ther Relife or Robs them of it uhen it is colectid and to be sent south and som say he is troublersom amongst ther wifs.³²⁹

This probably led Kenneth Mòr and Tarbat to be more cautious. Instead of involving the MacKenzies directly, Kenneth Mòr privately backed Dunbeath and the raiding which was

³²³ Hopkins, *Glencoe*, p. 55.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Ibid., pp. 52, 55.

³²⁷ Ibid., p. 55.

³²⁸ Ibid., pp. 54-5.

³²⁹ BL, Add. MS 23131, fol. 111; Kennedy, *Governing Gaeldom*, pp. 184-5. Kenneth Mòr's conduct in late 1662, less than a year after becoming sheriff, was also suspect. He accidentally burnt part of the Chanonry of Ross and some houses after firing a gun (see *Brodie of Brodie*, p. 280). The result of the incident is not known.

to land Dunbeath and Caithness in trouble.³³⁰ Kenneth Mòr was well-connected to the Sinclair gentry. As previously stated, Kenneth Mòr's sister, Margaret, married Mey in 1643. Mey was also Dunbeath's brother-in-law and was one of the many Sinclairs arrested for supposedly helping Dunbeath avoid arrest after the commission of fire and sword was issued.³³¹ Through Dunbeath, it appears, Kenneth Mòr was able to destabilise Caithness's already weak authority in the far north. Furthermore, Glenorchy and the countess of Caithness wrote to Lauderdale accusing Tarbat and other hostile MacKenzies of financing Longformacus.³³² When Glenorchy became the Earl of Caithness after the sixth earl's death in 1677, the Sinclairs and MacKenzies backed the sixth earl's hereditary heir, George Sinclair of Keiss, a grandson of the fifth earl of Caithness.³³³ It is unlikely that Sinclairs would have supported anyone else even if Longformacus not died in 1678. That the Sinclairs did not help the sixth earl of Caithness reflected how out-of-touch he was with his gentry and, in turn, how unsuitable they saw Caithness as a chief.

Caithness, the countess of Caithness, and Glenorchy accused Kenneth Mòr and Tarbat of meddling, but without any surviving letters from either Kenneth Mòr or Tarbat, their intentions remain unknown. Kenneth Mòr and Tarbat were likely trying to delay or stop Argyll from getting a foothold in Caithness through his chief adviser, Glenorchy. Alternatively, Kennedy notes that there were plans in 1668 to make Kenneth Mòr colonel of 'everything north of Ardersier' and provide him with a militia.³³⁴ Kenneth Mòr may have been financing Dunbeath and others to cause trouble, and stop once Kenneth Mòr was given the commission. Kenneth Mòr's friends even boasted in 1669 that if he were given a regiment, then he could pacify Lochaber, the most lawless region in the Highlands.³³⁵ Regardless, no such plans came to fruition, perhaps because Tweeddale had suspected Kenneth Mòr was behind Dunbeath's 'pranks', as Tweeddale called them.³³⁶

1.4.4: Clan MacLeods of Assynt, 1669-74

The final significant episode of clan expansion during Kenneth Mòr's political career concluded a process which began during the plantation of Lewis.³³⁷ This episode in

³³⁰ Hopkins, *Glencoe*, p. 54.

³³¹ Henderson, *Caithness Family History*, p. 86; *RPCS*, III, pp. 134-8.

³³² Hopkins, *Glencoe*, p. 55.

³³³ Henderson, *Caithness Family History*, pp. 8-9.

³³⁴ Kennedy, *Governing Gaeldom*, p. 124.

³³⁵ Lee Jr, *'Dearest Brother'*, p. 182.

³³⁶ BL, Add. MS 23130, fols. 72, 78; Lee Jr, *'Dearest Brother'*, p. 180.

³³⁷ See Aonghas MacCoinnich, *Plantation and Civility* for a thorough history of the Plantation of Lewis and the MacKenzies development of the island.

Clan MacKenzie history is a continuation of a long-term MacKenzie mission to possess the original patrimony of the earls of Ross (although there is no evidence that they saw themselves as such), which explains not only the recovery of Lewis, but the attempt to ‘recover’ Assynt. The original earldom made topographical sense as a unit, assuming cohesion through control of the sea. Assynt, in south-west Sutherland, was across the north Minch from Lewis and possession of it would expand the MacKenzies’ control of the western seaboard. It is worth noting, too, that Assynt is just north of Coigach, over which Tarbat was the superior. Furthermore, Tarbat had a hereditary right to the Lordship of the MacLeods of Lewis; his grandfather, Roderick, Tutor of Kintail (d. 1626) was married to the eldest surviving daughter of Torquil Conanach MacLeod of Lewis (c.1543-1615).³³⁸ An under-discussed reason as to why the MacKenzies wanted Assynt was as a solution to debt. While only having small pockets of fertile soil, Assynt contained deer, salmon, timber, and coal.³³⁹

In 1671-72, Tarbat, with the assistance of the Kenneth Mòr’s second son, John, led a multi-faceted campaign to gain superiority over the last of the lands of Neil MacLeod of Assynt and his kinsmen. While the historiography of the concurrent Campbell-Maclean feud is comprehensive, the most recent research on the Restoration-era MacKenzie-MacLeod of Assynt feud was published by Charles Fraser-Mackintosh in 1901.³⁴⁰ Based on seven primary sources, Fraser-Mackintosh pieced together a pro-MacLeod account of how the MacKenzies obtained Assynt. He portrayed Neil MacLeod of Assynt as a noble, resilient, innocent victim of persistent MacKenzie harassment. Since its publication, only Paul Hopkins has revisited Fraser-Mackintosh’s argument.³⁴¹ Hopkins argued that Neil MacLeod was only acquitted in 1663 of the accusations that he betrayed Montrose during the Wars of the Three Kingdoms through bribery, but, apart from that one point, Hopkins agreed with Fraser-Mackintosh’s portrayal of the MacKenzies as assiduous in their pursuit

³³⁸ Tarbat claimed the title Lord MacLeod and Cromarty heirs still use this designation.

³³⁹ Gemma Smith, ‘My parish is this stone: The perceptions of the people of Assynt of the effects of the Clearance and Improvement on the landscape, as related to the Napier Commission at Lochinver’, (unpublished master’s dissertation, University of Glasgow, 2018), pp. 25, 39, 42; ‘Tubeg’, Canmore: National Record of the Historic Environment, accessed February 28, 2019, <https://canmore.org.uk/site/4542/tubeg>.

³⁴⁰ Charles Fraser-Mackintosh, ‘Neil Macleod, Last of Assynt’, *TGSI*, 24 (1899-1901), 370-83. Alexander Mackenzie did discuss this in *History of the MacLeods* (1889), pp. 410-9 and *History of the Mackenzies* (1894), pp. 259-65. Andrew McKenzie mentions the historic feud between Clan MacKenzie and Lordship of the MacLeods of Lewis and that Tarbat claimed and was awarded the title ‘Lord MacLeod’ in McKenzie, *May we be Britons*, pp. 51-2, 84-5, 154.

³⁴¹ Hopkins, *Glencoe*, p. 23.

of Assynt.³⁴² However, the historiography misses why the MacKenzies were so persistent and the implications of this for the rest of the Highland clans. This section will show how the MacKenzies' obtaining Assynt was the result of their central and local strategies coming together. This section will first provide a brief history of the MacKenzies in Assynt and their relationship with the MacLeods of Assynt. Next, this section will explain the methods used by the MacKenzies to expand into Assynt. Lastly, this section will explore the reasons why the MacKenzies decided to expand and the impact this had on Kenneth Mòr.

Three issues lay at the root of the MacKenzies' feud with the MacLeods of Assynt. The first issue was how the MacKenzies viewed their relationship with MacLeods of Assynt. The MacLeods of Assynt were a cadet branch of the MacLeods of Lewis.³⁴³ However, the MacLeods of Assynt had become vassals of the MacKenzies by 1592. Torquil Conanach had resigned his right to lands of Assynt in 1588 and then, three years later, Colin Cam MacKenzie (Kenneth Mòr's great-grandfather) obtained a great seal charter for the superiority of Assynt.³⁴⁴ Yet while the MacKenzies had held feudal superiority over Assynt since 1591, they did not have possession of the Assynt estate.³⁴⁵ From the MacKenzie point of view, their once cordial and compliant vassals had become obstinate and aggressive over the first half of the seventeenth century.³⁴⁶ It is likely that Kenneth Mòr had viewed the MacLeods of Assynt as disobedient vassals since the Wars of the Three Kingdom and had felt particularly bitter after his surrender to General Monck in 1654, when Monck gave (but later revoked) Neil MacLeod of Assynt permission to recoup losses from Clan MacKenzie estates.³⁴⁷ The second issue was the bad personal relationship between Kenneth Mòr and Neil MacLeod of Assynt. The feuding between MacLeod and the MacKenzies began during the Wars of the Three Kingdoms, when, like Kenneth Mòr, MacLeod became chief as a minor. In 1646, MacLeod was at George Donn MacKenzie, second earl of Seaforth's Brahan Castle with one hundred of his men, while George was in Inverness with Montrose.³⁴⁸ It is likely that MacLeod was accounting himself to his

³⁴² Ibid.

³⁴³ Alexander Mackenzie, *History of the MacLeods with Genealogies of the Principal Families of the Name* (Inverness: A. & W. Mackenzie, 1889), p. 398.

³⁴⁴ MacCoinnich, *Plantation and Civility*, pp. 25, 66 n. 121.

³⁴⁵ Ibid., p. 66; For more information on how the MacKenzies expanded into the lands of the MacLeods of Assynt through their backing of Torquil Conanach, see MacCoinnich, *Plantation and Civility*, pp. 61-8, 81-3.

³⁴⁶ MacCoinnich, *Plantation and Civility*, pp. 25, 184 n. 31.

³⁴⁷ Dow, *Cromwellian Scotland*, p. 155.

³⁴⁸ *The Memoirs of James, Marquis of Montrose, 1639-1650*, ed. by George Wishart (London: Longmans, Green, and Co., 1893), p. 530.

superior. Furthermore, the young MacLeod may have been friendly with Kenneth Mòr.³⁴⁹ Later that year, however, George Donn ordered his men to besiege Ardvreck Castle, home to MacLeod's grandfather, chief Donald Bàn Mòr MacLeod of Assynt (d. c. 1646) and, although MacLeod's grandfather repelled George, the MacKenzies reportedly destroyed 180 homes and stole 3000 cows, 2000 horses, and 7000 sheep and goats.³⁵⁰ Neil MacLeod's father, also named Neil, died shortly after and Neil MacLeod of Assynt became chief by 1649, tutored by his uncle, Hugh MacLeod of Cambuscurrie.³⁵¹

The third issue which made Neil MacLeod of Assynt vulnerable was the uncertainty around his involvement with Montrose's capture and imprisonment in Ardvreck Castle in 1650 after the Battle of Carbisdale (1650).³⁵² It is not known how involved MacLeod was in Montrose's capture and subsequent handover to Covenanting forces, but contemporary evidence, such as Iain Lom's 'Cumha Mhontrois' ['A Lament for Montrose'], explicitly accuses Neil MacLeod of betraying Montrose:

'Mhic Nèill a Asaint chianail,
Nan glacainn ann mo lìon thu,
Bhiodh m'fhacal air do bhinne,
'S cha diobrainn thu o'n chroich.

[...]

Thu féin is t'athair-céile,
Fear-taighe sin na Léime,
Ged chrochta sibh le chéile
Cha b'éirig air mo lochd.

Craobh rùisgt' de'n abhall bhreugach,
Gun mheas gun chliù gun cheutaidh,
Bha riamh ri murt a chéile,
'Nur fuidheall bheum is chorc.

Marbhfhaig ort féin, a dhìmhais,
Mar olc a reic thu 'n fhirinn
Air son na mine Lìtich
Agus dà thrìan dìth goirt.

[Son of Neil from dreary Assynt, if I caught you in my net I would give evidence to compass your condemnation, and I would not save you from the gallows. [...]. You and your father-in-law, that Goodman of Lemplair [John Munro of Lemplair], although

³⁴⁹ *Marquis of Montrose*, p. 530.

³⁵⁰ Malcolm Bangor-Jones, *Historic Assynt* (Dundee: The Assynt Press, 2008), p. 4; Mackenzie, *History of the Mackenzies*, pp. 259-60; Mackenzie, *History of the MacLeods*, p. 409.

³⁵¹ *Marquis of Montrose*, p. 312; Mackenzie, *History of the MacLeods*, p. 409.

³⁵² Bangor-Jones, *Historic Assynt*, p. 4; *The Records of the Proceedings of the Justiciary Court Edinburgh 1661-1678*, ed. by W. G. Scott-Moncrieff, 2 vols (Edinburgh: T. and A. Constable), II, pp. 225-6.

you should both be hanged it would not be sufficient blood-price for my loss. You are a stripped branch of the perjured apple-tree without fruit or honour or comeliness, ever engaged in murdering one another, you are the leavings of (sword) thrusts and dirks. The death shroud be about you, despicable one, for you have sinfully sold the truth for Leith meal, most of which had gone sour.]]³⁵³

Iain Lom's assertion was supported by Gilbert Gordon of Sallagh, a Covenanter, who claimed that Lemlair wrote to Neil MacLeod and ordered him to apprehend Montrose if he came near MacLeod's lands.³⁵⁴ Neil MacLeod sent out search parties, who brought in Montrose.³⁵⁵ Neil MacLeod may have hesitated, but he sent a letter to Tain which informed David Leslie of Montrose's location.³⁵⁶ However, Fraser-Mackintosh claims that MacLeod was not involved in Montrose's capture and was not present at Ardvreck Castle during Montrose's time there.³⁵⁷ Additionally, Edward Cowan has shown how the idea that MacLeod 'betrayed' Montrose was royalist fiction. The MacLeods of Assynt supported the Earl of Sutherland in opposition to Seaforth and Montrose and it is unlikely that MacLeod ever met Montrose before the latter's capture.³⁵⁸ Nevertheless, Montrose was already in the dungeon of Ardvreck Castle when MacLeod returned from besieging Dunbeath with Sutherland.³⁵⁹ Montrose tried to bribe MacLeod, but accepting any bribe would mean that Sutherland would turn on him; moreover, MacLeod was already aware that the MacKenzies were planning another attack on his estates.³⁶⁰

In June 1654, the Kenneth Mòr and the MacLeods of Assynt fought again in a local theatre of the 1653-54 rising. Kenneth Mòr raised troops for Middleton and, suspecting that Kenneth Mòr intended to attack Assynt, Neil MacLeod raised his own men.³⁶¹ As previously shown in this chapter, Kenneth Mòr did raid Assynt in July and Neil MacLeod and his men retaliated in October.³⁶² As part of his capitulation to Monck in January 1655, Kenneth Mòr and his kinsmen were required to repay MacLeod for damages done to his lands.³⁶³ In 1663, MacLeod was put on trial for betraying Montrose. MacLeod almost lost his lands to forfeiture, but he successfully argued that his lands were exempt due to the passage of the Act of Indemnity and Oblivion (1662) and he reportedly bribed someone to

³⁵³ Iain Lom, 'Cumha Mhontrois', *Orain Iain Luim*, pp. 56-9 (pp. 58-9), ll. 691-4, 699-710.

³⁵⁴ *Marquis of Montrose*, pp. 311-2.

³⁵⁵ *Ibid.*, p. 313.

³⁵⁶ *Ibid.*, p. 314; Stevenson, *Revolution and Counter-Revolution in Scotland*, p. 162.

³⁵⁷ Fraser-Mackintosh, 'Neil MacLeod', p. 374.

³⁵⁸ Cowan, *Montrose*, p. 290.

³⁵⁹ *Ibid.*

³⁶⁰ *Ibid.*

³⁶¹ *Justiciary Court Edinburgh*, II, p. 226.

³⁶² *Ibid.*

³⁶³ Firth, *S and P*, p. 236.

secure a successful ruling.³⁶⁴ In 1666, Charles II ruled the charge of betraying Montrose ‘should be sisted and no further proceeded in before our Justice, and that our judges, civil and criminall, should be discharged to medle or proceed in the said matter’ in accordance with the Acts of Indemnity.³⁶⁵ Despite being found innocent, the charge of betraying Montrose would be mud that stuck to Neil MacLeod throughout his life. Tarbat certainly included this accusation in an information he wrote to justify the MacKenzies’ actions in c. 1671-72.

The MacKenzies used a combination of financial, military, legal, and cultural methods to remove Neil MacLeod and his kindred from Assynt before receiving a commission of fire and sword in 1672 to finally gain possession of Assynt. Kenneth Mòr used his feudal superiority over Assynt to push Neil MacLeod further into debt. Tarbat provided an information in c. 1671-72 for the abovementioned commission of fire and sword regarding the history of the MacKenzies’ continuous growth in superiority over the MacLeods of Assynt’s lands from 1598 to 1671.³⁶⁶ Tarbat’s information also shows the financial pressure the MacKenzies had tried to exert on Neil MacLeod from 1663 as Kenneth Mòr’s vassal for attacking MacKenzie lands in 1654.

The military part of Kenneth Mòr’s strategy was to invade Assynt and they formed an alliance with John Gordon, earl of Sutherland and sheriff of Sutherland, who had jurisdiction over Assynt. The exact details of how the MacKenzies accomplished this from 1669-72 are disputed, but their methods mirror what they did to the Clan Ross: use the law to intimidate and provoke the MacLeods of Assynt. The MacKenzies claimed that they were only enforcing the law. Neil MacLeod had been imposing taxations on ships that touched ground on Loch Inver and Loch Assynt from 1699-70; however, in this capacity, he illegally seized one Captain Keir and held him to ransom.³⁶⁷ According to Tarbat, in 1670, MacLeod treasonably garrisoned Ardvreck Castle with men and weapons to protect himself from the MacKenzies. On 27 December 1671, Sutherland, at the instance of Tarbat and Kenneth Mòr’s son, John, sought to eject MacLeod from Ardvreck but was unsuccessful. They claimed that the garrisoned men ‘cared not for the King nor would they regard any Seall but the Seal of the said [Neil] their master’.³⁶⁸ Neil MacLeod

³⁶⁴ Grant, *The MacLeods*, p. 307; Hopkins, *Glencoe*, p. 23.

³⁶⁵ *RPCS*, I, p. 147.

³⁶⁶ SAUL, MS Dep 75, 3/5.

³⁶⁷ *Justiciary Court Edinburgh*, II, pp. 226-7.

³⁶⁸ *Ibid.*, p. 227.

unsuccessfully argued that the men garrisoning Ardvreck Castle were not under his direction.³⁶⁹

As stated above, MacLeod's lands were within the sheriffdom of Sutherland and therefore were not within Kenneth Mòr's sheriffdom, requiring application to the Privy Council for a commission of fire and sword. This was facilitated by MacLeod's reputation. MacLeod was well-known to the Privy Council. Charles pardoned him on 2 March 1666 for his alleged betrayal of Montrose in 1649-50 although the accusation would be made again in the 1670s.³⁷⁰ In 1670, MacLeod was charged with rioting and deforcement of public officers in relation to not paying his taxes.³⁷¹ Tarbat wrote an Information (c. 1671-72) in which he repeated the old charge that Neil MacLeod had betrayed Montrose as well as aided the English in attacking Kenneth Mòr's lands.³⁷² According to this text, he was arrested in 1660 and remained in the Edinburgh Tollbooth until 1663.³⁷³ Colin MacKenzie, younger of Loggie, an Inverness doctor who had been disinherited by his father, and Captain William Hardie had acted as cautioners for Neil MacLeod.³⁷⁴ As an atonement to Kenneth Mòr, it was proposed that Neil MacLeod would pay Kenneth Mòr 10,000 merks as soon as he was released; Neil MacLeod had never paid.³⁷⁵ According to Tarbat, MacLeod first offered Kenneth Mòr 8000 merks and then 10,000 merks; Kenneth Mòr refused both offers and would not meet with him again until 1667.³⁷⁶ MacLeod brought in Tarbat and Duncan Forbes to mediate for his next offer of 12,000 merks, but Kenneth Mòr refused to accept less than 15,000 merks.³⁷⁷ Tarbat also tried to convince him to pay Kenneth MacKenzie of Scatwell 5000-6000 merks, also to no avail.³⁷⁸ According to Tarbat, his best efforts to aid Neil MacLeod were in vain and the only logical move for Kenneth Mòr was to move against his vassal.³⁷⁹ At the instance of Tarbat and John MacKenzie, the Privy Council granted a commission to the MacKenzies, Reay,

³⁶⁹ Fraser-Mackintosh, 'Neil Macleod', p. 378.

³⁷⁰ *RPCS*, II, pp. 146-7; *Historical Notices*, I, p. 85.

³⁷¹ *RPCS*, II, pp. 132, 202, 400-1.

³⁷² SAUL, MS Dep 75, 3/5. Based on the title 'Information Concerning Mackleod of Assint's affair, wtn by the Viscount of Tarbat', the source is a copy made between 1685-1702 of an original document written by Tarbat. The chronological range of the source is 1598-1671 and, as there is no mention of the commission of fire and sword granted to the MacKenzies on 4 March 1672, Tarbat likely wrote it between late 1671 and early 1672 to justify the commission.

³⁷³ *RPCS*, I, pp. 468-9.

³⁷⁴ *Ibid.*, p. 469; Mackenzie, *History of the Mackenzies*, p. 383.

³⁷⁵ SAUL, MS Dep 75, 3/5.

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*

³⁷⁸ *Ibid.*

³⁷⁹ *Ibid.*

Strathnaver, and others on 4 March 1672 to remove the illegal garrison from Ardvreck Castle and arrest Neil MacLeod.³⁸⁰ Kenneth Mòr and Strathnaver led 800 men into Assynt and in fourteen days, the 400-man garrison fell and Neil MacLeod fled into Caithness.³⁸¹ Neil MacLeod and his charter chest were captured by Kenneth Mòr's brother-in-law, Sinclair of Mey, who sent Neil MacLeod and his charter chest to Brahan Castle to be held prisoner.³⁸²

The fourth element in the strategy was cultural, as well as legal. This episode raised issues over when *dùthchas* or kindly tenure applied, and how the central authorities recognised it. Tarbat claimed that Neil MacLeod and his kinsmen could not claim Assynt as part of their *dùthchas* because Tarbat himself was the great-grandson of Torquil Conanach, son of Roderick, chief of the MacLeods of Lewis and the MacKenzie-backed claimant during their bid for Lewis in the early seventeenth century.³⁸³ He compared this to when the MacKenzies paid to obtain the *dùthchas* for Lochalsh and Lochcarron from the MacDonells of Glengarry. Nevertheless, Tarbat's information was quite clear that Neil MacLeod, who was not descended from Torquil, could not claim Assynt as his *dùthchas*. That the issue was included at all shows how seriously Tarbat and the central authorities considered *dùthchas*. As MacCoinnich states, James VI had 'stripped the Macleods and others of lands... overthrowing ties of kindness, dùthchas, and association'.³⁸⁴ The crown seemed content to accept Tarbat's claims rather than make a direct ruling. In the end, there is no record of any MacKenzie paying any MacLeod of Assynt for their *dùthchas* of Assynt. Instead, Kenneth Mòr released MacLeod from Brahan Castle only after gave up his estates to him.³⁸⁵

In 1674, Neil MacLeod was brought to trial again in Edinburgh at Kenneth Mòr's instance, with six charges levied against him: betraying Montrose; opposing Kenneth Mòr in carrying out the King's orders in 1654; laying impositions upon ships; the taking of Captain Keir; treasonably garrisoning Ardvreck Castle; and opposing the 1672 commission

³⁸⁰ *RPCS*, III, pp. 484-5.

³⁸¹ *Ibid.*, p. 485; Fraser-Mackintosh, 'Neil Macleod', p. 376.

³⁸² Fraser-Mackintosh, 'Neil Macleod', p. 376; Grant, *The MacLeods*, p. 321. The seizure of the charter chest was a tried and tested coercive tactic used by clans against one another; the MacKenzie-backed claimant to the chiefship of the MacLeods of Lewis, Torquil Conanach, took the MacLeods of Lewis to the MacKenzies for 'safe-keeping', see: MacCoinnich, *Plantation and Civility*, pp. 38-9, 64-5 and n. 116.

³⁸³ SAUL, MS Dep 75, 3/5; MacCoinnich, *Plantation and Civility*, p. 247.

³⁸⁴ MacCoinnich, *Plantation and Civility*, p. 196.

³⁸⁵ Grant, *The MacLeods*, p. 321.

of fire and sword.³⁸⁶ Kenneth Mòr brought charges against Neil MacLeod for deforcement, raising armed forces and illegal garrison.³⁸⁷ Kenneth Mòr had to pay six shillings Scots per day for Neil MacLeod's aliment while he was in prison awaiting trial because the imprisonment was only done at Kenneth Mòr's insistence.³⁸⁸ The trial against MacLeod ended disappointingly for Kenneth Mòr, Tarbat, and John MacKenzie. Despite last-minute appeals from Tarbat, the committee voted 14-1 to acquit MacLeod because the charges of deforcement and garrisoning were not proven.³⁸⁹ Kenneth Mòr kept several of MacLeod's kinsmen imprisoned until the Privy Council forced him to release them on 14 January 1675.³⁹⁰ Neil MacLeod of Assynt would die in 1692 in extreme poverty.³⁹¹ While the charges did not stick, Kenneth Mòr kept MacLeod's charters at Brahan Castle and repeated attempts by MacLeod to recover the charter chest were unsuccessful.³⁹²

While Kenneth Mòr feuded with the MacLeods of Assynt, he was friendly with other members of Clan MacLeod. John Garbh MacLeod, chief of the MacLeods of Raasay and Kenneth Mòr's second cousin, attended a christening feast at Kenneth Mòr's Lewis home in early 1671.³⁹³ Kenneth Mòr and John Breac MacLeod of Dunvegan, chief of the MacLeods, were first cousins whose daughter and first son, respectively, married in 1694.³⁹⁴ Roderick MacLeod of Dunvegan, John Breac's older brother and predecessor as chief, entered into a bond of friendship with Kenneth Mòr on 12 February 1656 after having married Tarbat's sister Margaret the previous autumn.³⁹⁵ It is unknown whether Kenneth Mòr and Tarbat's pursuit of Assynt strained Kenneth Mòr and Dunvegan's friendship during the former's lifetime, but in the 1670s, John Breac assisted Kenneth Mòr in protecting the Macleans, many of whom owed him money.³⁹⁶ In 1681, however, John Breac began an unsuccessful bid to help Neil MacLeod recover his estate.³⁹⁷

³⁸⁶ *Justiciary Court Edinburgh*, II, pp. 226-7.

³⁸⁷ *RPCS*, IV, p. 157.

³⁸⁸ *Ibid.*, p. 92.

³⁸⁹ Fraser-Mackintosh, 'Neil Macleod', pp. 379-80.

³⁹⁰ *RPCS*, IV, pp. 321-2.

³⁹¹ Fraser-Mackintosh, 'Neil Macleod', p. 381.

³⁹² Grant, *The MacLeods*, p. 322.

³⁹³ *Gàir nan Clàrsach / The Harps' Cry*, ed. Colm Ó Baoill, trans. Meg Bateman (Edinburgh: Birlinn, 1994), pp. 156, 229. Iain Garbh MacLeod drowned on Easter day, when his ship home sank. An anonymous lament for him can be found in *Ibid.*, 'Marbhrainn do Mhac Gille Chaluim Ratharsaidh', pp. 156-61.

³⁹⁴ *The Book of Dunvegan, being Documents from the Muniment Room of the MacLeods of MacLeod at Dunvegan Castle, Isle of Skye*, ed. by Roderick MacLeod, 2 vols (Aberdeen: The Spalding Club, 1938-9), I, p. 59.

³⁹⁵ *Ibid.*, pp. 50, 55-6.

³⁹⁶ *Ibid.*, pp. 65, 166, 173, 266.

³⁹⁷ Fraser-Mackintosh, 'Neil MacLeod', p. 380.

1.5: Kenneth Mòr on the Privy Council, 1674-78

In 1674, Kenneth Mòr became the fifth successive Clan MacKenzie chief to be chosen to sit on the Scottish Privy Council. From giving his oath on 11 March 1675 until he died in 1678, Kenneth Mòr attended fifty-seven Privy Council meetings, which was below average when compared to his Highland contemporaries – Moray, Argyll, Sir George Munro and Caithness. However, Kenneth Mòr spent time in Mull and Ross-shire while trying to fulfil his duties, as will be discussed below; this impeded his ability to attend meetings. Three events exemplify Kenneth Mòr's time on the Privy Council: the disbarring of advocates (1674-75), the suppression of conventicles (1674-78), and attempts to resolve the Maclean-Campbell feud (1675-78). Each event shows Kenneth Mòr's devotion to Charles II, which was in turn rewarded with further opportunities to advance the MacKenzie position. Ultimately, this section will show how the relationship between Kenneth Mòr and the crown and central authorities had become symbiotic.

1.5.1: The Disbarring of Advocates, 1674-75

The advocates' strike had already started before Kenneth Mòr was named a Privy Councillor on 22 September 1674, but the first meeting of the Privy Council that he attended on 12 March 1675 coincided with the defection of the four striking MacKenzies to the government's side. The catalyst for the disbarring of advocates was a controversy over a matrimonial contract in February 1674.³⁹⁸ George Lockhart of Carnwath advised Alexander Livingston, lord Almond (second earl of Callendar from March) to appeal to parliament as the highest court in his dispute with Alexander Seton, earl of Dunfermline over an apparent breach of the matrimonial contract between the first earl of Callendar and the Countess of Dunfermline.³⁹⁹ As the Lords of Session had already ruled in favour of Dunfermline, this ignited a debate. Ostensibly, the debate centred on whether parliament or the Lords of Session had the final say and the right to protest to parliament for remeid of law.⁴⁰⁰ However, there was an element of partisan controversy, as Dunfermline was Lauderdale's uncle while Almond was the nephew of Lauderdale's rival, William Douglas, duke of Hamilton.⁴⁰¹ Clare Jackson argues that, ultimately, the advocates' appeal 'not only

³⁹⁸ MacIntosh, *The Scottish Parliament*, p. 144.

³⁹⁹ For a more thorough treatment of the disbarring of advocates, see Clare Jackson and Patricia Glennie, 'Restoration Politics and the Advocates' Secession, 1674-6', *The Scottish Historical Review*, 91 (2012), 76-105.

⁴⁰⁰ For a history of protestations for remeid of law in Scotland, including during the Disbarring of Advocates, see J. D. Ford, 'Protests to Parliament for Remeid of Law', *The Scottish Historical Review*, 88 (2009), 57-107.

⁴⁰¹ Jackson, *Restoration Scotland*, p. 84.

indicated that the Session had forfeited the nation's confidence in its competence, but also reflected a wider desire to remove the final decision of justice from appointed judges to an elected assembly'.⁴⁰² John Maitland, duke of Lauderdale and King Charles II saw this as a threat to royal supremacy, as it was Charles who appointed the Lords of Session.⁴⁰³ During an inquiry into Almond's actions and the advice he received from Lockhart, three advocates, Sir George MacKenzie of Rosehaugh, Sir Robert Sinclair of Longformacus and Sir John Cunningham, lord Lambroughton, refused to testify under oath whether or not they repudiated the appeal to parliament.⁴⁰⁴

When Carnwath, Lambroughton, and William Weir were debarred on 24 June and left Parliament, they were joined by ten to twelve advocates who walked out, and only fifteen of approximately one hundred advocates appeared two days later.⁴⁰⁵ By 3 July 1674, between forty-five and forty-nine advocates had been debarred.⁴⁰⁶ Four members of the MacKenzie gentry joined the walk-out: Rosehaugh, Colin MacKenzie, Roderick MacKenzie of Dalvennan, and another Roderick, who was possibly Dalvennan's son. On 29 September, the striking advocates were prohibited from coming within twelve miles of Edinburgh for disobeying the Lords of Session.⁴⁰⁷ Rosehaugh was exempted from this list because he needed to come to Edinburgh to finalise a purchase of land from John Dunbar younger of Bennetsfield on the Black Isle peninsula.⁴⁰⁸ Additionally, he was bedridden with a broken leg and, therefore, was not officially debarred until 24 November after he could appear before the Lords of Session.⁴⁰⁹

Lauderdale tried to use the Convention of Royal Burghs held in Edinburgh on 14 August to pass measures which would make it easy to exclude his opponents from the upcoming parliament, since several of the debarred advocates held burgh seats.⁴¹⁰ Rosehaugh agreed to compose the burgh's objections, but, according to Rosehaugh, Lockhart and his colleague Walter Pringle sabotaged him:

... these two alter'd the first draught, so as, of a discreet and dutiful letter, it became, by adding what was humours, and striking out what was discreet, a most unpolisht and undiscreet paper: and when Sir George Lockhart was askt why he had

⁴⁰² Ibid.

⁴⁰³ MacIntosh, *The Scottish Parliament*, p. 144; Jackson and Glennie, 'Advocates' Secession', p. 95

⁴⁰⁴ MacIntosh, *The Scottish Parliament*, p. 144.

⁴⁰⁵ Jackson and Glennie, 'Advocates' Secession', pp. 81-2.

⁴⁰⁶ Ibid., p. 82.

⁴⁰⁷ *RPCS*, IV, pp. 284-5, 386.

⁴⁰⁸ Ibid., pp. 112, 347.

⁴⁰⁹ Jackson and Glennie, 'Advocates' Secession', p. 83.

⁴¹⁰ Ibid., p. 102.

deform'd it so, his answer... was, that it was to make Sir George MacKenzie unpardonable.⁴¹¹

MacIntosh argues that this was at least partly due to Rosehaugh's hesitation to join the walk-out.⁴¹² The letter caused a stir and damaged the advocates' cause by hardening their opponents' and the king's resolve. On 26 January 1675, Lockhart, Rosehaugh, and twenty-seven colleagues submitted a petition to the Lords of Session and members of the Privy Council, objecting to their banishment from the vicinity of Edinburgh and their condemnation.⁴¹³

However, Rosehaugh felt that he was being abandoned by Lockhart and Cunningham, who were both in London, and decided to defect to the government's side.⁴¹⁴ Rosehaugh claimed that he intercepted a letter, in which Lockhart and Cunningham wrote that 'if Sir George Mackenzie was absolv'd, they would be secure by the preparative, but if he was found guilty, the malice of the pursuers would be blunted before it reacht them'.⁴¹⁵ Rosehaugh's defection particularly damaged the remaining advocates' cause.⁴¹⁶ He claims to have told other striking advocates 'that they who by their profession us'd to have other depend upon them, were made daily now the instruments of other mens passions, since they had deserted their Prince, his judicatures, and their own employments'.⁴¹⁷ He added that 'It was no dishonour to submit to their Prince; ceding being only dishonourable amongst equals, and never being so, when the contest was rais'd by such as design'd to make them knaves and fools'.⁴¹⁸

The Privy Council was presented with Rosehaugh's petition for readmittance, which was also signed by Colin MacKenzie and Roderick MacKenzie of Dalvennan, on 12 March 1675, the same day as Kenneth Mòr's first meeting as a Privy Councillor.⁴¹⁹ Although Kenneth Mòr was made a Privy Councillor on 22 September 1674, he was not sworn in until 11 March 1675. Kenneth Mòr's involvement in resolving the advocates' strike appears to have been minimal. While Charles II's rebuke of the advocates was registered one week after Kenneth Mòr was named a Privy Councillor, Kenneth Mòr did not attend a meeting until 12 March 1675 and therefore was not present during the height

⁴¹¹ MacKenzie, *Memoirs*, p. 276.

⁴¹² MacIntosh, *The Scottish Parliament*, p. 146.

⁴¹³ Jackson and Glennie, 'Advocates' Secession', p. 83.

⁴¹⁴ *Ibid.*, p. 87.

⁴¹⁵ MacKenzie, *Memoirs*, p. 308.

⁴¹⁶ MacIntosh, *The Scottish Parliament*, p. 149.

⁴¹⁷ MacKenzie, *Memoirs*, pp. 308-9.

⁴¹⁸ *Ibid.*, p. 309.

⁴¹⁹ *RPCS*, IV, p. 385-6.

of the advocates' strike; and no known letters exist containing Kenneth Mòr's view on the issue. However, Kenneth Mòr was present at the resolution of the strike and supported Charles.⁴²⁰ Due to a lack of evidence, it is unclear whether Rosehaugh, Colin, and Roderick's defection to the government's side during Kenneth Mòr's first Privy Council session was designed to be coordinated with Kenneth Mòr's appearance. They may have defected as to not embarrass their chief. Kenneth Mòr may have been appointed to the Privy Council to help bring an end to the participation of four MacKenzie lawyers in the strike. Regardless, the MacKenzies began Kenneth Mòr's short time on the Privy Council united. Furthermore, the dispute was a turning point in Rosehaugh's career, and he would henceforth closely align himself with Lauderdale, to the benefit of the MacKenzies, including his politically exiled cousin, Sir George MacKenzie of Tarbat.⁴²¹

1.5.2: Suppressing Conventicles, 1674-78

The Privy Council's policy of suppressing conventicles spanned Kenneth Mòr's entire tenure as a councillor. By the time Kenneth Mòr attended his first Privy Council meeting on 12 March 1675, the divisions between presbyterians and episcopalians had been cemented. The ecclesiastical settlement of 1661-62 restored bishops to the Church of Scotland after their removal in 1638-39 and, according to the Act for Presentation and Collation of 1662, ministers appointed during the time of presbyterian rule were required to seek their local bishop's collation, requiring them to accept episcopal authority.⁴²² The result was that 270 ministers, or about a quarter of the ministry, refused to conform. Alasdair Raffe notes that Restoration-era Scots came to be split into presbyterians and episcopalians in a 'more profound and lasting way than the distinction between presbyterians and episcopalians in the pre-Covenanting Church'.⁴²³ Neil McIntyre summarises the offence to presbyterians during this period thus:

... in practical terms – the presbyteries were retained (although re-established) and ministers had some degree of say in church governance – but the nature of the settlement intentionally struck at the heart of Presbyterian principles: it affirmed the royal supremacy in ecclesiastical affairs; it was thoroughly Erastian in both theory and practice; it denied the monarch was limited by a covenant made to God and the people; it restored an episcopate despite the office being explicitly abjured; it denied any legitimacy to the Covenants and the revolution.⁴²⁴

⁴²⁰ Ibid., pp. 385-6, 393-4.

⁴²¹ Jackson and Glennie, 'Advocates' Secession', p. 95.

⁴²² Alasdair Raffe, *Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge: The Boydell Press, 2012), p. 93; Jackson, *Restoration Scotland*, p. 109.

⁴²³ Raffe, *Culture of Controversy*, p. 33.

⁴²⁴ McIntyre, 'Saints and Subverters', p. 56.

The result of this split was a sustained resistance to the crown's religious policy through conventicles, with occasional violence, such as the Pentland Rising of 1666.

Nonconformist ministers held conventicles, which were private religious meetings held either indoors or outdoors. Acts designed to suppress conventicles were introduced in Scotland in 1663 and 1670 and England in 1664 and 1670.⁴²⁵ The first Scottish act against conventicles, enacted on 10 July 1663, made it a punishable offence for ministers to 'keep not the diocesan meetings, and concur not with the bishops in the acts of church discipline'.⁴²⁶ The second Scottish act against conventicles enacted on 13 August 1670 and took, according to McIntyre, a 'hard-line attitude towards nonconformity'.⁴²⁷ Ministers found guilty of preaching at conventicles would be imprisoned.⁴²⁸ The act directly affected Kenneth Mòr as sheriff of Ross as the act, 'warrant and comand all shirreffs, stewarts of stewartries, lords of regalities and ther deputs to call befor them and try all such persons who shall be informed to have keeped or been present at conventicles within ther jurisdictions'.⁴²⁹

Kenneth Mòr's first test came in 1675 when John McKillican, the deposed former minister for Fodderty in the parish of Dingwall, 'dispensed the Lord's Supper' in the Obsdale home of Dowager Lady Jean Munro of Foulis.⁴³⁰ The Munros of Foulis were a presbyterian clan and Lady Jean and her late husband, Sir Robert Munro of Foulis (d. 1668), had supported non-conforming ministers.⁴³¹ One Munro tradition states that Lady Jean's son Sir John Munro of Foulis, known by the sobriquet 'The Presbyterian Mortar-piece', once protected McKillican with a clever ruse:

When the officer in command of the military burst into his apartment in search of McKillican Sir John pleaded indisposition, and on that ground begged the intruder to excuse his inability to rise from his chair. The soldier retired without taking the

⁴²⁵ *RPS*, 1663/6/19; *RPS*, 1670/7/11; 'Charles II, 1664: An Act to prevent and suppress seditious Conventicles.', in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (1819), pp. 516-520. *British History Online* <http://www.british-history.ac.uk/statutes-realm/vol5/pp516-520> [accessed 20 February 2019]; 'Charles II, 1670: An Act to prevent and suppress Seditious Conventicles.', in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l., 1819), pp. 648-651. *British History Online* <https://www.british-history.ac.uk/statutes-realm/vol5/pp648-651> [accessed 20 February 2019]. For information on the suppression of conventicles in England, see Anthony Fletcher, 'The Enforcement of the Conventicle Acts, 1664-1679', in *Persecution and Toleration: Papers Read at the Twenty-second Summer Meeting and the Twenty-third Winter Meeting of the Ecclesiastical History Society*, ed. by W. J. Sheils (Oxford: Ecclesiastical History Society, 1984), pp. 235-46.

⁴²⁶ *RPS*, 1663/6/19.

⁴²⁷ McIntyre, 'Saints and Subverters', p. 117.

⁴²⁸ *RPS*, 1670/7/11.

⁴²⁹ *Ibid.*

⁴³⁰ *Fasti*, VII, p. 26.

⁴³¹ Mackenzie, *History of the Munros of Fowlis*, pp. 88-9; *Fasti*, VII, p. 26.

liberty of deranging the ample skirts of the Baronet's dressing-gown and consequently without discovering that the reverend object of his search was concealed beneath Sir John's robes.⁴³²

Regardless of the veracity of this story, John of Foulis and Lady Jean regularly harboured fugitive ministers.⁴³³ Nevertheless, as ordered by the Privy Council, Kenneth Mòr arrested McKillican and transferred him to the sheriff of Nairn, who was supposed to transfer McKillican to the next closest sheriff between Nairn and Edinburgh, who in turn had to do the same until McKillican arrived in Edinburgh.⁴³⁴ Not all sheriffs supported the act. Unlike Kenneth Mòr, Sir Hugh Campbell of Cawdor, the sheriff of Nairn from 1672 and the fifth earl of Moray's brother-in-law, allowed McKillican to continue holding conventicles on the property of James Fraser of Brae, a minister.⁴³⁵ Fraser of Brae was later captured and prosecuted for his involvement.⁴³⁶ In September 1678, the conventicling minister Walter Denune was brought to Kenneth Mòr's attention by Rev. John MacRae and Rev. John Gordon, both ministers in the presbytery of Dingwall. Kenneth Mòr promised to inform the Privy Council of Denune's activities but died in December before any action against Denune was taken.⁴³⁷

Kenneth Mòr and the MacKenzie gentry were united in suppressing conventiclors, including Rosehaugh. By the time Rosehaugh became Lord Advocate in 1677, he had become a fervent royalist.⁴³⁸ Furthermore, he now opposed religious non-conformity, after previously defending it: 'Opinion, kept within it's proper bounds, is a pure act of the mind: and so it would appear, that to punish the body for that which is a guilt of the soul, is as unjust as to punish one relation for another'.⁴³⁹ As Lord Advocate, Rosehaugh vigorously prosecuted prominent covenanters.⁴⁴⁰ Tarbat, though in political exile until 1678, also was a supporter of the crown's religious policy. Archbishop James Sharp – who, with Rosehaugh, helped Tarbat return to public office as lord justice general – was confident

⁴³² Mackenzie, *History of the Munros of Fowlis*, p. 92.

⁴³³ *Ibid.*, pp. 92-3.

⁴³⁴ *Ibid.*; *RPCS*, V, p. 104.

⁴³⁵ *RPS*, 1672/6/151; *RPCS*, V, p. 104.

⁴³⁶ *RPCS*, V, pp. 192, 238, 449.

⁴³⁷ *Records of the Presbyteries of Inverness and Dingwall, 1643-1688*, ed. by William Mackay (Edinburgh: T. and A. Constable, 1896), pp. 339-40; *Fasti*, VII, pp. 33-4, 42.

⁴³⁸ MacIntosh, *The Scottish Parliament*, p. 151; Jackson, *Restoration Scotland*, pp. 173-4.

⁴³⁹ George MacKenzie, *Religio Stoici* (Edinburgh, 1663), pp. 10-1; Jackson, *Restoration Scotland*, pp. 173-4.

⁴⁴⁰ Jackson, 'Mackenzie, Sir George, of Rosehaugh', in *ODNB*; MacIntosh, *The Scottish Parliament*, p. 151.

that Tarbat would be a valuable servant for the episcopal cause; indeed, he was fully implicated in the persecutions against presbyterians in the 1680s as a lord of session.⁴⁴¹

In supporting crown policy, Kenneth Mòr and the MacKenzies broke with their presbyterian heritage to solidify the clan's relationship with Charles and the Stuart monarchy. Despite their relationship with James VI and Charles I, Kenneth Mòr's two predecessors as chief were reluctant to support the crown's religious policy when it differed from their own views. Kenneth Mòr's devoutly presbyterian uncle, chief Colin Ruadh, twice voted against the five Articles of Perth and Kenneth Mòr's father, George, was a committed Covenanter until 1645. The next two earls after Kenneth Mòr, his son and grandson would continue to follow the religious affiliation of the Stuart monarchy.

1.5.3: Resolving the Maclean-Campbell Feud, 1675-78

From 1675-76, Kenneth Mòr acted as a peace envoy to implore the Macleans to lay down their arms and stop resisting Archibald Campbell, ninth earl of Argyll, who had superiority over their land on the Isle of Mull.⁴⁴² Before explaining Kenneth Mòr's mediation, it is first necessary to briefly explain the Maclean-Campbell feud. The Macleans had been on the royalist side of the wars of 1639-1651 and paid dearly for their support. In the 1640s and 1650s, as Hopkins explains, the first marquess of Argyll 'refused to destroy the Macleans... but extorted from imprisoned royalist chiefs grants to land and acknowledgements of imaginary debts'.⁴⁴³ After Sir Lachlann Maclean died in 1649, the Macleans under Sir Hector Maclean of Duart were almost exterminated in July 1651 when they fought to prevent Cromwellian forces from crossing the Forth at Inverkeithing and, reportedly, eight foster-brothers of Sir Hector gave their lives in vain to protect him.⁴⁴⁴ Tradition states that each man cried 'Fear eile air son Eachainn' ['Another for Hector'] as they tried to save Sir Hector.⁴⁴⁵ The deaths of Sir Lachlann and Sir Hector were famously memorialised by an Iain Lom's poem to Sir Alan Maclean (d. 1670), 'Iorram Do Mhac Gille Eathain Dhubhaird', after Sir Alan became chief in 1651 as a minor:

‘Gu dùthaich Shir Lachlainn
Nam pìob is nam bratach ;

⁴⁴¹ Fraser, *Cromartie*, I, pp. 18-20; Kidd, 'Mackenzie, George, first earl of Cromarty', *ODNB*.

⁴⁴² *RPCS*, IV, pp. 483-4.

⁴⁴³ Hopkins, *Glencoe*, p. 21.

⁴⁴⁴ *Ibid.*; Macinnes, *Clanship*, p. 14.

⁴⁴⁵ J. P. Maclean, *A History of the Clan Maclean from its First Settlement at Duart Castle, in the Isle of Mull, to the Present Period including a Genealogical Account of Some of the Principal Families together with their Heraldry, Legends, Superstitions, Etc.* (Cincinnati: Robert Clarke & Co, 1889), p. 180; Annie Mackenzie (ed.), *Orain Iain Luim*, p. 265.

`S mór bhur diùbhail ri *faction* an Rìgh.

[...]

Ach bàs Mhic Gill' Eathain,
An Reilig Odhrain `na laighe ;
So dh'fhàg mise gun aighear gun phrìs ;

Agus Eachann `san àraich
Fo thrupa nan nàmhaid,
Fàth mo thursa gach là bhith `gur caoidh.

[To the country of Sir Lachlan of the pipes and banners; great is the loss which you have incurred in siding with the royalists... But the death of [Sir Lachlan] Maclean who is lying in *Reilig Òdhrain* – this it is that has left me without joy and without esteem; and that Hector lies in the field of battle trodden by the enemies' troops; the cause of my sorry is that each day I lament for you.]⁴⁴⁶

Under the young Sir Alan the Macleans never recovered after the Restoration, mostly because Charles II never rectified the discrimination they faced at the hands of the Campbells; and their chief was a child, the late Sir Hector's brother, Sir Alan Maclean of Duart.⁴⁴⁷ The marquess of Argyll was beheaded in 1661, but his estate was restored in 1663 to his son, Lord Lorne, along with the restored title of the earl of Argyll.⁴⁴⁸

The Macleans of Duart continued to resist the Campbells, but resistance faltered when Sir Alan Maclean of Duart died in 1674.⁴⁴⁹ His son John became chief at four years old. In 1675, the clan elite sent Sir John from Ardnacross to Cairnburgh Castle, a castle only recently recovered from the Campbells in the Treshnish Isles, for safekeeping.⁴⁵⁰ He was returned to Maclean of Ardnacross the following year.⁴⁵¹ Argyll, who held superiority over the Macleans' lands in Mull, had so far been unable to dispossess the Macleans. However, Argyll saw his opportunity and began preparing for an invasion of Mull after Sir Alan died.⁴⁵² On 2 September 1674, Argyll received a commission of fire and sword against the Macleans on Mull for not complying with Argyll's order as sheriff of Argyllshire to appear at the tolbooth in Inveraray after illegally garrisoning Duart Castle

⁴⁴⁶ Iain Lom, 'Iorram Do Mhac Gillie Eathain Dhubhaird', *Orain Iain Luim*, pp. 68-71 (pp. 68-9), ll. 806-8, 812-7. *Reilig Òdhrain*, or St Oran's Graveyard, is on Iona.

⁴⁴⁷ Hopkins, *Glencoe*, p. 22.

⁴⁴⁸ Jo Currie, *Mull: The Island and its People* (Edinburgh: Birlinn, 2000), p. 15.

⁴⁴⁹ For more thorough treatments of this Campbell-Maclean feud, see: Hopkins, *Glencoe*, pp. 44, 56-67; Currie, *Mull*, pp. 11-21; Nicholas Maclean-Bristol, *From Clan to Regiment: Six Hundred Years in the Hebrides, 1400-2000* (Barnley: Pen & Sword Books, 2007), pp. 45-74.

⁴⁵⁰ A. Maclean Sinclair, *The Clan Gillean* (Charlottetown: Haszard and Moore, 1899), pp. 203, 206-7.

⁴⁵¹ Sinclair, *The Clan Gillean*, p. 207.

⁴⁵² Hopkins, *Glencoe*, p. 56.

(the same charge made by Kenneth Mòr against the MacLeods of Assynt).⁴⁵³ Argyll's invasion force included Glenorchy, Cawdor, Lochnell, Stewart of Appin and Lochiel.⁴⁵⁴ Argyll's attack on the Macleans stirred up a coalition of Kenneth Mòr, Atholl, MacDonnell, Macleod of Dunvegan and others to resist Argyll's aggressive expansion.⁴⁵⁵ As the violence was renewed and peace attempts by Glenorchy and Lochnell, both Maclean sympathisers, failed in September 1674, the Privy Council began to intervene on the side of Argyll.⁴⁵⁶ On 22 July 1675, the Privy Council granted Argyll a renewed commission of fire and sword against twenty members of the Maclean gentry for not following Argyll's order to appear at the tolbooth at Inveraray after illegally garrisoning several of their castles.⁴⁵⁷

The Macleans continued to resist and on 7 October 1675, Kenneth Mòr was sent to Mull to mediate and bring a peaceful resolution.⁴⁵⁸ The Macleans could trust Kenneth Mòr.⁴⁵⁹ Even though he had signed a bond of friendship with Argyll in 1665, Kenneth Mòr had also joined a coalition against Argyll's expansion in 1674. As an envoy, Kenneth Mòr brokered a truce which lasted two years. The Macleans on Mull were granted a stay on sentences passed against them by Argyll as sheriff.⁴⁶⁰ How Kenneth Mòr succeeded as an envoy where Campbell's allies Glenorchy and Lochnell failed may be explained by events which occurred after the expiry of the truce. In 1677, Sir John and Lachlann Maclean [later of Calgary] and Allan Maclean of Gruline were sent to Brahan Castle to be foster-children of the Kenneth Mòr family, and remained there until they went to college.⁴⁶¹ While no fosterage contracts involving the MacKenzies survive, a foster-father would usually 'set aside a portion of his moveable property for the future welfare of his charge'.⁴⁶² Kenneth Mòr's long-term plan for fostering Sir John was unclear. Fosterage in the seventeenth-century Scottish Highlands was often the responsibility of cadet branches or client clans, who competed for the honour of fostering the chief's child.⁴⁶³ Macinnes notes that clan

⁴⁵³ *RPCS*, IV, pp. 272-4.

⁴⁵⁴ *Ibid.*

⁴⁵⁵ *Historical Notices*, I, p. 108.

⁴⁵⁶ Hopkins, *Glencoe*, p. 56.

⁴⁵⁷ *RPCS*, IV, pp. 432-5.

⁴⁵⁸ *Ibid.*, p. 483.

⁴⁵⁹ In Maclean-Bristol, *Castor and Pollux*, p. 70, Maclean-Bristol incorrectly states that Argyll's second wife, Anna MacKenzie, was Kenneth Mòr's daughter. Anna MacKenzie was Kenneth Mòr's first cousin and the daughter of Colin Ruadh, first earl of Seaforth.

⁴⁶⁰ *RPCS*, IV, p. 493; Maclean-Bristol, *Castor and Pollux*, p. 70.

⁴⁶¹ Sinclair, *The Clan Gillean*, p. 207; Currie, *Mull*, p. 16.

⁴⁶² Macinnes, *Clanship*, p. 14; MacCoinnich, 'Daltachas, Fineachan agus Alba', p. 49.

⁴⁶³ Parkes, 'Celtic Fosterage', pp. 375-7; Nugent, "'Your louing childe and foster'", p. 51..

gentry ‘whether leading or lesser, regarded the practice as their entitlement as part of their *duthchas*’ and that fostering ‘ensured that the extended family provide the bedrock of clanship’.⁴⁶⁴ However, Kenneth Mòr was superior to the Macleans in every measure and, although it was rare for the foster family to be of higher social status, Kenneth Mòr was not under threat.⁴⁶⁵ The most likely explanation is that Kenneth Mòr convinced the Macleans to stop their resistance and, in return, Kenneth Mòr would break with convention to foster and protect John.

Kennedy persuasively argues that the Maclean war ‘illustrated that reliance on the House of Argyll to maintain order was unstable in practice’ and that focusing policy on one family ‘rendered control both highly volatile and extremely partial’.⁴⁶⁶ However, other conclusions can be drawn from Kenneth Mòr’s involvement in the Maclean war. Fresh from the MacKenzies’ acquisition of Assynt, Kenneth Mòr was able to use the Maclean war to delay Argyll’s westward expansion while aiding the crown. Kenneth Mòr displayed his political astuteness by simultaneously aiding the Privy Council and the Macleans. Before the Privy Council stepped in, Kenneth Mòr allied with MacDonnell, his rival, and Atholl to prevent Argyll’s expansion. However, Kenneth Mòr turned into a peacekeeper once the Council offered the role of mediator to him and brokered a peace which delayed Argyll’s commission of fire and sword until at least 1678 when Kenneth Mòr died. It was only on Kenneth Mòr’s death that Argyll may have felt able to act again.

While the peace he brokered between the Macleans and Argyll only lasted two years, the faith the council showed in Kenneth Mòr is telling. Of the five main Highland magnates – Argyll, Atholl, Huntly, Moray, and Kenneth Mòr – Kenneth Mòr was best positioned to resolve this dispute. His suitability went beyond his role as Sir John’s foster-parent. As has been shown in this chapter, Kenneth Mòr and his kin were proving to be reliable agents for the crown. Even though Kenneth Mòr had joined a coalition against Argyll, Atholl was considered too pro-Maclean and actively opposed Argyll at every turn and, despite frustration with Argyll, most of the Privy Council supported his invasion by providing commissions of fire and sword.⁴⁶⁷ Macinnes argues that the Restoration regime’s ‘insatiable fiscal demands’ empowered Argyll to exploit legal technicalities.⁴⁶⁸ The two

⁴⁶⁴ Macinnes, *Clanship*, p. 14.

⁴⁶⁵ Nugent, ““Your louing childe and foster”, p. 51.

⁴⁶⁶ Kennedy, *Governing Gaeldom*, p. 202.

⁴⁶⁷ Hopkins, *Glencoe*, pp. 56, 60-1; *Historical Notices*, I, p. 108; Kennedy, *Governing Gaeldom*, p. 202.

⁴⁶⁸ Macinnes, *Clanship*, p. 135.

other major Highland magnates, Moray and Huntly, were busy with policing their districts.⁴⁶⁹ Huntly was not well placed in 1675-76 to help the crown. In 1675, he returned from military service in France and married Elizabeth Howard, second daughter of the duke of Norfolk, the following year.⁴⁷⁰ Moreover, his Catholicism was a liability for him and would remain so until at least 1683.⁴⁷¹ The best example of this was in 1677 when the Privy Council used a loophole to garrison Inverlochy Castle for keeping the peace without seeking Huntly's permission even though he was the keeper of the castle.⁴⁷² When given an opportunity to broker a settlement on behalf of the crown, Kenneth Mòr produced a successful, albeit temporary, solution. After this success, Kenneth Mòr returned to Brahan and would not return to another Privy Council meeting until 18 September 1677. The few surviving letters and documents show that during this time, Kenneth Mòr was at his home in Chanonry dealing with debt.

1.6: Conclusion - The 'Crown's agent in the far north'

Kenneth Mòr MacKenzie, third earl of Seaforth and chief of the MacKenzies died on 16 December 1678 at Chanonry, Ross-shire and was buried a week later.⁴⁷³ He died before he could negotiate any marriages for the four sons and two daughters he had with his wife, Lady Isobel, countess of Seaforth. However, Kenneth Mòr left his successor as chief and the earl of Seaforth – his eldest son, Kenneth Òg – with a united and more stable clan than when he first became chief on 14 October 1651. This chapter has shown that a focused study of his political career challenges and increases our historiographical understanding of Highland nobility, Highland politics and noble power in the north of Scotland during Kenneth Mòr's period as chief, 1651-78.

Viewing the Highlands and Highland nobility through the house of Argyll and Clan Campbell has led to the historiographical portrayal of the Restoration era as a period in which social tensions were breaking up strong clan ties.⁴⁷⁴ However, this study of Kenneth Mòr's political career has shown that, unlike the Campbells, the MacKenzie gentry consistently united around their chief. During the interregnum, they protected MacKenzie lands by attacking the English, the Munros of Foulis, and the MacLeods of Assynt.⁴⁷⁵

⁴⁶⁹ Hopkins, *Glencoe*, p. 60.

⁴⁷⁰ Robertson, *Lordship and Power*, pp. 166-7.

⁴⁷¹ *Ibid.*

⁴⁷² *Ibid.*, p. 171.

⁴⁷³ Henderson and Furgol, 'Mackenzie, George, second earl of Seaforth', in *ODNB*; *Brodie of Brodie*, p. 407.

⁴⁷⁴ Macinnes, *Clanship*, pp. 148-9; Hopkins, *Glencoe*, p. 58.

⁴⁷⁵ Firth, *S and P*, pp. 235-6.

Kenneth Mòr's endogamous marriage to Isobel, daughter of Sir John and sister of Sir George MacKenzie of Tarbat, brought further clan cohesion and provided an avenue for the MacKenzie gentry to manage the indebted and struggling Seaforth estate. As Brown has shown, marriages were 'central to the economic and political strategy of noble houses'.⁴⁷⁶ Therefore, this endogamous marriage was unique for a MacKenzie chief and may have sent a deliberate message about cohesion and stability to allies and enemies alike. McKenzie argues that and Kenneth Mor was 'decidedly eclipsed' by other members of his family during the Restoration era.⁴⁷⁷ Instead, this chapter has shown how the support network around Kenneth Mòr allowed for him and Clan MacKenzie to have successes and, apart from Rosehaugh, none of the other cadets eclipsed Kenneth Mòr or house of Seaforth politically, yet. Most likely, Tarbat would have 'decidedly eclipsed' Kenneth Mòr had the former not been politically exiled from 1664 to 1678. Nevertheless, as McKenzie has shown, the transfer of Kenneth Mòr's estates to his cadets (or wadsetting) enabled Tarbat and other cadets to eclipse the house of Seaforth.⁴⁷⁸

His political career mirrors that of others who chose to remain in their locality, such as George Keith, fifth earl Marischal (1554-1623). Both nobles' power came from the locality and they utilised their role as sheriff to great effect, although Kenneth Mòr abused this power as sheriff of Ross-shire far more than Marischal did as sheriff of Mearns.⁴⁷⁹ Furthermore, they saw courtier kinsmen as extensions of noble power, rather than threats to it.⁴⁸⁰ Where they differ, however, is that Marischal was able to build a stable, financially successful lordship and earldom, whereas Kenneth Mòr could not.⁴⁸¹ Kenneth Mòr's apparent strategy to rely on agents in Edinburgh – whether deliberate or made necessary by debt – confirms Keith Brown's conclusion that 'Nobles knew that while the local base of their power was essential, they needed court influence... to protect their interests from the predatory behaviour of rivals'.⁴⁸² After the Restoration, Kenneth Mòr's kin lobbied central authorities on his behalf and supported him against the Rosses, the MacDonalds of Glengarry, the Sinclairs, the Campbells and the MacLeods of Assynt. Kenneth Mòr benefited from his capable kinsmen, George MacKenzie of Tarbat, John Urquhart of

⁴⁷⁶ Brown, *Noble Power in Scotland*, p. 44.

⁴⁷⁷ McKenzie, *May we be Britons*, pp. 122-6.

⁴⁷⁸ *Ibid.*, pp. 114-7, 126.

⁴⁷⁹ Kerr-Peterson, *A Protestant Lord*, pp. 89-90.

⁴⁸⁰ *Ibid.*, p. 191.

⁴⁸¹ Kerr-Peterson, *A Protestant Lord*; Goodare, *State and Society*, p. 289. Goodare estimates that Marischal may have been the wealthiest noble of his day.

⁴⁸² Brown, *Noble Power in Scotland*, p. 190.

Cromarty, and George MacKenzie of Rosehaugh being in Edinburgh, although the first two were politically exiled from 1664. However, Tarbat and Cromarty's exile potentially cost him the position of the government's chief agent in the north of Scotland. Furthermore, how Kenneth Mòr would have exercised his noble power had he not been burdened with debt or if he had been able to manage his debt is unknown. Another limitation was that Kenneth Mòr was, by reputation at least, a heavy drinker.⁴⁸³ This might explain why he accidentally burned down a church and some houses in 1662 and his rumoured philandering with married women.⁴⁸⁴ Furthermore, it might have caused his early death.⁴⁸⁵ Kenneth Mòr's mediation of the Maclean-Campbell feud in 1675-6 showed political savviness on the national stage that might have developed further had he lived to be the same age as either of his cousins, Rosehaugh (d. 1691) and Tarbat (d. 1714).

Once Tarbat and Cromarty were exiled, both men assisted Kenneth Mòr in moving against their neighbours by working within the framework of the law and exploiting Rothes's preference for hands-off governance of the Highlands. Rosehaugh rose within the government after being elected as a commissioner to the Scottish Parliament in 1669 and after allying himself with Lauderdale after the Disbarring of Advocates (1674-76). He used this friendship to try to aid Tarbat and, presumably, Kenneth Mòr and the rest of the MacKenzies. Although the MacKenzies had differing opinions on Lauderdale, Kenneth Mòr and his gentry united to support and cooperate with Charles II throughout Kenneth Mòr's political career. They even broke with the clan's presbyterian heritage and the first earl of Seaforth's legacy to support the crown's episcopalian policies by exercising Kenneth Mòr's authority as sheriff against dissenting ministers.

The crown repeatedly rewarded the loyalty of Kenneth Mòr and the MacKenzies. Despite Rev. Fraser's conclusion that Kenneth Mòr received very little at the Restoration, Charles II rewarded Kenneth Mòr's interregnum-period royalism by naming him to the new sheriffdom of Ross-shire.⁴⁸⁶ Charles further placated Kenneth Mòr by rejecting MacDonell's claims to the earldom of Ross, which Charles had evidently promised to MacDonell during the 1650s. However, as stated above, this was an empty promise that would have caused chaos in Ross-shire had Charles honoured it. Therefore, the sentiment of Rev. Fraser's conclusion – that what Kenneth Mòr received was insufficient when

⁴⁸³ *Brodie of Brodie*, p. 341.

⁴⁸⁴ *Ibid.*, pp. 280, 341; BL, Add. MS 23131, fol. 111.

⁴⁸⁵ Warrand, *Some Mackenzie Pedigrees*, pp. 19-20.

⁴⁸⁶ *Chron. Frasers*, p. 451; Kennedy, *Governing Gaeldom*, p. 162.

compared to what the MacKenzies sacrificed for Charles and the financial toll – is an accurate assessment. W. C. Mackenzie concludes that Kenneth Mòr ‘must have been a disappointed man and a disillusioned Royalist when he breathed his last’.⁴⁸⁷ Had the Glencairn and Middleton risings (1653-54) been successful, or if Kenneth Mòr had been better rewarded, then his estates may not have needed to be vested in Tarbat and other trustees.⁴⁸⁸

Historians of the Highlands have shown that Restoration-era central authorities were willing to sacrifice proper maintenance of the Highlands to increase their ability to collect revenue.⁴⁸⁹ Furthermore, they were unable to decide whether to end disorder by delegating to local elites or establishing a public authority.⁴⁹⁰ However, Kenneth Mòr was an exception to the government’s priority of revenue collection and benefited from the inconsistencies in Highland policy. He owed money to the crown and numerous creditors. Kenneth Mòr was untouchable, however, as the crown and Privy Council were willing to ignore Kenneth Mòr’s debt, his frequent ineffectualness as sheriff, his disappointing behaviour, and his and his clan’s transgressions so long, it seemed, as he cooperated with them. This left his contemporaries and rivals baffled and frustrated.⁴⁹¹

Clan unity and crown favour enabled Kenneth Mòr and Clan MacKenzie to advance their position because of ambiguous policy from the central authorities.⁴⁹² Kenneth Mòr and the MacKenzie gentry’s most consistent aim was to protect and advance their position locally, and the size and power of their united, entrenched base and clan, coupled with crown favour gave them the confidence to expand at their neighbours’ expense. During the interregnum, they protected MacKenzie lands by attacking the English, the Munros of Foulis, and the MacLeods of Assynt.⁴⁹³ After the Restoration, they harassed the Rosses, moved against Lord MacDonell when he tried to gain the earldom of Ross, destabilised the already weak Sinclair, and annexed Assynt from the MacLeods of

⁴⁸⁷ Mackenzie, *History of the Outer Hebrides*, p. 376.

⁴⁸⁸ *Ibid.*, p. 375.

⁴⁸⁹ Macinnes, *Clanship*, pp. 124-37; Kennedy, *Governing Gaeldom*, pp. 115-21, 211-2; Hopkins, *Glencoe*, p. 41.

⁴⁹⁰ Kennedy, *Governing Gaeldom*, pp. 211-2; Hopkins, *Glencoe*, pp. 39-40.

⁴⁹¹ BL, Add. MS 23131, fol. 111; *Letters of Sir Robert Moray*, pp. 107-8; Kennedy, *Governing Gaeldom*, p. 185; Hopkins, *Glencoe*, pp. 54-5; Lee Jr., ‘Dearest Brother’, p. 181; *Brodie of Brodie*, p. 280; McKenzie, *May we be Britons*, p. 123.

⁴⁹² Kennedy, *Governing Gaeldom*, pp. 211-2.

⁴⁹³ Firth, *S and P*, pp. 235-6.

Assynt. Indeed, Kenneth Mòr and the MacKenzies benefited from his unofficial position as, in Lee's words, the 'crown's agent in the far north' of Scotland.⁴⁹⁴

⁴⁹⁴ Lee Jr., *Dearest Brother*, p. 182.

Chapter 2: Chief Kenneth Òg MacKenzie, fourth earl of Seaforth, 1678-1701

Figure 2-1: Painting from the circle of Henri Gascars (1634-1701), entitled 'Kenneth Mackenzie (c.1661-1701), 4th Earl of Seaforth'.



SOURCE: Henri Gascars (1634-1701) (circle of), *Kenneth Mackenzie* (c.1661-1701), 4th Earl of Seaforth, oil on canvas, 124.5 x 86.3 cm, Fortrose Town Hall, Fortrose <<https://artuk.org/discover/artworks/kenneth-mackenzie-c-16611701-4th-earl-of-seaforth-166718>> [accessed 13 December 2022].

On 16 December 1678, Kenneth Òg MacKenzie became chief of the MacKenzies and the fourth earl of Seaforth after the death of his father. Unlike his father, very little is known about Kenneth Òg's life before he became chief. Kenneth Òg might have been born on 1 March 1660, but he was baptised on 8 December 1661 at Kinghorn, Fife and was the oldest of the eight children born to Kenneth Mòr MacKenzie, third earl of Seaforth and Lady Isobel MacKenzie.¹ Kenneth Òg may have been baptised at Kinghorn because their family

¹ Mackenzie, *History of the Mackenzies*, pp. 280-2; Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*. Mackenzie notes that Kenneth Òg was served heir to his grandfather on 1 March 1681. Male heirs were typically served heir on their perfect twenty-first birthday, Sir James Balfour, *Practicks: or, a System Of*

was staying with Lady Isobel's relatives while the third earl attended sessions of Scottish Parliament. Lady Isobel's maternal grandfather was George Erskine, lord Innerteil (d. 1646) and her aunt, Lady Anna, inherited the family house near Kinghorn after he died.² Iain Lom composed a song about Kenneth Òg in c. 1665 while staying in Kintail under the protection of the Kenneth Mòr.³ What remains of the song, 'Oran do Choinneach Og Iarla Shioford' ['A Song to Coinneach Òg Earl of Seaforth'], is affectionate, but in a fragmentary state. Iain Lom composed of Kenneth Òg:

Coisich' thu b'fheàrr na na lachainn,
Snàmhaich' thu b'fheàrr na na cearcan.

[A walker better than the ducks you are, a swimmer better than the hens.]⁴

Iain's song says nothing of Kenneth Òg's upbringing by that point in his life. It is safe to assume that he would have been fostered with a member of the MacKenzie gentry or with a cadet clan, such as the MacRaes. He would have learned Scots, Latin, and Scottish Gaelic, the latter being the most common language spoken in Ross-shire into the eighteenth century.⁵ Kenneth Òg was seventeen to eighteen years old when his father died and it is not known if he was attending a college or university at the time of his father's death. Nothing else is known of his life until 10 October 1678, when Kenneth Òg began to assume his father's responsibilities. Kenneth Òg, Pluscarden, Tarbat, and John Urquhart, younger of Cromarty (son of Sir John Urquhart of Cromarty, Kenneth Mòr's brother-in-law) were amongst those summoned to Edinburgh after being named to participate in a commission to pacify the Highlands.⁶ Like Kenneth Òg, John was assuming his ill father's responsibilities; Sir John Urquhart of Cromarty died just three days after Kenneth Mòr, on 19 December 1678.⁷

During the political career of Kenneth Òg MacKenzie, fourth earl of Seaforth (1678-1701), he enforced crown policy under Charles II and James VII & II and was a central figure in their highland policy, and his loyalty was rewarded when he was named a

the more ancient Law of Scotland, Compiled by Sir James Balfour of Pettindreich, Lord President of the Court of Session (Edinburgh: Thomas and Walter Ruddimans, 1754), pp. 226-7.

² Peter G. B. McNeill, 'Erskine, Sir George, of Innerteil, Lord Innerteil (c. 1567-1646), judge and supposed alchemist', in *ODNB*.

³ NLS, 'Biography of Iain Lom McDonald', *Bàird Ghàidhlig na Ceapaich / Gaelic Bards of Keppoch*, <<https://digital.nls.uk/learning/gaelic-bards/en/the-keppoch-murder/biography-of-iain-lom-macDonald/>> [accessed 1 October 2020].

⁴ Iain Lom, 'Oran do Choinneach Og Iarla Shioford', in *Orain Iain Luim*, pp. 122-3 (pp. 122-3), ll. 1552-3.

⁵ Hopkins, *Glencoe*, p. 26; Charles W. J. Withers, *Gaelic in Scotland, 1698-1981: The Geographical History of a Language* (Edinburgh: John Donald Publishers Ltd, 1984), pp. 305-7.

⁶ *RPCS*, IV, pp. 36-43.

⁷ *Ibid.*, p. 89.

Scottish Privy Councillor *in absentia* by James in 1686. Kenneth Òg fought for James in Ireland and Scotland after he was deposed as King by the Dutch Stadtholder William of Orange (the future William II & III) in 1689. Before Kenneth Òg moved to England in 1684, he protected his clan against expansion by Clan Campbell into Caithness and was unanimously elected the provost of Fortrose in 1679, which he continued to hold *in absentia* until 1689. Kenneth Òg's political career was also marked by events which damaged the relationship between chief and clan, and therefore hampered his ability to exercise noble power at a local level. His absenteeism in England (1684-88) after his marriage to Lady Frances in 1684, conversion to Catholicism by 1685, and his periods in prison (1690-91, 1692-97, and 1698-1700) alienated him from his clan. His relationship with Sir George MacKenzie of Tarbat – his uncle and lead cadet – deteriorated as Tarbat rose in national prominence and tried to steer Clan MacKenzie towards conciliation with the new Williamite regime.

However, the only biographical accounts of Kenneth Òg to date are his brief entries in clan histories, *History of the Outer Hebrides*, *The Scots Peerage*, the *Oxford Dictionary of National Biography*, and *May we be Britons*.⁸ These entries form a narrative of Kenneth Òg's life primarily through his marriage in 1684 to Lady Frances, some comparisons and interactions between Kenneth Òg and Tarbat and their activities from the start of the Highland War in 1689 until Kenneth Òg's death in 1701. His entry in the *Oxford Dictionary of National Biography*, written by Paul Hopkins, corrected the error in previous histories that he moved to France after he was released from prison in 1692 and died in Paris.⁹ However, Hopkin's entry on Kenneth Òg was written from his research on the Highland War (1689-91), Glencoe Massacre (1692), and the aftermath of these events on the Highlands. Therefore, this entry also focuses primarily on the activities of Kenneth Òg from the start of the Highland War. In these biographical accounts, he is portrayed as a loyal supporter of the Stuart monarchy and Jacobite cause. Hopkins also portrayed him as being a poor decision-maker due to his repeated imprisonments. Kenneth Òg was indeed a supporter of the Stuarts and Jacobite cause, however, a more thorough analysis into the nature of the support Kenneth Òg gave the Stuarts and the Jacobite cause is necessary for

⁸ Mackenzie, *History of the Mackenzies*, pp. 281-9; Warrand, *Some Mackenzie Pedigrees*, pp. 21-3; *SP*, VII, pp. 510-1; Mackenzie, *History of the Outer Hebrides*, pp. 376-93; Paul Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth and Jacobite first marquess of Seaforth (bap. 1661, d. 1701), clan chief', in *ODNB*; McKenzie, *May we be Britons*, pp. 134-5, 142-4, 151.

⁹ Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*; Mackenzie, *History of the Mackenzies*, pp. 287-9; Warrand, *Some Mackenzie Pedigrees*, p. 22; *SP*, VII, p. 510.

understanding his political career. Gaps also exist regarding the role of Kenneth Òg as a clan chief and how Clan MacKenzie operated during his periods of absentee lordship (1684-88, 1689-90) and as a prisoner (1690-91, 1692-97, and 1698-1700).

Hopkins included Kenneth Òg in the work on which the entry was built, *Glencoe and the End of the Highland War*, but positioned him on the periphery of events.¹⁰ Instead, Hopkin's builds his narrative around the house of Argyll and Clan Campbell, specifically the chief Archibald Campbell, ninth earl of Argyll and his lead cadet, John Campbell of Glenorchy, earl of Caithness (1677-1681) and first earl of Breadalbane (1681-1717).¹¹ Kenneth Òg is mentioned when he engaged with Clan Campbell or the central authorities. This tendency is repeated in the historiography of this period.¹² Furthermore, Kenneth Òg is overshadowed in importance in the historiography by his kin, Sir George MacKenzie of Rosehaugh and Sir George MacKenzie of Tarbat, due to their positions within the Scottish government and because both have a significant corpus of surviving letters, pamphlets, and written works.¹³ Rosehaugh was named to the Scottish Privy Council in 1677 and was made Lord Advocate of Scotland (1677-86, 1688-89) and elected Dean of the Faculty of Advocates in 1682. Tarbat was named to the Scottish Privy Council in 1678 and was made Lord Justice General (1678-81) and Lord Clerk Register (1681-89, 1692-96). W. C. Mackenzie and Andrew McKenzie have touched on the strained and fractured relationship between Kenneth Òg with his uncle and lead cadet, Tarbat, from the start of the Highland War, but the origins of this tension and the wider ramifications of it have not been fully analysed.¹⁴

Therefore, this chapter aims to fill these lacunae in the historiography through an in-depth study of the political career of Kenneth Òg and redress the imbalance between Kenneth Òg's centrality in the history of this period (1678-1701) and his place on the periphery of the historiography. The Register of the Privy Council, printed and manuscript, contains accounts of Kenneth Òg and his activities as they pertain to the central authorities. The British Library contains family papers of Kenneth Òg and his wife Lady Frances from 1690.¹⁵ The National Library of Scotland contains letters from the MacKenzies to John

¹⁰ Hopkins, *Glencoe*.

¹¹ John Campbell of Glenorchy held the title of earl of Caithness (1677-81) before being created the earl of Breadalbane in 1681. He will hereafter be referred to as Glenorchy for the sake of narrative clarity.

¹² Macinnes, *Clanship*; Kennedy, *Governing Gael*; McKenzie, *May we be Britons*.

¹³ MacIntosh, *The Scottish Parliament*; Jackson, *Restoration Scotland*; McKenzie, *May we be Britons*.

¹⁴ Mackenzie, *History of the Outer Hebrides*, pp. 383-93; McKenzie, *May we be Britons*, pp. 142-4, 148-51.

¹⁵ BL, Add. MS 28251.

MacKenzie of Delvine from 1679, including letters from Kenneth Òg in 1699 and 1700. This chapter will contextualise this evidence with Kenneth Òg as a focal point and, by doing so, show how Kenneth Òg was a promising Highland noble and clan chief who found himself unable, and at times unwilling, to negotiate changing political and religious circumstances in Scotland. Additionally, this chapter will develop further the themes of noble power, the role of the gentry, and the house of Seaforth's and MacKenzies' relationship with religion, royalism, and local and national politics.

This chapter is divided into four chronological sections. The first section analyses Kenneth Òg's ability to advance the MacKenzie position from when he became chief in December 1678 until his marriage to Frances Herbert, daughter of William Herbert, first earl of Powis (first marquess of Powis from 1687) in April 1684. During these years, Kenneth Òg continued his father's aims and methods for advancing the MacKenzie position. This section will also show how religious differences motivated lesser clans which notionally should have answered to the chief of the MacKenzies to defy his authority. Next, this chapter examines Kenneth Òg's time as an absentee chief in England from 1684 until he returned to Scotland in October 1688. Kenneth Òg converted to Catholicism by 1685, which in turn advanced his position with James VII & II. This section will also analyse the impact of absenteeism and Catholicism on Kenneth Òg's relationship with his clan gentry, particularly his lead cadet and uncle, Tarbat. The third section focuses on the involvement of Kenneth Òg and Clan MacKenzie in the Revolution of 1688 and the Highland War from October 1688 – when Kenneth Òg returned to Scotland to help support James against the impending invasion by William – until January 1691, when Kenneth Òg was released on bail from Edinburgh Castle. The fourth section concerns Kenneth Òg's final decade as chief from 1691 until he died in 1701, during which time he was imprisoned four times and was unable to manage his estate in person. Kenneth Òg's decision not to co-operate with the new regime during William II & III's reign (1689-1702) and his repeated, and sometimes avoidable, imprisonment alienated his clan gentry and brought them closer to his uncle, Sir George MacKenzie of Tarbat, who filled the void in the leadership of the MacKenzies and advanced the MacKenzie position.

2.1: Early Political Career, 1678-83

At the start of his political career, Kenneth Òg, fourth earl of Seaforth continued his father's work. He assumed his family's customary and hereditary positions as the Fortrose council unanimously elected Kenneth Òg provost on 5 August 1679 and he became the

sheriff of Ross-shire upon his father's death.¹⁶ As sheriff of Ross-shire, Kenneth Òg continued his father's efforts to suppress conventicles and destabilise his neighbours for the benefit of the clan. He continued to foster Sir John Maclean of Duart, chief of the Macleans, Lachlann Maclean [later of Calgary], Duart's companion and the son of the bailie at Aros Castle, and later Allan Maclean [later of Gruline] at Brahan Castle until they were old enough to be sent to college.¹⁷ While the first six years of Kenneth Òg's lordship were a continuation of his father's objectives and aims, the changing political and religious conditions in Scotland and Britain provided new and different challenges and opportunities for Kenneth Òg to advance the MacKenzie position. This section will examine how Kenneth Òg negotiated the rise in religious violence, the decline of Lauderdale, the rise of James, duke of Albany in Scotland, and the flight of Argyll and the consequences of his downfall.

2.1.1: Kenneth Òg, the MacKenzies and Dissident Presbyterianism

When Kenneth Mòr arrested Presbyterian preacher John McKillican in 1675, the neighbouring sheriffs made it difficult for McKillican to be moved to Edinburgh. When the Kenneth Òg attempted to execute government policy, he was met with armed resistance from Munros and Rosses. In the years between McKillican's arrest and the start of the fourth earl's political career, the violence between government troops and conventiclers reached its peak. In the Scottish Highland context, the Highland Host (mooted in 1677 and enacted in 1678) was a sign that the central authorities were willing to work with trusted Highland lords to pressure Lowland landlords into signing bands of surety, and were willing to do so without a royal warrant.¹⁸ Within the historiography, these events are often seen as the final stages of Lauderdale's destabilising, repressive policies before being replaced by James, duke of Albany as Charles's commissioner to the Scottish Parliament.¹⁹ Ronald Lee disagrees, and instead argues that the central authority's policy towards presbyterian dissenters vacillated and had less to do with religion and more to do with the insecurity of Charles II, who overreacted to the 'merest whiff of a rising or trouble'.²⁰

¹⁶ NRS, B28/7/2, fols. 61-2.

¹⁷ Maclean-Bristol, *Castor and Pollux*, pp. 65, 99. Duart and Lachlann had arrived by 1677.

¹⁸ Kennedy, *Governing Gaeldom*, p. 125; Macinnes, *Clanship*, p. 134; McIntyre, 'Saints and Subverters', p. 193.

¹⁹ Brown, *Kingdom or Province*, pp. 153-4, 157-8; Buckroyd, *Church and State*, pp. 57-132; Cowan, *Scottish Covenanters*, pp. 64-103; Jackson, *Restoration Scotland*, p. 143.

²⁰ Lee, 'Government and Politics', pp. 159-60.

Kennedy agrees and, arguing from a fiscal-military perspective, adds that the goal for the central authorities was to tap into the Highlands' manpower potential.²¹

Not only did the Host contribute to Lauderdale's downfall, but it also provoked a rebellion by dissident Presbyterians the following year. By the time the Kenneth Òg became chief, Lauderdale and the Privy Council had already disbanded the Highland Host. When the Highland Host was mooted in autumn 1677, there were fears amongst Lowlanders that it would become an uncivilised Gaelic horde of 'savage people'.²² The clans originally expected to muster in October 1677 were the MacDonalds, Macleans, MacGregors, Macintoshes, MacLeods, Forbeses, and MacCouls.²³ The nobles were to be the marquesses of Huntly and Atholl, the earls of Argyll, Marischal, Moray, Mar and Kintore, and John Campbell of Glenorchy.²⁴ In the end, the Highland Host commissioned in December 1677 and put into effect in 1678 relied on a slightly smaller group of trusted Highland earls from the fringes of the Highlands who were expected to raise their men: Atholl, Moray (from his Perthshire lands), Perth, Mar, and Glenorchy.²⁵ All of these Highland noblemen were Lauderdale's allies.²⁶ There are multiple reasons why the third earl of Seaforth was excluded. The most probable reason is a combination of personalities and proximity. The men chosen were Lauderdale's allies and, as shown in the previous chapter, Lauderdale and Tweeddale despised and mistrusted the third earl of Seaforth. As the Highland Host occupied the southwest and east of Scotland, the MacKenzies were not as well-placed to provide men as Atholl, Moray, Perth, Mar, and Glenorchy. Furthermore, the third earl of Seaforth was preoccupied with the Maclean-Campbell feud. The future fourth earl was a teenager when the Highland Host was being planned and executed and, despite sharing some responsibilities with his father, was not requested to join in his place.²⁷ Nevertheless, Kenneth Òg would aid the central authorities in suppressing and arresting dissident Presbyterians in Ross-shire.

The most pressing issue for Kenneth Òg in December 1678 was to bring to completion one of his father's last responsibilities as sheriff of Ross-shire and arrest the conventicling minister Walter Denune. In September 1678, Rev. John MacRae and Rev.

²¹ Kennedy, *Governing Gaeldom*, p. 125.

²² Hopkins, *Glencoe*, p. 62; Kennedy, *Governing Gaeldom*, p. 125.

²³ Kennedy, *Governing Gaeldom*, p. 125.

²⁴ Ibid.

²⁵ Ibid., pp. 125, 127; Hopkins, *Glencoe*, p. 62; Macinnes, *Clanship*, p. 134.

²⁶ Lee, 'Government and Politics', p. 264.

²⁷ As mentioned previously, Kenneth Òg MacKenzie, fourth earl of Seaforth was baptised in 1661, but there is no record of his date of birth.

John Gordon, two ministers in the presbytery of Dingwall, told the third earl that Walter Denune was holding conventicles.²⁸ His father promised to inform the Privy Council of Denune's activities, but it is not known if he did so before his death.²⁹ This was probably due to the combination of the feebleness of Kenneth Òg's father and Kenneth Òg settling into his new roles after his father's death on 16 December 1678 and subsequent burial on 23 December. Kenneth Òg may have been preoccupied with rumours of witchcraft in Redcastle in early 1679, which involved his uncle, Roderick of Kinachulladrum and his wife Anna, as victims, but no legal action was taken.³⁰ Nevertheless, Kenneth Òg arrested Walter Denune for holding conventicles on 12 February 1679.³¹ Thereafter, his authority as sheriff was challenged by a group of Munros and Rosses, who were trying to prevent the MacKenzies from arresting Walter Denune and other dissenting Presbyterians.

A group of MacKenzies who had been charged by Kenneth Òg to arrest Denune were attacked after apprehending him at a home in Scotsburn. Neil MacKenzie, Murdo MacKenzie of Ardross, William MacKenzie, Hugh MacKenzie, and their seven or eight companions were transporting Denune and other prisoners to Fortrose so that they could appear before the magistrates.³² Soon after leaving Scotsburn, they were attacked by John Munro, son of Sir George Munro of Culrain and Newmore, Donald Ross of Leachclavack, Alexander Munro, and forty-sixty accomplices, armed with guns, pistols, swords, great staffs, and flails.³³ John Munro and his accomplices armed the prisoners and contemptuously refused to read Kenneth Òg's order, for they said that they 'did not valew it a fart'.³⁴ The MacKenzies were able to deforce the Rosses, Munros and prisoners and recover the prisoners to take them to cross the Cromarty Firth at Inverbreakie on the northside of firth, but were stopped by the ferryman Thomas Urquhart. However, fearing that if they waited too long then two hundred Rosses and Munros would be waiting on the other side to attack them, the MacKenzies threatened Inverbreakie, who took them across.³⁵

Like his father, Kenneth Òg had little help from within Ross-shire and the surrounding shires. Despite being a commissioner for suppressing conventicles, Sir George

²⁸ *Records of the Presbyteries of Inverness and Dingwall*, pp.339-40; *Fasti*, VII, pp. 33-4, 42.

²⁹ *Records of the Presbyteries of Inverness and Dingwall*, p. 340.

³⁰ *Brodie of Brodie*, p. 409.

³¹ *Fasti*, VII, p. 87.

³² Macgill, *Old Ross-shire*, I, pp. 88-9.

³³ *Ibid.*

³⁴ Macgill, *Old Ross-shire*, I, p. 89.

³⁵ *Ibid.*

Munro of Culrain turned a blind eye to conventicling ministers. He and his brother Sir John Munro of Foulis, chief of the Munros, and their wives were zealous presbyterians and supporters of conventicling ministers.³⁶ In Sutherland, John Mackay, lord Reay (Kenneth Òg's first cousin once removed), John Gordon, earl of Sutherland and their wives harboured fugitive ministers.³⁷ Alexander Brodie of Brodie wrote 'My soul grieved that [Walter Denune's arrest] should be the first act of [Kenneth Òg's] life'.³⁸ Kenneth Òg sent a testimony against Foulis's involvement in the violence, and an order for the latter's arrest was issued by 14 February.³⁹ Despite local resistance, Kenneth Òg's men and their allies were able to move Walter Denune as far as northern Fife, where he was illegally freed by 17 March and continued to hold conventicles.⁴⁰

While Walter Denune was eventually broken free, this episode should still be viewed as an early success for the young Kenneth Òg with his clan and the central authorities. It is evident that he had the support of his gentry from the start of his lordship. For the central authorities, that Kenneth Òg and his clan were the only option in the far north for executing their religious policy further increased his importance. He proved himself capable of executing the Council's order and received a commendation from them:

[...] as we cannot but give your Lordship our hearty thanks and assure yow of our resolution to doe you all the kyndnes that lyes in our power, so wee hope that your constant and serious care to suppress there disorders will convince the King how good a choice he has made of yow to represent him in that shyre.⁴¹

Denune, as well as John McKillican, had been two of the most notorious holders of conventicles in the northern Highlands and a chief of the MacKenzies had arrested them both while their neighbours were willing to let them go free.⁴² McKillican was granted indemnity in 1679, with Sir Hugh Campbell of Cawdor, the sheriff of Nairn who previously let him free in 1674, acting as cautioner.⁴³

However, this episode also shows how entrenched the opposition of the Munros and Rosses to Kenneth Òg and the MacKenzies had become by the start of his political

³⁶ Mackenzie, *History of the Munros of Fowlis*, pp. 92-3; Macgill, *Old Ross-shire*, I, p. 88.

³⁷ Fraser, *Earls of Sutherland*, I, pp. 276-7; Mackenzie, *History of the Munros of Fowlis*, pp. 92-3.

³⁸ Brodie of Brodie, p. 410.

³⁹ Ibid.

⁴⁰ Ibid.; *Fasti*, VII, p. 87.

⁴¹ *RPCS*, VI, p. 135.

⁴² John Macinnes, *The Evangelical Movement in the Highlands of Scotland, 1688 to 1800* (Aberdeen: The University Press, 1951), pp. 12-3.

⁴³ Robert Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution*, 4 vols (Glasgow, 1832), III, p. 435.

career. These lesser local clans legally should have answered to Kenneth Òg as the sheriff of Ross-shire. It was religion which led the presbyterian Munros and Rosses to oppose the episcopalian Kenneth Òg and MacKenzies. McKillican continued to hold conventicles for the Munros and appeared before the Privy Council when summoned.⁴⁴ After a short trial, McKillican was returned to Bass Rock via Edinburgh Tolbooth in 1683 and remained there until 1686.⁴⁵ Denune preached at Dupplin Mill in Perthshire on 30 May 1679 and continued to hold conventicles in Scotland with no further proceedings taken against him.⁴⁶ He was admitted as the minister for Golspie in the presbytery of Dornoch, Sutherland in 1690.⁴⁷

Outwith Ross-shire, religious tensions reached a breaking point. Archbishop of St Andrews James Sharp, who along with Rosehaugh was responsible for helping Tarbat return to a government office with the post of Lord Justice General and an appointment to the Scottish Privy Council, was assassinated on 3 May 1679 by nine young men of the conventicling party.⁴⁸ The government response was swift and draconian. Tarbat reported the murder to the lord chancellor John Leslie, earl of Rothes (first duke of Rothes from 1680) and within a week, Edinburgh was placed under curfew while troops searched for Sharp's murderers, people were now required to have a licence to travel with their firearms, and the militia under George Livingston, earl of Linlithgow was mobilised.⁴⁹ Armed persons without a licence, especially conventiclers, were to be convicted of high treason.⁵⁰ Gillian MacIntosh argues that these measures were too little too late as, on 1 June, dissident Presbyterians defeated government forces led by John Graham of Claverhouse at Drumclog in southwestern Scotland.⁵¹ Two days later, the Scottish Privy Council met to mobilise against the threat. On 7 June, the freeholders and heritors of Ross-shire and their followers were to meet at Chanonry on 23 June and serve under Kenneth Òg.⁵² They were to rendezvous at Stirling Bridge, whereas the troops from south of the Forth were to meet in Leith.⁵³

⁴⁴ Ibid., pp. 435-7, 443.

⁴⁵ *Fasti*, VII, p. 26.

⁴⁶ Ibid., p. 87.

⁴⁷ Ibid.

⁴⁸ Julia Buckroyd, *The Life of James Sharp Archbishop of St Andrews, 1618-1679, A Political Biography* (Edinburgh: John Donald Publishers Ltd, 1987), p. 106.

⁴⁹ *RPCS*, VI, pp. 183, 186-9.

⁵⁰ Ibid., pp. 195-6.

⁵¹ MacIntosh, *The Scottish Parliament*, p. 181.

⁵² *RPCS*, VI, pp. 220-2.

⁵³ Ibid., p. 221.

The only other Highland nobles chosen to lead forces were Moray (or in his absence, James Sutherland, lord Duffus) and Aboyne.⁵⁴ The council requested that Argyll and Glenorchy bring their allies, vassals, and clansmen to serve as an auxiliary force under Linlithgow.⁵⁵ Government forces led by James Scott – first duke of Buccleuch and Charles’s illegitimate son – and Claverhouse met the dissidents at Bothwell Bridge later that month. Kenneth Òg did not make it in time and there is no evidence that he raised his clan. This would be to his benefit as, once James, duke of Albany arrived as the king’s commissioner to Scotland, the central authorities sought to distance themselves from their response to the rebellion. Even Rosehaugh, who was part of Lauderdale’s inner circle, claimed not to be involved.⁵⁶ The government issued an indulgence that allowed for house conventicles south of the River Tay, so long as they were held two miles outside Edinburgh and one mile outside Glasgow, St Andrews and Stirling.⁵⁷

2.1.2: The MacKenzies, the Campbells, and James, duke of Albany, 1678-1682

On 27 October 1679, James duke of Albany (known as the duke of York in England), left for Scotland after being encouraged to do so by his brother, Charles II. Albany wanted to stay in London, but Charles felt it was best for James to be elsewhere during a period of heightened anti-Catholicism in England.⁵⁸ This period was exemplified by the ‘Popish Plot’ (1678-81), a conspiracy which claimed Catholics were planning to kill Charles II and introduce Catholicism, and the resulting Exclusion Crisis (1679-81), which were attempts by the English Parliament to exclude Albany from the succession to the throne.⁵⁹ While Paul Hopkins, Clare Jackson and Gillian MacIntosh argue that the ‘Popish Plot’ and Exclusion Crisis pushed Albany to Scotland to protect him, Hugh Ouston argues that Albany was pulled to Edinburgh by the ‘need to ensure Scottish loyalty and the advantages to be had from setting up a supplementary power base and proving that he could run part of his brother’s dominions without threatening the establishment’.⁶⁰ Kennedy and Macinnes argue that a ‘Restoration crisis’, which included the collapse of Lauderdale’s religious policy, was influential in bringing James to Scotland to replace

⁵⁴ *RPCS*, VI, p. 221.

⁵⁵ Macinnes, *Clanship*, p. 134; *RPCS*, VI, pp. 222-3.

⁵⁶ Lee, ‘Government and Politics’, p. 90.

⁵⁷ Jackson, *Restoration Scotland*, p. 119.

⁵⁸ Ouston, “‘From Thames to Tweed Departed’”, p. 220.

⁵⁹ Jackson, *Restoration Scotland*, p. 33; Mann, *James VII*, p. 78.

⁶⁰ Hopkins, *Glencoe*, p. 68; Jackson, *Restoration Scotland*, p. 74; MacIntosh, *The Scottish Parliament*, p. 184; Ouston, “‘From Thames to Tweed Departed’”, p. 220.

Lauderdale and bring stability.⁶¹ Albany would replace Lauderdale as the King's Commissioner to the Scottish Parliament and focused on securing peace in the Highlands. After first contextualizing the condition of the MacKenzies and their allies before Albany's arrival, this subsection will show how Kenneth Òg and the MacKenzies used royal favour to advance the MacKenzie interest during and after Albany's first sojourn (November 1679 to February 1680) and second sojourn (November 1680 to March 1682) in Edinburgh.

Before Albany's arrival, Kenneth Òg was a young chief doing the government's work at the local level and managing his estates with the help of his relatives. The neighbouring region of Caithness was in a volatile position when Kenneth Òg became chief in December 1678. While his father had exploited unrest in neighbouring shires, Kenneth Òg stayed focused on securing his area. His father had worked from 1668 to 1673 to destabilise George Sinclair, sixth earl of Caithness's authority and prevent John Campbell of Glenorchy's acquisition of Caithness's estates. His father was ultimately unsuccessful in this latter goal. In 1677, Glenorchy became the earl of Caithness while the sixth earl's heir, George Sinclair of Keiss, was banned by Charles from sitting in Parliament with that title.⁶² Additionally, Glenorchy made peace with William Sinclair of Dunbeath, the man whom Kenneth Mòr had funded to destabilise Caithness, and relied on him to help control his new tenants.⁶³ Keiss launched a counter-attack in September 1677 and occupied his family lands in Caithness while Glenorchy – the new earl of Caithness – was preoccupied with the Highland Host, but would return to recover his position.⁶⁴

Albany arrived in November 1679 and unlike Lauderdale, he wanted to prevent one person, namely Argyll, from having too much power in the Highlands. Albany had hoped to discuss his plans with Highland chiefs in Edinburgh, but little was accomplished before Albany returned to London.⁶⁵ This is evident in one of Albany's first proposals for securing peace in the Highlands, which created a commission for securing the peace and divided the Highlands into five regions to be policed by five different Highland magnates.⁶⁶ On 15 February 1680, Kenneth Òg, Tarbat and their allies were amongst those empowered by Albany and the Privy Council. Tarbat was named a commissioner for securing the peace of the Highlands, along with his friend, Sir George Gordon of Haddo,

⁶¹ Kennedy, *Governing Gaeldom*, p. 216; Macinnes, *Clanship*, p. 138.

⁶² Hopkins, *Glencoe*, p. 61.

⁶³ *Ibid.*, pp. 61, 71.

⁶⁴ *Ibid.*, p. 62.

⁶⁵ Mann, *James VII*, p. 143.

⁶⁶ *RPCS*, VI, pp. 382, 393-8.

lord Haddo; the Great Officers of State; Argyll; James Graham, marquess of Montrose; Charles Erskine, earl of Mar; William Douglas, earl of Queensberry; James Ogilvy, earl of Airlie; John Campbell, lord Lorne; and Sir George Munro.⁶⁷ Kenneth Òg's local authority increased greatly. Already the sheriff of Ross-shire, Kenneth Òg would now receive the full power and authority for securing the peace in the part of Inverness-shire north of Loch Ness and Glengarry, Ross-shire, Cromartysire, Sutherland, Caithness, and the isles to the west and north of Glenelg, including Skye and Lewis.⁶⁸ The other Highland magnates who were given jurisdictions were Atholl for Perthshire, Clackmannanshire, and Forfarshire; Huntly for Kincardineshire, Aberdeenshire, Banffshire, and his lands in Badenoch and Lochaber; Argyll for Argyllshire, Stirlingshire, Dunbartonsire, Breadalbane, and the part of Inverness-shire to Kintail; and Moray for Morayshire, Nairnshire, and Inverness-shire on his side of Loch Ness.⁶⁹ The commission was to take effect on 1 May, and Kenneth Òg and his fellow commissioners received £200 for their expenses.⁷⁰ Albany had originally wanted Huntly's commission to include Moray's territories, but Charles did not want to alienate Moray.⁷¹ On the other hand, Charles Erskine, earl of Mar felt he should have had jurisdiction over Aberdeenshire and Banffshire instead of Huntly.⁷² Argyll was against sharing authority the Highlands at all, but, as Kennedy notes, Albany's goal was to 'exploit personal authority in the locality while avoiding the pitfalls of a dominant viceroy'.⁷³ However, this scheme never seems to have been enacted.

The MacKenzies started to engage with Campbell affairs during Albany's second period in Scotland. It was not until James sought to break up Argyll's authority in the Highlands that Kenneth Òg and the MacKenzies began to sabotage the Campbells, namely Glenorchy, in Caithness. A distinction must be made between Albany's opinion of Glenorchy and his opinion of Argyll. While Albany had affection for Argyll, Glenorchy was in an increasingly precarious position as he missed Albany's arrival in Scotland to plan his invasion of Caithness against Keiss, for whom Albany had sympathy.⁷⁴ At some point before 31 July 1680, to the surprise of Glenorchy and his allies, Kenneth Òg allied himself with the Sinclairs, who hoped to removed Glenorchy from the region, and participated in a

⁶⁷ Ibid., p. 393.

⁶⁸ Ibid., p. 394.

⁶⁹ *RPCS*, VI, p. 394.

⁷⁰ Kennedy, *Governing Gaeldom*, p. 234.

⁷¹ Ibid.; *RPCS*, VI, p. 428.

⁷² Kennedy, *Governing Gaeldom*, p. 234.

⁷³ Ibid., p. 235.

⁷⁴ Hopkins, *Glencoe*, p. 68; Kennedy, *Governing Gaeldom*, p. 223.

surprise night attack on Glenorchy's allies.⁷⁵ Until this point, Glenorchy and his allies had considered Kenneth Òg to be at least neutral in the affair.⁷⁶ Their surprise may reflect the prudence Kenneth Òg had been showing during the final years of Lauderdale's commissionership, or that Kenneth Òg had hitherto been working more covertly to assist Keiss. Nevertheless, Kenneth Òg himself was not condemned for his involvement and Glenorchy and his men did not retaliate. Instead, Glenorchy learned quickly that Albany's government would not tolerate violence and unrest. The Privy Council was eager that the situation in Caithness would not mirror the ongoing fighting in Mull between the Campbells and Macleans.⁷⁷ The inability of Glenorchy to manage Keiss's uprising in Caithness without violence brought him criticism from the Privy Council in September 1680.⁷⁸ Glenorchy's predicament brought to light a noticeable split between Rosehaugh and Tarbat's priorities and strategies. Rosehaugh, as Lord Advocate and an ally of Lauderdale, protected Glenorchy from being tried for treason. In a letter to Elizabeth Maitland, duchess of Lauderdale, Rosehaugh was eager to distance himself from his cousin, Tarbat, writing:

It is said that the E. of Caithnes thinks mee not so earnest for him & E. Argyle as I should be & that hee has said so to your G., bot if it be, hee wrongs mee, for your friends knew the contrarie & realie I hav don them mor service than all the Councell & it is very unjust to blame mee for Tarbat.⁷⁹

Although Rosehaugh felt that he owed Lauderdale for his political success and appointments, his protection of Lauderdale's allies does not necessarily mean that Tarbat was supporting Kenneth Òg and Rosehaugh was not.⁸⁰ Unlike Rosehaugh, Tarbat saw the Campbells as his enemy. In Council, he protested against an order from Charles II to allow Glenorchy to restore order, claiming that Glenorchy could not be granted a *de facto* commission of fire and sword if the Keiss faction had not been declared rebels.⁸¹ In late June, Glenorchy was only allowed to take a select force of five hundred Campbells, MacGregors, and Macintyres to Caithness, which, as previously stated, Kenneth Òg tried to sabotage. Tarbat was probably trying to help Kenneth Òg prevent the Campbells from maintaining a foothold in Caithness.

⁷⁵ NRS, GD112/39/132/6.

⁷⁶ Ibid.

⁷⁷ Hopkins, *Glencoe*, pp. 70-1.

⁷⁸ *RPCS*, VI, pp. 544-5.

⁷⁹ *Lauderdale Papers*, III, p. 218.

⁸⁰ Ibid., pp. 219-20.

⁸¹ Hopkins, *Glencoe*, p. 70.

In 1681, the Scottish Parliament passed the controversial ‘Act anent religion and the Test’, which all the MacKenzie officeholders took without exception and Argyll refused to take without conditions. Anyone who wished to vote or hold office had to subscribe to an oath to faithfully serve Charles and his heirs, including the Catholic Albany. Rosehaugh was to administer the oath while Tarbat was to receive submissions as the lord justice general.⁸² Tarbat, Rosehaugh, advocate Colin MacKenzie, writer George MacKenzie, advocate John MacKenzie (most likely John MacKenzie of Delvine), messenger John MacKenzie, macebearer and notary J. MacKenzie, Robert MacKenzie, and advocate Roderick MacKenzie of Dalvennan took the oath.⁸³ Officeholders had until 1 January 1682 to take the Test Oath. There is no record showing that Kenneth Òg took the Test before his conversion to Catholicism and he was exempted from taking the Test after he converted to Catholicism.⁸⁴ Argyll, as a Privy Councillor, was required to subscribe to the Test Oath; furthermore, he was ordered to take it immediately.⁸⁵ After holding out longer than any other dissenter, Argyll subscribed in front of the Scottish Privy Council but was required to re-subscribe as he spoke in so low a voice, with a statement that the oath was self-contradictory, and refused when asked to repeat the oath without condition.⁸⁶ After stalling, Argyll was removed from the Scottish Privy Council.⁸⁷ After repeating his statement, Argyll was indicted for treason, lèse-majesté, and perjury, his estates and titles were forfeited. He was sentenced to death *in absentia* on 23 December 1681, having escaped from Edinburgh Castle just two days beforehand and having fled to Holland.⁸⁸ Glenorchy, on the other hand, took the test oath on the same day as Tarbat and Rosehaugh.⁸⁹

The forfeiture of Argyll in 1681 brought both positive and negative consequences for Kenneth Òg, but it was generally beneficial for the MacKenzie gentry. After the forfeiture, the Scottish Privy Council took control of Duart’s estate and provided Duart with £500 sterling in free rent per year; at this time, Kenneth Òg was still fostering Duart.⁹⁰ The council then gave the responsibility for its management to Kenneth Òg, Tarbat and

⁸² *RPCS*, VII, pp. 196, 204, 224, 288, 297, 303-4.

⁸³ Mackenzie, *History of the Mackenzies*, p. 583; *RPCS*, VII, pp. 708, 715, 719, 724.

⁸⁴ *RPCS*, XI, p. 213.

⁸⁵ David Stevenson, ‘Campbell, Archibald, ninth earl of Argyll (1629-1685), politician and clan leader’, in *ODNB*.

⁸⁶ MacIntosh, *The Scottish Parliament*, pp. 197-8; *RPCS*, VII, pp. 238, 242-3.

⁸⁷ *RPCS*, VII, p. 243.

⁸⁸ MacIntosh, *The Scottish Parliament*, p. 198; *RPCS*, VII, pp. 290-2, 302, 307, 736.

⁸⁹ *RPCS*, VII, p. 708.

⁹⁰ *RPCS*, VIII, p. 16; Maclean-Bristol, *Castor and Pollux*, p. 82, n. 12. This money had been allocated to him by Sir John Maclean of Duart’s father in 1672.

Rosehaugh, as well as Haddo, Queensberry, Atholl, and Perth.⁹¹ This was a reward for the Macleans' constant support for the Stuarts, support which decimated their gentry in the 1640s and 1650s. Over the summer of 1682, Tarbat lobbied his friend Haddo, who was the new lord chancellor of Scotland, to secure more responsibilities for Kenneth Òg. Tarbat first argued that Kenneth Òg was the best-suited person to act as the crown's agent in the Highlands:

The E. of Seaforth resolv's to depend entirly upon yow, and by yow to mak his aplication to the Duk. Remember his influence in the Highlands, Argyl being forfeited, Huntly being incapacitated, and Athole not well pleas'd, as som say, tho I hope otherwise; remember also the sufferings of his familie, and how these maintain'd the King's army alon, both under Montrose, and alwyse under English usurpation.⁹²

Atholl was upset that Haddo was chosen to be lord chancellor instead of himself and it seems that Huntly (Haddo's chief) was incapacitated from holding office by his Catholicism.⁹³

Argyll's forfeiture also had one consequence that was negative for Kenneth Òg, but beneficial to some in his clan. One of the goals of Albany's plan in 1680 was to prevent the crown from being too dependent on one figure, in this case, Argyll. After Argyll's forfeiture, the new plan for securing peace in the Highlands was announced in early August 1682 and expanded the pool of agents for the crown in the Highlands from five (Kenneth Òg, Atholl, Huntly, Argyll, Moray) to sixty-nine commissioners and, therefore, bypassed local power networks and, as Kennedy notes, ensured that 'the key local players answered to [Albany's] interest'.⁹⁴ While the new scheme still had four divisions, the divisions were different. The northern division consisted of Caithness and Sutherland, the central division consisted of Ross, Cromarty, Inverness, Nairn, and Moray, the eastern division consisted of Banffshire, Aberdeenshire, Kincardineshire, and Forfarshire, and the southern division included Perthshire, Stirlingshire, Dumbartonshire, and Argyllshire.⁹⁵ Only three of the fourteen commissioners in the central division were MacKenzies: Sir Alexander MacKenzie of Coul, Colin MacKenzie of Redcastle, and Sir Roderick MacKenzie of

⁹¹ *RPCS*, VIII, pp. 16-7.

⁹² John Dunn, *Letters, Illustrative of Public Affairs in Scotland, Addressed by Contemporary Statesmen to George, Earl of Aberdeen, Lord High Chancellor of Scotland, MDCLXXXI-MDCLXXXIV* (Aberdeen: The Spalding Club, 1851), p. 54; Hopkins, *Glencoe*, pp. 90, 112 n. 40. The letter is undated but was written before the end of August 1682. Hopkins speculates that it was written May-June 1682. As the letter implies that a plan for the Highlands had not yet been decided, this seems likely.

⁹³ Dunn, *Letters*, p. 54, n. 1; Kennedy, *Governing Gaeldom*, p. 235, n. 103.

⁹⁴ Kennedy, *Governing Gaeldom*, pp. 233-4, 243, 249; *RPCS*, VII, pp. 499, 507-15.

⁹⁵ Kennedy, *Governing Gaeldom*, p. 237; *RPCS*, VII, pp. 510-1.

Findon (the sheriff-depute of Ross-shire).⁹⁶ This does not mean the other eleven were hostile to the MacKenzies. William Mackintosh of Borlum was close with the Seaforth family and would play a part in convincing Kenneth Òg's son to join the 1715 Jacobite rising, Randal MacDonald of Glengarry's son became Kenneth Òg's brother-in-law as they settled their historical differences, and Hector Maclean of Torloisk had been one of Duart's tutors when the decision was made to foster Duart with Kenneth Mòr.⁹⁷ However, Kenneth Òg no longer had jurisdiction over a large area of the Highlands other than in his role of sheriff of Ross-shire, and it must have stung that his rival, Balnagown, was amongst the five chiefs to receive a commission for the central division; seven chiefs in total received commissions.⁹⁸ Kenneth Òg's close ally, Dunbeath, and Kenneth Òg's first cousin and Tarbat's brother-in-law, Sir William Sinclair of Mey, were two of the six commissioners in the northern division.⁹⁹ For Ross and Cromarty specifically, the commissioners were permitted to apprehend any guilty of or suspected of crimes, including theft, robbery, blackmail, harbouring outlaws and carrying firearms more than seven miles from home.¹⁰⁰ They were also permitted to seize nightwalkers, beggars, gipsies and 'all ye know to have no means to live upon and will not betak ym to any trade or occupation'.¹⁰¹ The commissioners were to take all of the above mentioned to the nearest justice court. Despite this opportunity for some, Kennedy notes that few commissioners in the central division attended their meetings or fulfilled their responsibilities; while the commission and courts were active, the commissioners were not.¹⁰² Therefore, it does not appear that these appointments weakened Kenneth Òg's authority compared to his regional rivals.

Historians generally view the 1682 commission for securing the peace of the Highlands positively. It was conciliatory, which Macinnes argues was the 'only phase of conciliation in the Highlands during the Restoration era, and the cooperation between central authorities and lesser heritors was progressive and successful'.¹⁰³ Kennedy finds

⁹⁶ *RPCS*, VII, p. 508; *RPS*, 1681/7/104.

⁹⁷ Hopkins, *Glencoe*, p. 56; Mackenzie, *History of the Mackenzies*, p. 280; Alexander Mackenzie, *History of the Macdonalds and Lords of the Isles; with Genealogies of the Principal Families of the Name* (Inverness: A & W MacKenzie, 1881), p. 348; Maclean-Bristol, *Castor and Pollux*, pp. 64-5; D. Murray Rose, *Historical Notes or Essays on the '15 and '45* (Edinburgh: William Brown, 1897), p. 40; *RPCS*, VII, p. 508.

⁹⁸ Kennedy, *Governing Gaeldom*, p. 247; *RPCS*, VII, p. 508.

⁹⁹ *RPCS*, VII, p. 508.

¹⁰⁰ Macgill, *Old Ross-shire*, I, p. 87.

¹⁰¹ *Ibid.*

¹⁰² Kennedy, *Governing Gaeldom*, p. 239.

¹⁰³ Hopkins, *Glencoe*, p. 93; Kirsty F. McAlister, 'James VII and the Conduct of Scottish Politics c.1679 to c.1686' (unpublished doctoral thesis, University of Strathclyde, 2003), p. 151; Macinnes, *Clanship*, p. 139; John L. Roberts, *Clan, King and Covenant: History of the Highland Clans from the Civil War to the Glencoe Massacre* (Edinburgh: Edinburgh University Press, 2000), p. 162.

Macinnes's view problematic. The success of the commission was due to the 'Restoration's most effective marriage between the intellectual constructs of direct and indirect control' and that it promoted efficiency and professionalism.¹⁰⁴ From the perspective of the Kenneth Òg, the new plan for securing the peace of the Highlands was disappointing; furthermore, it will be argued later in this chapter that the empowerment of MacKenzie noblemen undermined his authority in Ross-shire after James VII was deposed in 1689. By 2 September, Kenneth Òg and his rival, Balnagown, received pensions of £2400.¹⁰⁵ But Kenneth Òg was not satisfied and expressed his eagerness to act as the crown's agent, particularly against religious dissenters, when he wrote to Haddo on 25 September:

My Lord, ever since my North coming, I hav made it my bussinesse to inquer if any of thos disafected ministers you spok of to me at Edbr., did resort to the Shyr I'm concerned in; but found no such disorderly pople in it; although we suffer so much by the Lochaber men, that if the King and Councell tak not ane effectuall course presently, many of us in that plce vill not hav so much of our oun as vill pay the publick dues. Yet in this, as in every thing else, I doe my indeavour to serv the King, by depressing all disorders; but to resist a vhol country of robbers is not in my pouer without the King's authority; especialy if they continue as they are, at present, dayly vasting my land: so that in a short time, if not prevented, they'l put me from being in a capacity to doe the King any service; which I leav to your Lordship's consideration...¹⁰⁶

Haddo would not have been convinced by Kenneth Òg's attempt to tout the conventicle-free nature of Ross-shire as an example of his abilities to make Ross-shire crime-free as a sheriff; the Privy Council had listed Ross-shire as one of the trouble spots in the Highlands as late as August.¹⁰⁷ Lochaber, however, had been the most troublesome region in Scotland for banditry since before Kenneth Òg was born, and this threatened the ability of landlords in Lochaber and in neighbouring regions to collect taxes for the crown.¹⁰⁸ Friends of Kenneth Mòr had tried to secure his jurisdiction over Lochaber, and now Kenneth Òg was unsubtly suggesting that he was fit to pacify Lochaber.¹⁰⁹ Unfortunately for Kenneth Òg, Tarbat, and the MacKenzies, Haddo was loyal to his chief, Huntly. Instead of granting Kenneth Òg more authority in the Highlands, Haddo decided in 1683 that Kenneth Òg, as

¹⁰⁴ Kennedy, *Governing Gaeldom*, pp. 243, 246.

¹⁰⁵ Dunn, *Letters*, p. 56; Kennedy, *Governing Gaeldom*, p. 235.

¹⁰⁶ Dunn, *Letters*, pp. 70-1.

¹⁰⁷ *RPCS*, VII, p. 508.

¹⁰⁸ Hopkins, *Glencoe*, p. 92; Macinnes, *Clanship*, pp. 33-5, 113.

¹⁰⁹ Lee Jr, *Dearest Brother*, p. 182.

well as Mar as a landholder and Moray as the sheriff of Inverness-shire, would have to acknowledge Huntly's superiority in Lochaber in the sheriffdom of Inverness.¹¹⁰

2.2: Catholicism and Absenteeism, 1684-88

Nothing else is known of Kenneth Òg's activities until the spring of 1684 when he married Lady Frances Herbert, daughter of William Herbert, earl of Powis and a moderate English Catholic, on 1 May 1684.¹¹¹

Figure 2-2: Painting by or after François de Troy (1645-1730), entitled 'Lady Frances Herbert (1660-1732), Wife of Kenneth Mackenzie, 4th Earl of Seaforth'.



SOURCE: François de Troy (1645- 1730), *Lady Frances Herbert, Wife of Kenneth Mackenzie, 4th Earl of Seaforth*, oil on canvas, 129.5 x 96.5 cm, Fortrose Town Hall, Fortrose <<https://artuk.org/discover/artworks/lady-frances-herbert-16601732-wife-of-kenneth-mackenzie-4th-earl-of-seaforth-166717>> [accessed 13 December 2022].

¹¹⁰ *Historical Notices*, I, p. 441; *RPCS*, VIII, p. 42.

¹¹¹ Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB; The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, extant, extinct, or dormant*, ed. by G. E. Cokayne 8 vols (London: G. Bell & Sons, 1887-98), VI, pp. 295-6, n. i. While the viscounty of Montgomery and the earldom of Powis come from the Welsh marches, Powis was described in contemporary records as an Englishman.

According to Hopkins, this marriage was arranged by Albany to ‘convert the Mackenzie chiefs to Catholicism and prevent their family’s financial ruin’; under the terms of the marriage contract, ‘Powis was to maintain the Seaforths’ household for three years (in practice, five) in England, where Powis’s favour in James’s reign was reflected upon [Kenneth Òg]’.¹¹² As the result of Tarbat and others placing the Seaforth estate in Lady Isobel’s name (which will be discussed below) to secure long-term solvency for the estate and Kenneth Òg’s marriage contract, he was not in control of his estates and finances, his mother and his father-in-law were, and his absenteeism was due to the need to keep him financially afloat. Little is known about Kenneth Òg’s activities or how Powis ran his household in England from his marriage until he returned to Scotland in October 1688, but it is during this period that ties between Kenneth Òg and Albany (James VII from 1685) were forged and the foundations for future tensions between Kenneth Òg and his gentry were laid. This section is structured thematically. It will first examine the relationship between Kenneth Òg, the MacKenzie gentry, and Catholicism. Kenneth Òg’s conversion to Catholicism in 1685 helped further his political status and brought him closer to the new king, James VII, at the expense of alienating him from a majority of MacKenzie clan gentry. Next, this section will explain how the relationship between Kenneth Òg and his lead cadet, Tarbat, became strained. Tensions arose between the two when Kenneth Òg perceived actions taken by Tarbat as an attempt to replace or undermine him in Ross-shire. Additionally, Kenneth Òg protested the separation of Cromartyshire from Ross-shire after Tarbat became Viscount Tarbat in 1685 and saw it as an affront to his regional authority and title. The consequences of these two issues will be discussed more fully in the final two sections of this chapter. Unfortunately for historians, apart from what will be analysed in this subchapter, the only known correspondence from Kenneth Òg during his period of absenteeism in England is a letter to Lady Elizabeth, widow of John Maitland, first duke of Lauderdale (d. 1682). From this letter, dated 16 September 1686 from London, it can be inferred that they have a friendly relationship, and that Kenneth Òg was supporting Lady Elizabeth in her legal dispute against her brother-in-law, Charles Maitland, third earl of Lauderdale over her late husband’s debts.¹¹³ Kenneth Òg also offers Powis’s services to

¹¹² Hopkins, ‘Mackenzie, Kenneth, fourth earl of Seaforth’, in *ODNB*.

¹¹³ BL, Add. MS 23250, fol. 22; Rosalind K. Marshall, ‘Murray [*married names* Tollemache, Maitland], Elizabeth, duchess of Lauderdale and *suo jure* countess of Dysart’, in *ODNB*.

Lady Elizabeth.¹¹⁴ Rosehaugh may have fostered this connection through his close relationship with the Lady Elizabeth and her late husband.

2.2.1: Clan MacKenzie and Catholicism

Kenneth Òg converted to Catholicism under his father-in-law's influence. William Herbert, earl of Powis (elevated to marquess in 1687) had suffered greatly during the Popish Plot of 1678-81. He and four other Catholic lords were impeached by the English Parliament and sent to the Tower, where Powis remained until February 1684. James VII & II reversed Powis's impeachment in May 1685.¹¹⁵ Sometime before 12 November 1685, Powis had convinced Kenneth Òg to convert to Catholicism.¹¹⁶ Kenneth Òg was one of several Scottish nobles to convert to Catholicism around the start of James's reign, as he convinced Moray and the brothers James Drummond, earl of Perth and John Drummond, earl of Melfort, to convert to Catholicism.¹¹⁷ Once Sir John Maclean of Duart, whom Kenneth Òg had been fostering, reached the age of eighteen in 1688, James informed the Scottish Treasury that, by royal direction, Duart was going to France 'to further his Education & Breeding' with £400 per year for expenses.¹¹⁸ Much to Kenneth Òg's delight, Father Lewis Innes, principal of the Scots College, Paris, successfully converted Duart to Catholicism.¹¹⁹

Kenneth Òg and his fellow Catholics soon reaped the rewards of James's accession. On 11 November 1686, James named Kenneth Òg to the Scottish Privy Council *in absentia* and made him a Knight of the Thistle on 6 June 1687.¹²⁰ Kenneth Òg only attended meetings of the Scottish Privy Council in October 1688 to assist in preparations against the Dutch Stadtholder William of Orange's invasion; this will be discussed later in this chapter.¹²¹ Additionally, James gave Sir Patrick Hume of Polwarth's confiscated Berwickshire estate to Kenneth Òg in 1686; Polwarth had supported Argyll during the latter's rising.¹²² James promoted Catholics and well-affected Protestants within the ranks of government. According to Alastair Mann, James introduced thirteen new men to government, which represented the 'greatest personnel upheaval in the ruling elite since

¹¹⁴ BL, Add. MS 23250, fol. 22.

¹¹⁵ Victor Stater, 'Herbert, William, styled first marquess of Powis and Jacobite first duke of Powis', in *ODNB*.

¹¹⁶ *Historical Notices*, II, p.759; *RPCS*, XI, p. 213.

¹¹⁷ Raffe, *Scotland in Revolution*, p. 19.

¹¹⁸ Maclean-Bristol, *Castor and Pollux*, p. 99; *RPCS*, XIII, p. xxiii.

¹¹⁹ Maclean-Bristol, *Castor and Pollux*, p. 99.

¹²⁰ *RPCS*, XII, p. 511.

¹²¹ *Ibid.*, XIII, pp. 319, 373.

¹²² *Ibid.*, XII, pp. xxiii, xxvi; McKenzie, *May we be Britons*, p 135.

1660'.¹²³ Kenneth Òg's fellow converts were given three of the top positions in the Scottish government. Perth became chancellor while Melfort and Moray served as the two Secretaries of State.¹²⁴ George Gordon, duke of Gordon and Charles Stewart, earl of Traquair were also advanced to the Privy Council by James.¹²⁵ As Raffe argues, James's government was not as unrepresentative of the Scottish elite as is sometimes alleged since the protestants John Murray, marquess of Atholl and William Hamilton, third duke of Hamilton held central positions; Atholl was one of the first people awarded the Order of the Thistle and Hamilton was made a Privy Councillor and secretary to the treasury.¹²⁶ Melfort influenced James to found the monarchical order the Order of the Thistle in 1687, claimed as a revival of a late-medieval chivalric order, and eight nobles were selected.¹²⁷ The Order of the Thistle allowed James to secure loyalty and service to the monarchy from Catholics, Catholic converts and well-affected Protestants while reviving Catholic culture and identity in Scotland.¹²⁸ Kenneth Òg was one of only six nobles to belong to both the Privy Council and the Order of the Thistle, the others being Gordon, Melfort, Moray, Perth, and, although he was not a Catholic, Atholl.¹²⁹ The other two nobles who were made knights of the Order of the Thistle were George Douglas, earl of Dumbarton and the Protestant James Hamilton, earl of Arran and the son of Anne Hamilton, third duchess of Hamilton and the third duke of Hamilton.¹³⁰

While Kenneth Òg fully embraced Catholicism in England, the people of Ross-shire and Cromartyshire were slow to embrace Catholicism, which may have been due to the failure of Catholic missions to the regions and Kenneth Òg's absence. It is unclear to what extent Catholic emissaries were active in Ross-shire and if they targeted the MacKenzies. The Catholic missionary work from 1651 to 1679 focused primarily on the territory of the MacDonalds of Clanranald and the MacDonalds of Glengarry, although

¹²³ Mann, *James VII*, p. 158.

¹²⁴ Raffe, *Scotland in Revolution*, p. 19.

¹²⁵ *Ibid.*, p. 19.

¹²⁶ Rosalind K. Marshall, 'Hamilton [formerly Douglas], William, third duke of Hamilton', in *ODNB*; Raffe, *Scotland in Revolution*, p. 19; David Stevenson, 'Murray, John, first marquess of Atholl (1631-1703), nobleman', in *ODNB*.

¹²⁷ Matthew Glozier, 'The Earl of Melfort, the Court Catholic Party and the Foundation of the Order of the Thistle, 1687' *The Scottish Historical Review* 79 (October 2000), 233-8 (pp. 233-5); Jennifer Strtak, 'The Order of the Thistle and the reintroduction of Catholicism in late-seventeenth-century Scotland' *The Innes Review*, 68 (2017), 132-46 (p. 132). There is no conclusive evidence that a previous order existed (see Strtak, 'The Order of the Thistle', p. 132, n. 1).

¹²⁸ Glozier, 'The Earl of Melfort', p. 234; Strtak, 'The Order of the Thistle', pp. 134-5, 141.

¹²⁹ Strtak, 'The Order of the Thistle', p. 137, n. 25.

¹³⁰ Glozier, 'The Earl of Melfort', p. 234. Glozier incorrectly labels Seaforth as a Protestant.

there were a few missionaries in Caithness, Sutherland, Assynt and Strathglass.¹³¹ Missions in the 1670s to Strathglass, which was part of the presbyteries of both Dingwall and Inverness, targeted Chisholms in Inverness-shire and Munros in Ross-shire.¹³² What is clear, however, is that within Ross-shire, Lewis had the highest concentration of Catholics, with estimates of forty people to over sixty people in 1687.¹³³ Kenneth Mòr allowed Fr Francis White, a Vincentian Catholic priest, on Lewis from 1671, writing that, ‘Since they led the people to observe the Catholic faith, there are fewer robberies and other crimes; and, what was formerly a thing unheard of, restitution of stolen goods is now frequently made’.¹³⁴ Alasdair Roberts argues that this implies an ‘established mission among the minority MacKenzies who dominated the island’s MacLeod inhabitants’.¹³⁵ However, it would be sixteen years before another priest came to Lewis and the Catholic population in 1687 was only approximately sixty people out of an estimated four thousand people, or ten to fifteen households.¹³⁶ Despite elite patronage, Catholic missions were unable to convert the rank and file MacKenzie or MacLeod inhabitants of Lewis. Furthermore, Kenneth Mòr may have deliberately overstated the civilising influence of Fr White in an attempt to rehabilitate the poor reputation he had deservedly earned as sheriff of Ross.¹³⁷

After converting, Kenneth Òg requested that Catholic missionaries go to Ross-shire.¹³⁸ George MacKenzie of Kildun, Kenneth Òg’s uncle, invited Fr John Cahassy and Fr James Devoyer, to travel from South Uist to Lewis in 1687.¹³⁹ Both priests decided to stay on South Uist and sent Fr Cornelius Con in their place to be the chaplain and tutor of

¹³¹ Fiona A. Macdonald, ‘Irish Priests in the Highlands: Judicial Evidence from Argyll’, *The Innes Review* 66 (1995), 15-33 (pp. 17-8); Allan I. Macinnes, ‘Catholic Recusancy and the Penal Laws, 1603-1707’, *Records of the Scottish Church History Society* 23 (1987), 27-63 (p. 31); Scott Spurlock, ‘Confessionalization and clan cohesion’, in *The Scots in Early Stuart Ireland: Union and separation in two kingdoms*, ed. Simon Egan and David Edwards (Manchester: Manchester University Press, 2016), pp. 169-202 (p. 179).

¹³² Alexander Canon MacWilliam, ‘A Highland Mission: Strathglass, 1671-1777’, *The Innes Review* 24 (1973), 75-102 (pp. 75-8).

¹³³ Michael Robson, *Cornelius Con: An Irish Priest in the Hebrides* (Port of Ness: Michael Robson, 2002), p. 6.

¹³⁴ Macdonald, *Mission to the Gaels*, pp. 174-5; Mary Purcell, *The Story of the Vincentians: a Record of the Achievements in Ireland and Britain of the Priests and Lay-Brothers of the Congregation of the Mission, founded by St Vincent de Paul* (Dublin: All Hallows College, 1973), p. 57; Alasdair Roberts, ‘Roman Catholicism in the Highlands’, in *The Church in the Highlands*, ed. James Kirk (Edinburgh: Scottish Church History Society, 1998), pp. 63-88 (p. 77).

¹³⁵ Roberts, ‘Roman Catholicism in the Highlands’, p. 77.

¹³⁶ Macdonald, *Mission to the Gaels*, pp. 174-5; Robson, *Cornelius Con*, p. 6; Mackenzie, *History of the Outer Hebrides*, pp. 592-3.

¹³⁷ See Chapter 1, pp. 70-1 and n. 330.

¹³⁸ *Ibid.*, p. 78.

¹³⁹ Roberts, ‘Roman Catholicism in the Highlands’, p. 78; Macdonald, *Mission to the Gaels*, p. 161; Robson, *Cornelius Con*, p. 9. Roberts incorrectly names Fr John Cahassy as ‘James’. Macdonald incorrectly states that Kenneth Mòr, third earl of Seaforth married ‘the Catholic daughter of the English Lord Powys’, i.e., Lady Frances Herbert, wife of Kenneth Òg, fourth earl of Seaforth, p. 161.

Kildun's household in Aignish.¹⁴⁰ Fr Con had some success and had convinced Donald MacLennan to request a place in the Scots College, but it was full.¹⁴¹ However, in 1688, Fr Con was arrested by the MacKenzies for impregnating the daughter of Kildun, renouncing his faith, and then trying to marry her; later, Kenneth Òg ordered that he be marooned.¹⁴² It was this, Roberts says, which led to the failure of the Catholic mission in Lewis.¹⁴³ Macdonald argues that Con's actions 'probably did as much to promote Calvinism on the island as its three resident ministers' and that, based on his own reports, the people of Lewis had been amenable to Catholicism until his departure.¹⁴⁴ However, Fr Con complained of Protestant hostility during his first year on Lewis and that ministers tried to kill him.¹⁴⁵ In 1687, Kenneth Òg was reportedly returning to Lewis with 'two priests for whom he would provide every necessity'; however, Macdonald notes that 'there is no evidence that this came to pass'.¹⁴⁶ Therefore, it is likely that failure of the Catholic mission on Lewis was due to the amalgamation of Fr Con's behaviour, existing anti-Catholic sentiment and a lack of resources provided by the Catholic members of Clan MacKenzie.

In the end, the only gentry to convert to Catholicism were Kenneth Òg's younger brothers, John of Assynt and Alexander of Coningsby – Alexander reconverted to Protestantism and served under King William after the Highland War (1689-91) – and George MacKenzie of Tarbat's eldest son, John, master of Tarbat, converted to Catholicism despite his father's pleas.¹⁴⁷ George MacKenzie of Tarbat wrote that it was his fatherly duty to 'dissipat your clouds of passion, or clear up your mistakes, which the false

¹⁴⁰ Macdonald, *Mission to the Gaels*, p. 161.

¹⁴¹ *Ibid.*, p. 79.

¹⁴² HMC, *Twelfth Report, Appendix, Part VIII. The Manuscripts of the Duke of Athole Kt., and the Earl of Home* (London, 1891), p. 55; Mackenzie, *History of the Mackenzies*, p. 275; Roberts, 'Roman Catholicism in the Highlands', p. 80.

¹⁴³ Roberts, 'Roman Catholicism in the Highlands', pp. 78-81.

¹⁴⁴ Macdonald, *Mission to the Gaels*, p. 175.

¹⁴⁵ Robson, *Cornelius Con*, p. 6.

¹⁴⁶ Macdonald, *Mission to the Gaels*, p. 175.

¹⁴⁷ Fraser, *Cromartie*, I, pp. clxvii-clxviii; Mackenzie, *History of the Mackenzies*, pp. 280-1; Warrand, *Some Mackenzie Pedigrees*, pp. 28, 31; *Records of the Scots Colleges at Douai, Rome, Madrid, Valladolid and Ratisbon*, (Aberdeen: New Spalding Club, 1906), p. 57. Alexander of Coningsby is mistakenly listed as the fourth earl of Seaforth's son in Paul (ed.), *SP*, VII, pp. 510-1 due a misunderstanding of his record in *Records of the Scots Colleges*, which lists him as 'filius et frater Comitum Seaforthii' in 1685. This error is often repeated by other historians. However, Alexander Mackenzie shows that Coningsby, who was the third earl's fourth son, was referred to as the 'third lawful son now in life' in a sasine in 1694, after his older brother Hugh died. Furthermore, when the fourth earl dies, the Privy Council only try to obtain two children, William and Mary, there is no mention of other children.

argueing of the Romish emissaries have ledd yow in'.¹⁴⁸ He urged his son to think carefully and accused him of converting for political reasons and that the master of Tarbat had 'given too litle tyme to that which deserves long and serious consideration'.¹⁴⁹ Instead, George implored his son to follow his example and serve and obey James without converting to Catholicism as he would do.¹⁵⁰ Rosehaugh, on the other hand, joined those who were displaced by James when he reconfigured the Scottish government. Rosehaugh was removed from his position as Lord Advocate in May 1686, Sir Alexander Seton, lord Pitmedden was ejected from the court of session, and William Douglas, duke of Queensberry was removed from the office of treasurer.¹⁵¹ Rosehaugh, however, was dismissed from his position of Lord Advocate in 1686 for denying the legality of religious toleration.¹⁵² The upper echelons of the MacKenzies had become a microcosm for the dilemmas created for the Scottish nobility in general by James's accession.

While most of the MacKenzie gentry remained Protestant, there is no evidence that the gentry protested Kenneth Òg's conversion. The first known instance of the MacKenzie gentry requesting that their chief reconvert to Protestantism was not until 1706 when twenty-nine members of the gentry expressed their desire for Kenneth Òg's son, William Dubh, to be raised Protestant; although, as there were references to earlier petitions regarding William Dubh, a request was probably made sooner.¹⁵³ However, this situation was not unique to the MacKenzies. The Clan Campbell gentry pushed Archibald Campbell, seventh earl of Argyll to stand down in favour of his son after the former converted to Catholicism in 1618 following his marriage to an English Catholic and was declared a traitor to the state in 1619.¹⁵⁴ But, whereas the seventh earl was effectively deposed, Kenneth Òg was not and the same was the case for the Macleans. The Macleans of Duart, Ardgour and Coll remained episcopalian after their chief converted to Catholicism in 1688.¹⁵⁵ Instead of being criticised for converting, Duart was criticised for failing to

¹⁴⁸ Fraser, *Cromartie*, I, p. clxviii. The letter is undated but given the content of the letter, it was written before James was deposed.

¹⁴⁹ *Ibid.*, p. clxix.

¹⁵⁰ *Ibid.*

¹⁵¹ Raffe, *Scotland in Revolution*, p. 19.

¹⁵² Jackson, *Restoration Scotland*, pp. 158, 161.

¹⁵³ BL, Add. MS 61624, fols. 58, 61.

¹⁵⁴ John Callow, 'Campbell, Archibald, seventh earl of Argyll (1575/6-1638), magnate and politician', *ODNB*; James Kirk, 'The Jacobean Church in the Highlands, 1567-1625', in *The Seventeenth Century in the Highlands*, ed. Loraine MacLean (Inverness: Inverness Field Club, 1986), pp. 24-51 (p. 43); David Stevenson, 'Campbell, Archibald, marquess of Argyll (1605x7-1661), nobleman and politician', in *ODNB*.

¹⁵⁵ Macinnes, *Clanship*, p. 249; Maclean-Bristol, *Castor and Pollux*, p. 99.

capitalise on the forfeiture of the ninth earl of Argyll.¹⁵⁶ In the cases of Kenneth Òg and Duart, their conversions were tolerated so long as it resulted in royal favour which benefited the kindred them with the crown. The ramifications of Kenneth Òg's conversion to Catholicism would be felt more fully during the Highland War (1689-91) and during his son's political career (1701-40), but the immediate effect was to bring more favour to the chief from James VII, which benefited the MacKenzie kindred.

2.2.2: Kenneth Òg and Sir George MacKenzie of Tarbat

Kennedy notes that during the Restoration era (1660-88), there were one hundred and thirty-four instances of Highlanders holding committee and commission positions; Tarbat accounted for sixty of the one hundred and thirty-four.¹⁵⁷ Tarbat had returned to national politics in 1678 with the help of Archbishop Sharp and Rosehaugh – after being sent into political exile in 1663 for his role in the billeting affair – when he was named lord justice general with a £200 pension on 16 October and was admitted to the Scottish Privy Council on 11 November.¹⁵⁸ The lord justice general was president of the court of session and acted with the lord justice clerk and five ordinary Lords of Session, as the ‘supreme judges in matters criminal’.¹⁵⁹ Kenneth Mòr wrote to Tarbat shortly before the latter became lord justice general to congratulate him on his return to national politics, but added ‘I know your meritt will bring yow to preferment, and if ye gett any title of honour, I hope will not interfier with me’.¹⁶⁰ Over the rest of his life (d. 1714), Tarbat's success in office and elevation to comital rank in 1703 as the earl of Cromarty contributed to the erosion of the Kenneth Òg's and William Dubh's authority within the clan. Although, as will be argued in this chapter and the next, choices made by Kenneth Òg and Lady Frances eroded the chief's authority more than Tarbat's rise. Before Kenneth Òg left for England in 1684, there is no evidence that Tarbat's attitude towards his chief was anything less than that of a devoted cadet nor is there evidence that their relationship was anything other than friendly. Kenneth Òg had willingly delegated responsibility to Tarbat in 1680 and Tarbat was amongst those responsible for managing the Kenneth Òg estate.¹⁶¹ To protect Kenneth Òg and his estate from his numerous creditors, Tarbat, Alexander MacKenzie, younger of Coul, and Colin MacKenzie of Redcastle obtained a charter from the crown for lands

¹⁵⁶ Macinnes, *Clanship*, p. 150.

¹⁵⁷ Kennedy, *Governing Gaeldom*, pp. 53-4.

¹⁵⁸ Fraser, *Cromartie*, I, pp. cii-civ; *RPCS*, VI, pp. 54-5.

¹⁵⁹ Fraser, *Cromartie*, I, pp. ciii-civ

¹⁶⁰ *Ibid.*, p. 30.

¹⁶¹ NRS, GD305/1/161/10; Bangor-Jones, ‘Mackenzie Families of the Barony of Lochbroom’, p. 87.

which they and Sir John Urquhart of Cromarty (d. 1678) had been buying up from Kenneth Òg; their charter ratified by Act of Parliament in 1681, and then the three remaining men transferred that charter to the Kenneth Òg's mother, Lady Isobel.¹⁶² However, as Tarbat's rise continued, their relationship became strained.

Tarbat's influence increased on 1 October 1681 when he was made lord clerk register and an extraordinary Lord of Session, holding these positions until the Revolution of 1688.¹⁶³ Athol Murray argues that Tarbat's period as lord clerk register was its period of greatest power, as Tarbat's commission 'constituted him "clerk of the registers and rolls, councils and session and all commissions of parliament and conventions of estates", with power to place clerks, substitutes and deputes; furthermore, his position granted him an apartment at the Palace of Holyrood.¹⁶⁴ Tarbat used his power to appoint the clerk of the admission of notaries, the clerk of the bills, four exchequer clerks, the keepers of the general registers of hornings, inhibitions and adjudications, the keeper of the general register of sasines and all the particular registers, the keeper of the register of tailzies and the clerks of the Court of Session.¹⁶⁵ He used this to the benefit of Clan MacKenzie, as five MacKenzies received appointments during his tenure as lord clerk register. A George MacKenzie was appointed clerk of the exchequer, a different George MacKenzie was appointed the register of writers, Roderick MacKenzie of Dalvennan (younger brother of Alexander MacKenzie of Kilcoy) became advocate-depute for courts in the North, a Colin MacKenzie became clerk of the Privy Council, and, most importantly for the clan and the earls of Seaforth in the coming years, John MacKenzie of Delvine became the clerk of the court of session from 1686 to 1718.¹⁶⁶ As Kennedy has shown, Tarbat 'was by far the best example of a Highland landlord integrating seamlessly into the state apparatus'.¹⁶⁷ While Tarbat's relationship with the lesser gentry was improved by his rise, his seemingly friendly relationship with his chief, became strained after Kenneth Òg left for England in 1684.

¹⁶² APS, VIII, pp. 382-4; Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 87.

¹⁶³ Kennedy, *Governing Gaeldom*, p. 54; Kidd, 'Mackenzie, George, first earl of Cromarty', in *ODNB*.

¹⁶⁴ Fraser, *Cromartie*, I, pp. civ-cv; Athol L. Murray, 'The Lord Clerk Register', *The Scottish Historical Review* 53 (1974), 124-56 (p. 141); *RPCS*, VI, pp. 72-3; *RPCS*, VII, 226-7.

¹⁶⁵ Murray, 'The Lord Clerk Register', p. 142.

¹⁶⁶ *RPS*, VII, pp. 799-801; *ibid.*, VIII, pp. 602, 704; *ibid.*, IX, 74; *ibid.*, X, pp. 9, 90, 367, 387, 392; Watt, 'Chiefs, Lawyers and Debt', pp. 175-6, 289-90.

¹⁶⁷ Kennedy, *Governing Gaeldom*, p. 54.

2.2.2.1: Argyll's Rebellion, July 1684 - June 1685

In May and June 1685, Argyll led a rising against James in Scotland in concert with James Scott, duke of Monmouth and Charles II's eldest illegitimate son, who led a loosely parallel rising in England. Planning against Argyll's rising began in early 1684 and a secret committee was formed to repel any invasion. In addition to Kenneth Òg and Tarbat, Rosehaugh and Captain Kenneth MacKenzie of Suddie played prominent roles in suppressing the rising. Suddie was a royalist professional officer whose father, Alexander MacKenzie of Suddie, served under King Gustavus Adolphus of Sweden during the Thirty Years' War.¹⁶⁸ Rosehaugh and Tarbat served on the secret committee against Argyll.¹⁶⁹ While Argyll was married to Anna MacKenzie, eldest daughter of Colin Ruadh MacKenzie, first earl of Seaforth and Kenneth Òg's great-aunt, this relation does not appear to have influenced any decision-making by the MacKenzies or the government. The most significant consequence for Clan MacKenzie for their involvement in repelling Argyll was not any reward for their loyalty to James, as was the case with Atholl, but that the relationship between Kenneth Òg and Tarbat became more strained as a result of their roles.

In the initial stages of planning their response to Argyll's forthcoming invasion in May 1684, the Scottish Privy Council wanted Kenneth Òg – colonel of the Ross-shire militia and of Hugh Fraser, lord Lovat's division in Inverness-shire – to provide 300 men and for Sleat to provide 200 men to assist the lieutenant of the Tarbert district of Argyllshire.¹⁷⁰ As Kenneth Òg was then in England, Alexander Graham of Drynie was put in charge of Kenneth Òg's militia.¹⁷¹ As members of the secret committee, Rosehaugh and Tarbat elected Atholl as Lord Lieutenant and sheriff of Argyllshire and Tarbert on 31 July 1684.¹⁷² Atholl promptly took 1000 Highlanders into Argyll and arrested or extracted cautions from senior members of Clan Campbell, disarmed Argyllshire, and forbade all indulged ministers from preaching.¹⁷³

By 9 May 1685, the secret committee had determined its strategy. Kennedy has shown that the secret committee employed the same strategy against Argyll as the

¹⁶⁸ Mackenzie, *History of the Mackenzies*, pp. 524-5.

¹⁶⁹ *Chronicles of the Atholl and Tullibardine Families*, ed. by John Murray, 5 vols (Edinburgh: The Ballantyne Press, 1908), I, p. 187; Hopkins, *Glencoe*, pp. 96-7.

¹⁷⁰ *RPCS*, VIII, pp. 509-10, p. 526.

¹⁷¹ *Ibid.*, p. 526.

¹⁷² *Atholl and Tullibardine*, I, p. 187.

¹⁷³ Kennedy, *Governing Gaeldom*, p. 226.

government did during the ‘Highland Host’, and exploited the armed retinues of senior chiefs to augment the government’s power.¹⁷⁴ Otherwise, Highland recruitment into the standing army was minimal and the militia was seriously underdeveloped in the Highlands.¹⁷⁵ By 17 May, the committee dispatched letters to Kenneth Òg, John MacKenzie, master of Tarbat, John Gordon, lord Strathnaver, George Sinclair, seventh earl of Caithness, and the chiefs of the Macleans, Grants, Frasers of Lovat, MacDonalds of Glengarry, MacDonalds of Clanranald, MacDonalds of Sleat, Camerons of Lochiel and Mackintoshes, ordering them to raise men.¹⁷⁶ If Kenneth Òg was unable to be present, his uncle, Roderick MacKenzie of Kinachulladrum was to recruit 400 foot soldiers to serve under Lord Lovat’s tutors or factors.¹⁷⁷ The initial phase of suppressing the rebellion relied heavily on men from Perthshire and Breadalbane and, although he was formerly Argyll’s top cadet and agent, the earl of Breadalbane provided 300 men to fight against his chief.¹⁷⁸ For the second phase, the Macleans, Camerons, and MacDonalds of Glengarry, Clanranald, and Keppoch were ordered to serve under the lieutenant of the north, George Gordon, the newly created duke of Gordon (formerly the marquess of Huntly), but his force never saw action.¹⁷⁹ The ‘north’ contained the shires of Banff, Elgin, and Inverness and, depending on the situation, Ross, Sutherland, Caithness.¹⁸⁰

Kenneth Òg was upset that he was not given a more prominent role in dealing with the rising and blamed Tarbat. In his 1685 memorial, Tarbat wrote:

Since the Earl of Seafort complains that he was neglected in the comand of the councell and imputes that to me, he is in the wrong, for his commission to bring out his 400 men was [one] of the first sent by the councell, and the cheef man beeing to comand the regiments, and the next to command the horse and heritors, since he commanded the foot he could not be mentioned in the proclamation, which was issued but for the second rank of comanders, the comanders of the regiments beeing formerly ordered, and this was the Earl of Murrays mistake also in the Lord Duffus matter

¹⁷⁴ Allan Kennedy, ‘Rebellion, Government and the Scottish Response to Argyll’s Rising of 1685’, *Journal of Scottish Historical Studies* 36 (2016), 40-59 (p. 51).

¹⁷⁵ Kennedy, ‘Rebellion’, p. 51.

¹⁷⁶ *RPCS*, XI, pp. 38-40, 43-5; In ‘Rebellion’, p. 51, Kennedy incorrectly states that in 1685, the Privy Council called on the third earl of Seaforth (d. 1678) instead of the fourth earl; George Gordon, who was earl of Sutherland from 1679 instead of John, his son, who held the title of lord Strathnaver; and George Sinclair, sixth earl of Caithness (d. 1676/7) instead of his cousin, George Sinclair, seventh earl of Caithness, who regained the title from Glenorchy (now first earl of Breadalbane).

¹⁷⁷ *RPCS*, XI, pp. 40-1, 44.

¹⁷⁸ Hopkins, *Glencoe*, p. 96.

¹⁷⁹ Robertson, *Lordship*, p. 172; *RPCS*, XI, pp. 48-9.

¹⁸⁰ *RPCS*, XI, pp. 48-9.

But for my part I was so litle ambitious to comand any others men, that I did break my regiment in three to please others.¹⁸¹

It is not clear to whom Kenneth Òg had been complaining and as Kenneth Òg's uncle Roderick of Kinachulladrum was named in Kenneth Òg's place, it does appear that Tarbat did not attempt to lead the MacKenzies. In the end, the MacKenzies were not called into action due to geography. The Scottish Privy Council and Atholl only called upon clans 'from the areas best suited to oppose an Argyllshire landing', which were largely from the southern and western Highlands and islands.¹⁸² The Macleans, Camerons, MacDonalds of Glengarry, Clanranald and Keppoch were more conveniently located than the MacKenzies. It was Kenneth Òg's lack of involvement, and possibly his annoyance over Tarbat gaining a barony at his, Kenneth Òg's expense, that led him to blame Tarbat.

2.2.2.2: *Viscount Tarbat and the Breakaway of Cromartyshire, 1685*

The origins of the breakaway of the barony of Tarbat from Ross-shire were in 1682 when Tarbat purchased the bankrupt estates of Urquhart of Cromarty, comprising the county of Cromarty.¹⁸³ Then, on 12 February 1685, Tarbat was granted the sheriffdom of Cromartyshire.¹⁸⁴ The sheriffdom of Cromarty was heritable and had traditionally been held by the chief of clan Urquhart. After Sir John Urquhart of Cromarty died in 1678, his son, also named Sir John Urquhart of Cromarty (d. 1690), became chief and sheriff, and Alexander Urquhart of Newhall remained sheriff-depute.¹⁸⁵ Both remained in charge of the sheriffdom of Cromarty until 1681 at the latest.¹⁸⁶ It is unclear how Sir John Urquhart of Cromarty lost his sheriffdom, but there is no record of his taking the Test Oath in 1681, and the sheriffdom was on a list of heritable jurisdictions – in this case, regalities, sheriffdoms, stewartries, bailliarries – whose possessors did not take the oath.¹⁸⁷ The sheriffdom of Cromarty was one of two listed as 'in the creditours hands'.¹⁸⁸ At the time, James Graham, third marquess of Montrose was recommended for the post while Tarbat was recommended for the post of sheriff of Clackmannan.¹⁸⁹ Tarbat took over the role from his son-in-law, Sir David Bruce, who had married Tarbat's daughter, Lady Margaret,

¹⁸¹ HMC, *Report on the Buccleuch & Queensberry Manuscripts (Fifteenth Report, Appendix, Part VIII)*, 2 vols (London, 1897), I, p. 130.

¹⁸² Hopkins, *Glencoe*, p. 96; *RPCS*, XI, p. 25.

¹⁸³ D. W. Hayton, 'Cromartyshire, 1690-1715', in *HoP*.

¹⁸⁴ *RPCS*, VII, p. 306.

¹⁸⁵ *RPS*, 1681/7/109; Macgill, *Old Ross-shire*, I, p. 93.

¹⁸⁶ *RPCS*, VII, pp. 305-6.

¹⁸⁷ *Ibid.*, p. 306.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

by late 1674.¹⁹⁰ Tarbat was indeed made sheriff of Clackmannanshire by 13 June 1683, but Montrose died in 1684 and the Scottish Privy Council named Tarbat sheriff of Cromarty by 12 February 1685.¹⁹¹

Tensions between Kenneth Òg and Tarbat increased when the latter lobbied for his own regality, the barony of Tarbat, to be dissolved from Ross-shire and transferred to Cromartyshire after Tarbat was elevated to Sir George MacKenzie, viscount Tarbat, lord MacLeod and Castlehaven on 15 April 1685.¹⁹² This would negatively affect Kenneth Òg's local authority and finances and, therefore, Kenneth Òg petitioned against Tarbat receiving a regality for himself. Kenneth Òg argued that the new regality would mean that Tarbat would undermine Kenneth Òg's authority as the sheriff of Ross-shire and would reduce his rents.¹⁹³ Furthermore, tenants whose lands were split between his and Tarbat's proposed regality, or wholly in Tarbat's, who could not choose to recognise Kenneth Òg as their superior if they wanted.¹⁹⁴ Despite Kenneth Òg's protests, Tarbat was granted his regality. Kenneth Òg's petition is undated, but it appears that Tarbat wrote his 1685 memorandum, in part, as a direct response. In the memorandum he argues that there was an immediate and local precedent for separating his barony from Ross-shire:

Earl Midlton and the parliament 1662, did take of a whole shyre viz. Rosse from Inernes in favours of Seafort at my single desire; so was Cathness and Sutherland formerly take of it but for litle parcels to accomodat privat subjects.¹⁹⁵

It is not mentioned in Tarbat's memorandum, but another example that supports his claim was Aboyne's successful transfer of holdings from Huntly's regality.¹⁹⁶ Tarbat then complained about how Kenneth Òg's poor financial circumstances had affected him:

I am the first it was ever refused, and if any had suffered so much trouble and losse by beeing in on shyre with the Earl of Seafort, they would have complained lowder, when wee have been quartered on whole half yeares for his deficiency, and are so to this day.¹⁹⁷

Tarbat's grievance may explain why Rosehaugh petitioned Parliament to allow for his own lands, including those near Chanonry, to be dissolved from Ross-shire and moved to

¹⁹⁰ Fraser, *Cromartie*, I, p. ci; James Wallace, *The Sherifffdom of Clackmannan: A Sketch of its History with Lists of its Sheriffs and Excerpts from the Records of Court, Compiled from Public Documents and Other Authorities, with Prefatory Notes on the Office of Sheriff in Scotland, His Powers and Duties* (Edinburgh: James Thin, 1890), pp. 51-2; Mackenzie, *History of the Mackenzies*, p. 554.

¹⁹¹ *RPCS*, VIII, p. 611; *Ibid.*, X, p. 140.

¹⁹² NRS, GD305/1/130/6; *RPS*, 1685/4/8.

¹⁹³ NRS, RH9/17/222.

¹⁹⁴ *Ibid.*

¹⁹⁵ HMC, *Buccleuch*, I, p. 130.

¹⁹⁶ Robertson, *Lordship and Power*, pp. 158-62.

¹⁹⁷ HMC, *Buccleuch*, I, p. 130.

Cromartyshire on 4 June 1685.¹⁹⁸ In another blow to Kenneth Òg, Parliament approved Rosehaugh's request and Rosehaugh's lands were transferred to Cromartyshire after 1 November 1685.¹⁹⁹ Tarbat's rise expedited an already rapid shift of authority in Ross-shire from Kenneth Òg to his gentry, namely Tarbat, which accelerated with the wadsetting of chiefly holdings by Tarbat, Coul, and Redcastle in early 1678, before Kenneth Òg became chief, and continued when the Scottish Privy Council gave commissions to Coul, Redcastle, and Findon to secure peace in Ross-shire instead of Kenneth Òg in 1682. However, the full ramifications of this and Kenneth Òg's decision to convert to Catholicism would not be realised until the Revolution of 1688 and the subsequent Highland War. The relationship between Kenneth Òg and Tarbat began to mirror that of George Gordon, duke of Huntly and Charles Gordon, earl of Aboyne in that the experienced, supportive uncles (Tarbat and Aboyne) gained regalities. Junior families, in this way, threatened to eclipse the regional authority of the chiefs of that name.²⁰⁰

2.3: Kenneth Òg, the MacKenzies and early Jacobitism, 1688-91

This section begins with the involvement of Kenneth Òg in King James VII's preparations against the invasion threat by his nephew and son-in-law, Dutch Stadtholder Prince William of Orange in September 1688, and ends with Kenneth Òg's release from Edinburgh Castle on 6 January 1691. This period of Kenneth Òg's political career was a watershed moment for Seaforth lordship as the relationship between the chief and his gentry changed, and prominent members of the gentry were now willing to publicly disassociate themselves from their chief for their own vision of the clan. It was shown in the previous chapter that all the MacKenzie gentry bar one supported Kenneth Mòr during the interregnum period. Even George Donn MacKenzie, second earl of Seaforth, received little resistance from his clan during his vacillation in the civil war years; those with a different outlook, such as his brother, Thomas MacKenzie of Pluscarden, were more inclined to work with the second earl of Seaforth instead of against him.²⁰¹ However, while George and Kenneth Mòr were with their clan during their conflicts, Kenneth Òg was in exile in France and Ireland from early 1689 to May 1690. This period of absenteeism allowed for competing visions for Clan MacKenzie to emerge and while Kenneth Òg had supporters amongst the gentry, others, namely Sir George MacKenzie of Tarbat and Sir

¹⁹⁸ *RPS*, 1685/4/67.

¹⁹⁹ *Ibid.*

²⁰⁰ Robertson, *Lordship and Power*, pp. 158-62.

²⁰¹ Mackenzie, *History of the Mackenzies*, pp. 248-74.

Alexander MacKenzie of Coul, tried to convince the clan to support William or at least not support Kenneth Òg and James. Tensions arose, which would culminate in Coul being accused of the betrayal of his chief, alongside rumours that men were planning to murder Coul. Ultimately, this section will examine how Kenneth Òg balanced his desire to return James to the throne with his responsibilities as chief of Clan MacKenzie, and, conversely, how some of his clan gentry balanced their responsibilities to him with their desire to conform to the new regime.

2.3.1: The Early Days of the Revolution and Kenneth Òg's Exile, 1688-90

By early October 1688, Kenneth Òg finally returned to Scotland after over four years of living with his wife's family in England so that he could, as a Privy Councillor, help to repel the invasion from William of Orange, which James acquainted the Scottish Privy Council in September. Lenman notes James's responded to the invasion threat by putting together a thoroughly unrepresentative group of 'rogues and converts to Catholicism'.²⁰² The 'rogues' included Breadalbane, Tarbat and Sir John Dalrymple, and the 'converts' included the brothers Perth and Melfort.²⁰³ Unfortunately for James, Perth and Melfort harassed one of James's most influential potential supporters, George Gordon, first duke of Gordon.²⁰⁴ Tarbat, Sir John Dalrymple and Kenneth Òg's second cousin, Colin Lindsay, earl of Balcarres, were in charge of the Scottish response to the invasion.²⁰⁵ To support James, Kenneth Òg was to provide twenty-two cavalymen and one hundred and sixty-six foot soldiers from Ross-shire and Hugh Fraser, lord Lovat's portion of Inverness-shire; the total militia was to number 377 cavalymen and 3435 foot soldiers.²⁰⁶ However, James's hopes of holding onto his throne unravelled after William landed at Torbay, England, on 5 November as officers and men defected in Scotland and England.²⁰⁷ The Highlanders in the militia were sent home on 3 December and the rest of the Scottish militia was disbanded on 7 December.²⁰⁸ After a botched attempt to flee, James escaped to France by the end of December.²⁰⁹ Once he fled, magnates disassociated themselves from James and his known supporters were expelled from government; since the Scots army was

²⁰² Lenman, *The Jacobite Risings*, pp. 28-9.

²⁰³ Ibid.

²⁰⁴ Hopkins, *Glencoe*, p. 108.

²⁰⁵ Ibid., p. 109. Colin Lindsay was the second surviving son of Seaforth's first cousin once removed, Lady Anna MacKenzie, who was the daughter of Seaforth's great uncle, Colin MacKenzie, first earl of Seaforth.

²⁰⁶ *RPCS*, XIII, p. 337.

²⁰⁷ Szechi, *The Jacobites*, p. xv.

²⁰⁸ Hopkins, *Glencoe*, p. 109.

²⁰⁹ Szechi, *The Jacobites*, p. xv.

in England, his Privy Council could not exert its authority over the rebels through military strength.²¹⁰

James's flight had left Kenneth Òg vulnerable and, ultimately, made it difficult for him to return to Ross-shire. Kenneth Òg was arrested at the start of the revolution due to his dissatisfaction with it but was bailed by General Hugh Mackay of Scourie, a pious Calvinist from a cadet branch of Clan Mackay.²¹¹ When James summoned Kenneth Òg to France in January 1689, Kenneth Òg broke the terms of his bail to join him there.²¹² In March, he accompanied James, Melfort, Duart and Donald MacDonald, younger of Sleat, from France to Ireland, arriving before 6 April; Kenneth Òg remained there until May 1690.²¹³ Duncan MacRae of Inverinate – head of a MacKenzie client clan and the composer and compiler of the Fernaig MS – mentioned the unhappiness within Clan MacKenzie over Kenneth Òg's exile:

Fear eile `s math is eòl dom
Tha `n ceart uair air fògar `na phàirt,
A shliochd nan curaidhean solta
Do thogradh `s nach obadh an spàirn;
Ge tamull leinn bhuainn thu,
Ni `n toireamar fuath dhuit gu bràth;
'S ann do ar seòrs bu dual sin,
Eadar mhithean agus uailsean,
Bhi air do dheas-laimh an cruadal `s an càs.

Truagh nach faicinn thu tigheachd,
Mar b'ait le mo chridhe `san am,
Far ri Seumas, le buidhinn
Nach géilleadh a dh'uimhir nan Gall
Tha `n dràsda neo-bhuidheach
Mheud `s gu'n shuidhich iad feall,
Le `n seòladh `s le `n uigheam,
Anns na mòdaibh is duibhe,
Chuir fa dheòidh sibh air siubhal do `n Fhraing.

[Another man [Kenneth Òg], whom I know well, is at present in exile for his [James's] cause. Of the race of mirthful heroes is he, who would rise and would not shun the strife. Though we feel that you are a while away from us, we shall never bear you malice. It is an inherited characteristic of our people, both commons and nobles, to be on your right hand in time of distress and difficulty.

²¹⁰ Lenman, *The Jacobite Risings*, p. 28.

²¹¹ *State Trials: A Complete Collection of State Trials*, ed. by T.B. Howell, 23 vols (London, 1809-26), XIII, p. 1447; *The Jacobite Threat*, p. 40.

²¹² *State Trials*, XIII, p. 1447; Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*.

²¹³ Maclean-Bristol, *Castor and Pollux*, p. 115; Warrand, *Some Mackenzie Pedigrees*, p. 21.

It is a pity that I could not see you returning, as my heart at this moment desires, along with James and a company that would not yield to the host of the Lowlanders, who are just not so pleased at having planned the treachery, with artfulness and resources, in the darkest of councils, that have at last driven you to exile in France.]²¹⁴

MacRae would have been *au fait* with attitudes towards Kenneth Òg in Ross-shire. He suggested that had Kenneth Òg been able to return to Ross-shire instead of heading into exile in France that he would have been able to raise his clan. This may have been an accurate reflection on the state of Jacobitism in Ross-shire, or it may have been the wishful thinking of MacRae and his fellow Jacobites.²¹⁵ David Finlay argues that Gàidhlig Jacobite poets ‘projected an image of Gaelic society as royalist and hierarchical’ that did not reflect the reality of clanship.²¹⁶ However, Kenneth Òg would remain in exile until May 1690 (despite attempts to return sooner) and would not be in Ross-shire to manage his clan and encourage them to support James in the early period of the Highland War. Within Clan MacKenzie, the candidates to stand in for Kenneth Òg can be divided into Williamite and Jacobite sympathies. The Williamite interest was led by Tarbat and Sir Alexander MacKenzie of Coul. The Jacobite interest was led by Kenneth Òg’s uncle, Colin MacKenzie of Kinachulladrum, but also included John MacKenzie, master of Tarbat; Kenneth Òg’s brother, Alexander of Coningsby; Kenneth MacKenzie, master of Gairloch; and a Ewen MacKenzie, who was the heir of a Duncan MacKenzie.²¹⁷

Tarbat tried to show his and the MacKenzies’ value to the Williamite regime as Williamite episcopalians and therefore broke with his chief, who wished to align the clan with the Catholic James. Even though Tarbat maintained ties with the Jacobites, he tried to ingratiate himself with the new regime and distance himself from his previous service to James.²¹⁸ Tarbat and Rosehaugh were both concerned about the fate of an episcopalian governance of the church, and together wrote a memorial to William early in 1689 arguing

²¹⁴ John A. Maclean, ‘The Sources, Particularly the Celtic Sources, for the History of the Highlands in the Seventeenth Century’ (unpublished doctoral thesis, University of Aberdeen, 1939), pp. 321-2.

²¹⁵ Damhnait Ní Suaird, ‘Jacobite rhetoric and terminology in the political poems of the Fernaig Manuscript’, *Scottish Gaelic Studies*, 19 (1999), 93-140 (p. 93).

²¹⁶ David Findlay, ‘Divine Right and Early Modern Gaelic Society’, in *Rannsachadh na Gàidhlig, 2000. Papers read at the conference, Scottish Gaelic Studies, 2000, held at the University of Aberdeen, 2-4 August 2000*, ed. by C. Ó Baoill & N. R. McGuire (Obar Dheathain: An Clò Gàidhealach, 2002), pp. 243-255 (p. 252).

²¹⁷ Maclean, ‘Celtic Sources’, pp. 323, 325. Maclean was not able to identify who Ewen was and suggested his name might be ‘Eòin’ instead. The most likely candidate for this person is Ewen MacKenzie of Hilton, see: Mackenzie, *History of the Mackenzies*, p. 370.

²¹⁸ Kidd, ‘Mackenzie, George, first earl of Cromarty’, in *ODNB*

in favour of episcopacy.²¹⁹ The crux of the argument they presented in their memorial was that presbyterianism was intrinsically anti-monarchical and that:

Episcopacy is necessary for support of Monarchy, and that the *Scottish* Presbytery is not opposed by us as an Ecclesiastical Government, but as having incorporated into it many horrid Principles, inconsistent with humane Society, in which the Monarchy is more concerned than we.²²⁰

These ‘Horrid principles’, namely that the people were the king’s judges and could dethrone him, had led the Covenanters to behead ‘that most pious and Protestant King *Charles I*’ and refuse the offers made by *Charles II*.²²¹ With the help of his Presbyterian cousin, George Melville, lord Melville (first earl of Melville from 8 April 1690), Tarbat was exonerated for his role in James’s government in April 1689.²²² On 13 May, William appointed Melville the secretary of state for Scotland, which allowed him to further protect Tarbat.²²³ Whilst Melville was protecting Tarbat, Tarbat still held firm to his episcopalian views.

In the absence of Kenneth Mòr, Tarbat also used his influence within Clan MacKenzie and the new regime to try to bring the clan onto the Williamite side or at least keep it neutral. The absence of the chief, coupled with influence of Tarbat within the clan, may explain why the MacKenzies did not participate in the early stages of the Highland War, on either side, and were absent from the Jacobite victory at the Battle of Killiecrankie in July 1689. Regardless, General Mackay, who was now William’s commander-in-chief in Scotland, neither liked nor trusted Tarbat. General Mackay ‘judged easily that the Viscount [Tarbat] was not a friend’ of the new regime.²²⁴ Nevertheless, the pair corresponded regularly as Mackay hoped Tarbat would influence Highland clans to join William, while Tarbat tried to protect the MacKenzie interest in Ross-shire and Cromartysire.²²⁵ According to General Mackay, few MacKenzies seemed willing to communicate with him or approach him, except for Coul and his uncle, Colin MacKenzie of Redcastle, who were ‘passing through’ Ross-shire.²²⁶ This may have been due to fear amongst the gentry of

²¹⁹ Jackson, *Restoration Scotland*, pp. 109-10; [Sir George Mackenzie and Sir George Mackenzie], *A Memorial for His Highness the Prince of Orange in Relation to the Affairs of Scotland* (London, 1689).

²²⁰ [Mackenzie and Mackenzie], *A Memorial*, p. 5

²²¹ *Ibid.*, pp. 4-6.

²²² *Ibid.*

²²³ *Ibid.*; John R. Young, ‘Melville, George, fourth lord Melville and first earl of Melville (1636-1707), politician’, in *ODNB*.

²²⁴ Hugh Mackay, *Memoirs of the War Carried on in Scotland and Ireland. M.DC.LXXXIX.—M.DC.XCI.*, ed. by James Hog, Patrick F. Tytler and Adam Urquhart (Edinburgh, 1833), p. 25.

²²⁵ *Ibid.*; Fraser, *Cromartie*, I, pp. 62-3.

²²⁶ Fraser, *Cromartie*, I, p. 63.

being arrested, as MacKay had just ordered his nephew to arrest the Catholic John, master of Tarbat on suspicion of Jacobite activity.²²⁷ Mackay hoped Sir George of Tarbat would be a useful tool to counter fear amongst the clan chiefs, including Ewen Cameron of Lochiel, of opportunism by the restored Archibald Campbell, tenth earl of Argyll. On 8 May 1689, Mackay wrote to Tarbat to persuade him to bring Lochiel to his side.²²⁸ Later that month, Mackay urged Tarbat to do his best for William to convince the clan chiefs and chieftains and the MacKenzies to serve William:

Your Lordship ought to wryt earnestly vpon the head to them all, and presse it home vpon their consciences, being sure that one convinceing pas that you shall make in th'advancement of the present service shall plead more for your justification to the King against any your accusers (if such there be) then all that I can say or doe...²²⁹

The extent to which Tarbat was successful in persuading clan chiefs to join William is unclear, though Lochiel fought for James and served under Dundee at Killiecrankie. Eventually, and with much persuasion from Melville and Mackay, William relied on Tarbat to pacify the Jacobite clans in the Highlands and issued him with a warrant on 25 March 1690.²³⁰ The warrant provided Tarbat with up to £2000 to bring key Highland figures into line:

We doe by these command and authorize yow, G[eorge] V[iscount] T[arbat], to treat with the Highlanders who are in rebellion against us in Scotland, viz., with Sir Donald M'Donell, M'Lean, the Captain of Clanranell, Glengarry, Lochiell, Mr Colline M'Kenzie [of Kinachulladrum], unckle to the Earl of Seafort,, and others there associats, dependers and follwers, for bringing them in to submit to our Royall authority and laws, and secure there obedience to us.²³¹

Tarbat worked hard to persuade Sleat and his son to submit, hoping that if Sleat did then Clanranald and Keppoch would follow Sleat's example.²³² Unfortunately for Tarbat, his commission was met with resistance and it appears as though his influence in the region was either overstated by himself or his allies, or that loyalty and devotion to James was stronger than they believed.²³³

²²⁷ Ibid., pp. 62-3.

²²⁸ Ibid., pp. 61-2.

²²⁹ Ibid., p. 63.

²³⁰ Ibid., pp. cxxxi, 62; *Leven and Melville Papers: Letters and State Papers Chiefly Addressed to George Earl of Melville, Secretary of State for Scotland, 1689-91. From the originals in the possession of the Earl of Leven and Melville*, ed. by George Melville (Edinburgh, 1843), pp. 551-3.

²³¹ Fraser, *Cromartie*, I, p. cxxxi.

²³² *Leven and Melville Papers*, pp. 551-2.

²³³ Ibid., pp. 551-3.

Tarbat also tried to protect Kenneth Òg and sought to distance him from the Jacobite cause, even though it was common knowledge that he was with James in Ireland:

My Lo., these in rebellion are but a little part of the Highlands, for D. Gordon, Ma. of Athole, E. of Argyl, E. Mar, E. of Seafort, E. of Bredalbin, Lo. Lovit, and Lo. Rae, the Ld of Grant, Macintosh, Macleod, Weem, are no ways joined in it, and some of these alone are of more interest then all who are engaged.²³⁴

Tarbat's assessment was inaccurate. Whilst Gordon had wavered in his support for James, he was, at this point, threatening to attack Inverness although was refusing to do so until he received specific orders from James.²³⁵ Gordon, who was holding Edinburgh Castle, surrendered a fortnight before the Battle of Killiecrankie (July 1689) and was held a prisoner in his castle until January 1690.²³⁶ Atholl's men, but not Atholl himself, joined Dundee at Killiecrankie.²³⁷ Tarbat would have known and understood the consequences of Kenneth Òg being in Ireland for the MacKenzies, and Mackay wrote that Tarbat had assured him early in 1689 that should Kenneth Òg 'come to his own country, among his friends, he, the said Viscount [Tarbat], would overturn in eight days more than the Earle could advance in six weeks'.²³⁸

On the other hand, the Jacobite contingent within the MacKenzies lacked structure and a leader acceptable to the pro-Jacobite clansmen. The Catholic Jacobite John, master of Tarbat, though lacking influence in the region, had been arrested by Mackay in May 1689.²³⁹ The pro-Jacobite contingency was led by Kinachulladrum, who, after Killiecrankie, took an active role as a surrogate for Kenneth Òg and tried to raise the clan to fight with Major-General Alexander Cannon. According to an anonymous song composed in August 1690 in the Fernaig MS, the only other gentry to support Kenneth Òg were his brother Alexander of Coningsby, Kenneth MacKenzie, master of Gairloch and a Ewen MacKenzie, who was the heritor of a Duncan MacKenzie.²⁴⁰ Kinachulladrum was unable to raise the clan and instead fought alone alongside Major-General Alexander Cannon, the new leader of the Jacobite forces after the death of Dundee at Killiecrankie.²⁴¹

²³⁴ *Leven and Melville Papers*, p. 38.

²³⁵ Hopkins, *Glencoe*, pp. 126-9.

²³⁶ B. L. H. Horn, 'Gordon, George, first duke of Gordon (b. in or before 1649, d. 1716), nobleman', in *ODNB*; Hopkins, *Glencoe*, pp. 146-7.

²³⁷ Hopkins, *Glencoe*, p. 130.

²³⁸ Mackay, *Memoirs*, p. 25.

²³⁹ Hopkins, *Glencoe*, p. 138.

²⁴⁰ Maclean, 'Celtic Sources', pp. 323, 325.

²⁴¹ Hopkins, *Glencoe*, pp. 132, 138, 182; NLS, Adv. MS 1329, fol. 95, 96; Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*. Hopkins notes that Coul may have downplayed Kinachulladrum's success, *Glencoe*, p. 223, n. 27.

Kinachulladrum was desperate for Kenneth Òg to return – indeed, Dundee himself thought Kenneth Òg would arrive from Ireland in time for Killiecrankie – but, keen to help the Jacobites with or without the rest of the clan, Kinachulladrum fought alongside Cannon at the Jacobite defeat at Dunkeld on 21 August 1689.²⁴² Two days later the Jacobite defeat at Dunkeld, Kinachulladrum wrote to Kenneth Òg that ‘our circumstances att present are wary bad and I am affrayed may be wors withowt a speedie suply’.²⁴³ He would have gone to Kenneth Òg’s Brahan Castle to resupply, but in the early days of the Highland War, Mackay garrisoned Kenneth Òg’s Brahan Castle and Tarbat’s Castle Leod with a force of one hundred men to prevent such an event and to discourage the MacKenzies from rising.²⁴⁴ Kenneth Òg’s close ally, Sinclair of Dunbeath, had promised his own men to Dundee but it is unlikely the MacKenzies would have served under him unless Kenneth Òg had directly ordered it.²⁴⁵

While the inhabitants of Kintail refused to rise of Kinachulladrum in September 1689, the Jacobite element in Clan MacKenzie was not as dormant as McKenzie tries to portray.²⁴⁶ Kinachulladrum finally had success in raising MacKenzies in Kintail for Major-General Cannon in November, but unfortunately for the Jacobite cause, the 600 men he raised were too late to prevent the capture of Urquhart Castle in November by the Whig forces.²⁴⁷ The most the Jacobite MacKenzies did during Kenneth Òg’s absence was, along with the Frasers of Lovat, cause trouble for Mackay around Inverness and in Ross-shire in December 1689. The behaviour of those MacKenzies and Frasers around Inverness was limited to theft, possibly due to Hugh Fraser, ninth lord Lovat’s absence and the lack of an acceptable leader for the MacKenzies.²⁴⁸ Ironically, Kinachulladrum’s anticipation for the return of Kenneth Òg may have kept him from preventing the Jacobite defeat at Cromdale on 30 April 1690. Instead, he travelled from Inverness to Eilean Donan to receive his chief, who arrived on 20 May. Indeed, the continued delay in Kenneth Òg’s return (discussed below) harmed the Jacobite cause in the north of Scotland.

In the end, and despite being pulled from both sides, most of the MacKenzies stayed resolutely neutral while Kenneth Òg was in exile, which allowed for people outwith

²⁴² Mackenzie, *History of the Mackenzies*, p. 283

²⁴³ NRS, GD26/8/37; Mackenzie, *History of the Mackenzies*, p. 283.

²⁴⁴ Mackay, *Memoirs*, pp. 237, 315.

²⁴⁵ Hopkins, *Glencoe*, p. 132.

²⁴⁶ McKenzie, *May we be Britons*, pp. 142-3. McKenzie only mentions when the MacKenzies refuse to rise.

²⁴⁷ Hopkins, *Glencoe*, pp. 204-5.

²⁴⁸ *Ibid.*, p. 138; Mackay, *Memoirs*, pp. 315-6.

the clan to take advantage of their neutrality. David Ross of Balnagown hoped to capitalise on Kenneth Òg's absence and Clan MacKenzies disunity in order gain the position of sheriff.²⁴⁹ If Balnagown had been appointed, the MacKenzies would not have co-operated with the Williamite regime. On 1 June 1689, Tarbat warned Melville:

[...] I have oft advised my relationes not only to live in peace, (which they have exactly observed, evne to the E. of Seaforth's vassals and tennants, albeit there lord and master be a Papist and with K. James in persone, and have comanded the few to rise with the Maj. Gen. [Mackay] if he judge them worth calling, but my commands would not make them rise at Bellingown's call, no, tho I were in the place.)²⁵⁰

Tarbat repeated this claim to Mackay and estimated that the MacKenzies could provide 1500 men if called upon.²⁵¹ The condition that they would not serve under Balnagown even if Tarbat were present would have been unsurprising, considering the long history of poor relations between the MacKenzies and Rosses detailed in this and the previous chapter. Coul wrote to Mackay as well that the MacKenzies 'were not a stirring people at any time'.²⁵² Both assertions proved true. After becoming sheriff, Balnagown was furious that the MacKenzies refused to join him, the MacKenzies also did not stir when Mackay arrested John, master of Tarbat.²⁵³

2.3.2: Kenneth Òg Returns to Ross-shire, 1690-91

Kenneth Òg's time in Ireland was unpleasant due to his bad personal relationship with the dominant Melfort. Melfort, along with his brother Perth, had even been the subject of anti-Catholic riots in Scotland in December 1688, with an alleged offer of two thousand pounds for Melfort's head.²⁵⁴ Allies of James viewed Melfort as an efficient, but intolerable and stubborn man. Breadalbane's promise of support for James was accompanied with strong suggestions for Melfort's dismissal, and he later falsely claimed that Dundee supported Melfort's removal as well.²⁵⁵ Indeed, the historiographical consensus is that Melfort's presence and dominance over James hampered the Jacobite cause; he alienated Atholl, fought with Kenneth Òg, fought with Gordon's in-laws, and neglected the Irish.²⁵⁶ Instead of using Kenneth Òg, Melfort appealed directly to Kenneth Òg's vassals, which Hopkins argued undermined the authority of a chief who would have

²⁴⁹ Fraser, *Cromartie*, I, p. 63.

²⁵⁰ *Leven and Melville Papers*, p. 38.

²⁵¹ Mackay, *Memoirs*, p. 25.

²⁵² Hopkins, *Glencoe*, p. 132.

²⁵³ *Ibid.*, p. 138.

²⁵⁴ Raffé, *Scotland in Revolution*, p. 111.

²⁵⁵ Hopkins, *Glencoe*, p. 132; Szechi, *The Jacobites*, p. 44.

²⁵⁶ Hopkins, *Glencoe*, pp. 134-5; *The Jacobite Threat*, p. 37; Szechi, *The Jacobites*, pp. 44-5.

been more effective at motivating his clan to rise for James.²⁵⁷ By the end of November 1689, James and his council of war decided to send Kenneth Òg home to raise his clan, writing that ‘We have therefore resolved to send imediatly our richt trusty and richt well beloved the Earle of Seafort to head his friends and followers’.²⁵⁸ Kenneth Òg attempted to sail from Galway for Scotland in early January 1690, but his ship was damaged as winds drove him back to Ireland. This setback, his deteriorating health due to gallstones, and his lack of proper accommodation reduced Kenneth Òg’s enthusiasm for the Jacobite cause.²⁵⁹ James, recognising Kenneth Òg’s importance in the north, tried to revive it. Kenneth Òg, whom Hopkins describes as ‘nobody’s enemy’ unlike Melfort, was made the acting Secretary of State for Scotland by March 1690, after Melfort was finally dismissed.²⁶⁰ James elevated Kenneth Òg to the rank of major-general and created him the first marquess of Seaforth in the Jacobite peerage, a title that he and many of his kin would use for the rest of his life.²⁶¹ Kenneth Òg, healthier but still in a weakened state, sailed from Dublin to make another attempt to land in Scotland.²⁶²

Kenneth Òg arrived at Eilean Donan on 20 May with Sir Thomas Southwell, a friend whom Kenneth Òg helped get out of jail in Ireland, his servants, and a company of grenadiers for his own protection.²⁶³ Kenneth Òg was received at Eilean Donan by Kinachulladrum and word spread of his arrival.²⁶⁴ The gentry and ordinary clansmen and vassals alike came to see him; some of them were well-armed and ‘rejoiced at the Sight of their Lord, the Earl of Seaforth’.²⁶⁵ As Brahan was still being garrisoned, Kenneth Òg set up camp at Eilean Donan.²⁶⁶ Kenneth Òg travelled through Ross-shire to meet with various

²⁵⁷ *Original Papers; Containing the Secret History of Great Britain from the Restoration to the Succession of the House of Hannover. To Which are Prefixed Extracts from the Life of James II. As Written by Himself*, ed. by James MacPherson, 2 vols (London, 1775), I, p. 180; Hopkins, *Glencoe*, p. 140.

²⁵⁸ *Leven and Melville Papers*, p. 332.

²⁵⁹ Hopkins, *Glencoe*, p. 205; *Leven and Melville Papers*, pp. 410-1; NRS, GD26/7/48; John Bernardi, *A Short History of the Life of Major John Bernardi* (London: J. Newcomb, 1729), p. 66.

²⁶⁰ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, ed. by E. W. M. Balfour-Melville, 2 vols (Edinburgh: T. & A. Constable, 1954-5), II, p. 118; Hopkins, *Glencoe*, p. 202; Mann, *James VII*, p. 197.

²⁶¹ *State Trials*, XIII, p. 1448. A MacKenzie historian writing in 1755 wrote using the Jacobite title of marquess for Kenneth Òg and William Dubh, see GCA, MS 591699a.

²⁶² *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 105; Mackenzie, *History of the Mackenzies*, p. 284, Mackenzie incorrectly assumes that Seaforth left Ireland shortly after the Battle of the Boyne (1 July 1690).

²⁶³ *Calendar of State Papers, Domestic Serie, of the Reign of William and Mary. 1st November 1691-End of 1692*, ed. by William John Hardy (London, 1900), p. 91; HMC, *Twelfth Report, Appendix, Part VII. The Manuscripts of S. H. Le Fleming, Esq., of Rydal Hall* (London, 1890), p. 273.

²⁶⁴ Bernardi, *Bernardi*, p. 68.

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*, p. 72; Fraser, *Cromartie*, I, p. 65.

other clan chiefs, hoping to gain their support for James.²⁶⁷ Mann compares Kenneth Òg's performance in May 1690 to Argyll's in 1685; they moved 'from place to place, seeking support and achieving very little in the process'.²⁶⁸ He promised that support was coming from Ireland, that they would be greatly rewarded, and that the Duke of Berwick would bring a considerable force, money, ammunition, and other provisions.²⁶⁹ He also communicated with the Jacobite Major-General Thomas Buchan. The Scottish Parliament was aware of his arrival by 29 May 1690 but was not concerned.²⁷⁰ They felt that 'considering that there is few or none at all of that Tribe and Name that are R. Catholicks, or new converts, as that Earl [Seaforth] is, there is no great reason to fear any disturbance he can make'.²⁷¹ The Convention probably believed Tarbat's boasts, trusted the new Ross-shire sheriff Balnagown and his ability to keep the region under control despite his unpopularity locally with allies and MacKenzies alike, and assumed Kenneth Òg, like his uncle, would have no success in raising the MacKenzies.²⁷²

After hearing of the Jacobite defeat at Cromdale, Kenneth Òg decided not to raise his clan for James and instead negotiated his surrender with Mackay's governor of Inverness Castle, Colonel John Hill. Instead of raising the MacKenzies, a dispirited Kenneth Òg was persuaded by Southwell to surrender.²⁷³ Kenneth Òg had been using Donald Macrae, the Jacobite episcopalian minister of Kintail, to convince his parishioners to rise for the Jacobite cause, but Colonel Hill did not think that Kenneth Òg's vassals had the desire to rise and Kenneth Òg would have to force them to do so.²⁷⁴ As part of the negotiation progress, Kenneth Òg corresponded with Colonel Hill, who had been a close friend of his father, to moot the idea of his surrender with Tarbat's help.²⁷⁵ Colonel Hill wrote to Kenneth Òg on 19 June that he would do anything to help and encourage Kenneth Òg to surrender himself peacefully, including getting Balnagown removed from the post of sheriff and removing the one hundred troops garrisoned at Brahan.²⁷⁶ He would also provide Kenneth Òg with a pass to travel safely to Colonel Hill's preferred location of

²⁶⁷ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 185.

²⁶⁸ Mann, *James VII*, p. 201.

²⁶⁹ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 185.

²⁷⁰ *Ibid.*, p. 184.

²⁷¹ *Ibid.*, pp. 184-5.

²⁷² *Ibid.*, p. 185; Hopkins, *Glencoe*, p. 146.

²⁷³ HMC, *Report on the Manuscripts of Allan George Finch, Esq., of Burley-on-the-Hill, Rutland*, 2 vols (London, 1913-22), II, pp. 466-7; Mann, *James VII*, p. 201.

²⁷⁴ *Fasti*, VII, p. 152; *The Melvilles, Earls of Melville and the Leslies, Earls of Leven*, ed. by William Fraser 3 vols (Edinburgh, 1890), II, p. 156.

²⁷⁵ Fraser, *Cromartie*, I, pp. 64-7.

²⁷⁶ *Ibid.*, p. 65.

Chanonry (where Kenneth Òg's mother, Lady Isobel, resided), Inverness or any part of Ross that Kenneth Òg wished to submit.²⁷⁷ In a letter to her brother, Tarbat, from 28 June, Lady Isobel expressed her desire to see her sons Kenneth Òg and John of Assynt (who may have been in prison) and for Kenneth Òg to live peaceably at Brahan.²⁷⁸ She was advised to not attempt to see Kenneth Òg without a warrant.²⁷⁹

While Kenneth Òg continued to hope he could advance James's cause, the reality of the situation had set in and he continued to negotiate his surrender.²⁸⁰ Tarbat successfully negotiated the terms of Kenneth Òg's surrender and the Committee of Estates reported throughout July that Seaforth was living peacefully at his 'House at Kintaile', which probably refers to Eilean Donan.²⁸¹ Rumours had reached the Committee of Estates that Seaforth had also become a Protestant again when his peace settlement with Colonel Hill was reached, although there is no other evidence for this.²⁸²

However, Kenneth Òg began to waver once fighting between Mackay and the Jacobite Major-General Thomas Buchan reached Inverness in August. It was then that Seaforth finally raised a force of approximately eight to nine hundred MacKenzies, vassals, and some Chisholms who did not follow their chief in surrendering to the Williamite regime.²⁸³ The gentry who supported Seaforth were his Catholic brother Alexander, Kinachulladrum, the younger son of Alexander MacKenzie of Gairloch, probably Kenneth, and the younger son of Hilton, most likely Ewen.²⁸⁴ The purpose of raising the MacKenzies appears to have been to protect his lands from both sides instead of to advance the Jacobite cause. When it came to joining Buchan against Mackay, Kenneth Òg, Kinachulladrum and the Chisholms were for peace but not for surrender.²⁸⁵ Within a few days of raising the troops, Seaforth finally heard about William's decisive defeat of James' forces in Ireland at the Boyne on 1 July 1690, which diminished what little enthusiasm he had left.²⁸⁶ Seaforth made it known to his family that he was willing to surrender, and Lady Isobel and Coul took a letter from Kenneth Òg to Mackay which indicated he was ready to

²⁷⁷ Ibid., pp. 65-6.

²⁷⁸ Ibid., pp. 66-7.

²⁷⁹ Ibid., p. 66.

²⁸⁰ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 223.

²⁸¹ Ibid., p. 248.

²⁸² Ibid., p. 227.

²⁸³ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 216; Hopkins, *Glencoe*, p. 244; Maclean-Bristol, *Castor and Pollux*, p. 167; Mackay, *Memoirs*, p. 351.

²⁸⁴ Hopkins, *Glencoe*, p. 244; Mackenzie, *History of the Mackenzies*, pp. 370, 427-9.

²⁸⁵ Hopkins, *Glencoe*, p. 244.

²⁸⁶ Bernardi, *Bernardi*, p. 73.

do so.²⁸⁷ The pair negotiated for Seaforth to go to Chanonry to submit and then travel to Inverness to live under house arrest.²⁸⁸ Seaforth feared for his health during any form of imprisonment and foolishly, for himself and his health, broke the agreement by raising men again.²⁸⁹

This created an uncomfortable circumstance for Tarbat, Coul, Hill, and Mackay. Although Mackay neither liked nor trusted Tarbat, he was fond of Seaforth and his family as Seaforth was related to Mackay's closest relatives, including the chief of the Mackays, Lord Reay. Furthermore, it helped Kenneth Òg's cause that the rest of Clan MacKenzie was Protestant.²⁹⁰ Mackay was quick to threaten Kenneth Òg, but not eager to attack him or his vassals, even though Kenneth Òg had broken the terms of his bail before. He sent word of his intentions to raid MacKenzie lands in the hope that Kenneth Òg would surrender, but he did not expect him to do so.²⁹¹ When Seaforth broke the agreement, Mackay was furious and issued orders for nine hundred to one thousand Mackays, Rosses, and Sutherland men and John Gordon, lord Strathnaver's two-hundred-man regiment to destroy the MacKenzie's Highland estates, while Mackay himself would attack their lowland estates, namely Coul's.²⁹² Once again, Mackay sent a warning to Kenneth Òg before attacking.²⁹³ An anonymous song composed by someone who was loyal to Kenneth Òg and the Jacobite cause, possibly Duncan MacRae, explained the precarious position that Kenneth Òg was in with his clan:

Thoir comhairle threun daibh iad a chathadh le chéile
Ann an iomairt, an éiginn `s an spàirn;
'S gur fad o'n là chualas: Cha bhi aniochd gun fhuathas,
No fine mhór suas gun bhi'n gràdh.

“Pill fathast gu d'dhuthchas le h-eich Bhachain a nunn bhuainn,
'S leig sgaoileadh do d' mhuinntir ach pàirt,
Ach gu'm fosglar duit dorus dheanamh do shìothshaimh le onoir
Choinn `s nach faicear leat cothrom is feàrr”.
'S gu'n cuala mo chluasan an ràdh;
Gu'n cumteadh leo suas e dh'aindeoin am bruidleoin –
Air m' fhalluinn bha `dhualchas sin daibh!

²⁸⁷ Mackay, *Memoirs*, p. 349.

²⁸⁸ Hopkins, *Glencoe*, p. 245.

²⁸⁹ Ibid.; Mackay, *Memoirs*, p. 102.

²⁹⁰ John Mackay, *The Life of Lieut.-General Hugh Mackay, Commander in Chief of the Forces in Scotland, 1689 and 1690* (Edinburgh, 1836), p. 99; Mackenzie, *History of the Mackenzies*, p. 286. As stated previously in this chapter, John Mackay, second lord Reay was Seaforth's first cousin once removed.

²⁹¹ Mackenzie, *History of the Mackenzies*, p. 286.

²⁹² Hopkins, *Glencoe*, p. 245; Mackay, *Memoirs*, pp. 102, 349-50.

²⁹³ Hopkins, *Glencoe*, p. 245.

`S gu'n cathadh iad féin leis `na iomairt `s `na éiginn
 Ge do thréigtheadh leo feudail is spràidh;
 Truagh nach h-ann mar so dh'éirich, ged bhithinn-s' an éis deth,
 Mu'n deach e fo'm méinn-san an làimh.

[Do Thou advise them strongly to fight together in strife, difficulty and stress; for it is long since we heard that there is no oppression without hatred, and that no great tribe can stand without brotherly love.

“Return yet to your country along with Buchan’s calvary, and disband but some of your clan, so that a way may be opened for you to make your peace with honour, since you can see no better way”. That was the advice which he got from three, whom I will not mention. I heard them myself say that they would support him despite the consequences, and I declare that was their inherited trait.

(I heard them say) that they would themselves fight with him through hardship and distress, even though they should have to abandon their cattle and flocks. Even though I were the loser for it, it is a pity it was not so, rather than that he should be warded at their mercy.]²⁹⁴

The above stanzas demonstrate a common themes in Gàidhlig Jacobite verse, which is the importance of unity.²⁹⁵ The composer urges the MacKenzies to unite under Kenneth Òg, which, as Damhnait Ní Suaird notes, many Jacobite poets saw as ‘being necessary for the maintenance of social order’, the Jacobite cause, and for the preservation of the clan system.²⁹⁶ Kenneth Òg considered joining Kinachulladrum, who was fighting with Buchan, but, in the end, Southwell, Tarbat, Lady Isobel and Coul persuaded him to submit for the good of the MacKenzies; for this Kinachulladrum threatened to stab Southwell.²⁹⁷ Ultimately, Kenneth Òg disbanded his men on 2 September. Facing resistance from his clan and almost certain defeat and devastation from Mackay’s forces, Kenneth Òg agreed to surrender the next. Accompanied by a ‘strong Guard from the North’, Kenneth Òg came to Inverness to submit himself, presumably for the security of his clan and his vassals as well as himself.²⁹⁸

According to Hopkins, even though the MacKenzies had been divided, they ‘felt deep shame that [they] had failed [Kenneth Òg] and, in effect, handed him over to the enemy’.²⁹⁹ It is unlikely that all of the MacKenzies felt a deep shame. So many refused to participate in the rising, even after Kenneth Òg returned and Kenneth Òg himself had dithered in the late stages of the Highland War. This thesis agrees with the conclusions

²⁹⁴ Maclean, ‘Celtic Sources’, pp. 324, 326-7.

²⁹⁵ Ní Suaird, ‘Jacobite Rhetoric’, pp. 115-8, 121-2.

²⁹⁶ Ibid., p. 121.

²⁹⁷ Bernardi, *Bernardi*, p. 74; Hopkins, *Glencoe*, p. 245; HMC, *Finch*, II, pp. 466-7.

²⁹⁸ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 273.

²⁹⁹ Hopkins, *Glencoe*, p. 245.

drawn by Mann and McKenzie; in the end, Kenneth Òg's efforts in the Highlands achieved very little for the Jacobite cause.³⁰⁰ However, McKenzie's conclusion that 'Seaforth's clansmen proved unwilling actively to rise for the Jacobite cause when he arrived from Ireland' is only partially accurate.³⁰¹ It seems more likely that more in Clan MacKenzie would have risen if Kenneth Òg been present at the start of the Highland War in 1689, despite Tarbat's boasts that he could undermine him. Even if this had been the case, it likely would not have been enough to win the Highland War for James. James had placed too much trust in Melfort, who Mann argues had 'alienated the English, Scottish, Irish and French political communities'.³⁰² For his part in the negotiations, Coul was blamed more than anyone else and rumours spread that three men planned to murder him; Coul himself blamed Lady Isobel, who had also played a prominent role in the negotiations.³⁰³ Kenneth Òg remained imprisoned at Inverness Castle before the Privy Council declared on 7 October 1690 that he would be moved to Edinburgh Castle by Mackay himself, where he arrived at on 6 November. Tarbat tried to help Seaforth stay at Inverness and argued that moving him to Edinburgh would discourage further submissions.³⁰⁴ Nevertheless, Kenneth Òg would remain imprisoned at Edinburgh Castle until 7 January 1691.

2.4: Post-Highland War to Death, 1691-1701

Kenneth Òg spent most of his remaining life confined to Edinburgh or in prison, with periods in Edinburgh Castle and Stirling Castle from 1692 to 1697 and 1698 to 1700. He died in March 1701. His estate was still in disarray when his son, William Dubh, became chief at approximately fourteen to fifteen years of age. Kenneth Òg's health, which had been poor since 1689, deteriorated rapidly during his time in prison. Furthermore, his repeated imprisonments ended an already severely strained relationship with Tarbat, who had previously sought to help Kenneth Òg, but actually encouraged his imprisonment in 1698 in the hopes his chief was learn a lesson. Kenneth Òg's imprisonment was effectively another period of absentee lordship. This section will examine how frequent imprisonment impacted Kenneth Òg's local influence in Ross-shire and the situation that his son would inherit as chief. Additionally, this section will show how Kenneth Òg's absence from Ross-shire and lack of favour with the new regime of William II & III and Mary II allowed

³⁰⁰ Mann, *James VII*, p. 201; McKenzie, *May we be Britons*, p. 143.

³⁰¹ McKenzie, *May we be Britons*, p. 143. McKenzie incorrectly states that Kenneth Og arrived in January 1690.

³⁰² Mann, *James VII*, pp. 229-30.

³⁰³ Hopkins, *Glencoe*, p. 245.

³⁰⁴ Mackenzie, *History of the Mackenzies*, p. 286; *Leven and Melville Papers*, p. 567.

Tarbat to increase his already considerable influence in Ross-shire and with the MacKenzie gentry and cement his role as a surrogate for Kenneth Òg.

2.4.1: Bail and Escape, 1691-92

Kenneth Òg was released on £2000 Scots bail on 7 January 1691 on the condition that he was not to plot against the crown or go more than ten miles from Edinburgh; the bail was paid by Roderick MacKenzie of Prestonhall and Sir Colin Campbell of Aberuchil.³⁰⁵ The reason given by King William to the Privy Council for Kenneth Òg's release was that Kenneth Òg's health was deteriorating in prison.³⁰⁶ Kenneth Òg also gave his word that he would not rebel or conspire before 1 October, a date set by Queen Mary II and James Dalrymple, viscount of Stair and lord justice general as not to interfere with nor discredit Breadalbane's investigation into the Jacobite plot to restore James, known as the 'Montgomerie Plot'.³⁰⁷ On 18 August 1691, it was reaffirmed that Kenneth Òg was a prisoner of the State and was to be confined to the vicinity of Edinburgh until at least November.³⁰⁸ On 26 January 1692, the Privy Council granted Kenneth Òg permission to speak with Colin MacKenzie, his uncle, so that Colin and Kenneth Òg's followers would deliver up Eilean Donan Castle to William & Mary's service; Kinachulladrum, whom Kenneth Òg had appointed its governor, and Kenneth Òg's followers had recently inhabited Eilean Donan; they would eventually relinquish Eilean Donan to the new regime.³⁰⁹ Kenneth Òg became restless in Edinburgh and yearned to return to Ross-shire. He petitioned the Privy Council on 21 April 1692 for the right to go home; the Privy Council ruled that Kenneth Òg could return home after 3 July so long as he paid another bail.³¹⁰

However, Kenneth Òg broke confinement in May 1692 because of a letter he received from his wife Lady Frances, in which she warned Kenneth Òg that he would be put in the 'boots' if he did not escape.³¹¹ The threat of a French invasion, the first invasion since the Revolution, scared Lady Frances and Kenneth Òg. By 1692, William's popularity was waning and the contact between English notables and the exiled Jacobite court had become frequent; therefore, King Louis XIV of France began to plan an invasion in

³⁰⁵ NRS, GD112/39/151/3; NRS, PC1/47, pp. 12-3; NRS, PC1/48, p. 197.

³⁰⁶ NRS, PC1/47, p. 12.

³⁰⁷ Hopkins, *Glencoe*, p. 274.

³⁰⁸ NRS, PC1/47, pp. 437-8.

³⁰⁹ Hopkins, *Glencoe*, p. 276; NRS, PC1/47, p. 599.

³¹⁰ NRS, PC1/48, p. 141.

³¹¹ NRS, PC1/48, p. 199.

1692.³¹² James's principal secretary, Melfort, had been coordinating with Thomas Bruce, earl of Ailesbury and earl of Elgin, among others in England, to raise their tenants once the French invasion force had landed; this became known as the 'Ailesbury' plot.³¹³ James printed and circulated a declaration to his subjects, which Lenman describes as 'remarkable for its arrogant, uncompromising tone, even though it promised religious toleration'.³¹⁴ However, the wind slowed the progress of the French fleet from Brest, Brittany up the Channel and the English and Dutch fleets were able to intercept the leader of the fleet, Anne-Hilarion de Tourville, Comte de Tourville.³¹⁵ The French were defeated twice in May 1692 at the Battles of Barfleur and La Hougue and the invasion plan was dropped.³¹⁶

Although Kenneth Òg was not implicated, nor is there evidence that he was involved in planning, Kenneth Òg fled Edinburgh in early May 1692. He seems to have fled to avoid being tortured, as Lady Frances's letter suggested he would be. It is possible, too, that Kenneth Òg wished to raise his clan in the event of an invasion. However, the Council and Colonel Hill were not worried about the Highlands rising in rebellion.³¹⁷ On 6 May, the Privy Council received intelligence that Kenneth Òg was planning to leave Edinburgh and issued a warrant for his arrest.³¹⁸ It was too late. Kenneth Òg was already on the run and the Privy Council was going to have to search for him, with Sir Thomas Livingston, the former governor of Inverness and Mackay's successor as commander-in-chief in Scotland, overseeing the search.³¹⁹ Kenneth Òg was first seen being entertained at a house in Leith, but was soon captured on 16 May in the house of William Gordon in Pencaitland and brought back to Edinburgh to await the Privy Council's orders.³²⁰ Kenneth Òg had arrived at William's house at three o'clock in the morning and his wife suggested it should be the first place he hid after escaping.³²¹ Despite this debacle, the Privy Council allowed Kenneth Òg to return to Ross-shire in July to sort out his private affairs at home with a £2000 bond on the condition that he return to Edinburgh Castle.³²² It is unclear whether Kenneth Òg went home and returned without incident or decided to stay at Edinburgh Castle and let another person manage his private affairs; there are no records of

³¹² *The Jacobite Threat*, p. 64.

³¹³ Szechi, *The Jacobites*, pp. 99-100.

³¹⁴ *The Jacobite Threat*, p. 64.

³¹⁵ *Ibid.*, p. 66.

³¹⁶ Szechi, *The Jacobites*, p. 75.

³¹⁷ Hopkins, *Glencoe*, pp. 356-7.

³¹⁸ NRS, PC1/48, p. 170.

³¹⁹ *Ibid.*, pp. 170-1, 183.

³²⁰ NRS, PC1/48, pp. 188, 196, 199.

³²¹ *Ibid.*, p. 199.

³²² *Ibid.*, p. 220.

his movements in July 1692. Lady Frances was not arrested for her part in encouraging Kenneth Òg to escape and was instead allowed to visit Kenneth Òg at approved times.³²³

During this period, Tarbat cooperated with William. It was Tarbat who championed an early plan to bribe rebellious chiefs with cash and honours into acquiescing to William.³²⁴ Breadalbane met with chiefs and officers at the destroyed Achallader Castle in June 1691. He agreed to distribute a fund of approximately £12,000 Scots to secure the submission of chiefs, high-ranking individuals within clans and military officers, including Lochiel, Keppoch, Maclean, Glengarry, Buchan, and Barclay.³²⁵ To fulfil their side of the agreement, the chiefs had to sign an oath of allegiance to William and Mary by 1 January 1692.³²⁶ Tarbat, as an ally of Dalrymple, was involved in the events leading up to the Massacre of Glencoe on 13 February 1692, but not the Massacre itself.³²⁷ The chiefs delayed their submission and William grew increasingly angry.³²⁸ Dalrymple wanted Clan Donald destroyed as an example.³²⁹ Dalrymple despised Glengarry, who was brazenly Jacobite and worked to overturn the pacification for selfish reasons; Tarbat suggested that Keppoch be made an example of instead, but Dalrymple did not see Keppoch as fit to be made an example.³³⁰ The threat of an impending invasion from France increased unease that the chiefs had yet to submit. If an invasion were to occur, government troops would flood Lochaber from Inverness and Fort William; Tarbat was expected to help furnish five hundred auxiliary troops, along with Grant, Lovat, Mackintosh, Cluny, Balnagown, and Munro of Foulis.³³¹ In the end, Dalrymple waited to issue orders until it was clear if the chiefs had submitted by 1 January 1692.³³² MacIain of Glencoe went to Fort William to take the oath from Colonel Hill, but he was in the wrong place to take the oath and Col. Hill was not allowed to administer it; MacIain lived in Argyllshire and thus needed to travel to Inverary to see the sheriff, Argyll, or his deputy, Sir Colin Campbell of

³²³ Ibid., p. 200.

³²⁴ Allan Kennedy, 'Managing the Early-Modern Periphery: Highland Policy and the Highland Judicial Commissions, c.1692-c.1705', *Scottish Historical Review*, 96 (2017), 32-60 (p. 36).

³²⁵ Hopkins, *Glencoe*, pp. 276-9

³²⁶ Kennedy, 'Managing the Early-Modern Periphery', p. 36.

³²⁷ Hopkins, *Glencoe*, p. 308; This will provide context relevant to explaining Tarbat's involvement in the Massacre of Glencoe on 13 February 1692. For more complete accounts of the Massacre of Glencoe and subsequent inquiry, see Hopkins, *Glencoe*, pp. 308-435; Scottish Record Office, *The Massacre of Glencoe: Historical Background, Document Extract and Copies* (Edinburgh: Scottish Record Office, 1996); John Prebble, *Glencoe: the Story of a Massacre* (London: Secker & Warburg, 1966).

³²⁸ Hopkins, *Glencoe*, p. 310.

³²⁹ Ibid., p. 315.

³³⁰ Ibid.

³³¹ Ibid., p. 318.

³³² Ibid., pp. 318-9; Kennedy, 'Managing the Early-Modern Periphery', p. 36.

Ardkinglas.³³³ Col. Hill, doubting he could get a prolongation for MacIain through Tarbat, sent MacIain to Inverary to take the oath from Ardkinglas, with a letter intended to save MacIain from retribution.³³⁴ Ardkinglas refused at first but eventually administered the oath after MacIain promised to imprison any of his men who refused to comply.³³⁵ On 11 January 1692, Argyll excluded MacIain from the list of those who had submitted, and Dalrymple added his encouragement to root out that ‘damnable sect, the worst in all the Highlands’.³³⁶ The following week, William signed an order to make an example of MacIain and his clan.³³⁷ On 13 February 1692, government troops led by Robert Campbell of Glenlyon, Lt-Col James Hamilton, and Major John Forbes of Culloden killed approximately forty-five men, women, and children of the MacIains of Glencoe; more would die of starvation and exposure.³³⁸

Tarbat grew in influence as a result of the massacre. He condemned the government’s actions as hasty and unjust, but otherwise kept quiet.³³⁹ Tarbat became lord clerk register on 5 March 1692 and would soon be part of the government’s plans for pacifying the Highlands. On 28 July 1692, Tarbat, Breadalbane, John Keith, earl of Kintore, and Henry Erskine, lord Cardross were chosen to consider how to secure the peace of the Highlands following the example of the 1682 commission.³⁴⁰ Even though Tarbat was integral to the government’s strategy for managing the Highlands, not all the MacKenzies toed the line. On 14 November 1693, the Privy Council, Tarbat included, required Kinachulladrum to submit for being amongst rebels; he was released on a bond of caution on 5 April 1694 due to his advanced age.³⁴¹ On 11 August, the Privy Council received a plan to divide the Highlands into jurisdictions, much like the plan advanced by James as duke of Albany in 1682 (see Table 2-1 for a comparison of the jurisdictions).

³³³ Hopkins, *Glencoe*, p. 322.

³³⁴ Ibid.

³³⁵ Ibid., p. 323.

³³⁶ *Highland Papers: Papers Illustrative of the Political Condition of the Highlands of Scotland*, p. 62; Hopkins, *Glencoe*, p. 327.

³³⁷ Hopkins, *Glencoe*, p. 328.

³³⁸ Ibid., pp. 336-7.

³³⁹ Ibid., p. 352.

³⁴⁰ NRS, PC1/48, pp. 340-1; Kennedy, ‘Managing the Early-Modern Periphery’, pp. 41-4.

³⁴¹ NRS, PC1/49, pp. 173-4, 342.

Table 2-1: Highland Commission Regions, 1682 vs 1694³⁴²

Region	1682	1694
North	Caithness and Sutherland	Caithness, Cromartysire, Inverness-shire, Moray, Nairnshire, Ross-shire, and Sutherland
Central	Ross-shire, Cromartysire, Inverness-shire, Nairnshire and Moray	Merged with North
East	Banffshire, Aberdeenshire, Kincardineshire, and Forfarshire	Banffshire, Aberdeenshire, Kincardineshire, and Forfarshire
South	Perthshire, Stirlingshire, Dunbartonshire, and Argyllshire	Perthshire, Stirlingshire, and Dunbartonshire

However, unlike the 1682 plan, which gave commissions to sixty-seven people to bypass regional magnates, the 1694 plan gave commissions to eight men: Breadalbane; George Gordon, earl of Sutherland; his son, John Gordon, lord Strathnaver; Hugh Fraser, lord Lovat; John Murray, lord Murray; Andrew Rollo, lord Rollo; and David Ruthven, lord Ruthven.³⁴³ In effect, this put the MacKenzies under the eye of Sutherland, Strathnaver, and Lovat with only the last of these men being a friend of Kenneth Òg's. Argyllshire, too, was excluded from the commission as Archibald Campbell, tenth earl of Argyll was granted his own sub-commission.³⁴⁴ The commission's plan was, as Kennedy argues, the abandonment of the '1682 ambition of engaging with a broader cross-section of Highland society'.³⁴⁵

2.4.2: Second & Third Periods in Prison, 1692-97

On 15 September 1692, the Privy Council allowed Lady Frances to cohabit with Kenneth Òg in Edinburgh Castle for the remainder of his time as a prisoner.³⁴⁶ On 6 December, John MacKenzie of Delvine was informed by Rev Alexander Monro – an

³⁴² Kennedy, 'Managing the Early-Modern Periphery', pp. 41-2.

³⁴³ Ibid., p. 45.

³⁴⁴ Ibid., p. 46.

³⁴⁵ Ibid.

³⁴⁶ NRS, PC1/48, pp. 406-7.

Episcopalian Jacobite minister who had served as the principal of the University of Edinburgh until the Revolution and afterwards became a pamphleteer – that Kenneth Òg was to be prosecuted soon by William's advocate, James Stewart, but that he 'need not fear anything'.³⁴⁷ However, he would remain there until 1695. While living in Edinburgh Castle, Lady Frances tried to maintain her and her husband's status; her desire to maintain her family's status ultimately contributed to her taking William Dubh to stay with her family in England in 1702 (see chapter three). In 1694, she hoped that their allowance would be extended and they were eventually allowed to bring servants and sometimes to obtain drinks from the scullery; they were brought drinks, but the lieutenant governor of Edinburgh Castle took the drinks away.³⁴⁸ The Privy Council sided with the Seaforths, arguing that 'it was never refused to persons of quality who are prisoners in such Circumstances to furnish themselves after what manner they thought fitt with drink and other necessities'.³⁴⁹ From 1694, Lady Frances relied on James Hamilton, earl of Arran (duke of Hamilton from 1698) and Susan, countess of Dundonald, Arran's sister, to help free Kenneth Òg and keep him free. In October 1694, Frances implored Arran that 'if it com in your Losp way, by any of your friends that can hav influence at court, to procur our liberty' allowing them to live peaceably at home.³⁵⁰ Lady Frances and Kenneth Òg, through their advocate, John Kincaid, also appealed to Dalrymple.³⁵¹ Lady Susan, who frequently visited Lady Frances in Edinburgh, wrote to her brother on Frances and Kenneth Òg's behalf: 'Pray don't forgett what you can for my Lord Seafort my poore Lady is grown very lean Wt being there [Edinburgh Castle] & my Lord keeps his health Very ill'.³⁵² It was not until 9 August 1695, that the Privy Council, Tarbat included, wrote to William for his ruling on Kenneth Òg, the last person from the Revolution and Highland War still being kept as a prisoner because of had jumped bail.³⁵³ But Kenneth Òg, not knowing that the Privy Council was now in favour of his release, escaped again towards Ross-shire; it is not known if Lady Frances had already left Edinburgh, as she was free to do so.³⁵⁴ Kenneth Òg was deemed harmless and it seems that the reason he was kept in prison for so long was

³⁴⁷ William Kirk Dickson, ed., 'Letters to John Mackenzie of Delvine, Advocate, one of the Principal Clerks of Session from the Revd. Alexander Monro, D.D., sometime Principal of the University of Edinburgh, 1690-1698', in *Miscellany of the Scottish History Society* (Edinburgh: T. & A. Constable Ltd, 1933), V, pp. 198-202, 241.

³⁴⁸ NRS, PC1/49, p. 396.

³⁴⁹ *Ibid.*, pp. 396-7.

³⁵⁰ NRS, GD406/1/3963.

³⁵¹ NRS, GD406/1/7393; NRS, PC1/49, p. 397.

³⁵² NRS, GD406/1/7393.

³⁵³ NRS, PC1/50, pp. 241-2.

³⁵⁴ Hopkins, 'Mackenzie, Kenneth, fourth earl of Seafort', in *ODNB*.

that he had tried to escape.³⁵⁵ Another likely reason for Kenneth Òg's extended period in prison was, as McKenzie posits, his inability to honour his surrender agreements at the end of the Highland War.³⁵⁶ Indeed, Kenneth Òg had done 'just enough to alienate the Williamites'.³⁵⁷ Even though James Drummond, lord Drummond and Perth's eldest son, was also on the run in the Highlands, the Privy Council did not pursue Kenneth Òg as it had in 1692 and was not worried about an uprising in the Highlands.³⁵⁸

Lady Isobel had come to fill the vacuum left by Kenneth Òg in Ross-shire. During Kenneth Òg's period on the run, Lady Isobel co-ordinated with clan gentry and the MacKenzies' influential Whig neighbours Duncan Forbes, laird of Culloden (d. 1704) and James Brodie of Brodie to secure Kenneth Òg's freedom. Lady Isobel hoped that 'charity as well as blood relation' would be enough to persuade Culloden to use his influence with the 'Sectretar' to secure Kenneth Òg's freedom.³⁵⁹ By 20 September 1695, Culloden agreed to give a good account of him.³⁶⁰ After the Privy Council decided that Kenneth Òg would need to submit himself, Lady Isobel was able to arrange cautioners for him. Within the clan, Isobel elicited help from Colin of Redcastle, Roderick of Kilcoy, Alexander of Belmaduthy, Simon MacKenzie, and others to provide Kenneth Òg's bail.³⁶¹ Isobel convinced James Brodie of Brodie to allow her to include him on Kenneth Òg's bond and, once again, Isobel leaned on Kenneth Òg's Forbes ancestry:

[...] now if you will be so kynd as to joyn with them for another as I wad think it a very great obligation to this family, so my sone wad not doubt hav still a gratfull rememberanc of it, my Lord had wont say a man had no thing but father and mother kin to trust to and be kynd to, so he still esteimed the forbuses the on half of him and this wad be such a new ty as wad not be easily forgot.³⁶²

Culloden agreed to help Kenneth Òg again and Kenneth Òg, always appreciative, wrote to Culloden to thank his 'good nighbour and a true Forbes' for his help to 'a grandson of the family'.³⁶³ With his bonds in place, Kenneth Òg agreed to submit himself at Inverness

³⁵⁵ Hopkins, *Glencoe*, p. 424.

³⁵⁶ McKenzie, *May we be Britons*, p. 143.

³⁵⁷ Ibid.

³⁵⁸ Hopkins, *Glencoe*, p. 424.

³⁵⁹ *More Culloden Papers*, I, p. 244; *SP*, IV, pp. 60-1. Seaforth's paternal grandmother is Barbara Forbes, eldest daughter of Arthur Forbes, tenth lord Forbes. 'Sectretar' may refer to the Secretary of Scotland, James Dalrymple, master of Stair.

³⁶⁰ *More Culloden Papers*, I, p. 245.

³⁶¹ Ibid., p. 246.

³⁶² Ibid.

³⁶³ *More Culloden Papers*, I, p. 247. While Kenneth Òg grandmother was a Forbes, his relationship to Duncan Forbes of Culloden appeared to have been distant. Their shared ancestor might have been Sir John de

Castle by 3 September 1696 and then to appear at Stirling Castle within another two months.³⁶⁴

After Kenneth Òg submitted himself to the Inverness garrison, Lady Frances wrote to John Murray, earl of Tullibardine (first duke of Atholl from 1703) in London, who was not replying to her pleas for him to help her husband.³⁶⁵ Lady Frances wrote to Arran twice in October to request that he talk to Tullibardine and Arran's former father-in-law, Robert Spencer, earl of Sunderland, who had the power to have Kenneth Òg released.³⁶⁶ In December, Lady Frances wrote twice more to Arran, once after receiving a letter from Sir James Ogilvie later in December that suggested how serious Kenneth Òg's illness was, with more pleas that he speak with Tullibardine.³⁶⁷ Based on a letter from Kenneth Òg to Arran in 1696, presumably at the height of Arran's involvement between October and December, Lady Frances relied almost entirely on Arran to help co-ordinate Kenneth Òg's release.³⁶⁸ While it is unclear if Lady Frances and Lady Isobel co-ordinated their efforts, no two people had worked harder to have Kenneth Òg freed from prison. Furthermore, the energy that Lady Frances expended on securing Kenneth Òg's freedom is remarkable considering that, in addition to trying to help Kenneth Òg, she had to care for their ill son, William Dubh and that Lady Frances herself was now regularly ill.³⁶⁹ Lady Frances's efforts proved fruitful and Arran, Tullibardine, and Arran's brother, Charles Hamilton, earl of Selkirk and one of the lords of the bedchamber for William, played a large part in securing Kenneth Òg's release.³⁷⁰ Tullibardine delivered the order from William to the commander of the garrison at Inverness that the charges of treason against Kenneth Òg were to be dropped and Kenneth Òg was to be released.³⁷¹ William acquitted Kenneth Òg of treason and ordered the Privy Council to release him on bail on 18 March 1697.³⁷² Unbeknown to the Privy Council, the local commander had allowed Kenneth Òg

Forbes (*f.* 1387), Kenneth Òg's nine-times-great-grandfather, see *SP*, IV, p. 46. Nevertheless, it appears that Kenneth Òg still viewed Culloden as his kin.

³⁶⁴ *Ibid.*, pp. 246-7; NRS, PC1/50, pp. 631-2.

³⁶⁵ NRS, GD406/1/4118.

³⁶⁶ NRS, GD406/1/4118; NRS, GD406/1/4122.

³⁶⁷ NRS, GD406/1/4119; NRS, GD406/1/4121.

³⁶⁸ NRS, GD406/1/4120.

³⁶⁹ NRS, GD406/1/6420. This is the earliest known reference to William Dubh MacKenzie, the future fifth earl of Seaforth. There are several references to 'their family' on 28 June 1694 in PC1/49, p. 306, but no explicit mention of children.

³⁷⁰ NRS, GD406/1/4235; *SP*, VII, p. 517.

³⁷¹ *Culloden Papers: comprising an Extensive and Interesting Correspondence from the Year 1625 to 1748*, ed. by H. R. Duff (London, 1815), p. 23.

³⁷² *State Trials*, XIII, pp. 1446-9; NRS, PC1/51, pp. 152-3.

parole for some time before his official release due to his poor health, but Kenneth Òg remained at home, most likely at Brahan.³⁷³

2.4.3: Kenneth Òg's Final Period in Prison until his Death, 1697-1701

Kenneth Òg's health was already poor in 1691 when he was first allowed freedom within the confines of Edinburgh; after this latest period in prison, it did not seem that Kenneth Òg could survive much longer. Lady Isobel wrote of him, 'My son continows ill of his grauill. On [sic] day of six he is not free of it'.³⁷⁴ However, within months of Kenneth Òg's release from prison, he became involved in yet more controversies. His massive arrears of feu-rents from Lewis and a parliamentary decret for the return of a bond granted to him in 1684 for forfeiture, though serious, paled in comparison to the repercussions he was to face for failing to produce Fr Cornelius Con, an apostate Irish Catholic priest who had been living on Lewis, when required.³⁷⁵ Fr Con had fallen in love with Kenneth Òg's first cousin, possibly named Isobel, the daughter of George MacKenzie of Kildun.³⁷⁶ Despite the Catholic Kildun's objections to Fr Con's courtship on religious grounds, Fr Con quit his religion and secretly married Kildun's daughter.³⁷⁷ The MacKenzies imprisoned Fr Con from 1688 to 1690, with Kenneth Òg paying a MacLennan £100 per year to be his jailor on an unknown island two miles off the coast of Lewis.³⁷⁸ Friends of Fr Con sought to rescue him from Lewis and the Synod of Argyll requested that the garrison at Fort William investigate his fate.³⁷⁹ Whenever the Council tried to retrieve Fr Con, the MacLennan and the MacKenzies would move him around the western isles.³⁸⁰ In September 1697, the Privy Council demanded that Kenneth Òg produce Fr Con.³⁸¹ Instead, in what Hopkins describes as Kenneth Òg's 'last, and ruinous, major mistake', Kenneth Òg lied about the affair and instead started a riot in Chanonry against Bayne of Tulloch.³⁸²

The clan gentry continued to prioritise Kenneth Òg's safety across the 1690s and tried to repair his relationship with Tarbat. As Kenneth Òg's mother and Tarbat's sister,

³⁷³ HMC, *Fourteenth Report, Appendix, Part III. The Manuscripts of the Duke of Roxburghe; Sir H. H. Campbell, Bart.; The Earl of Strathmore; and the Countess Dowager of Seafield* (London, 1894), p. 133.

³⁷⁴ Fraser, *Cromartie*, I, p. 126.

³⁷⁵ Hopkins, *Glencoe*, p. 465.

³⁷⁶ HMC, *Athole*, p. 55; Mackenzie, *History of the Mackenzies*, p. 275.

³⁷⁷ HMC, *Athole*, p. 55.

³⁷⁸ *Ibid.*, p. 55; Hopkins, *Glencoe*, p. 465.

³⁷⁹ Roberts, 'Roman Catholicism in the Highlands', p. 80.

³⁸⁰ HMC, *Athole*, p. 55.

³⁸¹ HMC, *Roxburghe*, pp. 135-6.

³⁸² HMC, *Athole*, p. 56; Hopkins, *Glencoe*, pp. 465-6; Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', *ODNB*; NRS, PC1/51, p. 390.

Lady Isobel was the undisputed matriarch of the clan and, like Tarbat, had filled the vacuum left by Kenneth Òg's absenteeism. She and the clan gentry tried to bridge the divide between Kenneth Òg and Tarbat. On 1 December 1697 in Fortrose, Kenneth Òg met with twenty-five members of the MacKenzie gentry to seek their advice for settling his affairs and paying his debts.³⁸³ Writing to Tarbat after the meeting, the gentry stated that the best method for assisting Kenneth Òg was first, to 'remove all grounds and seeds of differences, or rather mistakes', between their chief and his uncle.³⁸⁴ To 'signifie to your Lordship how serious and earnest we are to have a good understanding established betwixt yow', they suggested that Tarbat take the initiative and suggest the 'best directions, advyce, and assistance'.³⁸⁵ Lady Isobel, too, wrote to Tarbat to try to repair the rift between him and Kenneth Òg:

By this [delivering the letter of 1 December] yee will perceave how willing all is to hau any difference betwixt yow and my sone Seafort taken away; and non will be glader of it then I will, howeuer I hau bein misconstrued in the thing. Belieue me, I wad dy much the easier that wee war all as wee owght to bee, frindly and kynd, so that I hop out of a Cristian disposition yee will pas by and forgiue wherin yee think yee hau bein wronged.³⁸⁶

Lady Isobel and the twenty-five members of the MacKenzie gentry pandered to Tarbat for the sake of clan unity. Tarbat had the upper hand as Kenneth Òg was hardly in a political or financial position to coerce Tarbat or demand his absolute loyalty and assistance. Yet Kenneth Òg purposefully abstained from signing the letter: 'When my relations wrot to you from Fortrose, my reason of not joining with them was your shuning to see me as you went south', though he asserted, 'no backwardness or aversion to what they proposed'.³⁸⁷ He affirmed his commitment to resolving their issues, hoping that open communication would help Tarbat see that he, Kenneth Òg, was being mischaracterised.³⁸⁸

Liberating Fr Con became a focal point for the Privy Council as rumours of his death reached the Lord Advocate, Sir James Stewart.³⁸⁹ On 21 December 1697, the Privy Council ordered that, despite Kenneth Òg's sickness and the cold winter weather, he must

³⁸³ Fraser, *Cromartie*, I, pp. 125-6.

³⁸⁴ *Ibid.*, p. 125.

³⁸⁵ *Ibid.*

³⁸⁶ *Ibid.*, pp. 126-7.

³⁸⁷ *Ibid.*, p. 63. The letter is dated January 17, but William Fraser estimated that this letter was written c. 1690. Given the content of the letter, it was almost certainly written January 17, 1698. In addition to the reference to gentry writing from Fortrose, the letter also references heading south to deal with an issue with his bail, and that those who provided for his bail were friends with Tarbat. Major-general Mackay provided Seafort's bail in 1689 and was no friend to Tarbat.

³⁸⁸ Fraser, *Cromartie*, I, p. 63.

³⁸⁹ Robson, *Cornelius Con*, p. 15.

appear before them in Edinburgh.³⁹⁰ Kenneth Òg was so ill that, according to him, he was not able to dress himself.³⁹¹ He appeared before the Council in February ‘wraped up in two night gownes and ane cloak’.³⁹² Kenneth Òg was allowed to return home again on the condition that he produce Fr Con.³⁹³ Once again, Whig neighbours helped pay for his bail; this time, it was his second cousin, William Forbes, thirteenth lord Forbes and Ludovick Grant, chief of the Grants.³⁹⁴ But Kenneth Òg again failed to produce Fr Con and on 5 July 1698, the Privy Council issued a warrant to imprison Kenneth Òg in Edinburgh Castle until further notice.³⁹⁵ Robson argues that the fate of Fr Con ‘became an object of renewed interest to both church and state’ and that he was ‘a Protestant convert whose fate might presumably be used in evidence against the Earl of Seaforth whose sympathies lay with Catholic interests’.³⁹⁶ Macdonald adds that the Con’s cause was ‘a stick with which to beat the Catholic faith’.³⁹⁷ Kenneth Òg’s poor decision making made him an easy target for his enemies and rivals to Clan MacKenzies. It is perhaps with this in mind that, despite Isobel and the MacKenzie gentry’s efforts, Tarbat wrote to his fellow Privy Councillor and the lord privy seal, Queensberry that he wanted Kenneth Òg ‘frighted’ by this, but not ‘sore hurt’.³⁹⁸ Tarbat’s refusal to intervene on Kenneth Òg’s behalf extended his nephew’s imprisonment.³⁹⁹ McKenzie argues that Tarbat was ‘seemingly ambivalent about helping his wayward and embarrassing nephew’, but this assessment is only partly correct.⁴⁰⁰ Any contradiction in Tarbat’s feelings toward his nephew had disappeared due to the latter’s repeated poor decision-making and apparent indignation that help from his kin was not unconditional. Tarbat’s refusal to see or help his deathly ill nephew was not a sign of ambivalence, it was a sign that their relationship had ended because Kenneth Òg had pushed his most important kinsman too far.

In August, the Privy Council ordered Lady Frances to hand over Fr Con to the commanding officer of Inverness; if she did not, the Inverness garrison would come to Chanonry and search for him themselves.⁴⁰¹ Even though Lady Frances successfully

³⁹⁰ NRS, PC1/51, pp. 316-7.

³⁹¹ Fraser, *Cromartie*, I, p. 63.

³⁹² *More Culloden Papers*, I, p. 250.

³⁹³ *Ibid.*, p. 251.

³⁹⁴ *Ibid.*; *SP*, IV, pp. 62-3.

³⁹⁵ NRS, PC1/51, p. 446.

³⁹⁶ Robson, *Cornelius Con*, p. 14.

³⁹⁷ Macdonald, *Mission to the Gaels*, p. 222.

³⁹⁸ Hopkins, *Glencoe*, p. 466.

³⁹⁹ *Ibid.*

⁴⁰⁰ McKenzie, *May we be Britons*, pp. 143-4.

⁴⁰¹ NRS, PC1/51, p. 467.

arranged for Fr Con to be handed over in August 1698, Kenneth Òg remained in prison.⁴⁰² On 30 March 1699, the Privy Council considered petitions from Sir John Dempster of Pitliver and Tulloch on Kenneth Òg's behalf requesting that he be freed.⁴⁰³ However, the Council instead investigated claims brought by Fr Con against Kenneth Òg, claiming 'great Injustice Cruellty & unnaturall oppression exerced ag him by the Earle of Seaforth' and his involvement in the 1697 riot.⁴⁰⁴ They imprisoned and interrogated Con, who now claimed to be a Protestant who suffered for William's regime, in Edinburgh Castle.⁴⁰⁵ However, Macdonald notes that the government became 'disillusioned with Coan, who initially declared himself willing to testify against Seaforth but was evasive when questioned'.⁴⁰⁶ On 12 March 1700, Kenneth Òg was freed after he successfully petitioned the Privy Council. They determined that they could not prove Kenneth Òg's involvement in the riot and since several of those implicated had left Scotland with their families, they had been prepared to free him in March 1699 had it not been for Fr Con's claims.⁴⁰⁷ The Privy Council banished Con from Scotland and, therefore, thought little of his accusations; Kenneth Òg had confidently claimed in his petition that the government had now realised Con's nature.⁴⁰⁸ Kenneth Òg returned to Ross-shire, but was weak. He and his mother Lady Isobel focused on restoring his interest amongst the clan gentry and fixing his financial situation; Lady Isobel even prevented Lady Frances from seeing Kenneth Òg until the Seaforth estate was stabilised.⁴⁰⁹ John MacKenzie of Delvine had been working on Kenneth Òg and Isobel's debt to Pitliver since August 1699.⁴¹⁰ Kenneth Òg returned to Fortrose on 17 April 1700 and was visited by Belmaduthy, who was Delvine's brother and a reliable supporter of Kenneth Òg.⁴¹¹ Kenneth Òg and Lady Isobel's efforts did not progress as quickly as they had hoped. Writing to Delvine, Kenneth Òg stated bitterly that just after he had 'sent directions to liberat the tenants by paying ther prison', he was visited by some 'pretended friends' who 'began to regrat ther circumstances that I neglected the freeing others who sufered me once my own turn was done'.⁴¹² Furthermore, he owed

⁴⁰² Ibid., PC1/52, p. 85; Hopkins, *Glencoe*, p. 466; Macdonald, *Mission to the Gaels*, p. 224; Robson, *Cornelius Con*, p. 15.

⁴⁰³ NRS, PC1/51, pp. 562-3.

⁴⁰⁴ Ibid.

⁴⁰⁵ HMC, *Roxburghe*, p. 147.

⁴⁰⁶ Macdonald, *Mission to the Gaels*, p. 224.

⁴⁰⁷ NRS, PC1/52, p. 85.

⁴⁰⁸ Hopkins, *Glencoe*, p. 466; NRS, PC1/52, p. 85.

⁴⁰⁹ Hopkins, *Glencoe*, p. 466.

⁴¹⁰ NLS, Adv. MS 1356, fols. 94, 95, 102.

⁴¹¹ Ibid., fol. 98.

⁴¹² NLS, Adv. MS 1356, fol. 99.

money to members of his gentry. One member, George MacKenzie of Inchcoulter, was prepared to ‘pursue my Lord [Kenneth Òg]’ if he did not pay his debts to him.⁴¹³ Shortly before his death, Kenneth Òg wrote to Delvine and reflected on how his debt and imprisonments complicated matters: ‘all my mole hills is made mountains’.⁴¹⁴ However, Kenneth Òg and Lady Isobel were unsuccessful in their efforts by the time Kenneth Òg died in early March 1701 at approximately forty to forty-one years old.⁴¹⁵

2.5: Conclusion

Kenneth Òg MacKenzie, fourth earl of Seaforth’s tenure as chief of Clan MacKenzie spanned from 16 December 1678 until early March 1701, during which time the ethos of MacKenzie clanship changed due to circumstances within and outwith Kenneth Òg’s control. As a young chief, Kenneth Òg was an effective, cautious, and trusted agent of the crown. He fully supported Charles II and James, as duke of Albany and as King of Scots. James seemingly arranged his marriage to Lady Frances Herbert, daughter of William Herbert, first marquess of Powis. Powis convinced his son-in-law to convert to Catholicism, which certainly helped Kenneth Òg with James, who named Kenneth Òg as a Privy Councillor in 1686. However, every move that seemed to help Kenneth Òg with James alienated his clan. The clan gentry stayed largely Episcopalian and were unenthusiastic with his conversion, his imprisonments, and possibly his long absence in England, France and Ireland. Conversely, Tarbat gave the clan some ballast and stability, which enabled him to threaten to eclipse Kenneth Òg locally.

The historiography of the 1682 commission for securing the peace of the Highlands focuses on the relationship between the Highland elite and the crown and conciliation, but more work is needed on the impact the commission had within clans. One of the goals of the commission had been to increase the pool of loyal agents in the Highlands. However, an unintended consequence for clans such as the MacKenzies, whose chief was not one of the seven chiefs who were given a commission, was that clan gentry and lesser nobility were empowered and forged relationships outwith the scope of Kenneth Òg’s authority and noble power. This undoubtedly benefited Coul while being detrimental to Kenneth Òg.

The removal of James from the throne after the Revolution of 1688-89, the subsequent Jacobite rising, and the Highland War put Kenneth Òg in a precarious position.

⁴¹³ NLS, Adv. MS 1345, fol. 10; Watt, ‘Chiefs, Lawyers and Debt’, p. 180.

⁴¹⁴ NLS, Adv. MS 1356, fol. 120; Watt, ‘Chiefs, Lawyers and Debt’, p. 241.

⁴¹⁵ Ibid., fol. 13.

His involvement in the events of the Revolution, James's management of the Jacobite cause from Ireland, and the Highland War from 1689-91 exposed the religious and political differences between Kenneth Òg and his clan gentry. Kenneth Òg was undoubtedly influential in the north of Scotland and especially so in Ross-shire, but members of his clan gentry, namely Tarbat and Coul, felt strongly enough about Clan MacKenzie co-operating with the Williamite regime to undermine Kenneth Òg, but loyal enough to try and negotiate his peaceful surrender. Indeed, as McKenzie notes, 'While many of the clan honoured their obligation to serve their Chief, their political instincts on the whole differed from his'.⁴¹⁶ Unfortunately for Kenneth Òg and his hope that the MacKenzies would support James, Kinachulladrum was not an acceptable replacement for the exiled chief.

While Kenneth Òg's father had been able to use his position as earl and chief to advance the MacKenzie interest effectively on a local and national level, Kenneth Òg was unable to do so from England after his marriage in 1684. During his political career, Kenneth Òg lived in Ross-shire for less than ten years. This is far less than his father, who lived in Ross-shire for most of his twenty-six-year lordship. The nature of Kenneth Òg's absence was in marked contrast to the existing historiography that views absenteeism from the perspective of extravagant spending in the Lowlands and Edinburgh. Indeed, Kenneth Òg's struggles justify the importance that the MacKenzies and others placed on fostering their chiefs within the clan, as shown in the previous chapter. Being among his clansmen, followers, and dependents would have, as Reverend MacRae noted, acquainted Kenneth Òg with 'their circumstances, which indeed was his interest and part of their happiness so that it was better to give him that first step of education than that which would make him a stranger at home, both as to his people, estate, and condition'.⁴¹⁷ While Kenneth Òg was presumably fostered in Ross-shire, his time in England probably created a gap between himself and his gentry that he never fully understood or appreciated. This fact alone was not the benchmark for how effective Kenneth Òg was as a Highland noble and clan chief, but rather was one of the factors which explain how a once-promising noble and chief grew increasingly out of touch with the clan gentry and his clansmen on two of the most divisive issues of this era: Catholicism and Jacobitism.

However, Kenneth Òg's decisions from 1692 that show his very poor decision-making ability and his inability to navigate the changing political and religious

⁴¹⁶ McKenzie, *May we be Britons*, p. 144.

⁴¹⁷ The Ardintoul MS, fol. 80.

circumstances in Scotland made him a liability to his clan, and therefore a liability to James and the Jacobite cause. It was not a coincidence that he was the last of those originally imprisoned during the Highland War to be released. Kenneth Òg, his health failing, was desperate to return to Ross-shire; however, every decision he made from 1692 delayed his return. He fled Edinburgh in May 1692 and was quickly captured, he escaped from Edinburgh Castle shortly before he was due to be released in 1695, he refused to hand over an apostate priest when required to in 1697 and 1698, and he started a riot in 1697. In the process, he alienated and burdened many of his clan gentry and reduced the time he would have to mend fences and put his estate in order. Kenneth Òg's stated objective was to return home and manage his estate but he was unable to do so because of poor health and poor decision making. Nevertheless, the gentry, in turn, worked to protect him, his finances, and the clan's status under the new regime of William and Mary and were not prepared to disown or replace their Catholic chief, as the Campbells had done in 1619. The next chapter will show how this further motivated the gentry to take an active role in trying to mould Kenneth Òg's son, William Dubh, into a more effective noble and chief.

Chapter 3: Chief William Dubh MacKenzie, fifth earl of Seaforth, 1701-1719

Figure 3-1: Painting from the circle of Mary Beale (1633-1699), entitled 'William Mackenzie (d.1740), 5th Earl of Seaforth, When a Boy'.



SOURCE: Mary Beale (1633-1699) (circle of), *William Mackenzie (d.1740), 5th Earl of Seaforth, When a Boy*, oil on canvas, 122 x 99 cm, Fortrose Town Hall, Fortrose < <https://artuk.org/discover/artworks/william-mackenzie-d-1740-5th-earl-of-seaforth-when-a-boy-166715> > [accessed 13 December 2022].

By 6 March 1701, William Dubh MacKenzie, the eldest child of the Kenneth Òg and Lady Frances and Kenneth Òg's eldest legitimate son, had become chief of the MacKenzies and the fifth earl of Seaforth.¹ For the third consecutive time, the chief of Clan MacKenzie would begin his political career as a minor at approximately twelve years old. Additionally, William Dubh would be a Catholic chief of a mostly Episcopalian clan. William Dubh was the fifth earl of Seaforth until his estates were forfeited in 1716 and chief of the MacKenzies until his death on 8 January 1740 in the Isle of Lewis. Concerning the chronological limits of this chapter, 1701-19, William Dubh's political career was marked by several significant Scottish, British, and European events: the Treaty of Union in 1706 and Union with England Act of 1707, the abortive Jacobite invasion from France in 1708,

¹ NRS, PC1/52, fol. 96. This Privy Council record is the earliest known reference to the fourth earl of Seaforth's death.

and two Jacobite rebellions in 1715 and 1719, supported by France and Spain respectively. From 1715 until 1726, when William Dubh made peace with the Hanoverian king, George I, and returned to Ross-shire, William Dubh featured prominently in plans to restore the Stuart dynasty through James Francis Edward Stuart, or James VIII & III in the Jacobite line of succession. As a result of his support, he would live in exile in France from 1716-19 and 1719-26. On a local level, events proved that William Dubh could reliably raise part of his clan and his tenants, despite two periods in exile, and the MacKenzies who remained loyal to him were some of the last to conform to the government's attempts to disarm dissenters in Scotland in the 1720s.

Despite William Dubh's local and national stature, a lacuna exists for a complete profile on William Dubh as both a Highland noble, chief and a Jacobite aristocrat. William Dubh's inclusion in Scottish and British historiography is limited and revolves around his participation in the Jacobite rebellions of 1715 and 1719; and he is often omitted in the historiography of the former rebellion.² Historiography which does integrate William Dubh shows him to be an important Jacobite aristocrat and the MacKenzies under William Dubh to be, generally, reliable Jacobites.³ However, such a limited profile of William Dubh – a Jacobite military leader from 1715 to 1719 – has led to a generalisation of him as eager to prove himself but vain, weak, touchy, and hot-headed.⁴ This chapter will challenge the historiographical presentation of William Dubh and provide a more nuanced and complete understanding by examining his role as both a clan chief and an aristocrat from the first year of his lordship in 1701 until 1719 when he left Scotland for his final sojourn in exile. This chapter will be broken into three distinct periods in William Dubh's political career, as follows.

² Eveline Cruickshanks, ed., *Ideology and Conspiracy: Aspects of Jacobitism, 1689-1759*; Neil Davidson, *Discovering the Scottish Revolution 1692-1746* (London: Pluto Press, 2003); Macinnes, *Clanship*; Allan I. Macinnes, 'Jacobitism in Scotland: Episodic Cause or National Movement', *The Scottish Historical Review* 86 (2007), 225-52; *Living with Jacobitism, 1690-1788: The Three Kingdoms and Beyond*, ed. Allan I. Macinnes, Kieran German, and Lesley Graham; Daniel Szechi, "'Cam Ye O'er Frae France?' Exile and the Mind of Scottish Jacobitism, 1716-1727", *Journal of British Studies*, 37 (1998), 357-90; Szechi, *The Jacobites*.

³ Edward Corp, *The Jacobites at Urbino: An Exiled Court in Transition* (Basingstoke: Palgrave Macmillan, 2009), p. 73; George Hilton Jones, *The Main Stream of Jacobitism* (Cambridge: Harvard University Press, 1954); Bruce Lenman, *The Jacobite Cause* (Glasgow: Richard Drew Publishing Ltd, 1986); Lenman, *The Jacobite Risings*; Frank McLynn, *The Jacobites* (Boston: Routledge & Kegan Paul, 1985); Margaret Sankey and Daniel Szechi, 'Elite Culture and the Decline of Scottish Jacobitism 1716-1745', *Past & Present*, 173 (2001), 90-128; Whyte and Whyte, *On the Trail of the Jacobites*.

⁴ Angus MacKay, *The Book of MacKay* (Edinburgh: Norman Macleod, 1904), pp. 178; Rose, *Historical Notes*, p. 40; Daniel Szechi, *George Lockhart of Carnwath, 1681-1731: A Study in Jacobitism* (East Linton: Tuckwell Press, 2002), p. 123.

The first section will briefly discuss the early life of William Dubh before focusing on his lordship from March 1701, when he became chief, until his return from his exile in France in 1708. During this period, the MacKenzies again had to function with an absentee chief. Sir George MacKenzie, viscount Tarbat, who rose to comital rank in 1703 as the earl of Cromarty after the ascension of Queen Anne, was the most notable and influential member of Clan MacKenzie.⁵ Two of William Dubh's uncles served as his curators and estate managers. John MacKenzie of Assynt first served as curator until he died in 1705, after which the curator until at least 1710 was Colonel Alexander MacKenzie.⁶ The role of tutor likely went to Assynt and Col. Alexander in turn, as they were William Dubh's nearest agnates.⁷ It is unclear whether Kenneth Òg named Assynt as tutor or the panel of curators before he died. R.W. Munro notes that agnates were preferred as tutors because they were most likely 'succeed to the pupil's estate'.⁸ Therefore, while the mother could be named as the tutor, it was unlikely that the MacKenzie gentry would have chosen Lady Frances over Assynt. Furthermore, the 1700 'Act for the further preventing the Growth of Popery' prohibited Lady Frances from being tutor and her Catholic family from serving on the panel of curators, which typically included members of the mother's family.⁹ Instead, Col. Alexander was William Dubh's tutor until the latter turned fourteen.¹⁰ One role of William Dubh's tutor was to direct his education and place of residence, but Lady Frances took this decision from whomever his tutor was in 1701 when she and her family snuck him out of Scotland.¹¹ This period also saw a protracted feud between the two matriarchs of the clan, William Dubh's grandmother, Lady Isobel, and his mother, Lady Frances. Lady Isobel and Lady Frances disagreed over his education, care, and the management of his estate and members of the gentry provide support to both. As Keith Brown notes, Highland kindreds 'went to great lengths' to prevent internal conflicts.¹² This dispute,

⁵ For the sake of narrative clarity, Sir George MacKenzie, viscount Tarbat and first earl of Cromarty will be referred to by his earldom in this chapter.

⁶ GCA, MS 591702, f. 4; GCA, MS 591705, f. 1. James Sutherland, lord Duffus (d. 1705), William Dubh's uncle through marriage and a landholder in Lewis, Ross-shire, and Inverness-shire, may have also helped manage the estate as curator, see NRS, RH8/526; Mackenzie, *History of the Mackenzies*, p. 281.

⁷ R. W. Munro, 'Chiefs in the Cradle: Some Highland Tutorships (I)', *The Scottish Genealogist*, 5 (January 1958), 7-12 (p. 9).

⁸ Ibid.

⁹ RPS, 1700/10/73; Brown, *Noble Power in Scotland*, pp. 46-7; Rebecca Mason, "'With Hir Gudis & Geir': Married Women Negotiating the Law of Property in the Courts of Seventeenth-Century Glasgow" (unpublished doctoral thesis, University of Glasgow, 2019), pp. 199-200.

¹⁰ GCA, MS 591702, f. 4; R. W. Munro, 'Chiefs in the Cradle: Some Highland Tutorships (III)', *The Scottish Genealogist*, 5 (July 1958), 52-7 (p. 54).

¹¹ R. W. Munro, 'Chiefs in the Cradle: Some Highland Tutorships (II)', *The Scottish Genealogist*, 5 (April 1958), 30-5 (p. 33).

¹² Brown, *Noble Power in Scotland*, pp. 54-6.

however, required government intervention. This section will also examine clan MacKenzie's involvement in the Treaty of Union debates and ratification. Ultimately, this section will review the evidence on William Dubh's life and upbringing as an exile in France and how the MacKenzie gentry tried to secure his return while investigating how the clan managed itself without their chief.

The second section will explore the government-imposed conditions for William Dubh's return and how he acted as chief once he returned to Ross-shire in 1708 as the titular chief of the MacKenzies and ends before the start of planning for the 1715 Jacobite rebellion. This includes how William Dubh expressed his Catholicism, and how he advanced the MacKenzie interest politically despite not renouncing his Catholicism or taking the oath of allegiance. Additionally, this section compares how William Dubh manoeuvred in the shadow of his great-uncle, Sir George MacKenzie, first earl of Cromarty and *de facto* chief, and how he manoeuvred as chief after Cromarty's death on 27 August 1714 to unite the clan.

The third section of this chapter will examine William Dubh and the MacKenzies' involvement in the 1715 Jacobite rebellion, which lost him the earldom of Seaforth in 1716; and the 1719 Jacobite rebellion, and William Dubh's time in exile between the rebellions. This section will use a William Dubh-centric analysis of the years 1715 to 1719 to explore broader questions about Highland lordship, clanship, Jacobitism, and the effects of absenteeism on the relationship between chief and clan.

3.1: Early life and absentee lordship, c.1689-1708

Much of William Dubh's early life is a mystery as few sources remain from before his return to Scotland in 1708. William Dubh remained a minor until at least c. 1708 and the decisions made on his behalf by his mother, Lady Frances, and by the clan gentry would have repercussions for William Dubh and the MacKenzies throughout his political career. Lady Frances and her family ensured that William Dubh spent the formative years of his minority, 1702-08, in France, gaining a first-rate education while being raised a Catholic. Meanwhile, his absence allowed his great-uncle, Sir George MacKenzie, viscount of Tarbat and first earl of Cromarty from 1703, to assume the role of *de facto* chief of the MacKenzies. This section, therefore, will explain the state of Clan MacKenzie which William Dubh inherited upon his return from France in February 1708.

3.1.1: William Dubh's early life and fosterage in France, c. 1689-1708

There are no surviving records of William Dubh's birth or baptism; however, he was probably born in c.1689-90. Kenneth Òg MacKenzie married Frances Herbert in May 1684 and, while the Kenneth Òg did have an earlier illegitimate son, William Dubh was never described as being born out of wedlock.¹³ In January 1708, Lady Frances was described as still 'breeding' William Dubh to be Catholic. If this is, as it implies, a reference to Frances still being empowered to make decisions on behalf of her son, William Dubh was probably still a minor. Hector MacKenzie dedicated in September 1710 history of the MacKenzies to William Dubh and Col. Alexander MacKenzie, whom Hector described as 'Tutor of Kintail sole currator and Mannager of the Estate Seaforth'.¹⁴ However, in 1710, Cromarty's children sought William Dubh's support within Ross-shire for elections.¹⁵ It could be that this shift in authority and influence indicates that William Dubh was nearly the age of twenty-one in late 1710 and would, therefore, have been born c.1689-90. Nevertheless, there are next to no surviving records for William Dubh before his father's death in 1701. The earliest surviving record of William Dubh's existence is in a letter from Susan, countess of Dundonald to Charles Butler, first earl of Arran (second creation) on 28 February 1697, in which Lady Susan mentions that William is ill.¹⁶ There are several references to the Seaforth 'family' in the Privy Council records for 28 June 1694, but no explicit mention of children.¹⁷ What is known, however, is that William Dubh became the chief of the MacKenzies and fifth earl of Seaforth by 6 March 1701 as a minor.

Kenneth Òg's death in March 1701 would not have been a surprise given his poor health, but the MacKenzie gentry were not prepared for William Dubh's minority, due to a recent law in Scotland which prohibited Catholic parents from raising their children. The 1700 'Act for the further preventing the Growth of Popery', required that the children of Catholic parents be sequestered.¹⁸ The law stated:

And his majesty, with advice and consent foresaid, does hereby not only ratify the eighth act of the parliament 1661, entitled, act against papists, priests and Jesuits and appointing children under popish parents, tutors and curators to be taken from them and committed to the education of some well affected religious kinsmen at the sight and by order of his majesty's privy council, but further declares that it shall be competent to any of the Protestant relations of the foresaid children to pursue to have

¹³ Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*.

¹⁴ GCA, MS 591702, f. 4.

¹⁵ BL, Add. MS 39188, fol. 3.

¹⁶ NRS, GD406/1/6420.

¹⁷ *Ibid.*, PC1/49, p. 306

¹⁸ *RPS*, 1700/10/73.

their education committed in manner above-specified; and that failing the said Protestant relations, his majesty's advocate or solicitor may prosecute the said action by themselves, without concurrence of the said relations.¹⁹

Most of the members of the Clan MacKenzie gentry were worried that Lady Frances was planning to have William Dubh brought up as a Catholic and Lady Isobel hoped William Dubh and his sister, Mary, would be taken away from Lady Frances.²⁰

Disagreements over who would care for William Dubh would turn the generational fissure which had been growing between his father and his wife Lady Frances on one side and Lady Isobel and Cromarty on the other side into a chasm that would never be healed. On 6 March 1701, the Scottish Privy Council ordered Sir James Stewart, Lord Advocate to give orders for the sequestration of William Dubh and his sister Mary, who were to be put in the care of John Cunningham of Caddell until summoned by the Privy Council.²¹ Five days later, the Privy Council added James Brodie of Brodie and Duncan Forbes of Culloden to the list of acceptable custodians.²² Letters from Lady Isobel and John Forbes, Culloden's brother, to Culloden suggest that these men might have been added on the insistence of Cromarty and Lady Isobel. On 19 May, Lady Isobel wrote that she was 'fully perswaded the child [William Dubh] will be better a great deal with you [Culloden] than [Frances]'.²³ By all outward appearances, Culloden was the perfect compromise guardian. Culloden was a friend to both Lady Frances and Lady Isobel and had even cared for William Dubh on Lady Frances's behalf in August 1699.²⁴ From the Privy Council's perspective, Culloden and his family were devout Presbyterians and Culloden himself was the parliamentary representative for the nearby shire of Nairn.²⁵ Culloden's wife, Mary Innes, daughter of the laird of Innes, was also devoutly Presbyterian.²⁶ The couple was well thought of by their contemporaries and, as Lady Frances, Lady Isobel and the Privy Council all found them suitable to care for William Dubh and Mary, would have been the ideal, compromise custodians had Lady Frances not been determined to decide how

¹⁹ Ibid.

²⁰ Mackenzie, *History of the Mackenzies*, p. 289; Fraser, *Cromartie*, I, p. 205; *More Culloden Papers*, I, p. 252.

²¹ Ibid., PC1/52, fols. 96-7.

²² See Chapter 2, n. 361. Although William Dubh and Duncan Forbes's shared ancestor lived in the fourteenth century, William Dubh's father, Kenneth Òg, viewed Culloden as their kin.

²³ *More Culloden Papers*, I, p. 252.

²⁴ Ibid., pp. 251-3.

²⁵ John Hill Burton, *Lives of Simon Lord Lovat, and Duncan Forbes, of Culloden* (London: Chapman and Hall, 1847), pp. 271-3.

²⁶ Ibid., pp. 273-4.

William Dubh and Mary were raised.²⁷ She politely protested to John Forbes, who tried to assuage her fears; however, Lady Frances did not want Culloden to be involved in the affair at all.²⁸ Frances's objections were not related to who Culloden was, but rather that parents should be able to decide how their children were educated.²⁹ Frances's attempted intervention failed and William Dubh and Mary split time between Culloden's house and Brahan Castle throughout 1701.³⁰

Despite overwhelming opposition, Frances was able to retrieve William Dubh and Mary from Culloden's house in November 1701 and transport them to her family in England by 1702, who then sent them to the Jacobite court in Saint-Germain-en-Laye.³¹ This remained a point of contention in the clan, as Cromarty accused Lady Frances of breaking the law to send William Dubh to France to receive a Catholic education – against which she successfully defended herself to the Scottish Privy Council – and the MacKenzie gentry twice petitioned the Privy Council in 1706 and 1707 for Frances to retrieve her children so that he could be raised as a Protestant; the accusations and the petitions will be discussed in more detail later in this chapter.³² While Frances would return to Ross-shire, William Dubh remained at the Jacobite court until late 1707 or early 1708. By sending William Dubh and Mary to Saint-Germain, Frances ensured that her children were at one the centres of expatriate Jacobite political life and could be raised Catholic.

There are no known records that detail William Dubh and Mary's time in Paris; however, it is possible to speculate on what it may have been like for them. Only five percent of the known Jacobite exile community were Scottish and of that five percent, few were Highlanders.³³ Few Scots came to the exiled Jacobite court because it was, in effect, the English court away from Whitehall.³⁴ By the time that William Dubh and Mary arrived, none of their mother's family were in Paris, staying instead in Wales, England and

²⁷ Ibid.

²⁸ Ibid., p. 255; Fraser, *Cromartie*, I, p. 205.

²⁹ *More Culloden Papers*, I, p. 254.

³⁰ Ibid., pp. 254-6.

³¹ BL, Add. MS 61624, fol. 59; *More Culloden Papers*, I, pp. 254, 256.

³² BL, Add. MS 61624, fols. 59-60; NLS, Adv. MS 1345, fol. 77; Ibid., Adv. MS 1360, fol. 98.

³³ Nathalie Genet-Rouffiac, 'Jacobites in Paris and Saint-Germain-en-Laye', in *The Stuart Court in Exile and the Jacobites*, ed. Eveline Cruickshanks and Edward Corp (London: The Hambledon Press, 1995), pp. 15-38 (p. 18). Irish exiles made up sixty percent of the court and English exiles made up thirty-five percent; Thomas McNally, 'The Alumni of the Scots Colleges Abroad 1575-1799', (unpublished doctoral thesis, University of Aberdeen, 2008), p. 33.

³⁴ Edward Corp, 'The Scottish Jacobite Community at Saint-Germain after the Departure of the Stuart Court', in *Living with Jacobitism, 1690-1788: The Three Kingdoms and Beyond*, ed. Allan I. Macinnes, Kieran German, and Lesley Graham (London: Pickering & Chatto, 2014), pp. 27-37 (p. 36).

Scotland; it is not known who took charge of them in Saint-Germain.³⁵ William Dubh and Mary could have mingled with the children of their father's Scottish allies: Charles Middleton, earl of Middleton; James Drummond, duke of Perth; and John Drummond, duke of Melfort.³⁶ Nothing is known of William Dubh's and Mary's education or their time in France from 1702 to 1708. Alasdair Roberts states that William Dubh attended the Scots College at Douai, but his name does not appear on the register of either the Scots College in Douai, or even Paris, although he may have attended under a pseudonym.³⁷ William Dubh would later send his two younger sons, Ronald and Nicholas, to the Scots College of Douai.³⁸ Apart from being raised Catholic, the only information about his education comes from Lady Frances's petition to Queen Anne in 1708, in which she states that William Dubh was sent abroad to 'be taught Foreign Languages and get education Suitable to his birth'; approximately forty percent of the exile community was of noble birth.³⁹

3.1.2: The MacKenzies without William Dubh, 1702-08

Even though Jacobite wives and widows featured prominently in the Jacobite exile community, Lady Frances did not follow her children to Paris and instead returned to Ross-shire to manage affairs with the help of John MacKenzie of Delvine while William Dubh's uncles Assynt (until 1705) and Col. Alexander (until c.1710) served as William Dubh's tutor and curator.⁴⁰ As stated above, Col. Alexander was referred to as the sole tutor and curator in 1710, but he had likely shared responsibilities with Assynt and possibly with James Sutherland, second lord Duffus (d. 1705).⁴¹ While Lady Frances and Lady Isobel had both worked to free the late Kenneth Òg from prison, they no longer saw eye-to-eye in clan affairs. As mentioned in the previous chapter, Lady Isobel had kept Lady Frances from seeing Kenneth Òg in the final year of his life while Lady Isobel helped him right his financial situation. Now, undoubtedly furious that Lady Frances had managed to have William Dubh and Mary smuggled to France, Lady Isobel engaged Lady Frances in a costly, protracted feud which exacerbated the split forming within the Clan MacKenzie

³⁵ Seaforth and Mary's maternal grandfather, William Herbert, first marquess of Powis, died at St Germain 1696, and although their uncle, William Herbert, viscount Montgomery (second marquess of Powis after his estates were restored in 1722) was on the continent, he lived in Flanders and avoided Paris, Paul Hopkins, 'Herbert, William, second marquess of Powis and Jacobite second duke of Powis', in *ODNB*.

³⁶ Corp, 'The Scottish Jacobite Community', p. 28.

³⁷ McNally, 'Alumni of the Scots Colleges', pp. 233-335.

³⁸ *Records of the Scots Colleges*, pp. 78-9.

³⁹ BL, Add. MS 61624, fol. 58; Genet-Rouffiac, 'Jacobites in Paris and Saint-Germain-en-Laye', p. 18.

⁴⁰ Genet-Rouffiac, 'Jacobites in Paris and Saint-Germain-en-Laye', p. 19; GCA, MS 591702, f. 4; Mitchell Library, MS 591705, f. 1.

⁴¹ Mason, "'With Hir Gudis & Geir'", pp. 199-200; 'Curator n.', *Dictionary of the Scots Language* (2004), <<https://www.dsl.ac.uk/entry/snd/curator>> [accessed 1 November 2018].

gentry. This was possible because, while Lady Frances and Delvine managed William Dubh's affairs in his absence, Lady Isobel had come to own the Seaforth estate to help protect Kenneth Òg from his creditors. After Lady Frances returned to Ross-shire, Lady Isobel used her ownership of the Seaforth estate to withhold the £1000 annuity due to Frances according to her marriage contract.⁴² Many widows had to sue debtors, but this seemed to be about revenge on Isobel's part rather than the more common problem of lack of money.⁴³

In 1704, Lady Frances petitioned the Scottish Parliament over the withholding of money owed to her by Lady Isobel.⁴⁴ Cromarty, his son, Sir Kenneth MacKenzie of Cromarty, and his brother, Roderick MacKenzie of Prestonhall, had been assisting Lady Isobel and were summoned to Parliament.⁴⁵ On 19 August 1704, Parliament ruled that Lady Frances should receive an aliment settlement of £500 per year, meaning her income was no longer tied to the estate and would instead be a legal obligation on behalf of Lady Isobel.⁴⁶ There was a condition within the aliment agreement which meant that if it was not renewed by Cromarty and Kenneth MacKenzie and they were to die the following winter, then Lady Frances would not be entitled to any more money.⁴⁷ Unable to resolve this issue privately, Frances petitioned Parliament again; and again, Parliament ruled in her favour and ordered Cromarty and his son, Kenneth, , to fix this condition in Lady Frances's favour.⁴⁸ Not only had Parliament acknowledged the 'trouble and vast expense' she experienced, but some members of the MacKenzie gentry did as well. Although George MacKenzie of Inchcoulter – Rosehaugh's nephew and a commissioner to Scottish Parliament from 1704-08 – was determined to remain neutral, he expressed disappointment in Lady Isobel, whom he described as an honest woman, and only condemned Lady Frances's method for solving the dispute, which was to petition Parliament again.⁴⁹ After their ruling, however, Inchcoulter was relieved, writing 'I am well pleasd, for my thoughts were much over it because my college [colleagues] wud not

⁴² *RPS*, 1704/7/110.

⁴³ Margaret H. B. Sanderson, *A Kindly Place? Living in Sixteenth-Century Scotland* (East Linton: Tuckwell Press, 2002), p. 118.

⁴⁴ *RPS*, A1704/7/21.

⁴⁵ *Ibid.*; *RPS*, A1705/6/77.

⁴⁶ *RPS*, 1704/7/110.

⁴⁷ *RPS*, 1705/6/77.

⁴⁸ *Ibid.*; Mackenzie, *History of the Mackenzies*, p. 553.

⁴⁹ NLS, Adv. MS 1345, fol. 60; *RPS*, 1705/6/77.

accept I think the Marchioness a seickle poor stranger... toss'd by her necessitie from shoar to shoar who must be forgiven'.⁵⁰

Lady Frances, though unpopular with the MacKenzie gentry, had a few allies among them, namely Delvine, John MacKenzie of Assynt, George MacKenzie of Rosehaugh, and Simon MacKenzie of Allangrange.⁵¹ Unfortunately for Lady Frances, however, Assynt, her brother-in-law and William Dubh's uncle, was arrested in 1703 by the son of James Sutherland, lord Duffus for applying rents raised in Lewis in ways that were not permitted by his tack.⁵² Inchcoulter wrote that it was 'of the greatest concern both to his familie and it's creditors' that Assynt be freed and Lady Frances wrote daily to try to secure his release from prison in Elgin, where Duffus had summoned him.⁵³ The leading gentry supported Frances in this aim, as gentlemen 'who not long [ago] condemn'd mightilie the carrying away of the Earle [Seaforth]' showed support.⁵⁴ Assynt would be released and immediately started to try and pay off family debts, but died by the summer of 1705.⁵⁵

Inchcoulter expressed admiration for Lady Frances's attempts to ward off Cromarty and Lady Isobel.⁵⁶ He, too, probably advised Lady Frances to bring back William Dubh and let him be raised a Protestant, believing that this and paying off debt was paramount to securing the chiefly estate.⁵⁷ Allangrange was such a frequent visitor to Frances that Inchcoulter feared he might be meddling too much.⁵⁸ The 'vast expence' of Frances's petitions against Isobel, coupled with other debts, made managing William Dubh's finances next to impossible for her. Inchcoulter and others lobbied the Privy Council for the sequestration of William Dubh's estate as a short-term solution.⁵⁹ He added that 'My good wishes shall be still with [Lady Frances and the chiefly estate] & cud I contribute to its recoverie I shud think my self well employed; but I am afraid that the divisions among the M'Kenzies may prove fatall to both'.⁶⁰ Inchcoulter got his wish and the Lords of Session decided to sequester the estate for Lady Frances's benefit in 1705/6 to prevent

⁵⁰ NLS, Adv. MS 1345, fol. 43.

⁵¹ Ibid., fols. 50, 71.

⁵² Ibid., fol. 47.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid., fol. 60; *RPS*, 1705/6/14.

⁵⁶ NLS, Adv. MS 1345, fols. 71, 77; NLS, Adv. MS 1360, fol. 98; BL, Add. MS 61624, fol. 61.

⁵⁷ NLS, Adv. MS 1345, fols. 47, 48.

⁵⁸ Ibid., fols. 48, 69.

⁵⁹ Ibid., fol. 71.

⁶⁰ Ibid.

further fighting and to improve the condition of the estate in preparation for William Dubh's return.⁶¹

Now that the financial concerns were temporarily resolved, the MacKenzies again petitioned the Scottish Privy Council for William Dubh's return. In 1707-08, twenty-nine members of the Clan MacKenzie gentry (see Table 3-1) petitioned the Privy Council to provide funds from the sequestered estates for William Dubh's return.

Table 3-1: Petitioners to the Privy Council, 1708⁶²

Alexander MacKenzie of Coningsby, uncle to William Dubh	John MacKenzie of Drumderfit
Simon MacKenzie of Allangrange	Roderick MacKenzie of Fairburn
Murdo MacKenzie of Ardross	Alexander MacKenzie of Fraserdale
John MacKenzie, younger of Ardross	Colin MacKenzie of Kincaig
John MacKenzie, younger of Avoch	Colonel Duncan MacKenzie, second son of Colin MacKenzie of Kincaig
Alexander MacKenzie of Belmaduthy	Hector MacKenzie of Kinkell
William MacKenzie, younger of Belmaduthy	Kenneth MacKenzie of Pitlundie
George MacKenzie, third son of Alexander of Belmaduthy	Roderick MacKenzie of Redcastle
William MacKenzie of Comrie	Kenneth MacKenzie of Scatwell
John MacKenzie of Coul	Kenneth MacKenzie of Suddie
Kenneth MacKenzie of Cromarty	George MacKenzie, master of Tarbat (as 'Mackleod, lord Mackleod')
Charles MacKenzie of Cullen	John MacKenzie of Tarvie
William MacKenzie of Davochcairn	Simon MacKenzie of Torridon
Alexander MacKenzie of Davochmalaug	Kenneth MacKenzie, younger of Torridon
Colin MacKenzie of Davochpollo, tutor of Gairloch	

They argued that William Dubh was taken overseas without their consent and that they zealously supported Protestantism and Queen Anne and only wished to educate William Dubh in the Protestant religion and render him capable of serving Anne.⁶³ Their petition

⁶¹ BL, Add. MS 61624, fols. 58, 61.

⁶² Ibid., fol. 61; Mackenzie, *History of the Mackenzies*, pp. 428, 485-6, 544, 583-4.

⁶³ BL, Add. MS 61624, fol. 61.

was successful, and the government-imposed conditions for his return will be discussed later in this chapter. The ‘divisions’ would not prove to be as internecine as Inchcoulter feared, but they undoubtedly created tension until William Dubh’s return from France in 1708. In the meantime, the split was exacerbated by potential union with England.

The only known contemporary source which states William Dubh’s opinion on the union with England comes from a song by Iain Lom. In his song, ‘Oran an Aghaidh an Aonaidh’ [‘A Song Against the Union’], Iain Lom expressed disdain for William Dubh’s unionist beliefs:

Iarla Bhrathainn a Sìoford,
 Cha bhi sìothshaimh ri d’ bheò dhuit,
 Gum bi ort-sa cruaidh fhaghaid
 Thall a staigh de’n Roinn Eòrpa;
 Ach nam faighinn mo raghainn
 Is dearbh gu leaghainn an t’òr dhuit,
 A staigh air faochaig do chlaiginn
 Gus an cas e do bhòtainn.

[Earl of Seaforth from Brahan, there will be no peace for you as long as you live; there will be a hot hunt at your heels abroad, anywhere within the bounds of Europe; but if I had my way, truly I would melt gold for you, and inject it into the shell of your skull until it would reach your boots.]⁶⁴

However, despite his apparently unionist views, William Dubh was not in Scotland during the debates and ratification of the treaty of union. Even if William Dubh had returned in time, he would have had to have taken the oath to Queen Anne to take his seat in Scottish Parliament to participate directly and the oath would have conflicted with his Catholic beliefs. It could be that Lom was mistaken and meant Cromarty, that the actual verse was changed while it circulated in the oral tradition before being written down, or that this was an attempted slander against the young William Dubh and by extension, Clan MacKenzie. Regardless, the MacKenzies were represented during the Treaty of Union debate and ratification by the commissioners to Parliament for Ross-shire, George MacKenzie of Inchcoulter and Sir Kenneth MacKenzie of Scatwell, and the ‘Cromartie interest’, as P.W.J. Riley as named them (see Table 3-2).⁶⁵

⁶⁴ Iain Lom, ‘Oran an Aghaidh an Aonaidh’, in *Oran Iain Luim*, pp. 228-9, 327.

⁶⁵ P. W. J. Riley, *The Union of England and Scotland: A study in Anglo-Scottish politics in the eighteenth century* (Manchester: Manchester University Press, 1678), pp. 277, 337.

Table 3-2: Shire and Burgh Commissioners in Ross-shire and Cromartyshire, 1707⁶⁶

Name	Shire/Burgh	Year of Election
Aeneas MacLeod of Cadboll	Cromartyshire	1703
Sir Kenneth MacKenzie of Cromarty	Cromartyshire	1693, re-elected in 1702
John Bayne, younger of Tulloch	Dingwall	1702
Roderick MacKenzie of Prestonhall	Fortrose	1705
George MacKenzie of Inchcoulter	Ross-shire	1704
Sir Kenneth MacKenzie of Scatwell	Ross-shire	1702
Captain Daniel MacLeod	Tain	1703

The members of Cromarty's 'interest' in the Scottish Parliament included the earl of Cromarty himself, Sir Kenneth MacKenzie of Cromarty, Roderick MacKenzie of Prestonhall and Aeneas MacLeod of Cadboll. Kenneth of Cromarty and Cadboll were shire representatives for Cromartyshire. Prestonhall served as the burghess for Fortrose in Ross-shire from 1705 after having served as a shire representative in Cromarty-shire from 1700-03.⁶⁷

Historians have offered various interpretations for the stance of the 'Cromartie interest' during the Union debates. Riley speculates that Cromarty's following voted for union despite their own beliefs and interests, writing that they 'were of jacobite [sic] inclination, anti-unionist in sympathy and difficult to manage, although in the last resort, it is true, they voted for union or stayed away. There is perhaps no need to look further than political pressure'.⁶⁸ There were rumours that Kenneth of Cromarty was not in line with the earl of Cromarty and the wishes of the royal court, but D.W. Hayton argues that these rumours are unsubstantiated.⁶⁹ Cromarty favoured an incorporating union between Scotland and England, meaning the merging of the two into one kingdom and parliament, and had been publishing pro-incorporation pamphlets since 1702, when he published *Parainesis Pacifica*.⁷⁰ Karin Bowie argues that Cromarty ultimately put forward a 'Tory

⁶⁶ NRS, PA7/25/10; NRS, PA7/25/25; NRS, PA7/25/29; NRS, PA7/25/51; NRS, PA7/25/63; NRS, PA7/25/98

⁶⁷ NRS, PA7/25/10; NRS, PA7/25/63.

⁶⁸ Ibid., p. 277.

⁶⁹ D. W. Hayton, 'MACKENZIE, Hon. Sir Kenneth, 3rd Bt. (c.1658-1728), of Cromarty', in *HoP*.

⁷⁰ Bowie, *Scottish Public Opinion*, p. 51; [Sir George MacKenzie], *Parainesis Pacifica; or, a perswasive to the union of Britain* (Edinburgh, 1702).

perspective aimed at religious moderates and the propertied'.⁷¹ Cromarty did not believe religious differences should stand in the way of union and wrote several pamphlets supporting toleration of dissenting Protestants.⁷² Additionally, he argued that an incorporating union would simplify monarchical responsibilities towards both Scotland and England and would be in England's best interest, as well as Scotland's.⁷³ According to Macinnes, Cromarty believed that this would benefit Scotland, as it 'would end England's discriminatory treatment of Scotland since the regal union' and 'the neglect of Scottish interests in the making of peace and war'.⁷⁴ T. C. Smout argues that on a personal level, Cromarty needed access to the English market to expand profits from his northern estates.⁷⁵

The MacKenzie freeholders in Ross-shire, however, elected anti-Union representatives. Scatwell had been elected in 1702 and Inchcoulter became shire representative of Ross-shire after the second by-election in 1704. Two by-elections took place in 1704 to fill the vacancy left by Sir Kenneth MacKenzie of Gairloch's death in late 1703 or early 1704. Gairloch himself had been ardently anti-union, declaring it 'the funeral of this country'.⁷⁶ The MacKenzie Ross-shire freeholders' choice for the first by-election was Allangrange, but his victory was nullified. The freeholders next chose Inchcoulter (see Table 3-3), whose election was confirmed by the Scottish Parliament.

Table 3-3: Results of the Second Vote, 1704⁷⁷

Freeholder	Vote
Sir Donald Bayne of Tulloch	Inchcoulter
Roderick Dingwall of Cambuscurrie	Inchcoulter
Aeneas MacLeod of Cadboll	Inchcoulter
Colin MacKenzie of Davochpollo	Inchcoulter
George MacKenzie of Inchcoulter	Inchcoulter
John MacKenzie of Assynt	Inchcoulter
Sir John MacKenzie of Coul	Inchcoulter

⁷¹ Bowie, *Scottish Public Opinion*, p. 105.

⁷² [Sir George MacKenzie], *A Few Brief and Modest Reflexions Perswading a Just Indulgence To be Granted to the Episcopal Clergy and People in Scotland* (1703); Bowie, *Scottish Public Opinion*, p. 84.

⁷³ Bowie, *Scottish Public Opinion*, p. 85; Allan I Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge: Cambridge University Press, 2007), p. 99; Kidd, 'Mackenzie, George, first earl of Cromarty', in *ODNB*; [Sir George MacKenzie], *Two Letters Concerning the Present Union, From a Peer in Scotland to a Peer in England* (1706), pp. 11-2.

⁷⁴ Macinnes, *Union and Empire*, p. 99.

⁷⁵ T. C. Smout, *Scottish Trade on the Eve of Union, 1660-1707* (Edinburgh: Oliver & Boyd, 1963), p. 272.

⁷⁶ Mackenzie, *History of the Mackenzies*, p. 429.

⁷⁷ NRS, PA7/25/29/14, pp. 1-14.

Sir Kenneth MacKenzie of Scatwell	Inchcoulter
Kenneth MacKenzie of Suddie	Inchcoulter
Roderick MacKenzie of Fairburn	Inchcoulter
Roderick MacKenzie of Redcastle	Inchcoulter
Simon MacKenzie of Allangrange	Inchcoulter
Colin Robertson of Kindeace	Inchcoulter
Sir William Gordon of Dallnaholly	Balnagown
George Munro of Culrain	Balnagown
George Munro of Lemplair	Balnagown
George Munro of Newmore	Balnagown
Sir Robert Munro of Foulis	Balnagown
The Laird of Kilravock [Hugh Rose of Kilravock]	Balnagown
David Ross of Balnagown	Balnagown
William Ross of Aldie	Balnagown
Alexander Ross of Pitcalnie	Newmore
George MacKenzie of Rosehaugh with curators	Has no vote
John Bayne of Tulloch	Absent
John Forrester of Dunskaith	Absent
James Fraser of Siefield?	Absent
The Laird of Gordonstown [Sir Robert Gordon of Gordonstoun?]	Absent
Colin Graham of Drynie	Absent
Abraham Leslie of Findrassie	Absent
MacCulloch of Pilton & his tutors and curators	Absent
Sir Alexander MacKenzie of Gairloch & his tutors and curators	Absent
Hector Munro of Novar	Absent
William Ross of Gruinard	Absent

Redcastle, one of the Ross-shire freeholders who elected Inchcoulter, wrote ‘I forbear the general opinion of [the union] only I wish, the Great wits of the Kingdome may seriously & sollidly consider the caise and circumstances of this poor nation, with most inevitable Ruin’ and hoped for money to be invested into Scotland as soon as possible.⁷⁸ After the

⁷⁸ NLS, Adv. MS 1353, fol. 148r.

vote, Redcastle described a ‘very great aversion to the union’ felt by ‘Generality of the nation’.⁷⁹ However, he was optimistic that those in charge would not ‘allow themselves to Ruin the nation’.⁸⁰

As for the commissioners themselves, Inchcoulter did not publish any pamphlets and none of his surviving letters, which are almost exclusively to Delvine, contain reasons as to why he was against the union. Hayton suggests that Cromarty stifled Inchcoulter’s ability to express his views.⁸¹ If this was the case, it did not prevent Inchcoulter joining in the protest against the Act for a treaty of union in September 1705, which was led by John Murray, duke of Atholl.⁸² Inchcoulter also voted against both the first article of union on November 4, 1706, and the ratification of the treaty on January 16, 1707.⁸³ Inchcoulter (d. 1760) may have had Jacobite leanings, as he would refer to Frances MacKenzie by her Jacobite title, the ‘L[ady] Marques of Seafort’, but he did not participate in any of the Jacobite rebellions during his lifetime.⁸⁴ Even though Scatwell did not vote (it is not known why), Dr George MacKenzie, a contemporary historian and William Dubh’s first cousin once removed, described Scatwell as having ‘joined those patriots of the country who stood by the ancient and inalienable privileges of the nation’.⁸⁵

Inchcoulter and Allangrange may have been influenced by their uncle, Sir George MacKenzie of Rosehaugh, the former Lord Advocate and shire representative for Ross-shire. In his maiden speech to the Scottish Parliament in 1670, Rosehaugh spoke out against contemporary proposals for an incorporating union.⁸⁶ He raised three points: the treaty and concessions must be equal for Scotland and England, that the ‘Union should be a national act; and the way to make it so is, that all steps should be nationally concluded’, and that it should be a separate act.⁸⁷ Rosehaugh believed that the Scottish Parliament was unable to ‘extinguish, or innovate the Constitution of the Parliament of Scotland’ without the unanimous and direct consent of the freeholders, which meant, as Clare Jackson summarised, that the ‘Scottish parliament was not entitled to legislate itself out of existence

⁷⁹ Ibid., fol. 149.

⁸⁰ Ibid.

⁸¹ D. W. Hayton, ‘MACKENZIE, George (c.1662-1760), of Inchcoulter’, in *HoP*.

⁸² Ibid.

⁸³ *RPS*, 1706/10/42; *RPS*, 1706/10/256.

⁸⁴ NLS, Adv. MS 1345, fol. 48.

⁸⁵ In MacKenzie, *History of the Mackenzies*, p. 567.

⁸⁶ Jackson, ‘Mackenzie, Sir George, of Rosehaugh’, in *ODNB*.

⁸⁷ MacKenzie, *Memoirs*, pp. 149-55.

by a majority vote'.⁸⁸ Even though Rosehaugh died in 1691, Bowie has shown how presbyterian pamphleteers writing in 1706 echoed Rosehaugh's arguments.⁸⁹ Cromarty responded to those presbyterian pamphleteers by asserting that the Scottish monarch and parliament had 'unlimited power... to change fundamental laws'.⁹⁰ Nevertheless, despite the wishes of the MacKenzie freeholders in Ross-shire, the Treaty of Union was ratified (see Table 3-4 for the voting records of the shire and burgh commissioners). Within months, the Jacobite exiles hoped to take advantage of the discontent with union and sought French support for a Jacobite invasion.

Table 3-4: Voting Record of Shire and Burgh Commissioners in Ross-shire and Cromartysire⁹¹

Name	Shire/Burgh	First Article	Ratification
Aeneas MacLeod of Cadboll	Cromartysire	For	For
Sir Kenneth MacKenzie of Cromarty	Cromartysire	For	For
John Bayne, younger of Tulloch	Dingwall	Against	Against
Roderick MacKenzie of Prestonhall	Fortrose	For	For
George MacKenzie of Inchcoulter	Ross-shire	Against	Against
Sir Kenneth MacKenzie of Scatwell	Ross-shire	Did Not Vote	Did Not Vote
Captain Daniel MacLeod of Geanies	Tain	For	For

3.2: William Dubh Returns to Ross-shire, 1708-15

In the brief period from the return of William Dubh in 1708 to the eve of the 1715 Jacobite rising, a divided MacKenzie gentry presented a united front where they were most vulnerable: Ross-shire. He returned to Ross-shire under a cloud of suspicion to be the titular chief of Clan MacKenzie while his great-uncle, Sir George MacKenzie, earl of Cromarty and Lord Justice General from 1705 to 1710, exerted considerable influence in

⁸⁸ *The works of that eminent and learned lawyer, Sir George Mackenzie of Rosehaugh, advocate to King Charles II. and King James VII. With many learned treatises of his, never before printed*, ed. by Thomas Ruddiman 2 vols (Edinburgh: James Watson, 1716-22), II, p. 669; Jackson, 'Mackenzie, Sir George, of Rosehaugh', in *ODNB*; Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge: Cambridge University Press, 2007), p. 256; Karin Bowie, '"A legal limited monarchy": Scottish Constitutionalism in the Union of Crowns, 1603-1707', *Journal of Scottish Historical Studies* 35, no. 2 (2015), 131-54 (p. 152). Bowie incorrectly identifies George MacKenzie, earl of Cromartie as Rosehaugh's nephew on p. 153. Rosehaugh and Cromartie shared a great-grandfather, Colin Cam MacKenzie, and were second cousins.

⁸⁹ Bowie, '"A legal limited monarchy"', p. 152.

⁹⁰ *Ibid.*, p. 153.

⁹¹ *RPS*, 1706/10/42; *RPS*, 1706/10/256.

the region. Furthermore, William Dubh had to overcome limitations created by Catholicism and realities of post-union politics. This section will first explain the circumstances of William Dubh's return and then will analyse areas in which the divided MacKenzies found common ground, specifically Episcopalian dissent and local and national politics. Ultimately, this will explain how William Dubh manoeuvred during the only period of his political career – in the temporal bounds of this thesis – in which he was present in Ross-shire during peacetime.

3.2.1: William Dubh's Return to Scotland and the Invasion that Never Was, 1707-08

William Dubh returned to Edinburgh no later than 7 February 1708 under a cloud of suspicion. Although the clan gentry had been eager for William Dubh to return to Ross-shire, he was against returning until mid-1707, when he finally expressed a desire to come home. The timing of his change of heart and the petitions to Queen Anne for a pass that would allow for him to return from exile coincided with the planning of a Jacobite rising in which Anne believed William Dubh was involved. This subsection will examine to what extent William Dubh was involved in the planning of this abortive rising and the possible reasons for his apparent change of heart and desire to return home.⁹²

In February 1707, King Louis XIV sent Nathaniel Hooke - a Jacobite Catholic convert who had fought alongside 'Bonnie' Dundee at Killiecrankie and at the Battle of the Boyne - to Scotland with Nairne and Middleton's 'Declaration of Warr' signed by James to determine if there was indeed enough support for a Jacobite invasion in 1708 at the earliest.⁹³ The declaration secured the Scots' religion, laws, liberties, independence, and allowed for the Scottish Jacobites to draft a constitutional settlement.⁹⁴ Hooke left in March with the declaration, demands of the Scottish Jacobite nobles, and letters from James to leading nobles.⁹⁵ Not all of the plotters are known, but Hooke named nine peers with whom he met: Charles Hay, earl of Erroll, George Gordon, duke of Gordon, William Livingston, viscount Kilsyth, Patrick Kinnaid, lord Kinnaid, Nairne, James Maule, earl of

⁹² This thesis will only provide the context necessary for understanding how William Dubh may have been involved. See Szechi, *Britain's lost revolution* for the most complete account of the abortive invasion to date.

⁹³ Ibid., p. 172; W. A. J. Archbold, 'Hooke, Nathaniel, Jacobite first Baron Hooke (1664-1738), Jacobite politician', rev. by M. R. Glozier, in *ODNB*. Nathaniel Hooke landed with the Duke of Monmouth in 1685 during the latter's failed rebellion but Hooke became a loyal servant to James VII & II and converted to Roman Catholicism after his pardon in 1688.

⁹⁴ Edward Corp, *Sir David Nairne: The Life of a Scottish Jacobite at the Court of the Exiled Stuarts* (Oxford: Peter Lang, 2018), p. 172; Szechi, *Britain's lost revolution*, p. 148.

⁹⁵ Corp, *Sir David Nairne*, p. 172.

Panmure, William Fraser, lord Saltoun, David Murray, viscount Stormont, and John Lyon, earl of Strathmore.⁹⁶ Daniel Szechi speculates that William Dubh and John Gordon, third earl of Aboyne were not consulted due to their young age.⁹⁷ This is certainly true for Aboyne, who was approximately seven years old when the planning began in earnest.⁹⁸ However, William Dubh was in Paris and therefore would not have been included in Hooke's travels of Scotland, even though he was approximately eighteen years old in 1707.

Regardless, Queen Anne suspected that William Dubh was involved and it was under this cloud of suspicion that Lady Frances sent a petition to Queen Anne in 1707 to secure a pass for William Dubh. In her petition, Lady Frances requested that William Dubh be permitted to return so that he could live peacefully in Anne's favour and she requested from Anne that she would grant William Dubh the freedom to see his family in Scotland and England.⁹⁹ Lady Frances included two supporting documents. The first supporting document was an answer of charges to the Scottish Privy Council in c.1702 and a petition for William Dubh's return. After Cromarty and the Scottish Privy Council realised that William Dubh was overseas, they accused Lady Frances of sending William Dubh abroad without permission from the monarch and that this was done so that William Dubh would be educated in the Catholic faith.¹⁰⁰ Lady Frances countered that she was unaware that William Dubh had left and that she had merely left him with her family in England. Furthermore, she said that she would have been 'very glad to see thir pursuers who are his very near Relations fall upon some method of Encouraging him to come home' to be raised Protestant, but that funds would be required to do so.¹⁰¹ The second supporting document was a petition from twenty-nine members of the MacKenzie gentry to the Scottish Privy Council in July 1707, the second petition from the gentry requesting William Dubh's return in two years. The gentry stated their support for William Dubh to be returned home so that he could be educated in Protestantism and, therefore, be allowed to serve Anne faithfully.¹⁰² As shown previously, the Seaforth estate had been sequestered in 1705/6 and it would require approval from the Scottish Privy Council to obtain the necessary funds from it. This second supporting document showed that the gentry had successfully

⁹⁶ Ibid., p. 94.

⁹⁷ Szechi, *Britain's lost revolution*, p. 94.

⁹⁸ NLS, Adv. MS 1338, fol. 143. A letter from Kenneth MacKenzie of Dalmore to Delvine mentions that Aboyne was a minor until April 1721, which makes Aboyne seven years old when planning began in earnest.

⁹⁹ BL, Add. MS 61624, fol. 58.

¹⁰⁰ Ibid., fols. 59-60.

¹⁰¹ Ibid., fol. 60.

¹⁰² Ibid., fol. 61.

requested that 500-600 pounds raised from rents be diverted to pay for William Dubh's return.¹⁰³

Lady Frances received help from Sir David Nairne. By the time of the abortive rising, Nairne had become one of the most important and influential members of the exiled court and was trying to use his good relations with Mar to return William Dubh to Scotland.¹⁰⁴ On 6 September 1707, Nairne wrote to Mar – William Dubh's second cousin and a secretary of state for Scotland – that on the recommendation of James Ogilvy, earl of Seafield and Lord Chancellor of Scotland, he was going to request a pass from Queen Anne for William Dubh to return to Scotland.¹⁰⁵ However, Nairne was not optimistic that William Dubh would receive a pass, writing that the 'Confederation of [William Dubh's] following in ye Highlands & being a Papist, Soe I think I may Guess What ye Queens answer will be'.¹⁰⁶ Nairne rightly assumed that Anne and the central authorities were worried about the Catholic William Dubh's ability to raise disgruntled clansmen for the Jacobite cause. In addition to William Dubh's Catholicism and the MacKenzie freeholders in Ross-shire's displeasure with union, other factors would have worried Anne. His father, Kenneth Òg's obstreperous behaviour from 1691 until he died in 1701, and that his mother's family sent him and Mary to France, would also have hurt William Dubh's chances of getting a pass. Despite the likelihood of failure, Nairne met with Queen Anne to request a pass for William Dubh.¹⁰⁷

While Lady Frances and Nairne were trying to secure a pass, there was confusion over whether William Dubh wanted to return from France. On 11 September 1707, Nairne wrote to Mar that while Lady Frances was eager to know Anne's response, she was aware that William Dubh himself was against returning to Scotland.¹⁰⁸ However, in Nairne's next letter to Mar just two days later, he revised his previous statement based on a letter Frances had just received from William Dubh. According to this, William Dubh now showed 'a Mighty Earnestness to Come over'.¹⁰⁹ This was the first known request by William Dubh to return to Scotland. It is not clear why William Dubh had such an abrupt change of heart.

¹⁰³ Ibid.

¹⁰⁴ Corp, *Sir David Nairne*, p. 141.

¹⁰⁵ Jean MacKenzie was William Dubh's great-aunt and Mar's grandmother.

¹⁰⁶ NRS, GD124/15/631/4.

¹⁰⁷ Ibid., GD124/15/631/8.

¹⁰⁸ Ibid., GD124/15/631/6.

¹⁰⁹ Ibid., GD124/15/631/7.

He may have wanted to tour Europe for two to three years, as his mother had hoped.¹¹⁰ He may have been aware that an invasion was being planned and wanted to get home before he was trapped in France. With no surviving evidence from William Dubh, however, it is unclear if he hoped to raise his clan or to return before an invasion could prevent his return for the near future.

The petition was successful and on 3 October 1707, Queen Anne granted William Dubh a licence to return with his servants, James Cockburn and William MacKenzie, and their goods to England from any port in Holland.¹¹¹ The conditions for his return were that he must embark within a month and surrender himself immediately to one of the principal secretaries of state upon arrival.¹¹² William Dubh returned to Edinburgh by 7 February 1708, six weeks before the invasion fleet was meant to leave Dunkirk. For his bond of loyalty and good behaviour, William Dubh and Frances each paid £2000 and Henry Parker and Hugh Pugh each paid £1000.¹¹³ Henry Parker was a five-time member of English Parliament and lawyer from Worcester, England and Hugh Pugh was from Montgomeryshire, Wales; both men probably had Jacobite sympathies.¹¹⁴ Upon his release, William Dubh returned to Ross-shire and the invasion never occurred.

Would William Dubh or members of the MacKenzie gentry have joined James if he and Forbin had been able to land in Inverness? Twenty-nine members of the Clan MacKenzie gentry had petitioned the Privy Council in 1706 to allow for William Dubh to return, to be educated as a Protestant, and to serve Anne.¹¹⁵ It is unlikely that they would have joined in a rising; only five of the twenty-nine petitioners helped William Dubh plan the MacKenzies' involvement in the 1715 Jacobite rising. It is unclear how the pro-Union, pro-Anne Cromarty would have influenced the MacKenzies had a rising taken place in 1708. Cromarty had boasted during the first Jacobite rising (1689-91) that he could easily undermine William Dubh's father, bragging to people in London and Edinburgh that he could 'overturn in eight days more than the [fourth earl of Seaforth] could advance in six weeks'.¹¹⁶ It is also unclear how the clan would have responded to a minor trying to raise

¹¹⁰ BL, Add. MS 61624, fol. 58.

¹¹¹ TNA, SP 34/9/42.

¹¹² Ibid.

¹¹³ Ibid., SP 34/27/8.

¹¹⁴ Elwyn Evans, 'PUGH family, of Mathagarn, Montgomeryshire', in *Y Bywgraffiadur Cymreig / Dictionary of Welsh Biography* ONLINE; Stuart Handley, 'PARKER, Henry (1638-1713), of Honington, Warws.', in *HoP*; D. W. Hayton, 'PUGH, John (c.1675-1737), of Mathavarn, Llanwrin, Mont.', in *HoP*.

¹¹⁵ BL, Add. MS 61624, fol. 61.

¹¹⁶ Mackay, *Memoirs*, p. 25.

his clan. While there was discontent with the Union amongst some of the MacKenzie gentry, that does not necessarily mean that they would have joined William Dubh. There is no surviving evidence from the MacKenzie gentry that indicates that the MacKenzies were preparing to rise. As discussed in the first chapter, the MacKenzies did not come out for William Dubh's grandfather, Kenneth Mòr, in 1651 during the Wars of the Three Kingdoms while he was still a minor, although George, second earl of Seaforth was still alive at the time.

In the end, the French attempt to invade Scotland in 1708 did not have a lasting, negative impact on William Dubh because, as Szechi succinctly notes, the 'French never landed, there was no rebellion and life resumed its accustomed course'.¹¹⁷ For the MacKenzies, the most significant side effect of the aborted invasion was that William Dubh returned to Scotland and, eventually, Ross-shire. While it is unclear when William Dubh entered his majority, reacclimatising himself with his clan and with clan affairs would prove invaluable for the rest of his time as chief. Much like his father and grandfather, William Dubh turned his attention to local affairs and against neighbouring clans during times of peace. However, he would also keep his eye on national affairs.

3.2.2: William Dubh, Ross-shire, and the far north, 1708-15

William Dubh's return to Ross-shire was accompanied by optimism as to how he would lead the MacKenzies as their chief. In 1709, Kenneth MacKenzie of Portsea, a London-based lawyer, wrote to Delvine that 'I am much mistaken if my Lord [William Dubh] will not prove a person of true worth and integrity, & of a disposition fit in most respects to qualify him for a Highland Chiefe'.¹¹⁸ Unfortunately for William Dubh, he only returned as the titular chief of the MacKenzies. Cromarty's position as lord justice general of Scotland and his considerable local influence still made him the *de facto* leader even after William Dubh's return. It would take Cromarty's death in August 1714 for William Dubh to regain the local influence that Cromarty had assumed and for him to become more than a chief in name only. This does not mean that William Dubh had no influence or that he was passive; William Dubh did have influence and tried to use it to promote Catholicism, Toryism, and the advancement of the MacKenzies in his image.

¹¹⁷ Szechi, *Britain's lost revolution*, pp. 1, 198.

¹¹⁸ NLS, Adv. MS 1343, fol. 42.

As previously mentioned, the Scottish Parliament passed the ‘Act for preventing the growth of popery’ in 1700.¹¹⁹ This penal law had several tenets which William Dubh was now obliged to follow. In addition to the laws anent the education of children, anyone would receive a 500 merks reward for seizing a priest, Jesuit, or trafficking Catholic, or any banished Catholic who returned to Scotland. Those who heard a mass or attended a meeting with an altar, mass book, or other vestments or popish images or objects were to be banished from Scotland or put to death. Anyone who wished to serve in public office or who had been suspected of popery were required to renounce popery through the following oath:

I [...] do sincerely from my heart profess and declare before God, who searcheth the heart, that I do deny, disown and abhorre these tenets and doctrines of the papal Romish church viz. the supremacy of the pope and bishop of Rome over all pastores of the Catholick church; his power and authority over kings, princes and states and the infallibility that he pretends to either without or with a general council; his power of dispenseing and pardoning; the doctrine of transubstantiation and the corporal presence with the communion without the cup in the sacrament of the Lord's supper; the adoration and sacrifice professed and practised by the popish church in the mass; the invocation of angells and saints; the worshiping of images, crosses and relicts; the doctrine of supererogation, indulgences and purgatory and the service and worship in ane unknown tongue; all which tenets and doctrines of the said church I believe to be contrary to and inconsistent with the written word of God. And I do from my heart deny, disown and disclaim the said doctrines and tenets of the church of Rome as in the presence of God, without any equivocation or mental reservation, but according to the known and plain meaning of the words as to me offerred and proposed, so help me God.¹²⁰

Furthermore, Catholics did not have the same land rights as Protestants, who were favoured as heirs, and Catholics were not allowed to form societies or donate to Catholic societies. The Seaforth estate presumably remained with a factor, as William Dubh never renounced his Catholicism. As will be shown, the Catholicism of William Dubh complicated matters for him and the MacKenzies.

Within a month of William Dubh's return to Scotland, rumours about his continued Catholicism began to surface as he was believed to ‘have priests about him and others of that religion’.¹²¹ It is not clear who these priests were, but Lady Frances travelled with Father John Innes to her family's estate in England in 1703 and a Father Black resided with

¹¹⁹ *RPS*, 1700/10/73.

¹²⁰ *Ibid.*

¹²¹ *HMC, Report on the Manuscripts of the Earl of Mar and Kellie preserved at Alloa House, N.B.* (London, 1904), p. 430.

the her in 1710.¹²² Furthermore, there were at least five Catholic families living in Lewis and even more in Ross-shire.¹²³ The Privy Council was concerned with an apparent increase in Catholic activity in the northern Highlands, Galloway, and Nithsdale and went so far as to have reports commissioned on the amount of munitions in the lands of Catholic lords, such as the George Gordon, duke of Gordon.¹²⁴ As Macinnes notes, the penal laws against Catholics in 1700, 1704, and 1705 were designed to ‘enforce the disarmament of professed and suspected papists because of their close identification with the Jacobite cause’.¹²⁵ However, there was an uneven enforcement of these laws, which Szechi argues was because ‘lairds and heritors’ had a ‘distaste for interfering in their Catholic neighbors’ business’.¹²⁶ The company William Dubh was reportedly keeping, plus rumours of an invasion from France, led Anne and the Privy Council to issue a warrant for William Dubh to make an appearance at Edinburgh Castle and to post bail.¹²⁷ Warrants were also issued for George Gordon, earl of Aberdeen, John Murray, duke of Atholl, John Campbell, earl of Breadalbane, Sir William Bruce of Kinross, Erroll, Alexander Gordon, marquess of Huntly (the eldest son of the duke of Gordon and William Dubh’s second cousin), Charles Stirling of Kippendavie, William Keith, earl Marischal, Charles Stuart, earl of Moray, William Maxwell, earl of Nithsdale (William Dubh’s uncle), Patrick Scott (a writer), Stirling of Carden, Strathmore, and Charles Stewart, earl of Traquair.¹²⁸ On 24 March, William Dubh was imprisoned in Edinburgh Castle, along with George Gordon, duke of Gordon, Moray, Traquair, Kilsyth, Lord St Clair, and Lord Belhaven.¹²⁹ He was then moved to London, where he posted his £6000 bail on 19 June, £3000 of which came from Henry Somerset, duke of Beaufort, William Dubh’s second cousin, and James Butler, duke of Ormonde, Beaufort’s uncle and William Dubh’s first cousin once removed by marriage.¹³⁰ He petitioned Anne in June, claiming to have known nothing about the abortive rising and

¹²² *Memoirs of Scottish Catholics during the XVIIth and XVIIIth Centuries Selection from Hitherto Inedited MSS*, ed. by William Forbes Leith, 2 vols, (London: Longmans, Green, and Co., 1909), II, pp. 212-3, 258.

¹²³ Martin Martin, *A Description of the Western Islands of Scotland* (London, 1716), p. 29; Hector MacQueen and Peter G. B. McNeill, *Atlas of Scottish History to 1707* (Edinburgh: Scottish Medievalists and Department of Geography, University of Edinburgh, 1996), p. 410.

¹²⁴ HMC, *Mar and Kellie*, p. 430.

¹²⁵ Macinnes, ‘Catholic Recusancy’ app. 61-2.

¹²⁶ Daniel Szechi, ‘Defending the True Faith: Kirk, State, and Catholic Missioners in Scotland, 1653-1755’, *The Catholic Historical Review*, 82 (1996), 397-411 (p. 402).

¹²⁷ NRS, GD124/15/621/8; *Ibid.*, GD26/7/141.

¹²⁸ *Ibid.*, GD26/7/141.

¹²⁹ HMC, *Mar and Kellie*, p. 434.

¹³⁰ BL, Add. MS 61631, fols. 133-4b.

only to have wanted to return home to manage his private affairs; he was released on 1 November.¹³¹

Despite Clan MacKenzie's general episcopalianism, there was a Presbyterian sub-group in Gairloch. This sub-group was led by Colin MacKenzie of Findon, factor and tutor of Sir Alexander MacKenzie of Gairloch. Findon taught Gairloch and his siblings at his house before sending Gairloch to the school in Chanonry in 1708 where he remained until 1712 when he was sent to study in Edinburgh.¹³² Gairloch heritors invited presbyterian minister John Morrison, younger brother of the Blind Harper Roderick Morrison, in 1711 to be presented on their behalf by John Fraser and parish commissioner Simon MacKenzie.¹³³ It is not likely that all of the MacKenzie heritors in Gairloch welcomed Morrison. Although religion is not a perfect indicator of Whig or Jacobite leanings, Murdoch MacKenzie of Letterewe led the Gairloch men into battle under William Dubh during the 1715 Jacobite rising; neither Findon nor Gairloch participated in the 1715 Jacobite rising.¹³⁴ On the other hand, George MacKenzie of Gruinard supported Morrison, but also supported William Dubh during the rising.¹³⁵ Presbyterian gentry appear to be an anomaly in Clan MacKenzie. The position of minister in Dingwall remained vacant from 1704 – when Rev. John MacRae, a loyal MacKenzie cadet, a devout supporter of Episcopalianism, and the author of a clan history of the MacKenzies, died – until 1716.¹³⁶ In 1704, an attempt by William Stuart, a Presbyterian minister from Kiltarn, to enter the church after MacRae's death was met with armed resistance from William Dubh's supporters.¹³⁷

William Dubh tried to balance his Catholicism with the MacKenzies' general Episcopalianism. While it was common at this time for otherwise predominantly Episcopal, Presbyterian, or Catholic clans to have religious sub-groups, it was uncommon for a chief to be of a different faith.¹³⁸ The only known Catholic members of the gentry

¹³¹ Ibid., Add. MS 61624, fol. 55; Ibid., Add. MS 61631, fols. 133-4b.

¹³² Mackenzie, *History of the Mackenzies*, p. 431.

¹³³ *Fasti*, VII, p. 43.

¹³⁴ Macinnes, *Clanship*, pp. 180-1; Rose, *Historical Notes*, p. 40.

¹³⁵ John Henry Dixon, *Gairloch in North-west Ross-shire: Its Records, Traditions, Inhabitants, and Natural History with a Guide to Gairloch and Loch Maree and a Map and Illustrations* (Edinburgh: Co-operative Printing Company Limited, 1886), p. 66; *More Culloden Papers*, II, pp. 109-10.

¹³⁶ *Fasti*, VII, p. 34.

¹³⁷ Ibid.

¹³⁸ Macinnes, *Clanship*, pp. 180-1, 247-9; Daniel Szechi, *1715: The Great Jacobite Rebellion* (New Haven: Yale University Press, 2006), pp. 23-4. Macinnes notes that amongst Seaforth's contemporaries, the Episcopalian Angus MacDonald of Glengarry led his Catholic clan at Sheriffmuir and the Episcopalian Coll MacDonald of Keppoch led his Catholic clan at Culloden in 1746, p. 180.

were the Kildun family and Alexander MacKenzie of Ardloch, William Dubh's uncle, John of Assynt, having died by the summer of 1705.¹³⁹ In 1710, William Dubh appealed to Cromarty on behalf of three Catholic gentlemen who were banished from Scotland under the 1700 penal laws, asking him to intercede and to convince Mar to befriend them.¹⁴⁰ It is not known whether William Dubh's attempted intervention was successful. There was an Episcopalian school in Fortrose (Chanonry), however, which had been receiving £30 Scots every year from the chief of the MacKenzies, that William Dubh decided to stop supporting. The school was built after Colin Ruadh MacKenzie, first earl of Seaforth bequeathed 4000 merks Scots to build the school and gave it a yearly endowment of £30 Scots.¹⁴¹ The second, third and fourth earls of Seaforth gave £30 Scots to this school every year to 'prevent ye ruine off ye sd scooll', which had become Episcopalian and the post of schoolmaster was usually filled by 'young ministers waiting for a church'.¹⁴² However, the school petitioned William Dubh in 1708 when it stopped receiving payments.¹⁴³ While William Macgill suggested that religion may have contributed to William Dubh and Lady Frances stopping payments, it was probably due to the continued financial difficulties of the earls of Seaforth.¹⁴⁴ In 1715, William Dubh and Lady Mary were entertained by the heads of King's College and Marischal College, both of which were Episcopalian colleges in Aberdeen.¹⁴⁵ Donald MacRae, the Episcopalian minister for William Dubh's patrimony of Kintail since 1681 and one of William Dubh's devoted supporters in the 1715 and 1719 Jacobite risings, had been, at one time, the schoolmaster.¹⁴⁶

While the British Parliament was debating the toleration of Episcopalians in 1711, members of the MacKenzie gentry – excepting the Presbyterian sub-group in Gairloch – were active in Episcopalian dissent. In 1711, the British Parliament introduced the 'Scottish Episcopalians Act', commonly known as the Toleration Act, which allowed for Episcopalians to worship freely and openly and for pastors who had been approved by a

¹³⁹ *Historical Papers Relating to the Jacobite Period, 1699-1750*, ed. by James Allardyce, 2 vols (Aberdeen: Spalding Club, 1895), I, p. 145. General Wade also lists a MacKenzie of Kilewn in his 1724 report, but it is not clear if he was of age in the 1710s; Mackenzie, *History of the Mackenzies*, pp. 563-4; RPS, A1704/7/7; RPS, 1705/6/14; Robson, *Cornelius Con*, pp. 6-9; Macdonald, *Missions to the Gaels*, pp. 255-6.

¹⁴⁰ Fraser, *Cromartie*, II, p. 114.

¹⁴¹ Macgill, *Old Ross-shire*, p. 65.

¹⁴² *Ibid.*, pp. 65-6.

¹⁴³ *Ibid.*, p. 66.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Warrender Letters: Correspondence of Sir George Warrender Bt. Lord Provost of Edinburgh, and Member of Parliament for the City, With Relative Papers 1715*, ed. by W. K. Dickson (Edinburgh, 1935), 48-9; Kieran German, 'Aberdeen, Aberdeenshire & Jacobitism in the North-East of Scotland, 1688-1750' (unpublished doctoral thesis, University of Aberdeen, 2010), p. 122.

¹⁴⁶ *Fasti*, VII, p. 152; Macgill, *Old Ross-shire*, p. 65.

bishop to preach; it was defeated but reintroduced and signed into law on 26 February 1712.¹⁴⁷ The Presbyterian clergy had struggled to gain any footing in the presbyteries of Chanonry and Dingwall since the Revolution and, with the exception of the Presbyterian sub-group, the MacKenzie justices of the peace in Ross-shire did not follow the General Assembly's order to fill vacant churches.¹⁴⁸ Rev. Robert Wodrow observed that Presbyterians were being met with 'very inhuman treatment in some places from those that are disaffected to the present establishment'.¹⁴⁹

The MacKenzies were not the only episcopalian clan – Macinnes identifies eighteen that had a significant commitment to episcopalianism – nor were they only people disaffected from the Presbyterian establishment, but the MacKenzies and their tenants were responsible for almost all the anti-presbyterian demonstrations in Scotland in the months before the Toleration Act of 1712 gained momentum in British Parliament.¹⁵⁰ The most notorious protest was led by Sir John MacKenzie of Coul and his tenants who sought to prevent Presbyterian ministers from preaching in the parish of Gairloch in 1711.¹⁵¹ While John Morrison was requested by several heritors in Gairloch, Wester Ross, Morrison's unpopularity amongst Coul's tenantry in and around Gairloch led to his admission taking place in Kiltarn, Easter Ross, on the opposite coast of Ross-shire.¹⁵² When Morrison went to preach in Kinlochewe, a village in the parish of Gairloch, he was interrupted and seized by Coul's tenants and imprisoned for three days.¹⁵³ Upon Morrison's release, Coul declared that Presbyterianism was dying out and that no Presbyterian would be allowed to preach on lands in which he had influence unless Queen Anne used force.¹⁵⁴ In addition to Coul's protest, tenants of Knockbain ambushed the new minister John Grant in 1711, tearing his clothes, cutting his face, and choking him; Grant was moved to another parish the following year.¹⁵⁵ One of those heritors, George MacKenzie of Gruinard, built a church at Udrigil and, 1713, requested that Morrison preach there once a year, to which Morrison

¹⁴⁷ 'Scottish Episcopalians Act of 1711', <www.legislation.gov.uk/apgb/Ann/10/10>; *The Correspondence of the Rev. Robert Wodrow, minister of Eastwood, and author of The History of the Sufferings of the Church of Scotland*, ed. by Thomas McCrie, 3 vols (Edinburgh: The Wodrow Society).I, pp. 213-7.

¹⁴⁸ Clarke, 'The Scottish Episcopalians, 1688-1720', pp. 263-4, 267-8.

¹⁴⁹ *The Correspondence of Rev. Robert Wodrow*, I, pp. 216. Thank you to Jamie Kelly for bringing this to my attention.

¹⁵⁰ Macinnes, *Clanship*, p. 176.

¹⁵¹ *Fasti*, VII, p. 146; Macgill, *Old Ross-shire*, p. 43; *Wodrow*, I, p. 216.

¹⁵² *Fasti*, VII, p. 146.

¹⁵³ *Ibid.*, p. 147; Macgill, *Old Ross-shire*, p. 43.

¹⁵⁴ *Fasti*, VII, p. 147; *Wodrow*, I, p. 216.

¹⁵⁵ *Fasti*, VII, p. 15.

agreed.¹⁵⁶ In Avoch, near Chanonry, Kenneth MacKenzie of Scatwell protested Alexander McBean's 1712 appointment and Scatwell's tenants prevented him from entering the church.¹⁵⁷ John Chisholm's appointment in Kilmorack was protested in 1711.¹⁵⁸

William Dubh and his sister Mary married into Catholic Jacobite families, despite the penal laws. Mary married John Caryll younger (d. 1718), son of John Caryll of Ladyholt, Sussex, a joint Jacobite secretary of state and friend of the English Catholic poet Alexander Pope in 1712, after extensive negotiations between John Caryll elder and multiple families.¹⁵⁹ John Caryll younger remained in trouble during and after the 1715 Jacobite rising before dying of smallpox on 6 April 1718. His position as William Dubh's brother-in-law undoubtedly hurt his case for freedom from imprisonment.¹⁶⁰ Mary then married Francis, second lord Sempill in the Jacobite peerage (d. 1748), who served as an unofficial Jacobite ambassador in Paris after the court moved to Rome after 1716. Sempill would lobby Louis XV's ministers for a Jacobite rising from 1738 to 1740.¹⁶¹ William Dubh married Mary Kennet on 22 April 1715, apparently against his mother's wishes.¹⁶² Mary was the daughter of Nicholas Kennet of Coxhoe, Durham (d. May 1715), a fringe Jacobite, and was the heiress to her father's estate, which came into William Dubh's hands upon their marriage.¹⁶³ The Kennet family estates were protected through a 'series of trusts and mortgages which were almost certainly designed to protect the family and estate against anti-Catholic legislation and possible sequestrations'.¹⁶⁴

¹⁵⁶ Dixon, *Gairloch in North-west Ross-shire*, p. 66.

¹⁵⁷ *Fasti*, VII, p. 2; Macgill, *Old Ross-shire*, p. 44.

¹⁵⁸ *Fasti*, VII, p. 39.

¹⁵⁹ Paul Monod, 'The Politics of Matrimony: Jacobitism and Marriage in Eighteenth-Century England', in *The Jacobite Challenge*, ed. Eveline Cruickshanks and Jeremy Black (Edinburgh: John Donald Publishers Ltd, 1988), pp. 24-41 (pp. 25-6). In the index, page 195, William MacKenzie is incorrectly named as the fourth earl of Seaforth instead of Kenneth Og MacKenzie; Howard Erskine-Hill, 'Caryll, John, Jacobite second Baron Caryll of Durford (1667-1736), friend of Alexander Pope', in *ODNB*; Szechi, *The Jacobites*, p. 46.

¹⁶⁰ Pat Rogers, *Pope and the Destiny of the Stuarts: History, Politics and Mythology in the Age of Queen Anne* (Oxford: Oxford University Press, 2005), pp. 33, 50-1, 120.

¹⁶¹ Szechi, *The Jacobites*, pp. 146, 194.

¹⁶² Rose, *Historical Notes*, p. 40.

¹⁶³ 'Kennett family papers (BRA 1297)', *Durham University Library and Special Collections Catalogue*, <http://reed.dur.ac.uk/xtf/view?docId=ark/32150_s1xp68kg20p.xml>.

¹⁶⁴ *Ibid.*

Figure 3-2: Painting from the circle of Godfrey Kneller (1646-1723), entitled ‘Mary Kennet (d.1739), Wife of William Mackenzie, 5th Earl of Seaforth’.



SOURCE: Godfrey Kneller (1646-1723) (circle of), *Mary Kennet (d.1739), Wife of William Mackenzie, 5th Earl of Seaforth*, oil on canvas, 220 x 147 cm, Fortrose Town Hall, Fortrose <<https://artuk.org/discover/artworks/mary-kennet-d-1739-wife-of-william-mackenzie-5th-earl-of-seaforth-166721>> [accessed 13 December 2022].

Despite the clan's desire to bring William Dubh back from France and raise him protestant, his Catholicism does not appear to have divided the clan gentry after his return.¹⁶⁵ William Dubh returned in time for the 1708 election and, despite his young age and Cromarty's significant local influence, still held political sway amongst the MacKenzies in Ross-shire. Sir Kenneth MacKenzie of Cromarty, Cromarty's son, petitioned William Dubh for his support for the Ross-shire seat in 1709 and eventually won the seat on 25 October 1710.¹⁶⁶ Indeed, Kenneth MacKenzie of Suddie's father-in-law, John Shaw of Sornbeg, wrote that it was clearly in the interests of any MacKenzie to support William Dubh.¹⁶⁷

¹⁶⁵ NLS, Adv. MS 1345, fol. 77; Ibid., Adv. MS 1360, fol. 98; BL, Add. MS 61624, fol. 61.

¹⁶⁶ BL, Add. MS 39188, fol. 3; Hayton, 'Ross-shire, 1690-1715'.

¹⁶⁷ BL, Add. MS 39188, fol. 3.

However, William Dubh's influence should not be overstated. While most members of the Ross-shire MacKenzie gentry were made justices of the peace in Ross-shire in 1709, William Dubh was the first MacKenzie chief since Ross-shire was separated from Inverness-shire in 1662-63 not to be appointed sheriff.¹⁶⁸ The sheriffdom of Ross was no longer hereditary because his father had been ousted after the Revolution. While the government held tenuous control over the sheriffdom, the sheriff was able to ignore the new justices of the peace.¹⁶⁹ David Ross, thirteenth and last chief of Balnagown, became the sheriff of Ross-shire after the Revolution of 1688-89 and remained sheriff until 1696, when he was replaced by Sir Robert Munro of Foulis.¹⁷⁰ In 1706, the presbyterian Whig Hugh Rose of Kilravock became the sheriff of Ross-shire.¹⁷¹ William Ross of Halkhead, a lowlander trying to gain a foothold in the north, had joined other Rosses and the Munros as the MacKenzies' political rivals in the region; although his last name is 'Ross', he was not related to Balnagown nor, it seems, any of the Highland Rosses.¹⁷² Halkhead held significant influence over Balnagown after buying the reversion of Balnagown's estate from Balnagown's brother-in-law, Francis Stuart of Moray. Through these actions, and because of his last name, Halkhead hoped to be awarded the earldom of Ross. Cromarty was indignant, writing:

One thing has turned [Halkhead's] head round since ever he midled with Bellnagown, that he being call'd Ross, and having a reversion of a piece land in Ross, he must therefore be successor to and will needs be Earle of Ross, [...] but unluckily, my Lord [Halkhead], who is indeed ane old west country laird, knowing nothing of the Earledome of Ross, of the Earles, of their rights, of their rise or fall, and having no more relation to them, directly or indirectly, than the milner of Carstairs has to the Prince of Parma.¹⁷³

Cromarty threw his full weight behind preventing Halkhead from obtaining the earldom of Ross. Writing to Mar in late 1707, Cromarty expressed his fear that if successful, Halkhead would be stealing as many good vassals from the crown as good Episcopalians for presbyterianism.¹⁷⁴ Even if Cromarty had not been lord justice general, it is hard to imagine that Halkhead would have been granted the earldom before the 1715 Jacobite rising, even if William Dubh was a Catholic. Nevertheless, Cromarty's influence ensured that Halkhead

¹⁶⁸ Ibid., Add. MS 61631, fols. 164, 164r, 165, 165r.

¹⁶⁹ Ann E. Whetstone, *Scottish County Government in the Eighteenth and Nineteenth Centuries* (Edinburgh: John Donald Publishers, 1981), p. 3.

¹⁷⁰ Macgill, *Old Ross-shire*, p. 233; *The Munro Tree*, p. 20.

¹⁷¹ D. W. Hayton, 'ROSE, Hugh I (1663-1732), of Kilravock, Nairn', in *HoP*.

¹⁷² *SP*, VII, pp. 247-61.

¹⁷³ Fraser, *Cromartie*, I, pp. clx-clxii.

¹⁷⁴ Ibid., II, p. 50.

never received the earldom of Ross. Halkhead persisted for several years, and Cromarty criticised Halkhead's claims to Mar and Sidney Godolphin, earl of Godolphin and lord high treasurer of England.¹⁷⁵ He was annoyed that the idea was even being entertained and that Halkhead's purchase allowed him undue influence in the shire which the MacKenzies had controlled since the Restoration of the Stuart monarchy in 1660.

Unfortunately for William Dubh and the MacKenzies, William Dubh himself and the Union hurt the MacKenzies' chances in parliamentary elections, which forced them to form alliances. In 1708, Coul, Allangrange, and the Baynes of Tulloch interrupted meetings, launched counter-protests, and appealed directly to Cowper and lord chancellor of Great Britain, but it was not enough to overpower the Rosses in Tain.¹⁷⁶ Clan Ross under William Ross, lord Ross of Halkhead and their fellow Whigs used William Dubh's Catholicism and time as a Jacobite exile in France to draw favourable comparisons to Clan Ross's Presbyterianism and continued loyalty to William, Mary, and Anne.¹⁷⁷ The Union limited William Dubh's and the MacKenzies' political influence in the north. There had been five seats in the Scottish Parliament from Ross-shire: the burgesses for Tain, Fortrose, and Dingwall, and two shire representatives for Ross-shire. There were also two shire representatives for Cromartyshire. After the Union, there was one representative for Ross-shire, one representative for Cromartyshire and one representative for a group of royal burghs in the northern counties of Ross-shire, Cromartyshire, Sutherland, Caithness, and Orkney. The MacKenzie interest in Ross-shire and the burgh of Tain (northern counties) was significantly hampered by the dominance of Halkhead in Tain and they would, therefore, need to form alliances.¹⁷⁸ The MacKenzies allied with Kilravock and the Robertsons, MacLeods, Frasers, Mackintoshes, Baynes, and Forresters for the 1708 general election to support Hugh Rose, younger of Kilravock.¹⁷⁹ Kilravock used his position as sheriff to fix the polling date so that this alliance could outvote the Rosses and Munros.¹⁸⁰

¹⁷⁵ Ibid., pp. 69, 99.

¹⁷⁶ Hayton, 'Ross-shire, 1690-1715'.

¹⁷⁷ Ibid.

¹⁷⁸ *More Culloden Papers*, II, p. 48; William Ferguson, 'Dingwall Burgh Politics and the Parliamentary Franchise in the Eighteenth Century', *The Scottish Historical Review* 38 (1959), 89-108 (p. 90); Hayton, 'Ross-shire, 1690-1715'; David Wilkinson, 'Tain (Northern) Burghs, 1690-1715', in *HoP*.

¹⁷⁹ Hew Rose, *A Genealogical Deduction of the Family Rose of Kilravock* (Aberdeen: Spalding Club, 1848), p. 395.

¹⁸⁰ P. W. J. Riley, *The English Ministers and Scotland 1707-1727* (London: The Athlone Press, 1964), pp. 109-10. There is historiographical disagreement over how long Kilravock served as sheriff. Riley states that Sir William Gordon was made sheriff of Ross in 1718, p. 267. Hayton, 'ROSE, Hugh I', states that he was sheriff from 1706-22, 1729-32., Macgill, *Old Ross-shire*, pp. 327-8, 339 shows that Sir Robert Munro of Foulis signed court documents as sheriff principal of Ross from 1717 until his death in 1727.

The Rosses and Munros, but especially Balnagown, protested at Kilravock's actions as an abuse of his office of sheriff. They claimed that Kilravock broke the Sabbath and continued the election until two o'clock in the afternoon on the following Sunday, or a whole week.¹⁸¹ Sir James MacKenzie of Royston, Cromarty's third and youngest son, frequently communicated with Kilravock the younger, who hoped that Hugh Rose the elder and Cromarty would be able to provide him with documents for his counter-petition.¹⁸²

George MacKenzie of Rosehaugh was optimistic that the election would not be voided but recognised the need to prepare for a by-election.¹⁸³ William Dubh had to be kept on side for the alliance to be maintained and for the most loyal members of the gentry, namely as Belmaduthy and Roderick MacKenzie, younger of Scatwell, to follow suit.¹⁸⁴ Rosehaugh observed that 'all this will not do without William Dubh's concurrence. We have fully represented the case to him, but this he says in generall, that he looks on it as his own concern, and that he will do every thing that can in reason be asked of him'.¹⁸⁵ Rosehaugh feared that William Dubh would act with 'prudentiall caution', and that Cromarty would eventually leave the MacKenzie freeholders in Ross-shire to their own devices, having already tried once to convince William Dubh to act in favour of Kilravock.¹⁸⁶ Hugh Rose, younger of Kilravock also pleaded with William Dubh, telling him in person that he would not quit so long as one MacKenzie supported him.¹⁸⁷ Nevertheless, despite Kilravock the younger's counter-petition, the election was declared void by the House of Commons in 1710 and a by-election was called.¹⁸⁸

Although William Dubh had promised Rosehaugh that he would consider the issue, it is unclear to what extent William Dubh was involved.¹⁸⁹ Hayton argues that Kilravock the elder was 'scared neutral' by the Rosses' and Munros' attempts to remove him, claiming he was Cromarty's agent, and the MacKenzies were left to find their own candidate.¹⁹⁰ According to Alexander Grant, younger or Grant, William Dubh and Cromarty both feared that voters 'would not be for any called McKenzie' and, therefore,

¹⁸¹ Rose, *Rose of Kilravock*, pp. 396-7.

¹⁸² Fraser, *Cromartie*, II, p. 73.

¹⁸³ *Ibid.*, p. 101.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*, pp. 101-2.

¹⁸⁶ *Ibid.*, p. 102.

¹⁸⁷ *Ibid.*

¹⁸⁸ Hayton, 'ROSE, Hugh I'.

¹⁸⁹ Fraser, *Cromartie*, II, p. 104.

¹⁹⁰ Hayton, 'Ross-shire, 1690-1715'.

tried to convince Hugh Rose of Clava to stand as their candidate, but he refused.¹⁹¹ The MacKenzies eventually settled on Royston, who was defeated by Halkhead's brother, Charles Ross, in spite a more unified effort by the Ross-shire MacKenzies, but Royston petitioned the court that he, Royston, had received a majority of qualified voters.¹⁹² Another by-election was held in October 1710, with Cromarty standing as the MacKenzie-interest candidate. The MacKenzies accused Kilravock, who now supported the Ross-Munro constituency, of using his office as sheriff to allow Ross to retain his seat.¹⁹³ The MacKenzies dropped their complaints. From the Union with England Act in 1707 until William Dubh died in 1740, no MacKenzie held the seats of Ross-shire or the northern district burghs in Parliament. Despite this hinderance, Portsea wrote of William Dubh in 1711: 'I am of the opinion that no Chiefe ever aim'd more at the prosperity of the MacKenzies than he'll do'.¹⁹⁴

Cromarty's death on 27 August 1714 in New Tarbat, Ross-shire would change William Dubh's and the MacKenzies' circumstances. According to a letter to Mar, Cromarty had already been extremely weak, but the news of Anne's death on 1 August pushed him over the edge: 'Upon hearing of the Queen's death he shutt himself up in his closet for three hours, was very melancholly when he came out, went to bed, and never rose again'.¹⁹⁵ In his 1720 history of Clan MacKenzie, Dr George MacKenzie wrote that Cromarty was a learned man who zealously supported Charles II from as early as 1644 and who was 'only pleas'd' to support James VII.¹⁹⁶ Within days of Cromarty's death, his son, John, now second earl of Cromarty (previously Master of Tarbat) became inundated with letters from Tories and Whigs seeking his support in future peer and parliamentary elections. John was approximately fifty-eight years old when he became earl and had a chequered past. As Master of Tarbat, he represented Ross-shire in 1685, converted to Catholicism in 1688, and supported James VII at the rising.¹⁹⁷ The Master of Tarbat and two of his friends were tried for – and later acquitted of – the murder of Elias Poirer, a French Protestant refugee and a Gentleman of the King's Guard, in August 1691.¹⁹⁸ John and his friends got into a drunken brawl with Poirer in a tavern in the Kirkgate of Leith and

¹⁹¹ *More Culloden Papers*, II, p. 23.

¹⁹² Hayton, 'Ross-shire, 1690-1715'.

¹⁹³ *Ibid.*; *More Culloden Papers*, II, p. 24.

¹⁹⁴ NLS, Adv. MS 1343, fol. 41.

¹⁹⁵ Fraser, *Cromartie*, II, p. 154.

¹⁹⁶ GCA, MS 591701, ff. 164-5.

¹⁹⁷ Hopkins, *Glencoe*, p. 106; Eric Richards and Monica Clough, *Cromartie: Highland Life 1650-1914* (Aberdeen: Aberdeen University Press, 1989), p. 51.

¹⁹⁸ Richards and Clough, *Cromartie*, p. 51; NRS, PC1/47, pp. 169-70, 362-3, 446, 461.

John himself was naked when Poiret was found dead in a darkened bedchamber.¹⁹⁹ John claimed that his friends had accidentally killed Poiret, whereas the petitioners claimed that John and his friends had attacked them in their bedroom at night ‘to their great surprise’.²⁰⁰ From 1691 until his father’s death in 1714, John stayed out of public affairs, but his father’s death and the possibility of an election brought him back into the political fray.²⁰¹

The last parliamentary election before John MacKenzie, second earl of Cromarty (hereafter Cromarty) rose to comital rank was in October 1713. After the 1713 general election, fifteen of Scotland’s forty-five Members of Parliament were Tories while in England and Wales, the Tories held 354 seats, the Whigs held 148, and eleven were unclassified.²⁰² In the Lords, the Tories had a slender majority and the Whigs had been trying to convince George Ludwig, Elector of Hanover before his ascent in 1 August 1714, that they, the Whigs, would be his only reliable friends and that he should call a new election to secure a Whig majority.²⁰³ The Whig claims were not wholly correct; a split was forming within the Tory representatives and peers between ‘Hanoverian’ Tories, who supported the Protestant George I, and ‘Jacobite’ Tories, who supported the ascension of the Catholic James Francis Edward Stuart.²⁰⁴ Nevertheless, George took the advice of William Cowper, first earl of Cowper and lord chancellor of Great Britain and dissolved Parliament on 5 January 1715.²⁰⁵

William Dubh needed Cromarty’s help to advance a Jacobite Tory position. Cromarty was not an active Jacobite but was arrested during the Highland War (1689-91) and the 1715 Jacobite rising on suspicion of Jacobitism, even though he did not participate.

¹⁹⁹ Richards and Clough, *Cromartie*, p. 51; NRS, PC1/47, pp. 169-70.

²⁰⁰ Richards and Clough, *Cromartie*, p. 51; NRS, PC1/47, pp. 169-70.

²⁰¹ Mackenzie, *History of the Mackenzies*, p. 554.

²⁰² ‘1713’, in *HoP*.

²⁰³ Szechi, *1715*, pp. 34-5.

²⁰⁴ Ibid. There is historiographical disagreement over the total number of ‘Jacobite’ Tories and the relationship between Toryism and Jacobitism from 1714 to 1746. Romney Sedgwick and Eveline Cruickshanks argue that the Tories were a majority Jacobite party (R. Sedgwick, *The Houses of Commons 1715-1754* (2 vols., 1970) and E. Cruickshanks, *Political Untouchables. The Tories and the ‘45* (1979)). J. C. D. Clark argues that when looking at Jacobite sentiment, politics, religion, and military action individually within society, these disparate yet connected themes show how ‘ordinary’ Jacobitism was in society (Clark, *English Society 1688-1832* (Cambridge: Cambridge University Press, 1985); Clark, ‘On Moving the Middle Ground: The Significance of Jacobitism in Historical Studies’, in *The Jacobite Challenge*, ed. Eveline Cruickshanks and Jeremy Black (Edinburgh: John Donald Publishers, Ltd, 1988), pp. 177-88)). Linda Colley argues that the Tories were mostly ‘Hanoverian’ and that ‘Jacobites’ made up a small contingency (Colley, *In Defiance of Oligarchy. The Tory Party 1714-60* (Cambridge: Cambridge University Press, 1982)). Andrew Hanham argues that how historians define Jacobites and Jacobitism is problematic and a more cautious, considered approach is needed in order to gauge the actual number of ‘Jacobite’ Tories (Hanham “‘So Few Facts’: Jacobites, Tories and the Pretender”, *Parliamentary History*, vol. 19 (2000): 233-257).

²⁰⁵ W. A. Speck, ‘The General Election of 1715’, *The English Historical Review*, 356 (1975), 507-22 (p. 507).

He employed the Episcopalian Jacobite minister Alexander MacKenzie as his chaplain until 1716, when Alexander was arrested for joining the Jacobites MacKenzies under William Dubh in the 1715 Jacobite rising.²⁰⁶ William Dubh wrote to Cromarty on 11 September 1714 for two reasons. The first was to offer his condolences ‘for your late father and my grand unkle’s death’ and offer his assurances that Cromarty was prepared for his new responsibilities.²⁰⁷ The second and more pressing matter was the need for Cromarty’s support for David Colyear, first earl of Portmore in future elections of Scottish peers. Cromarty had reconverted to Protestantism – it is not clear when – and was therefore allowed to vote in the election of Scottish peers.²⁰⁸ As part of the Treaty of Union, sixteen Scottish peers were admitted to the House of Lords and those sixteen were voted in by all the peers of Scotland. William Dubh was not allowed to vote in the peerage election until he swore and subscribed against Catholicism and instead lobbied his fellow peers for votes for his allies.²⁰⁹ William Dubh and Portmore needed the second earl of Cromarty’s support to strengthen the Jacobite Tory cause:

[...] for my lord Portmore beg’d I woo’d doe him the favour to joine my interest with his own, to obtain your lordship’s vote for him self at the ensuing election of Peers. I thought I coo’d doe no less than comply with my lord’s desier, since I forsee it may turn good account to your lordship, as he has already expres’d him self.²¹⁰

Portmore was first elected to the Lords in the 1713 election. Unlike Cromarty, William Dubh was limited by his Catholicism.

In the 1715 election, the candidates who represented the MacKenzie Tory interest were Alexander MacKenzie of Fraserdale, Cromarty’s first cousin, for Inverness-shire, Col. Alexander MacKenzie for the burgh of Inverness, and Newhall for Cromartyspire.²¹¹ In the end, only Newhall received a seat as Whigs gained 141 seats throughout Great Britain and the number of Scottish Tory Members of Parliament was reduced to seven.²¹² In Cromartyspire, the freeholders unanimously supported Alexander Urquhart of

²⁰⁶ Colin MacNaughton, *Church Life in Ross and Sutherland, from the Revolution (1688) to the Present Time Compiled Chiefly from the Tain Presbytery Records* (Inverness: The Northern Counties Newspaper and Print. and Pub. Co., 1915), pp. 80-1.

²⁰⁷ Fraser, *Cromartie*, II, p. 157.

²⁰⁸ Even though John, second earl of Cromarty reconverted to Protestantism, he reportedly kept ties with Catholic priests and showed them sympathy on his lands. See: Fraser, *Cromartie*, I, p. ccii; Fraser, *Cromartie*, II, pp. 175-6.

²⁰⁹ James Fergusson, *The Sixteen Peers of Scotland: An Account of the Elections of the Representative Peers of Scotland, 1707-1959* (Oxford: Clarendon Press, 1960), p. 16.

²¹⁰ *Ibid.*

²¹¹ *More Culloden Papers*, II, pp. 47-8.

²¹² Romney R. Sedgwick, ‘The General Election of 1715 and the First Whig Opposition 1717-20’, in *HoP*; Speck, ‘The General Election of 1715’, p. 516.

Newhall.²¹³ Some contemporaries did consider Newhall to be a Whig, or at least an acceptable Tory. Alexander Murray, lord Elibank, writing on behalf of Montrose, requested that Cromarty endorse Newhall:

[...] if your Lordship be not already preingaged for one of your own relations, I beg it as the greatest obligation your Lordship can do me, that you will be pleased to use your interest in favours of this gentleman in the insuing elections.²¹⁴

Newhall was a Jacobite Tory who acted as an intermediary between the Jacobites and John Gordon, earl of Sutherland, but had himself retired from military service in 1714.²¹⁵

Regardless of the ambiguous nature of Newhall's political leanings, the MacKenzie Tory interest was strong outwith Ross-shire. This annoyed their Whig neighbours, who were led by John Forbes of Culloden.²¹⁶

Mar, too, offered his condolences before lobbying Cromarty for support for Tory policies generally, rather than a specific peer. Mar did, however, show support for Colonel Alexander MacKenzie, Mar and Cromarty's cousin and William Dubh's uncle, for the Inverness parliamentary seat should Inchcoulter stand down.²¹⁷ Cromarty's younger brother, Sir Kenneth MacKenzie, third baronet of Cromarty, had served as the member of Parliament for Cromartysire from 1710-13. While Mar would lead the Jacobite rebellion in 1715-16, none of these other men were obvious Jacobites. Cromarty, Col. Alexander, Sir Kenneth, and Inchcoulter all remained neutral during the rising. The Whig James Graham, duke of Montrose reportedly endorsed Col. Alexander or, if not him, anyone else over William Stewart for the burgh of Inverness; however, this was disputed by Culloden, whose family had 'numbered themselves among the strengthening Argyll interest in Scottish politics'.²¹⁸ Montrose's disapproval of Stewart may have been due to the latter's proximity to John Campbell, second duke of Argyll, Montrose's rival, rather than Tory-

²¹³ *More Culloden Papers*, II, pp. 64-5.

²¹⁴ Fraser, *Cromartie*, II, pp. 158-9.

²¹⁵ Paula Watson, 'URQUHART, Alexander (d. 1727), of Newhall, Ross', in *HoP*.

²¹⁶ Riley, *The English Ministers and Scotland*, p. 260.

²¹⁷ Fraser, *Cromartie*, II, p. 156. Paul, *SP*, VII, p. 510, incorrectly states that Col. Alexander MacKenzie is William MacKenzie, fifth earl of Seaforth's brother. As a result of this error, numerous modern sources stated the same. Contemporary records, including his record at the Scots College at Douai, which is cited by Balfour, show that Col. Alexander was the third earl of Seaforth's son and the fourth earl of Seaforth's brother and, therefore, the fifth earl's uncle.

²¹⁸ *Culloden Papers*, pp. 33-4; Fraser, *The Last Highlander*, p. 135.

Whig politics.²¹⁹ Stewart was agent to Argyll and his brother, Archibald, first earl of Islay.²²⁰

3.3: William Dubh, the MacKenzies, and Jacobitism, 1715-19

From 1715 to 1719, William Dubh involved himself and members of his clan in attempts to restore the Stuarts to the throne. To accurately contextualise William Dubh's focus and influence during his involvement in an intense period of Jacobite activity and intrigue, it is necessary to show how his involvement affected three distinct episodes during these five years of his life. These episodes are the 1715 Jacobite rebellion, his time in exile in France from 1716 to 1719, and the 1719 Jacobite rebellion. One of the objectives of this thesis is to examine Seaforth lordship from the perspective of the earls of Seaforth. The analysis of divisions within the gentry of Clan MacKenzie during William Dubh's sojourn in France from 1702 to 1708 was included to contextualise the circumstances to which he was returning. For William Dubh's second period of absenteeism from 1716 to 1719, this thesis will focus on his desire to repair his reputation and rise within the Jacobite ranks while he resided in France and will only discuss the gentry in Ross-shire and Cromartynshire when it is relevant to this analysis. Ultimately, this section will complement the historiographical consensus that William Dubh was a committed Jacobite by showing how he tried to keep himself and his divided clan central to attempts to restore the Stuarts.²²¹ This analysis will be different from the more focused historiography of William Dubh during this period, which has tended to emphasise on his personality as an Jacobite aristocrat – that he was eager to prove himself but that he was vain, weak, touchy and hot-headed – rather than his role as a clan chief.²²²

3.3.1: The 1715 Jacobite Rebellion

William Dubh involved himself and part of his clan in the 1715 Jacobite rising, which ended in William Dubh in exile in France with his reputation damaged and his estates in Scotland forfeited. While the abortive Jacobite rising in 1708 was a French expedition and the 1719 rebellion was a Spanish diversionary attack, the 1715 Jacobite

²¹⁹ Riley, *The English Ministers and Scotland*, p. 261; Ronald M. Sunter, 'Graham, James, first duke of Montrose (1682-1742), landowner and politician', in *ODNB*.

²²⁰ J. M. Simpson, 'STEUART, William (1686-1768), of Weyland and Seatter, Orkney', in *HoP*.

²²¹ Corp, *The Jacobites at Urbino*, p. 73; Jones, *The Main Stream of Jacobitism*; Lenman, *The Jacobite Cause*; Lenman, *The Jacobite Risings*; McLynn, *The Jacobites*; Sankey and Szechi, 'Elite Culture', pp. 90-128; Whyte and Whyte, *On the Trail of the Jacobites*.

²²² MacKay, *The Book of MacKay*, pp. 178; Rose, *Historical Notes*, p. 40; Szechi, *George Lockhart of Carnwath*, p. 123.

rising was not the result of a foreign power playing its ‘Jacobite card’.²²³ Instead, Lenman contends that the 1715 Jacobite rebellion was actually Mar’s rebellion to rectify the complete collapse of his political career.²²⁴ While Mar initiated the rising, it was, as Szechi contends, ‘much bigger than Mar’.²²⁵ It was a British phenomenon which included those excluded from the new Hanoverian regime – such as William Dubh – and was the culmination of a developing Jacobite ideology.²²⁶ From a Scottish Highland perspective, Macinnes has shown that while support for the Jacobites was consistently higher than support for the Whigs, resentment of post-Union mismanagement encouraged support for Mar’s cause, as he played on the disappointment amongst clan gentry.²²⁷ This would have included members of Clan MacKenzies, namely Roderick MacKenzie of Redcastle, who had expressed his dislike for union in 1707 and would lead a company of men under William Dubh in the 1715 Jacobite rising. This section will assess William Dubh’s involvement in the 1715 Jacobite rebellion and the extent to which the clan supported him.

The MacKenzies were split during the 1715 Jacobite rebellion between pro-Jacobite and neutrality. William Dubh’s immediate family wanted him to stay out of the rebellion. Even though William Dubh married Mary Kennet against Lady Frances’s wishes, Lady Mary soon won Lady Frances’s affection and confidence as the pair tried unsuccessfully to prevent William Dubh from joining Mar.²²⁸ Some members of the MacKenzie gentry urged caution from William Dubh in the early stages. William Dubh received a letter from Mar to attend the hunting trip at Braemar on 27 August, which he duly did.²²⁹ Afterwards, William Dubh returned to Ross-shire and summoned his principal retainers to Brahan Castle on 9 September, but many of the most influential ones stayed away.²³⁰ While it was clear to outsiders, such as Atholl, that William Dubh was going to join Mar, the clan was not yet ready to follow.²³¹ One leading clansman who did not attend, and whose name is not known, wrote to William Dubh after the meeting to list his four concerns.²³² The first concern was that a rising should not be made until James’s landing was confirmed. The second was the legal concern over attending meetings about the rising, whether William

²²³ *The Jacobite Threat*, p. 115.

²²⁴ Lenman, *The Jacobite Risings*, pp. 126-7.

²²⁵ Szechi, *1715*, pp. 7-8.

²²⁶ *Ibid.*, p. 5.

²²⁷ Macinnes, *Clanship*, pp. 190, 193-4.

²²⁸ Rose, *Historical Notes*, p. 40.

²²⁹ Mackenzie, *History of the Mackenzies*, p. 291.

²³⁰ Rose, *Historical Notes*, p. 41.

²³¹ TNA, SP 54/8/41.

²³² Rose, *Historical Notes*, p. 42.

Dubh's or Mar's, and the non-attendees were concerned about mutual safety. The third was that 'wee consider your country and friends were never worse prepared for such ane enterprise, both as to officers, arms, [ammunition], and other necessary provisions'.²³³ The last concern was Mar. The clansman feared the Mar was hurrying William Dubh unnecessarily and leading him and the clan into a situation that 'may prove prejudicial to [William Dubh], and ruinous to us'.²³⁴

Historians have speculated why William Dubh decided to join the Jacobites. D. Murray Rose argued that William Mackintosh of Borlum persuaded William Dubh to listen to Mar.²³⁵ Angus Mackay felt that William Dubh's 'hot-headed' and 'weak' nature made him vulnerable to Mar and his emissaries' blandishments – presumably this included Borlum – that he would rise to the fame of Dundee or Montrose.²³⁶ Mar and his emissaries may have made those promises, but if the previous six years are any indication, it is unlikely that the once too-prudent William Dubh would have risen without the support of a significant number of his gentry and tenantry. Indeed, as W. C. Mackenzie argues, 'it is unlikely that any outside pressure was really necessary to induce Lord Seaforth to take up arms'.²³⁷ Instead, William Dubh 'was forced by sympathy and self-interest' into joining Mar.²³⁸ He certainly had the support of at least some of the tenantry. When Daniel McKillican, son of the conventicler John McKillican, urged his parishioners in Alness to support the government in the 1715 Jacobite rising, William Dubh's tenants stormed Alness and took the presbytery library of Dingwall, household items, and clothes.²³⁹ Nevertheless, William Dubh did join the Jacobites and much of the MacKenzie gentry supported him. Robert Munro, younger of Foulis wrote that fourteen MacKenzies (less than half) were instrumental in carrying out Clan MacKenzie's involvement in the 1715 Jacobite rising, they were William Dubh, Sir John MacKenzie of Coul, William MacKenzie of Belmaduthy, Donald MacKenzie of Kilcoy, Alexander MacKenzie of Applecross, George MacKenzie of Gruinard, John MacKenzie, younger of Gruinard, Fairburn, Kenneth MacKenzie of Achterdonald, Kenneth MacKenzie, younger of Achterdonald, Alexander MacKenzie of Davochmaluag, Colin MacKenzie of Mountgerald

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Rose, *Historical Notes*, p. 40.

²³⁶ MacKay, *The Book of MacKay*, p. 178.

²³⁷ Mackenzie, *History of the Outer Hebrides*, p. 396.

²³⁸ Ibid.

²³⁹ *Fasti*, VII, p. 27.

(previously of Davochpollo), and Alexander MacKenzie of Ord.²⁴⁰ On 15 September, Borlum marched towards Inverness and William Dubh committed to fighting soon after.²⁴¹ Shortly after he marched to Inverness on 15 September to publicly declare his support for James VIII, William Dubh wrote a list of nineteen companies of clansmen and cadet clans (see Table 3-5).

Table 3-5: William Dubh's list of Companies, September 1715²⁴²

William Dubh's Companies	Company Leader (if known)	Company Officers
First Company of Kintail Men		Captain John MacRae, Lieutenant Duncan MacRae, Ensign Kenneth Maclaren
Second Company of Kintail Men		Capt. John MacKenzie, Lieut. Kenneth MacRae, Ens. Colin Murchison
Lochalsh Company		Capt. John Murchison of Achtertyre, Lieut. George Matheson, Ens. John MacRae of Conchra
Lohcarron Company		Capt. John MacKenzie, Lieut. Muldowig, Ens. Kenneth MacKenzie of Culdren
Mixed Company		Capt. Hilton, Lieut. Rory MacKenzie of Dalmartin, Ens. Kenneth MacKenzie of Slumbay
Strathconon Men		Capt. Alexander MacKenzie (uncle of Roderick of Fairburn), Lieut. Kenneth MacKenzie (brother of Fairburn), Ens. George Fraser
Son of Roderick MacKenzie of Coul's Company	Son of Roderick MacKenzie of Coul	Son of Roderick MacKenzie of Coul, Lieut. Colin MacKenzie of Coul (son), Ens. Kenneth McIver
Ensay's Company		Capt. Ensay, Lieut. John MacKenzie of Slumbay, Ens. John Matheson of Bellmacharron
Assynt Company		Lieut. MacLeod of Sallachy, Ens. Jno. Matheson of Bellmacharron
Gairloch Men		Lieut. Shildag and Murdo MacKenzie, Ens.

²⁴⁰ *More Culloden Papers*, II, pp. 109-10.

²⁴¹ Rose, *Historical Notes*, pp. 43-4.

²⁴² Mackenzie, *History of the Mackenzies*, pp. 308, 370, 538, 564; Rose, *Historical Notes*, pp. 44-5.

		Henry MacKenzie, End. Murdo MacKenzie of Letterewe
Lochbroom Men		To be named
Redcastle's Company	Roderick MacKenzie of Redcastle	Capt. Young Highfield, Lieut. John Fraser of Loggie, Ens. Kenneth MacKenzie
Hilton's Company	John MacKenzie of Hilton	To be named by Hilton
Fairburn's Company	Roderick MacKenzie of Fairburn	To be named
Ardmanoch Company		Under consideration, but Alexander MacKenzie of Applecross can name their lieutenant
Applecross's Company	Alexander MacKenzie of Applecross	Applecross's son named captain, Lieut. Kenneth MacKenzie, Ens. Alexander MacKenzie
Kildun's Company	Colin? MacKenzie of Kildun (William Dubh's cousin)	Lieut. J. MacAulay of Brayad (possibly Bragar, west Lewis), Ens. Kenneth MacKenzie (Stornoway merchant)
Achilty's Company	MacKenzie of Achilty	Lieut. John MacAulay of Kirkbost, Bernera, Ens. Roderick MacKenzie (brother)
Norman MacLeod's Company	Norman MacLeod	Lieut. Kenneth MacIver, Ens. MacIver of Callanish

Additionally, a marriage provided William Dubh with a new group of reluctant vassals, the Frasers of Lovat. While William Dubh had no known involvement in the marriage, he undoubtedly benefited from it until late 1715 (discussed below). Prestonhall's son, Alexander MacKenzie, and Amelia Fraser, baroness Lovat and daughter of Hugh Fraser, ninth lord Lovat, married in 1702 (see Figure 3-3 for the family tree).

John Murray, first earl of Tullibardine (first duke of Atholl from 1703) became the trustee of Baroness Amelia in 1696 and would decide whom she married.²⁴³ Baroness Amelia's father had died on 14 September 1696 and Amelia's great-granduncle, Thomas Fraser of Beaufort, assumed the title and became the tenth lord Lovat.²⁴⁴ In 1697, Thomas Fraser's son, Simon Fraser of Lovat, master of Lovat, forcibly married and raped the Lady

²⁴³ Fraser, *The Last Highlander*, p. 42.

²⁴⁴ *SP*, V, pp. 535-7.

Amelia Lovat (baroness Amelia's mother and Tullibardine's sister) in an attempt to settle the claim on the Lovat estate in his favour.²⁴⁵ In retaliation, Tullibardine hunted Simon Fraser and his father, Thomas, who both managed to escape.²⁴⁶ Thomas died in May 1699.²⁴⁷ Simon Fraser, unofficially succeeded him as the eleventh lord Lovat, although this would not be legally recognised until 1730.²⁴⁸ Even though Amelia, baroness Lovat was legally recognised as the inheritor of the Lovat estates, Simon Fraser was referred to as 'Lord Lovat' by his contemporaries. Simon Fraser of Lovat [hereafter Lovat] and his supporters made repeated attempts to help Lovat return to Scotland by appealing to Jacobites and non-Jacobites alike; this led to both sides distrusting Lovat.²⁴⁹ Lovat had fled to France in 1702 on the advice of Archibald Campbell, first duke of Argyll (d. 1703) and George Lockhart of Carnwath suspected Lovat might have been a Whig agent for John Campbell, second duke of Argyll and James Douglas, duke of Queensbury.²⁵⁰

Eventually, Tullibardine accepted Prestonhall's suggestion that his son, Alexander, should marry Baroness Amelia in 1702. This had two benefits for Tullibardine. Sarah Fraser notes that this marriage prevented Simon Fraser from being able to marry her and allied Tullibardine with the 'useful' MacKenzies.²⁵¹ Indeed, as Hopkins argues that 'at a stroke [the Atholl family] they transformed their chief opponent in the North... into a friend'.²⁵² Major James Fraser believed this marriage was designed by Tullibardine as a way to 'swallow up the Frasers' with the help of their enemies, the MacKenzies.²⁵³ Prestonhall convinced Alexander, who assumed the name Alexander Fraser of Fraserdale as part of the marriage, to pursue a decree for the estates.²⁵⁴ On 2 December 1702, Fraserdale received a decree from the court of session for the estate and title for his wife and a deed the following year which permitted his heirs to bear the name MacKenzie instead of Fraser, an insult to his new clansmen.²⁵⁵ In 1706, Prestonhall suggested that

²⁴⁵ Fraser, *The Last Highlander*, pp. 52-6.

²⁴⁶ Ibid., pp. 55-61; Edward M. Furgol, 'Fraser, Simon, eleventh Lord Lovat (1667/8-1747), Jacobite conspirator, army officer, and outlaw', in *ODNB*.

²⁴⁷ *SP*, V, p. 536.

²⁴⁸ Furgol, 'Fraser, Simon, eleventh Lord Lovat', in *ODNB*.

²⁴⁹ Fraser, *The Last Highlander*, pp. 75-126.

²⁵⁰ Furgol, 'Fraser, Simon, eleventh Lord Lovat', in *ODNB*.

²⁵¹ Fraser, *The Last Highlander*, p. 68.

²⁵² Hopkins, *Glencoe*, p. 473.

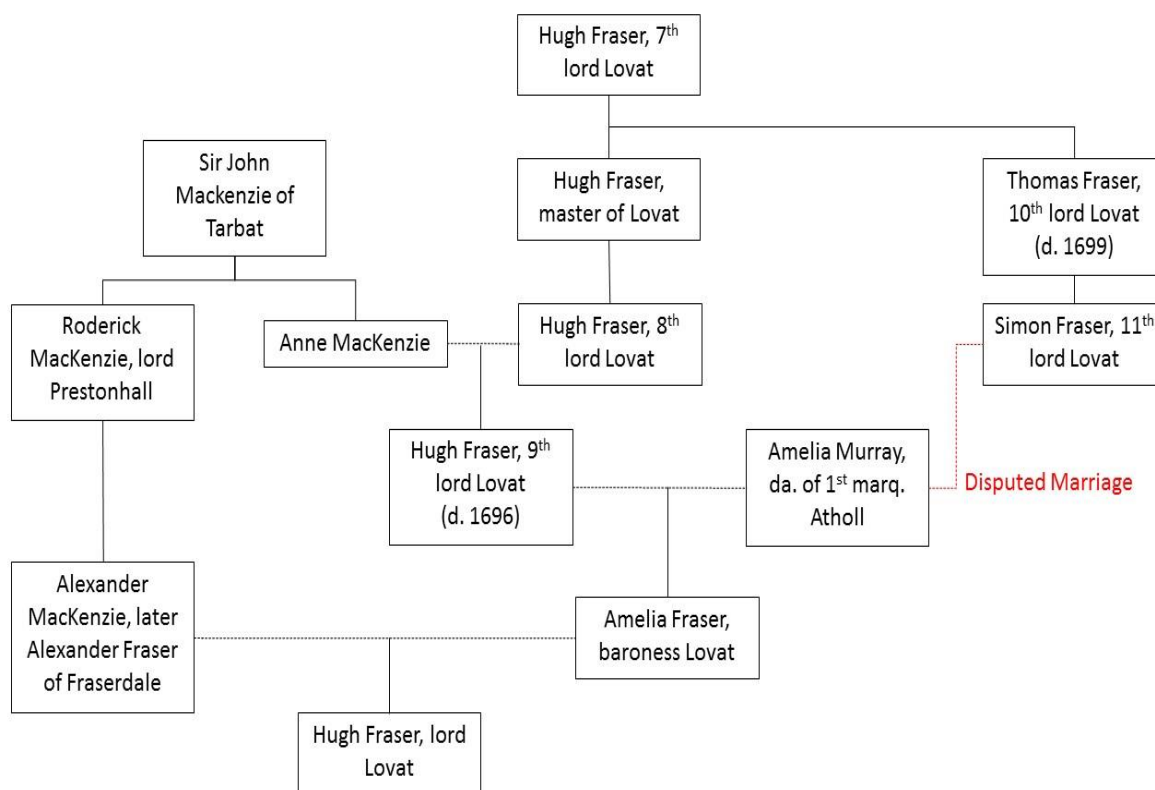
²⁵³ James Fraser, *Major Fraser's Manuscript: His Adventures in Scotland and England; His Mission to, and Travels in, France in Search of His Chief; His Services in the Rebellion (and His Quarrels) with Simon Fraser, Lord Lovat 1696-1737*, 2 vols (Edinburgh: David Douglas, 1889), I, p. 152.

²⁵⁴ GCA, MS 591701, f. 163; Furgol, 'Fraser, Simon, eleventh Lord Lovat' in *ODNB*; Hopkins, *Glencoe*, p. 475.

²⁵⁵ Ibid.

Fraserdale and Baroness Amelia's new son, Hugh, should consider carrying the surname MacKenzie and changing the coat of arms to prevent the family name from ever being Fraser again.²⁵⁶

Figure 3-3: The Mackenzies of Tarbat and Frasers of Lovat²⁵⁷



Understandably, Fraserdale did not want Lovat to be allowed to return and Fraserdale and John Murray, now marquess of Atholl, tried to bring down Lovat.²⁵⁸ Fraserdale wrote to Patrick Hume, earl of Marchmont, lord of the court of police, on 30 December 1714 that Lovat was an ‘enemy of mankind’ and ‘as frootfull in villanys as any ever our country produced’.²⁵⁹ He added that remission would cause a great deal of ill feeling in the Highlands.²⁶⁰ In the meantime, the Frasers fought for William Dubh and Fraserdale.²⁶¹ The Frasers, however, deserted Fraserdale during the 1715 Jacobite rising

²⁵⁶ Fraser, *The Last Highlander*, p. 121.

²⁵⁷ Mackenzie, *History of the Mackenzies*, p. 551; *SP*, V, pp. 532-40.

²⁵⁸ Fraser, *The Last Highlander*, pp. 134-6.

²⁵⁹ NRS, GD158/1190; John R. Young, ‘Hume, Patrick, first earl of Marchmont (1641-1724), politician’, in *ODNB*.

²⁶⁰ NRS, GD158/1190.

²⁶¹ Fraser, *The Last Highlander*, pp. 142-3.

once Lovat returned to Scotland and summoned them home.²⁶² Fraserdale, being in possession of the Lovat estate:

did furnish the Rebell Army with a Regiment, consisting of persons of the name of Fraser, related to, or dependant on, the said family; till my Lord Lovat, by his appearing in Arms for his Majesty in the North of Scotland, had soe great ane influence over the name of Fraser, that they publicly, with their Arms, withdrew themselves from the late Earle of Marr & the said Alexander Mackenzie, join'd My Lord Lovat, & assisted him when he, with the Men under his Command, did take the town of Inverness.²⁶³

There are several points to be taken from this memorial. Although clansmen frequently offered military service, rising for one's chieftain or feudal superior during wartime was not a requirement; the priority being that enough manpower was retained for harvest.²⁶⁴ The Frasers did rise for Fraserdale and served under William Dubh, Fraserdale's chief. However, when Lovat returned, the Frasers abandoned their legal, feudal superiors for their hereditary one. According to Lenman, the Frasers changed their support to lord Lovat because the Lovat peerage could only be legally inherited by direct male descent and for this reason, Lovat was preferred over Fraserdale.²⁶⁵ With respect to Fraserdale, and indeed William Dubh, this episode showed the limitations of expansion with regards to loyalty; their authority in the region was only accepted in the absence of Lovat.

²⁶² Fraser, *The Last Highlander*, p. 153.

²⁶³ *Culloden Papers*, p. 57.

²⁶⁴ Crawford, 'Warfare in the West Highlands and Isles of Scotland', p. 232; Macinnes, *Clanship*, p. 31.

²⁶⁵ *The Jacobite Threat*, p. 113.

Figure 3-4: Alness Affair (October 1715) with important locations marked. Ross-shire and Cromartysire in orange.



William Dubh was able to raise a force of between three thousand and five thousand men, which outnumbered the force which could be mustered by their rivals in the north of Scotland.²⁶⁶ William Dubh's men comprised MacKenzies, Macleods, MacDonalds (seven hundred under Sir Donald MacDonald of Sleat), MacKinnons, Chisholms, Frasers (under Fraserdale), and Gordons.²⁶⁷ The government forces were keen to keep William

²⁶⁶ TNA, SP 54/9/27; TNA, SP 54/9/62; MacKay, *The Book of MacKay*, p. 179; Mackenzie, *History of the Mackenzies*, pp. 292-3; Szechi, *1715*, p. 184. MacKay, MacKenzie, and Dalrymple estimate 3,000 men, Szechi found the composite force to be approximately 4,000, and an intelligence report estimated 5,000 men.

²⁶⁷ TNA, SP 54/9/70; Szechi, *1715*, p. 184; Mackenzie, *History of the Outer Hebrides*, p. 397.

Dubh and his followers in the north and to delay him from joining Mar if they could. John Sutherland, earl of Sutherland joined his four hundred tenants with George MacKay, lord Reay's five hundred, Lieutenant General Charles Ross of Balnagown's two hundred, an unknown number of Munros under Captain Robert Munro of Foulis, and other groups to total approximately 1800-2000 men.²⁶⁸ Sutherland and the combined forces under his command, now being outnumbered, found it necessary to retreat to Bonar Bridge on the Dornoch Firth.²⁶⁹ One man was killed during the retreat and a few more were taken prisoner as William Dubh allowed his men to plunder surrounding Whig lands before joining Mar in Perthshire.²⁷⁰ According to Mackenzie, 'several Rosses, Macleod of Cadboll, and Macleod of Geanies' submitted to William Dubh, and he sent Kenneth Sutherland, lord Duffus to Tain to promote the Jacobite cause.²⁷¹ Before heading south, William Dubh proclaimed James VIII at Cromarty, but withdrew his men after being fired upon by the *Royal Ann*.²⁷²

Angus MacKay argues the apparent lack of panic from Sutherland, the success of the 'clever' retreat, the removal of the boats from the Tain side of the Dornoch Firth, and the amount of time Sutherland and his allies were able to delay William Dubh from joining Mar meant that Sutherland was ultimately successful at Alness.²⁷³ Contemporary reports and letters from Whigs confirm this sentiment. The intelligence report does mention the delay as a silver lining, stating that the engagement did 'hinder a great body of Rebels to join Mar & I hope will be of use to the D. of Argyle'.²⁷⁴ Dalrymple wrote that keeping '3000 men from joining Mar is good service'.²⁷⁵ Adam Cockburn, lord Ormiston and former lord justice clerk, wrote to John Pringle that 'I hope, still they'll oblige those Gentlemen to keep a considerable Number of their Men at Home from joining the Earl of Mar, or destroy their Country if they should venture to join them'.²⁷⁶ Sutherland was cautious after his defeat. After plundering William Dubh's lands around Brahan Castle, he joined Lovat and Captain Munro of Foulis in garrisoning Inverness, as will be discussed

²⁶⁸ TNA, SP 54/9/62; MacKay, *The Book of MacKay*, pp. 178-9; Szechi, 1715, p. 184. MacKay and Szechi estimate 1800 men whilst Sir David Dalrymple, Lord Advocate estimated 2000.

²⁶⁹ TNA, SP 54/9/27; MacKay, *The Book of MacKay*, p. 179; Mackenzie, *History of the Mackenzies*, p. 293.

²⁷⁰ Szechi, 1715, pp. 184-5.

²⁷¹ Mackenzie, *History of the Outer Hebrides*, p. 398. Kenneth Sutherland, lord Duffus, was William Dubh's first cousin.

²⁷² *Ibid.*, p. 399.

²⁷³ MacKay, *The Book of MacKay*, pp. 179-80.

²⁷⁴ TNA, SP 54/9/27.

²⁷⁵ *Ibid.*, SP 54/9/62.

²⁷⁶ *Ibid.*, SP 54/9/70.

later in this chapter.²⁷⁷ William Dubh's victory dampened the Whig's enthusiasm in the north of Scotland until Lovat arrived in Scotland later that month.²⁷⁸ Robert Munro of Foulis – either the chief of the Munros or his son – complained that after Alness:

Goaths & Vandalls never shwd more barbarity... than the E. of Seaforth practised on my father's estates... ravishing women, burning houses, barns & corns Killing all the cattle they could find, stripping women & Children & pillaging every thing they could find in their houses.²⁷⁹

However, Munro of Culrain said that only a few men committed such atrocities and that they were punished by William Dubh.²⁸⁰ Nevertheless, William Dubh headed to Perthshire to join Mar but detached a MacKinnon regiment and sent them to Inverness to help Sir John MacKenzie of Coul.²⁸¹

William Dubh's victory at Alness was later memorialised in '*Moladh Chabair Fèidh*'. The sources for authorship are evenly split between Murdoch Matheson of Kintail (c. 1670 – c. 1757) and Norman MacLeod of Lochbroom (fl. 1716-44).²⁸² Ronald Black argues that the original version of '*Moladh Chabair Fèidh*' was written by Matheson by 1720, that MacLeod composed his version between 1726-37, and that the version remembered today is closer to MacLeod's version.²⁸³ The Alness affair was included by MacLeod – and not Matheson – because William Munro raided MacLeod's neighbour, Alexander MacKenzie of Ardloch and MacLeod wished to remind Munro of the Alness affair.²⁸⁴ Nevertheless, the Alness affair portion of '*Moladh Chabair Fèidh*' insults the MacKenzies' enemies: the Munros, Rosses, Frasers, Grants, and Forbeses, followed by the leaders Sutherland and Mackay:

B'e `n t-amadan Fear Fòlais
Nuair thòisich e cogadh riut;
Rothaich agus Ròsaich –
Bu ghòrach na bodaich iad.
Frisealaich is Granndaich,
An campa cha stadadh iad,
`S thug Foirbisich `nan deann-ruith
Gu seann taigh Chùil Lodair orr'.

²⁷⁷ Szechi, 1715, p. 185.

²⁷⁸ Ibid.

²⁷⁹ TNA, SP 54/10/12.

²⁸⁰ Rose, *Historical Notes*, p. 52.

²⁸¹ TNA, SP 54/9/62.

²⁸² Ronald Black, ed., *An Lasair: Anthology of 18th Century Scottish Gaelic Verse* (Edinburgh: Birlinn, 2001), p. 412.

²⁸³ Black, ed., *An Lasair*, pp. 413-5.

²⁸⁴ Ibid., p. 414.

Theich iad uile, cha do dh'fhuirich
 An treas duine bh' acasan;
 An t-Iarla Catach ruith e dhachaigh,
 Cha do las a dhagachan;
 MacAoidh nan creach gun thàrr e ás,
 Sann dh'éigh e 'n t-each a b' aigeannaich
 Ri gabhail an ratreuta
 Nuair dh'éirich do chabar ort.

[The Laird of Foulis was a fool / When he went to war with you; / Munros and Roses
 - / Silly old clowns they were. / Frasers and Grants, / In camp they wouldn't stop, /
 And Forbeses fled in confusion / To the old house of Culloden. / They all fled, there
 did not wait / Even one man in three of them; / The Earl of Sutherland ran home, /
 His pistols did not fire; / MacKay of plunders got away, / Calling for the fastest horse
 / To make his retreat with / When your antlers rose over you.]²⁸⁵

The Frasers are erroneously listed as the MacKenzies' enemies during the Alness affair – they switched sides after Lovat returned – and a party from Clan Grant never made it to Alness, having turned around when they heard of Sutherland's retreat.²⁸⁶ Clan Grant was divided, but the Grants of Grant supported the government.²⁸⁷ This was a departure from the contemporary MacKenzie panegyric poetry, in which Clan Grant and the Frasers of Lovat were regularly listed as allies.²⁸⁸ The MacKenzie gentry and their daughters regularly inter-married with Clan Grant; Redcastle had married chief Sir James Grant of Grant's daughter, Margaret, in 1680.²⁸⁹ Grant fought with George, second earl of Seaforth and Thomas MacKenzie of Pluscarden in 1641 and alongside Kenneth Mòr at the Battle of Worcester in 1651.²⁹⁰

After the affray at Alness, William Dubh was free to join Mar in Perthshire. He would soon be joined by the MacRaes, who had just experienced a victory of their own by retaking Eilean Donan. Eilean Donan had been captured during the Highland War and remained a government post thereafter. Before Sheriffmuir, however, the MacRaes reclaimed the castle with clever trickery. A neighbouring tenant convinced the governor of Eilean Donan to order some of the garrison to cut down his corn for him.²⁹¹ The tenant feared that a heavy storm was coming and that his family would starve if the corn was not

²⁸⁵ Murdoch Matheson and Norman MacLeod, 'Moladh Chabair Féidh', in *An Lasair*, pp. 112-3.

²⁸⁶ Mackenzie, *History of the Mackenzies*, p. 293.

²⁸⁷ Macinnes, *Clanship*, p. 245.

²⁸⁸ Pia Coira, *By Poetic Authority: The Rhetoric of Panegyric in Gaelic Poetry of Scotland to c.1700* (Edinburgh: Dunedin Academic Press Ltd, p. 2012), pp. 233-4.

²⁸⁹ Mackenzie, *History of the Mackenzies*, pp. 355-625.

²⁹⁰ Furgol, 'The Northern Highland Covenanter Clans', p. 129; Mackenzie, *History of the Mackenzies*, p. 250.

²⁹¹ Mackenzie, *History of the Mackenzies*, p. 294.

cut down quickly.²⁹² By the time the governor realised that it was a ruse, the men of Kintail had possession of the castle.²⁹³ The MacRaes were jubilant, as the ‘oldest inhabitant of the parish remembers to have seen the Kintail men under arms, dancing on the leaden roof, just as they were setting out for the Battle of Sheriffmuir, where this resolute band was cut to pieces’.²⁹⁴ William Dubh and his men passed by Blair Castle by 1 November, followed by Sleat and Fraserdale; Atholl estimated that the combined forces were two thousand, with four hundred to five hundred being with Fraserdale.²⁹⁵ Atholl tried in vain to persuade Fraserdale to leave the rebels, ‘but nothing could prevail him to come to me, he owned he was ashamed to see me after the assurances he gave me, that he would never Joine any against the present Government’; Fraserdale later claimed that William Dubh forced him to participate.²⁹⁶ William Murray, marquess of Tullibardine and Atholl’s oldest living son, decided to try to raise Atholl men to join William Dubh.²⁹⁷ Argyll seemed disbelieving that William Dubh could be so near to joining Mar, writing ‘Seaforth has it seems found means to pass My Lord Southerland & our friends in the North, and was yesterday at farthest within a days march of Perth’; William Dubh arrived by 6 November.²⁹⁸

William Dubh’s conduct at the most notable battle of the 1715 Jacobite rising seriously damaged his reputation amongst his fellow Jacobites and the inconclusive outcome made matters worse. On 13 November, the Battle of Sheriffmuir was fought to a standstill, despite there being two and a half times as many Jacobite troops as government troops.²⁹⁹ William Dubh fought on the second line, joined by Fairburn, Applecross, the younger of Achterdonald, George MacKenzie of Belmuckie, the younger of Brae, Culdrene, Davochmaluag, Kilone, Gruinard, and brother of Gruinard.³⁰⁰ Lord Duffus tried in vain to convince William Dubh to put himself at the head of his clan, but William Dubh stood in the rear surrounded by forty mounted clansmen.³⁰¹ John Sinclair, master of Sinclair and fellow Jacobite wrote:

of all engaged, Seaforth acted the scandalousest part; who, in place of putting himself at the head of his Clan, as all agreed, stood off in the rear, on some little rising

²⁹² Ibid.

²⁹³ Ibid., pp. 294-5.

²⁹⁴ Ibid., p. 295.

²⁹⁵ TNA, SP 54/10/1.

²⁹⁶ Ibid.; SP 35/6/79.

²⁹⁷ Ibid.

²⁹⁸ TNA, SP 54/10/8; TNA, SP 54/10/26A.

²⁹⁹ For a more complete accounts of the Battle of Sheriffmuir, see Szechi, *1715*, pp. 153-60.

³⁰⁰ TNA, SP 54/10/170E; Mackenzie, *History of the Mackenzies*, p. 294; NRS, GD305/1/149/207.

³⁰¹ Rose, *Historical Notes*, p. 55; Mackenzie, *History of the Outer Hebrides*, p. 402.

ground, with fourtie scoundrels, on horseback, with him, I can't say a cool spectator of the fate of his countrie.³⁰²

There is no indication of the kind of military training that William Dubh received as a minor, therefore, it is not clear if his actions were due to a lack of training, cowardice or both. William Dubh was aware of his lack of military experience, and later had his men in Lewis serve under Brigadier Campbell of Ormidale, who promptly abandoned him.³⁰³ Several MacKenzies and MacRaes were taken prisoner after the battle, including Kenneth MacKenzie, nephew of Coul, Capt. Colin MacKenzie of Kildun, Hugh Macrae, Donald MacRae, and Christopher MacRae.³⁰⁴ William Dubh lost four notable 'Johns' at the battle as well: Applecross, Hilton, John MacRae of Conchra, and John Murchison of Achtertyre.³⁰⁵

Nevertheless, as rumours of William Dubh's pusillanimous actions spread, the response from within and outwith Clan MacKenzie became more vitriolic. Sileas MacDonald (c. 1600-c. 1729), poet and bard, heavily criticised Huntly first for reportedly fleeing the battle and then William Dubh.³⁰⁶

Mhic Choinnich bho `n tràigh,
 `S e `n gnìomh nàr mar theich thu ;
 `Nuair a chunnaic thu `m blàr
 `S ann a thàir thu `n t-eagal ;
 Rinn thu cóig mìle deug
 Gun t' each sréin a chasadh ;
 Bha claidheamh rùisgt' ann ad dhòrn
 Gun fhear cleòc' a leageil.

Ho ró agus hó,
 Ho ró an t-eagal !
 Mo mhallachd gu léir
 An déidh na theich dhiùbh !

[MacKenzie from the shore, it is shameful how you fled : when you saw the battle-field you took fright ; you covered fifteen miles without turning your mount ; there

³⁰² John Sinclair, *Memoirs of the Insurrection in Scotland in 1715* (Edinburgh, 1858), p. 232.

³⁰³ Mackenzie, *History of the Outer Hebrides*, pp. 403-4.

³⁰⁴ TNA, SP 54/10/46C; Mackenzie, *History of the Mackenzies*, p. 298.

³⁰⁵ Kenneth MacRae, 'Ceithear Iainean na h-Alba / The Four Johns of Scotland', in *The Gaelic Bards from 1715 to 1765*, ed. by A. Maclean Sinclair (Charlottetown: Haszard & Moore, 1892), pp. 27-30.

³⁰⁶ Sileas MacDonald, 'Latha Sliabh an t-Siorram (1)', in *Bàrdachd Shilis Na Ceapaich / Poems and Songs by Sileas MacDonald c. 1660-1729*, ed. Colm Ó Baoill (Edinburgh: The Scottish Gaelic Texts Society, 1972), pp. 26-9; MacDonald, 'Latha Sliabh an t-Siorram (2)', pp. 32-3; MacDonald, 'Latha Sliabh an t-Siorram (3)', pp. 40-1.

was a bared sword in your hand which slew not one of the men in cloaks. *Ho ró agus hó, ho ró* the fright! All of my curse upon those of them who fled!]³⁰⁷

There is no evidence of the distance that William Dubh ran from the battle, but William Dubh and Huntly both lost their enthusiasm for the cause and returned to the north to protect their estates and reassemble their men.³⁰⁸ William Dubh's ability to lead as a chief was criticised by his own clan. In early 1716, John Sinclair and his men questioned a man in Perth as to why he did not want to deliver a message to William Dubh. The man replied:

That Seaforth was not old Earle Kenneth; as if nothing was to be expected of him: that the principall gentlemen of that Clan could not endure him for takeing so much upon him when with them, tho' they found him as ignorant as themselves; but what rancour'd them most was, that being with them at Sherrif Moor, and makeing volteface from the head of Applecross regiment, before that regiment did, which several offer to attest, and particularlie their Major; yet he thought a man of his worth must make some extraordinarie excuse for himself, by throwing it on the whole Clan; and for haveing done [so], durst as well put his head in a fire as goe near them.³⁰⁹

From this account, it is clear that William Dubh did not understand what was expected of him as chief of Clan MacKenzie. He did not act as a leader in battle, he fled the battle without his regiment and compounded the dishonour by blaming the whole clan for his own shameful behaviour.

William Dubh could not immediately return to Brahan Castle. As state above, a few days after Sheriffmuir, Sutherland, Captain Munro of Foulis, and Lovat plundered the lands around Brahan Castle on their way to Inverness.³¹⁰ Sutherland wrote to Lovat to meet him near Brahan Castle on the way to Inverness.³¹¹ Lovat sent Major James Fraser with 400 men to join Sutherland at Brahan.³¹² Major Fraser gave the following account of the siege:

The Earl of Sutherland that night to be revenged of what was done him at Alnes, and the Munros also to be revenged of what the McKenzies and McDonalds had plundered from them, did encamp near my Lord Seaforth's house and there destroy what they could. I must own, since I knew the whole affaire, it was but what they justly deserved. Then a hundred of the Frasers and a hundred of the Munros were sent off to bring in provisions, there being 150 men encamped that night, and every two men might have a cow, being above 400 cows, and 200 sheep brought from the mountains. You may believe that the cooks were not many; there was meat [in]

³⁰⁷ MacDonald, 'Latha Sliabh an t-Siorram (2)', pp.32-3.

³⁰⁸ TNA, SP 54/10/96B; Ó Baoill, *Bàrdachd Shilis Na Ceapaich / Poems and Songs by Sileas MacDonal c. 1660-1729*, p. 146; Lenman, *The Jacobite Risings*, p. 144; Szechi, 1715, p. 163.

³⁰⁹ Sinclair, *Memoirs*, p. 355.

³¹⁰ Szechi, 1715, p. 185.

³¹¹ Fraser, *Major Fraser's Manuscript*, II, pp. 78-9.

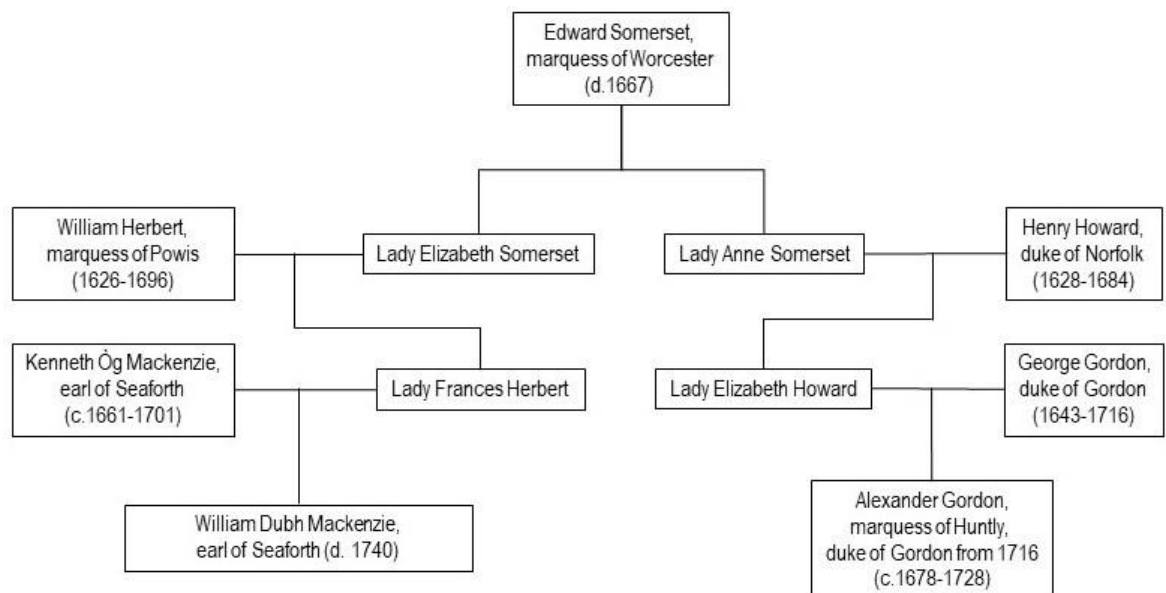
³¹² Ibid., p. 79.

abundance. They having stayed there two nights, they marched forward and carried along with them 300 cows.³¹³

In addition to taking three hundred cows, Sutherland, Capt. Munro, and Lovat forced the men who did not join William Dubh to return the arms they took from the Munros, to release prisoners, to remain peaceful and not directly or indirectly assist William Dubh, and to allow Sutherland to leave a garrison at Brahan Castle.³¹⁴ It is unclear when exactly William Dubh returned to Brahan Castle, though it must have been by 1 December. In the meantime, he garrisoned Chanonry.³¹⁵

By 11 December, Mar ordered William Dubh to join with Huntly, Lochiel, Glengarry, Clanranald, and Keppoch in Badenoch to regroup and prepare to retake Inverness.³¹⁶ William Dubh and Huntly both returned to their lands to regroup and managed to muster 1600 and 800 men respectively; however, both were already looking to make peace with the government to protect their lives and property.³¹⁷

Figure 3-5: Family Tree, connecting William Dubh and Alexander Gordon³¹⁸



On 23 December, Huntly wrote to both William Dubh and Lady Frances. While William Dubh was pressing towards Inverness, Huntly's letter to William Dubh showed that the former dithered: 'I cannot yet determine the time of marching westwards, not knowing

³¹³ Ibid., pp. 79-80.

³¹⁴ Mackenzie, *History of the Mackenzies*, pp. 295-6.

³¹⁵ *Stuart Papers*, V, p. 198.

³¹⁶ TNA, SP 54/10/123.

³¹⁷ Szechi, *1715*, pp. 185-6.

³¹⁸ Mackenzie, *History of the Mackenzies*, p. 289; *SP*, IV, pp. 550-1; *The Complete Peerage*, VI, pp. 56, 295-6.

when all my people may be brought together and cannon ready I expect from Aberdeen'.³¹⁹ Huntly had objected to the Battle of Sheriffmuir; he considered surrendering before the battle and was in favour of negotiating with Argyll afterwards as the Jacobites had now lost at Preston and the Whigs had regained Inverness.³²⁰ Huntly's letter to Lady Frances, which Huntly requested be kept between the two of them, upset William Dubh when he read it.³²¹ Huntly was going behind William Dubh's back to encourage Lady Frances to convince William Dubh to submit. Huntly wrote that Ormonde had drowned or was missing, that James had turned back to France, and that Sutherland's men were deserting Inverness; with the benefit of hindsight, Huntly's intelligence was incredibly inaccurate.³²² It was more probable that Huntly was trying to protect his younger cousin for whom he had genuine affection, and the northern cousins were expected to co-operate.³²³ Huntly probably felt that Frances was in a better position to persuade William Dubh than himself. Huntly continued to keep William Dubh abreast of his meetings with Lord Reay, Col. Munro, and Capt. Grant in January, as 'it's fit for you to know all I do'.³²⁴

William Dubh successfully gathered 1600 of his men but by 27 December was met near Beaulieu by Sutherland and Lord Reay's overwhelming force, which included Munros, Rosses, Forbeses, and Frasers.³²⁵ Despite being joined at Brahan by the MacLeods just days before, William Dubh was ready to surrender by 30 December in exchange for the protection of his lands, clans, and allies.³²⁶ His offer, which Frances helped negotiate, reads:

Wee William Marquess Seaforth doe promise upon honour to Simon Lord Lovat commanding his Majesties forces near Inverness to disperse and dissipate my men immediately and to sett at liberty the Gentlemen of the Name of Munro detained by my orders, and not to take armes or appear against his Majesty King George or his Government till the return of the Earl of Sutherlands express from Court, providing that neither I nor my friends country or people be molested or troubled till the said return come from Court.³²⁷

³¹⁹ *Stuart Papers*, IV, p. 9.

³²⁰ Szechi, *1715*, pp. 155, 160.

³²¹ *Stuart Papers*, IV, p. 9.

³²² *Ibid.*, pp. 8-9.

³²³ NRS, RH9/17/177; *SP*, I, pp. 418, 484, 487. Additionally, both men were in Europe from 1702 to 1705, but it is not known if they spent time together during this period, see: Eric Richards, 'Gordon, Alexander, second duke of Gordon (c. 1678-1728), Jacobite sympathizer and landowner', in *ODNB*.

³²⁴ *Stuart Papers*, I, pp. 486, 491

³²⁵ Mackenzie, *History of the Mackenzies*, p. 296; Davie Horsburgh, 'Mackenzie, William, fifth earl of Seaforth (d. 1740), Jacobite army officer', in *ODNB*; Szechi, *1715*, p. 185.

³²⁶ TNA, SP 54/10/158; *Ibid.*, SP 54/10/167.

³²⁷ TNA, SP 54/10/167; Horsburgh, 'Mackenzie, William, fifth earl of Seaforth', in *ODNB*.

Lovat and Duncan Forbes informed William Dubh 'that he was playing the fool, and to their certain knowledge the Duke of Gordon [i.e. Huntly] was making up his peace with King George, when he encouraged him to hold out with a high hand,' which William Dubh believed.³²⁸ The loss of important members of the clan gentry at Sheriffmuir could have influenced his surrender as well. The combination of Sutherland and Lord Reay's force, Frances's considerable influence, the desire to protect his clan, and Huntly's procrastination probably led William Dubh to agree to surrender.

News of William Dubh's submission spread slowly throughout January 1716.³²⁹ Capt. Munro was incensed at the notion that William Dubh would not face retribution for crimes committed in Munro lands.³³⁰ Huntly had been less successful in raising his men, but, as Szechi notes, he was 'a man recharged' in December 1715/January 1716 even if his vassals and tenants were not as committed to the Jacobite cause.³³¹ Even though he retook the ungarrisoned towns of Elgin and Forres, Huntly felt obliged to negotiate a deal of his own after hearing of William Dubh's surrender to Lovat.³³² But William Dubh was his father's son and, as his father had done after making peace with Mackay, William Dubh quickly reneged on his deal with Lovat. General Cadogan had to seek assistance and advice for disarming William Dubh and his followers.³³³ In January, James and Mar still believed that William Dubh and Huntly were willing to retake Inverness if they had the proper support.³³⁴ Little did they know that James's arrival in Scotland pushed Huntly even closer to capitulation.³³⁵ Nevertheless, William Dubh and Huntly fought together one more time in January 1716 and, along with General Echlin and a combined force of 2000 men, attacked Inverness.³³⁶

For a few months after James left Scotland in February 1716, William Dubh tried to show his dedication to the cause. On 4 February 1716, James wrote a farewell to Scotland and left for France from Montrose with Mar, Drummond and Melfort, effectively ending the 1715 Jacobite rising; the last military engagement was the following month.³³⁷ Huntly

³²⁸ Fraser, *Major Fraser's Manuscript*, II, p. 84; Szechi, 1715, p. 186

³²⁹ TNA, SP 54/11, fols. 30C, 34, 38, 45A, 186A.

³³⁰ Ibid., SP 54/11/108.

³³¹ Szechi, 1715, pp. 186-7.

³³² *Stuart Papers*, I, p. 486; Szechi, 1715, p. 187.

³³³ TNA, SP 54/11, fols. 30C, 34, 38, 45A, 186A.

³³⁴ *Stuart Papers*, I, pp. 484, 487, 488-9, 490.

³³⁵ Richards, 'Gordon, Alexander, second duke of Gordon', in *ODNB*.

³³⁶ Sinclair, *Memoirs*, pp. 345-6, 350; Szechi, 1715, pp. 121, 194.

³³⁷ *Stuart Papers*, I, pp. 505-7; Sinclair, *Memoirs*, p. 360; Szechi, 1715, pp. 194-5.

surrendered the following week.³³⁸ While some historians and writers claim that William Dubh left for France in February, this was not the case.³³⁹ William Dubh arrived in Roscoff, Brittany around 1 August with Gen. Gordon, James Ogilvie of Boyne and Lochiel; Clanranald, Glendaruel, Cameron very likely travelled with them.³⁴⁰ On 11 April, Clanranald wrote to Mar from South Uist on, among other things, the state of the Highlands and the rising. Not only did he express the fear that he would have to leave Scotland soon, but he also implied that both William Dubh and Gen. Gordon were still in Scotland; Gen. Gordon sent Clanranald a letter on 29 March.³⁴¹ Furthermore, there were reports in May 1716 that Gen. Gordon and Boyne did not take a ship in March and instead stayed in Scotland.³⁴² As there was no chance that William Dubh was going to be pardoned, he escaped to Lewis by 10 March 1716.³⁴³ There was confusion amongst the Jacobite leadership over William Dubh and Huntly's submissions and Mar, who was now in Paris, chose to reserve judgement until more about William Dubh and Huntly was known.³⁴⁴ This prudence from Mar proved wise, as William Dubh broke his truce, failed to submit and was hiding out on Lewis with some of his best men. In April, it was known to some that William had not submitted as Huntly had done.³⁴⁵ In fact, William Dubh was still willing – or at least said he was willing – to fight.³⁴⁶ His clan, however, were war weary and their lands were devastated. Lady Frances lamented that 'the tenants and country are now so impoverished that I can expect nothing from them'.³⁴⁷ He remained on Lewis with the bulk of his remaining men until he left for France, waiting eagerly for an opportunity to join Clanranald, Glengarry, Lochiel, Keppoch, and Gen. Gordon.³⁴⁸ Despite previous frustrations with William Dubh's apparent lack of commitment, some Jacobites now recognised his 'resolve to act an honourable part'.³⁴⁹ However, William Dubh went quiet and remained on Lewis until July.³⁵⁰ Even though Lady Frances had tried to dissuade William Dubh from joining the rising and tried to negotiate his surrender, General

³³⁸ Richards, 'Gordon, Alexander, second duke of Gordon', in *ODNB*.

³³⁹ Horsburgh, 'Mackenzie, William, fifth earl of Seaforth', in *ODNB* and McKenzie, *May we be Britons*, p. 208 both state that Seaforth left for France in February 1716.

³⁴⁰ *Stuart Papers*, II, pp. 325, 377; *Ibid.*, IV, p. 477.

³⁴¹ *Ibid.*, II, pp. 107-14.

³⁴² *Ibid.*, pp. 149-50, 152.

³⁴³ TNA, SP 54/11/173A.

³⁴⁴ *Stuart Papers*, II, p. 13.

³⁴⁵ *Ibid.*, pp. 74, 116.

³⁴⁶ *Ibid.*, pp. 113, 116.

³⁴⁷ In Mackenzie, *History of the Outer Hebrides*, p. 405.

³⁴⁸ *Stuart Papers*, II, pp. 113, 116.

³⁴⁹ *Ibid.*, p. 113.

³⁵⁰ *Ibid.*, pp. 134, 260.

Wightman now blamed her for his continued insubordination, calling Lady Frances ‘a most dangerous and inveterate woman to the government’.³⁵¹ Even after William Dubh left, his lands remained a safe space for Jacobites.³⁵²

3.3.2: William Dubh’s return to exile and the Interwar Years, 1716-19

By 4 August 1716, William Dubh arrived in Roscoff in northern Brittany, France.³⁵³ By 27 August 1716, William Dubh arrived in Paris to begin his exile there with his fellow chiefs, Clanranald and Cameron of Lochiel.³⁵⁴ William Dubh would not return to MacKenzie lands in Scotland until the 1719 Jacobite rising. Soon after arriving in Paris, William Dubh looked to retire to an inexpensive private life in Boulogne and St Omer in French Flanders and repair his reputation, which was in ruins.³⁵⁵ Before William Dubh left Scotland, he had been criticised for his conduct at Sheriffmuir and, along with Huntly, had been criticised for capitulating too soon, and for the failure of the rising; and had been accused of betraying James. After he left Scotland, William Dubh found few genuine supporters or sympathisers amongst the Jacobite leadership.

After contextualising the state of the Jacobite court in exile, this subsection will summarise the broader opinions of William Dubh amongst his fellow Jacobites after the failed 1715 Jacobite rising. Next, it will explore William Dubh’s relationship with his two second cousins, Huntly (second duke of Gordon from December 1716) and Mar in two phases.³⁵⁶ The first phase is from William Dubh’s arrival in France on 1 August 1716 to 10 March 1718, when James responded to William Dubh’s memorial on the latter’s activities during the last Jacobite rising. William Dubh and Huntly’s ‘paper war’, as George MacKenzie of Delvine called it, was at its peak during this period.³⁵⁷ The second phase is from then until the start of the 1719 Jacobite rising, when William Dubh stopped receiving money from James without explanation, and his relationship with Mar deteriorated to the point that their mutual friends and allies interceded to keep William Dubh from aligning with Marischal. Ultimately, this subsection will analyse how William Dubh’s actions during the interwar years affected his future Jacobite activities as he tried to rise within the Jacobite ranks and the pro-Mar and pro-Marischal factions sought his support.

³⁵¹ TNA, SP 54/11/173A.

³⁵² *Stuart Papers*, II, pp. 354-5.

³⁵³ *Ibid.*, pp. 322, 325.

³⁵⁴ *Ibid.*, p. 381.

³⁵⁵ *Stuart Papers*, III, pp. 320, 356.

³⁵⁶ William Dubh’s great-aunt, Jean MacKenzie, married Mar’s grandfather, John Erskine, earl of Mar (d. 1668), see Figure 3-6.

³⁵⁷ *Stuart Papers*, VI, p. 509.

The influence of John Hay and Mar at the new court in Urbino caused many Jacobites, including William Dubh and Marischal, to grow resentful.³⁵⁸ Hay and Mar's period of influence at Urbino lasted from July 1717, when James decided to move the court to Urbino, to early 1719, when Mar fell out of favour.³⁵⁹ Mar went out of his way to turn James against everyone associated with James's past at Saint-Germain, such as Nairne, and the man Hay replaced as groom of the bedchamber, Charles Booth, in favour of a new set of favourites.³⁶⁰ Not only did Hay, a Scottish presbyterian, replace Booth, an English Catholic, but the favourites amongst the old servants at Urbino — Perth, Nithsdale, and the fifth earl of Winton were all Catholic.³⁶¹ As a result, factions began to form within the new court. The result was divisiveness and friction between the old courtiers and the new exiles, within the new exiles, and between Catholics and Protestants.³⁶² Catholics, such as William Dubh and Marischal, chose to remain in France instead of following the court to Urbino, apparently in protest at the new regime.³⁶³ William Dubh tried to remain close with Mar, but also maintained contact with the court through his brother-in-law John Caryll's cousin, also named John Caryll, who served as gentleman usher of the queen's privy chamber; and others who disliked Mar.³⁶⁴

William Dubh's and Huntly's submissions, and William Dubh's apparent pusillanimous behaviour and Huntly's poor showing during the Battle of Sheriffmuir, severely damaged both men's reputations. Furthermore, Huntly's refusal to re-join the cause and his subsequent propaganda that he stopped fighting earlier than his February submission damaged his reputation even more.³⁶⁵ Captain Harry Straton believed that William Dubh and Huntly had 'much to answer for, and though some of these may think themselves wiser than other men, it seems probable they may soon find their folly, as well as their error, in their punishment'.³⁶⁶ Robert Arbuthnot, too, wrote to Mar that William Dubh submitted too quickly.³⁶⁷ Lewis Innes, the principal of the Scots College in Paris, felt that William Dubh and Huntly deserved more blame than Mar and accused the pair of encouraging the blaming of Mar, writing, 'I believe most of that clamour comes from those

³⁵⁸ Corp, *The Jacobites at Urbino*, pp. 73-4.

³⁵⁹ Corp, *Sir David Nairne*, pp. 285-6; Christoph v. Ehrenstein, 'Erskine, John, styled twenty-second or sixth earl of Mar and Jacobite duke of Mar' in *ODNB*.

³⁶⁰ Corp, *Sir David Nairne*, pp. 285-6, 295-6.

³⁶¹ Corp, *The Jacobites at Urbino*, p. 74.

³⁶² *Ibid.*, pp. 60, 74-5.

³⁶³ *Ibid.*, p. 73.

³⁶⁴ *Ibid.*

³⁶⁵ Richards, 'Gordon, Alexander, second duke of Gordon', in *ODNB*.

³⁶⁶ *Stuart Papers*, II, pp. 7-8.

³⁶⁷ *Ibid.*, p. 30.

who are themselves notoriously in the fault'.³⁶⁸ The Master of Sinclair claimed that William Dubh and Huntly, among other Jacobites, planned to hand over James to Argyll, but these were baseless accusations.³⁶⁹

In addition to blaming Mar, William Dubh turned on Huntly while Huntly and his mother, Lady Elizabeth, turned on William Dubh. Lady Elizabeth may have been exploiting the existing annoyance with William Dubh, who was blamed for mismanaging part of the Jacobite rising, to divert attention from her son. William Dubh was hurt by the rumours, but eager to clear the air with Lady Elizabeth in November 1716. According to William Dubh, Lady Elizabeth 'laid the blame of the miscarriage of affairs in Scotland at [his] door' and thought William Dubh 'acted contrary to that loyalty [he] always professed'.³⁷⁰ He continues, 'I should have expected on the friendship you always honoured me with that, had I been guilty of any one circumstance laid to my charge, you would have been one of the first that would have exerted themselves towards my vindication'.³⁷¹ Lady Elizabeth was as eager to reply to William Dubh's letter as William Dubh was to receive her reply. Within weeks, she replied to William Dubh and argued that what he perceived to be her blaming him was an attempt to defend her now-imprisoned son.³⁷² Lady Elizabeth added that she 'still endeavoured, as well known to many, to exert [herself] in [William Dubh's] defence against those unfavourable representations of [William Dubh's] procedure'.³⁷³ Despite these reassuring words, Lady Elizabeth then repeated the allegations against William Dubh that he, William Dubh, pinned the blame for his conduct on Huntly. She requested William Dubh send her any letters that Huntly sent William Dubh regarding the retaking of Inverness.

Meanwhile, William Dubh was eagerly awaiting news from James regarding his request to be made a duke in the Jacobite peerage. Mar was left to deliver the bad news and wrote to William Dubh on 26 December 1716. He wrote that William Dubh would not receive his dukedom, but that the reception William Dubh received from James at Avignon

³⁶⁸ *Stuart Papers*, II, p. 81.

³⁶⁹ Mackenzie, *History of the Mackenzies*, p. 297.

³⁷⁰ *Stuart Papers*, III, p. 265.

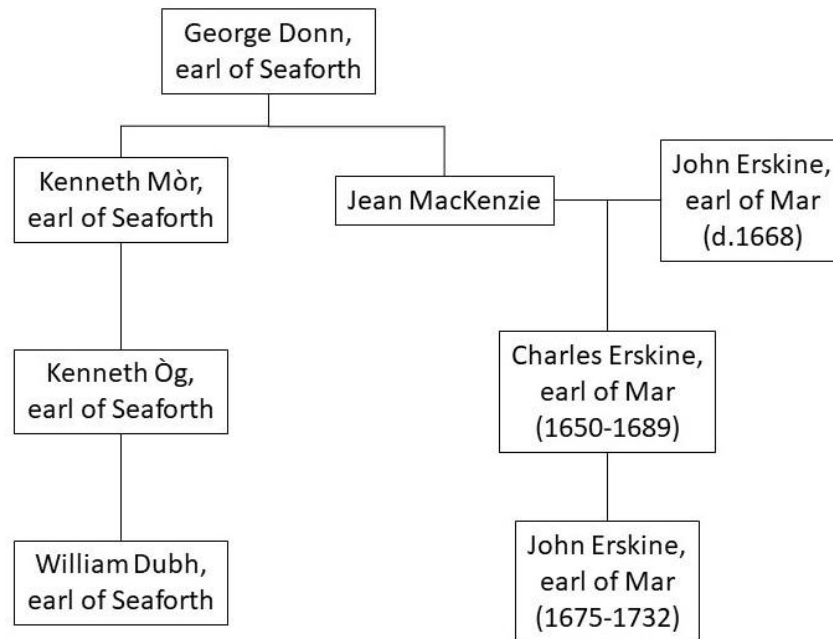
³⁷¹ *Ibid.*

³⁷² *Ibid.*

³⁷³ *Ibid.*

should be evidence of his favour towards him.³⁷⁴ William Dubh was irked that James delivered the news through Mar rather than writing to him directly.³⁷⁵

Figure 3-6: Family Tree, connecting William Dubh with John Erskine, earl of Mar³⁷⁶



The repeated attacks on his reputation coupled with his denial of a dukedom (sent through Mar) hurt William Dubh, and he began to take out his frustrations on Huntly, now duke of Gordon, and Mar.³⁷⁷ William Dubh blamed Mar for being denied his dukedom. In a letter dated 24 April 1717, he laid bare his issues with Mar and, as was typical of his correspondences with Mar, did so bluntly, writing that ‘To remove all mistakes I’ll deal with you with all candour’.³⁷⁸ William Dubh felt that he exceeded any expectations of him during the rising and that it was Mar’s fault that William Dubh was ‘denied a mark of his Majesty’s favour’.³⁷⁹ Mar replied that, while he appreciated William Dubh’s candour, he had been loyal to William Dubh at court, and the refusal of any sort out of a mark of their majesty’s favour was not his fault.³⁸⁰

³⁷⁴ Ibid., p. 360.

³⁷⁵ *Stuart Papers*, IV, p. 9.

³⁷⁶ Mackenzie, *History of the Mackenzies*, p. 275; *SP*, V, pp. 626-7.

³⁷⁷ For the sake of narrative clarity, this thesis will continue to refer to Alexander Gordon, second duke of Gordon as Huntly.

³⁷⁸ *Stuart Papers*, IV, p. 207.

³⁷⁹ Ibid.

³⁸⁰ Ibid., pp. 234-5.

Mar sought the help of Lady Carrington, William Dubh's aunt, and frequently used her as an intermediary between himself and William Dubh. Mar suggested that Lady Carrington surround William Dubh with suitable advisors: herself, George MacKenzie of Delvine, and Lady Mary Herbert.³⁸¹ Furthermore, he made it clear to Lady Carrington that the biggest obstacle for William Dubh was that he had yet to repay James's money, which had been left in his care before James left Scotland, and for which William Dubh repeatedly made excuses; the money remained with Lady Frances until at least October 1718.³⁸² That, more than anything, hurt William Dubh with the exiled Jacobites. By the same post, he responded to a letter from William Dubh that Lady Carrington had enclosed in her last on 30 August. William Dubh had lost his temper and was beginning to threaten Mar. The enclosed letter was so uncouth and disrespectful that Mar felt it was unfit to pass along to James, which Mar assumed was William Dubh's hope.³⁸³ Mar urged William Dubh to think things over impartially and write to him again with his wishes; otherwise, William Dubh would give his 'ill willers such a handle against' him.³⁸⁴ Mar reminded William Dubh of the reception that the latter received from James at Avignon.³⁸⁵ The last piece of advice Mar gave William Dubh was to not publish an account of his actions during the 1715 Jacobite rising, as he feared that it would lead to a flurry of competing accounts that would damage James's interest.³⁸⁶ William Dubh responded on 18 September. He apologised to Mar and acknowledged that he was hurt by not receiving the honour, believing that it would have protected him from his detractors.³⁸⁷ William Dubh accepted Mar's wish that William Dubh would not make his account public but suggested he would write an account for Mar and James's benefit.³⁸⁸

On 13 November 1717, William Dubh and Lady Carrington sent Mar copies of William Dubh's manuscript tract, a memorial titled *The Marquess of Seaforth's Performances in the Late Attempt*, so that he could read it and pass along a copy to James.³⁸⁹ William Dubh made no mention of his leading from the back at Sheriffmuir. Instead, his men were exposed by the flight of the foot soldiers serving ahead of them but

³⁸¹ Ibid., IV, p. 8.

³⁸² *Stuart Papers*, IV, pp. 8, 29; Ibid., II, p. 41; Ibid., V, pp. 8, 84, 360; Ibid., VI, p. 356; Ibid., VII, pp. 363, 387.

³⁸³ Ibid., V, p. 9.

³⁸⁴ Ibid.

³⁸⁵ Ibid., p. 10.

³⁸⁶ Ibid.

³⁸⁷ Ibid., p. 57.

³⁸⁸ Ibid.

³⁸⁹ The full version is available in *Stuart Papers*, V, pp. 196-204.

still managed to engage with Argyll's men to prevent Mar from being routed.³⁹⁰ William Dubh's account cast Mar's leadership in a good light, absolved himself of any wrongdoing, and blamed Huntly for any failures in the north of Scotland. His account included exaggerations, omissions, and inaccuracies. According to William Dubh, he garrisoned Chanonry so that he could intercept supplies and communications between Inverness and Ross so that the only support the Whig forces could receive would be from Huntly's side of Inverness.³⁹¹ The garrison at Inverness Castle continued to be supplied from Moray and Nairn, despite William Dubh's best efforts from his side of the Moray Firth.³⁹² William Dubh referenced Huntly's letters from 23 December 1715 to himself and Lady Frances.

Regarding his truce with Lovat, William Dubh gave six reasons for agreeing to end his involvement. First, William Dubh was overwhelmed by Whig forces because Huntly had not mustered enough men to attack Inverness, and William Dubh's Lewis men were being held back by a storm.³⁹³ Second, if William Dubh fought and was defeated, James would have been vulnerable if he were to land in MacKenzie lands – Eilean Donan was a potential landing spot – since the rest of the Jacobite forces were in Perth.³⁹⁴ Third, Lovat claimed he would join the Jacobite cause if James landed in Scotland.³⁹⁵ Fourth, if Lovat reneged, William Dubh, the Lewis men and his men garrisoned at Eilean Donan would have been better able to serve James's interest if William Dubh had not been defeated in battle.³⁹⁶ Fifth, he had not wanted to retreat into Ross-shire if it meant drawing Whig forces towards any of James's potential landing spots.³⁹⁷ Sixth, if William Dubh retreated and the Whig forces did not follow, the Whigs would have been able to secure all the provisions and stores meant for William Dubh and would have used them to secure Inverness.³⁹⁸

He compared himself favourably to Huntly for the period after James's arrival. William Dubh claimed that Huntly gave him 'dilatatory and uncertain' responses to his proposals to retake Inverness after James landed and that Huntly had given up the cause

³⁹⁰ *Stuart Papers*, V, p. 197-8.

³⁹¹ *Stuart Papers*, V, pp. 198-9.

³⁹² *Ibid.*, p. 199.

³⁹³ *Ibid.*, pp. 201-2.

³⁹⁴ *Ibid.*, p. 202.

³⁹⁵ *Ibid.*

³⁹⁶ *Ibid.*

³⁹⁷ *Ibid.*

³⁹⁸ *Ibid.*

altogether once James left.³⁹⁹ William Dubh referred to letters shown to him by Lovat and Forbes from Huntly to Sutherland, in which Huntly was negotiating his surrender in hopes that William Dubh would follow suit, which fits with Maj. Fraser's account of the proceedings.⁴⁰⁰ William Dubh reminded Mar and James that Colonel Hay, Marischal, and General Gordon each went to Huntly to persuade him to attack Inverness, but he refused, saying to Marischal that he had a treaty with Sutherland.⁴⁰¹ Col. Hay had sent Mar a letter on 3 April 1716 stating that he visited Huntly and failed to get support from him.⁴⁰²

James replied to William Dubh on 10 March 1718 with a letter designed to reassure him. He reiterated Mar's insistence to William Dubh that the latter's receptions at St Germain and Avignon were proof of James's affections for William Dubh and belief in his uprightness.⁴⁰³ James continued to reassure William Dubh:

Former mistakes are subjects which you know 'tis my intention should be no more mentioned, and therefore after having opened your heart to me you will, I suppose, think no more on those matters, but rest satisfied that, as I chiefly look to the heart, so you need never doubt of my particular regard and kindness which your ancestors' merit and your own so well deserve at my hands.⁴⁰⁴

James may have hoped that this letter would end William Dubh's part in the war of words between himself and Gordon. Regardless, the letter brightened William Dubh's spirits. A gentleman who saw William Dubh on 13 April said that William Dubh was 'extremely proud of the King's having lately written to him, and he says it is the continual subject of his conversation'.⁴⁰⁵

William Dubh had relied on Mar for information on James's whereabouts, activities, and for personal matters, such as money that William Dubh felt he was owed. Mar's correspondence to William Dubh in the early days of the latter's exile was solely about William Dubh. William Dubh wrote to James to request a higher title and Mar wrote to deliver the bad news to William Dubh.⁴⁰⁶ William Dubh wrote for an explanation of how the banishment of the Jacobite court from France would affect him; Mar replied that William Dubh would likely have to leave France and recommended that he move to Liège

³⁹⁹ *Stuart Papers*, V, pp. 202-3.

⁴⁰⁰ Fraser, *Major Fraser's Manuscript*, II, p. 84; *Stuart Papers*, V, p. 203.

⁴⁰¹ *Stuart Papers*, V, p. 203.

⁴⁰² *Ibid.*, II, p. 55.

⁴⁰³ *Ibid.*, VI, p. 122.

⁴⁰⁴ *Ibid.*, p. 122.

⁴⁰⁵ *Ibid.*, p. 314.

⁴⁰⁶ *Stuart Papers*, III, p. 360.

in Flanders.⁴⁰⁷ As time passed, however, Mar showed very little respect for his cousin. Mar ignored William Dubh's letters and pretended that he had not received them.⁴⁰⁸ By the time William Dubh wrote to Mar on 16 September, it had been at least three months since the former had written without a reply from Mar.⁴⁰⁹ William Dubh's frustration is evident as he appealed to Mar directly before writing to James on 8 October 1718 to complain that it had been five months since he last heard news.⁴¹⁰ William Dubh voiced his complaints to others as well, which led Fr Archangel Graeme to write a letter of warning to Mar later that month:

[...] beware of S[eafor]t[h], for he swore most bitterly before me, that he would put a spoke in [your] wheel, if ever it lay in his way, and on my saying I believed M[arischal] had taken some disgust or other, he answered, Who the devil would not be disgusted at Mar's conduct?⁴¹¹

While Graeme tried to calm William Dubh, others who were loyal to Mar tried to reconcile his and William Dubh's relationship: Glendaruel, William Sutherland (William Dubh's cousin), and George MacKenzie of Delvine. Indeed, shortly after Fr Graeme wrote to Mar, Delvine enclosed a letter from William Dubh to his own letter to Mar, in which William Dubh wrote, 'I can't persuade myself that Lord Mar is to me what he professes, though now and then he gives me gross temptations to believe the contrary'.⁴¹² These mutual friends - Delvine, Glendaruel, and Sutherland - tried to prevent William Dubh from joining Marischal's faction and arguably worked harder than Mar himself at keeping William Dubh on side. In the summer of 1718, Delvine wrote to Mar that the 'foolish paper war' with Huntly – the repeated blaming of each other for the failure of the 1715 Jacobite rising – necessitated Delvine to 'sweeten [William Dubh's] humour'.⁴¹³ He continued that William Dubh had been more 'cool and reasonable' of late, perhaps trying to assuage Mar's frustration with William Dubh.⁴¹⁴ This letter, too, suggests that William Dubh's feud with Gordon exacerbated his need for reassurance from Mar.

Marischal took advantage of William Dubh's dissatisfaction with Mar. He wrote 'very kind letters' and invited William Dubh to Paris, from where the pair would travel

⁴⁰⁷ Ibid., pp. 474, 490-1.

⁴⁰⁸ Corp, *The Jacobites at Urbino*, p. 181, n. 66.

⁴⁰⁹ NLS, Adv. MS 1356, f. 197. A summary is published in *Stuart Papers*, VII, p. 288.

⁴¹⁰ *Stuart Papers*, VII, p. 366.

⁴¹¹ Ibid., p. 422.

⁴¹² Ibid., p. 439.

⁴¹³ *Stuart Papers*, VI, p. 509.

⁴¹⁴ Ibid.

together to Urbino with their lists of complaints.⁴¹⁵ Fr Graeme believed that money would quiet William Dubh, who, by October 1718, had not received any money from James for six months, writing, ‘he loves money more than his friend [Marischal]’ and ‘I reckon money will have a greater influence on him than reasoning’.⁴¹⁶ Graeme seems to have dissuaded William Dubh from joining Marischal. He told William Dubh that his and Marischal’s proposed actions were ‘like schoolboys, who play truant merely because their parents can’t afford them as fine and as well gilded books as their neighbours’, and that if William Dubh were to go and complain in such a manner, ‘he would be a disgrace to his family’.⁴¹⁷ Although Fr Graeme viewed William Dubh as being motivated by money, his letter does show the cause of William Dubh’s behaviour: ‘... notwithstanding all his letters about [not receiving money] to the King and Mar, neither of them tells him why it is stopped nor when he may expect to be paid it’.⁴¹⁸

In late November or early December 1718, Glendaruel and William Dubh spent a few days together in Paris. Glendaruel noted that William Dubh was ‘in an odd way of thinking and full of doubts and jealousies’ with respect to Mar and Glendaruel’s ‘real’ friendship.⁴¹⁹ During their second meeting, William Dubh opened up to Glendaruel with few reservations. What became apparent to Glendaruel was that Marischal and his allies had been putting seeds of doubt in William Dubh’s mind and giving William Dubh the ‘worst possible notions’ of Mar.⁴²⁰ William Sutherland, William Dubh’s cousin, set up one final meeting between William Dubh and Glendaruel at a Parisian tavern, one apparently frequented by Marischal. Marischal entered the tavern, much to the surprise of William Dubh and Glendaruel, and left without ever taking a seat after it quickly became clear that neither William Dubh nor Glendaruel wanted him there.⁴²¹ This may have been set up by Sutherland, who shortly afterwards told Glendaruel that ‘he believed it would put an end to [Marischal’s] expectations from [William Dubh], so that he judged [Marischal] would make no more applications that way’.⁴²² It is clear that their mutual friends felt it important that William Dubh and Mar reconcile.

⁴¹⁵ *Stuart Papers*, VII, p. 422.

⁴¹⁶ *Ibid.*, p. 423.

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*

⁴¹⁹ *Ibid.*, p. 600.

⁴²⁰ *Ibid.*

⁴²¹ *Ibid.*, pp. 601-2.

⁴²² *Ibid.*, p. 602.

William Dubh's letter to Mar on 6 December was his last-ditch effort at maintaining the relationship. William Dubh wrote that he was not pleased with Mar's letter from 14 October or Mar's letter to William Dubh's aunt, Lady Carrington.⁴²³ He states that he 'never broke with any I contracted a friendship with, except my worthless cousin [Duke of Gordon], whom I believed to be truly loyal and honest'.⁴²⁴ William Dubh reminded Mar that he, William Dubh, only felt neglected because he felt that Mar was ignoring his grievances; this is probably the part of Mar's letter to Lady Carrington where Mar calls William Dubh 'touchy'.⁴²⁵ He addressed, again, the rumours about James's missing money in relation to his request for money from James.⁴²⁶ William Dubh ended his letter with a plea for empathy:

Since you seem not to like my way of application for redress and grievances, suppose yourself in my place and me in yours, which I never expect to be nor think myself qualified for it, and tell me how you would proceed, that I may, if I can, go the same way to work with my friend. My nature forbids me to fawn and my principle to dissemble.⁴²⁷

Mar felt that William Dubh was touchy, and, in a way, this letter shows how upset William Dubh got when he felt repeatedly slighted. He depended on his older cousins Mar and Huntly. His actions at Sheriffmuir aside, William Dubh showed initiative in the 1715 Jacobite rising but was hampered by Sutherland, Lovat, and Lord Reay once he returned home. He felt let down by Huntly over Inverness and let down by Mar after William Dubh joined him in exile. Father Graeme was quite right to warn Mar; the combination of William Dubh's instincts for self-preservation and seemingly vindictive nature would cause the already vulnerable Mar nothing but trouble. On 27 December, Mar wrote a letter of apology to William Dubh and reconciled. By the same post, however, Mar wrote to Glendaruel that he did well 'in endeavouring to keep Lord Seaforth right, but that's a troublesome task, as I have found' and then smeared Marischal as 'that boy'.⁴²⁸ Mar treated William Dubh as a necessary nuisance, which justified William Dubh's frustration with Mar's lack of friendship. Mar felt that William Dubh was impatient, touchy, and irresponsible. Nevertheless, Marischal stoked William Dubh's fears and tried to drive a wedge between William Dubh and Mar. Both factions of the Jacobites, though in poor relations, were about to work together to return James to the throne and it was William

⁴²³ Ibid., p. 610.

⁴²⁴ Ibid., p. 611.

⁴²⁵ Ibid., pp. 397, 611.

⁴²⁶ Ibid., p. 611.

⁴²⁷ Ibid.

⁴²⁸ Ibid., p. 673.

Dubh's experience during the interwar years that motivated William Dubh's far more heroic conduct during the 1719, once he committed.

3.3.3: The 1719 Jacobite Rebellion

William Dubh first returned to Ross-shire on 9 April 1719, when he landed on Lewis to raise his clan in support of James; this would be the last time the head of the house of Seaforth rose his clan to support the Jacobite cause. There had been numerous rumours that he had returned in 1717, but these reports were false.⁴²⁹ While William Dubh was hesitant to join, the 1719 Jacobite rising occurred primarily in Ross-shire and members of Clan MacKenzie formed the largest pro-Jacobite contingency in the conflict. William Dickson's 1895 introduction to his edited volume of letters of James Butler, duke of Ormonde and Mackenzie's *History of the Outer Hebrides* remain the most thorough accounts of the 1719 Jacobite rising.⁴³⁰ Despite the prominent role William Dubh and Clan MacKenzie played in the rising, and that the rising took place in Ross-shire, subsequent research has done little to complement Dickson's work and has instead focused on the internal bickering of the Jacobite leaders.⁴³¹ This subsection will briefly contextualise the events which led to William Dubh's return and reframe this rising to analyse the impact of the rising on William Dubh and Clan MacKenzie.

The 1719 rising was initiated by Spain; the French had publicly abandoned the Jacobite cause by 1717.⁴³² Bruce Lenman describes the general European strategy towards Jacobitism thus: 'If no European government was willing to make the restoration of the Stewarts a major policy objective, they were all willing to play the Jacobite card once circumstances had placed them in a state of belligerence with Britain'.⁴³³ Spanish interest centred around regaining influence in Italy after the War of Spanish Succession (1701-14), which was instigated by the death of the last Habsburg monarch of Spain, the childless Charles II, and over half a century of economic and political decline.⁴³⁴ The Habsburgs were replaced by the Bourbon Philip V, grandson of King Louis XIV of France and son of the Dauphin, Louis, in 1700. However, the Spanish position changed after the War of

⁴²⁹ TNA, SP 54/13/22; TNA, SP 54/13/130; TNA, SP 54/13/134; TNA, SP 55/8/11.

⁴³⁰ *The Jacobite Attempt of 1719*, pp. xix-lix; Mackenzie, *History of the Outer Hebrides*, pp. 406-15.

⁴³¹ *Ibid.*; Szechi, *The Jacobites*, pp. 184-7; Lenman, *The Jacobite Risings*, pp. 189-94; *The Jacobite Threat*, pp. 151-73; Whyte and Whyte, *On the Trail of the Jacobites*, p. 117.

⁴³² Lenman, *The Jacobite Risings*, pp. 182, 189-90.

⁴³³ *Ibid.*, pp. 189-90.

⁴³⁴ *Ibid.*, p. 189; John Lynch, *The Hispanic World in Crisis and Change, 1598-1700* (Oxford: Blackwell, 1988), pp. 411-21; R. A. Stradling, *Europe and the Decline of Spain: A Study of the Spanish System, 1580-1720* (London: George Allen & Unwin, 1981).

Succession ended in 1714. Philip V and Cardinal Giulio Alberoni, Philip's first minister from 1716 to 1719, wanted to regain territory lost due to the settlements as a result of war.⁴³⁵ Alberoni helped organise Spain's seizure of Sardinia and Sicily in 1718.⁴³⁶ Britain responded by striking out at Spain's sea routes and attacking their fleet.⁴³⁷ In 1718, Alberoni, who ironically rose to prominence by encouraging Anglo-Spanish reconciliation and cooperation following British isolation of the Spanish Bourbons, declared war on Great Britain and began the War of the Quadruple Alliance (1718-20); the Quadruple Alliance comprised Great Britain, France, the Holy Roman Empire, and the Dutch Republic.⁴³⁸ Alberoni 'had his Jacobite card in hand' and Spain was well-placed to use it.⁴³⁹ There was already an Irish presence in Spain sympathetic to the Jacobite cause before the regime change in 1700.⁴⁴⁰ After Philip became king, Irish Jacobite soldiers found opportunity for recruitment in Spain during the War of Spanish Succession and remained a presence in Spain throughout the eighteenth century; eventually, Sir Toby Bourke served as James's first ambassador to the Court of Philip V from 1705 to 1713.⁴⁴¹ Jacobites in Spain followed the developments of the failed 1708 invasion with interest, ultimately to be disappointed with the outcome.⁴⁴² Otherwise, Jacobite politics were seldom discussed during Bourke's tenure.⁴⁴³ But once Alberoni declared war on Britain, the planning of a Jacobite rising began.

Even before William Dubh committed to the rising, the preparations for the Scottish part of the invasion revolved around Ross-shire. In preparation for the rising, Ormonde and James moved to Madrid, the former from Avignon and the latter from Urbino.⁴⁴⁴ The plan was to invade England with the main Spanish fleet while landing a second, diversionary force of exiled clan chieftains, Scottish noblemen, and Irish officers at Stornoway in the Isle of Lewis. The main fleet, comprising five thousand soldiers, was to

⁴³⁵ Stradling, *Europe and the Decline of Spain*, pp. 204-5.

⁴³⁶ Lenman, *The Jacobite Risings*, p. 189.

⁴³⁷ Ibid.

⁴³⁸ Ibid., p. 60; Szechi, *George Lockhart of Carnwath*, p. 123.

⁴³⁹ Szechi, *The Jacobites*, p. 109.

⁴⁴⁰ Óscar Recio Morales, *Ireland and the Spanish Empire, 1600-1825* (Dublin: Four Courts Press, 2010), p. 179.

⁴⁴¹ Morales, *Ireland and the Spanish Empire*, pp. 167-71, 179; Éamonn Ó Ciardha, *Ireland and the Jacobite cause, 1685-1766: A fatal attachment* (Dublin: Four Courts Press, 2002), p. 51; Micheline Kerney Walsh, 'Toby Bourke, Ambassador of James III at the Court of Philip V, 1705-13', in *The Stuart Court in Exile and the Jacobites*, ed. Eveline Cruickshanks and Edward Corp (London: The Hambledon Press, 1995), pp. 143-54 (pp. 149-53). Bourke's ambassadorship was paid for by Louis XIV.

⁴⁴² Walsh, 'Toby Bourke', p. 151.

⁴⁴³ Ibid.

⁴⁴⁴ W. N. Hargreaves-Mawdsley, *Eighteenth-Century Spain 1700-1788* (London: The Macmillan Press Ltd, 1979), p. 50; Szechi, *George Lockhart of Carnwath*, p. 124.

land in Ormonde's heartland of southwest-England.⁴⁴⁵ The second fleet was to wait for Ormonde to land before invading mainland Scotland. On 24 February 1719, the naval expeditions bound for England and Scotland left the southwestern Spanish port of Cádiz.⁴⁴⁶ However, the main fleet never arrived in England. It was caught in a storm off Cape Finisterre in northwest Spain and arrived in Corunna - where Ormonde was to join - heavily damaged.⁴⁴⁷

William Dubh was reluctant to join the rising and almost missed the boat to Scotland. Before departing, George Keith, earl Marischal sent letters to clan chieftains and Lowland Jacobites to prepare for the rising.⁴⁴⁸ George Lockhart of Carnwath, however, convinced many Jacobites to wait until Ormonde and Marischal were close to landing.⁴⁴⁹ The effect of this hesitancy to raise troops was to deprive Marischal of Lowland Jacobite support.⁴⁵⁰ On 25 February, Marischal sailed independently from Los Pasajes in north-eastern Spain to rendezvous with his fellow Jacobite exiles John Cameron of Lochiel, Ranald MacDonald of Clanranald, and William Murray, marquess of Tullibardine (the dispossessed heir of John Murray, first duke of Atholl), his younger brother lord George Murray, and Colin Campbell of Glendaruel at Le Havre.⁴⁵¹ These exiles had been recruited by James Keith, Marischal's brother, who unintentionally split the Jacobite rising in Scotland by bringing many prominent members of the pro-Mar faction, such as Tullibardine and Glendaruel.⁴⁵² However, William Dubh himself let Tullibardine and Glendaruel leave Paris without him.⁴⁵³ According to Mar, William Dubh only followed them on the advice of General Arthur Dillon, an Irish Jacobite, and reached Holland in March to sail to Scotland.⁴⁵⁴

Despite his initial hesitance, William Dubh did not waver once he committed, even though Marischal and Tullibardine fought and Ormonde never landed in England. William Dubh reached Stornoway, Lewis on 9 April 1719, where two ships from Spain were waiting.⁴⁵⁵ Disagreements soon broke out over strategy. Marischal wanted to land in

⁴⁴⁵ Ó Ciardha, *Ireland and the Jacobite cause*, pp. 182-3.

⁴⁴⁶ Szechi, *George Lockhart of Carnwath*, p. 124.

⁴⁴⁷ Ó Ciardha, *Ireland and the Jacobite cause*, p. 183.

⁴⁴⁸ Szechi, *George Lockhart of Carnwath*, p. 124.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid., p. 125.

⁴⁵¹ Whyte and Whyte, *On the Trail of the Jacobites*, p. 117; Lenman, *The Jacobite Risings*, p. 192.

⁴⁵² Whyte and Whyte, *On the Trail of the Jacobites*, p. 117.

⁴⁵³ *The Jacobite Attempt of 1719*, p. xlv, n. 1.

⁴⁵⁴ Ibid.; TNA, SP 55/8/122; TNA, SP 78/163/94.

⁴⁵⁵ Lenman, *The Jacobite Risings*, p. 192; Szechi, *George Lockhart of Carnwath*, p. 124.

MacKenzie country, where William Dubh could reliably raise his men, and then advance to weakly-garrisoned Inverness.⁴⁵⁶ Tullibardine, who had received a commission to lead from James, wanted to wait on Lewis until they received news that Ormonde had landed.⁴⁵⁷ Marischal won the argument and the Jacobites set up their headquarters in Eilean Donan Castle, but Tullibardine was now the head of the landed forces while Marischal still led the naval forces.⁴⁵⁸ When Tullibardine wanted to retreat to Spain, Marischal prevented retreat by sending the frigates home.⁴⁵⁹ Ormonde's failure to land dissuaded Highlanders from joining the Jacobites, but William Dubh and Coul were able to muster the largest contingent amongst the supporting clans.⁴⁶⁰ Coul, who had also fled to France after the 1715 Jacobite rebellion, led the MacKenzies with William Dubh.⁴⁶¹ Of the 1500 clansmen, 500 came from Clan MacKenzie.⁴⁶² By late April, William Dubh and Coul had taken Inverness and told the residents that Ormonde was in London.⁴⁶³

It was all for nought, however, as the government easily overwhelmed the Spaniards protecting Eilean Donan and blew up the castle.⁴⁶⁴ The Jacobites had no retreat, few provisions, and a shortage of arms and ammunition.⁴⁶⁵ The rising culminated in the Battle of Glenshiel near Kintail, Ross-shire on 10 June. William Dubh fought bravely but was overwhelmed by government troops. Even though his followers wanted to retreat, William Dubh held his ground.⁴⁶⁶ He was reinforced once by Coul but was shot in the arm and severely wounded before Rob Roy MacGregor could provide further reinforcement.⁴⁶⁷ William Dubh and the MacKenzies retreated as the Jacobites were routed. After the battle, William Dubh, Tullibardine, and Marischal hid in Knoydart and in Glengarry's country with some of William Dubh's men before making their way to the Western Isles and boarding a ship to France by early-to-mid-October.⁴⁶⁸ On 10 August, William Dubh wrote to James and, without Mar as a mediator, expressed his frustration with his Jacobite allies

⁴⁵⁶ Lenman, *The Jacobite Risings*, p. 192.

⁴⁵⁷ Ibid; Mackenzie, *History of the Outer Hebrides*, p. 410.

⁴⁵⁸ Lenman, *The Jacobite Risings*, p. 192.

⁴⁵⁹ Ibid., p. 193.

⁴⁶⁰ Ibid.

⁴⁶¹ *Stuart Papers*, III, p. 361; *The Jacobite Attempt of 1719*, p. 271. Coul fled to Bordeaux, France after the 1715 Jacobite rising and arrived by late December of 1716.

⁴⁶² Lenman, *The Jacobite Risings*, p. 193; Szechi, *The Jacobites*, p. 186; Mackenzie, *History of the Outer Hebrides*, p. 412.

⁴⁶³ TNA, SP 35/16/35.

⁴⁶⁴ Lenman, *The Jacobite Risings*, p. 193; Mackenzie, *History of the Outer Hebrides*, p. 412.

⁴⁶⁵ Ibid.

⁴⁶⁶ Mackenzie, *History of the Outer Hebrides*, p. 412.

⁴⁶⁷ *The Jacobite Attempt of 1719*, pp. li, 272-4.

⁴⁶⁸ TNA, SP 35/18/64; TNA, SP 54/13/79C; *The Jacobite Attempt of 1719*, p. liv; Mackenzie, *History of the Mackenzies*, p. 299; Mackenzie, *History of the Outer Hebrides*, p. 412.

and with James: 'I will not pretend, Sir, to give you a detaile of things here, since you have not honoured me with the trust of any'.⁴⁶⁹ He continued that morale was low and that everyone had been left to look out for themselves.⁴⁷⁰ Finally, after claiming that he had suffered more than any of the others involved, William Dubh laments that he 'be once more oblig'd to leave my native country, as in all probability I must, to wander abroad'.⁴⁷¹

On 2 October, before he left, William Dubh ordered that a letter be sent to each parish of his tenantry. The letter, written by Daniel Murchison and signed by William Dubh, reads as follows:

Asured friends

As I have always the good and prosperety of my people in generall as much at heart as my owen in particular: so also your late losses and present trubles grieves me more than my owen Circumstances, which I only regrate in respect they disable me from bestowing such favours on yow as my inclinations leads me to. however till ane opportunity offer [which I hope is approaching] of Capacitating me to make you fully sensible of my affections for yow, which is more then I shall now express. In implement of my voluntair promise and in Compassion and Consideration of your late losses, I desyr that every one of you who sustaind damages from the comon enemie, and acquitted themselves according to their capacities in their duty, obedience, and faithfull service to, and attendance of me asserting my Royal masters right, shall retaine in their hands for their owen proper use, The Rents and duties payable by them. Prohibiting all persones claiming title or interest therto [As they regard me] to uplift it or Collect it from anie of yow. – Circumstances and alterations in affairs wherof I am lately informd oblidges me to Leave yow for som time, which I hope will be very much for my interest and advantage, and Consequently for yours Therfor lett none of you be surprisd at my absence, on the Contrary bear it patiently, and pretend who will exect you yourselves in your duty and firmness to

Your real and gratefull master

Sic Subscibitur Seafort

Postscript

You know lykeways that for your ease in respect of your attendance of me I was not allow anie flittings or removals amongst you nor regard last letter.⁴⁷²

This letter shows how William Dubh viewed the relationship between a chief or landlord and his clan or tenantry and was able to maintain good relations with his tenants after leading them in a second failed rising in four years. Allan Macinnes showed how during

⁴⁶⁹ *The Jacobite Attempt of 1719*, p. 274.

⁴⁷⁰ Ibid.

⁴⁷¹ Ibid.

⁴⁷² BL, Add MS 28239, fol. 92. McKenzie quotes extracts of this letter in *May we be Britons* only as an example of how generous William Dubh could be, even though he was, 'forever complaining of his subsistence not being paid'. McKenzie fails to connect this letter with William Dubh's role as a chief and what he felt his responsibility was to his clan and tenants.

the temporal limits of this thesis and beyond, absenteeism and debt led to the reorientation of estates to suit their ‘interests as proprietors rather than as patrons and protectors’.⁴⁷³ However, even though William Dubh was in dire financial straits and had been begging James for his stipend for years, he still saw a responsibility to those who supported his failed attempt to restore James. Those who fulfilled their duty to him did not have to pay rent. This did also deprive the government of rent payments, as it appears that all of the tenants honoured William Dubh’s request.⁴⁷⁴ It should be no surprise, then, that his clan and tenantry remained so loyal to him and his causes. The MacKenzies, MacRaes, and Murchisons rebelled against the government in 1721, led by Donald Murchison, William Dubh’s principal rent collector.⁴⁷⁵ Even after he left, the government knew that William Dubh was the only one capable of subduing his still rebellious clan and General Wade began arranging William Dubh’s return to Scotland in 1725.⁴⁷⁶

3.4: Conclusion

This chapter has analysed the political career of William Dubh MacKenzie, fifth earl of Seaforth and chief of Clan Mackenzie from his father’s death on 6 March 1701 until October 1719, when he left for his final sojourn of exile. During this time, the factionalism which had begun to form during the lordship of Kenneth Òg (1678-1701) solidified into two camps. One camp was loyal to the ruling lineage and Jacobitism. In William Dubh’s absences, this was led by Lady Frances, his uncles John MacKenzie of Assynt and Colin MacKenzie of Kinachulladrum, and other members of the gentry, namely Simon MacKenzie of Allangrange and George MacKenzie of Rosehaugh. The other camp, led by Sir George MacKenzie, earl of Cromarty (d. 1714) wished to work with the regimes of William, Anne and George I. When William Dubh was in Ross-shire from 1708 to 1716, he was able to garner support despite the dominant presence of his great-uncle Cromarty. After Cromarty’s death in 1714, William Dubh tried to become the sole figure around which the clan could rally.

This thesis agrees with Mackenzie’s assessment of William Dubh as ‘the most unfortunate’ of the later earls of Seaforth.⁴⁷⁷ William Dubh was never able to reunite the two factions of Clan MacKenzie, but this was not a reflection of his abilities as a chief. The

⁴⁷³ Macinnes, *Clanship*, pp. 114-5.

⁴⁷⁴ Mackenzie, *History of the Outer Hebrides*, p. 414.

⁴⁷⁵ The Murchisons were a cadet of the MacKenzies of Kintail and, as shown in chapter one, the MacRaes were also a cadet clan.

⁴⁷⁶ Horsburgh, ‘Mackenzie, William, fifth earl of Seaforth’, in *ODNB*.

⁴⁷⁷ Mackenzie, *History of the Outer Hebrides*, p. 422.

divisions continued after his death in 1740, when his son supported the government during the 1745 Jacobite rebellion while George MacKenzie, third earl of Cromarty supported the Jacobites. William Dubh was able to raise the largest contingent (on either side) in the north of Scotland in 1715, even though a significant number of his gentry were either arrested (e.g. John MacKenzie, second earl of Cromarty and George MacKenzie of Inchcoulter) or chose neutrality.

However, William Dubh's conduct at the Battle of Sheriffmuir (1715) showed his faults and limitations as a leader. His own clan criticised him and it was clear that William Dubh did not know what was expected of him as a chief.⁴⁷⁸ This is probably due to the years he spent in France from 1702 to 1708. In his history of Clan MacKenzie (c.1700), Rev. John MacRae listed the benefits of fosterage – in part to praise his own grandfather, who fostered Kenneth Mòr – and stated that being raised amongst the clan prevented the chief from becoming 'stranger at home, both as to his people, estate, and condition'.⁴⁷⁹ This may have been coded criticism for how William Dubh was being raised at the time, or of how Kenneth Òg was raised in the 1660s and 1670s. Nevertheless, William Dubh did become somewhat of a stranger at home after he returned to Ross-shire in 1708. As a young chief, he annoyed members of his gentry by not showing more urgency in local politics.⁴⁸⁰ He tied his fortunes to James instead of following his cousin, Alexander Gordon, duke of Gordon's advice to submit. As a result, he returned to exile for three more years. His brief return during the 1719 Jacobite rising showed that he was still able to find support, even though the rising had become a lost cause. As Mackenzie concludes, if it 'had only been himself to consider, the results of [William Dubh's] rashness' would not have been as disastrous for the people.⁴⁸¹ His letter to his tenants on 2 October 1719 showed that he may have finally understood what was expected of him; as result, it was only William Dubh who could convince his clan to disarm in 1725.

⁴⁷⁸ Sinclair, *Memoirs*, p. 355.

⁴⁷⁹ The Ardintoul MS, f. 79-80; MacGregor, 'Writing the history of Gaelic Scotland', p. 369.

⁴⁸⁰ Fraser, *Cromartie*, II, p. 102

⁴⁸¹ Mackenzie, *History of the Outer Hebrides*, p. 422.

Conclusion

Epilogue

In the aftermath of William Dubh MacKenzie, fifth earl of Seaforth's departure from Scotland, the government had issues with his vassals. The government relied on William Ross of Easter Fearn and Robert Ross, the bailie of Tain, to act as stewards of Seaforth's estate, as well as the estates of Grant of Glenmoriston and Chisholm of Strathglass.¹ They were able to collect some of the rents, but not much.² Donald Murchison, Seaforth's factor, went around Seaforth's land with a letter from Seaforth urging his tenants to pay rents to Murchison.³ Seaforth and Murchison planned to use the rents collected to encourage Lady Frances and Lady Mary to return to Brahan Castle to live as they used to do; and for Murchison to take or send some of the rents to Seaforth in France, who, according to his aunt, was living in near poverty.⁴ Murchison had a personal army of sixty men, which was used to resist any of George I's troops, who were attempting to take control of the estate to sell it.⁵ Murchison served Seaforth faithfully and prevented the government from gaining a foothold in Ross-shire. In June 1720, Murchison and his troops stole a large amount of whisky from excisemen in Dingwall.⁶ Then, William and Robert Ross were robbed when they went to Wester Ross to encourage a peaceful submission in exchange for leniency with punishments.⁷ In October 1721, violence broke out between the vassals of William Dubh and government forces, culminating in an ambush at Ath-na-mullach in Glen Affric, Kintail and a battle at Coillie Bhàn.⁸ Forces loyal to the MacKenzies won the first battle and, although Murchison's advance guard was defeated at Coillie Bhàn, the government forces suffered significant losses, and decided not to advance and left the MacKenzies' lands alone.⁹

In 1724, King George I commissioned General Wade to write a report on the Highlands, in which the MacKenzies and their client clans – the MacRaes, MacLennans, Murchisons, Mathesons and Macleods of Assynt – who were vassals of William Dubh

¹ Mackenzie, *History of the Mackenzies*, p. 305.

² Ibid.

³ Ibid.

⁴ Ibid.; *Historical Papers relating to the Jacobite Period, 1699-1750*, I, p. 139.

⁵ Mackenzie, *History of the Mackenzies*, p. 306.

⁶ Ibid..

⁷ Ibid., p. 307.

⁸ Macinnes, *Clanship*, pp. 196-7; Mackenzie, *History of the Mackenzies*, pp. 308-11.

⁹ Macinnes, *Clanship*, p. 197; Mackenzie, *History of the Mackenzies*, p. 311.

were amongst those listed by Wade as ‘most addicted to Rapine and Plunder’.¹⁰ Seaforth’s tenants were, according to Wade, ‘once reputed the richest of any in the Highlands, but now are become poor by neglecting their business and applying themselves wholly to the use of Arms.’¹¹ Furthermore, the number of men who were loyal to the fifth earl of Seaforth and could rise against the government was estimated at three thousand men, which was three times as many as any other group.¹² Indeed, as Margaret Sankey and Szechi conclude, Seaforth ‘was simply irreplaceable, and finally allowing him to return home de facto restored order in his clan’s territory and meant that the government’s writ henceforth had some possibility of running there’.¹³ After a final fight with James Francis Edward Stuart (James VIII & III in the Jacobite line of succession), William Dubh was ready to work with George I and his government.¹⁴ With Seaforth’s blessing and encouragement, his tenants conformed to the disarming act and surrendered their arms by the end of August 1725.¹⁵ Seaforth returned to Scotland in 1726, having received a pardon from George I at Wade’s insistence, and lived the rest of his life quietly and peacefully in Ross-shire.¹⁶ In a show of ingratitude, Seaforth did not show any appreciation to Murchison for protecting his lands so bravely and assiduously from Seaforth’s forfeiture in 1716 until his return in 1726.¹⁷ William Dubh had supposedly promised Murchison a great reward in return for his service, only to have offered him two paltry plots of land upon his return.¹⁸ Considering the disappointment and frustration William Dubh and his predecessors felt due to broken promises made by the house of Stuart – Charles II to Kenneth Mòr during the Glencairn and Middleton Risings (1653-54) and James Francis Edward to William Dubh during their joint exile (1716-19) – William Dubh’s treatment of Murchison was hypocritical. Indeed, as Alexander Mackenzie concluded of William Dubh, ‘The Seaforth of that day... proved unworthy of the devotion which this heroic man [Murchison] had shown to him’.¹⁹

Seaforth died on 8 January 1740 on the Isle of Lewis and was buried there at Ui Chapel; he was succeeded by his eldest son, Kenneth MacKenzie, lord Fortrose. Shortly

¹⁰ *Historical Papers relating to the Jacobite Period, 1699-1750*, I, p. 134.

¹¹ *Ibid.*, p. 139.

¹² *Ibid.*, p. 144.

¹³ Sankey and Szechi, ‘Elite Culture’, p. 108).

¹⁴ Mackenzie, *History of the Outer Hebrides*, p. 419.

¹⁵ TNA, SP 54/15/81; Horsburgh, ‘Mackenzie, William, fifth earl of Seaforth’, in *ODNB*.

¹⁶ Horsburgh, ‘Mackenzie, William, fifth earl of Seaforth’, in *ODNB*.

¹⁷ William MacKay, ‘Donald Murchison and the forfeited estates commissioners’, *TGSI*, 19 (1893-4), 1-12; M. A. Murchison, ‘Notes on the Murchisons’, *TGSI*, 39/40 (1942-50), 262-93.

¹⁸ Mackenzie, *History of the Mackenzies*, p. 314.

¹⁹ *Ibid.*

after Seaforth's death, Sir Colin MacKenzie of Coul remarked that 'the mackenzies have no longer a popish head, and they being all protestants cannot faile to become faithfull subjects to the good, such as will runne to guard agst french or spainyard if they shou'd offer to invade'.²⁰ It would have been unthinkable at the temporal start of this thesis, 1651, that the head of the house of Seaforth and chief of Clan MacKenzie would be Catholic and that such a prominent member of the MacKenzie gentry would have implied that the clan was safer without their chief. However, their devotion to the Stuart dynasty, and the choices made because of this devotion, led the house of Seaforth to this point.

Conclusion

This thesis has closely examined the political careers of Kenneth Mòr, third earl of Seaforth 1651-1678; Kenneth Òg, fourth earl of Seaforth 1678-1701; and William Dubh, fifth earl of Seaforth from 1701 until he left for exile in 1719. The fortunes and misfortunes of later earls of Seaforth provide a different perspective to the noble houses of Argyll and Huntly (dukes of Gordon from 1684). The presbyterian first marquess of Argyll and the ninth earl of Argyll were major figures in Scottish politics and the most powerful men in the Scottish Highlands, but were executed in 1661 and 1685, respectively, for their disloyalty to the Stuarts. Conversely, the heads of the Catholic house of Huntly had grown accustomed to being on the outside of the structures of central government, although the first duke of Gordon enjoyed a brief return to public office from 1685 to 1688.²¹ Nevertheless, Gordon was cautious in his support of the Stuart dynasty.

The aim of this research has been to assess how each of the earls advanced the house of Seaforth and Clan MacKenzie as Highland nobles and chiefs. This thesis has shown that the financial weaknesses Kenneth Mòr and his descendants inherited had been manageable, but with the failure of the Jacobite cause in the Highland War (1688-91) came a precipitous decline of the house of Seaforth. Ultimately, Kenneth Òg's and William Dubh's inability to directly exert their authority at a local level was evidence of how far the house of Seaforth fell during the temporal span of this thesis. This decline was due to a combination of national, local and personal factors.

Loyalty to the Stuart Dynasty

One of the most prominent themes in this thesis has been the consequences of Stuart royalism for the house of Seaforth. As W. C. Mackenzie, Alexander Mackenzie and

²⁰ NRS, GD18/5300/1/39. Thank you to Jamie Kelly for bringing this letter to my attention.

²¹ Robertson, *Lordship and Power*, pp. 184-6.

Andrew McKenzie have argued, the later earls of Seaforth tied their fates to the Stuart dynasty, the benefits it brought Kenneth Mòr and Kenneth Òg, and that this had disastrous consequences for Kenneth Òg and William Dubh.²² This thesis has explained the positive and negative consequences for the house of Seaforth in more detail. In 1651, Kenneth Mòr succeeded his father at the age of sixteen and led his clan at the Battle of Worcester, the final defeat for the Scottish covenanters and royalists in the Wars of the Three Kingdoms. Loyalty to Charles II during the Interregnum period left Kenneth Mòr and the MacKenzies open to attack from hostile neighbours, such as the Munros of Foulis and the MacLeods of Assynt, and from the English, and the Seaforth estate was forfeited under Oliver Cromwell's Act of Pardon and Grace to the People of Scotland in 1654. The restoration of the Stuart monarchy in 1660 and the Restoration parliaments of 1661-62 brought rewards for the MacKenzies and their allies. From 1660 until his death in 1678, Kenneth Mòr was named the sheriff of Ross-shire (1662), provost of Fortrose (1665) and a Scottish Privy Councillor (1674); his son, Kenneth Òg, would retain the sheriffship and provostship until the Revolution of 1688-89. Chapter One showed how loyalty to Charles II also helped to protect Kenneth Mòr from his creditors and from plans to target his financial weaknesses. It should be no surprise, then, that Kenneth Mòr's son, Kenneth Òg, continued to tie his and his family's fortunes to the house of Stuart. Kenneth Òg and his cadets generally supported Charles II. He and the MacKenzies wanted to stop conventicling ministers from preaching in 1679 and to defeat Argyll's rising in 1685. Opposition to Presbyterianism and to Argyll's Rising were, arguably, in their best interest, as they were largely episcopalian and their main rivals in the Highlands were their Presbyterian and Whiggish neighbours, the Rosses and Munros, and the powerful house of Argyll and Clan Campbell.

However, this thesis has shown that some of the most significant and impactful decisions Kenneth Òg made were related to his continued support for James VII. Between 1688 to 1691, he was arrested at the start of the Revolution, broke the terms of his bail to follow James VII to France and then Ireland, returned to Ross-shire and attempted to raise the MacKenzies for the Jacobite cause, reneged on agreements to surrender himself to Whig forces, and was arrested again. Under the new presbyterian regime in Scotland, Kenneth Òg's Catholic faith precluded him from holding the posts of sheriff of Ross-shire and provost of Fortrose. Furthermore, being an agreement-breaking Jacobite contributed to Kenneth Òg remaining in prison longer than any other Jacobite noble. Whilst Kenneth Òg

²² Mackenzie, *History of the Outer Hebrides*, pp. 421-2; Mackenzie, *History of the Mackenzies*, pp. 280-300; McKenzie, *May we be Britons*, pp. 135-7, 141-4.

would have lost his posts by being Catholic, he did not have to suffer as much as he did. There were Catholic and Jacobite nobles who showed more prudence, such as George Gordon, duke of Gordon, who was able to keep his estate.²³ Nevertheless, it was not Stuart royalism that cost Kenneth Òg the most, it was his poor decision-making from the final months of the Highland War until he died in 1701, the impact of which will be discussed later. This thesis has argued that William Dubh likely saw loyalty to James Francis Edward (James VIII) as a requirement to recover everything Kenneth Òg lost.

D. Murray Rose and Angus Mackay argue that William Dubh was swayed by vain promises of glory.²⁴ This thesis agrees with W. C. Mackenzie's conclusion, that William Dubh was motivated by self-interest and Jacobite sympathies.²⁵ The successful return of James VIII might have meant that William Dubh could 'free the [Seaforth estate] from the creditors'.²⁶ After the failure of the 1715 Jacobite rising, the forfeiture of the earldom of Seaforth (although he retained the marquessate of Seaforth in the Jacobite peerage) and William Dubh's flight to France, supporting the 1719 rising must have seemed a necessity for the revival of the noble house of Seaforth.

Policy and Catholicism

The role of the Scottish nobility in society changed during the temporal span of this thesis, 1651-1719. This change was already underway by 1651. The nobles were, as Julian Goodare argues, a casualty of 'covenanting' government, as nobles 'could not survive without office'.²⁷ At the Restoration, nobles were more subservient than before the covenanting regime and, by 1689, 'the nobles were now simply politicians'.²⁸ However, this thesis also agrees with Keith Brown and Barry Robertson's assessment that, while individuals 'waxed and waned', the nobility as a group were as strong as ever.²⁹ The later Earls of Seaforth certainly waxed and waned, albeit mostly the latter, but several of the lesser Mackenzie gentry rose in prominence or become prominent noble families in their own right: Sir George MacKenzie of Tarbat, earl of Cromarty; Sir George MacKenzie of Rosehaugh; the MacKenzies of Coul; the MacKenzies of Scatwell; and the MacKenzies of Delvine. Politics and political office were not the only reasons they were able to do so. As

²³ Robertson, *Lordship and Power*, pp. 172-81.

²⁴ Rose, *Historical Notes*, p. 40; Mackay, *The Book of MacKay*, p. 178.

²⁵ Mackenzie, *History of the Outer Hebrides*, p. 396.

²⁶ *Ibid.*, p. 422.

²⁷ Goodare, *State and Society*, p. 328.

²⁸ *Ibid.*

²⁹ Robertson, *Lordship and Power*, p. 3.

Robertson notes, lesser lairds ‘extended their political power at the expense of the higher nobility’.³⁰ This thesis has shown that for Kenneth Òg, this process was exacerbated by the shift in James, duke of Albany’s Highland policy after Argyll refused to take the test oath and fled in 1681.

Instead, this thesis has shown that Kenneth Mòr, Kenneth Òg and William Dubh were not able to navigate the new roles of the nobility for different reasons. Out of the three earls in this study, Kenneth Mòr was the most successful at expanding his noble power. However, due to his terrible, inherited financial situation, he was reliant on others to support his cause. This became a problem when two of his main cadets, Sir George MacKenzie of Tarbat (later first earl of Cromarty) and Sir John Urquhart of Cromarty fell out of political favour and subsequently could not adequately advocate on Kenneth Mòr’s behalf. In this sense, Kenneth Mòr’s *modus operandi* was similar to William Keith, fifth earl Marischal’s in that they both chose to operate through courtiers and advocates in Edinburgh and London while they tended to their estates and the locality. Kenneth Mòr, however, was not as capable of an estate manager as Marischal and the role of the Scottish nobility in state-building had changed. After his cadets were politically exiled, Kenneth Mòr would have benefited from being more involved in Edinburgh, as he was later in his life.

Until the forfeiture of the earl of Argyll in 1681, Kenneth Òg was to be given, in addition to his duties as the sheriff of Ross-shire, jurisdiction over the part of Inverness-shire north of Loch Ness and Glengarry, Ross-shire, Cromartyshire, Sutherland, Caithness and the isles to the west and north of Glenelg, including Skye and Lewis.³¹ After the forfeiture, the government sought to bypass local power networks by expanding the pool of agents for the crown through the 1682 commission for securing the peace of the Highlands.³² Although Tarbat lobbied George Gordon of Haddo, his friend and the new lord chancellor of Scotland, on the fourth earl’s behalf before the new commission was declared and the fourth earl appealed directly to Haddo thereafter, the fourth earl was bypassed in favour of three members of the clan – Coul, Redcastle and Sir Roderick MacKenzie of Findon – who were tasked with arresting anyone guilty or suspected of breaking the law.³³ This thesis has complemented existing historiography by showing that

³⁰ Robertson, *Lordship and Power*, p. 4.

³¹ *RPCS*, VI, p. 394.

³² Kennedy, *Governing Gaeldom*, pp. 233-4, 243; *RPCS*, III, pp. 499, 507-15.

³³ Dunn, *Letters*, pp. 54, 70-1; Macgill, *Old Ross-shire*, I, p. 87.

the impact of this policy was felt by the fourth earl during the Highland War as Coul and Redcastle used their newfound influence to try to keep the MacKenzies uninvolved.³⁴ As stated above, Kenneth Òg was stripped of the sheriffdom of Ross-shire and his provostship of Fortrose because of his Catholic faith. However, his poor decision-making, such as when he did not hand Fr Con over to the authorities and instead started a riot, were more damaging to him and his ability to protect his estate. Like his father, William Dubh was a Catholic and therefore not allowed to hold public office. Instead, he tried to work behind the scenes locally and nationally. Chapter three shows that William Dubh tried to exert influence through kinship networks as his grandfather had. However, William Dubh's Catholic faith and suspected Jacobite sympathies was used against him and Clan MacKenzie after he returned to Ross-shire in 1708.

Absentee Lordship

The negative impact of these factors – loyalty to the Stuart dynasty and an inability to adjust – on Kenneth Òg's and William Dubh's ability to exercise noble power were exacerbated by prolonged absences from Ross-shire. The absence of a chief for most of the period beginning with the fourth earl's marriage in 1684 until the return of the fifth earl from France in 1708 created a vacuum in Ross-shire for others to fill. Whilst all three of the chiefs examined in this thesis spent time away from Ross-shire, the fourth and fifth earl were absent for considerably more time. The historiographical consensus is that absenteeism was due to the desire of chiefs to become national political figures and, as a result, they spent extravagantly and accumulated debt unsustainably.³⁵ For the MacKenzie chiefs, however, the experience was almost the opposite. The need to stabilise debt and secure royal favour contributed to the need for the fourth earl to marry a wealthy Catholic English bride and, under the terms of his marriage contract, he was required to live in the household of William Herbert, earl of Powis so that Powis could oversee his affairs.³⁶ Furthermore, during the 1690s, he spent approximately nine years in prison. Whilst the fifth earl was sent to France around 1702 to receive a Catholic education, Lady Frances argued that it was actually debt that drove her to take him away from Ross-shire to begin with; as Lady Isobel was withholding Lady Frances's liferent and as the fifth earl could not

³⁴ Macinnes, *Clanship*, pp. 148-51; Kennedy, *Governing Gaeldom*, pp. 233-4, 243.

³⁵ Macinnes, *Clanship*, pp. 114-5, 148-50; Munro, 'When Island Chiefs came to town'; Dodgshon, *From Chiefs to Landlords*, pp. 55-83, 102-22; Watt, 'Chiefs, Lawyers and Debt'.

³⁶ Hopkins, 'Mackenzie, Kenneth, fourth earl of Seaforth', in *ODNB*.

live in poverty, she took him to stay with her family in England until the liferent was restored.³⁷

Tarbat, who found favour with both William and Anne, benefited most from these chiefly absences while Clan MacKenzie benefited from Tarbat's political astuteness. As mentioned previously, the fifth earl lived in France from c. 1702 to 1708. During his absence, Anne elevated Tarbat to comital rank, making him the first earl of Cromarty. As a Catholic, the fifth earl could not hold public office and, furthermore, was a political liability for the MacKenzies against their regional rivals, the Rosses and Munros. This thesis has shown that Clan Ross and Clan Munro defied the authority of MacKenzies with increasing regularity throughout the 1660s, 1670s and 1680s and eventually found favour with post-Revolution regimes. As a result, no MacKenzie held a parliamentary seat in Ross-shire from the Union with England Act until the fifth earl's death in 1740. Instead, the clan had to rely on Tarbat/Cromarty and his allies in the clan, such as Coul, instead of the fourth or fifth earls to advance the MacKenzie position during the reigns of William and Anne. The MacKenzies could have been in a worse position after the end of the Highland War because of Kenneth Òg's actions and decisions. Instead, Tarbat/Cromarty became the surrogate for the exiled chiefs and offered an alternative, stable path in the best interests of the clan. The gentry tried to maximise clan influence through Cromarty and his allies if the chief himself lost influence because of government policy, religion and absenteeism. As McKenzie has argued, Cromarty's 'pacific neutrality' allowed the clan to survive and prosper.³⁸

Kenneth Òg and the house of Seaforth could have been in an even worse position had it not been for Tarbat/Cromarty. Once they became liabilities to the clan, Kenneth Òg or William Dubh could have been removed as chief, as Archibald Campbell, seventh earl of Argyll had been after his conversion to Catholicism in 1618.³⁹ Two reasons may explain why Kenneth Òg and William Dubh did not suffer the same fate. The first is continuity. The earl of Argyll's son was an acceptable replacement whereas Kenneth Òg's and William Dubh's children were raised Catholic. The gentry may have feared that removing either Seaforth would lead to a fracturing of the clan. Kenneth Òg and William Dubh enjoyed a sizable personal following, even if Kenneth Òg eventually alienated most of his by the end of his life. As McKenzie has shown, the MacKenzies were dedicated to staying

³⁷ BL, Add. MS 61624, ff. 58-60.

³⁸ McKenzie, *May we be Britons*, p. 332.

³⁹ Callow, 'Campbell, Archibald, seventh earl of Argyll', in *ODNB*.

together.⁴⁰ Second, Argyll was publicly declared a traitor in 1619 and sought military employment with the Spanish.⁴¹ The Campbells had benefited from being James VI's Protestant enforcers in the west of Scotland, but they would lose that advantageous position if they had a Catholic chief.⁴² Contemporary Catholic earls, such as the George Gordon, sixth earl and first marquess of Huntly, had been forced to renounce their faith if they wanted to maintain or grow their influence.⁴³ In contrast, Kenneth Òg was not seen as a threat to the survival of the clan or to the central authorities after the end of the Highland War in 1691.⁴⁴ This, arguably, was because of Tarbat. Tarbat's national prominence and his success in filling the role vacated by Kenneth Òg during his years of absenteeism (1684-88 and 1688-91) protected the MacKenzie gentry from reprisals.

Furthermore, that the fifth earl spent so much of his minority outwith Ross-shire was an atypical experience in Clan MacKenzie and for the practice of fostering within Gaeldom. The historiography has emphasised the importance of fostering a chief locally to 'maintain good relations with political allies, neighbouring families, cadet branches of a particular lineage, or... with satellite kindreds geographically separate from the main clan'.⁴⁵ Additionally, Rev. John MacRae (d. 1704) noted that it was important for a future chief to remain amongst his kin so that he could acquaint himself with 'their circumstances, which indeed was his interest and part of their happiness, so that it was better to give him that first step of education than that which would make him a stranger at home, both as to his people, estate, and condition'.⁴⁶ The same philosophy helps to explain why an optimistic fourth earl was unexpectedly unable to raise his clan for the Highland War, except for the protection of his estates. He did not initially realise or appreciate that there was a significant portion who disagreed with his view that the clan should support James VII.

Poor Relations with Clan MacKenzie, Client Clans and Tenants

Before the deposition of James VII in 1689, there were few visible cracks in the unity of Clan MacKenzie. The relationship between the fourth earl and Sir George

⁴⁰ McKenzie, *May we be Britons*, pp. 197-8.

⁴¹ Macinnes, *British Confederate*, p. 63; Edward J. Cowan, 'Clanship, kinship and the Campbell acquisition of Islay', *The Scottish Historical Review*, 58 (1979), 132-57 (p. 156).

⁴² Macinnes, *The British Confederate*, pp. 56-7, 62-3; Cowan, 'Clanship, kinship and the Campbell acquisition of Islay', pp. 150-2, 156.

⁴³ Robertson, *Lordship and Power*, pp. 33-4, 61; Macinnes, *The British Confederate*, p. 47.

⁴⁴ Hopkins, *Glencoe*, p. 424.

⁴⁵ Cathcart, *Kinship and Clientage*, p. 81; MacCoinnich, 'Daltachas, Fineachan agus Alba', pp. 37-53; Parkes, 'Celtic Fosterage', p. 375.

⁴⁶ The Ardintoul MS, ff. 79-80.

MacKenzie of Tarbat was deteriorating. In 1685 the fourth earl tried to prevent his uncle, Tarbat, from being granted his regality and accused him of trying to lead his, the fourth earl's, men during Argyll's rising.⁴⁷ However, Tarbat was regularly supportive of his chief and lobbied for more responsibilities for the third and fourth earl.⁴⁸ Additionally, few MacKenzies joined the fourth earl in converting to Catholicism, but there is no evidence that the gentry protested against his conversion. It appears that, by virtue of being chief, the gentry would tolerate, or at least overlook, the differences between themselves and their chief. As stated above, this differed from the fate of Archibald, seventh earl of Argyll, but while Argyll was a threat to the continued rise of his clan, Chapter 2 showed that Kenneth Òg was only a threat to himself after he submitted in 1691.

However, the first obvious sign of divisions within Clan MacKenzie came at the outset of the Highland War. The clan was divided between support for James VII – led by the fourth earl and his uncle, Colin of Kinachulladrum – and neutrality – led by Tarbat, Lady Isobel, Sir Alexander of Coul and Sir Colin MacKenzie of Redcastle. In 1689, Tarbat boasted to the leader of the Whig forces in the Highlands, General Hugh Mackay, that he, Tarbat, 'would overturn in eight days more than the Earle could advance in six weeks'.⁴⁹ Despite excitement for the arrival of the fourth earl at Eilean Donan on 20 May 1690, there was a lack of enthusiasm for the cause amongst his clan and he was advised to surrender by his friend Thomas Southwell, Tarbat, Lady Isobel and Coul. The fourth earl decided to surrender after hearing of the Jacobite defeat at the Battle of Cromdale (April-May 1690). After initially agreeing to submit, the fourth earl raised 900 men to protect his lands from both sides of the conflict. He finally submitted after hearing of the Battle of the Boyne (1 July 1690) and would spend most of the rest of his life imprisoned in Edinburgh Castle and Stirling Castle. Most of the clan tried to find favour with the new Williamite regime whilst they and the fourth earl's presbyterian kin, the Forbeses, repeatedly bailed him out of prison until 1700; the fourth earl died the following year. Before the Highland War, the chief of Clan MacKenzie held the positions of sheriff of Ross-shire, provost of Fortrose and was a member of the Scottish Privy Council. The positions were taken from him because of his allegiance to James, but in any case, neither he nor his successors would have been allowed to regain them so long as they were Catholics.

⁴⁷ NRS, RH9/17/222; HMC, *Buccleuch*, I, p. 130.

⁴⁸ *RPCS*, II, p. 24; Dunn, *Letters*, p. 54; Bangor-Jones, 'Mackenzie Families of the Barony of Lochbroom', p. 87.

⁴⁹ Mackay, *Memoirs*, p. 25.

In 1651, the third earl was an episcopalian chief leading an episcopalian clan. He was sympathetic to Catholicism, allowing priests on Lewis from 1671, and boasted of the civilising effect of Catholicism on the island.⁵⁰ The fourth earl converted to Catholicism by 12 November 1685 under the influence of James VII and, more directly, his in-laws, the Herberts of Powis, with whom he had been staying since his marriage to Lady Frances Herbert in 1684. Only a few members of the gentry converted with him; one of them, his brother Alexander MacKenzie of Coningsby, later reconverted to Protestantism. Unlike his brother, the fourth earl genuinely embraced his conversion. After his conversion, he invited Catholic missionaries to Ross-shire and expressed his happiness that Fr Lewis Innes was making progress converting Sir John MacLean of Duart's, who was Kenneth Òg's foster-child.⁵¹ The Herberts of Powis and Fr Innes formed the basis of the fourth and fifth earls' Catholic network. Fr Innes (1651-1738) was the principal of the Scots College in Paris from 1682 to 1713 and maintained communication with the fourth and fifth earls. It is not clear how the connection between Innes and the fourth earl was made, but it was likely formed before Maclean of Duart arrived at the Scots College in 1688.⁵² After Kenneth Òg died in 1701, Lady Frances and her family ensured that their children received a Catholic education by sending the fifth earl and his sister, Mary, to France. As stated in chapter three, nothing is known of the fifth earl's education in France from 1702 to 1708 and he was not listed on the register of students who attended the Scots College. He did, however, receive a Catholic education and returned to Ross-shire in 1708 a devout Catholic; he would remain so throughout his life.

Although the MacKenzies did not support the fourth and fifth earl's Catholic faiths, they were united with their chiefs in preventing the open practice of presbyterianism in Ross-shire. They wholeheartedly supported the third and fourth earls in the suppression of dissenting presbyterians and conventicling ministers in the 1670s. When acts for the toleration of episcopalianism were being debated in the British Parliament in 1711, and were eventually passed in 1712, the fifth earl and his kin ejected presbyterian ministers from their parishes in Ross-shire and prevented others from assuming their posts.

⁵⁰ Roberts, 'Roman Catholicism in the Highlands', p. 77; Purcell, *The Story of the Vincentians*, p. 57. As stated in Chapter 2, the civilising effect of Fr Francis White's visit in 1671 may have been overstated.

⁵¹ Roberts, 'Roman Catholicism in the Highlands', p. 78.

⁵² Maclean-Bristol, *Castor and Pollux*, p. 99.

Despite rumours that the fourth earl had reconverted to Protestantism in 1690, there is no evidence that he did.⁵³ The death of the fourth earl in 1701 provided some members of the clan with the opportunity to try to set the house of Seaforth on a new religious footing. The 1700 'Act for the further preventing the Growth of Popery' meant that the fifth earl and his sister, Mary, would have been taken from their Catholic mother to be fostered by Protestants who were approved by the Scottish Privy Council.⁵⁴ However, the fifth earl and his sister were smuggled to France by Lady Frances and her family to be raised Catholic. A large number of the gentry, led by Lady Isobel, wanted the house of Seaforth to return to its Protestant roots. This led to members of Clan MacKenzie petitioning for their return so that the fifth earl could be raised Protestant and, therefore, be allowed to serve under Queen Anne.⁵⁵

The petitions discussed in chapter three to restore the fifth earl from his sojourn in France (c. 1702-08) epitomised the two visions for Clan MacKenzie. The first was the path set out by the fourth earl and continued by the fifth: a Catholic chief which supported the exiled Stuarts. The second was a Protestant chief that collaborated with the new regimes. Although diametrically opposed, the group associated with the latter vision never fought against the chief during the chronological limits of this thesis and, instead, only advised him against joining the 1715 Jacobite rising.⁵⁶ Furthermore, there were not neat divisions between the two groups. Colin MacKenzie of Davochpollo and Mountgerald had served under William after the Highland War but supported the fifth earl during the 1715 Jacobite rising.⁵⁷ There were generational differences as well, as both Coul and Redcastle's sons supported the 1715 rising; Sir John MacKenzie of Coul also supported the 1719 Jacobite rising. This may have been due to the unpopularity of the union with England in Ross-shire. As Macinnes notes, the transformative nature of union with England led previously unsympathetic gentrymen to support the Jacobite cause.⁵⁸ This thesis contends that additional factors contributed to the MacKenzie response to the 1715 Jacobite rising. The fifth earl had more success than his father at raising his clan for the Jacobite cause due to his presence in Ross-shire from 1708 to 1715, whereas Kenneth Òg was an absentee chief for almost five years before the Highland War started in 1689. During this period, he built

⁵³ *Account of the Proceedings of the Estates of Scotland, 1689-1690*, II, p. 227.

⁵⁴ *RPS*, 1700/10/73.

⁵⁵ NLS, Adv. MS 1345, f. 77; *Ibid.*, Adv. MS 1360, fol. 98; BL, Add. MS 61624, ff. 58-9, 61.

⁵⁶ Rose, *Historical Notes*, p. 41.

⁵⁷ Mackenzie, *History of the Mackenzies*, p. 472; *More Culloden Papers*, II, pp. 109-10.

⁵⁸ Macinnes, *Clanship*, pp. 193-4.

a rapport with his gentry as he, Coul and other future supporters of the 1715 and 1719 risings worked together to prevent presbyterian ministers from performing their duties in Ross-shire.⁵⁹

Reflections

It is clear from this thesis that the period from 1651 to 1719 saw a significant decline in the strength of the house of Seaforth and in the authority as chiefs of Clan MacKenzie, as a united clan split into two groups. The factors discussed above – loyalty to the Stuart dynasty, the impact of national policy, Kenneth Òg and William Dubh's Catholic faith, absenteeism and poor relations with leading gentry – help to explain this decline. Whilst this thesis has furthered our understanding of this change, there is more research to be done on Highland lordship and the nobility during this period. Limitations of space have meant that this thesis has focused on the earls, their families and leading members of the gentry. Enough source material exists in the National Library of Scotland and St Andrew's University Library to produce a dedicated study of the gentry of Clan MacKenzie. Additionally, this class produced a considerable number of clan histories during this period.⁶⁰ This would illuminate how the gentry balanced support for their chief with trying to gain favour from William, Anne, and George I. It would also help to show how the disagreements between the fourth earl and Tarbat (see chapter two) impacted ordinary members of the clan. Furthermore, as this thesis is largely a political history of the earls, the economics of clan society has received little consideration. Research on the tacksman class of the clan would help to explain how the transfer of titles from the fourth earl to his mother, Lady Isobel, and the separation of Cromartyshire from Ross-shire in 1685, impacted upon the chief as well as ordinary members of the clan, as the fourth earl expressed his concern that tenants would be double-taxed.⁶¹ Furthermore, this thesis has highlighted the necessity for more focused research on individual Highland nobles and Highland noble families. A similar study of the families of Caithness and Sutherland – namely, the Sinclair earls of Caithness, the Mackay lords of Reay and the Gordon earls of Sutherland – would complement the Seaforth MacKenzie-centred research in this thesis as well as Paul Hopkins's Clan Campbell-centred approach to the region.⁶²

⁵⁹ *Fasti*, VII, pp. 146, 152; Macgill, *Old Ross-shire*, I, pp. 43, 65; Wodrow, I, p. 216.

⁶⁰ MacGregor, 'Genealogical histories'; MacGregor, 'Writing the history of Gaelic Scotland'.

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GD26: Papers of the Leslie family, Earls of Leven and Melville

GD96: Papers of the Sinclair family of Mey, Caithness

GD112/39: Papers of the Campbell Family, Earls of Breadalbane (Breadalbane Muniments, Correspondence)

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