In June 1969, during the meetings of the Learned Societies at York University, Toronto, Ontario, Canada, a group of people interested in Scottish history and the study of Scottish influence in North America met and organized The Conference on Scottish Studies. A steering committee was appointed and authorized to prepare a constitution and call for election of officers. These responsibilities the steering committee carried out, and at the same time arranged for a meeting to be held in Winnipeg in June 1970 during the gathering of the Learned Societies in that city. At that time, the two papers presented in this journal were read. Since the meeting of June 1969 an executive and council have been elected and membership has increased to nearly 100 drawn from all over the North American continent and from Scotland.

The reason for such an organization is that Scots have played an important part in the development of many different countries around the world, and nowhere more than in Canada and the United States. Consequently many, particularly those of Scottish origin, feel that a knowledge of Scottish history and of the Scottish influence outside Scotland would give them a better understanding of themselves and of much of their own history. To facilitate and advance such studies the Conference was brought into existence, with the opportunity being offered to all those interested, including various Clan societies and similar bodies, to join.
The executive of the Conference has been concentrating on setting up one general meeting a year but it hopes that the members of the council in the various areas will take it upon themselves to organize local branches that will promote the work of the Conference by holding regional conferences. In this way interest might be stimulated and those who have collections of documents or other items concerning the history of Scots of the area encouraged to preserve them, in order to provide a better understanding and knowledge of the history not only of the immediate region but also of the whole country.

The present journal which will appear twice a year, should be of interest and assistance to those who wish to forward the work of the Conference. It is the hope of editorial committee that articles will be submitted for consideration as well as books to be reviewed will be provided.

On June 7, 1973 a joint meeting with the Canadian Historical Association will be held at Queen's University, Kingston, Ontario at which four papers will be presented.

**STOP PRESS NOTICE**

Any member interested in attending the meeting of the Conference at Queen’s University, Kingston, Ontario, on June 7, 1973, and who wishes accommodation, should write to Prof. W. W. Straka, Department of History, University of Guelph, Guelph, Ontario.
The Social Impact of the '45

The destruction of the military power of the Jacobite clans by the army of the Duke of Cumberland in 1746 is usually regarded as a turning point in Scottish history which accelerated the breakup of the existing patriarchal Highland society. The battle of Culloden, the subsequent harrying of the Highlands by government troops, and strict enforcement of new legislation designed to destroy the power of all Highland chiefs, whether Whig or Jacobite, had an immense impact on the social structure of the area. Whereas before 1745 most Highland estates had been organized to maintain as large a population as the land could support, after Culloden Highland proprietors, deprived of military power, began to investigate the commercial possibilities of their lands. Nevertheless, although the failure of the Rising of 1745 accelerated the transformation of Highland society it did not initiate the change, which was already in progress in some districts before that year. In 1737, for example, the great lawyer Duncan Forbes of Culloden, was employed to make an investigation of the management of the Duke of Argyle's estates in Mull and Tiree. Forbes recommended that the Duke should remove the traditional middleman of Highland society, the tacksman, from these estates and rent the land directly to the small tenants. Forbes report became the basis of management on the Argyle estates well before 1745. (1) In general some change can be seen in Highland society from at least 1715. The Disarming Act which followed the Rising of 1715 is often regarded as having very little effect because only clans which were well-affected to the government surrendered arms in any quantity without replacing them. This view is well expressed by the Lord Justice Clerk, Andrew Fletcher of Milton, in a letter which he wrote to the Marquis of Tweeddale in 1745. The Disarming Act, he declared:

"has been found by experience to work the quite contrary effect from what was intended by it; and, in reality, it proves a measure for more effectually disturbing the peace of the Highlands, and of the rest of the kingdom. For at the time appointed by the disarming act, all the dutiful and well-affected clans truly submitted to the act of parliament, and gave up their arms, so that they are now completely disarmed; but the disaffected clans either concealed their arms at first, or have provided themselves since with other arms". (2)

It has also frequently been alleged that the Jacobite clans contented themselves with surrendering their oldest and most useless weapons in return for compensation. According to Marshal George Wade, who commanded the forces in Scotland:

"few or none" were "delivered up, except such as were broken and unfit
for service; and I have been informed that ... great quantities of broken and useless arms were brought from Holland and other foreign countries, and delivered up to the persons appointed to receive the same at exorbitant prices . . .” (3)

Nevertheless, even if some of the chiefs were too clever for the government officials, it would be quite wrong to conclude that all the measures taken by the government after 1715 had been useless. In fact it became very uncommon for Highlanders to travel armed. In one of his letters Duncan Forbes of Culloden remarked that “a great stick is become as fashionable an instrument in a Highlander’s hand as a broad-sword or pistol by his side used formerly to be”. (4) It was no longer possible for chiefs to take the law into their own hands with impunity. On one occasion when two of his tenants were robbed while passing through the country of another clan a chief remarked that whereas before 1715 he would have taken an armed party to the district where the robbery occurred and either recovered the money or taken compensation by force, this was no longer possible in the 1730’s. Again there is the fact attested by numerous contemporaries, that it required force to induce many of the ordinary Highlanders to join the Jacobite army in 1745. Now, while it was obviously advantageous to plead coercion as a reason for joining the rebels after the failure of the Rising, there is still ample evidence from Whig sources that many clansmen had been forced out. During the rebellion, for example, the sheriff of Argyle, Archibald Campbell of Stonefield, reported that the Cameron chief:

“Lochiel has us’d all his power to carry out the people of Lachaber. He staid behind himself with 100 men to carry off any that lag’d, and threatened to destroy the wifes and children of the men that skulk’d which has had effect”. (5)

As a military system the clan was already in decay before 1745-6 when it received its deathblow, in spite of the fact that something of the old lawlessness survived in Lochaber and the part of the Highlands bordering the Low country. Certain of the clans, particularly the Camerons, MacGregors, Mackenzies, some of the MacDonalds and the Breadalbane people, were greatly addicted to raiding the Lowlands for cattle. Small bands of between 10 and 30 men would carry off cattle from Stirlingshire, Dumbartonshire, or one of the other counties bordering the Highlands, take them to another part of the country and dispose of them at a fair or market. According to Marshal Wade:

“Those who are robbed of their cattle follow them by the track, and often recover them from the robbers by compounding for a certain sum of money agreed on; but if the pursuers are armed and in number superior to the thieves, and happen to seize any of them they are seldom or never prosecuted, the poorer sort being unable to support the charges of a prosecution. They are likewise under the apprehension of becoming the object of their revenge, by having their houses and stacks burnt, their cattle stolen or hoched, and their lives at the mercy of the tribe or clan to which the banditti belong. The richer sort, to keep as they call it, good neighborhood, generally compound with the chieftain of the tribe or clan for double restitution, which he willingly pays to save one of his clan from
persecution... This composition is seldom paid in money, but in cattle stolen from the opposite side of the country... The encouragement and protection given by some of the chiefs of clans, is reciprocally rewarded by allowing them a share in the plunder, which is sometimes one-half or two-thirds of what is stolen..." (6)

Some chiefs whose territories were situated on the edge of the Lowland country developed a different profession, they were in the security business. A memorial among the papers of the Duke of Newcastle contains a good account of this business. According to this report, the Lowlanders:

"meeting with no protection from the laws, were forced, for redeeming themselves from utter ruin, to pay to the nearest clan an annual tribute or tax, called by the name of black mail, for their protection. The color made use of for demanding and receiving this contribution was this. The chief or some leading man of the nearest clan, touched as he said by the sufferings of his neighbors in the Low Countrys, would glady furnish a standing guard, called a watch, of 50 to 100 armed men as the case might require, continually to guard the passes by which goods robbed must be carried off by the robbers, provided the distressed whose cattle he undertook to defend, would enable him to maintain such a force by paying him a certain annual contribution, and the tribute being payed, he restrained his own robbers, and actually defended against the inroads of his neighbors. Thus the Highlanders found their account in being armed, and shared in the fruits of their neighbors industry, without labor..." (7)

Thus unfortunate situation was clearly due to two factors, the absence of any alternative form of police and the lack of a fund to meet the cost of prosecuting criminals in the sheriff courts which made it cheaper and less dangerous for the victim to compound with the robbers for the return of his property. After 1746 both these points were remedied and the evil died away, but the lawlessness of the Highlands before 1745 should not be exaggerated. Undoubtedly the Highlander of 1745 was infinitely less warlike than the Highlander of 1715. The men who still carried arms regularly in the 1740's were a small fraction of the men of military age. This is admitted even by government agents. For example, in a report sent to the Duke of Newcastle in 1746 it was pointed out that although:

"some gentlemen among the MacDonalds, Camerons, and in the country of Rannoch, had made such proficiency in the scandalous business of theft, that they methodiz'd it into a kind of regular trade, and kept a number of desperate ruffians and idle vagabonds in a constant dependence upon themselves. These ruffians... being always in the exercise of arms, were the terror of their more peaceable neighbors; for it is a great mistake, that the people even among the Camerons and MacDonalds are all thieves; tis well known that above the half of them abhorred the infamous trade..." (8)

Most Highlanders before 1745 as after that year were small farmers, producing a market product for sale in the Lowlands in the form of cattle. As
early as 1723 the Chief market was disposing of between 25,000 and 30,000 head of cattle annually. (9) These sales were necessary for survival, for although the Highlands had a subsistence economy it was not self-sufficient, for the population of the area was already too great to subsist on the meagre produce of the arable acreage of the mountains even before the middle of the 18th century. Meal had to be imported regularly from the Lowlands, purchased with the money obtained from cattle sales. As one of the factors administering an estate for the Forfeited Estate Commissioners after 1746 reported of his estate, in “the best years they never had a sufficient quantity of grain for food and seed, and bought annually two hundred bolls of meal.” (10)

Highland society did not exist in isolation from the rest of the country for commercial ties drew the two parts of Scotland ever closer together, and in this process the new military roads constructed by Marshal Wade and his successors played their part. As a military system the clan system was already obsolete, for most of its members were no longer primarily fighting men, but rather small tenant farmers scratching a bare subsistence from the scanty soil of the Highlands. Lawlessness tended to be localized and confined to a small minority of even the most notorious clans. Changes in social structure were already under way on some of the Highland estates, notably on the estates of the Duke of Argyle, but they were being considered elsewhere as well.

Having made these qualifications it is still possible to give a generalized picture of Highland society on the eve of the ’45 which will approximate to the truth. Before 1745 social organization in the Highlands was distinguished from the rest of the country by the existence of a strongly rooted clan system which was only just beginning to crumble. It was still largely a tribal society, just as North American Indian society was tribal. It is in fact quite common to find Scottish army officers stationed in forts in America making this analogy in the 18th century and remarking the similarity between the local Indians and the Lochaber men. The theory of Scottish clanship was the reputed descent of clansmen from some common ancestor in the remote past. As General Stewart of Garth puts it: “Many members of each clan considered themselves, and actually were, branches and descendants of the same family.” Although many ordinary clansmen had no real claim to blood connection with the chief, they also shared in the myth which the chief deliberately fostered. Lord Lovat, the Fraser chief executed after the ’45, was very careful to call every Fraser, no matter how humble, ‘cousin’, and this greatly added to his power; flattery after all is cheap. (12) The chiefs were naturally accorded a great deal of respect in this patriarchal system, but they in turn had duties and obligations to their followers. MacNeill of Barra, for example, replaced milk cows lost by his tenants during a severe winter and accepted as permanent guests in his own house tenants too old to cultivate their farms any longer. (13) Although the idea of clanship could survive even when a chief had no lands of his own, in general the Highland chief had a landed estate which was employed not as a means of raising revenue but as a means of maintaining a substantial body of followers. Normally the chief would lease a considerable part of his estate to a few gentlemen tenants. These men, the tacksmen, held their tacks or leases at low rents which bore no relationship to the true value of their farms. But although in many cases the tacksmen were closely related to the chief the latter’s object wasn’t simply to provide for his relations. A Highland estate before 1745 was usually valued for its military power. When Macdonell of Keppoch was asked
the revenue of his estate, he is alleged to have replied, ‘I can call out and command 500 men’. (14) So long as a Highland estate was seen in this light the tacksman was a key figure in Highland society, for they were the officers of the clan military system; their obligation was to produce a certain number of fighting men when required to do so, and the money rent which they paid, while by no means negligible from the point of view of the chief, did not represent anything like an economic rent for their tacks. Below the tacksman in the social scale were the ordinary tenants who held a certain portion of a farm either directly from the chief or from a tacksman, and below them again a mass of cottagers, who in return for an allotment of land from the tenants agreed to work without wages for so many days a year. Almost every Highlander possessed some land. The belief that every man was entitled to a share in the land was deeply ingrained in the clan system and there were few totally landless men in the Highlands before the end of the 18th century.

I have stressed the fact that Highland society was already changing before 1745, but I don’t want to minimise the shock of the events of 1745-6. There was widespread distress in the wake of the Duke of Cumberland’s army which ruthlessly harried the countryside. Civil officers were ignored by the military or threatened if they interfered with the troops. In effect there was no law but the will of the army commanders. George Cuthbert, the sheriff-depute of Inverness, was imprisoned at the command of General Hawley for neglect of duty when the country people were too slow in sending baggage horses for the use of the troops. (15) Alexander Grant of Grantfield, the sheriff-depute of Aberdeenshire, complained that in spite of his protests and the fact that none of his tenants had been involved in the Rising, one of them, an inkeeper, was robbed by some of the soldiers with the consent of their officers. (16) Even a peer, Viscount Arbuthnott, was threatened with the burning of his house if he didn’t surrender his sword and sporting gun. (17) When law officers and members of the peerage who had taken no part in the Rising received such treatment it will be easy to imagine the sort of treatment which was given to the unfortunate Highlanders. An English medical officer, serving with the Duke of Cumberland’s army, remarked in a letter written from Fort Augustus in 1746 that:

“Whilst our army stayed here, we had near twenty thousand head of cattle brought in, such as oxen, horses, sheep and goats, taken from the rebels, (whose houses were also frequently plundered and burnt) by parties sent out for them, and in search of the Pretender; so that great numbers of our men grew rich by their shares in the spoil, which was bought by the lump by jockeys and farmers from Yorkshire and the south of Scotland; and the money was divided amongst the men, and few common soldiers were without horses. Gold also was as common amongst numbers, as is commonly copper at other times . . .” (18)

In the eyes of the army all Highlanders were guilty of rebellion, and thus subject to plunder, until they proved their innocence. An interesting account of what martial law meant in practice is to be found in a letter written by David Graeme of Orchell, who managed the Perthshire estates of the Duke of Montrose. Upon hearing a report that the royal troops had been plundering in the estates of this great Whig Lord, Graeme went to Crieff to investigate, there he:
“Immediately waited on Major Forrester the Commanding Officer, who is my old acquaintance, and really a very discreet humane man, and (he) expressed the greatest reluctance and uneasiness at his being obliedged to execute so undesirable an office, but said his orders were peremptor, to burn all houses possessed by them . . . When I insisted that it was contrary to law to punish any man till he was convicted that was looked upon as a very odd objection, and was told it was conform to the military law to plunder and destroy ane enimys country. When I asked how they came to burn the duke of Montrose’s houses, tho’ the possessors had been engaged in the rebellion, This I said was punishing the innocent with the guilty, All the answer I could get was, that they could not help it... All Rebells effects were to be brought in and roub'd, and the produce divided among the party, which must be done . . . But then it was agreed that all Cattle etc. taken from innocent people should be restored. But as the party had brought to Crief above 2000 cattle and horses, besides a great many sheep and goats, three-quarters wherof or more were claimed by innocent persons ... the next difficulty was how the claimants innocence and property of what he claim’d was to be ascertain’d...” (19)

You will notice that it was up to the injured party to prove his innocence of rebellion and his ownership of the cattle. Innocence had to be established by a certificate from the minister of the claimant’s parish to the effect that the claimant had not been engaged in the Rising, while property was determined by the oaths of two witnesses, both of whom had to be attested by the parish minister as innocent of rebellion. Such certificates were not at all easy to obtain, for many ministers opposed the Jacobite Rising openly and left their parishes when the Jacobite army was in the area, and accordingly they were not in a position to certify anything about the activities of their parishioners. But even when innocence was fully established this did not mean that the injured tenant recovered his missing property, for as David Graeme pointed out:

“Several that had been taken away were amissing, for the soouldiers had kill’d and eaten all the kids and lambs and some of the sheep. Many of the horses had been sent to Perth with baggage and upon other occasions, and immediately sold there, and the private soouldiers had stole severalls upon the road, and out of the parks, and sold them for trifles privately ... in one of these cases could any redress be obtain’d to the proprietors . . .” (19)

The difficulty of telling the innocent from the guilty was the chief cause of this indiscriminate harrying, but it was a fairly general belief among English officers that nearly all Highlanders were Jacobites. Colonel Joseph Yorke was of opinion that if the troops were to hang men indiscriminately throughout the whole of Atholl they would not hang three men wrongfully, and that accordingly it was necessary to take strong action to root out Jacobitism or there would be another insurrection in a few years. (20) It is no wonder that some of the more moderate officers, particularly those of Highland background, were horrified by the actions of the troops. In a letter to the Lord Justice Clerk, one of the officers serving in the Highlands, Major-General John Campbell, wrote:
“I dread the spirit of violence, false accusations and Military Execution, I have seen and heard of it, And I really love His Royal Highness the Duke so much that I wish he had some moderate people about him. I have said too much I dare say no more . . .” (21)

But such plundering, however serious its immediate effects, was much less damaging to the Highlands than some of the other changes effected by the government in its attempt to prevent a recurrence of rebellion.

The political actions taken by the government after the Rising of 1745 are too well known to require repetition. In short, a series of Acts of Parliament ablished heritable jurisdictions, converted tenure by military service, (or wardholding) into bleanchholding, that is tenure for a nominal annual payment. A new disarming act was passed, and this time rigorously enforced, and the wearing of Highland dress was forbidden. These acts affected Whig clans as well as the Jacobites and were avowedly designed to effect the destruction of the patriarchal society of the Highlands. In this they succeeded; within a few years Highland society was transformed from the traditional pattern to one no different in its economic base from the rest of Scotland. The effect of the acts on the attitudes of Highland landowners has often been described. As Henry Grey Graham puts it: “They now descended from the high state of kinglets, careful to favour their subjects, so that of lairds vulgarly eager to increase their rents.” (22) Highland proprietors, like other Scottish landowners, looked for ways to improve their estates and increase their rent rolls.

The destruction of the old social connections between chief and clansman left the Highlands in an extremely precarious situation. Population was increasing rapidly and the Highland area had never been able to afford much more than a bare subsistence to the bulk of its inhabitants at any time in the 18th century. In the Highlands only a minute portion of the land is cultivable, the rest being rough grazing or absolute waste. Even before 1745 the arable land could not support the population and the Highland economy was based on the sale of cattle with which to finance the purchase of meal. What this meant in practice can be better appreciated if I give an example which I take from the standard authority on this subject, Malcolm Gray’s HIGHLAND ECONOMY. Referring to the Barrisdale estate Gray writes:

“Here, on one farm we find two tenants sharing three acres of corn land and owning a stock of 28 cattle; five cattle would be sold in the year, to give an income of £11 5 -; two bolls of oats would be sown (to give an increase, say, of 5 bolls), leaving 5 bolls to be purchased, at a cost of £4.”

(23)

This left the tenants with £7 5 - to pay their rent and meet any other expenses, and since the rent absorbed £5 10 - almost 50 percent of the produce of cattle sales the tenants had little in the way of reserves. (24) All Highland tenants were in an extremely vulnerable position for their stock of cattle was small and could only be slowly increased for Highland cattle only calved every second year. There was little in the way of winter feed for stock. Hay was
improved even in the Highlands during the course of the 18th century, but turnips were extremely rare before the 19th century. Accordingly, in hard winters beasts died, and the margin between subsistence and indigence was often eroded. The only real security for ordinary Highlanders was that provided by the estate proprietors. (25) The custom which led the chief to look after his people in bad times long survived the collapse of the clan as a military unit. There was comparatively little eviction of tenants during the 18th century; this was primarily a 19th century phenomenon. In general Highland proprietors took an optimistic view of the prospects for economic development after 1746, and in bad times they persisted in helping their tenants in accordance with the custom of the country. Throughout the 18th century there was great reluctance on the part of proprietors to see the population of their estates diminished. This can be documented from many sources, but one example must suffice. Captain James Sutherland, the factor of a Highland estate, described how some of the tenants had made up their minds to emigrate and how he was attempting to stop them:

“I know the game they will play,” he wrote, “they will go to America, this idea of going to that Country is at present a sort of madness among the Common People, but they have no person at their head, and tho’ I do not believe any of our Assent Tacksmen will go, yet their saying that they will go may increase that Flame that I have in a great measure stifld”. (26)

Although there is no doubt that sentiment played its part in determining many proprietors, particularly those who were still regarded by their tenants as clan chiefs, to make an effort to avoid dispersal of population, their true motives were economic. Many proprietors deluded themselves with the belief that some form of industrial development was possible in the Highlands, and for this a relatively large work force presently underemployed was an economic asset. In fact, of course, this industrial development did not materialise except along the parts of the Western Seaboard where the kelp manufacture was established during the Napoleonic Wars alongside an inshore fishery. But although the proprietors optimism persuaded them that the growing population was an economic asset to be helped in bad times and discouraged from emigration, this does not mean that there was much attachment to traditional values among the Highland gentry after 1746. The customs which had formerly bound the clan together, such as the traditional fostering of chieftains sons in the families of ordinary clansmen, had been dying long before 1746. (27) Increasingly the sons of Highland proprietors were educated in another tradition. As that shrewd observer of the 18th century Scottish scene, Ramsay of Ochtertyre, describes it, they were educated outside the Highlands:

“They had formed new friendships and connections. They had been accustomed from their infancy to hear their country vilified and ridiculed by all about them. No wonder, then, that they should return proppossessed against it... To the persons and pretensions of their tenants, as well as to their language and customs, they were in a great measure strangers. Instead of treating such of them as were supposed to be of the same line-age with themselves in the manner their fathers used to do, they affected
the estimate them by their dress and economies, which were indeed abundantly homely.” (28)

The need for the landowner to make a figure in another society induced the proprietor to make steep increases in rent. The incomes of Highland landowners rose many times over their 1745 figure before the 18th century was out. Whereas

“about the middle of the eighteenth century, £1,000 of free income was the lot of only a tiny minority of the greater land magnates... by the end (and still more by 1815) several were enjoying incomes of £10,000 or over, a very few had over £20,000, and probably a majority had over £1,000.” (29)

By the end of the century kelp and wool profits were increasing the rent roll, but the early increases were based on the increased profits from cattle sales. The serious outbreak of rinderpast, or cattle plague, in England between 1745 and 1757 enabled the Highlands to make a quick recovery from the damage inflicted by the troops in 1746 and turned the terms of trade decisively in favor of the Highlands. (30) High prices for Highland cattle persisted throughout the century and “in 1766 and the three following years the prices exceeded anything that had ever been known before.” (31) But the Highland proprietors were not prepared to watch the tacksmen and tenants take this extra profit, they also wanted a substantial share. According to Ramsay of Ochtertyre:

“As they had no longer any hope, and few of them any desire, of returning to the old system, it was not necessary to secure the aid and affections of their people by means of bargains of land, which were always understood to be cheap. They thought it therefore time to compound the loss of power and dignity by increase of revenue.” (32)

Many of the tacksmen were early casualties of this new social attitude. They were an expensive luxury on a Highland estate. Their function was that of military leader and this no longer had any relevance, few of them were farmers and even less had any competence in advanced methods or a desire to learn. Many tacksmen were content to live on the difference between the low rent which they had traditionally paid to the chief and the high rent which they themselves received from their subtenants; in short many tacksmen were parasites on the estates. They had held their farms at low rents in recognition of their primary duty as war leaders and it was obviously inevitable that their rents would be increased when this function ended and the profits of cattle breeding were so high. Many tacksmen, however, emigrated rather than adapt to the new conditions which entailed the social relationship being altered from a position of privilege to an ordinary business relationship where the tacksman was expected to pay an economic rent for his farm. Much of the emigration in the 1770’s is to be explained in terms of the tacksmen’s resentment at loss of status as the privileged kinsmen and associates of the chief rather than in their inability to pay a higher rent. (33) The elimination of the tacksman on many estates, though not on all of them, greatly increased the gap between the proprietor and the ordinary tenant. The tacksman had never
been a wealthy man despite his gentility, for even the largest mid-century tacksman, a man with 100 cattle, would be lucky to have £50 a year in income unless he was also a half pay officer. But the elimination of the tacksman or at least his transformation into a farmer, left the interest of the increasingly alien proprietor opposed to the interest of the peasant. Rents were set to absorb all the available surplus income of the peasants beyond what was necessary for subsistence. He was allowed subsistence, but all the profits were creamed off in the rental which was regularly adjusted without the formality of a lease. Land and minimum subsistence remained the Highlanders right long after 1746, but the proprietors left him nothing else. There was no question of a peasant acquiring sufficient capital to stock a whole farm and moving up the social scale and this had serious social consequences in the long term. The peasant had his holding and was rarely evicted in the 18th century, while the landowner continued to recognise his obligation to maintain the population at the minimum subsistence level, even if this meant distributing food in time of scarcity and abandoning arrears of rent. On the other hand the proprietor took all the profit from the estate with the result that no local group of capitalist farmers could emerge. (34) Accordingly, when the proprietors decided that sheep were more profitable than cattle the local population lacked the capital to stock sheep farms and new tenants were brought in from England and Southern Scotland.

The proprietors early reluctance to see the population diminish was itself not in the long term interest of the tenants, for it led to subdivision of already minute holdings and, as in Ireland, over-dependence on the potato. The changes occasioned by the '45 and the legislation which followed it undoubtedly worsened the condition of the ordinary Highlander. Ramsay of Ochtertyre rightly insists that:

"it can hardly be thought the condition of the commonalty is much bettered by the late changes. If poverty was their portion in every age, it had of old some alleviations which no longer exist. They were sensible it seldom proceeded from the greed or oppression of landlords, who depended not a little on their spirited exertions in the field. Amidst all their want and hardships, they were a lively cheerful people, undismayed by the frowns of any but their own chieftain and gentry... The commons of the present generation are seldom rich or even easy. Their rents bear a full proportion to the increased value of sheep and black cattle... They now experience little of that kindness and familiarity which used to sweeten penury and misfortune... The indifference and selfishness of many landlords have converted to love and veneration of the common people into hatred and alienation."

Thus the effect of the government legislation:

"by taking away military service and annihilating the power of the proprietors...removed the barrier which had secured tenants kind and generous treatment. What signified their being freed from petty vexations when they were totalling at mercy in the great article of rent?"

Perhaps the most surprising thing is not the decline of clanship, for
in the new commercial world after 1746 it was bound to decline, but the fact that clanship was so long in dying. As late as 1794 a number of followers of Colonel MacDonnell of Glengarry petitioned their chief, in a letter which reeks with clan sentiment, to arrange for their removal from the Grant Fencible Regiment where they were then serving to the proposed Glengarry Regiment:

"It is our most earnest desire and ardent wish to follow you to any part of the earth his Majesty may order you to lead us," they wrote. "We seek no bounty or other recompense from Government, but the satisfaction of being under your Banners and sharing with you every danger in the service of our King and Country... We are kindly treated by our officers which makes our present situation comfortable enough but our minds can never be separated from you; our fore fathers pertaining to your fore fathers and we wish to pertain to you, that we may in like manner receive protection from you. Though we sought no terms for you when we enlisted with you first as you was not then of age, yet we hope now that you are your own master and have it in your power, that our aged parents, our wives and children and such of our friends as depend upon us should have something for our sake during our absence, and if we chance to return home ourselves that we may know where to betake ourselves, indeed we expect to enjoy those possessions which our ancestors so long enjoyed under your ancestors though now in the hands of strangers. As we do not wish that you should loose by us we shall give as high rent as any of your Lowland Shepherds ever gave..." (37)

The soldiers letter is an appeal from the past, by the 1790's clearance was already under way on some estates which had no kelping shore and most of the Glengary Fencibles moved to Canada when the regiment was disbanded. After the beginning of the new century the process of clearance speeded up as landowners despaired of creating new non-agricultural forms of employment for the growing population and determined to take the maximum profit from their lands, but that is a different question. Here we are concerned with the social impact of the Rising of 1745.

The Rising speeded a change in social attitudes among Highland proprietors which was already evident on some estates before 1745. After the Rising more and more landowners, stripped of their military and feudal powers, tried to recover their social position by increasing their incomes. They were in a position to do this because the Highland economy recovered remarkably quickly from the harrying inflicted by Cumberland's army aided by a buoyant market for Scottish cattle in England where there had been an outbreak of cattle plague. Although there was considerable variation in price, demand for cattle continued throughout the 18th century which created an illusion of prosperity in the Highlands although in fact only the landowners really profitted. The ordinary Highlander was undoubtedly worse off after 1746 than he had been earlier in the century, not in money terms but in the social relationship which he enjoyed with his chief. The myth of common descent and kinship perished at Culloden and although the landowners self interest and dreams of industrial development led him to retain the custom of looking after
his people in bad times, the stage was obviously set for their removal when the landowner decided that the economic arguments justified such action. Clearance would probably have come earlier than in fact it did on many estates had it not been for the wars at the close of the 18th century when many Highland proprietors found a non-economic argument for retaining the population of their estates in their desire to play the chief and raise regiments. In general, however, the landlord motivated by commercial interests replaced the chief after 1746.

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5. Archibald Campbell of Stonefield to the Lord Justice Clerk, 16th April 1746. Saltoun Papers Box 50, National Library of Scotland.


14. J. Cameron Lees, INVERNESS, p. 147.

15. George Cuthbert to the Lord Justice Clerk, 24th May 1746.


17. Albemarle Papers, pp. 79-80.


19. David Graeme of Orchill of Mungo Graeme of Gorthie, 14th June 1746. Montrose Correspondence, Scottish Record Office GD220 5 25.


24. ibid. p. 51.

25. ibid. p. 53.


27. T. C. Smout, op. cit., p. 344.


32. ibid. 508.
33. Margaret I. Adam, THE HIGHLAND EMIGRATION OF 1770, Scottish Historical Review, XVI, 1919, pp. 280-293.


35. SCOTLAND AND SCOTSMEN, pp. 533-535.

36. ibid. p. 511.

37. Melville Castle MSS. Scottish Record Office GD51 1 844 3.