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Superiorities display'd:
O R,
SCOTLAND'S GRIEVANCE,
By reason of the SLAVISH
Dependence of the People
UPON THEIR
GREAT MEN;
UPON ACCOUNT OF
HOLDINGS or TENURES
OF THEIR LANDS,
And of the *Many* and the *Hereditary*
Jurisdictions over them.

Wherein is shewn,
That THESE have been the HANDLES of
REBELLION in preceeding Ages,
especially in the Year 1715:
And that, upon their Removal, and putting the
People of *Scotland* on the Footing of those in
England, the Seeds of Rebellion will be plucked
up for ever.

Salus populi est suprema lex.

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ADVERTISEMENT.

THIS valuable Performance was published in 1716, after the Rebellion 1715, by a Gentleman of great Knowledge, touching Holdings and Jurisdictions. It is judged that a second Edition will not be unacceptable after the late Rebellion, when the Parliament are to take this important Affair under their Deliberation. A Friend of the Author's has subjoined some things necessary to be known upon the Subject.

Superiorities display'd:

O R,

SCOTLAND'S GRIEVANCE, by reason of the slavish Dependance of the People upon their Great Men, on account of the Holdings or Tenures of their Lands, and of the many, and especially the hereditary Jurisdictions over them;

Wherein is shown,

That these have been the Handles of *Rebellion* in preceeding Ages, especially in the Year 1715, and that upon their Removal, and putting the People of *Scotland* on the Footing of these in *England*, the Seeds of *Rebellion* will be plucked up for ever.

THERE have been so many Attempts against the Protestant Succession to the Crown of the Dominions of *Great Britain* and *Ireland*, especially in the Year 1715, that whatever will give Strength and Security to our happy Constitution, against such Attempts for the future, ought to be duly considered, and every Thing that may have a Tendency to unhinge and disturb the same, ought to be avoided and removed.

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Nothing does more mar the Happiness, and threaten the Quiet of our excellent Constitution, than the slavish Dependencies, that the People of *Scotland* groan under, by reason of the Tenures or Holdings of their Lands, and the hereditary Jurisdictions in the Hands of their great Men. There needs nothing more be done, to make this evident, than to explain the Nature of these Tenures and Jurisdictions in the Hands of their great Men, for thereby the Danger arising from them to the Kingdom will plainly appear.

The chief Kinds of Holdings in *Scotland*, are either Feu, Ward, or Blanch; it is consequent to all these, that the Superior or Over-Lord has a civil Jurisdiction over the Inhabitants of all the Lands that hold of him; and if the Superior's Lands be dignified with the Titles of a Barony, Lordship, Earldom, &c. he has both a civil and a criminal Jurisdiction over his Vassals, his Tenants and Servants, and others dwelling within the Bounds of the Fief, and may authoritatively determine, not only with relation to their Estates and Goods, but may punish their Persons capitally.

Another Consequence of all Feus in *Scotland* is, that if after the Vassal's Death, his Heirs shall neglect to enter to the Fee, and take a Charter from the Superior, for the Space of a Year and Day after his Predecessor's Death, and continue unentered, until the Superior, by an Action of Suit, obtain the said Non-entry to be declared by the Lords of Session; or if the Fee does otherways become void, the Superior does immediately enter

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ter into the Possession of the Lands, and uplifts the Rents thereof as his Property.

In the next Place, if the Vassal owes a Sum, suppose but 50 Pounds to any Person, and he be not in Condition to pay the Debt within the Time limited by his Obligation, which is commonly six Days, after the Creditor has caused him to be required to do it, in the King's Name, he is out-lawed; and if he suffer Year and Day to pass after such Out-lawry, without paying the Debt, the Superior enters into the Possession of all the Lands, or other Estate, that he holds of him, and he has Right to the whole Rents thereof during the Vassal's Lifetime, under the Name of *Liferent Escheat*. If the out-lawed Vassal has feued out a Part of his Fee, the Lands and Estate of all the Sub-vassals, whose Rights were not confirmed, or approven by the Superior, fall with his, to the said Superior, during the immediate Vassal's Lifetime; and the Superior so entering to possess his Vassal's Estate, is not obliged to pay the Debt for which the Vassal was out-lawed, nor any other Debt of either of the Vassals or the Sub-vassals, other than these to which the Superior consented, before the Time of the Out-lawry.

A further Consequence of all the above mentioned Holdings is, that a Superior, whenever he has a-Mind, may force his Vassal to open his Charter-chest, and exhibite to him all the Rights of his Lands; and if they be lost, or otherways wanting, so that he can't produce them, they are declared void and of no Effect, and the Superior enters to possess the Estate as his own Property; and even when the Writs are found out, and recovered and produced, if the Vassal be any Way incumbered

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bered with Debts, and the Superior has an Eye to his Estate, he can find out many Ways to multiply and prolong Suits against him for frivolous Pretexs, till he force him to quit his Right: For if the Vassal shall happen to make the least Encroachment upon the proper Lands of the Superior, for so doing, he forfeits his whole Fee, tho' never so considerable, under the Name of *Purpersion* or *Purpresture*; or if he chances to disown his Superior, he forfeits also all the Lands he holds of that Superior by a feudal Delinquency, called *Disclamation*, and in both these Cases the Superior acclaims the Right, and enters into the Possession of the whole Lands, and enjoys them as his Property.

And the Superiors in *Scotland*, for the most Part, having the Vassals bound by their Charters to appear at three, or more Head-courts in the Year, to be holden by his Superior, or his Baillie, or to appear as often as they shall be called, if the Vassals shall neglect to make their Appearance, they are exorbitantly fined for every Day's Absence.

The Consequents above remarked are common to all the Kinds of Holdings, but these following are peculiar to the Ward-holdings, to wit, that during the Vassal's Non-age or Minority, that is, till the Age of 21 Years complete, the Superior is preferred to all his Friends, as to the Custody of his Person, and is his only Guardian by Law, tho' Custom has made some Change in this Point.

Next, during the Time of the Vassals Minority, and for a Year farther, the Superior has Right to, and takes Possession of all the Vassals Lands, holding Ward of him, and uplifts the whole Rents as Proprietor, without being obliged to pay any of

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of the Vassal's Debts, or perform any of his Obligements.

Likeways in all Ward-holdings, and even in some Feu-holdings, the Superior has the whole Disposal of the Heir in Marriage, and has Right to the Tocher, which the Vassal might reasonably have expected with his Wife; and if he marry without the Superior's Consent, he gets as the Value of the Tocher, two full Years Rent: And if the Superior offer him a Match, and he refuse to marry the Woman offered, the Superior gets three full Years of the Vassal's whole Estate, of whomsoever he holds the same; so that if a Person of 10,000 *l. Sterl. per annum*, holds only 5 *l. per annum* Ward of the Superior, the Ward-Superior gets from the Vassal in the first Case 20,000 *l.* which is One hundred Times more, and in the last Case Thirty thousand pound, which is One hundred and fifty Times more than the Value of the Ward-lands; and the Vassal cannot avoid this Mischiefe, by renouncing the Ward-lands, and quitting them to the Superior; for, by the Laws of *Scotland*, the Superior is not obliged to accept of them.

By the *Scottish* Laws also, if a Ward Vassal happen to die, leaving ten Sons unmarried, and the eldest Son marry; or if the Superior required him to marry at the Age of 14 Years, and he die shortly thereafter, and the second Brother succeed, and having married, or refused a Woman offered to him in Marriage, dies in Minority, and the third do the like, and so on to the last, there will be an Avail of Marriage, as it is called, or a Tocher estimated as above, due to the Superior for

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for each of the Brothers; by which Claims the Vassal's whole Estate is exhausted, and the Superior enriched with his Spoils.

The Ward-superior has this further rigorous Claim against his Vassal, to wit, That if the Vassal shall, for the Payment of his just Debt, or to put himself in a Way to live, happen to sell, or mortgage one Foot-breadth more than the half of the Ward-lands, the Superior carries away the whole, under the Name of *Recognition*, and so both robs the Vassal, and defrauds the Creditors.

Besides the most unreasonable and iniquous Impositions, which arise from the very Nature of the Holdings or Tenures themselves, many Superiors in *Scotland*, especially in the North Highlands and Islands, have their Vassals bound to follow them in the War, in hunting, and to many slavish Services, and to attend them on all Occasions when called, under the most severe Penalties, even to the losing of their Fiefs, by which Means they have them in absolute Subjection.

Indeed, by an Act of the first Parliament of King *George I.* entitled, *An Act for securing the Peace of the Highlands in Scotland*, the foresaid personal Service, and the Vassal's Obligation to perform the same, are discharged as arbitrary and oppressive, as contrary to the Nature of good Government, and destructive to the Liberties of a free People, inconsistent with the Obedience and Allegiance due to his Majesty and Government, as well as the greatest Obstruction to the Improvement of Lands, Husbandry and Manufacturies, and was one of the greatest Means of raising and carrying on the late unhappy Rebellion; yet such

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is the slavish Dependence of the Vassal upon his Superior, that there is scarce an Instance or two to be found, that the Vassal durst adventure to take the Benefit of this Statute; so the Clauses annulled by the Statute are continued and renewed in the Vassal's Charters, and the Services are demanded and performed still; and in case of the Vassal's Neglect or Refusal, he is punished by a Judge appointed by the Superior as formerly.

The above-mentioned Tenures of the Lands are the Remains of the old *Gotbick* Constitution, and might have been reasonable, when there was no other Way of defending the Country; for the Vassals, who held by their Knight-Services, were instead of a Standing-army: But now there are standing regular Troops, kept up for a constant Defence of the King and his Government, and the Vassals do pay the greatest Part of the publick Supplies laid upon *Scotland*, for Payment of these Troops; and therefore should be freed from the Slavery of those Holdings, which now are not only useless, but hurtful.

The next Grievance of the People of *Scotland*, and Danger of *Great Britain*, arises from hereditary Jurisdictions in the Hands of their great Men. Some great Men have a Power of Justiciary over vast Tracts of Ground, equal in Criminals to the Power of the Lords Commissioners of Justiciary, and exclusive of the same. Some have large Jurisdictions of Regality, with the same Power of punishing capitally; and albeit these Lords of Regality be accountable to the Lords Justices, so as Processes may be removed from them to the saids Lords; yet the Lord of

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Regality, or his Depute, has Right to sit on their Bench, and judge with them in the Cause.

These great Men, in virtue of their Rights of Justiciary and Regality, have Right to seize all the Goods and Effects of Persons condemned in their Courts; yea, if their Sons, living within their Jurisdictions, happen to be outlawed for not Payment of their Debts, they have Right to seize and appropriate all their Movables to their own Uses, under the Names of single Escheats.

Some great Men have heritable Rights of Sheriff-ships and Stewarties over whole Countries; and in virtue thereof have likewise a Jurisdiction, both Civil and Criminal, and have Right to apply all the Fines, Forfeitures and Amerciaments of their Courts to their own private Uses.

The Country of *Scotland* is likewise divided into Jurisdictions, called Commissariots; the Judges thereof, Commissaries, have a civil Jurisdiction; also every Royal Burgh hath Power within its own Limits to judge in Matters both Civil and Criminal; by this Multitude of Jurisdictions, the Subjects are heavily oppressed: For if a Royal Burgh ly within a Regality, that Regality within a Commissariot, and that Commissariot within a Shire, which is very common, the Inhabitants of Burghs are subject to all these Courts for the same Cause, and may be attack'd, and sisted before any of them, and so are harrassed by the contending Jurisdictions.

That the Protestant Religion, and the civil Liberties of *Great Britain* are in imminent Danger, by these Superiorities and hereditary Jurisdictions, is very evident; if it be considered, *imo*, That
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the most Part of the People of *Scotland* do hold their Lands of Subject-Superiors, by one or other of the above mentioned Tenures, and very many of them by Ward-Holdings, and almost all the Subjects in *Scotland* live within some of these heritable Jurisdictions, and so all *Scotland*, generally speaking, is under a slavish Subjection to their Superiors and great Men, from one or other of the foresaid Causes, *2do*, The Chiftains of Clans, and the People under them are very numerous; for it appears from the Rolls annexed to the End of the 11th Parliament of King *James VI.* held *anno* 1587, that there are 136 Landlords, in whose Estates the Persons of the Claimers do dwell, who were obliged to give Security for their good Behaviour; besides 51 Clans, that have Chiftains on whom they depend; and 'tis among these Clans in the Borders, and in the Highlands and Islands, that the Tyranny of the superior and inferior Judges, supported by the foresaid Tenures and heritable Jurisdictions, is most rigorously exercised, and the People are under a slavish and unlimited Subjection; for by reason of the Oppression of their Over Lords and Judges, they are extremely poor, and grossly ignorant, having no just Notions of Religion, Virtue or Civil Government; and these Masters chuse to keep them in that Condition, that they may have them the more obedient to their Commands, and blindly to follow them, without asking Questions. The poor People know, that their Superiors, by their Tenures and Jurisdictions, have a hundred Ways, under Colour of Law, to ruin their Families, and hang themselves, if they refuse their Commands; and
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these that ly at a Distance from the Seat of the Government, and so have not any Opportunity to complain they are poor, and want the Means necessary to enable them to enter their Complaints; and they know that their Complaints would afford them no Relief, because their Oppressors have the standing Laws, by their Tenures and Jurisdictions, to support them, and justify their Proceedings: Therefore, until the King and Parliament relieve them, they will, and must obey, and follow their Superiors and Judges, even against the King and Government.

These Heads of Clans, and the People depending upon them, a very few excepted, are always on the Side of Popery and Slavery; for many of them are Popish, and the poorer Sort are grossly ignorant; and these Things joined with their Neighbourhood, and Identity of Language, with the native Trifles, make them to be of the same Mind, both as to religious and civil Matters, altogether inconsistent with the present happy Constitution of *Great Britain*. For as the Papists, among them depend upon the Pope as the Head of the Church, so the greatest Part of these, who pretend to be Protestants, do own a Popish Pretender for their lawful Sovereign, and depend on foreign Popish Powers, as the main Strength of their Hopes and Expectations; so that, if ever it should be the Misfortune of *Great Britain* to fall under an arbitrary Prince, he may, by gaining of these Superiors and heritable Officers, be able to raise a numerous Army, without being obliged to a Parliament for Money: And if ever a Rebellion should again break out in *Ireland* or *Scotland*, these
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enslaved People would be ready to carry on the Design.

That these Vassals and Persons, subject to these heritable Jurisdictions, especially the Clans in the Highlands and Islands, by reason of their slavish Subjection and unlimited Obedience to the great Men their Over-Lords, will always be ready Tools to an arbitrary Prince, to enslave the Nation; yea will be at the Call and Command of their said Superiors and Over-Lords, even against the King and Government, is not a mere Supposition, but a certain Truth founded upon Experience, will appear from the following Instances.

These who will look into the *Scottish* History, will find, that these People have often rebelled against their Princes, have made War upon one another, and have made many Incurfions upon their peaceable Neighbours in the adjacent Low Countries, which has occasioned many Laws in sundry Reigns, particularly that of King *James VI.* in whose Reign, by an Act of Parliament, the Chiefs of the Clans were obliged to give Hostages for securing the Peace of the Country.

In the Reign of King *Charles II.* an Army of 10 or 12,000 of these Highlanders was brought down on the West of *Scotland*, who ravaged it with as much Barbarity, as if it had been an Enemy's Country.

These Highland Superiors and Chiefs, with their Clans, created much Trouble to King *William* after the Revolution. It is very well known what strong Efforts they made against his brave disciplin'd Troops at *Killicrankie*, where General *MacKay* was beat off the Field.

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The Protestant Succession was in great Danger from these Clans in the Close of the late Queen's Reign; they made bold and treasonable Addresses in Favour of the Pretender, and the Heads of these Clans had annual Pensions given them.

In the wicked and unnatural Rebellion under the late Earls of *Mar*, *Marshall*, *Seaforth*, and the other Heads of Clans, by Means of their Superiorities and heritable Jurisdictions, they were able in a few Weeks to raise an Army of 12,000 Men, Part whereof had the Boldness, against an established Government and the King's Army, to invade *England*.

It was by Means of these Superiorities and heritable Jurisdictions, that the Heads of Clans and great Men concerned in the Rebellion *anno* 1715, raised their Army in Support of *France* and the Popish Pretender, whereby they ravaged the Country, insolently invaded *England*, and occasioned a great deal of Bloodshed, endeavouring to overturn our happy Constitution, and to settle the Pretender upon the Throne.

And it will be from these Over-Lords and Offices, so long as their Superiorities and Jurisdictions are continued with them, that *Great Britain* shall be in great Danger; for notwithstanding the Pains taken by the Government to disarm them, yet it is certain, they were still well armed, after the Victories of *Sheriffmuir* in *Scotland*, and *Preston* in *England*, by Supplies from abroad sent them, on Purpose to put them in a Condition to encourage and support foreign Invasions, which it is not possible to prevent by any naval Power, because of the vast Extent of the Highland Country, and the

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the many convenient Harbours and landing Places in their Coasts.

These seem to be strong enough Grounds to prevail with our wise Sovereign and the *British* Parliament, to take these Superiorities and heritable Jurisdictions out of the Way, for the future Safety of our happy Constitution, and the Relief of his Majesty's Subjects, from their slavish Dependencies and heavy Oppressions.

The People of *England* found such Dependencies to be Handles for intolerable Oppression. King *Henry VII.* by the Laws in his Reign, freed the Commons in a great Measure from their Dependence on their great Lords; and the Parliament of *England*, by their Act 24th *Duodecimo Caroli Secundi*, took away the Court of Wards, Liveries and Honours *in capite*, and by Knight-service and Purveyance, as being grievous and prejudicial to the Kingdom, and settled a Revenue upon the King in lieu thereof: And now *Scotland*, by the Union, being a Part of the same Kingdom of *Great Britain*, has Reason to plead for the same Freedom.

It will undoubtedly be objected, that by the 20th Article of the Treaty of Union of the two Kingdoms, that it is stipulated, "That all heritable Offices, Superiorities and Jurisdictions, Offices for Life, and Jurisdictions for Life, are reserved to the Owners as private Rights of Property." But to this the Answer is plain, *imo*, That all heritable Offices and Jurisdictions are contrary to Law in *Scotland*, at least such as are granted since the 4th of *August* 1455; for the Act 44th, *Parl.* 11th, *James II.* enacts, "That after

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“ after that Time no Office shall be given in Fee
 “ and Heritage; and that the Offices that were
 “ then given since the Death of King *James I.*
 “ should be revoked and annulled, and that if
 “ the Possessors of these Offices to be revoked
 “ have paid Money to the King for them,
 “ the same shall be repaid, Consideration being
 “ always had of the bygone Profits of the same
 “ reaped by them, during their Possession;”
 and in particular, as to Regalities, it is appointed
 by the immediate preceding Act, *Act 43d*, that
 such of them as were in the King's Hands should
 be annexed to the Sheriffships; and that no Re-
 gality should be granted after the Date of that
 Act, but by Deliverance of Parliament; and the
Act 69th, Parl. 11th, James VI. discharges the
 giving away his Majesty's Casualties, which by
 granting of Regalities is done; and in the Prosecu-
 tion of the foresaid Act 44th, all Gifts of Regali-
 ties made by the Crown are expressly revoked by
 all our Kings in their general Revocations; and
 therefore all heritable Offices and Jurisdictions
 granted since the Date of the said *Act 44.* being
 obtained from the Crown *per subreptionem*, are
 contrary to the Laws of *Scotland*.

This Act of the Union cannot protect them
 against a subsequent Act of the *British* Parliament;
 for this Union Act can never be construed a suffi-
 cient Repeal of the former Acts, and a new
 Grant of such Offices and Jurisdictions, as were
 possess'd by the Subjects of *Scotland* against Law.

2do, By the publick Law of Nations, all private
 Rights must yield to the publick Welfare and
 Safety, the Owners always getting a just Equi-
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valent, and this the Superior may expect; for
 what is justly and really valuable, to wit, their
 Feu-duties and Feu-tenures: But as to the Ward-
 holdings, and the Casualties thereof acclaimed by
 the Superiors, and the other Consequents above-
 mentioned, even in other Tenures, they are so
 barbarous, absurd and unjust in their own Nature,
 that they should not be continued in any civilized
 Nations, for they are the Handles of cruel Op-
 pression upon the Vassals, and have been so used,
 to the Ruin of many Families of *Scotland*: And
 as such Recompence, by an Equivalent, is agree-
 able to the Laws of Nations; so by the foresaid
 Act 44th, the same is expressly authorized, with
 respect to the foresaid heritable Offices and Juris-
 dictions.

3tio, By the 4th Article of the Union, it is
 provided, “ That there shall be a Communica-
 “ tion of all Rights, Privileges and Advantages,
 “ which do, or may belong to the Subjects of
 “ either Kingdoms;” and therefore, seeing the
 Subjects of *England* have obtained the Privilege
 and Advantage of Freedom from these slavish
 Tenures and Dependencies among them, the Sub-
 jects of *Scotland* being now united with *England*,
 have Right to claim and expect the like Immu-
 nities.

4to, By the last Clause of the 18th Article of
 the Union, it is provided, “ That an Alteration
 “ may be made in Laws, which concern private
 “ Rights, for the evident Utility of the Subjects
 “ in *Scotland*;” And that the abolishing of these
 Tenures and Jurisdictions will tend to the Utility
 of the People of *Scotland*, is most evident, from
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what has been said above; and it is to be noticed, that the 20th Article, which relates to these Superiorities and Jurisdictions, does not declare their Constitution to be unalterable.

And, *lastly*, The Parliament of *Great Britain* have, in the Narrative of the above mentioned Act, *anno primo Regis Georgii I.* already shown what is there meant, as to the forefaid Objection; for they, for the Reasons above exprest, have broke in upon the Superiorities in *Scotland*, by taking away some of their Consequences for an Equivalent in Money, and have not thought their so doing any Encroachment upon the Articles of the Union: And therefore seeing the same, and much stronger Reasons, do plead against what remains of the Grievances complained of, as plainly appears from what hath been set forth, these now complained of should be removed like-ways.

It is humbly hoped the Legislature will think it proper to apply the same Remedy as to the whole, that the People of *Scotland* may be put on the Footing with these of *England*. And the Seeds of Rebellion, arising from these Superiorities and heritable Jurisdictions, may be for ever removed.

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A P P E N D I X.

THE breaking and dividing of the Clans, as far back as the Days of *Malcolm Canmore*, was judged very necessary for the Peace and Quiet of the Kingdom; the Method taken by him is mentioned by the Earl of *Cromarty*, in his *Historical Account of the Conspiracies of the Earl of Gowrie*, p. 4: in a Note at the Foot of the Page, he says, "That the Word *Ilk*, in our *Scots* Language, denotes, that either the Person has given the Name to the Land, or has taken his Name from the Land; and this Practice was one of King *Malcolm Canmore's* wife Inventions, who finding that Oneness of Name, was a Cause of the Clubs and Cabals, called *Clans*, in place of these old Patronimicks, the King did encourage all, on whom he did confer any Title of Honour, as of Earl, Lord, or Baron, to take their Denomination from the Lands erected in the Lordship or Barony, so to divide and break the *Clans*, by loosing the Ligament of these patronimick Names, and so *divide et impera* was his Project."

The Gentleman, who was the Author of *Superiorities displayed*, takes Notice, p. 9. that the Clans and their Chiftains are very numerous; for this he refers to the Rolls annexed to the 11th Parliament of King *James VI.* containing the Names of 136, who were obliged to give Security for their

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their good Behaviour: But these in the Middle and West Marches have for a long Time been as much civilized, as any Parts of the united Kingdom; there was easy Access to these Places, so that they were kept in Order and Subjection; but it is not so as to the Highlands and Islands. And as to the 51 Clans mentioned in the Rolls, the Chief of them, who are either Popish or Jacobites, are the *MacClanes*, the *Camerons*, *MacDonalds*, *Clanronalds* in *Lochaber*, *Clanronald* of *Knoydart*, *Moydart*, *Glengary*, *Stewarts* of *Lorn* or *Appin*, *MacLeods*, *MacIntoshes*, *MacGrigors*, *Struan Robison*, the *Frasers*, *MacLauchlans*, *MacKenzie's*, and their Branches; these were at that Time to give Pledges for their good Behaviour, "which if they refused, they were to be esteemed Enemies to GOD, the King and his faithful Subjects, and to be pursued with Fire and Sword wherever they can be apprehended. See the Act itself. The Occasion of this and other severe Acts against them, we learn from Act 92 of the said Parliament, in which it is said, "That it was their wicked Inclination, delighting in all Mischief, and most unnaturally and cruelly wasting, herrying, slaying, and destroying their Neighbours and native Countrymen, taking Occasion of the least Trouble that may occur in the inner Parts of the Realm, when they think, that Care and Thought of the repressing of their Insolence is anyways forgot, to renew their most barbarous Cruelties and godless Oppressions." In p. 13th, an Instance is given of their Oppressions and Ravages, *anno* 1678. In the Reign of King *Charles II.* an Army of Highlanders

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landers is sent into the West of *Scotland*, consisting of 8 or 10,000, where they lived for some Months on free Quarter, and committed most notorious Outrages, without any Provocation or Opposition, there being no Enemy. It seemed that they designed to force an Insurrection, (but the People took patiently the spoiling of their Goods) they had big Hopes and Expectations of the Estates of those that should rise up against the Government, so that in *Valentine's* Even, instead of drawing Mistresses, they drew Estates, as Bishop *Burnet* expresseth it. With respect to this, and other Depredations committed by the Highlanders, the first Parliament after the Revolution, sent up their Grievances to King *William*, desiring a Redress of them: Whereof this was one, "That an effectual Course may be taken to repress the Depredations and Robberies committed by the Highlanders." See Act 18. *anno* 1689. The King's Instruction to the Duke of *Hamilton*, Commissioner to the Parliament, was in these Words, *You are to endeavour to procure an Act, for an effectual Course, to repress the Depredations and Robberies by the Highland Clans; and when this Matter is digested, you are to transmit the Proposals to us, that you may get particular Instructions thereanent.* A Gentleman, in an *Account of the Affairs of Scotland*, printed about that Time, gives us his Observation upon this: It is, "That the Depredations by the Highlanders, is certainly a great Inconvenience to the Kingdom, whereby the Inhabitants of the Lowlands, are not only obliged to keep Numbers of armed Men, to watch and guard the Passages and De-

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“ scents from the Highlands, but likewise to pay
 “ considerable Compositions to these Robbers, to
 “ procure their Protection and Assurance, which
 “ the Law discharges, and this Acknowledgment
 “ is called *black Mail*, whereby these Thieves are
 “ sustained without Industry or Virtue, who are
 “ hard to be reduced or brought to Justice, be-
 “ cause of the Inaccessibleness of the Mountains,
 “ and that Forces are not able to find Subsistence
 “ there, nor march as far in two or three Days
 “ in a Body, as the Highlanders can do in one,
 “ and therefore the Grievance is just; but there
 “ is no Method proposed for accomplishing the
 “ Redress, therefore the King did remit to the
 “ Parliament to consider and digest effectual Cour-
 “ ses for repressing the Highlanders, which are to
 “ be transmitted to his Majesty, that he may give
 “ particular Instructions to his Commissioner.
 “ Likeas, tho’ in the mean Time the Parlia-
 “ ment did refuse to grant a Supply, yet the
 “ King hath maintained a considerable Army
 “ upon his own Charge this Summer, and hath
 “ planted some considerable Garrisons round the
 “ Verge of the Mountains, to secure the Low-
 “ lands; and if his Majesty should withdraw, or
 “ disband these Forces, which he hath not been
 “ enabled to pay, the Highland Clans being
 “ now combined in Arms and open Rebellion a-
 “ gainst the Government, they would quickly de-
 “ stroy that Kingdom, and raise such a Flame in
 “ *England*, as might have fatal Effects before it
 “ could be effected.” A Method for repressing
 the Depredations in the Highlands, was agreed
 to in the third Session of the first Parliament of
 King

(23)

King *William* and Queen *Mary*, Act 4th, *Septem-*
ber 10th 1690. But so far as I can understand,
 it was no effectual Remedy. In the Reign of
 King *Charles* I. the Parliament, *anno* 1633, made
 an excellent Law against the *Glan-Gregour*, and
 their Followers, to wit, “ As any of them comes
 “ to the Age of 16 Years, they shall compear
 “ before the Lords of the Privy Council, and find
 “ Caution for their good Behaviour, and take to
 “ them some other Sirname: And in case they fail,
 “ they being put to the Horn, if any of the King’s
 “ Subjects shall hurt, mutilate or slay any of them,
 “ in apprehending of them, they shall not incur
 “ any Pain or Skaith in Body or Goods. And
 “ further, for the extirpating of the said wicked
 “ Limmers, it is statuted, That no Minister shall
 “ baptize any Male Child, with the Name *Gre-*
 “ *gour*, under the Pain of Deprivation; and that
 “ no Clerk or Notar shall make or subscribe any
 “ Security, under the Name of *Gregour*, under
 “ the same Pain: It is also ordained, that if any
 “ of the said *Clan-Gregour* shall happen to be put
 “ to the Horn, and legal Publication being made
 “ hereof, whosoever shall receive, supply or in-
 “ tercommune with them, shall be punished in
 “ their Bodies and Goods; and that whosoever
 “ shall apprehend and present any of them to the
 “ Lords of Council, or Justice-General, shall
 “ have their movable Goods for a Reward.”
 This Act was indeed rescinded in the Year 1661;
 but this rescissory Act was annulled, and made
 void by Act 39. of the 4th Session of King *Wil-*
liam’s Parliament.

In

(24)

In the Year 1693, *June 15.* the Parliament made another Act (it is Act 39.) for the more effectual suppressing of the Depredations and Robberies frequently committed by the Highlanders, it is entituled, *Act for the Justice in the Highlands*; but it was to continue only for the Space of two Years, and was no effectual Remedy; what therefore was proposed by the Author, *anno 1716,* seems to be most adapted for the Peace and Safety of the Country. A Friend of the Author judged it would be acceptable to the Publick to subjoin this Appendix.

F I N I S.