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The Statutes of Iona in Context

In the long history of the relationship between the Scottish state and the Highlands, three dates have always stood out. In 1493, the Lordship of the Isles was forfeited, ending the possibility that a semi-independent state might develop in the West. In 1746, the defeat of the last Jacobite rebellion signalled the end for the autonomous military power of the Highland clans. Halfway between these two dates, in 1609, we find the Statutes of Iona.

Why exactly is it, though, that all the textbooks mention the Statutes? The content of their nine clauses1 can be puzzling if we read them as transforming the nature of clanship or the authority of the state. Why was it considered so important, for instance, to establish inns throughout the Western Isles (clause 2), or to prohibit the import of wine and whisky into the region (clause 5) – which would hardly have attracted custom to the proposed inns? Or again, bans on the use of firearms had been periodically enacted by Parliament without attracting much interest from contemporaries or from historians, so why did it matter so much when the ban was repeated (clause 7) for the Isles?

That the Statutes were important was first suggested by Donald Gregory in his fine pioneering history of the West Highlands, first published in 1836; his interpretation was endorsed and amplified by David Masson in the 1880s in his edition of the prime source on the subject, the Register of the Privy Council.2 The topic then languished for a century, in which little further research was done on the Statutes although Gregory's and Masson's views were received into every textbook.3 Two recent studies have shed further light on the subject: Maurice Lee's seminal study of early seventeenth-century Scottish

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1 Summarised and discussed below, pp. 50–5.
2 D. Gregory, The History of the Western Highlands and Isles of Scotland, 1493–1625 (2nd edn, London and Glasgow, 1881), 350–3 (where they 'deserve the particular attention of the lover of Highland history'); Register of the Privy Council of Scotland [RPC], viii, pp. 4iv–lxiv; ix, pp. xxvi–xxxii (where they have grown to become 'one of the most important transactions in the History of the Scottish Highlands'). Gregory gave the Statutes their name ('Statutes of Icolmkill'); see his edition of parts of their text in Collectanea de Rebus Albanicis (Iona Club, 1847), 118. At the time he wrote, no significant histories of Scotland extended beyond 1603.
3 Notable discussions of the Statutes were in W. C. Mackenzie, History of the Outer Hebrides (Paisley, 1903), 240–2, and I. F. Grant, The Macleods: The History of a Clan (London, 1959), 208–13. They were strikingly described as 'the Magna Charta of the Western Isles' by F. T. Macleod, 'Sir Rory Macleod', Transactions of the Gaelic Society of Inverness [TGSI], xxviii (1912–14), 416.
politics and government, which devotes two long passages to the Highlands; and, more recently, Allan Macинnes's informative account of half a century of Highland policies in which the Statutes of Iona stand at the centre. Professor Lee's interpretation is built round a dispute between the king and his Privy Council, in which James's councilors finally persuaded him to drop his impractical and over-ambitious colonisation schemes and to work with the established clan chiefs rather than against them. Professor MacInnes focuses on the structure of clanship, arguing that the central aim of the Statutes was to restructure the clans of the Isles in order to bring them into line with those of the rest of the Highlands.

These studies contain much that is of value. But they also share two long-standing - and questionable - assumptions: first, that the Statutes formed a complete and coherent programme in themselves; and second, that they were the centrepiece of Highland policy under James VI and I. Both these assumptions, particularly the second, need to be explored.

The Statutes first need to be considered in their context. Government policies towards the Highlands were being continuously formulated and reformulated in the early seventeenth century, in the light of experience and as part of a general forward movement of state intervention. The broad context is formed by the Scottish government's increasing desire from the 1580s to control the Highlands, rather than merely to cope with Highland incursions into the Lowlands. Since 1596, this desire had informed a novel series of military expeditions to the Isles. Since 1598, a project for direct colonisation in Lewis had been under way. Since 1602, the English victory in the Nine Years' War in Ulster had opened up the possibility of driving a wedge between the Gaelic worlds of Ireland and Scotland. Since 1603, the Union of the Crowns had meant that this could be pursued in a more co-ordinated way, while the Borders also experienced the heavy hand of joint Anglo-Scottish policy.

This broad context is familiar enough; but we also need to focus on the immediate context. The Statutes of Iona were in no way unique. There were several sets of regulations for the Isles, or attempts to formulate and revise such regulations, between 1607 and 1617. These need to be considered together, with careful attention to chronology. Further, although general pronouncements on 'the Isles' were common at the time, this should not obscure the fact that there were always different policies for different islands.

The background to the Statutes, taking 1607 as the most convenient starting-point, was the continuing effort by the 'Fife Adventurers' to colonise Lewis, and the government's search for opportunities for

further colonisation. The Adventurers’ project had begun in 1598, when a syndicate of Lowland lairds had received a grant of Lewis. The scheme exploited a fratricidal power struggle among the Macleods of Lewis which hampered their resistance. The Adventurers made a second settlement in August 1605, which continued until about October 1606, when (like the previous one) it was ousted by resistance from the Macleods. This defeat did not lead to any policy reappraisal: in the autumn of 1607, a new syndicate of Adventurers was assembled, and in October it received a new grant. Colonisation remained the order of the day in Lewis.

Early in 1607, another colonisation project was mooted: all the other ‘north Yllis’ (the main one being Uist) would be granted to the marquis of Huntly, who offered to conquer and occupy them at his own expense. He offered a feu-duty of £400 per year, but the Privy Council wanted £10,000 per year, and in June, after lengthy negotiations, the scheme was dropped. It is not clear whether the Council was being deliberately obstructive; the Fife Adventurers’ feu-duty was only £1,000 plus 3,600 fish, so the demand for £10,000 might well have seemed unreasonable. On the other hand, as we shall see, later developments would show that sizeable sums could be extracted from the Isles.

The other challenging region of the Western Isles just then was Kintyre. The southern branch of the MacDonald clan had been trying for a decade to cling to its lands there, but faced growing difficulties. There was dissension within the clan leadership (the chief, Angus MacDonald of Dunivaig, was at odds with his son and heir, Sir James MacDonald); the Antrim branch of the clan had recently seceded; and the Campbells were a hostile and predatory presence. There had been official military expeditions to Kintyre in 1596 and 1605. In November 1606, a draft agreement was reached by which the lands would be granted to the earl of Argyll, and this was put into effect in May 1607. This seems to have drawn a line under the issue of Kintyre as far as the government was concerned.

On the withdrawal of Huntly’s scheme for the ‘North Iyls’, the


6 James VI to Lord Balmerino, 29 Jul. 1607, Fraser, *Elphinstone*, ii, 155; *Registram Magni Sigilli Regum Scotorum* [RMS], vi, nos. 1981–3. This involved the forfeiture of two island chiefs, Roderick Macleod of Dunvegan and Donald Gorm MacDonald of Sleat. It cancelled a previous grant of Lewis to Kenneth Mackenzie of Kintail, made in Mar. 1607 when the Adventurers presumably seemed to have given up: *RMS*, vi, no. 1879. For earlier official indecision about the forfeiture of Macleod of Dunvegan see James VI to Sir Thomas Hamilton, 27 Dec. 1606, *Letters to the Argyll Family*, ed. A. MacDonald (Maitland Club, 1839), 35.

7 *HP*, iii, 100–5.

8 *Acts of the Parliaments of Scotland* [APS], iv, 248, c. 55.

king in July 1607 commissioned the Comptroller and four privy councillors to draw up a new scheme for the Uist region; it was to be similar to the settlement recently reached with Argyll over Kintyre.\footnote{James VI to earl of Lothian et al., 13 Jul. 1607, Fraser, Elphinston, ii, 154–5.} This could be seen as a retreat from policies of colonisation, at least in Uist; but it is doubtful whether anyone had seen the Huntly scheme in Uist as wholly different from the Argyll scheme in Kintyre. Both schemes involved extirpation of the traditional clan elite of the locality and the introduction of more amenable structures of authority. In Argyll's case, the new structure consisted of his Campbells, whereas Huntly would have been more likely to introduce Lowlanders – but the similarities are evident. While the government's professed intention was to find another projector to replace Huntly, in fact the Uist scheme was being referred to a committee in order to bury it. The local Uist clans (mainly the MacDonalids of Clanranald) did not offer the kind of opening for a take-over that had been presented by the troubled Macleods and MacDonalids in Lewis and Kintyre. No new scheme for Uist ever emerged from the committee.

We should also note events in Ulster. The English government faced in Ireland similar challenges to those faced by the Scottish government in the Highlands, and it developed a similar range of policies. Moreover, there were kinship and political connections between Gaelic lords on both sides of the North Channel. In September 1607, the dissident earls of Tyrone and Tyrconnell found their position untenable and fled to Spain, providing an opening for a new programme of colonisation in Ulster, and also freeing the English garrisons there for combined operations elsewhere.\footnote{T. W. Moody et al. (eds.), A New History of Ireland, vol. III: Early Modern Ireland, 1534–1691 (Oxford, 1976), 195–7.}

So in late 1607 and early 1608, the Scottish government was seeking something else to do in the Western Isles, and it had the prospect of military support. Kintyre and Lewis were in hand; Uist had been put on the back burner along with Skye;\footnote{Policy towards Skye in 1607–8 is not altogether clear, but the island seems not to have been a priority. Its most northerly estate, Trotternish, had appertained to the Macleods of Lewis, and was included in all grants to the Fife Adventurers, but there is no evidence that they went there. The estates of the leading Skye chief, Roderick Macleod of Dunvegan, were also granted to the Adventurers on 18 Oct. 1607 (he had been under nominal forfeiture since at least 1605): RMS, vi, no. 1918. But the grant was not followed up, and may have been a way of shifting responsibility from the government to the Adventurers. Cf. W. D. Simpson, ‘A chronicle history of Dunvegan Castle’, TGSJ, xxxvii (1934–6), 379.} it was time to pay attention to some other islands – particularly Mull and Islay. Since 1597 the government had possessed a weapon over the chiefs in the form of a statute invalidating all Highland land titles that had not been registered within a six-month deadline.\footnote{APS, iv, 138–9, c. 33. The deadline had expired on 15 May 1598.} Of course, the chiefs had not registered; some did not even possess the kind of parchment title that the statute would have recognised. So the government could at any time make the
opportune discovery that a chief's title was invalid, and grant his lands to someone else. It was a question of targeting a particularly troublesome chief, or a particularly vulnerable one. Who that would be is now unclear – perhaps it was unclear at the time – but the intention was certainly to achieve something.

Thus in March–April 1608 a new expedition to the Isles was announced. A commission was deputed by the Privy Council to negotiate with Angus MacDonald of Dunivaig and Hector Maclean of Duart, the leading chiefs in Islay and Mull respectively. (They were addressed, as great Irish chiefs liked to be, simply by their surnames – 'McConell and McClayne'.) The demands were as follows. They should find caution for paying royal rents. They and their followers should be answerable to the laws. They should hand over all their castles to the crown, destroy their warships, and carry no firearms, bows, or two-handed swords. They should renounce all rights of jurisdiction, allegedly usurped, and instead obey the regular courts. They should accept the holdings of land allocated to them by the crown – the implication being that these holdings would be more modest than their present ones. Finally, they and their leading followers should send their children to schools in the Lowlands.14

This programme, had it been implemented in full, would have amounted to a demolition of clan power. The clans would have been demilitarised, and their disputes settled for them by the regular institutions of the state. Their Gaelic culture would in due course have been replaced, at least as far as the chiefs and clan elite were concerned, by the culture of the Lowlands. Finally, the clans would have been dispossessed of some of their lands. Colonisation was not specifically mentioned for these lands, but was surely implied. This was, after all, a set of demands to the chiefs. There was no need for the government to consult the chiefs about what it would do with the land that it intended to confiscate from them – and, other than planting colonies, what else would it have done with that land?15

The demands were put forward by the Privy Council as the opening shot in a military campaign. The following month its guns were unexpectedly spiked by a Convention of Estates, which 'altogether disassentit fra ony contributioun or taxatioun for that service'.16 Soon afterwards, perhaps as a conciliatory gesture, Alexander Òg MacDonald (an illegitimate son of MacDonald of Dunivaig) received a remission for having detained Dunivaig Castle illegally.17 However, by the autumn, resources had been brought together for a small military expedition to

14 *RPC*, viii, 737. MacDonald and Maclean had been bracketed as untrustworthy in 1607, when Argyll's grant of Kintyre had stipulated that he should not lease any part of the territory to them or to anyone of their surname: *RMS*, vi, no. 1911.


16 *APS*, iv, 404; Council to James, 21 May 1608, *HP*, iii, 107–8.

17 *RMS*, vi, no. 2092 (30 May 1608). It is not clear when he had been detaining it – perhaps in 1606.
the Isles, headed by Lord Ochiltree. His instructions were simply to reduce the chiefs to obedience and obtain payment of royal rents.\textsuperscript{18} Ochiltree visited Skye, Mull and Islay, and captured several chiefs by trickery. He also seized the castles of Dunivaig and Duart, leaving a garrison in the former.\textsuperscript{19}

According to Ochiltree's colleague, Andrew Knox, bishop of the Isles, this \textit{coup} reduced the chiefs to 'ane servill feir of the executioun of your majestis justle conceawit wrath aganis tham'. He envisaged a settlement with them that would 'induce tham all without hostelite or openyng of your hines cofferis to accept of such a soleit ordour as may reduce tham to ane haiste reformation in na aige hereafter to alter'.\textsuperscript{20} The chiefs were brought to the Lowlands and incarcerated pending the establishment of such a 'soleit ordour'.

A government commission on the Isles was established in December. Its aim was to negotiate settlements with the captured chiefs, and with 'all suche other of the Illismen or Heylandis that will come in' (one notable chief who had slipped through Ochiltree's fingers was Roderick Macleod of Dunvegan). The negotiations would be from a position of strength, 'upon suche offerris as they will mak for geving unto us full satisfactioun heirin'. There was a prospect 'that bipast savaigenes and barbaritie ... may be ruted oute, and that civilitie,oure obedientye, and trew religion (the onlie meane to preserve bothe), may be planted'. Also the crown hoped to receive 'the dew rentis addebit to us furth of those Yllis'. One member of the commission's quorum was the Comptroller, Sir James Hay of Kingask, who was responsible for the crown lands.

The commission's aim was not simply to extract rents ('the meanest of all the motives', said the king sententiously), but to foster general prosperity, economic development and the establishment of Lowland-style towns. The king noted that the English were just then 'adviseing in lyke maner for distributing of the whole north paire almost of oure kingdome of Yrland to suche of oure goode subjectis as will plant colonyis thairin', but no direct proposal to colonise the Isles was made. Again this was probably not because it was no longer on the agenda, but because it would be pointless to discuss it with the chiefs.

What it \textit{was} worth discussing with the chiefs was how far they were going to convert themselves and their clansmen into obedient, civilised and industrious Scotsmen. The king thus announced that he was 'unwilling to extermine, yea skairse to transplant, the inhabitantis of the same [i.e. the Isles], bot upon a just cause', which was perhaps reassuring. He told the commission that he saw three sorts of problematic


\textsuperscript{19} \textit{RPC}, viii, 173–5. The captured chiefs were: Angus MacDonald of Dunivaig; Hector Maclean of Duart; Donald Gorm MacDonald of Sleat; Donald MacDonald of Clannranald; Lachlan Maclean, brother of Hector; Alexander Macleod, brother of Roderick Macleod of Dunvegan; and Alan Maclean, son of Charles Maclean of Ardgour.

\textsuperscript{20} Knox to James VI, 17 Sep. 1608, \textit{HP}, iii, 114.
inhabitants of the Isles. First came chiefs without title to their land, ‘accounting their power to oppr ess warrant sufficient to possess, and useing that tyrannicall forme over their tennentis as it maid the cuntre ty to be almost uninhabited’. Secondly there were the followers of such chiefs, who were either unwilling or unable (because of the chiefs’ tyranny) ‘to live by the sweate of their browes’, and so lived ‘upoun other menis labouris’. Thirdly, there were those ‘who ar and do still remayne labouraris’. The first sort were to be banished, or else have their landholdings cut down to ‘a reasonable meane portiou of that same landis whiche they had befoir’ – an echo of the Privy Council’s April demands. The second sort were to be either banished or made to work, and the third were to be allowed to remain unless they had participated in resistance. This was not really the sophisticated analysis of the clan system that it has sometimes been taken to be: it was both illogical and ill-informed in saying that the chiefs tyrannised over the clan elite to make them live ‘upoun other menis labouris’; and it was ambiguous as to whether all the chiefs came into the ‘tyrannicall’ category, though clearly most did. But it did constitute a framework for negotiation with the chiefs. The negotiations that ensued can be reconstructed only in outline. The chiefs’ initial move, in November 1608, had been to submit a grovelling petition agreeing that the king would have been justified ‘utterlie according to our mereittis to exterminat ws’, but asking to be liberated to maintain order among their clansmen, ‘that thais people amangis quhom we remaine, and ovir quhom we haif hade sum commandement, according to thair naturall inclinatiouin in our lang absence, declyne not altogidder to misordour’. Other than that, they had offered no substantive concessions.

The government, however, was unmoved, and the chiefs remained in ward. Gradually they realised that the commissioners of the Isles meant business, and they shifted their ground. On 24 February 1609, their revised position emerged, in a series of offers to the commissioners made by Hector Maclean of Duart. He would be answerable for all the inhabitants of Mull, with named exceptions, and for all inhabitants of the other lands he possessed or claimed. He would enter any of his sons or brothers as hostages for his obedience. He would surrender his lands to take a new infeftment of them from the crown, in which he would undertake to pay annual duties (to be negotiated); he admitted that he could obtain no cautioners to guarantee these payments, so he accepted that the infeftment should contain a clause forfeiting the lands if payments were not forthcoming. We can take Maclean’s offer as representing the position of the other chiefs, because it resembles an earlier set of offers made by Angus MacDonald of Dunivaig when he had been in trouble in 1606. MacDonald had then pointed out that he

21 RPC, viii, 742–7.
22 Petition of Hector Maclean of Duart, Donald Gorm MacDonald of Sleat and Donald MacDonald of Clanranald, 10 Nov. [1608], National Library of Scotland, Dennyne MSS, Adv. MS 33.1.15, no. 12.
23 RPC, viii, 748.
had paid the rents of Islay and Kintyre to the crown (omitting to mention that he did so more or less at gunpoint), and he had expressed himself willing to ‘asist sic reformatioune of the barbarite of thir cuntreis of the Wast and North Iyles’. But such a show of co-operativeness had not helped MacDonald then – as we have seen, he had forfeited Kintyre in 1607 – and it did not help Maclean now. Whether 24 February was the date of his proposal, or just of its registration by the Council, is unclear – but on 20 February 1609, Maclean had already been forfeited. Perhaps this was to encourage him to co-operate, but at any rate his offers were not accepted.

If we take the government demands of April and December 1608 together with Maclean’s response of February 1609, we can see that there was agreement between them (at least in principle) on some issues. Royal rents were to be paid. The chiefs were to obey royal authority, and get their followers to do so. Mere promises to do this were not enough – tangible pledges had to be given. There was an agreed problem of ‘barbarite’ of the Islesmen, for which the chiefs were willing to see to some kind of ‘reformatioune’. But there was still a wide gap. The amount of rent was unclear. The commission wanted to reduce the chiefs’ landholdings, but had made no progress on this. The chiefs had not offered to undertake any substantive restructuring of the clan system, something that the commission clearly regarded as important. It was also fairly clear that the government’s idea of ‘reformatioune’ differed sharply from that of the chiefs, particularly regarding Gaelic culture.

In the spring of 1609, Bishop Knox went to court to discuss the business with the king. In May, there was a show-trial of Sir James MacDonald, the heir-apparent of Angus MacDonald of Dunivaig. He had been in prison for some years, and was now condemned for treason, though not executed. By June, perhaps after discussion with Knox, the king ceased to emphasise the plan to dispossess the chiefs, and chiefs were encouraged to co-operate. To foster co-operation there would be another expedition to the Isles – not a military one this time, but a survey and negotiating commission headed by Comptroller Hay and Bishop Knox.

It was this commission that produced the Statutes of Iona, so we need to examine it carefully. Hay and Knox were to survey and value the king’s property in the Isles, noting who currently possessed it; to encourage the remaining chiefs to come in and negotiate for a new settlement; to get loyal chiefs to capture any who resisted; and to hold courts in the Isles, ‘useing thairin suche moderatioun and discretionoun

24 HP, iii, 86–8.
25 RMS, vii, no. 26. This charter was dated at Royston on 20 Feb., so presumably a decision had been taken in Scotland a week or so beforehand. His lands were granted to Sir Alexander Hay, secretary. The grounds for forfeiture were that his father had failed to produce his tile deeds as required by the 1597 statute. Presumably the forfeiture was rescinded at some later date.
26 Criminal Trials in Scotland from 1488 to 1624, ed. R. Pitcairn (Bannatyne and Maitland Clubs, 1833), iii(1), 1–10.
27 RPC, viii, 752–3.
as may allure the Ylismen to obedyence'. They were empowered to raise military forces if necessary. The chiefs were liberatd on condition that they accompanied and aided the commission. 28 A less conciliatory gesture was made on 22 July, about the time of the departure of the expedition, when the government in Edinburgh confirmed an apprising made on 23 May transferring the estate of Glenelg from Roderick Macleod of Dunvegan to the loyal chief Kenneth Mackenzie of Kintail. 29

In fact, Comptroller Hay did not go on the expedition. 30 In his absence, Knox simply ignored the leading element of his instructions – the survey of royal property. 31 Instead, when he reached the Isles, he held a court of justiciary in the chiefs’ presence on 23 August, grandly entitled the ‘Court of the South and North Illis of Scotland haldin at Icolmekil’ (Iona). This court enacted the regulations that became known as the Statutes of Iona. Parish ministers would be established; the chiefs’ military retinues would be made smaller; traditional clan hospitality was to be reduced; Gaelic culture was to be discouraged and the English language promoted. 32

Knox did not tarry long in his diocese after passing the Statutes; he resumed his seat on the Privy Council on 28 September 1609. 33 The commissioners of the Isles, on that day, received a report from him ‘in wryte’, but they returned it to him without registering it, so that he could take it to the royal court, whither he was now bound. The main decisions of the commissioners for the Isles on 28 September were presumably prompted by Knox’s report. The summons of Angus MacDonald of Dunivaig was arranged, for unspecified reasons, and a proclamation forbidding trade between the Isles and Argyll was cancelled. (The island chiefs had previously claimed that they would be unable to pay royal rents without trade.) 34

One noteworthy aspect of Knox’s return relates to something that did not happen. Usually, in this age of ‘government by pen’, the successful completion of a major government measure led to a flurry of

29 RMS, vii, no. 119.
30 Possibly he was in poor health – he died a year later – but he continued to attend the Privy Council regularly.
31 Gregory, History of the Western Highlands, 329, stated that the change of plan was due to the commissioners exercising a ‘discretionary power given to them by the King’, but there seems to be no direct evidence of this.
32 RPC, ix, 26–50; the content of the Statutes is discussed below, pp. 50–5. Those present at the court were: Angus MacDonald of Dunivaig; Hector Maclean of Duart; Donald Gorm MacDonald of Sleat; Roderick Macleod of Dunvegan; Donald MacDonald of Clanranald; Lachlan Maclean of Coll; Roderick Mackinnon of that Ilk; Lachlan Maclean of Lochbuie; Lachlan and Alan Maclean, brothers of Maclean of Duart; Gillespie MacQuarrie of Ulva; and Donald MacPhee in Colonsay; ‘toggidder with the maist pairt of thair special freinds, dependairis and tennents’. MacDonald of Sleat and Macleod of Dunvegan took the opportunity to make a bond of friendship: The Book of Dunvegan, ed. R. C. Macleod (Third Spalding Club, 1938–9), i, 47–8.
33 RPC, viii, 359–60.
34 Ibid., viii, 757–8. Possibly the proclamation had been issued by Ochiltree, though this was not stated.
congratulatory correspondence. One would expect at least an official letter from the Council informing the king of the achievement in detail, probably backed by a further letter from Chancellor Dunfermline or Lord Advocate Hamilton praising the man responsible. Sometimes James VI himself would reply with his own congratulations. But Knox went to court with a terse official letter from his colleagues saying uninformatively that he had ‘caryed himself with goode credite and reputatiorun’, which was the least that could be said of any enterprise unless it had ended in conspicuous disaster.\textsuperscript{35} The minutes of the commissioners of the Isles on the day of his return were also severely formal, without a word of welcome or commendation for those achievements which the historians of later centuries would find so significant. The most detailed and dependable contemporary annalists – John Spottiswoode, David Calderwood, Sir Robert Gordon and Sir James Balfour – ignored Knox’s mission completely; although all reported other events relating to the Isles.\textsuperscript{36} Spottiswoode’s silence is particularly eloquent: he was the convener of the commission on the Isles, and had every opportunity of weighing the significance of policy initiatives concerning them. Nobody at the time seems to have thought the Statutes important.

Nor were the Statutes even registered by the Council. The minute mentioning Knox’s ‘procedingis in the Yllis’ said nothing of what he had done there, although this was an age not economical in its use of minute books.\textsuperscript{37} There was a mention of registering Knox’s report on his return from court; perhaps the Statutes themselves would also have been registered then, although this is not clear from the minutes which had as yet taken no cognisance of the Statutes’ existence. It is not clear when Knox returned (he seems to have given up being a privy councillor, and was omitted from a reconstituted Council in February 1610), but neither the report nor the Statutes were registered. The report is now no longer extant. At worst, the Council did not want to register Knox’s achievements; at best, they were in no hurry to do so.

This not only casts doubt on the traditional view that the Statutes were important; it also suggests that we should be wary of assuming that they represented official policy. They had been made on Iona – remote from the king and from the Privy Council. It is clear that Knox had been willing to depart from his instructions, since he took no

\textsuperscript{35} \textit{Ibid.}, viii, 598. The letter did not even say what Knox had done. Dunfermline was then at court himself, so possibly the Council’s epistolary inspiration was running low. For the normal tone of a commISSory letter from the Council, see their praise of Knox in a letter to the lord deputy of Ireland, 3 Aug. 1610: \textit{Ibid.}, ix, 569–70. Compare also Knox’s own elaborate praise of Ochiltree: Knox to James, 17 Sep. 1608, \textit{HP}, iii, 114.

\textsuperscript{36} John Spottiswoode, \textit{History of the Church of Scotland}, ed. M. Napier and M. Russell (Spottiswoode Soc., 1847–51); David Calderwood, \textit{History of the Kirk of Scotland}, ed. T. Thomson and D. Laing (Wodrow Soc., 1843–9); Sir Robert Gordon, Genealogical \textit{History of the Earldom of Sutherland} (Edinburgh, 1813); Balfour, \textit{Historical Works}. The same was true of a more minor annal from an author in the west of Scotland: \textit{A Chronicle of the Kings of Scotland}, ed. J. W. Mackenzie (Maitland Club, 1830).

\textsuperscript{37} The cancellation of the proclamation on trade, for instance, took 500 words, half of which engrossed the original complaint as preamble.
notice of their main requirement, the survey of royal property. Whether Knox himself intended the Statutes as a full and lasting solution to the problem of the Isles is unclear; he never went on record as suggesting that they were, nor indeed did he ever refer to the Statutes again in his extant correspondence. What is clear is that the government did not regard them as such a solution. The Statutes were perhaps a temporary tidying-up operation at a time when there were apparently no opportunities for more tangible government progress. But if so, things were soon untidy again.

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A notable feature of the Statutes might seem to be that an official representative had reached an agreement with the chiefs. But in that case, it is curious to find that the focus of official policy in the opening months of 1610 was an attempt to reach just such an agreement. There was no suggestion that the existing agreement should be implemented, or even that such an agreement existed.

The centrepiece of the new initiative was a conference to be held with the chiefs, to discuss the future of the Isles. It was assumed that most chiefs would be more or less willing to come, though cautions were extracted from several, just in case. One exception was Roderick MacNeill of Barra, who had so far evaded participation in any of the government’s initiatives. Attempts were made to capture him; they failed, but did get his son. On 20 January, the king was ‘yat unresolvit what cours salbe takin with these Yllischmen [sic]’. He instructed the Council to postpone the conference to 8 March – although the Council was already planning it for 1 May. Several chiefs visited Edinburgh during the spring. On 4 May, Roderick Macleod of Dunvegan received a remission for assorted crimes. If he had come for the conference, he was disappointed. On 15 March the commissioners of the Isles had postponed it to 28 June, on the grounds that the king was ‘as yett unresolvit quhat course to tak for satling of the affairis of the Yllis’. The Statutes of Iona, which historians later tended to view as having achieved all the ‘satling’ that was needed, were still not being mentioned; it was as if they had never happened. There are two possible explanations for this. One is that Bishop Knox was thought to have bungled, and the Privy Council was attempting to put things right by imposing a replacement agreement. The other is that Knox’s Statutes were deemed acceptable but insufficient, and the Privy Council was now aiming to extract a second helping of concessions from the chiefs.

Did the Statutes contain anything that might have opened Knox to censure? Had he, for instance, conceded too much to the chiefs? Probably not, although there was room for debate. Sceptical colleagues

38 *RPC*, viii, 396, 409.
40 *RMS*, vii, no. 281.
41 *RPC*, viii, 758–9. The king himself, on 3 Mar., had called for a postponement to 15 May: *ibid.*, viii, 618.
might have regarded his scheme to establish a chain of inns as impractical, while clauses five and eight were poorly drafted, but these could be dealt with (as, indeed, they were) simply by ignoring them. A hawkish councillor might have disapproved of clause three, which, by merely limiting military retinues, had implicitly legitimised them; as we shall see, there may have been positive resistance to registering the Statutes for these reasons. If so, the debate would later be resolved in Knox's favour, when the major agreement of 1616 had its clauses on military retinues formulated along similar lines to his.

It is, however, equally likely that the Statutes were cast into oblivion because of what they left out. There were, indeed, yawning gaps. The main omission was a commitment by the chiefs to pay royal rents; this is particularly inexplicable when the rents issue was why Knox had been sent to the Isles in the first place. Then there was nothing about title to land: whether the chiefs' present titles were legal or not, and if not, under what circumstances they might receive new infeftments. They had given no commitment to obey the laws in general, to oblige their followers to do so, or to find caution for this. All these matters had been raised with the chiefs before, notably in the demands of April 1608, and would be raised with them again. Why Knox had left these gaps is unclear. Perhaps he felt that he lacked the authority for some measures – he could not, for example, have issued new infeftments to the chiefs himself – but this would not explain most of his omissions. At any rate, it seems that the government's aim during the first half of 1610 was to fill these gaps, or even, given the novelty of much of what followed, to make a fresh start.

On 8 May, the king wrote a long letter to the Council with his thoughts on the Isles. They were 'still uncivill ... disobedeynt and unanswerable to the lawis'. Strenuous efforts had been made in the past to change this, but 'we perceave litle or nothing as yet done thairin'. However, after nine months, James had at last noticed that a court held by the bishop of the Isles had got the chiefs to agree to obey royal authority, while the chiefs had also 'set down and maid suche statutis and ordouris among thameselves as we cannot bot allow of'. This was hardly enthusiastic language, nor did it indicate familiarity with the Statutes, which did not include a bond to obey royal authority. But James did at least now order the Privy Council to register the Statutes. Moreover, Knox was to be encouraged to continue: 'of any manis travellis hethirtill taikin in that busynes, by all appeirance the bishop of the Illis his last jorner doeth cary some lyklihood and schew of some good succes within the boundis of hys diocye'. This confirms the suggestion that the Statutes were seen as a useful beginning. Knox was to have another commission – this time as steward of the Isles, a post appropriate to someone responsible for crown lands. The point, as James again stressed, was that 'all these Illis, at least most part, be of oure propertie'.

42 Ibid., ix, 16–18.
On 28 June, most of the leading island chiefs arrived for the conference as arranged. No new agreed set of measures emerged. Rather, there would simply be yet another visit of a royal commissioner to the Isles, with the chiefs agreeing to assist and obey him. Then – greatly daring – the chiefs suggested that one of their number might be made commissioner. This was not taken up, and Knox again became commissioner. But the fact that the suggestion was made at all is startling.⁴³

What seems to have happened at the conference is that the chiefs and the government, possibly to the surprise of both, found that they could talk to one another without arguments immediately breaking out. There was thus a tacit agreement to keep to the topics on which they could agree – for example, setting up another commissioner’s visit. Other topics might have led to a disagreement which neither side wanted just then. The chiefs, for instance, might have pressed the government over their titles: when were they going to get secure land titles to replace those which had been invalidated in 1597? The government could have pressed the chiefs over a number of things, such as royal rents, military retinues, and pledges to obey the laws. These were genuine concerns; but in the summer of 1610 both sides felt that dialogue should continue.

So the government, which had the initiative, made detailed arrangements to summon the island chiefs to future discussions. They would appoint agents in Inverness or Rothesay, where summonses could be served on them with a generous sixty days’ notice.⁴⁴ The Privy Council then began to summon chiefs to Edinburgh, individually or a few at a time, with increasing regularity. It does not seem necessarily to have had any specific political demands to make of these chiefs (though it did, as we shall see, want money); politically speaking, it wanted to keep an eye on them. These meetings soon became more or less annual events, and by 1614 the month of July had become conventional. There was a certain amount of absenteeism, both licensed and unlicensed, and occasionally the entire meeting was cancelled; but the system of annual meetings in Edinburgh continued until 1637.⁴⁵ The main significance of the Statutes of Iona is that they formed probably the first occasion on which government and chiefs talked to one another without arguing. In themselves they may not have been much, particularly since what was talked about then was often different from what was talked about in 1610 and later; but in retrospect they can be seen to have played a part in initiating this regular dialogue. In the preamble to the Statutes themselves, the chiefs mentioned ‘our nixt compeinance before thair lordschippis’ (the Privy Council), indicating that at least

⁴³ Ibid., viii, 759–61. The chiefs present were Hector Maclean of Duart, Donald Gorm MacDonald of Sleat, Angus MacDonald of Dunivaig, Roderick Macleod of Dunvegan, Donald MacDonald of Clannalan, Alan Cameron of Lochaber, and Lachlan Mackinnon of Strathordale. Knox seems not to have acted on this new commission.

⁴⁴ Ibid., ix, 31–2. A summons by the Privy Council had normally to be answered within six days, or fifteen days for those north of the Mounth: APS, iv, 239, c. 38.

⁴⁵ The earliest information on the meetings is in RPC, ix, 294, 344–5, 349, 399, 503. For an overview of the system see J. Munro, ‘When island chiefs came to town’, Notes and Queries of the Society of West Highland and Island Historical Research, xix (Dec. 1982).
one future meeting was envisaged.\textsuperscript{46} No system was actually established then, and the arrangements for the conference of June 1610 were improvised without mention of the Statutes. Only after the conference did dialogue become accepted and regular.

Meanwhile, the conference had ended and – although the king had specifically instructed it to do so in May – the Privy Council still had not registered the Statutes. There are two possible explanations. One is that it forgot; the Isles were rarely a high priority either for king or for Council, and the confusion over the date of the 1610 conference shows that policy for the region was sometimes made haphazardly. The other explanation is that it was waiting for something to happen. If so, this was probably linked with the king’s indecision through the spring; he had clearly been waiting for something to help make up his mind.

There is an obvious possibility for what this something was. In early 1610, the most pressing question faced by the government concerning the Isles was what to do about Lewis. The Fife Adventurers’ third expedition to the island had been defeated late in 1609; should there be a fourth? This was not just up to the government to decide; the syndicate would have its own view. The Adventurers initially wished to continue. On 15 November 1609, the king granted Lord Balmerino’s third part of Lewis to another of the Adventurers, Sir George Hay of Netherliff. This was a blow to Kenneth Mackenzie of Kintail, who had long hoped to get his hands on Lewis, and it demonstrated continuing official support for the Adventurers. Two days later Mackenzie was ennobled as Lord Kintail, perhaps as compensation.\textsuperscript{47} But in early 1610, presumably finding a fourth expedition hard to raise, the Adventurers changed their minds and decided that they ‘would gladly be fairly quit of it’. They then (and it seems to have been their decision to do so, rather than the government’s) ‘offered their rights to Mackenzie’.\textsuperscript{48} Lewis was at last, on 19–20 July 1610, granted to Lord Kintail.\textsuperscript{49}

This decision seems finally to have opened the way to registration of the Statutes, which was done by the Privy Council on 27 July.\textsuperscript{50} This can only be inferred from the coincidence of the dates, since no reason was given for registering the Statutes at that time. It is possible that supporters of the Adventurers in government had previously blocked the registration because the Statutes offered limited recognition to the chiefs’ authority. If so, this would link the Statutes to an important moment in policy-making for the Highlands – the abandonment of the

\textsuperscript{46} RPC, ix, 25.
\textsuperscript{47} RMS, vii, nos. 167–8. Sir William Cranston, captain of the Border guard, was ennobled on the same day as Mackenzie, so his peerage may have been part of a broader programme: ibid., no. 169. The Balmerino issue arose because of his forfeiture early in 1609.
\textsuperscript{48} ‘Fragment of a Mackenzie MS’, ed. A. MacDonald, TGSJ, xxvi (1931–3), 209. The chronology of this account is slightly wrong, but there seems no reason to doubt its view that the Adventurers quit voluntarily rather than under official pressure.
\textsuperscript{49} RPC, ix, 13–15 (commission of justiciary, 19 Jul.); RMS, vii, no. 341 (territorial grant, 20 Jul.).
\textsuperscript{50} RPC, ix, 24–5, 30–1.
Lewis colony. None the less, the Statutes did not cause the change in policy. That was the result, first, of the Adventurers’ defeat by the Macleods, and, secondly, of their decision to sell out to Kintail. Perhaps the Statutes’ supporters in government had tried to persuade the Adventurers to give up, and the belated registration of the Statutes came after some tense discussions. In any event, the Statutes can be linked only tentatively with the Lewis decision.51

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The government had thought it was sending Knox to the Highlands in the summer of 1609 in order to survey the crown’s property. There is no evidence that he did so; but there had long been official interest in extracting rents from the Isles. What were the results?

Before about 1610, payments from island chiefs had been rare and irregular. Angus MacDonald of Dunivaig and Lachlan Maclean of Duart paid £6,000 each in 1591; although this was nominally a composition for past rent arrears, it was only paid because these chiefs were in serious political trouble. They had paid little or nothing for some years before, or after, that.52 Then, between 1610 and 1612, payments became more regular and were collected from a larger number of chiefs. Angus MacDonald of Dunivaig and Hector Maclean of Duart, in 1609–10, paid £3,000 and £9,957 respectively, probably for much the same reason as in 1591.53 In 1611–12, payments were received from the following: Sir John Campbell of Cawdor, for Islay (£2,800, including arrears); Donald MacDonald of Clanranald, for Moidart, Eigg and Arisaig (£165, for two years); Hector Maclean of Duart, for Aros and Morvern (£2,307, for a year and a half); Roderick Mackenzie, tutor of Kintail, for Trotternish (£533, for two years). The sum of £2,500 was also collected from Sir George Hamilton of Greenlaw, temporary tacksman of Islay.54 In 1612–13, most of these payments were again received, and MacDonald of Clanranald started paying also for Sleat, North Uist and Benbecula (£3,000, including arrears back to 1596).55

The contribution made to this by the Statutes of Iona was at best small and tangential. What did matter was probably the regular dialogue begun in 1610. The chiefs seem to have been asked for money when they came to Edinburgh, and came to realise that their payments were an earnest of their good faith.56 They knew that if the payments

51 It may be, for instance, that Bishop Knox had been absent from Edinburgh until shortly beforehand: he was stated to be present at the registration.
52 Exchequer Rolls of Scotland [ER], xxii, 117; Robert Bowes to Lord Burghley, 13 Feb. 1591, Calendar of Border Papers, i, 376; Bowes to Burghley, 23 Feb. 1591, Calendar of State Papers, Scottish, x, 465–4. MacDonald had made two payments in the 1570s and one in the 1580s, mostly belated and in part: ER, xx, 116, 340; xxi, 342.
53 Scottish Record Office, Comptroller’s Accounts, 1609–10, E24/29, fo. 20v. These payments were made some time during the fiscal year from Nov. 1609 to Oct. 1610.
54 SRO, Comptroller’s Accounts, 1611–12, E24/30, fo. 19, 20. The accounts for 1610–11 are missing. The complexities of the accounts in their unedited state mean that there may be a few further unidentified payments.
55 SRO, Comptroller’s Accounts, 1612–13, E24/31, fos. 24v–26r.
56 Cf. RPC, x, 318.
stopped, the dialogue would also stop, and more coercive measures would begin again. In 1613, the system was in full swing, and a detailed report on the Isles concluded that 'the haill Iles ar in a reasonabul goode estate and quietnes, except the Lewis and the Ile of Barra'. Donald Gorm MacDonald of Sleat, for example, 'hes gevin full contentment and satisfactioun to the exchequer, bothe for his bigane dewyteis, and for assurance of his majesteis rentis in tyme comeing, and hes gevin band to the counsail for his personall compeirance at all tymes'. The other leading chiefs had done the same. The key issues in 1613, then, were rent payments, regular dialogue, and giving of cautions.\footnote{Ibid., x, 817–18. The report did not mention the Statutes of Iona.}

In 1614, a crisis in the government's Highland policy imperilled both dialogue and payments. The MacDonalds staged an uprising in Islay, which had been forfeited two years earlier. The uprising itself is beyond the scope of this article,\footnote{It is dealt with by W. D. Lamont, The Early History of Islay, 500–1746 (Dundee, 1966), 51–60, and by Lee, Government by Pen, 136–44.} but one aspect of the government's response was to stop it spreading. The leading chiefs in August 1614 were brought in formally to renew their bands to observe the Statutes of Iona, and had to add various related promises to submit their own disputes to law or arbitration, to appear annually in Edinburgh, to obey the Church, and to provide funds for it.\footnote{RPC, x, 698–700. This agreement was noted by Sir James Balfour, although he had not felt the events of 1609 worthy of mention: Balfour, Historical Works, ii, 55.} It is likely that the government turned to the Statutes simply because they existed; it was important to get the chiefs to sign something to show their loyalty, so an agreement that had already been signed was suddenly useful. Once the rebellion was suppressed, the Statutes were returned to their former obscurity, this time permanently.

In July 1616, when several of the chiefs made their enforced annual appearance in Edinburgh, a new agreement was drawn up which showed how much more sophisticated the government, and perhaps the chiefs, had become since 1609. The chiefs gave cautions to obey the law and continue their annual meetings in Edinburgh. Their military retinues were carefully limited; they would abandon the exaction of hospitality from their followers, and adopt Lowland agricultural methods and the English language; and there was a census of the clan elite. To these agreed measures, the Privy Council added some unilateral orders, particularly one that chiefs' heirs should not inherit unless they knew English.\footnote{RPC, x, 773–6.} While no one event or agreement can be singled out as marking a decisive turning-point in Highland policy between 1596 and 1617, if we wanted to identify the most important single agreement between the chiefs and the government, the agreement of 1616 might well be it. One of the few writers to have noted its full significance is Ronald Black: 'Where the Statutes [of Iona] had been experimental and tentative, this Bond was precise and repressive.'\footnote{R. Black, 'Colla Ciotach', TGSi, xlvii (1972–4), 214. For another hint of scepticism}
The final measure in a long sequence of policy initiatives was a statute of 1617, which banned the taking of calps by Highland chiefs. Calps were death duties – a tenant’s best beast – which symbolised a relationship of dependence on the chief. They were separate from rent, so calp (and allegiance) could be given to a chief other than one’s landlord. Calps were rapidly superseded by the Lowland equivalent – heriots – which, it has been suggested, emptied the change of substance.\textsuperscript{62} This may be correct, but it is also possible that the new heriots no longer symbolised the same kind of allegiance.

Pressure on the chiefs continued after 1617, but the government’s requirements of them remained more or less constant. There was a more minor negotiated agreement in 1622, mainly about the Church.\textsuperscript{63} While the government’s general view that the Isles had been pacified has sometimes been endorsed by historians, it is not clear that the Isles were particularly peaceful in the last years of James VI. Several clans had internal problems; others were violently hostile to the Campbells. Some of these issues came to a head in the rebellion of the MacDonalds of Ardnamurchan in 1624–5.\textsuperscript{64} This does not mean that the government measures of the previous quarter-century had failed. What they had mainly aimed at was to make the clans responsive to the demands of government; and the uprising was suppressed by the Campbells, backed to some extent by the modest military establishment of the Scottish state.

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So far I have discussed the evolution of policy for the Isles in terms of two main actors – the government, and the chiefs. I have noted that there were often different policies for different chiefs, but I have not followed Professor Lee in breaking down the ‘government view’ into two separate positions. As noted above, Lee has interpreted the evolution of policy in terms of a dynamic tension between alternative views held by the king and the Privy Council. I have been unable to detect this tension.

Lee sets the Statutes firmly in the context of the government’s gradually fading commitment to colonisation schemes. However, it should be noted that no clear decision was ever taken to abandon these schemes. He argues that the commission of December 1608 ‘amounted to a virtual abandonment of the colonisation policy’,\textsuperscript{65} but the Lewis Adventurers made another expedition a year later. Colonisation in 1608–9 was, to be sure, no longer the universal remedy that it had been ten years earlier. But the decision to abandon the Lewis colony was taken only in July 1610, and this was a decision which applied only

\textsuperscript{62} as to the Statutes’ importance, see E. J. Cowan, ‘Clanship, kinship and the Campbell acquisition of Islay’, \textit{ante}, liii (1979), 152.

\textsuperscript{63} \textit{APS}, iv, 548, c. 21; F. J. Shaw, \textit{The Northern and Western Islands of Scotland: Their Economy and Society in the Seventeenth Century} (Edinburgh, 1980), 67–8.

\textsuperscript{64} \textit{RPC}, xiii, 20–1.


\textit{Lee, Government by Pen}, 79.
to Lewis. It certainly did not apply to Ulster; and, as we shall see, colonisation in the Isles was still on the agenda in 1614.

The Statutes are also presented by Lee as an initiative to pre-empt another colonisation effort sponsored by the king. He divides the policy initiatives of the years 1607–10 into moderate, sensible and conciliatory measures, all ascribed to the Privy Council, and wild, impractical and aggressive schemes, all ascribed to an out-of-touch king. There is, however, little evidence to connect most policy initiatives securely to either king or Council, or to prove that there was a rift between them. James had certainly favoured colonisation in *Basilicon Doron*; but that had been in 1598. Its seems to have been the Council (or a dominant group within it) that blocked Huntly's colonisation scheme in 1607; but that could have been due to distrust of Huntly as much as to disapproval of colonisation. Despite his portrayal of a moderate Privy Council, Professor Lee does ascribe the voracious demands of April 1608 to the Council, and rightly calls these demands 'a large order which, unsurprisingly, remained unfulfilled': this was hardly conciliatory. The king's conciliatory commission to Knox in June 1609, represented by Lee as a swing towards the Council's view, could equally have represented James's personal philosophy.

The point is that it is rarely possible to identify the precise source of a given commission or initiative. It is, for instance, quite likely that Knox had drafted the commission of June 1609 – he was with the king when it was written; but once it is recognised that it was councillors who drafted most royal letters and commissions, it becomes even more difficult to ascribe a particular initiative to a particular source. James was not diligent with his paperwork, and was fully capable of signing documents without reading them. And as Lee himself has shown, the Council contained men with differing views who were often rivals for royal favour. We sometimes get evidence (often in private or semi-official correspondence) which says explicitly that a particular policy is favoured by one faction and opposed by another. Sometimes, too, we find a letter from the king rebuking the Council for some sin of commission or omission, and this may tell us a lot – though again the letter may well have been prompted by a disgruntled minority on the Council, so we cannot take it at face value as evidence of 'king versus Council'.

Now, we have neither type of evidence for the Highland policy of 1607–10. We have no royal letters rebuking the Council, nor private letters signalling factional strife. We have only the shifts of policy themselves, as one initiative after another emerges from the black box that was king-and-Council. Lee, it seems, placed too much weight on the view (for which there is, certainly, much direct evidence in some cases) that Chancellor Dunfermline tended to favour cautious and conciliatory policies. From this he infers that when we find cautious

and conciliatory Highland policies, they must have originated in his office. This is possible, but in the absence of direct evidence we cannot be certain. After all, Dunfermline was a former Octavian, and the Octavian regime had pursued a decidedly aggressive Highland policy in 1596–7.\footnote{A. L. Murray, 'Sir John Skene and the exchequer, 1594–1612', \textit{Stair Society Miscellany}, i (1971), 129–31.} It would be better to rely on direct evidence.

The point to be made is that king and councillors usually formulated policy by consensus. They did not always agree at the start of any policy discussion, but they compromised. Sometimes they found the process painful, and the disagreements spilled out into angry letters, or even into public view. It would be nice to know exactly how they reached their compromise in the Highland policies of 1607–10, but we do not have the evidence. What we \textit{can} say, however, is that they probably did not disagree over it too seriously – because if they had, someone would have put something on paper.

What of the theory that the Statutes represent the abandonment of policies of colonisation? It is true that one colonisation project, that relating to Lewis, was abandoned in July 1610, with the decision to grant the island to the Mackenzies of Kintail. That was eleven months after the Statutes. The belated registration of the Statutes may have been connected with the decision, but the abandonment of the Lewis colony did not necessarily mean that colonisation had been taken off the agenda entirely.

Might the Statutes still have been enacted as a deliberate alternative to colonisation? Was Bishop Knox attempting on Iona to demonstrate to sceptical colleagues (or to a sceptical king, or both) that it was possible to work with the chiefs, so that they did not have to be expropriated? This assumes that Knox was opposed to colonisation. In fact, he was not. During the MacDonald uprising in Islay in 1614, he advocated a full Ulster-style plantation of Lowlanders as a long-term solution to the problem of Islay. He objected only to the scheme to hand over the island to Campbell of Cawdor:

\begin{quote}
Nather can I or any man who knowes the estait of that cuntre think it ather good or profitabill to his majeste or this cuntre to mak that nam [of Campbell] gritter in the Iyles nor thai ar alredie, nor yit to rut out one pestiferous clan and plant in one lytill bettir, seing his majeste hes good occasione now with lytill expenss to mak a new plantatioun of honest men in that iyland answerabill to that of Ulstir in Iyrland.\footnote{Knox to John Murray of Lochmaben, 11 Oct. 1614, \textit{HP}, iii, 162.}
\end{quote}

And consider the feu-ferme grant of the island of Barra which Knox received in 1612. How was he to take possession, except by evicting the current chief, Roderick MacNeill, and establishing something very like a colony?\footnote{\textit{RPC}, ix, 733. MacNeill, who did not participate in the agreements of 1609, 1610 or 1616, continued in possession.}

The question should not be: did the government have a policy of colonising the Isles? We should rather ask: at a particular time, and for
a particular island, which of the possible range of policies was being implemented, or actively considered? The range of policies from which the government drew was wide indeed. One extreme of the range was benign neglect: the chief under question was seen as trustworthy, so there was no need to interfere in his locality. This was usually so with the Campbells and Mackenzies. The other extreme was malign neglect: the chief under question was seen as a troublesome savage, but was so secure that he could not be attacked. This was so with Roderick MacNeill of Barra. The active options lay between these two extremes; they included colonisation as well as various forms of political and military pressure. The government pursued different policies for different chiefs, as opportunities arose.

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Professor Lee’s political interpretation of the Statutes has little to say about their content; their existence was what mattered. This article has argued that their existence did not much matter to the government in 1609–10, or to anyone after that date. But what of their content? It has been common to believe that what the Statutes said was important; textbooks tend to assume that the issues covered by the Statutes, and the government’s central concerns on the Isles, were identical. This we have seen to be dubious: the Statutes omitted royal rents, regular dialogue, cautions to obey the law, and many other issues. But may we nevertheless learn from what they did cover? This has been a fruitful field of enquiry for Professor Macinnes, who argues that the Statutes ‘commenced a sustained legislative offensive to modify, if not terminate, the disruptive aspects of clanship’. He treats them as a considered and coherent programme that buttressed the ‘privileged position’ of the chiefs and clan elite, while assimilating them into ‘Scottish landed society’.72

The Statutes’ nine clauses required: (1) the Church to be maintained and ecclesiastical discipline established; (2) inns to be established; (3) military retinues to be limited; (4) sorning – exaction of free maintenance by those retinues – to be abolished; (5) the sale of wine and whisky to be banned; (6) chiefs and leading clansmen to educate their eldest sons in the Lowlands; (7) carrying of firearms to be suppressed; (8) Gaelic bards to be suppressed; and (9) all this to be enforced by chiefs arresting offenders and handing them over to the authorities. Clauses 2 and 5 may be discussed together, as may 3 and 4, and 6 and 8.

Most official enactments on the Highlands said little on the Church; but for a bishop (Knox), this was a natural topic with which to begin. The Church certainly needed promotion in the Highlands, where there were relatively few ministers and readers, all poorly endowed. The Church did adapt its preaching ministry fairly successfully to Highland conditions, but ecclesiastical discipline depended on Kirk Sessions. These have left no trace of their presence until later in the

72 Macinnes, Clanship, 65.
seventeenth century, and then only in a few areas.\textsuperscript{73} There is no evidence that the clause had any effect here.\textsuperscript{74}

Establishing inns (Clause 2) and banning the sale of wine and whisky (Clause 5) make a paradoxical pair. One way in which Highland chiefs maintained their status was by competitive feasting – ‘fighting with food’, as it has been termed. The chief who could lay on the most munificent feasts for his followers was regarded as the greatest chief.\textsuperscript{75} Lowlanders did not understand this; what they saw was clans taking pride in drunken orgies. Their response was to try to humble that pride, and get the Highlanders to sober up. The Statutes aimed to cut out the feasts by restricting wine to the chiefs’ households only, and to get those Highlanders who still insisted on imbibing to do so in properly regulated establishments selling only ale.

This interpretation of clauses 2 and 5 sees them as an attack on the patronage and gift-giving with which the chiefs’ power was bound up. Macinnes, however, is reluctant to see the Statutes as undermining the chiefs, and argues that in clause 5 ‘financial considerations were paramount’, attributing this to the government’s alleged mercantilist desire to curtail imports of wine which had to be paid for in bullion. But the clause did not refer to bullion, and the government had no general policy of restricting wine imports.\textsuperscript{76} Moreover, this argument does not explain why whisky, which was not imported to Scotland, was also regulated. It seems preferable to regard the measure as directed, perhaps clumsily, at what was seen as an undesirable attribute of chiefly power.\textsuperscript{77}

\textsuperscript{73} J. Dawson, ‘Calvinism in Gaelic Scotland’, in A. Pettigree et al. (eds.), \textit{Calvinism in Europe, 1540–1620} (Cambridge, 1994); J. Kirk, \textit{Patterns of Reform} (Edinburgh, 1989), ch. 6. These studies have shown what the Protestant Church did achieve in the Highlands; we are more concerned here with what remained to be done.

\textsuperscript{74} The clause also betrayed ignorance about Highland society by banning ‘mariage contractit for certane yeiris’. This has been shown to be a garbled view of the traditional practice of ‘Celtic secular marriage’, by which husbands (or occasionally wives if they were proprietrixes) could repudiate their spouses. Such marriages were not the fixed-term temporary contracts that the clause implied, any more than Lowland marriages were temporary because they could be terminated by divorce. See W. D. H. Sellar, ‘Marriage, divorce and concubinage in Gaelic Scotland’, \textit{TGSI}, li (1978–80).


\textsuperscript{76} Macinnes, \textit{Clanship}, 66. Outside the Highlands, there was never a \textit{ban}, even a partial one, on the import, consumption or sale of wine. Some vaguely mercantilist justifications were offered for an \textit{impost} on wine in 1613: \textit{RPC}, ix, 551–3; cf. xiv, 624. But exports of bullion were not among them, and the government’s real motive was fiscal, not mercantilist.

\textsuperscript{77} There is no evidence that any inns were established (clause 2), except for the statement that the ‘King’s houses’ were built in places such as Balquhidder and Rannoch Moor as a result in P. Simpson, \textit{The Independent Highland Companies, 1603–1760} (Edinburgh, 1996), 4. These were in fact among the ‘kingshouses’ that grew up alongside the 18th-century military roads: W. Taylor, \textit{The Military Roads in Scotland} (2nd edn, Colonsay, 1996), 35. I am grateful to R. W. and J. Munro for this reference. As for clause 5 (on wine), shortage of wine for the celebration of mass would later hamper the Franciscans’ Highland mission, when they had to procure wine specially from the Lowlands: \textit{The Irish Franciscan Mission to Scotland, 1619–1646}:
The interpretation of clause 3, on military retinues, is one of Macinnes’s most important contributions.\(^{78}\) He shows that the military structure of the clans of the Isles and western seaboard differed from those elsewhere in the Highlands. A conventional clan had chiefs and tacksmen – holders of local estates who used them to muster the clan’s fighting power. Tacksmen were usually the chief’s kinsmen, and together with him they effectively constituted the clan as a ruling family. But in the Isles there were also military retainers in the chiefs’ households, known as buannachan or redshanks, who often served as mercenary soldiers in Ireland. It was against this class that the clause was directed. Clause 4, against sorning, backed it up, since sorning (from Gaelic sorthan, free quarters) was the way the redshanks were supported by the working folk of the Isles. Tacksmen, who had rents, were implicitly treated as legitimate. Thus the Statutes were more limited in this area than the instructions to the commission of December 1608, which had called for the expropriation of all (except the chiefs themselves) who lived ‘upoun other menis labours’, and would have struck equally at the tacksmen.\(^{79}\) The Statutes’ implicit legitimisation of the tacksmen is sometimes regarded as a decisive shift in Highland policy, but against this it should be noted that there had been no policy of expropriating tacksmen before 1608. As for the condemnation of the redshanks, this was in part a belated recognition of the fact that they had become redundant. The redshanks existed as mercenary troops for seasonal service in Ireland, but the demand for such service had been cut off with the defeat of Tyrone’s rebellion in 1602. No doubt the chiefs of the Isles were doing their best to maintain the redshanks on their own (or rather their people’s) resources; how far they succeeded, both before and after 1609, is unclear, particularly in the absence of evidence that the clause was enforced.

Clause 6 stated that ‘everie gentilman or yeaman within the said Ilandis ... being in goodis worth thriescore ky’ should educate their eldest son in the Lowlands so that they could speak, read and write English. The intention of this – to convert the clan elite into Lowlanders and to wean them away from Gaelic culture – is evident. Some chiefs did have a Lowland education, even before 1609, and we have no evidence that the clause itself had any effect. The common people were expected to continue with Gaelic.\(^{80}\)

\(^{78}\) Documents from Roman Archives, ed. C. Giblin (Dublin, 1964), 35, 56, 95, 172, 175. On the other hand, the great feats certainly continued. One was held in 1613 by Roderick Macleod of Dunvegan, one of the signatories to the Statutes, in his ‘great wine-hall’. The poem celebrating this recalled (apparently without difficulty) that it lasted six days and that ‘we were drunk twenty times a day’: D. S. Thomson, ‘Niall Mór MacMhuirich’, TGS, xlix (1974–6), 11–13.

\(^{79}\) Macinnes, Clanship, 66, argues that this was a more exceptional event than it would have been before 1609.

Clause 8, against the Gaelic bards, was the logical counterpart of clause 6: as well as promoting Lowland culture, Gaelic culture was to be repressed. Clause 8 was loosely based on the Poor Law statute of 1579, which incorporated a condemnation of ‘sic as makis thame selflis fuilis and bairdis or utheris siclike rynnaris about’.81 It was generally taken as an attack on the classical Gaelic poets whose panegyrics incited the chiefs' valour, until Macinnes advanced the argument that it was aimed only at ‘the inferior sort of strolling bands which indiscriminately travelled the countryside’, not at ‘accredited schools of literary quality’. But clause 8 drew no distinction between these two types of poet. Indeed it made clear that the ‘bairds’ whom it was condemning were patronised both by the chiefs and by the other folk of the clans. The clause may not have been effective against the classical poets, but its intentions were clear.82

Clause 7 banned the carrying and use of firearms (hagbuts and pistols), broadly following the most recent parliamentary statute on the subject. Macinnes writes that ‘only the fine [the clan elite] were permitted to wear arms and armour: a recognition that the clan elite had the right to protect their kindred and townships’. There seems to be no warrant for this in the wording of the clause, which dealt only with firearms and applied to everyone. Even if Knox had wished to enact such a measure, he was limited by what parliament had said.83

Finally, clause 9 (on enforcement) required the chief – the ‘barroun and speciall man’ – to arrest contraveners of the Statutes and present them before the ‘judge competent’ (perhaps the sheriff of Inverness or Argyll). This clause clearly reflected the limits of Knox’s jurisdiction. As the commissioner in a justiciary court, he could not create new crimes or change the law. The clause assumed that the chief would have a baron court, but baron courts lacked jurisdiction over most of these matters; properly they could only arrest the offender and notify the higher authorities. The demands of April 1608 suggest that the government believed the chiefs to be in the habit of using their baron courts to punish all crimes without reference to the higher authorities. Knox perhaps intended the clause to put a stop to this, or at least to signify his wishes. There was thus nothing in the Statutes that positively favoured the clan elite, and much that was inimical to their power. The best that could be said was that, although military retinues had been limited, they had not been abolished. Otherwise it was all bad news for them –

81 APS, iii, 139, c. 12.
83 APS, iv, 134, c. 19 (1597); Macinnes, Clanship, 65. Macinnes also draws a distinction between this clause and Clause 4 of the agreement of 1616, on the grounds that the latter explicitly allowed firearms in royal service. It is unlikely, however, that these represented genuinely different policies; firearms were always allowed in royal service, even though some parliamentary statutes did not mention them.
at least unless they could take advantage of the English education that they had promised to give their sons. The consolations came only from the gaps in the Statutes. As well as the failure to mention royal rents, there were no cautions to obey the law. The enforcement provisions in the Statutes, indeed, were mostly feeble, perhaps from tension between an occasional feeling that the chiefs ought to enforce the law, and a more common desire to *fetter* the chiefs' power. These gaps would soon be plugged, notably in the agreement of 1616. From a chief's point of view, perhaps the best thing about the Statutes of Iona was that they were *not* a coherent programme.

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How then should we interpret policy towards the Isles under James VI? His reign saw at least seven important initiatives. The first and main initiative was that the state now showed itself willing and able to take tough military action against Highlanders who did not toe the line. There were repeated military expeditions, demonstrating to the chiefs that they could no longer count on being left alone. A single expedition, like the voyage of James V to the Isles in 1540, would not have had this effect. The armies of James VI did not just wander round the region and then leave; they had specific military objectives to fulfil – and they showed that they intended to keep coming back. The first of these expeditions, in 1596, represented a major new policy departure; there were subsequent ones in 1605, 1608, 1614, 1615 and 1625. There were also threats of expeditions, and plans for expeditions that were called off when the offending chief came to heel. After 1603, these expeditions were sometimes assisted by the English forces in Ulster.84

The most far-reaching form of military intervention came in the form of colonisation, and this is our second development. Colonisation was ultimately defeated by native resistance – but only just. It has become conventional to play down the story of the Fife Adventurers, and even to portray their repeated expeditions as slightly ridiculous; but nobody laughed at the time.85 The scheme might have succeeded. Although the Macleods won the battles, their leadership was destroyed in the process. Other clans could hardly draw the conclusion that it paid to resist the state. And although we now know that the project to colonise Lewis would be the last, at the time this was not clear. Royal officials continued to probe for openings for possible colonies, while the successful colony in Ulster was before everyone’s eyes. The Statutes of Iona, to be sure, did not mention colonisation; but one would hardly expect them to have done so. The Statutes were intended to regularise the relationship between the government and those chiefs whom it recognised (at least for the time being) as legitimate possessors of their lands. Colonisation does not proceed through negotiated agreements.

The main reason why there were no more colonies is because of the

84 See Gregory, *History of the Western Highlands*, *passim*, for an outline of these events.

85 Grant, *Macleods*, 215, took them seriously and regarded the Lewis resistance as crucial.
third, parallel development. This was an increase in state support for
those clans prepared to collaborate with the authorities – the Campbells
and Mackenzies. One of the government's options, should Maclean
of Duart have failed to pay his rent, was not to colonise Mull with
Lowlanders but to hand it over to the earl of Argyll. Openings for
colonies (resulting from collapsing or divided clans) were also openings
for predatory clans – and, after 1609, it so happened that they always
got there first. It was the Mackenzies who got Lewis in 1610, the
Campbells who got Islay in 1614. That, and not a more conciliatory
mood in the government, was what halted the colonisation schemes.

The fourth development in policy towards the Isles was the regular
extraction of cash from the Isles by the crown. King James wanted
colonies partly to civilise the Highlanders, but partly to make money.
The colonies might have failed, but the fact that the Highlanders were
now paying him a great deal of money no doubt made them seem
more civilised. So this was a success – perhaps, from the state's point of
view, the most unequivocal success of the entire programme.

As for the chiefs, they were still in possession (with a few noteworthy
exceptions), but they had to take much more notice of what the
government wanted. One of the most important measures for this was
the chiefs' enforced annual attendance in Edinburgh: this is the fifth
policy development. It allowed the government to keep a check on the
chiefs. If a chief were now to pursue a more independent line, he
would either risk arrest when he appeared in Edinburgh, or else fail to
appear and risk a premature confrontation on the government's
terms. The annual meetings also allowed real dialogue between chiefs
and government, so that they could hammer out solutions to problems
that arose from their new, closer, relationship.

The sixth development follows from this: under pressure to become
'civilised' and to participate in the processes of government, the chiefs
developed a dual persona. They continued to be Highland chiefs, but
they also came to see the value of cultivating a second identity as
British gentlemen. They swallowed the insults to their own culture that
the Statutes, and the agreement of 1616, represented;86 they accepted
with good grace the Lowland education that was being thrust on them;
and they tried to compete on equal terms with Lowlanders at court,
and in broader Scottish and British political society. This was difficult,
since the period of the Statutes was one in which the government
seems finally to have decided that Gaelic culture was purely barbarous
and that the picturesque Gaelic elements in 'Scottish' national identity
should be discarded.87 Nevertheless, the chiefs did their best, because

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86 Although, as John Bannerman has pointed out, they seem to have signed the
Statutes in Gaelic form, perhaps deliberately: 'Literacy in the Highlands', 231–2.
87 M. Lynch, 'National identity in Ireland and Scotland, 1500–1640', in C. Bjørn et al.
(eds.), Nations, Nationalism and Patriotism in the European Past (Copenhagen,
1994), 130. For earlier hostility to Gaelic culture, see most recently the important
article by A. H. Williamson, 'Scots, Indians and empire: the Scottish politics of
their traditional identity no longer sufficed in a changing world.

There were sometimes tensions between these two identities, and some chiefs would have difficulty balancing them, but it seems clear that they sought to maintain both in parallel. The Gaelic poets wanted the chiefs to stick to their traditional identity, and tended to denounce their adoption of Lowland ways as a betrayal – which from the clansmen’s point of view is understandable. Presumably the chiefs would have replied that they wanted to go on being chiefs as well as being gentlemen. They might one day have to choose one identity or the other; but that is a story that belongs more to 1746 than to 1609.

The seventh and final policy development relates to the first one. The chiefs had their military retinues reduced, and the distinctive military structure of the clans in the Isles faded away. That structure had given the chiefs the ability to raise large numbers of professional soldiers – but it had depended on the demand for mercenary troops for service in Ulster. This demand was cut off with the defeat of Tyrone’s rebellion in 1602, so the redshanks were already redundant before the Statutes of Iona placed notional limits on the numbers in the chiefs’ military households. Still, the formal recognition of their redundancy was significant. It did not, of course, mean the end of the clan as an autonomous fighting force – that depended less on the redshank than on the tacksman, whose position was not questioned by the Statutes. But it did mean that the kind of warfare waged in the 1590s would no longer be possible.

These seven developments overlapped, but had different origins and sometimes different conclusions. The first – military intervention – goes back to 1596 and the first of the regular military expeditions. (The final expedition before the 1640s was to Ardnamurchan in 1625, because there were no more risings.) The second – colonisation – was active from 1598 to 1610. The third development – support for co-operative clans – had a long history, but became more active with the granting of Kintyre to the earl of Argyll in 1607; it was continuous thereafter. The fourth – payment of royal rents – became an important issue with the statute of 1597, while serious money began to be collected after 1610, and more regularly after 1612. The chiefs had to attend annually in Edinburgh (the fifth development) from 1610 until 1637. The sixth development – the chiefs’ adoption of the personae of British gentlemen – was a gradual one, beginning in the 1590s if not before, and taking several generations to complete. Finally, direct evidence for the reduction of military retinues in the Isles (the seventh development) is lacking, although it surely happened – but again we may suspect that it was a slow process. Of these seven developments, the Statutes of Iona had something to say about only the last two.

Although the dates in the previous paragraph are widely spread, 1610 does at least make several appearances (though 1609 does not feature at all). Did it mark a new phase in the evolution of policy, and could the Statutes of Iona have had something to do with this after all?
The years after 1610 saw the ending of active colonisation schemes, the beginning of regular attendance by the chiefs, and the collection of royal rents. But these changes were not the result of a single fresh policy initiative. They were certainly not due to the Statutes of Iona, which were silent on all three issues.

Seen in context, therefore, the Statutes themselves lose their status as a turning-point. It is in fact the context that matters – the gradual but continuous pressure on chiefs in many related ways between about 1596 and 1617. The Statutes appeared important to nineteenth-century scholars, who correctly sensed something new about the Highland policy of James VI and searched for a document which appeared to encapsulate this newness. The Statutes were what they found. Once the assumption was made that the Statutes had been the centrepiece of James’s policy, the rest of the story was written around them. The question before 1609 became ‘how were the Statutes made?’, and it changed after 1609 to ‘how were the Statutes implemented?’ In that way, a pattern was set from which it was hard to escape.

This leads to a point that ought, perhaps, to have alerted historians to the problem: namely, that the Statutes were not implemented. Admittedly this point is based on negative evidence – but it is certainly striking that the conventional story of the Statutes was repeated in the textbooks of each generation without anyone producing any positive evidence of their enforcement. There seem to have been no prosecutions of chiefs for having excessive retinues, for example, or of clansmen for buying whisky. Nor were there even proclamations or other demands that they should be enforced. Perhaps such evidence will one day come to light; but, on the evidence currently available, it seems that nobody tried to enforce them.

The Statutes were particularly attractive to textbook authors because they had (or could be given) a name. If we were to highlight instead the ‘conference of 1610’, or the ‘agreement and Privy Council regulations of 1616’, these might lack the resonance of ‘Statutes of Iona’, even though the agreements of 1610 and 1616 were arguably more important than that of 1609. The Statutes readily conjured up the required image – an image of chiefs being told by the government to do things differently in future, and promising that they would do so. Although vague, this image was both powerful and convenient; it is, however, inaccurate. Much changed in the Western Isles under James VI, but there was no single turning-point, and most of the developments were gradual ones.

Grant, Macleods, 211, seems to have assumed that the name was contemporary, but there is no evidence that this was so; as we have seen, Gregory regarded himself as having coined the term.