

The Enlightenment Idea of Improvement and its Discontents: The Case of Orkney in Eighteenth-Century Scotland*

Hiroyuki Furuya

Associate Professor of the History of Economic Thought, Tokushima Bunri University, Japan

Abstract

The aim of this paper is to offer a view of improvement emerged in the age of Enlightenment in Scotland. This paper examines an economic debate that took place in the context of a bitterly-fought legal battle referred to as the Pundlar Process (1733–1759). It was contested between the Earl of Morton, who was a feudal superior of Orkney and Shetland, and local lairds. This paper focuses on two contemporary documents concerning the lairds as plaintiffs and Morton as defendant respectively: James Mackenzie's *The General Grievances and Oppression of the Isles of Orkney and Shetland* (1750), and Thomas Hepburn's *A Letter to a Gentleman from his Friend in Orkney, Containing the True Causes of the Poverty of that Country* (1760). This paper seeks to illuminate the contrasts revealed during the age of Enlightenment in Scotland by focusing on the conflict between those who tried to promote 'improvement' in order to adapt the economy to increased competition brought about by trade expansion after the Acts of Union of 1707, and those in the traditional, local communities who sought out alternative ways to accommodate themselves to this change.

Keywords: Scottish Enlightenment, Improvement, Orkney, Pundlar Process, Thomas Hepburn

1. Introduction

The age of Enlightenment in Scotland is usually associated with promising prospects such as innovations in the fields of philosophy, literature and economic thought, improvements to agricultural methods, and the dawn of the industrial revolution (Smout, 1983). However, a certain amount of resistance to the celebrated Enlightenment could be seen in traditional local communities and those

* This paper is part of research funded by a Grant-in-Aid for Scientific Research by the Japan Society for the Promotion of Science (JSPS), part of the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT), and is based on my presentations, 'The Pundlar Process and Eighteenth-Century Orkney', given at the Early Modern Studies Conference (University of Reading, July 2010), 'The Enlightenment Idea of Improvement and its Discontents: The Case of Orkney in the Eighteenth Century', given at the Conference of the European Society for the History of Economic Thought (Kingston University, London, May 2013), and 'Barbarism and Enlightenment in Eighteenth-Century Orkney', given at the International Conference on New Thinking in Economic Theory and Policy (Academy Common, Meiji University, September 2014).

groups that were left behind, giving rise to conflict and confrontation.

The aim of this paper is to present this often overlooked aspect of Enlightenment in Scotland, and to offer a corrective to the strongly 'Lothian-centric' Enlightenment view of improvement. The first half of this paper examines the situation in eighteenth-century Orkney. The second half analyses an economic debate that took place in the context of a bitterly-fought legal battle referred to as the Pundlar Process (1733–1759). It was contested between the Earl of Morton, who was a feudal superior of Orkney and Shetland, and local lairds, the feudal inferiors of Morton, over the standard weights used in determining the feu duties they were responsible for paying. Rumours of Morton's 'oppression and tyranny' of the lairds were widespread outside of the court.

To analyse the debate, this paper focuses on two contemporary documents concerning the lairds as plaintiffs and Morton as defendant respectively: James Mackenzie's *The General Grievances and Oppression of the Isles of Orkney and Shetland* (1750), and Thomas Hepburn's *A Letter to a Gentleman from his Friend in Orkney, Containing the True Causes of the Poverty of that Country* (1760).

This paper seeks to illuminate the contrasts revealed during the age of Enlightenment in Scotland by focusing on the conflict between those who tried to promote 'improvement' in order to adapt the economy to increased competition brought about by trade expansion after the Acts of Union of 1707, and those in the traditional, local communities who sought out alternative ways to accommodate themselves to this change. The term 'improvement' became prominent in the Enlightenment school of thought as Scotland went into thirty years of economic growth between 1750 and 1780. This was the classic age of 'improvement', a term which embraced the problems of reorganising the country's agriculture and in developing a fine linen industry (Mitchison, 1982, p. 345). The Scottish Enlightenment fed through into agrarian reform as the rationalism of Enlightenment took on improvement as a matter of intellectual, as well as material, concern. A crucial conduit between the world of ideas in the universities and the practical business of improved agriculture was the new class of landowners and estate factors, many of whom were university-trained lawyers (Devine, 2005c, p. 79).¹ The Scottish landed classes were essential to the progress of agricultural improvement, and invested large sums in enclosures, new farmhouses, roads and bridges (Devine, 2005b, p. 46). In Lowland counties, more than half the farms were still in multiple tenancy at the time of the Union of 1707, but in the next few decades this form of tenure saw rapid decline, and single tenancy seemed overwhelmingly dominant by the 1740s. The enlarged single tenancy was geared more to serving markets and less constrained by communal working practices, and the farm under one master was to become the ideal of the 'improvers' in the subsequent heyday of the Scottish Enlightenment (Devine, 2005c, p. 76).

The Orkney Islands, on the contrary, lagged behind mainland Scotland in terms of economic development to such an extent that conflicts between a feudal superior from the mainland and the local lairds concerning how best to manage the competitive edge of the Islands' economy tended to be harsh. Feuding surrounding the Pundlar Process was a typical example of such confrontations. In the process of its resolution, it would become clear that there were conflicts of interests, as well as political battles concerning commercial competition in the aftermath of the Union, behind the celebrated Scottish Enlightenment school of thought.

¹ The zeal for 'improvement' was a more widely carried and older, originally mainly English attitude which also came to influence the Scottish Enlightenment. For a major new study of this current, see Slack, 2015.

2. The background of the Pundlar Process: The expansion of the market economy after the Union, and local culture

In *British History, 1660–1832: National Identity and Local Culture* (1998), Alexander Murdoch called attention to an issue in early modern history that concerns the divisions between a so-called British history, which is primarily political and constitutional, and an economic and social history, which is more regional and local. The latter is concerned with local communities and identities that cannot be satisfactorily incorporated within a structure of political administrative units, or kingdoms created by the application of military power (Murdoch, 1998, p. 6). In eighteenth-century Britain in particular – ‘Britain’ itself being a new concept created by the Union of England and Scotland in 1707 – the concepts of regions and localities were also in the process of being redefined. According to Murdoch, the numbers of those aware of these two different ‘spaces’ of nation and locality were increasing, and their agency was a dynamic force at play in Britain after the Union (Murdoch, 1998, p. 8).

The ‘revolutions’ in early modern economic history, such as the Agricultural Revolution, the Industrial Revolution, and the Transportation Revolution, took place alongside the political revolutions of the age. On the one hand, those who regarded themselves as giving rise to economic and social revolution presented their reforms as improvements while establishing a British Empire that was based on a financial system that continued to exploit the institutions of monarchy, the aristocracy and the landed gentry. The social and economic transformation of Scotland in the eighteenth century greatly enriched the few, bestowing upon them unparalleled wealth while improving, to some degree, the basic living standards of the many. On the other hand, there were significant numbers who gained little or nothing, however, or who even lost advantages they had previously enjoyed such as property rights, ownership rights, their own way of life and self-sufficiency in this social and economic transformation. They were regarded by the elite as reactionary, for they seemed to be resistant to the recently introduced improvements. They sought to defend their own customs, traditions and way of life in the face of rapid social and economic change, so as to preserve independence and autonomy as members of the community in which they lived, and self-sufficiency within the old tenurial and cultivation systems. Groups such as the Highland tacksmen – tenants in the old landholding system – simply found themselves without a place in a new and very different agrarian regime that pursued improvement (Allan, 2002, pp. 115 and 118; Murdoch, 1998, p. 9).

When peasants were transformed into employees, in a manner similar to industrial labourers, these agricultural workers increasingly risked labouring longer hours than their basic needs required, in addition to facing the risk of redundancy due to notions of cost cutting and restructuring not applied in the old agrarian system. Employees in the commercial and manufacturing sectors were particularly vulnerable to having to work longer hours, as costly machinery had to be employed on a continuous basis. They were also vulnerable to the effects of the intensifying trade cycles as the market economy expanded. A great majority of working people in the eighteenth century were exposed to strict discipline and rigorous supervision of labour, as higher productivity and more efficient management was demanded of them than had ever been the case prior (Allan, 2002, p. 116; Devine, 2005b, p. 50).

A well-known instance of direct action against unwelcome commercialisation in eighteenth-century Scotland that was facilitated by the formation of the new state of Britain is that of the ‘Levellers’. These radical egalitarians were small tenants and peasants in Dumfriesshire and Galloway who sought to preserve the old, self-sufficient, local economy. In 1724 they protested against the large-scale cattle enclosures put in place by the landowners in

their area who sought to secure increased benefits from English demands for stock. Sporadic resistance to the new landholding regime was increasingly seen also in the Highlands, especially in the second half of the eighteenth century, as the pace of so-called improvement accelerated (Allan, 2002, p. 116; Devine, 2005a, pp. 24–25).

Easter Ross, examined by Ian Mowat in *Easter Ross, 1750–1850: The Double Frontier* (1981), was another example. According to Mowat, the landed class in the area introduced social and economic changes ‘not primarily, to make money’, but to keep up with the new British elite of the age. These landowners acted neither in conjunction with their tenants and peasants nor in opposition to them, but independently of them. As they wanted a higher standard of living for themselves, they sought to increase the competitive edge enjoyed by the local economy by carrying out substantial economic change, of which they had no doubts about its efficacy or propriety (Mowat, 1981, pp. 153–155; Murdoch, 1998, pp. 8–9).²

Furthermore, the excise riot, which involved attacks on excisemen and customs warehouses, could be seen in this context as an instance of active resistance to the expansion of the market economy, as David Allan has pointed out. Many popular protests in Scotland in the eighteenth century, such as the Porteous Riot in Edinburgh in 1736, were sporadic, with specific aims in each case, but these occurred frequently throughout the Lowlands until the 1750s and worried the already-on-edge authorities (Allan, 2002, p. 116). Even illicit distilling, coastal smuggling, and widespread tax evasion could be interpreted as yet more forms of popular opposition to the new customs and tax regime that had followed in the wake of the Union and with the penetration of market principles (Allan, 2002, p. 116; Devine, 2005a, p. 25).

A situation in which increased wealth widens inequalities and some are damaged by the very factors that raise the incomes and improve the lives of many others is nothing new to ourselves in the globalised economy of the twenty-first century.

3. Feuding around the Pundlar Process and Orkney in the eighteenth century

The feuding that surrounded a legal case known as the Pundlar Process (1733–1759) is an example of conflicts between those who gained and those who, in their own eyes, were left behind. This was a protracted and complex set-piece legal battle over the standard weights to be used in determining feu duties in the Orkney Islands. The case lasted more than two decades.³ The law suit, however, was not just a practical dispute: it was also a reflection of a clash between the two ‘spaces’ of nation and locality – or of the market economy and the community – during the age of Enlightenment in Scotland.

The dispute was between some of the local Orkney lairds and their feudal superior, the fourteenth Earl of Morton (James Douglas, 1702–1768).⁴ The crux of the matter was that the

² Another important study of a wider group behaving as in Easter Ross is Nenadic, 2007.

³ Fereday, 1980, presents the most comprehensive and detailed account of the Pundlar Process and of the relationship between the successive Earls of Morton, who held the Lordship of Orkney and Shetland, and the local Orkney lairds. Using information presented in Fereday’s book, this paper examines statements made by Morton as defendant, as well as those made by James Mackenzie and the Earl of Galloway as legal representatives of the local lairds engaged in the Pundlar Process. Legal documents related to the lawsuit are collected in *Earl of Galloway and Udallers of Orkney v Earl of Morton*, Printed legal papers, 1745–52, 333Y (Kirkwall: Orkney Library); *Pundlar Process: Earl of Galloway and Udallers of Orkney v Earl of Morton*, Printed legal papers, 1757–59, 333Y (Kirkwall: Orkney Library); *Tracts on the Orkney and Shetland Islands*, 1813–14, Papers of the Viscounts and Barons of Elibank, T002.010 (Edinburgh: National Archives of Scotland).

⁴ Morton was educated at Marischal College, Aberdeen, and King’s College, Cambridge, and was Lord Aberdour, the title of the heir apparent to the thirteenth Earl of Morton (George Douglas, 1662–1738), from 1730 to 1738. After succeeding to the title and control of the estates in 1738, he was elected one of the sixteen Scottish representative peers in the House of

produce which the Earl collected in kind as feu duties was weighed and calculated by the Earldom's 'Pundlar', in the Earldom estate (Fereday, 1980, pp. 36–38; Thomson, 1987, p. 231).⁵ One of the local lairds, Sir James Steuart (Baronet of Burray, 1694–1746), was discontented with mainland-born feudal superiors such as Morton presiding over the Islands as absentee landlords who were not integrated into the local community. Steuart and some of the lairds defied Morton by withholding their duties from 1735 onwards (Fereday, 1980, p. 47; Galloway, 1757, p. 188; Morton, 1758a, p. 1),⁶ and challenged the legality of the Pundlar in the Court of Session. Morton defended his various rights as feudal superior and sought to discredit Steuart, and consequently one of the longest and most acrimonious legal battles ever to trouble the Scottish courts was waged (Fereday, 1980, pp. 36–38; Thomson, 1987, p. 231).

The customs surrounding the weighing of produce in the Earldom of Orkney were matters of some importance, in part because the traditional weighing measures, such as the Pundlar, were not standardised. Unscrupulous merchants or lairds were known to use one for selling and another for buying (Fereday, 1980, p. 37; Thomson, 1987, p. 232).

The ancient powers granted to landowners – powers that the Union of 1707 had failed to curb – were crucial factors in the conflict between aristocrats and lairds in early modern Scotland. In Orkney, Morton pursued the improvement of his estates by executing the strong powers at his disposal as a presiding feudal superior. The lands of the Earldom estate in Birsay, for instance, were reorganised, and each farmer's rigs and pasture were consolidated into areas known as 'planks' (from the French, *planche*), which made them easier to farm. The Birsay planks of 1760 were often around 23 English acres in area, far bigger than the 1.32 English acres which was to become the standard size of an Orkney shead in the second half of the eighteenth century (Thomson, 1987, p. 200; Thomson, 1995, p. 58; Wenham, 2001, pp. 59–60).

A fierce legal battle such as the Pundlar Process, however, would have been an expected outcome of the types of archaic structures that had given aristocrats and lairds such a strong hold over local affairs. Based on the belief among the lairds that any change must be for the worse, Morton's businesslike resolve to end the troubles concerning weights and measures by introducing modern and unified standards that were suitable for the new, expanding market economy that prevailed under the Union provoked widespread resistance. Many lairds consequently came to support Steuart and his faction in the Pundlar Process (Fereday, 1980, p. 47).⁷

The Pundlar Process, therefore, was not just a legal dispute concerning weights and measures, but also a clash of economic interests between two parties: the lairds who sought to preserve traditional weights and measures, and accordingly defended their traditional rights as landlords, and the Earl who sought to exact even more superiority by introducing more just and

Lords in 1739. He became a leading Scottish Court Whig peer, but the quarrels and lawsuits in which he became involved in connection with Orkney were such that he disposed of his entire property in the Islands to Sir Lawrence Dundas in 1766. He immersed himself in astronomy, and from 1764, as President of the Royal Society in London, was effectively the leader of institutionalised British science (see Allan, 2002, p. 135; Fereday, 1980, p. 36; *Letter*, pp. 4–5).

⁵ For descriptions of the Pundlar, see Morton, 1758a, p. 5; Mackenzie, 1836, pp. 19–20. A diagram of the Pundlar is contained in *Pundlar Process* (Kirkwall: Orkney Library).

⁶ In the Court of Session, Morton eventually scored legal victories against Steuart and the other lairds who had withheld feu duties (Morton, 1758a, pp. 1–2; Fereday, 1980, pp. 46 and 52).

⁷ Morton himself admitted that measures such as the Pundlar were extremely crude and fallacious. As early as 1743, Morton insisted on abolishing such inaccurate weighing instruments as the Pundlar, and argued in favour of introducing the standard weights and measures in use throughout Britain (see Morton, 1758a, pp. 5–6; Morton, 1758b, pp. 26–27). The construction of the standard meter in revolutionary France was also as much about the expansion of trade and the emphasis on *doux commerce* by the French *philosophes* as was at stake in the Pundlar Process (see Alder, 2004).

standardised weights and measures into his estates. Those who sought to improve their estates in order to adapt themselves to the new market economy and unprecedentedly fierce commercial competition in Britain under the Union competed with those who sought to preserve the autonomy of the traditional community for control of a locality.

The Pundlar Process was influenced not only by economic interests, but also by religious and political interests. The lingering Episcopalian and Jacobite traditions of the Orkney lairds led them to be sympathetic toward Steuart and his faction (Fereday, 1980, p. 47). Nearly all the inhabitants of Orkney were Jacobites, or favourable to the Stuart dynasty, and the Episcopal clergy supported the enterprise of 1715. When the rebellion failed, they were rigorously dealt with: many were threatened with imprisonment or obliged to flee (Craven, 1883, pp. 85–86). Steuart, one of the supporters of the Episcopal Church at the time, was then in hiding for his complicity in the uprising of 1715: it was he who nevertheless initiated opposition to Morton in the Pundlar Process (Craven, 1883, p. 101). By 1735, the ruin of the Episcopal Church seemed to be nearly complete, yet many in Orkney, including nearly all the gentry, still identified as Jacobites at the time of the enterprise of 1745. As a result, many of them again suffered greatly upon its failure when British Parliament passed more stringent penal statutes against them (Craven, 1883, pp. 95 and 106). The Episcopalians in Orkney in the latter half of the eighteenth century were both numerous and respectable, however, and the Episcopal ‘Kirk of Burray’ was one of those places in Orkney where occasional services could still be held without stated clergymen of their own (Craven, 1883, pp. 101–102 and 108).⁸

Morton, however, as one of the sixteen peers representing Scotland in the House of Lords under the Treaty of Union, was a Court Whig, an important supporter of Sir Robert Walpole’s ministry and of the House of Hanover, and identified with the party of the second Duke of Argyll (John Campbell, 1678–1743) and his brother, Lord Islay (Archibald Campbell, 1682–1761). The Earl was also Presbyterian, a denomination toward which dissident lairds would have been naturally hostile (Fereday, 1980, pp. 4, 23 and 47).

Steuart died of illness as a Jacobite prisoner in the Southwark Gaol in London in 1746, prior to his trial. His Burray estate was passed to his heir, the sixth Earl of Galloway (Alexander Stewart, 1694–1773). Galloway was much more cautious in his actions after the defeat of the Jacobite Rebellion (1745–1746), although he did continue Steuart’s legal battle against Morton (Fereday, 1980, p. 125; Morton, 1758a, p. 2). Unlike Steuart, who was a baronet and laird, Galloway was a more effective leader of the dissident lairds, since he was as much a prestigious peer and as remote an absentee landlord as Morton himself (Fereday, 1980, p. 125).

The dissident Orkney lairds, now led by Galloway, continued the slow and costly legal battle for a dozen more years. For those lairds who had followed Steuart and withheld the feu duties due Morton, their vested interests built up on the Steuart’s case that rents payable to Morton ought to be reduced, and that they should be absolved from paying skats (land taxes) as the legal case was prolonged. The Pundlar Process, however, ended in a Morton victory in 1759, and he was awarded substantial legal costs, with his rights in Orkney remaining unchanged (Fereday, 1980, p. 143; Morton, 1758a, p. 2; Thomson, 1987, pp. 231–232; Wenham, 2001, pp. 31–32).

The conflict that the Pundlar Process highlighted could not have occurred outside of the context of growing discrepancies between increased economic competition and the

⁸ On the connection between Episcopalians and Jacobites in Scotland, see Lenman, 1982; Sher, 1985, p. 282; Whiteford, 1965.

old-fashioned system of cultivation. It was primarily a dispute about the justice of a system of weights and measures that were easily open to fraud, but it reflected the clash of interests between a modernising aristocrat from the mainland, who sought to pursue improvements in productivity and management within the new agrarian regime that Scottish Enlightenment ideas had endorsed,⁹ and the conservative local lairds, who had kept their own customs and traditions under the old landholding system. Conflicts of interests, such as those at work in the Pundlar Process, reflected the complexities characteristic of the age of Enlightenment in Scotland.

4. The Pundlar Process debate: James Mackenzie and Thomas Hepburn

The latter half of this paper analyses a contemporary economic debate, held outside the Court of Session, between James Mackenzie, a solicitor for the plaintiffs, and Thomas Hepburn, a supporter for Morton as defendant. The debate shows that the real issue behind the Pundlar Process was a long-standing conflict between pre-Scottish, pre-feudal, Orcadian Udal law and modern Scottish law concerning property rights. This section of the paper aims to locate the debate within the context of the Scottish Enlightenment idea of improvement in order to illuminate its implications.

Mackenzie was a great-grandson of Bishop Mackenzie, one of the last prelates of Orkney, and was a writer in Kirkwall. He went on to practice as a solicitor in Edinburgh before the Supreme Courts. When the Pundlar Process was raised, Mackenzie was appointed agent for the Orkney lairds, and he wrote *The General Grievances* (1750) to raise awareness of their cause out of the court. When the Court of Session gave judgement against the plaintiffs in 1759 based on insufficient evidence and the lawsuit had been resolved, he moved to London, where he died a bachelor (Mackenzie, 1836, p. ix).

Hepburn was born in East Lothian, studied at the University of Edinburgh (*Matriculation Roll of the University of Edinburgh*, 1933–1934, p. 213), and was presented by Morton to be ordained in Birsay, Orkney, in 1752. He remained there as a minister of the Church of Scotland until 1771 (*Letter*, p. 1). His *Letter* was written as a reply to an editor who had asked him about the Pundlar Process and the causes of poverty in Orkney. It was dated back to 1757, and thus had remained unpublished for a few years. When the lawsuit was closed in 1759, however, the editor was convinced of the falsehood of the lairds' outcry against Morton, as well as the rightfulness of Hepburn's arguments, which led to the 1760 publishing of *Letter*. These circumstances are recorded in the 'Advertisement by the Editor', which also shows that the Pundlar Process attracted public attention in Britain at that time (*Letter*, pp. 1–3; *Letter*, 'Advertisement by the Editor', pp. 9–12).¹⁰ Hepburn used the letter – the tool *par excellence* of the period – to stand up for his parish, and to portray the power struggles between a modernising aristocrat and traditional lairds in accordance with the spirit of improvement he had taken with him from one of the centres of the Scottish Enlightenment, Edinburgh.¹¹

⁹ A non-agricultural example of improvement introduced by Morton into Orkney was linen manufacture. Morton persuaded the British Linen Company – one of the chartered banks in Britain, having been established in 1746 by the British Government – to invest and thereby introduced the linen industry into Orkney. Relying on the cheap labour available in Orkney, the linen industry rapidly grew in the Islands, exporting to markets in Newcastle and the east coast of England, and in Shetland, considerably ahead of agricultural exports as a money earner. The linen industry provided financing to merchants and lairds, while the industry also provided some measure of financial independence for the female population of the Islands (Wickham-Jones, 1998, pp. 176–177; Thomson, 1987, pp. 214–215; Wenham, 2001, pp. 164 and 271–272).

¹⁰ Adam Smith, too, seems to have been interested in the Pundlar Process (see Smith, 1977, *Letter* 117, pp. 143–144; *Letter* 119, p. 153).

¹¹ For a direct link between the Enlightenment literati in Edinburgh and participants in the Pundlar Process, see Furuya, 2011.

In *The General Grievances*, Mackenzie argued that the Norwegian laws, language and overall polity, including its weights and weighing instruments, which both had Norwegian names, had subsisted in Orkney, distinct from those of Scotland. Orkney's senate, Lawting, was retained rather than abolished under the Scots and, from the early seventeenth century, under the second Earl of Orkney (Patrick Stewart, 1569–1614), until 1670, Orkney's laws were still enacted in the Lawting, as though in a separate and distinct country that had free administration over its own affairs. These distinct laws of Orkney, digested into a book called the *Book of the Law*, still prevailed, even if this book was apparently similar to the law book of Norway, and stood in direct opposition to the laws and customs of Scotland (Mackenzie, 1836, pp. 2–7 and 13).¹² The main argument of the plaintiffs,¹³ on which their whole case depended, was that Orkney and Shetland, previously having belonged to Norway, had introduced weights and measures from Norway, but the original standard of these weights had been augmented or increased from time to time under the successive Earls of Orkney to the great damage to the plaintiffs, so that their rents, paid to the defendant according to the weights, had more than doubled (Morton, 1758a, pp. 2–3 and 32; Morton, 1759, pp. 1–2; see also Mackenzie, 1836, pp. 30–1, 34, 37–40, 43–4, 47–8, 58–9, 67–70 and 79–80). Assuming that the weighing instruments, such as the Pundlar and the names of the weights, had been introduced into Orkney along with laws and customs from Norway, the plaintiffs argued that the contents of the Orcadian weights should be reduced to those of the modern Norwegian weights (Mackenzie, 1836, pp. 1–13 and 26–27; Morton, 1758b, p. 36; Morton, 1759, p. 14).

While reinforcing Morton's argument, Hepburn criticises this argument as follows: it would be absurd to affirm that the standard weight of any country should be regulated by what it was some centuries ago, or by that of another country, even if expressed using the same terms, and even if the one locality happens to be a colony of the other. As examples, Hepburn cited the differences between Britain and her colonies in North America, as well as those between England and Scotland, and observed 'that all nations who borrow languages and terms from other people, as colonies do from their mother-country, always take the liberty to accommodate the terms to their own situation and circumstances'. According to Hepburn's argument, the general rule is 'that the terms express more or less of any commodity, according as there is more or less of that commodity [in that country] than in the country whence the terms were borrowed'. Hepburn concludes that, because little or no grain grew in Norway, whereas it was the main produce of Orkney, the weights used to measure the grain being sold must be large in Orkney where there must be a considerable quantity of it available for use (*Letter*, pp. 34–37).¹⁴

The above difference in their views on weights and other institutions contributed to the decisive issue of property rights over the land. Mackenzie argued that the identity of Norwegian and Orcadian laws would best appear in Udal law, whose chief objects were property rights such as selling and redeeming land, the rights of primogeniture and of succession in general (Mackenzie, 1836, pp. ix, 2 and 6–10). When Orkney was engaged to the Scots, it was not given out in feudality at the full rental, but still retained by the Udalmen (private owners of lands), except for the lands of the Church and a very few Crown lands. As the lands were mostly alodial – that is, free, independent and entirely owned by Udalmen, in contradistinction to feudatories, which were held derivatively or by a dependence on others –

¹² The book was *The Uthel Book*, the land records compiled by Patrick Stewart, which gives a fairly complete picture of the pattern of land tenure in Orkney at the time of the break-up of the old system (Shearer, 1966, p. 26).

¹³ The main issues of the Pundlar Process are summarised in the following documents: Morton, 1758a; Morton, 1758b; Morton, 1759; Galloway, 1757; Galloway, 1758.

¹⁴ For Morton's own view on this issue, see Morton, 1758a, pp. 6–7 and 30; Morton, 1758b, pp. 36–37.

Udalmen owed no homage, rent or service, acknowledged no seigneurial superior but God alone for their ownership, and paid only tithes to the Church and a skat to the state for protection. Mackenzie concluded that the skat could not be considered Crown rent, but was instead a land tax. If the Orkney lairds were imposed feu duties by Morton, therefore, it was injustice and oppression because the old land tax and the new feu duties must not subsist together (Mackenzie, 1836, pp. 89–90, 94, 103–106 and 112).

Orkney and Shetland were passed from Norse to Scottish rule in 1472 as a royal dowry for Margaret of Denmark (1456–1486). She was the only daughter of King Christian I of Norway and Denmark, and married 14-year-old King James III of Scotland (1451–1488; King of Scotland, 1460–1488). At that time, one of the attached conditions in fact was that these islands were to retain their own laws and traditions. There was therefore only a slow breaking up of the old system, and Udal law persisted into the seventeenth century. Indeed, remnants of the old system persist even today, as is seen in the laws pertaining to foreshore rights. The disintegration of the Udal system of land tenure, however, began in earnest after Norse law was finally abolished in 1611, and Orkney was passed to the mainland-born Scottish Earl of Morton in 1615. In the following years there was a series of land reallocations (Eunson, 1788, pp. 39–46; Wickham-Jones, 1998, pp. 150–151 and 155; Shearer, 1966, pp. 25–26). Acquiring land became a means of financial gain in the context of the market-oriented economy of the British Isles, thus producing a striking series of changes in the nature of landownership, such as the short-term tacksmen holding the earldom and bishopric estates, as well as the collection of skat and rent on strictly business lines (Thomson, 1987, p. 231). The old Udal system was gradually replaced by feudal landownership, and most Orkney lairds resented a powerful but absent feudal superior exacting his duties (Fereday, 1980, p. 2).

In the Pundlar Process the plaintiffs also argued that, for the approximately one hundred years since Orkney and Shetland had become Scottish territory, the whole of the public revenue originating in the territories had seldom exceeded 440 Scottish pounds in a given year – this according to the exchequer records – whereas the rents had since swelled to fifteen times their initial amounts. They regarded this as yet more proof of oppression through the augmenting of weights (Morton, 1758b, pp. 28–29). To Hepburn, however, the plaintiffs simply endeavoured, outside the legal system, to spread a belief that their ancestors had possessed great affluence and enjoyed extraordinary rights and privileges in former times, and that these blessings were now being deprived of them by the successive Earls of Morton (*Letter*, p. 50). The plaintiffs placed great stress on the expressions for the ancient Orkney lairds used by George Buchanan, a Scots historian, such as ‘Principes’ and ‘Nobiles’ (Buchanan, 1733; *Letter*, pp. 53–54; see also Mackenzie, 1836, pp. 85–86).¹⁵

Hepburn rejected this Country Whig-like discourse, however, arguing that the ancestors of the Orkney lairds were ordinary people: they were not Udalmen, but feuars of the King’s estate. They were plain, simple and sober country farmers, and frugal and industrious labourers, unacquainted with luxury. Many contemporary Orkney lairds had, on the contrary, abandoned the wise and frugal life of their ancestors in exchange for luxury and extravagance, having not been bred to diligence and labour. It was therefore no wonder, Hepburn went on, that a hue and cry at the increase of the weights and oppression, once raised, met with the commencement of the Pundlar Process among idle, vain and luxurious people such as them, as they saw in it an easy way of getting rid of the great part of the superior duties payable by them (*Letter*, pp. 45–

¹⁵ George Buchanan (1506–1582) wrote a history of Scotland in Latin, *Rerum Scotticarum Historia* (Edinburgh: Alexander Arbuthnet, 1582).

47, 49 and 55–56).

Hepburn also argued that references to ‘the princes and nobles of Orkney’, as George Buchanan had expressed in Latin, meant only lairds and gentlemen in contradistinction to the vulgar and common people, and that the aristocracy of Scotland of that age would have justified phrases like this in Buchanan’s history book. Hepburn further pointed out that Buchanan admitted to having known nothing of Orkney but what he had learnt by rumour (*Letter*, pp. 54–55).

In the end, Mackenzie attributed the cause of poverty in Orkney to the increase of the weights: by means of those overgrown weights, the productions of land were all swallowed up and perpetually carried away, the properties of hundreds of local lairds were swallowed up, the number of the inhabitants decreased and the trade of Orkney was quite lost (Mackenzie, 1836, pp. 83–86 and 97–98).

Hepburn attributed many of the causes of poverty in Orkney, on the contrary, to the tyranny and oppression of those same local lairds who were the plaintiffs in the Pundlar Process. One of the main causes of poverty, ‘the lack of improvement in agriculture’, for example, persisted in Orkney because, Hepburn argued, most of the Orkney lairds showed no humanity to their tenants and peasants, unlike their English counterparts. They crushed the spirit of improvement in their farmers by imposing short leases, grassums (payments to a laird by a tenant to renew a tenancy), numerous and undefined services, and many other grievances. The Orkney lairds showed no leadership in improvement, and the cooperation between the lairds and their tenants was totally missing. Their standard of living was consequently very poor on the whole, according to Hepburn (*Letter*, pp. 16–19 and 27–28).

Many tenants of the local lairds were in pitiful condition, serving as many as three separate landlords, each of whom demanded services from their conjunct tenant at will. Hepburn pointed out that there were estates in Orkney whose grassums amounted every three years to more than its annual rents, in addition to various taxes, such as bringing up calves, lambs, poultry, and so on. Hepburn also criticised the fact that, while Morton exacted from his tenants four shillings for a ‘meil’ of barley and seven and sixpence for a meil of malt, there were lairds who shamelessly exacted from their own tenants five shillings for the former and ten for the latter, which Hepburn condemned as cruel behaviour in a laird (*Letter*, pp. 31–32).

Orkney spinners under the control of the lairds were paid 25 per cent less than linen workers in Edinburgh, and they were paid in smuggled spirits and Dutch tobacco instead of cash (Wickham-Jones, 1998, pp. 176–177; Thomson, 1987, pp. 214–215; Wenham, 2001, pp. 164 and 271–272). Hepburn argued that paying the spinners with smuggled spirits and Dutch tobacco could not be any more pernicious to the industry, health and morals of the people, and criticised the many Orkney lairds who exacted intolerable and burdensome services of spinning from their tenants (*Letter*, p. 21). Hepburn stated that smuggling or illegal trade, which was the bane of every society, had rapidly progressed in Orkney over the past three decades. Hepburn also attributed the expansion of smuggling to the lack of leadership exhibited among the lairds, and criticised that the inhabitants of the Islands could not be brought together in any project except smuggling, which was ruinous of health and wealth and destructive of the morals of the whole people, yet was carried on with the general consent and concurrence of the whole society (*Letter*, pp. 23–24).

Sir James Steuart, leader of the plaintiffs in the Pundlar Process, was indeed a laird notorious for the oppressions he visited upon his own tenants. Steuart’s acts of injustice and cruelty included carrying off servants, exacting labour services, introducing charges for

traditional peat rights, illegally enclosing common grazing land, forcible entry, the unwarranted impounding of cattle and goods, the levying of arbitrary fines and the seizure of wreckage washed ashore.¹⁶

In Hepburn's view, the tenants of the Earl of Galloway – leader of the plaintiffs in the Pundlar Process after the death of Steuart, who had as good an estate in Orkney as Morton had there in property lands and was of the same rank – were as poor as those of the meanest lairds in Orkney (*Letter*, pp. 29 and 32). This was an issue also raised in the Pundlar Process (Morton, 1758b, pp. 16–17).

Hepburn argued that it would be next to impossible for agriculture, fisheries and manufacturing to recover unless the lairds exerted themselves in support of their tenants, recognising to do so was beneficial to their own interests (*Letter*, p. 31). Hepburn concluded that the unity of Orkney society had been destroyed because of the tenants' oppression at the hands of the lairds, and that some valuable improvements begun by Morton, such as the linen industry, had been left unaccomplished. Many more improvements that might have been tried were neither attempted nor could be done well, and consequently the root causes of poverty in Orkney persisted (*Letter*, pp. 56–57). His main point – that the causes of poverty in Orkney were the oppressions carried out by the plaintiffs – was clearly articulated throughout his *Letter* (*Letter*, pp. 44–45).

5. The Pundlar Process and the Scottish Enlightenment idea of improvement

It is possible to regard Hepburn as possessing certain characteristics held among Scottish Enlightenment thinkers such as David Hume (1711–1776) and Adam Smith (1723–1790). The sort of economic analysis normally associated with the Scottish Enlightenment can be seen as most characteristic, for instance, in the consistent endorsement of the Union of England and Scotland in 1707, and in the analysis of the consequent growth of the market economy as a powerful and effective means to increase wealth and solve the real problems of finance and poverty. This characteristic was more than remarkable in Hepburn's *Letter* because of his clear and unwavering criticism of the Orkney lairds amidst widespread conflicts of interests and political struggles under the Union, which forcefully put forth the case of the European Enlightenment as a criticism of the status quo (Furuya, 2011, pp. 711–712).

Scottish Enlightenment thought, including that reflected in Hepburn's *Letter*, was similar to the Enlightenment in France in that it was based on approbation of the liberty and prosperity, and the subsequent commercial polity, brought about by the Glorious Revolution (1688–1689) in England. The Scottish Enlightenment was a movement to 'improve' Scotland in the age of the Union based on the model of Augustan England, and its prime movers were a particular elite group of Scots who, as a prosperous middle class, deliberately detached itself from the local community, and believed that through the expansion of the market economy and the development of a free polity, the creation of a new identity of 'Britain' under the Union could be a panacea for many modern problems (Murdoch, 1998, pp. 39, 97–98 and 104–105; Sher, 1985). Smith, for instance, thought that free trade was the main advantage of the Union of 1707 for Scotland, which saw an increase in the price of cattle, a rise in the value of all Highland estates, and the improvement of the Lowlands (*WN*, I. xi. l. 3, pp. 239–240; see also *WN*, I. xi. b. 8, p. 165).

The main actors Smith praises as highly instrumental to improvement were

¹⁶ For detailed instances, see Fereday, 1980, pp. 38–40. Hepburn refers to one of these cases as well (*Letter*, p. 48).

merchant-landowners, the former merchants who retire from cities and become country gentlemen, and invest in the improvement of their estates:

[T]he wealth acquired by the inhabitants of cities was frequently employed in purchasing such lands as were to be sold, of which a great part would frequently be uncultivated. Merchants are commonly ambitious of becoming country gentlemen, and when they do, they are generally the best of all improvers. A merchant is accustomed to employ his money chiefly in profitable projects; whereas a mere country gentleman is accustomed to employ it chiefly in expense. [.....] Those different habits affect their temper and disposition in every sort of business. A merchant is commonly a bold; a country gentleman, a timid undertaker. [.....] The habits, besides, of order, oeconomy and attention, to which mercantile business naturally forms a merchant, render him much fitter to execute, with profit and success, any project of improvement (*WN*, III. iv. 3, pp. 411–412).

These merchant-landowners were the people who Smith assumed were the most important actors of improvement. As the former merchants themselves, they could not be fooled, like the nobility and mere country landlords, by monopolist manufacturers and merchants whose acute understanding of their own mercantile interest would eventually be even dangerous to the public (see *WN*, I. xi. 10, pp. 266–267; IV. ii. 43, p. 471; IV. viii. 17, pp. 647–648; IV. viii. 20, p. 649; *LJ* (A), ii. 91, pp. 104–105). Agricultural improvement practiced by retired merchants would enable the production of wealth to effectively consist of the improvement of virtue. Merchant-landowners could combine the most productive industry with their attention and application, the virtues most required for agricultural improvement, which they formerly acquired as successful merchants.

Landlords had the reputation of being the most absolute in Britain right up to the Great Reform Bill of 1832 (Smout, 1985, pp. 261–262). Such prestige of the landed class in early modern Britain gave the demand-side factor of the purchase of land by merchants. The merchants of Glasgow, where Smith became professor of moral philosophy, were deeply involved in the land market around the burgh throughout the seventeenth century, and by 1700 were so mixed by marriage, mortgage, and purchase that it was almost impossible to tell who in the vicinity was by origin a laird and who was by origin a merchant (Smout, 1985, p. 263). In the eighteenth century, it became common for Scottish colonial adventurers who made their fortune in America and Asia to return home with the accumulated profits of their enterprise, and buy landed estates to mark their successful careers abroad. In particular, the break-up and final demise of the so-called First British Empire in 1783 gave the occasion for some of the colonial merchants and financiers to retire from trade, and to join the landed elite. By 1815, the counties around Glasgow were ringed with the estates of the city's tobacco lords and sugar princes (at least 62 landed estates were purchased by them between 1770 and 1815). The parishes around Edinburgh were the rural retreats of the elites of the capital's legal aristocracy. In parts of the Borders, Highlands and eastern Lowlands, returning Indian 'nabobs' were conspicuous and colourful figures. Throughout Scotland, properties were bought up by returnees from the Caribbean, India, and Asia. They were the prime influences on the active land market, and helped to sustain agricultural improvement, road building, village development, and the financing of rural industries (Devine, 2005a, pp. 31–32; Devine, 2005b, p. 56; Devine, 2005c, p. 79; Lee, 2005, p. 136; Murdoch, 1998, pp. 69–70; see also Allan, 2002, pp. 165–185; Colley, 1992, pp. 122–139; Devine, 1971; Devine, 1978; Devine, 2003; Macinnes, 1994). Devine argues that, in the period 1770–1815, 'Merchants were as eager as ever to buy

land and there still appeared to be enough of it to satisfy those who had the necessary financial sources to acquire it. Quite clearly few commodities could provide, in quite the same way as an estate could, for the social, aesthetic and financial needs of the eighteenth-century businessman' (Devine, 1971, p. 235). The merchant-landowners had much experience of life outside the landed class, and they by no means despised the values and social aims of the bourgeoisie from which they rose. They formed an effective bridge between the middle and upper classes from which both benefited (Smout, 1985, p. 265–266).

On the other hand, the supply-side factor of the purchase of land by these merchants was given by what Christopher Smout called 'the revolution of manners' in eighteenth-century Scotland. To the Scottish lairds at the end of the century, after the revolution in the way of life, the life of a Scottish gentleman at the beginning of the century looked almost unbearably uncouth. The Scottish gentry as a whole enjoyed larger real incomes and rising rents in the late eighteenth century than they did at the beginning. They came to enjoy the material standards which had previously been the privilege of the nobility and the greater landlords, from the building (architecture) and the plenishings (furniture) to the food (diet) and the wardrobe (clothing). In due course, they were challenged and influenced by the newcomers to the Scottish landed class: merchants who had capital accumulated from sources other than rents, which they could spend in ostentatious display. In an era of competitive display when higher social position was increasingly defined by material status, or standards of unprecedented splendour, the Scottish laird sought to rival them in the standard of comfort, either by increasing his rents which often meant a new approach altogether to the problems of farming on his land, or by borrowing. The improvement of farming was the long-term, ultimate solution, but not always possible if local economic conditions were unfavorable, as they often were between 1720 and 1780.¹⁷ Borrowing was a short-term answer which, if followed by nothing more, ultimately led to foreclosure and the sale of an estate to one of the status-hungry incomers from the professions such as merchants. Thus, the revolution of manners was one reason why Scottish land became more efficiently managed and why so much of it changed hands in the course of the eighteenth century (Devine, 2005c, pp. 78–79; Smout, 1985, pp. 265–271).¹⁸

The elite of the Scottish Enlightenment included not only great intellectual figures like Hume and Smith but also the nobility, like Morton, who was highly concerned with the extension into the countryside of relations of a more capitalist character and therefore sought to introduce improvements into Orkney to adapt it to the age of market economy. Presbyterian Moderate ministers like Hepburn also shared their ideals.¹⁹ Hepburn supported Morton in the

¹⁷ After 1780, nevertheless, many 'factory villages' sprang up within the orbit of Glasgow, often owing their existence to the enterprise of thrusting middle-class entrepreneurs (Smout, 1996, pp. 85 and 96). In the factory village, the landowner would have a cotton mill run by an industrial entrepreneur able to command substantial resources of capital and labour. It provided a market for his tenants' agricultural produce, and an extension of employment opportunity for the local population. If it was successful, it was likely to provide the landowner with a good return in rents and feu duties without providing any capital to the entrepreneur in the factory village (Smout, 1996, p. 95).

¹⁸ The revolution of manners in eighteenth-century Scotland might well be what Smith described in Book III of *The Wealth of Nations* as the motivational and material processes behind the collapse of feudalism. What Smith wrote about as the greatest revolutionary event in the economic history of Europe was actually happening in front of his eyes in Scotland.

¹⁹ The Moderates of Edinburgh in the Church of Scotland were dedicated to propagating many of the leading values associated with the Enlightenment, and sought to reconcile Christian principles with those of the Enlightenment (Sher, 1985, pp. 63–64, 89, 211–212 and 328). According to Christopher Smout, Hepburn must have been among the earliest Scottish ministers to interest himself in the meaning and ethics of agricultural improvement. A generation or so later this would have been commonplace, but he was evidently a pioneer, up there with other clerical pioneers like Adam Dickson (1721–1776). The membership lists of the Honourable Society of Improvers, which was coming to an end at about the time of the Jacobite rising, for instance, contain no ministers at all. The Hepburns in East Lothian were prominent and genuine agricultural pioneers and writers, and probably Hepburn was related to them (comments to the author). For Dickson, see Smout, 2012. Hepburn's *Letter* was published even earlier than Dickson's first volume of *A Treatise of Agriculture* (1762).

Pundlar Process, and endorsed Morton's schemes for improvements because he believed that modernising and bringing the Orcadian economy fully within the expanding market economy of post-Union Scotland would be the most effective means of solving the problem of poverty in Orkney. As illustrated by his comparison between the landed class of England and the Orkney lairds, Hepburn's *Letter* was a powerful endorsement of the Union with England, overcoming the traditional moral attitude that persisted within peripheral communities such as Orkney, and keeping national and international economic development in mind. Hepburn's *Letter* accordingly shows a characteristic of the political economy of the Scottish Enlightenment: the appreciation of the workings of the market economy in tackling the system of protections and ties that bound traditional local communities.

The Orkney lairds and Mackenzie, their legal representative, on the other hand, insisted on the validity of the Udal law of pre-Scottish, pre-feudal Orkney, using the age-old Udal-Feudal bone of contention as a pretext for their fight against Morton, and resisting the English model of Enlightenment 'improvement'. Morton, however, flatly denied the plaintiff's allegations in the Pundlar Process, and successfully managed to defend himself and win his case by arguing that their evidence was insufficient.²⁰ Morton was consequently perfectly secure in his control of Orkney, as far as he enjoyed the friendly cooperation of Henry Pelham (1694–1754; Prime Minister, 1743–1754) and his brother the Duke of Newcastle (Thomas Pelham-Holles, 1693–1768; Prime Minister, 1754–1756 and 1757–1762). When Morton ceased to enjoy that security after the retirement of the Duke of Newcastle in 1766, he was left disillusioned by the quarrelsome Orkney lairds, although ultimately victorious in the Pundlar Process. So, when in 1766 the merchant Sir Lawrence Dundas of Kerse (1712–1781) offered £63,000 for the Earldom estates of Orkney and Shetland, Morton was glad to be immediately rid of the Islands.²¹ After the death of Morton in 1768, Hepburn too left Orkney for his native East Lothian as a minister in 1771.

The business tycoon Dundas was a draper's son and an immensely wealthy war-profiteer who established his fortune as a supplier to the Duke of Cumberland's British Army in the Jacobite Rebellion. Profitable army contracts during the Seven Years War (1756–1763) made him one of the tycoons who were emerging by the 1750s in expanding commercial sectors under the Union, such as banking, shipping and provisioning. Such self-made men sought to buy their way into local landed society as merchant-landowners by using their 'new' money. The uneven distribution of wealth, with much of it concentrated in the hands of a small number of large-scale landowners, is a common feature of pre-industrial societies before the main onset of industrialisation, and eighteenth-century Scotland was no exception: in 1770, only a little more than 2 per cent of adult males were actually landowners, and a small group of 92 individuals owned the bulk of the landed estates. The great merchant-landowner Dundas held as large holdings as the Dukes of Buccleugh and of Hamilton, having managed to purchase the Earldom estates of Orkney, Shetland and part of Stirlingshire and quickly added to them by buying out the Earl of Galloway in 1768, and even entailed his estates in a display of dynasticism the equal of any ancient proprietor (Allan, 2002, p. 112; Lee, 2005, p. 137; Soltow,

²⁰ As petitions and counter appeals by both the plaintiffs, led by Galloway, and the defendant, Morton, grew in scope and scale, the Court of Session ordered both sides to present their cases by concisely summing up their arguments and evidences respectively (Morton, 1759, p. 1).

²¹ Eunson, 1788, p. 98; 'Papers in connection with the sale of the Earl of Morton's estate in Orkney and Shetland to Sir Lawrence Dundas, containing abstracts of rental of the Earldom of Orkney and Lordship of Shetland', 1764–1767, handwritten 39 papers, D38/1718, in manuscript papers relating to the Earldom of Orkney, D38 (Kirkwall: Orkney Archives).

1990, pp. 40–41; Thomson, 1987, pp. 204 and 232). Hardly anything would have been more ironic than that, given that the Orkney lairds under the control of Morton had insisted that the reason Orkney was poor was because great affluence and privileges that their ancestors had possessed as Udalmen in the former times, were deprived by their feudal overlords such as Morton.

References

- Alder, Ken (2004) *The Measure of All Things: The Seven-Year Odyssey that Transformed the World* (London: Abacus of Time Warner).
- Allan, David (2002) *Scotland in the Eighteenth Century: Union and Enlightenment* (London: Longman).
- Buchanan, George (1733) *Buchanan's History of Scotland* (London: J. Bettenham).
- Colley, Linda (1992) *Britons: Forging the Nation* (New Haven: Yale University Press).
- Craven, J. B. (1883) *History of the Episcopal Church in Orkney 1688–1882* (Kirkwall: William Peace and Son).
- Devine, Thomas Martin (1971) 'Glasgow Colonial Merchants and Land, 1770–1815', in *Land and Industry: The Landed Estate and the Industrial Revolution*, John Trevor Ward and Richard George Wilton, eds. (Newton Abbot: David and Charles), pp. 205–244.
- Devine, Thomas Martin (1978) 'An Eighteenth Century Business Elite', *Scottish Historical Review*, 57, pp. 40–63.
- Devine, Thomas Martin (2003) *Scotland's Empire, 1700–1815* (London: Allen Lane of Penguin Books).
- Devine, Thomas Martin (2005a) 'The Modern Economy: Scotland and the Act of Union', in *The Transformation of Scotland: The Economy since 1700*, Thomas Martin Devine, Clive H. Lee and George C. Peden, eds. (Edinburgh: Edinburgh University Press), pp. 13–33.
- Devine, Thomas Martin (2005b) 'Industrialisation', in *The Transformation of Scotland: The Economy since 1700*, Thomas Martin Devine, Clive H. Lee and George C. Peden, eds. (Edinburgh: Edinburgh University Press), pp. 34–70.
- Devine, Thomas Martin (2005c) 'The Transformation of Agriculture: Cultivation and Clearance', in *The Transformation of Scotland: The Economy since 1700*, Thomas Martin Devine, Clive H. Lee and George C. Peden, eds. (Edinburgh: Edinburgh University Press), pp. 71–99.
- Eunson, George (1788) *The Ancient and Present State of Orkney, particularly the Capital Borough of Kirkwall* (Newcastle-upon-Tyne).
- Fereday, Ray P. (1980) *Orkney Feuds and the '45* (Kirkwall: Kirkwall Grammar School).
- Furuya, Hiroyuki (2011) 'Working the Peripheral into the Picture: The Case of Thomas Hepburn in Eighteenth-Century Orkney', *The European Journal of the History of Economic Thought*, 18 (5), pp. 697–714.
- Galloway, Sixth Earl of (Alexander Stewart) (1757) *State of the Process, Alexander Earl of Galloway, ... against the Earl of Morton* (Edinburgh).
- Galloway, Sixth Earl of (Alexander Stewart) (1758) *Answers for Alexander, Earl of Galloway, ... to the Additional Memorial for James, Earl of Morton* (Edinburgh).
- Hepburn, Thomas (1885/1760) *A Letter to a Gentleman from his Friend in Orkney, containing the True Causes of the Poverty of that Country* (abbreviated as *Letter*)

- (Edinburgh: William Brown).
- Lee, Clive H. (2005) 'Economic Progress: Wealth and Poverty', in *The Transformation of Scotland: The Economy since 1700*, Thomas Martin Devine, Clive H. Lee and George C. Peden, eds. (Edinburgh: Edinburgh University Press), pp. 128–156.
 - Lenman, Bruce (1982) 'The Scottish Episcopalian Clergy and the Ideology of Jacobitism', in *Ideology and Conspiracy: Aspects of Jacobitism, 1689–1759*, Eveline Cruickshanks, ed. (Edinburgh: John Donald), pp. 36–48.
 - Macinnes, Allan I. (1994) 'Landownership, Land Use and Elite Enterprise in Scottish Gaeldom: From Clanship to Clearance in Argyllshire, 1688–1858', in *Scottish Elites*, Thomas Martin Devine, ed. (Edinburgh: John Donald), pp. 1–42.
 - Mackenzie, James (1836/1750) *The General Grievances and Oppression of the Isles of Orkney and Shetland* (Edinburgh: Laing and Forbes).
 - *Matriculation Roll of the University of Edinburgh: Arts, Law, Divinity*, Vol. I: 1623–1774, transcribed by Alexander Morgan (Edinburgh: Edinburgh University Library, 1933–1934).
 - Mitchison, Rosalind (1982/1970) *A History of Scotland*, 2nd edition (London: Routledge).
 - Morton, Fourteenth Earl of (James Douglas) (1758a) *Memorial for James Earl of Morton, Defender, against Alexander Earl of Galloway ...* (Edinburgh).
 - Morton, Fourteenth Earl of (James Douglas) (1758b) *Additional Memorial for James Earl of Morton, against Alexander Earl of Galloway, ...* (Edinburgh).
 - Morton, Fourteenth Earl of (James Douglas) (1759) *Case of James Earl of Morton, against Alexander Earl of Galloway* (Edinburgh).
 - Mowat, Ian R. M. (1981) *Easter Ross, 1750–1850: The Double Frontier* (Edinburgh: John Donald).
 - Murdoch, Alexander (1998) *British History, 1660–1832: National Identity and Local Culture* (London: Macmillan).
 - Nenadic, Stana (2007) *Lairds and Luxury: The Highland Gentry in Eighteenth-Century Scotland* (East Linton: John Donald).
 - Shearer, John W. (1966) 'South Ronaldsay and Burray: The Evolution of an Island Economy' (MA Thesis, University of Glasgow).
 - Sher, Richard. B. (1985) *Church and University in the Scottish Enlightenment: The Moderate Literati of Edinburgh* (Edinburgh: Edinburgh University Press).
 - Slack, Paul (2015) *The Invention of Improvement: Information and Material Progress in Seventeenth-Century England* (Oxford: Oxford University Press).
 - Smith, Adam (1976/1776) *An Inquiry into the Nature and Causes of the Wealth of Nations* (abbreviated as *WN*), Roy Hitchenson Campbell and Andrew. S. Skinner, eds., as volume II of *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Oxford: Clarendon Press of Oxford University Press).
 - Smith, Adam (1978/1762–1763) *Lectures on Jurisprudence* (abbreviated as *LJ*), Ronald Lindley Meek, David Daiches Raphael and Peter Gonville Stein, eds., as volume V of *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Oxford: Clarendon Press of Oxford University Press).
 - Smith, Adam (1977), *Correspondence of Adam Smith*, Ernest Campbell Mossner and Ian Simpson Ross, eds., as volume VI of *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Oxford: Clarendon Press of Oxford University Press).
 - Smout, Thomas Christopher (1983) 'Where Had the Scottish Economy Got to by the Third Quarter of the Eighteenth Century?', in *Wealth and Virtue: The Shaping of Political*

Economy in the Scottish Enlightenment, Istvan Hont and Michael Ignatieff, eds. (Cambridge: Cambridge University Press), pp. 45–72.

- Smout, Thomas Christopher (1985/1969) *A History of the Scottish People 1560–1830* (London: Fontana Press of HarperCollins).
- Smout, Thomas Christopher (1996/1970) ‘The Landowner and the Planned Village in Scotland, 1730–1830’, in *Scotland in the Age of Improvement*, Nicholas T. Phillipson and Rosalind Mitchison, eds. (Edinburgh: Edinburgh University Press), pp. 73–106.
- Smout, Thomas Christopher (2012) ‘A New Look at the Scottish Improvers’, *Scottish Historical Review*, 91 (1), pp. 125–149.
- Soltow, Lee (1990) ‘Inequality of Wealth in Land in Scotland in the Eighteenth Century’, *Scottish Economic and Social History*, 10, pp. 38–60.
- Thomson, William P. L. (1987) *History of Orkney* (Edinburgh: Mercat Press).
- Thomson, William P. L. (1995) ‘The Landscape of Medieval Birsay’, in *Northern Isles Connections: Essays from Orkney and Shetland presented to Per Sveaas Andersen*, Barbara E. Crawford, ed. (Kirkwall: The Orkney Press), pp. 47–75.
- Wenham, Sheena (2001) *A More Enterprising Spirit: The Parish and People of Holm in 18th Century Orkney* (Kirkwall: Bellavista Publications).
- Whiteford, D. H. (1965) ‘Reactions to Jacobitism in Scottish Ecclesiastical Thought, 1690–1760’ (PhD Thesis, University of Edinburgh).
- Wickham-Jones, Caroline (1998) *Orkney: A Historical Guide* (Edinburgh: Birlinn).