

# LETTERS RELATING TO SCOTLAND IN THE REIGN OF QUEEN ANNE

BY JAMES OGILVY, FIRST EARL OF  
SEAFIELD, AND OTHERS

Edited by

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## INTRODUCTION

### I

THE majority of the letters contained in the present volume relate to the years 1702-1707. The period is a momentous one in the national history, as it saw the beginning and the end of the negotiations that resulted in the abolition of the National Assembly of Scotland and its incorporation with that of England. As throwing fresh light on these negotiations the letters here brought together may be said to be of prime importance. They were all written by persons who took a leading part in the successive proceedings which led up to the union of the two Parliaments, and written at the moment and on the spot when and where the events to which they refer actually occurred. The writers, moreover, were all men of ability and experience, and possessed the faculty of saying briefly and clearly what they had to communicate. The letters as a whole, indeed, bear favourable comparison with those of English statesmen of the same period, and confirm the impression we receive from other sources that, as an order, the Scottish nobility were an accomplished body of men.

The greater number and the most important of the letters were written by James Ogilvy, at the time when he wrote them, first Earl of Seafield, and subsequently fourth Earl of Findlater. In his *Introduction to the Seafield Correspondence*, edited by him for the Scottish History Society, Mr. James Grant has given a full account of the Ogilvy pedigree; here, therefore, it is sufficient



to recall the main facts of Seafield's life. He was born on July 11, 1663, and was the second son of James, third Earl of Findlater, and Lady Anna Montgomery, eldest daughter of Hugh, seventh Earl of Eglintoun. After receiving the elements of his education under a private tutor, he was sent, at the age of twelve, to the University of Aberdeen, where he studied for three years. His parents wished him to enter the army, but, from all we know of him, Seafield was born a man of peace, and he preferred the law as more congenial to his natural temper. After a brief stay in Holland (1683), he settled down to his legal studies in Edinburgh, and was admitted advocate in 1685. At the Revolution he was elected to the Convention Parliament as Commissioner for Cullen, and his political career began. It seems to have been Seafield's maxim from the beginning of his public life to accept the powers that were and, in his own interest, to serve them to the best of his ability: in his letters it is his constant refrain that he considered it his sole duty to give effect to the wishes of the authorities by whose grace he held such offices as he did. In the Convention he signalised himself as one of the five members who dissented from the 'forfaulture' of James VII., yet, in the same year (1689), he took the oaths to William and Mary and received from them the honour of knighthood. His services and his family connections secured him rapid promotion. In 1693 he was made Solicitor-General; in 1696 joint-Secretary of State; and in 1698 he was created Viscount Seafield and Lord Ogilvy of Cullen. The last years of the reign of William in Scotland were agitated by the affair of Darien, and Seafield's attitude to it affected his future estimation in public opinion. It was in accordance with his principles that he opposed the enterprise as being disapproved by William, but we may believe that, with his cold and luminous intelligence, he may have recognised its futility

from the beginning. Hitherto popular among his countrymen, his opposition to the venture to which the nation had so passionately committed itself stamped him as one who was ready to sacrifice his country's interests for favour at Court. On the other hand, his services to the Crown secured him still further honours. In 1700 he was appointed Lord High Commissioner to the General Assembly—at that time a post of peculiar difficulty and responsibility—and in 1701 he was created Earl of Seafield—holding all the time the office of conjunct-Secretary of State. William was succeeded by Anne in 1702, and, as her English advisers decided that there should be no immediate change of policy, Seafield was re-appointed Secretary. In the same year (November) he received the office of Lord High Chancellor of Scotland, and in March 1703 he again acted as Lord High Commissioner of the General Assembly. It is at this point of his career that his letters here collected begin.

Two character sketches of Seafield—neither drawn by a friendly hand—may indicate the general impression he made on his contemporaries, and exhibit, at the same time, the line of policy he followed in Scottish affairs. The first is by George Lockhart of Carnwath, the arch-Jacobite of the time, for whom Seafield incarnated every political principle deserving of reprobation. In Lockhart's eyes Seafield had committed the unpardonable sin of first supporting the House of Stewart and then deserting it, and it is, therefore, with the writer's prejudices in our minds that we must take his estimate of Seafield's character and career.

' In the Convention 1689 he [Seafield] was much taken notice of by reason of a speech he made against the forfeiting of King James: but he did not long continue in these measures; for, by William Duke of Hamilton's means, he was made solicitor to King William, and enjoy'd that office several years; during which time he prosecuted

his employment to good purpose, and made a fair estate. In the year 1696 he was call'd to Court to be one of King William's secretaries of state; and indeed it must be own'd he serv'd him very faithfully, consenting to and going alongst with any thing demanded of him, tho' visibly against the interest of his country, and trimm'd and trick'd so shamefully in the affair of Darien, that he thereby, from being generally well belov'd, drew upon himself the hatred of all who wished well to that glorious undertaking. He was believ'd to be of loyal enough principles, but had so mean and selfish a soul, that he wanted both resolution and honesty enough to adhere to them; which evidently appear'd from his changing sides so often, and cleaving to that party he found rising. People were willing to excuse, at least extenuate, his first faults, because of the lowness of his worldly circumstances; but after he had raised them to a considerable height, and had a fair occasion of retrieving his reputation, when he joined with the Cavaliers [the Jacobite party] in the Parliament 1703, to leave them so basely and meanly as he did, is altogether inexcusable.<sup>1</sup> He was finely accomplished; a learned lawyer, a just judge; courteous and good-natured; but withall so intirely abandon'd to serve the Court measures, be what they will, that he seldom or never consulted his own inclinations, but was a blank sheet of paper, which the Court might fill up with what they pleas'd. As he thus sacrific'd his honour and principles, so he easily deserted his friend when his interest (which he was only firm to) did not stand in competition. He made a good figure, and proceeded extremely well in the Parliament and Session, where he dispatch'd business to the general satisfaction of the Judges.<sup>2</sup>

<sup>1</sup> Seafield's relations to the Jacobite party in the session of 1703 are explained in his letters that follow.

<sup>2</sup> *The Lockhart Papers*, vol. i. pp. 52-3 (London, 1817).

The other characterisation of Seafield is by John Macky, a Government agent and deep in the political machinations of the time, and was written in 1703—the year when the letters begin.

‘He [Seafield] is a gentleman of great knowledge in the civil law and the constitution of that Kingdom [Scotland]; understands perfectly well how to manage the Scots Parliament to the advantage of the Court. That and his implicitly executing what pleased King William without ever reasoning about it established him very much in his Majesty’s favour, but his joining with an English Secretary to destroy the Colony of Darien lost him extremely with the people. He affects plainness and familiarity in his conversation, but is not sincere; is very beautiful in his person, with a graceful behaviour and a soft tongue, not forty years old.’<sup>1</sup>

From these two estimates of Seafield and from other contemporary references we may infer what were his salient characteristics as a statesman. As to his gifts and accomplishments, his tact and his powers of patient persistence, there is unanimous testimony. There is equally concurrent agreement regarding the principle that actuated his public life; it was to do his utmost for whatever government he served and to make himself an indispensable public servant. His contemporaries put their own construction on his motives, but from the mass of his own correspondence, more voluminous than that of any other Scottish statesman of the period, we are in a position to form our own estimate of his character and aims. His temper was essentially conservative; he was incapable of a passionate and one-sided devotion to a cause like Lockhart, and he was equally incapable of conceiving, like Fletcher of Saltoun, that in a particular

<sup>1</sup> *Memoirs of the Secret Services of John Macky, Esq., during the Reigns of King William, Queen Anne, and King George I.*, p. 182 (London, 1733).



form of government could be found a panacea for all human ills. Men and things he saw in the dry light of intellect, and he was of the class of statesmen who, in Dryden's words, 'neither love nor hate.'

## II

The letters of Seafield here printed are in four groups, and relate to the affairs of sessions 1703, 1704, 1705, and 1706 respectively. As in these successive sessions new ministers were entrusted with the management of parliamentary business and new measures came up for their consideration, something may be said by way of introduction to the several groups into which the letters are divided.

At the accession of Queen Anne a grave constitutional question arose in Scotland. The representative body existing at the death of William III. was still that Convention which had been returned at the Revolution in 1689. By a large section of the community, even during William's life, it was contended that the Convention had ceased to represent the wishes of the nation, but on Anne's accession there was a more serious objection to its continuance as a representative body. By an Act of William's reign (1696), similar to one passed by the Parliament of England, it had been declared that the existing Parliament should meet twenty days after the king's death, should not sit for longer than six months, and that its powers should be restricted to measures for the conservation of Church and State. William died on March 8, 1702, and the Convention did not meet till June 9, three months later. On the first day of the session James, Duke of Hamilton, representing the Country Party, which in the reign of William had distinguished itself by its opposition to the Court, formally protested against the legality of the Conven-

tion, and at the head of fifty-seven members,<sup>1</sup> left the House.

Three sets of documents in the present collection directly bear on the crisis that thus arose. In the letters of Hamilton (pp. 111-117) we have a record of the attempt made by him and his party to procure the dissolution of the Convention and the election of another representative body. With this object an address, signed by the leaders of the Country Party, was sent to the Queen under the charge of William Keith, younger, of Ludquhairn. Keith's orders were to present the address to the Queen in her own drawing-room and to read it to her before putting it into her hands. What is interesting is that Hamilton had previously endeavoured to secure the interest of Anne's favourite, the Duchess (then the Countess) of Marlborough. Doubtless instructed by her minister, Godolphin, who had not yet decided whether it was more politic to sanction a new election in Scotland or not, Anne point-blank refused to receive the address.

The Convention concluded its sittings on June 30, and it devolved on Anne's English ministers to determine whether it should meet again or another representative body should take its place. In England, the Whig Parliament of William had been dissolved on July 2, and in the election that had followed Tories had been returned in the proportion of two to one. This result was highly satisfactory to Anne and her English advisers, but in their ignorance of the state of public opinion in Scotland they could have no certainty that a similar result would follow an election in that country. A letter of Harley (Speaker of the House of Commons) in the present volume (pp. 142-143) throws some light on the situation. Harley and the Earl of Nottingham, the English Secretary of State, it may

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<sup>1</sup> The number of the seceders is variously given.

be said, were the two of Anne's English advisers who were chiefly charged with the affairs of Scotland. From Harley's letter it appears that Queensberry, who after the rising of the Convention had gone to London, was strongly opposed to a new election. The grounds of his opposition were that the Convention had voted sufficient supplies for the maintenance of the Forces in Scotland till 1704, and that it was impossible to predict what would be the result of a general election at that time. By delaying an election for another year the nation might settle into a calmer state of mind, and its result might be anticipated with greater confidence. In these contentions, Harley says, Queensberry was supported by the Presbyterian Whigs who dreaded the return of a Parliament hostile to the religious settlement effected at the Revolution. Harley himself was uncertain what advice to give Godolphin, but Nottingham, a strong Tory, favoured the dissolution of the Convention and a new election which, if a Tory majority were returned, might further strengthen the Government. Godolphin adopted the counsel of Nottingham, and the order was issued for a new election—the first that had taken place in Scotland for fourteen years.

As was the practice of the time, the Government used all the influence at its command to determine the result of the election in its own favour. Seafield, whose fidelity to his employers was well known, was sent down to Scotland specially charged to do his utmost to secure a majority favourable to the Government's policy. In spite of all his efforts the result was neither what he expected nor desired. In the Convention there had been two main parties: the party that generally gave its support to the Government, and the Country Party, led by Hamilton, that generally opposed it. In the newly elected body there appeared a third party variously designated the Episcopal, the Cavalier, or the Jacobite party, whose objects were the

restoration of the exiled Stewart, and, as a consequence, the re-establishment of Episcopacy. While the party led by Hamilton was so reduced in numbers that Seafield considered it negligible, the Presbyterian Whigs, on the other hand, received an accession to their numbers.

It is in connection with this state of parties that we must read another set of documents in this volume—those written by Viscount Tarbat (pp. 118-133). Tarbat had been appointed one of the Secretaries of State for Scotland in November 1702, and the documents in question are dated 1703. They are three in number. The first, entitled ‘A Short Account of the first Causes of Scotland’s Divisions,’ is a sketch of Scottish history since the Reformation from the Tory point of view, of which the conclusion is that only the Tories could be trusted to give loyal support to the Crown. The second paper, ‘The present State of the Scots Divisions,’ explains from the writer’s point of view the principles and aims of the different parties with which the Government had to reckon in its dealings with Scottish affairs, and the third is a statement of the comparative influence of the leading Scottish families, with suggestions as to the best method of dealing with them. All three papers are addressed to the Queen, and were meant for the guidance of her ministers who were responsible for the administration of Scotland.<sup>1</sup>

The new Parliament met on May 6, 1703, and all parties were aware of the momentous issues that depended on its action. Here it is only with the part played by Seafield that we are concerned. Though Queensberry had been re-appointed Lord High Commissioner, it was apparently to Seafield that Godolphin looked for the successful management of Parliament in the interest of the Government.

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<sup>1</sup> In Lockhart’s opinion Tarbat was not a satisfactory Tory. ‘Never,’ he says of him, ‘was there a more fickle, unsteady man in the world’ (*Op. cit.*, p. 74).



There were two main objects which the Scottish ministers were to do their best endeavour to accomplish. The one was the legalising of the late Convention—a prime necessity since it was by the sanction of that assembly that Anne was sovereign of Scotland. This measure was carried with little difficulty, as no party except the extreme Jacobites had any interest in opposing it. It was otherwise with the matter of supply, and it was in connection with the contentions that arose regarding the granting of it that Seafield was able to do what he considered his greatest service to the Government. The withholding of supply was the only means of reminding ministers in England that Scotland was an independent kingdom and of forcing the Queen's sanction of measures which were considered in Scotland's interest. By the great majority in the new Parliament it was regarded as an insult to the nation that in the Act of Settlement of 1701, which devolved the Crown on the Electress Sophia and her heirs, the English Parliament left Scotland out of account, though she had an equal stake at issue. It was the fixed resolve of this majority, therefore, to bring home to the English ministry that Scotland had independent interests, which were not to be ignored if the Crowns were to remain united. The tactics they adopted to effect their object were to refuse supply till the Queen gave her sanction to the menacing Act of Security which was to have such decisive results on the future relations of the two countries. By the terms of that Act, it may be recalled, the Estates, twenty days after the death of the reigning sovereign without issue, were to name a successor who should be at once a Protestant and a descendant of the house of Stewart.

Supported as the Act was by an overwhelming majority of the House, the Ministry was impotent to prevent its passing, unpalatable as it was to Anne and her English advisers. The Act itself was a sufficiently formidable menace to

England, but there was a grave risk that certain clauses should be embodied in it which would have essentially changed its character. These clauses were the 'limitations' proposed by Fletcher of Saltoun which would have so curtailed the privileges of the Crown that, at Anne's death, Scotland would virtually have become an independent republic. It was Seafield who had the chief merit of preventing the inclusion of these clauses, and his letters indicate how he did so.

As the result of the late election, Seafield was aware that he could depend only on a minority to give un-deviating support to Godolphin's Scottish policy. The Whigs, who were in a great majority, would, he knew, be recalcitrant, and his only hope of managing the House was to secure the assistance of the Tories. To effect this object he advised a step which was attended with some risk; by his advice, against that of Queensberry, the Marquis of Atholl was appointed to the office of Lord Privy Seal. The risk lay in Atholl's personal character and his dubious political sympathies. Atholl had concurred in the Revolution and had held office under William, but Lockhart, who had opportunities of knowing, avers that his sympathies were secretly with the Jacobites, and in point of fact, he was subsequently (1708) put under arrest on suspicion of being in correspondence with the Court of St. Germain's.<sup>1</sup> Doubtful in his political leanings, he was 'of a very proud, fiery, partial disposition,'<sup>2</sup> and at every turn he required delicate management. That Seafield had his difficulties with him frequent expressions in his letters prove, but he had a purchase over him which effectually held him in check when he was disposed to be refractory. Atholl had petitioned for a dukedom, and the dukedom was promised him, but on the understanding that it was not to be granted till the close of the session. In

<sup>1</sup> See below, p. 141.

<sup>2</sup> Macky, *op. cit.*, p. 184.

one of his letters Seafield testifies to the good service that Atholl had done to the Government: 'I doe atest,' he writes, 'that his concurrence does signifie verie much for the Queens service, and I-hope he will continue to use his influence faithfullie and I doe belive that, if it had not been that I have pleased him and taken measurs with him and the Cavilier Partie, they had been prevailed on to join with the opposers, and so ther had been no possibilitie of carring her Majesties affairs' (p. 8).

The special service performed by Atholl for the Government was precisely to secure the Tory vote, and thus decisively assist in excluding Fletcher's 'limitations' from the Act of Security. How; though he had in the past identified himself with the Whigs, he was in a position to do this, Lockhart sufficiently explains. 'He [Atholl],' Lockhart writes, 'was of great significancy to any party, especially the Cavaliers, because he had a mighty power, and when upon a loyal bottom could raise 6000 of the best men in the Kingdom, well armed and ready to sacrifice all they had for the King's [James's] service.'<sup>1</sup> In check-mating Fletcher with the aid of Atholl Seafield was fully aware that he had achieved a political stroke of the first importance. The Act of Security in itself was highly objectionable to Anne and her English ministers, and it was only out of dire necessity that Godolphin eventually advised her to sanction it. Had the limitations been embodied in the Act, however, in no circumstances could Anne have consented to it, and the result would have been a deadlock between the two kingdoms, which, in all probability, would have resulted in civil war.

### III

The letters of Seafield in the second group, relating to the session of 1704, are only two in number and are un-

<sup>1</sup> *Op. cit.*, p. 73.

important. During that session he still retained the office of Lord Chancellor, though in association with another body of colleagues. Following the session of 1703 there had occurred a sensational event which had occasioned the fall of Queensberry's ministry and a temporary change in the relations of parties. This was the Queensberry Plot, or, as it was called in England, the Scots Plot, revealed by Simon Lovat to Queensberry, and incriminating men of all parties—Seafield, Hamilton, and Atholl among others. As the representative of royalty in Scotland, Queensberry communicated the Plot to the Queen, and the result was a furious protest on the part of the persons accused, which made Queensberry's retention of office impossible. A new body of Scottish officials being thus rendered necessary, Godolphin had to choose from the party leaders who of them would be most likely to carry an Act on which he had set his heart as the most desirable in the interest of both kingdoms. By this Act, if it were passed, the Scottish Crown would be settled on the Electress Sophia and her heirs, and thus Scotland and England would be assured of the same succession. In the ranks of the Country Party Godolphin found the men who were willing to make the attempt to carry the measure. The chief of them were the Marquis of Tweeddale, the Earls of Rothes and Roxburgh, George Baillie of Jerviswood and Sir James Stewart, the Lord Advocate—the last of whom was at this time Godolphin's chief adviser in Scottish affairs. Under the new set of officials, Tweeddale being Lord High Commissioner and Seafield Lord Chancellor, the Estates met on July 6, 1704. The new ministry had confidently hoped to carry an Act of Succession, but the Parliament had hardly sat before they discovered that they had completely misunderstood the mind of the House. From the first the measure had never a chance of being passed, and the relations of the two kingdoms were to be



adjusted on another basis—by a union of the two Parliaments which carried with it the settling of the succession. This was a rude blow for Godolphin, but in the same session the Estates took other action which placed him in a grave dilemma. Before they would grant supply, they insisted that the Act of Security, which had been passed the previous year, should receive the Queen's sanction, and, as the least evil of two alternatives, Godolphin advised her to give it. Thus the Tweeddale ministry had failed to accomplish the object for which it had been chosen.<sup>1</sup>

Before the Parliament rose (August 26) there happened an event which was to have a result similar to that of the Queensberry Plot. It was the well-known affair of the seizure in Leith Roads of the English ship the *Worcester*, commanded by Captain Thomas Green. Detained in prison on the charge of murdering the crew of a Scottish vessel, the *Speedy Return*, he and his crew were finally tried on March 14, 1705, by the Court of Admiralty and all were found guilty except one. During the long interval between their arrest and their trial the relations between the two kingdoms were strained to a point that threatened civil war, and it was the charge against Tweeddale and his supporters, now known as the New Party, that they had deliberately fanned the flame in Scotland in order to regain the popularity they had lost by their support of an Act of Succession.

By their failure to carry this Act and their conduct in the affair of Green and his crew, the leaders of the New Party had made it difficult for Godolphin to maintain them in office though he was loth to part with them as being the men who had endeavoured to give effect to his own policy. Tweeddale, at least, was impossible as Lord

<sup>1</sup> The Letters of Atholl, Ramsay, Leven, and Harley refer to the events of the session of 1704.

High Commissioner, and another had to be found to take his place. The man chosen was John, second Duke of Argyle, a youth of only twenty-four, but, as a Presbyterian Whig and the descendant of a house canonised in Presbyterian memories, likely to have the support of the majority in the existing Parliament. Argyle was appointed Commissioner in March 1705, and in that month our third group of Seafield's letters begins. They form the most important body of his correspondence in the present volume, and, taken together with the recently published letters of the Duke of Argyle,<sup>1</sup> present the most valuable information we possess regarding the proceedings of a parliamentary session which, as the event proved, were to determine the future relations of the two kingdoms. Concerned with the business of the same session are the letters of Charles Montagu, Lord Ormiston, the Earl of Loudoun, and the Earl of Glasgow, also contained in this volume. A few words will explain the conditions under which the session began, the relations of the various parties, the nature of the measures before the House, and the parts played by its most prominent members.

Argyle had accepted the Commissionership under one condition—that the New Party should be discarded. To this condition Godolphin demurred, for, as has been said, that party represented his own views regarding the most expedient policy for establishing satisfactory relations between the two countries. Moreover, the men upon whose support Argyle would have mainly to depend in the coming session were not all of one mind as to the prudence of ousting the New Party. Notably Seafield, as his letters to Godolphin show, was strongly of opinion that the assistance of that party was indispensable if the measures with which Argyle was charged were to receive the sanction of the House.

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<sup>1</sup> *Intimate Society Letters of the Eighteenth Century*, edited by the Duke of Argyll (London, 1910).

In the end, however, Argyle had his way ; the New Party was dismissed and he was left at liberty to form his own ministry. The Earls of Loudoun and Annandale were made joint-Secretaries, the Earl of Glasgow Treasurer-Depute, Queensberry Lord Privy Seal, and Seafield retained his office of Chancellor.

The Ministry thus formed, the next question was what measure was most likely to find favour with the House. There were but two measures, Argyle told Godolphin, between which he must choose : the one was the settlement of the succession on the House of Hanover, the other the passing of an Act authorising the appointment of a commission to treat of a union of the two kingdoms. Of the two, the first, he said, was the more desirable, the second the more likely to pass. The majority of Argyle's colleagues, however, were of a different mind ; six being in favour of a treaty and only two in favour of the succession. With a ministry thus divided, it was hopeless to expect favourable issues from the coming session. Accordingly the following device was adopted by Argyle and his colleagues as a method of reconciling their differences. They prepared two drafts of a royal letter, in one of which a treaty of union was put first, and in the other the succession, and it was left to the Queen and her English advisers to choose between them. In accordance with his own policy, Godolphin chose the second alternative, with the suggestion, however, that, should it be found impossible to carry the succession, the attempt should be made to carry the treaty. By this arrangement the continuity of the royal policy was at least maintained, as in the preceding session it had been the charge to Tweeddale as Commissioner to obtain, if possible, an act settling the succession on the House of Hanover.

The varying fortunes of the session may be followed in Seafield's letters, but its general course may here be briefly

summarised. The House sat on June 28, and the session had not well begun before it was discovered that the passing of an Act of Succession was as hopeless as in the previous year. There was no alternative, therefore, but to fall back on the other Government measure—the passing of an Act for the appointment of commissioners to treat of a union of the Parliaments of England and Scotland. The bill for this object was introduced on July 20 by John, Earl of Mar, afterwards the leader of the rising of 1715, but it was not seriously taken in hand till the last week of August. It was in the teeth of strenuous opposition that the bill was eventually carried—the main contention of its opposers being that it would be a national disgrace to treat with a nation whose representative assembly had passed the Alien Act.<sup>1</sup> Only on one condition, they insisted, would they consent to the passing of the bill—the insertion of a clause making it imperative that the Alien Act should be rescinded before negotiations for a treaty began. The ministers were rescued from their difficulty by one of their own number—the Duke of Queensberry, who now held the office of Lord Privy Seal. Queensberry adroitly suggested that, in place of inserting a clause which would in all probability frustrate the object of the bill, the House should direct a special address to the Queen in which she should be told that the action of her English Parliament was insulting to Scotland. Queensberry's motion was carried, but there still remained a crucial question on which the House was passionately divided. Now that it was decided that commissioners to treat of union were to be appointed, what authority was to have the appointment of them? Was it the Queen or the Estates? In his private in-

<sup>1</sup> The English parliament had passed the Alien Act as a reply to the Scottish Act of Security. It enacted that all Scotsmen, except such as were settled in England, should be treated as aliens; that no horses, arms, or ammunition should be supplied from England to Scotland; and that Scots cattle, linen, and coals should be excluded both from England and Ireland.



structions Argyle had received stringent injunctions that he was to strain every effort to secure their nomination by the Queen. The natural objection to giving the Queen the choice was the risk that commissioners unduly favourable to England would be appointed. The contest was long and bitter, but the ministers found an unexpected ally. At a late hour, after a prolonged sitting, the Duke of Hamilton, to the indignation of his followers, rose and moved that the nomination should be vested in the Queen. The motion was carried, and the first all-important step was taken towards a treaty of Union.

## IV

The last group of Seafield's letters relate to the session 1706-1707 in which the treaty of union was passed. In April 1706, the Commissioners chosen to represent the two kingdoms met at Whitehall, and after sitting for nine weeks, drew up the twenty-five articles which were to be the basis for a treaty of union. As it was anticipated that they would meet with most opposition in the Scottish Parliament, it was arranged that they should be first submitted to that body.

It met on October 3, the Duke of Queensberry being Lord High Commissioner and Seafield Lord Chancellor. From Seafield's letters, as from other sources, we learn that the carrying of the articles depended on the conduct of two bodies—the Church and the New Party, and Seafield takes credit to himself that he was the principal agent in securing the support of both. As a body, the national clergy were hostile to a treaty, since in a united Parliament the predominance of English influence would be a permanent menace to their church. If the opponents of union, therefore, could gain the support of the ministers, they could almost count on victory. Their tactics were

to persuade the Commission of the General Assembly to petition the Parliament to sanction the observance of a national Fast. If the Parliament refused its sanction, the hostility of the ministers would be intensified; if sanction were granted, the Fast would be a powerful agency in increasing the national discontent at the prospect of union. By dexterous management Seafield contrived to avert the threatened mischief. He gained over the leading members of the Commission, with the result that in place of a national Fast, a day was set apart for public intercession for divine guidance in the national crisis. Eventually, an Act of Security, safeguarding the Church for all time coming, relieved the Government from serious opposition on the part of the ministers.

The other service Seafield claims to have done for the Government was to secure the support of the New Party, to whose influence he seems to have attached greater importance than did others of his colleagues, such as the Earls of Leven and Mar.<sup>1</sup> Since the dismissal of its leaders on the peremptory demand of Argyle, that party had followed a policy of its own—its principal object being to maintain its separate and independent existence. As its interest had suggested, it had given its support now to the Tories and now to the Government, and thus had come to be known as the *Squadron Volante*. When the session of 1706 began, it was still uncertain whether it would be for the treaty or against it, and, as of prime importance, Seafield had sedulously addressed himself to conciliate its leaders. 'I have taken all the methods I was capable to use to keep the Neu Pairtie from conforming with our Torie Pairtie . . .,' he wrote to Godolphin in the second week after the House had sat. A week later he was able

<sup>1</sup> According to the Earl of Marchmont, one of its leaders, the New Party had thirty-four votes: according to the Earls of Mar and Leven, only fifteen or sixteen.

to write 'that the New Pairtie, both in Parliament and Assemblie, gives us al the assistance wee can desire . . .' From his own account, therefore, by thus securing the support of the Church and the New Party Seafield has a foremost place among the Scottish statesmen who effectuated the Treaty of Union.<sup>1</sup>

I have to thank Dr. Maitland Thomson, the honorary Secretary of the Society, for his valuable assistance in the preparation of this volume.

P. H. B.

November 1915.

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<sup>1</sup> It is to be regretted that the Correspondence of Seafield, so valuable for the period to which it relates, has to be sought in so many quarters. Besides his Correspondence, published for the Scottish History Society by Mr. Grant, other letters of his appear in the *Third Report* (1872), and the *Fourteenth Report* (Part III., 1894) of the *Historical MSS. Commission*, in the *Carstairs State Papers and Letters* (Edin., 1774), and in the *Marchmont Papers* (Lond., 1831). Another collection of his letters is in process of publication by the Historical MSS. Commission.

LETTERS OF JAMES OGILVY, FIRST EARL  
OF SEAFIELD, LORD CHANCELLOR OF  
SCOTLAND <sup>1</sup>

(Brit. Mus. Add. MSS. 23,055.)

[1703]

*Edr., May the 10, 1703. f. 11.*

MY LORD,—My Lord Commissioner <sup>2</sup> hes fullie informed me of my obligations to your Lo. in my absence : I [am] most sensible of them and al the return I am capable to make is to assure your Lop. that none is more intierlie your servant then I am, and I shal faithfulie serve and support her Majesties authoritie and goverment to the utmost of my pouer. I have sent your Lop. a Memorial of what hes as yet occurred concerning the management of her Majesties affairs in Parliament,<sup>3</sup> and, if it be acceptable, I shal continou from time to time to leat your Lop. know what occurs. My Lord Privie Seal <sup>4</sup> and I continou in intier friendship and I doubt not he will serve her Majestie verie faithfulie, bot wee most want his assistance for some dayes, for he goes this day to the country to perform his fathers funerals, bot, having troubled your Lop. with a long Memorial, I shal only add that I am, with al respect, your Lops., etc.,

SEAFIELD.

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<sup>1</sup> The following letters of Seafield were addressed to Sidney Godolphin, Lord Treasurer of England.

<sup>2</sup> James, 2nd Duke of Queensberry.

<sup>3</sup> This, the first and last Scottish Parliament elected during Anne's reign, had met on May 6, 1703.

<sup>4</sup> John, Marquis of Atholl. He was made Privy Seal on the express desire of Seafield, who hoped he would secure the support of the Jacobite Party or the Government. At the close of the session, Atholl was made duke in reward for his services.

*f. 15.**Edr., May the 21st, 1703.*

MY LORD,—The inclosed Memorial is full, so that I shal not presume to ineroach farther on your patience at present; only the Presbiterians, if they get ther Church goverment and the revolution setelment ratified, I belive they shal unite in the Queens service. On the other hand, I hope the Cavaliers will help to defend us against thos republican propositions mentioned in my Memorial. The Marques of Montrose and the Earle of Roxbrugh, Rothes, Marischal and Hadingtoun continou in the Duke of Hamiltons interest. This is al needful to be added, only that I acknouledge the honor of your Lops. last letter and am, with al respect, my Lord, etc.,

SEAFIELD.

*f. 364.**July 1, 1703.*

MY LORD,—On Saturday last the Parliament satt very late upon the contraverted electione of the Comm<sup>rs</sup> for the shyre of Orkney, in which all on whom I had influence did concur for those my Lord Comm<sup>r</sup> recommended, and they are, indeed, very well inclined for her Ma<sup>ty</sup>s service, and accordingly wee carried the electione by a great majority.

In the debate Sir Alex<sup>r</sup> Ogilvie of Forgline, who is my near relation and is keeper of the Great Seal under me, having argued with great concern for the Comm<sup>rs</sup> friends, there past some hott words betwixt my Lord Belhaven and him. My Lord Belhavens expressions were such that Sir Alex<sup>r</sup> thought himself oblidge in honor to demand satisfacione. However, all the expressions that past betwixt them were not heard by my Lord Comm<sup>r</sup> or me, so that I knew nothing of any quarrell betwixt them.

Immediately after the election was determined, Belhaven and Sir Alex<sup>r</sup> Ogilvie went out together with a design to have fought, but after they had past the place where wee had satt and had come the lenth of the door, and, the same not being so readily opened to them, they did again fall in passion, and Belhaven stroke Sir Alex<sup>r</sup> Ogilvie with his foott and Sir Alex<sup>r</sup> stroke him again in his own defence. This occasioned a great deal of noise,



and many of the members, particularly the Duke of Hamilton, thought that Belhaven had been insulted, and so did express himself very passionatly, as did severall others, but none of us who were in our seats could see what happened. I told them that, if there was any insult upon any of the members, I would take care to have it examined and that my Lord Comm<sup>r</sup> and all her Ma<sup>ts</sup> Servants would heartely concurr with them for maintaining the honour of the Parliament and the security of the members. By this time sēralls of them had gott information what past, and so it was proposed that this matter might be let fall and that the consideration of it might be reassu<sup>m</sup>ed next sederunt, and accordingly the Parliament was adjourned to Tuesday att ten a'clock, and I, having taken Sir Alex<sup>r</sup> Ogilvies p<sup>r</sup>ole of honour that he should keep the peace, he went to his loadgings.

After this I went home and did expect to see no person, it being so late, but his Grace my Lord Duke of Hamilton and his two brothers came to my house and proposed that, seeing the scuffle had happened betwixt my Lord Belhaven, who is a Hamilton, and Sir Alex<sup>r</sup> Ogilvie, who is of my name and my relation, that therfor wee might interpose betwixt them and setle any difference they had, and it was thought this would incline the Parliament to be the more favourable to them. Accordingly I did agree to endeavour the reconciliation of the pairties, but, as for the indignity that was offered to my Lord Comm<sup>r</sup> his Grace and the Parliament, that was to be left intire, so the Duke of Hamilton sent for the Lord Belhaven and I sent for Alexander, and by our mediation they were reconciled.

The Earle of Erroll, as Lord High Constable, pretends to have the jurisdiction of all riotts committed durezza the sitting of the Parliament, as well within as without the Parliament House, so, notwithstanding of the reconciliation, he putt centries upon them.

Next morning I acquainted my Lord Comm<sup>r</sup> with what was done, and I desired that his Grace might be favourable to them both, seing Sir Alex<sup>r</sup> Ogilvie was a faithfull servant

to the Queen and that he had also been very serviceable to his Grace in former Parliaments as well as in this, and that I was sure that he could be more usefull to us than my Lord Belhaven could be to the opposers. He said that he was resolved that they should be both brought in the Queen's mercy. I told him that they had many friends on both sides, and it would occasion very hott and warm disputes in the House, and I did not doubt but the plurality would incline to accept of a humble submission from them.

The Comm<sup>r</sup> called all the Queens Servants and laid the matter before them. My Lord Privy Seal, the Earle of Eglington, my Lord Justice-Clerk, and I were of the opinion that it would be best for her Ma<sup>ts</sup> service not to carry this matter too high. The other Servants differed from us, and my Lord Comm<sup>r</sup> said he would accept of no submission from them, nor could he allow them to be readmitted to the Parliament untill they obtained remissions, for the obtaining of which he should be very ready to use his influence.

Wee were called again on Tuesdayes morning and by this time my Lord Privy Seal and I did understand that there would be very great heatts in the House if they were not readmitted upon there craving his Grace and the Estates of Parliament humble pardon for there offence, first by a subscryved petition and afterwards verbally att the barr. But his Grace and the other Servants would not hear of this ; and so wee went to the Parlia<sup>tt</sup> and the Earle of Erroll, who is Lord High Constable, having given acco<sup>tt</sup> of his reasons for detaining the Lord Belhaven and Sir Alex<sup>r</sup> prisoners, I did speak to the House, and I am sure with all deference to her Ma<sup>ty</sup> and the Estates of Parliament, and did fully explain the atrociousnes of the insult and told them that it might be punished very severely. However, I could not but also acquaint them that I found them both very penitent for there offence and very ready in the humblest manner to submitt themselves and to crave his Grace and the Estates pardon. A great many of both parties spoke, and, except a few of

her Ma<sup>ts</sup> servants, wee found the generall inclination was to accept of there submission without enquiring further into the matter of fact. But my Lord Comm<sup>r</sup> and her Ma<sup>ts</sup> servants, seeming unwilling that the matter should be let fall without a legall prosecutione unles they did subscribye a petition acknowledging there guilt and praying that they might be recommended to her Ma<sup>ty</sup> for a remission, and that, in the mean time, they should not offer to sitt in the House as members but continue either prisoners in the castle or there loadgings, I did, upon this, endeavour what I could to have the debate let fall till the next sederunt that the parties concerned might have time to apply in what manner they thought fitt, and then my Lord Comm<sup>r</sup> and the Parliament might doe what they thought just. This was acquiesced to by all, and there was little more of any consequence done att that sederunt, except that one of the officers of the Guairds, Ensign Seaton, was arraigned for having threatened Sir Rob<sup>tt</sup> Dickson, a membre of Parliament, for his voting against Lewtenant-Generall Ramsay his electione to be Comm<sup>r</sup> for the shyre of West Lothean, but, after the examinatione of all the witnesses adduced, there was nothing proved against him, so he was acquitt, *nemine contradicente*, but upon this I took occasion fully to express that nothing would be more displeasing to her Ma<sup>ty</sup> than that any of the officers of her army should offer to give the least insult or threattening to the members of Parliatt, and accordingly the Parliament seemed very well satisfied, and Mr. Seaton was accordingly dismissed.

Yesterday the Parliament mett again, but in the morning my Lord Privy Seal and I did understand from severall Parliament men, if my Lord Comm<sup>r</sup> his Grace did continue to refuse the humble submission of the two members, that s̄crall things concerning the prerogative would be brought in question; therefor, it was again our advice to accept of there submission. Some of the Servants were against this, and said the Comm<sup>r</sup> might order the Lord Advocat to prosecute them for high treason, in which case the Parliament could not accept of there submission, but,



after wee had made further enquiry and that my Lord Comm<sup>r</sup> and wee had spoke to most of the members, wee found that, if this were so much as spoke of, the House would find by a great plurality that no member could be aceused of what was said or done within the House but by order and appointment of Parliament, and that, in the next place, by a great plurality they would countermand the prosecutione of the two members and accept of there submission and call them to there seatts. Therfor my Lord Privy Seal and I continued to advyse to accept of the submission and not to venture the losing so material points of the prerogative or the breaking up of the Parliament abruptly, whereas I was hopefull that the yeilding this matter before the prerogative was called in question would contribute very much for the success of her Ma<sup>ts</sup> affairs att this time. However, I said that the Comm<sup>r</sup> should see that, notwithstanding of this, that I should act my pairt fairly, and should defend her Ma<sup>ts</sup> prerogative as much as any of her Servants were eapable to do. Upon this wee parted, and the Comm<sup>r</sup> sent about his friends to all the members, and he found what my Lord Privy Seal and I had said was true, so he did again advyse upon the throne w<sup>t</sup> my Lord Privy Seal, my Lord Secretary, and sērall others of the Officers of State, and so he found the necessity of yeilding, and accordingly he resolved to doe it by a speech to the House immediately after reading there petition, which was coneceived in very humble and submissive terms, which he did in a very gentile manner, and thereafter I spoke to the House and told them that they had very good reason to be satisfied w<sup>t</sup> my Lord Comm<sup>r</sup> his Grace his leaving it to them to accept of the submission, which he had done in complyanee to the desire and inclinacione of so many of there number, and it was, indeed, very well received, and I doubt not but it will be of use to us in the obtaining what wee desire to be done for her Ma<sup>ty</sup>. However, it is lyke my Lord Comm<sup>r</sup> may misrepresent my Lord Privy Seal and me in this, but I wish that yo<sup>r</sup> Lo<sup>p</sup> had been present and ane eye witness. You had been convinced that, if this method

had not been followed, her Ma<sup>ts</sup> service had suffered very much.

I did after all this, by order of her Ma<sup>ts</sup> Comm<sup>r</sup> and the Estates of Parlia<sup>tt</sup>, appoint my Lord Belhaven and Sir Alex<sup>r</sup> Ogilvie to be brought from there loadings, where they were prisoners, to the barr, and there I told them that I was ordered by my Lord Comm<sup>r</sup> his Grace and the Estates to intimate to them that his Grace and the Estates were highly displeas'd because of the mis-demeanour they had committed, and that in law they might have been severely punished, but, upon hearing of there petition in which they did humbly crave his Grace and the Estates pardon, they were now brought to the barr that they might again have the oportunity of making there acknowledgements; and, accordingly, they both did so in the humblest manner, upon which I did, in the name of his Grace and the Estates of Parliament, accept of there humble submission and allow them to take there seatts in the House, so that I humbly conceave the honour of her Ma<sup>ts</sup> Comm<sup>r</sup> and of the Estates of Parlia<sup>tt</sup> is sufficiently vindicated. And for convincing yo<sup>r</sup> Lo<sup>p</sup> that there is nothing extraordinary done in this caise, the Duke of York, when he was Comm<sup>r</sup> in the reign of King Charles the 2<sup>d</sup>, did accept of the submission of Cromvell Lockeart of Lee, who did, in presence of the Comm<sup>r</sup> and of the Estates, beat and blood one of the macers, as also my Lord Ballentine did beat one Mr. Gibsone in the room next to the Parliament House in the year 1700 whilst the Duke of Queensberry was Comm<sup>r</sup>, and yet it was overlookt and past by. And Major Burnet, having beat another, he was only fined in a small sowme. I acknowledge that the insult was more atrocious than any of these, but they have craved pardon in the most humble manner, and far greater inconveniencies are evited by accepting of it, as I have above represented. After this, that the House might be in better temper, wee gave a second reading to the act for rescinding of the laws declaring leasing-making of her Ma<sup>ty</sup> to her people and of the people to the Queen capitall, and have now declared

it only to be punishable by fining, confyning, imprisonment, or banishment according to the degree of the crime. This gives a generall satisfaction, and has been very long desired. After this they brought in upon us a book written by Mr. Drake <sup>1</sup> and dedicate to Sir Edward Seymour calculate against the soveraignety and independency of this kingdome, upon which there was many hott and high discourses, and it ended in appointing the book to be burnt by the hand of the common executioner, which is accordingly done, and this day wee have been upon the Act of Security and debated the whole day if there should be any limitationes receaved in to it or not, but nether pairty durst adventure it to a vote, so the debate will be resumed tomorrow.

[No signature.]

[*Endorsed* .:] 'L<sup>d</sup> Seafield. No date.' [Not autograph.]

J. 48.

*Edr., Julie the 10, 1703.*

MY LORD,—I have writen to the Earle of Notingham <sup>2</sup> al that is necessarie for your Lops. information att present, and I did not think of giving your Lop. any trouble att this time, bot my Lord Privie Seal hes been with me just now and hes desired me to send the inclosed, which I have seen, and I doe atest that his concurrence does signifie verie much for the Queens service, and I hope he will continue to use his influence faithfulie and I doe belive that, if it had not been that I have pleased him and taken measurs with him and the Cavilier Partie, they had been prevailed on to join with the opposers, and so ther had been no possibilitie of carring her Majesties affairs. I know my Lord Commissioner hes writ fullie concerning the act proposed for puting the pouer of declairing peece and war in the Parliament, bot this is only to take place

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<sup>1</sup> James Drake (1667-1707). The book referred to is his *History of the Last Parliament*, for which he was tried and acquitted in 1702. Seymour was Comptroller of the Household to Queen Anne, and was specially obnoxious to the Whigs.

<sup>2</sup> Nottingham was at this time the English Secretary of State.

in case of her Majesties death without heirs of her bodie,<sup>1</sup> and I doe concurr with what his Grace hes writen, and shal forbear giving your Lo. any further trouble bot that I am, with al respect, my Lord, etc., SEAFIELD.

*Edr., Julie the 17, 1703. f. 50.*

MY LORD,—I have troubled your Lop. with several letters since I had the honor to hear from you. Houever, I hope they have given your Lop. full information. Ther is by this packet a full Memorial sent by my Lord Commissioner concerning what hapned last night in Parliament at the adjournment. I can positivlie say that nothing was done bot what was usual and hes been practised, not only in this session, but in al former Parlaments since the Restoration. This prærogative of adjorning *de die in diem*, als weel as att the end of a session, is plainlie invested in the Croun by the 3<sup>d</sup> act of the first Parliament, Charles the 2<sup>d</sup>, and, ackordinglie, the same hes been exercised without interruption and hes ever been considered as a most valuable prærogative and necessarie for præserving of order in Parliament. It is unnecessarie I should trouble your Lop. with what is contained in the Memorial, only most say I were unjust to my Lord Commissioner if I did not attest that he acted in this mater both with prudence and moderation. The point under consideration was of great consequence, as your Lo., upon reading the memorial, will perceiv. It had only been proposed that sederunt, and befor adjournment severals of the members moved for a delay and a great many of them had gone out, and it was then past eight, so wee wer most of us much fatiged, and the debeat was on so many particulars that ther was no probabilitie that it could be adjusted that night upon thes considerations. My Lord Commissioner appointed me to adjorn them, and for præventing al mistaks I did declair that nothing should interveen and that the clause should be finalie determined next sederunt ;

<sup>1</sup> See *Acts of the Parliament of Scotland* (Record Edition), xi. 107.



and then I declaired that my Lord Commissioner adjourned the Parliament till ten o cloak on Tuesday, which is the constant forme. Notwithstanding hierof, several of the opposers did protest after the adjournment, and since hes signed ane adress compleang of it. I am sure ther hes more occasion been given when the adjournment hes not been contraverted. The Memorial offers ane advice what answer may be given too it, and I doubt not bot her Majestie will both mantain her just prærogative and protect her subjects in ther privileges. I shal only add that I am, with al respect, my Lord, etc., SEAFIELD.

f. 52.

*Edr., Julie the 28, 1703.*

MY LORD,—The inclosed Memorial is al I can inform your Lop. of att present, and I hope it will be made use of only for her Majesties and your Lops. information. I most say my Lord Privie Seal does in this and evrie thing els testifie a great dail of concern for her Majesties service, and I doubt not bot al her Majesties servants will yet use ther joint endeavours to make the best of what is past, bot with what success I know not. Ther will not be so great difficultie in obtaining what can reasonable be demanded for the Queen could wee get that lenth, bot we are invironed with resolvs, and in any thing against the English succession our opposit pairtic are strongest. If ther be not fonds granted for the civil list and the armie, ther will be great difficultie to præserve authoritie and goverment, bot I can offer no advice without the concurrence of her Majesties other servants, bot in my station I shal act faithfalic and with al the influence I am capable to use, and I am hertilie sorie that ther is so great difficultie to bring this session of Parliament to unanimitie. Both pairties are convinced that I have a great dail of labor and fatigue in my post. I know not what accoumpts are given, bot I am sure I have heartilie concurred with my Lord Commissioner in al concerned the Queens service or himselfe. I shal continou to acquant your Lo. with the issue of what is befor us, and,

being most sensible of the obligations I have received from your Lop., I am with al respect, my Lord, etc.,

SEAFIELD.

Your Lo. hes certanlie had ane accompt hou the mater of the adjornment ended. My Lord Privie Seal and I did what was [in] our pouer in that mater and [I have] added what occurred in this to my Memorial.

[1704.]

*Edr., May 11th, 1704.*<sup>1</sup>

f. 78.

MY LORD,—I had the honour to receive one from yo<sup>r</sup> Lo<sup>p</sup> since I wrote last and that concerning Mr. Campbell his 4, 19, 18, 18, 11, 21/ granted to him by the Queen. I shall take care to obey the orders I have received concerning it and shall represent all the circumstances of it in there true light before any thing more be done upon it. Mr. Harley longs extreamly to have a full answire to his letter, which he understands Mr. Stewart received. It is only some satisfaction that 14<sup>18</sup> 7, 11, 5, 16, 20, 17, 11, 16, 10 writes that Mr. Bruce is pleased with the acco<sup>tts</sup> have been given. I find all those I wrote of formerly firmly resolved to prosecute 20<sup>s</sup> measures in relation to Mr. Sidney, but wee cannot dail so effectually and plainly in this till Mr. Ogilvie be 61, and then his friends will concur with Mr. Harley, and Mr. Stewart may be assured nothing will be left undone in that matter, which is in there power. Wee still think that 18 should be impowered to declare what concerns him as 61, when he finds it most proper, for he must keep measures with his friends. Mr. Campbell keeps his mind closs concerning Mr. Sidney, but owns that Mr. Bruce recommends that Mr. Sidney be declared, and he will make it knowen what he intends concerning that in 51. Mr. Harley has said plainly to him that it will be prejudiciall to the interest of Mr. Bruce if he doe not appear more forward for 48, for se[v]ralls in 47 will

<sup>1</sup> No key to this cryptic letter has been found.

think that Mr. Bruce his servants should doe what is in there power. I have still good hopes of him, and he may be very usefull, and, y<sup>r</sup>for, I should think it a very bad measure to give him any discouragment as yet, but befor  $\overline{51}$  he ought to declare himself more plainly, and Mr. Stewart shall be acquainted with his resolutions. I have write so fully in the inclosed that I shall forbear to give yo<sup>r</sup> Lo<sup>p</sup> much trouble, only I must acquaint you that Mr. Sinclair and Mr. Stephens are calm and moderate and doe both positively say that they will give all assistance to Mr. Bruce against all persons q<sup>t</sup>somever, and, in particular, against Mr. Nairne, if he were makeing any attempt upon Mr. Menzies, and, though they doe not come up the lenth of doeing for Mr. Sidney, yet it may be of great use if they doe not actually oppose, and for this reason Mr. Ogilvie, Mr. Urquhart, Mr. Wright, and Mr. Harley doe all agree that, when the alterations of  $\overline{54}$  are made, both Mr. Sinclair and Mr. Stephens should be of Mr. Maitlands number. This will putt them in expectation of being further considered after  $\overline{51}$ . They both say that they would give subsidies cheerfully, and in this Mr. Knox concurs, for they begin to fear that, by what  $\overline{18} / \overline{21} / \overline{25}$  and  $\overline{19}$  have done already, Mr. Sidney may succeed upon the conditions agreed too; however, it will be most diffieult, considering the great ferment in Mr. Menzies, and by keeping measures with Mr. Sinclair, Mr. Stephens and some of Mr. Knox his friends. Att worst the subsidies will be obtained, and this is the most probable measure of obtaining the oy<sup>r</sup>. Mr. Ogilvie and Mr. Harley delay writing about  $\overline{54}$  untill Mr. Ogilvie be  $\overline{61}$ , and then he can speak more plainly and recommend on more sure grounds. Wee still think that  $\overline{14}^{18} . 7 ; 11 ; 5 ; 16 : 20, 17, 11 : 16 : 10 :$  should prepare all that is necessary to be done by Mr. Bruce before the meetting of  $\overline{51}$ , and should be y<sup>r</sup>after sent to Mr. Menzies. Mr. Harley wrote of the places by his last, and all of us continue still of the same mind. Mr. Harley his pairtners are very much for laying aside Mr. Fergusone, for they know it would give a generall satisfaction, and advance Mr. Bruce his designes, but this they submitt to

Mr. Stewart, who knows best the circumstances of Mr. Bruce in 47. It has been of great advantage to us that Mr. Hyde stood in all his employments till matters were brought this lenth, for the fears of his continuing has engaged a great many to be for 20<sup>ies</sup> interest, and the measure proposed. Mr. Harley expects to have an oportunity of writing to yo<sup>r</sup> Lop. again very soon, and, therefore, forbears to give you any further trouble; he does not as yet think it proper to trouble Mr. Bruce, but I cannot conclude till I acquaint yo<sup>r</sup> Lop. that there are above 1600 men aboard the fleett in Leith road ready to sail, and it is a very considerable number from this kingdome, but it is mightly complained of that they have so slender a convoy.<sup>1</sup> There are above thirty of the best ships in Scotland convoyed only by one man of warr. I heartely wish an other could be appointed to joyn them and the sooner the better, for they are now ready to sail.—I am yo<sup>r</sup> Lo<sup>ps</sup> most obedient and humble servant.

[No signature.]

[*Endorsed*.:] ‘May 11, 1704. Ld. Seafield.’

[Not in Seafield’s writing, but the same as several letters signed by him.]

*Edr., Julie the 6th [5th ?], 1704.*

*f. 86.*

MY LORD,—I have had so much to doe befor the meeting of the Parliament<sup>2</sup> that I have been oblidged not to wreat so often, and I am nou to acknowledge the honor of two of your Lops., the first concerning the powers to the Commissioner.<sup>3</sup> I am intierlie of your Lops. opinion that, till the Parliament is over, places should not be disposed of without a visable advantage to Her Majesties service, and Mr. Johnston<sup>4</sup> agrees with me in this. Neither have wee done anie thing concerning the alterations in council; manie are in expectation, and by pleasing on wee would

<sup>1</sup> This force was to join Marlborough’s army in the Low Countries. In May, 1704, Marlborough began his march to Blenheim.

<sup>2</sup> It met on July 6, 1704.

<sup>3</sup> John, 2nd Marquis of Tweeddale, was the new Commissioner.

<sup>4</sup> James Johnstone, Lord Clerk Register. During the preceding months he had been Godolphin’s chief adviser regarding Scottish affairs.



disoblidge perhaps ten. Wee have feu places and manie pretenders. I have convinced Mr. Johnston that to begin with the Plot and prosecutione would devid and weaken the Revolution pairtie, for al that are censurable and ther friends would withdraw or secure themselvs by making interest with the opposers ; so that I have also his approbation as to the advice I gave for the alterations in her Majesties letter. I have disposed the fare greatest pairt of our Old Pairtie<sup>1</sup> to concur in her Majesties measures, and I am not without hops of success. However, ther is a verie great pairtie for the delaying to declair the successor.<sup>2</sup> Some think they should have conditions from England concerning our tread, such as the taking off the impositions on our cattle, linning, cloth, and coal, and the Act of Navigation might be softned and not so strict. Others are for a ful communication of tread, so by thes national and plausabile propositions they increase the number that are for delaying. Others sees the danger of delaying and that conditions of goverment on the successor may be the foundation of a subsequent treatie with England, bot of al this mater wee can wreat nothing with any certantie till the members come to toun. I know not if wee shal doe any thing on Thursday more then to meet and constitute the House and adjorn til Tuesday, for ther are about twentie that are favourable to the Queens meassurs at the Convention of Borows that can not be in befor Tuesday nixt, and perhaps our opposers might take advantage of this. Wee have taken and committed Sir George Maxwel and Captain Livingston, and put on bail Mr. Gordon and some others, and shal use al possible cair to discover ther designs. It is, indeed, verie suspicious ther coming att this time, and I am hopful it will be of use to us. I send your Lo. a short accompt of ther examinations hierin inclosed. I did not discover Mr. Lacons name who is the informer, bot I have examined them on al the points of the information your Lop. sent

<sup>1</sup> Also known as the 'Country Party.'

<sup>2</sup> It was the special task imposed on Tweeddale as Commissioner to have an Act passed settling the Crown on the Electress Sophia and her heirs.

me. As for my Lord Leevens complaint of my coldness, he does me wrong, for I have used him with al civilitie, bot I most keep measurs with others, and, therfor, could not enter into a closser correspondence without prejudging the Queens service, bot I am confident I shal have your Lop. approbation, since I doe al thos more service by folouing out the publict measurs in the first place, which may preserve them if they concurr with the Queens servants, bot no treatie of this kind is to be promised. I was ever for moderation, and I hope I shal not alter my opinion on this occasion. I cannot discover what I wreat to your Lop. to many hier, bot have the charitie for me to belive that I shal doe al in my pouer for the Queens service, and that I am, with al truth and sinceritie, my Lord, etc.,

SEAFIELD.

I find Mr. Johnston readie to lay assyde al resentments and most desirus of success.

[1705.]

*Edinburgh, March 24, 1705.*

374.

MY LORD,—The Earle of Roxburgh and I have made all the hast that was possible for us on our journey and came to the place on Thursday last. I have seen severalls of all the parties and have endeavoured to discover there designs, but as yet am not able to give yo<sup>r</sup> Lo<sup>d</sup> any certain accompt of them. The opposers doe delay the takeing of there measures till the meeting of the Parliament, that then they may jointly consert what is to be done. The New Party seem att present diffident of there being continued in her Ma<sup>ts</sup> service,<sup>1</sup> but express themselves with a great deal of regaird towards her Ma<sup>ty</sup>, and say they are very willing to joyn in measures with those her Ma<sup>ty</sup> has imployed in all things that concerns her service and the peace and quiet of the kingdome, but the Old Party, they, and wee ourselves delay to give any opinion concerning

<sup>1</sup> Owing to its conduct in the affair of Captain Green, the New Party had been discredited.

what may be expected to be done till the Comm<sup>r</sup> come, for they beleve what they shall resolve upon without his knowledge and consent would not be very acceptable to him, and, therefor, I intreat yo<sup>r</sup> Lo<sup>p</sup> that he be dispatched as soon as is possible, for there is but little time, and every body expects that the Parliament will meett precisely att the time to which it is now adjourned. I am more convinced than I was that it is necessary to keep measures with the New Party, since they are in a good disposition, and, were the Duke of Argyle<sup>1</sup> here, he will find many of the Old Party of this mind because that, if the New Party be again joined to the Cavaleers, they will probably be too strong. This the President and Advocat<sup>2</sup> have both said to me, though I doe not write by there knowledge or allowance, nor will they give any positive opinion till the Duke of Argyle and the rest of the party are here. However, to give yo<sup>r</sup> Lo<sup>p</sup> all the information I have of the designs of the opposers : it is said that they are to begin with the state of the civil list and to take notice of all the extraordinary allowances have been given, and here to make all the use they can to divide the Old and New Party. Yo<sup>r</sup> Lo<sup>p</sup> will understand this point sufficiently.

2<sup>o</sup>/. The opposers will endeavour the prohibition of wine and tobacco, because, as they pretend, the money of the nation is y<sup>r</sup>by unnecessarily exported, and, if this be done, y<sup>r</sup> will nothing remain as a fund for the civil list, and, if ane equivalent fund be demanded, they will endeavour to give only what they pretend is necessary and not ane equivalent to what arises from the customes of these goods.

3<sup>o</sup>/. They will be against the settlement of the succession without a treaty, and then they will endeavour so to limite and restrict the treatters as that ane intire union be not the subject of it.

4<sup>o</sup>/. That the Comm<sup>rs</sup> be named by Parliament, be-

<sup>1</sup> John, 2nd Duke of Argyle. He was the new Lord High Commissioner, Tweeddale having been dismissed.

<sup>2</sup> The President of the Court of Session was Sir Hew Dalrymple ; the Lord Advocate, Sir James Stewart.

cause, as they pretend, her Ma<sup>ty</sup> may be influenced by the English in makeing the nomination.

5<sup>o</sup>/. That no treaty be sett on foott till the English have repealed the clauses of the act for the union; y<sup>r</sup>by cattle, linen cloath, and the other goods in this kingdome are prohibited in England and both nations left at least in the same condition with regard to priviledges as before the making of the act.

6<sup>o</sup>/. They are to insist for the additional number of Comm<sup>rs</sup> for shyres and a triennial Parliament, and upon sērall other limitations. In all these particulars I doe think that the Comm<sup>r</sup> may try the opinion of her Mat<sup>s</sup> Servants, and her Ma<sup>ty</sup> may act accordingly, for I think those in the Government ought att least to declare there willingnes to concurr in what may be for her Ma<sup>ts</sup> service and to give there opinion with freedome concerning the measures. I shall use my own endeavours faithfully, and after all I want not good hopes that the Parliament may be brought to a calm and peaceable issue if the Old Party be reasonable and if they will take but advyce. Att pñtt, I have not as yet seen the Marques of Annandale,<sup>1</sup> being in the countrey about his private affairs, but he is to be in towne this night, and so I can write nothing concerning him.

Captan Green and his crew were on Wednesday last sentenced to dye, and I find all persons I speak with convinced that they are guilty, and, since the sentence, two have confessed that there was a pyracy committed but they were a shoar att the time and know not the particulars. It is thought that more will confess. Wee hear that they have sent to Court accompt of there own circumstances, but I know no certainty for it, for none of them have made the least application to me. The Council and Thesaury were adjourned before I came here, and a great many are in the countrey about there private affairs, so that I can have no Councils or Thesaury till Tuesday

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<sup>1</sup> William, 1st Marquis of Annandale. He was now one of the two Secretaries of State.



come seven night, and I am hopefull that my Lord Argyle may be here by that time. The Scotts officers have made there recruits <sup>1</sup> very fully, and I hope they will be ready to sail by Tuesday next, if the wind serve. If yo<sup>r</sup> Lo<sup>p</sup> will let me have her Ma<sup>ts</sup> commands in any thing, I shall most readily obey them. I am most sensible of the obligations I ow y<sup>r</sup> Lo<sup>p</sup>, and y<sup>r</sup>for, I am, with all sincerity and respect, my Lord, etc.,

SEAFIELD.

[In the same handwriting as previous letters ; only signed by Seafield.]

f. 376.

*Edr., March 24, 1705.*

MY LORD,—I was not able to wreat the inclosed with my own hand, bot it is writt by on I can intierlie trust, and, therfor, I hop your Lo<sup>p</sup> will excuse me. Since wreat-ing of it, the Marques of Annandale has been with me, and I find him of the same opinion with me that the Duke of Argyl come down to us so soon as is possible, and that the Neu Pairtie be not rejected if they be willing to concurr, and what I said to your Lop. I find true, that the Duke of Argyls friends hier will advise him to moderation with regaird to most of the Neu Pairtie. I shal be able to give your Lop. a more certan accompt of our affairs by my nixt, for I find the Neu Pairtie are to meet on Tuesday or Wedensday nixt, and I hear Duke Hamiltons friends have sent for him, so ther skeams will be laid. The Neu Pairtie and Old have, such of them as are in toun, been with me and speak verie kindlie, and in most things are readie to join, if the Duke of Argyl will bot folow advice. I have good hops. I can adventur no further on your Lo. patience att present, and I have had frequent interup-tions in wreating this. I shal onlie recommend the incurag-ing my Lord Roxbrough, for I find him veric readie to folow my advice in giving good counel to the Neu Pairty. I find what is done for the M. of Montrose<sup>2</sup> cannot be long concealed, so I wish the D. of Argyl wer acquainted with

<sup>1</sup> For service under Marlborough in the Low Countries.

<sup>2</sup> James, 4th Marquis and 1st Duke of Montrose. The appointment referred to is that of Lord High Admiral.

it as a thing don befor his Commission was signed. I hope he will be satisfyed that he have Montroses concurrence.—I am, with al respect, My Lord, etc.,

SEAFIELD.

*Edr., March 31st, 1705.*

*f. 148.*

MY LORD,—I have sent the inclosed Memorial for your Lops. information, bot I long to hear from you, not having had the honor of your commands since I came from London. I hope the Neu Pairtie will be advised if meassurs be kept with them, and manie of the Old make there application to me, would the Duke of Argyl take advice. I have good hops, and it depends upon his being hier befor any thing further is determind, for I find thos imployed of the Old Pairtie convinced that, without the assistance of some of the Neu, nothing can be done, so that your Lo. hes had a true judgement of our affairs at this time. Queensberrie and some near Argyl may give other advice, bot it will not be found for her Majesties service.<sup>1</sup> I beg pardon for this trouble, and I am, with al respect, my Lord, etc.,

SEAFIELD.

*April 1705.*

*f. 350.*

MY LORD,—I did write to her Ma<sup>ty</sup> a full accompt of our proceedings last Council day upon the reading of the Duke of Argyles letter to me write by her Ma<sup>ts</sup> commands and intimating that there should be a reprove to Captain Green<sup>2</sup> and his crew untill her Ma<sup>ts</sup> pleasure were knowen and in the mean time appointing ane abstract of the process to be transmitted to her Ma<sup>ty</sup>. This last part was done, and there was also a letter to her Ma<sup>ty</sup> from the Council, which, no doubt, yo<sup>r</sup> Lop. has seen, besides the arguments used in my Memoriall, qch moved the Privy Council to delay the granting of a reprove. This has great weight with them that all acts of prerogative ought

<sup>1</sup> Argyle insisted on the dismissal of the New Party as a condition of his retaining office.

<sup>2</sup> Captain of the *Worcester*, an English vessel, and accused of piratically seizing a Scottish ship, the *Speedy Return*, and murdering its crew.

to be exerceed by her Ma<sup>ty</sup> herself, qhereas in this caise there was only a letter by the Duke of Argyle to me, and they all acknowledge that her Ma<sup>ts</sup> prerogative in pardon- ing and repriving is not to be contraverted, and, if there had been a letter from her Ma<sup>ty</sup> to them, they had given obedience and yet preserved there good opinion with the people, q<sup>ras</sup>, if they doe any thing upon the intimatione made by the letter from the Duke of Argyle, the people will say that they were under no necessity of granting the reprove, but that they voluntarily pardoned people guilty of the blood of there neighbour subjects, and I must acknowledge that all in this place are fully convinced that Green and his crew murdered Captane Drumond and his men. However, I have writt to all the Privy Councillors within fourty miles of this towne to be present on Tuesday next, and wee hope, betwixt and then, to receive her Ma<sup>ts</sup> orders. But, if wee doe not, I am afraid there may be difficulty in obtaining a reprove for a few days.

I find the New Party willing to doe any thing that may serve her Ma<sup>ty</sup> in the next Parliament, provyding there service be not rejected.<sup>1</sup> I doe what I can to keep them well disposed, and I find them intirely dissatisfied with the Duke of Argyle, but, if his Grace were here, he will find the whole Old Party, except such as are out of employ- ment, against disoblidging of the New Party. I have spoke fully w<sup>t</sup> Annandale, the President, and Advocat and s̄erall others of them, and they are of this opinion. However, the New Party are unwilling to give there advice as to measures to be taken in Parliament till they know if they be to be employed. Philiphaugh hath been in the cuntry, so I know not his mind, but it is certain he will not influence his friends to concurr, unles he be reponed. But, if this be done, I heartily wish it may be with Mr. Johnstones consent, for he has a great interest with the New Party.

I acquainted yo<sup>r</sup> Lo<sup>p</sup> formerly with what I hear of the

<sup>1</sup> Argyle was instructed to secure the passing of one of two measures—the one for settling the succession on the Electress Sophia and her heirs; the other for appointing Commissioners to treat of union.

designs of our opposers, but wee cannot know plainly till the Duke of Hamilton come to this kingdome, who is expected very soon.

By this packet yo<sup>r</sup> Lo<sup>p</sup> will have ane acco<sup>tt</sup> of the proceedings of the Assembly. Mr. Carstairs is moderator, and the most moderate churchmen are members of it. There is ane answire to her Ma<sup>ty</sup> letter, in qch they signify there satisfaction w<sup>t</sup> the protection and countenance they have from her Ma<sup>ty</sup> and there desyre of having the succession setled. My Lord Com<sup>r</sup> will certainly write to her Ma<sup>ty</sup> on this occasion. I have s<sup>er</sup>all friends in the Assembly and has done what is in my power to make this Assembly easy and satisfying to her Ma<sup>ty</sup>, and the ministers and elders doe all testify there satisfaction with the letter and instructions I have procured, and are very much pleased that her Ma<sup>ty</sup> has allowed the expens<sup>s</sup> of transporting the libraries that are mortified by s<sup>er</sup>all charitable people in England for the Highlands.

I have not heard from yo<sup>r</sup> Lo<sup>p</sup> since I parted from London, but, so long as I am allowed, I will allwayes presume to acquaint yo<sup>r</sup> Lo<sup>p</sup> with what occurs and receive inclosed the copy of the Assemblies answire to her Ma<sup>ty</sup> letter.

[No signature.]

[*Endorsed* :] ‘L<sup>d</sup> Seafield. No date or year.’ [Not autograph.]

[ [4] *April 1705.* ]

*f. 356.*

MY LORD,—I received the honour of yo<sup>r</sup> Lo<sup>ps</sup> letter of the 31st March, and, seing her Ma<sup>ty</sup> had then no particular commands, I shall presume to give yo<sup>r</sup> Lo<sup>p</sup> ane acco<sup>t</sup> of what has occurred here. I find in the Assembly there will be no difficulty. The Ministers that are members of it are all most moderate men. Mister Carstairs<sup>1</sup> is Moderator, who has great influence w<sup>t</sup> them, and they are intirely pleased w<sup>t</sup> there instructions and her Ma<sup>ty</sup> letter, and, as they tell me, they will have there affairs ended by Tuesday or Wednesday next.

<sup>1</sup> Rev. William Carstares, the most influential minister in the church.



As for my Lord Montross, I find him very well inclyned to her Ma<sup>ts</sup> service, and it is not yet knowen here that he is Admirall. I have spoke w<sup>t</sup> him fullie; he is inclyned to serve her Ma<sup>ty</sup> in that station and is willing it be published when and in what manner is thought best, but he sayes he does not inclyne to accept of the sallary of 1000 pound, which her Ma<sup>ty</sup> has annexed to it, because the Thesaury is in a very low condition, and the demands of others are exorbitant. I told him that I thought the place of High Admirall very necessary in this kingdome, and that, seing her Ma<sup>ty</sup> had recovered it again to the Crown by her own money, it was reasonable that a sallary should be annexed to it that it might defray the charges and be some encouragement to any person that should be employed in that station. But, whatever objection might have been made, if this sallary had been given to ane other, yet he had a just pretension of 700 ls. a year, qch was settled on his family for the sufferings of his great grandffather for the Crown. He seemed very well satisfied with what I said to him, but he has since been with the Earle of Roxburgh and he still inclynes not to accept of the sallary, and is returned to his house. My Lord Roxburgh<sup>1</sup> and I will speak to him when he returnes, and I am convinced that he will not think himself so much engaged to prosecute the Queens measures if he accept of no sallary.

As for the New Party, they seem to be clossly united together and doe not speak plainly concerning the public measures. As yet I find them sometimes pretty tractable and att other times ill pleased as they have accompts from Mr. Johnstone or Mr. Wadderburn. If they were secure that they were not to be removed from there posts, they would serve (I beleeve) very dutifully, but, as it is, they doe not break measures with the Countrey Party. I cannot complain of them as to myself, but that they treat me with all civility, and, if I knew positively

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<sup>1</sup> John, 5th Earl and 1st Duke of Roxburghe, one of the leaders of the New Party.

what were resolved concerning them, I could write my opinion plainly to yo<sup>r</sup> Lo<sup>p</sup> what they would doe.

As for the Old Party, I found them pretty well inclyned att first to unite with the New and willing that there should be very few alterations, att least, till after the Parliament, but I cannot say that this will continue long if my Lord Argyll, when he comes, endeavour to perswade them to desyre changes. Yet there is one thing I am informed of from a pretty good hand, that they will divyde among themselves as to the persons. There are some of the Old Party that are for my Lord Glasgow<sup>1</sup> to succeed Mr. Johnstone, and they are for Mr. Baillie<sup>2</sup> of Jeriswood continuing Thesaurer-Depute; others are for Philiphaugh to be Register, and they think that my Lord Glasgow might be made Justice-Generall. If he would accept of this place, I know not. It is said that Argyle is for Broadalbines<sup>3</sup> being on the Thesury. Few of the Old Party will agree to this, and I find Annandale very much inclyned to recommend friends of his own that he may make a separat enterest from Queensberries. I find the Earle of Glencairn<sup>4</sup> and his friends will be uneasy if he get not Dunbartone Castle. I have told him that the Queen would doe it, but that the Duke of Argyle insists for his brother to be in that post. However, when Argyle comes, I shall use my endeavours still w<sup>t</sup> him.

As for the letter and instructions, nothing can be done in them till the Duke of Argyle come, nor dare I offer to advyse any measures, for he will be against any thing that is offered w<sup>t</sup>out his knowledge. His staying so long att London will certainly occasion a new adjournment, for wee shall not have time to give advysce and receive her Ma<sup>ts</sup> answire. There are sēvalls that say to me that, if the Duke of Argyle will be perswaded to carry moderately, there might be very good hopes of success, and others have said expressly to me, even of those who have been in opposition that, if a person who is not concerned in

<sup>1</sup> David, 1st Earl of Glasgow.

<sup>2</sup> Robert Baillie of Jarviswoode, the most influential leader of the New Party.

<sup>3</sup> John, 1st Earl of Breadalbane.

<sup>4</sup> William, 11th Earl of Glencairn.

either parties had been made Comm<sup>r</sup>, the Duke of Hamilton, Athole, and many others would have agreed to a moderate supply and a treaty with England. However, affairs must be now managed as they are. For my own part, I shall discourage factions as much as I can.

I still find the ferment encrease against Captain Green and his crew. I hope her Ma<sup>ty</sup> has left this matter to the Privy Council, and y<sup>t</sup> there shall be no further reprove, for in this matter I could gett no assistance from the Old or New Party. I advertised the Earle of Leven by a letter, but both the Councill dayes he was absent. I wrote also to the President of the Session,<sup>1</sup> and, though he came to towne and spoke w<sup>t</sup> me of that and sērall other things, yet he went out of towne that morning and came not to the Council. The Generall,<sup>2</sup> att my earnest desyre, went to the Council, but did not vote the reprove, and went out before it was signed. The Earle of Lautherdale<sup>3</sup> was pñtt the first day, but would not come the second. The Earle of Southerland was also absent. The Advocat gave me little or no assistance, only he drew the representation. The Earle of Hoptone, the Marques of Annandales sone-in-lawe; went out of towne that morning. The Justice-Clerk<sup>4</sup> gave some assistance, but did say that there was no need to expect any ansuire to the second representation, since the Council had so plainly delivered there opinion in the first letter. I have spok with Annandale and Leven, and they both agree that they beleve Green and his crew guilty and that, therfor, they ought not to be pardoned, and wee are all sensible that it would doe a vast deal of prejudice to her Ma<sup>ts</sup> affairs in Parliament, for all I speak with say that, since God in his providence has discovered this barbarous murther, it will be hard if they be not allowed to putt so just a sentence in execution against those who have taken the innocent blood of their fellow subjects; and those who are for stirring up of faction say further that the English they see now will be protected,

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<sup>1</sup> Sir Hew Dalrymple.

<sup>2</sup> The Earl of Leven.

<sup>3</sup> John, 5th Earl of Lauderdale.

<sup>4</sup> Roderick Mackenzie of Prestonhall.

though they should murther, robb, or pillage Scotts men, either by sea or land. As for the New Party, yo<sup>r</sup> Lo<sup>p</sup> heard what they did the first Council day upon the reading the Duke of Argyles letter. And the last Council day some of them were against granting a reprive but for meetting again upon Wednesday, qch was the day appointed for the execution. Others were for repriving till Friday. Att last, my Lord Roxburgh and I having insisted for a longer time, wee gott my Lord Twedale, Jeriswood, S<sup>r</sup> John Hume, Belhaven, my Lord Marr, Hyndford, my Lord Loudoun, E. Forfar, E. Rosebery, E. Dunmore, the Advocat,<sup>1</sup> the Justice-Clerk, Mr. Francis Montgumrie, and the provest of Edin<sup>r</sup> to signe a reprive to Wednesday next, and the Earle of Glencairn did att last signe it, though he did not vote it. I have given yo<sup>r</sup> Lo<sup>p</sup> the detail of this matter, least there may come representations from others. I desyre to accuse nether of the parties nor doe I pretend to justify myself further than to tell true matter of fact and to acknowledge that never any thing troubled me more than seeing her Ma<sup>ts</sup> prerogative contraverted on the one hand, and yet the yeilding to the free exercise, of it on the oy<sup>r</sup> hand, was so prejudiciall to her Ma<sup>ts</sup> service and dissatisfying to many of her people. I would gladly hope that her Ma<sup>ty</sup> is satisfied that no more could be done. I have been blamed by many of my friends for being too forward for her Ma<sup>ts</sup> prerogative in this caise. I hope her Ma<sup>ts</sup> answire will come soon, that there may be time to appoint a new meetting of Council in caise of necessity.

[No signature.]

[*Endorsed* :] 'L<sup>d</sup> Seafield. No date.' [Not autograph.]

*Edr., April the 4, 1705.*

*f. 150.*

MY LORD,—I send the 'inclosed Memorial for her Majesties information, and I shal use my indeavours in her Majesties service to the utmost of my pouer; and, tho I have informed nothing bot what is true, yet it would

<sup>1</sup> Sir James Stewart.



doe me præjudice wer it knowen, and I design none to anie. I find Mr. Wederburn thinks himselfe uncertan of his post; this will discourage my Lord Roxbrough. He is nou in the countrey. I shal acquaint him with what your Lo. wreats concerning my Lord Montrose. I sent the M. of Annandale what was inclosed for him, bot have not seen him since. The recruits for the Scots regements are verie good, and are sailed some dayes since with a fair wind, and thos for the Dutch service continou hier til ther come a convoy from Holland.—I am, with al respect, my Lord, etc.,

SEAFIELD.

*f. 152.**Edr., April the 7th, 1705.*

MY LORD,—I have neaver had so much truble in anie affair as in this of Captan Green and his men. I am verie hopful that her Majesties letter to the Council and my Lord Commissioners to me come by the flying packet this morning will be verie satisfying to al. I shal improve both for her Majesties service and the Commissioners advantage to the utmost of my pouer. I have appointed the Privie Council to meet on Tuesday, and hes writt to about thirtie of the Privie Counēlours to attend then, and in the draught of my letters took the advice of my Lord Advocat, so I hope wee shal have a quorum, bot what they will doe is verie uncertan. Both the Old and New Pairties endeavour to præserve ther popularitie in this affair, and the peopel are eagerlie disposed to have justice done on thes dilinquents. My Lord Roxbrugh is in the countrey, bot I have sent ane express to him that I may have his advice and assistance, and your Lo. shal have ane accompt of the issue of this whol affair. I long for my Lord Commissioner, for, till he comes, nothing can be done, and our time is prætitus, and much to be done. The inclinations of the Old Pairtie to have al and the uncertantie of the Neu Pairtie and union that is alwayes in opposition, is hard to be overcome. I may fail in my opinion, bot not in my inclinations to serve her Majestie, and I shal ever continu to be, with al sinceritie, my Lord, etc.,

SEAFIELD.

*Edinburgh, Apryle 11th, 1705.*

*f. 154.*

MY LORD,—This morning the flying packet concerning Captain Green arrived ; her Ma<sup>ts</sup> letter was very gracious, and wee, being in expectation that a letter would come about that time, I had the night before appointed all the Councelors that were in towne, qch were about ten or elevin in number, to be att my house att eight a cloak this morning. They brought me accompts that the people were conveening from all places, and that there was great appearances of a tumult. All wee could doe was to acquaint the Magistrates of Edinburgh and Generall<sup>1</sup> to be carefull, and, in the mean time, wee read her Ma<sup>ts</sup> letter, and a Committee read those papers and affidavits that were transmitted, and reported what was contained in them to the Board. Wee considered that wee were but few in number and divyded in our opinions, and her Ma<sup>ts</sup> prin<sup>l</sup> Servants were all absent. Nothing that I could doe could perswade them to attend the two last meettings of Council. However, wee thought it our duty to goe to the Council chamber together that what wee did might have the greater authority. As wee went along the streetts, the whole people and mobb were crying for justice, and desyred wee might grant no reprove. After wee were some time in Council, wee came to be convinced that there was no possibility of preserving the publict peace without allowing some that were thought most guilty to be execute, and, therefor, Captain Green, Captain Mader, and Simpstone, the gunner, were condescended upon, and wee reprov'd the rest to the nynteinth instant and appointed a full Council to meett on Tuesday preceeding, and I was appointed to write a letter to her Maty, qch I have done and sent herewith. As I was returning home, the people that heard some were to be execute did give huzza's, but att a further distance the mobb, being informed that a reprove was past, did first ask me what was done with those murtherers. I told them they would have satisfaction very soon, but some of

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<sup>1</sup> David, 3rd Earl of Leven.

them, not beleiving, they stopt my coach, and those att a little further distance threw stones. Att last, I was forced to come out and expose myself intirely to there fury, but, when they saw me, they fell imediately calm, for I did not in the least seem discomposed, and they separated to each hand, and I went in to a friends house, and none of them offered to follow. The General conveened some of the regiment of Guairds, and secured the port of the towne, and then the mobb went and attended the prisoners to the place of execution. Many of the nobility and gentry came and waited on me home to my house, and now all is quiet and there is no disturbance. Our divisions and factions among ourselves occasions the authority of the government to be very low, and I have but a very bad prospect of our affairs, unles wee come to a better understanding after my Lord Comm<sup>r</sup> arrives. There are few of the New Party have been in towne since Mr. Johnstone was laid aside,<sup>1</sup> so I cannot informe yo<sup>r</sup> Lo<sup>p</sup> what they will doe upon it. The Thesaurer-Depute<sup>2</sup> attends very closs, and I cannot deny but he gives me assistance. Both parties will be here att the time of the Comm<sup>rs</sup> coming to towne, and I shall endeavour to understand there minds and shall write fully.

The magistrats and ministers that did attend Captain Green and the other two that are execute doe informe me that they all three dyed declaring there innocencie of the crimes for which they were condemned. This is all I have time to write to yo<sup>r</sup> Lo<sup>p</sup> att pntt.—I am, with all respect, my Lord, etc.,

SEAFIELD.

[Not in Seafield's handwriting, but signed by him.]

*f. 166.*

*Edr., April the 14, 1705.*

MY LORD,—Since my last al is quiet and peaceable hier. I have called a full Council on Tuesday, and, in the mean time, the magistrats are taking upp severals of the mobe that insulted my coach, bot I will move no further

<sup>1</sup> He had been dismissed from the office of Lord Clerk-Register.

<sup>2</sup> Baillie of Jerviswoode.

in that mater bot by advice of the Privie Council, since I have the honor to be ther Præsident and that I think the whol Government concerned in what was done to me. It is stil my opinion that her Majestie continou this affair of Captan Greens creu in the hands of the Privie Council, by which her Majestie is intierlie free of it, having sent us al that was done for thos prisoners by ther friends att London. The Officers of State and most of the Privie Council have been absent when ther assistance was verie necessarie, bot I have given full information of this formerlie. It is necessarie I trouble your Lo. with my thoughts of her Majesties affairs till my Lord Commissioner come. I find both New and Old Pairtie delay to take ther measurs till then, and in the Duke of Hamiltons absence thes who are lyke to oppose are also undetermined. I find the M. of Annandale would not have been for Philiphauch being Register had he been advised, tho he was not for Mr. Johnstons continouing, and, the feuer alterations be made, the Old Pairtie will continou the more unite, bot as yet I cannot offer advice on good grounds till I see hou the Commissioner and the New Pairtie agree at meeting. I shal give your Lo. no further trouble att present.—I am, with al respect, my Lord, etc.,

SEAFIELD.

*Edinburgh, Apryle 17th, 1705.*

*f. 160.*

MY LORD,—This day the Council was pretty well convened, especially those of the New Party came in. I mett first with her Ma<sup>ts</sup> Servants and acquainted them with what past last Council day in relation to Captain Green and his crew and with the particulars of the insult on my coach and the tumult against the Privy Council. They seemed all very much concerned for q<sup>tt</sup> had happened against the Privy Council and my self and willing to concurr in any measures might be proposed for supporting of the government. I did then goe to the Privy Council, attended by most of the Privy Councelors, and, after I had given a full deduction of this whole matter, the provest of Edinburgh, in name of the magistrates and Towne Council, did make a very humble submission and did assure us of



there ready concurrence for the punishment of the rabblers, qch wee receaved, being convinced that they were not in the knowledge of any designe of the tumult and that they had since taken up sēralls of the principall persons that were guilty and that they were using there endeavours to find us out probation. Wee concluded in appointing the Advocat to prosecute these rablers and in emitting a very high proclamation in qch there is a plain intimation that, if any such tumult did again happen, that, if her Ma<sup>ty</sup> did not remove the judiccatories from Edinburgh, att least, the government would take care of bringing in sufficient guards within the towne, and it contains severe pains against such rablers and insulters of those in the Government. I shall take care to transmitt y<sup>r</sup> Lo<sup>p</sup> a copy of it how soon it is printed. Then the Council read again her Ma<sup>ts</sup> letters concerning Captain Green and his crew and also read all the affidavits and certificats sent with it, and thereafter past a reprove to the eight that stand condemned, to four of them till Friday come seven night, and to the other four to Friday come a fortnight, by which there is time for the Commissioner to be here severall dayes before any execution, and then the whole Privy Councillors may be conveened if it be thought necessary. A great many of the Old Party was this day absent, particularly the Marquis of Annandale and his friends. The Earle of Leven, the President of the Session, and severall others, most of my friends of the Old Party, were there, such as Earle of Marr, E. Loudoun, Earle Dunmore, E. Buchan, Mr. Francis Montgumrie, and Lord Justice-Clerk. The Marquis of Annandale was att his countrey house since Saturday last, but, before he went, he said to me that, he having been absent formerly and the New Party having been principally concerned with what happened before in Council, he did not think it fitt for him to medle. Both the parties have so much endeavoured to preserve there popularity in this matter that I have truely had extraordinary difficulty as ever I had in any affair of my whole life, but I shall allwayes continue to use my endeavours faithfully in every thing her Ma<sup>ty</sup> has any

concern. I have mett with the prin<sup>ll</sup> men of the New Party this afternoon, and I find them still inclyned to concurr in her Ma<sup>ts</sup> service in the Parliament if there be no more changes, and they are also willing to wait of my Lord Comm<sup>r</sup> before he comes to towne and after and to offer there service in conjunction with him, though they pretend to have intelligence that he is for turning them all out ; yet, if they gett leave to serve, they will depend upon her Ma<sup>ts</sup> favour. I have spoke to sēralls of my Lord Comm<sup>rs</sup> friends to advyse him to take moderate courses, and I shall speak to him with a great deal of freedome, because I think it my duty, and I think, after he comes, no time should be lost in adjusting the letter and instructions, and I may say it : were I allowed to have influence with him, I am much mistaken if I could not prevail with a great many to keep within due bounds. I have had many discreett letters from all corners, and they wait for my advertisement to bring them to towne, I mean the Parliament-men. I shall write them civil returns, qch is all I can doe till measures be adjusted and the meeting of the Parliament fixt.

I find my Lord Roxburgh much concerned that my Lord Annandale continues of the Thesaury ; he thinks it ane inconsistant post with that of the Secretaries, as certain it is. There is ane omission that it was not recalled expressly, but, as Tweddale succeeded him in all his posts, so my Lord Annandale succeeded me as Secretary, and I never thought he would have pretended to more, but it is too much in fashion among us to notice our own concerns more than her Ma<sup>ts</sup> true interest, and I having stated this matter truely as it is, I leave it yo<sup>r</sup> Lo<sup>p</sup> may doe in it as you think best.

There was ane inclination to have published Montross affair<sup>1</sup> in ane open manner, but I have perswaded his friends no more to make it a secret, and I shall speak both to my Lord Comm<sup>r</sup> and my Lord Annandale of it with all the calmnes and care I can. Montross doth accept of it only

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<sup>1</sup> His appointment to the office of Lord High Admiral of Scotland.

as a mark of her Ma<sup>ts</sup> favour and ane engagement on him to serve her, and has left the sallary annexed to it in my Lord Roxburghs hands. This is all the acco<sup>tt</sup> I can give at p<sup>ntt</sup> of her Ma<sup>ts</sup> affairs.—I am, with all respect, my Lord, etc.,

SEAFIELD.

Since writting whats above, the Council Clerk, Sr. Ro<sup>t</sup> Forbes, has brought me in a letter from her Ma<sup>ty</sup> to the Privy Council open adjourning the Parliament to the 24th May. I must say it is a great deal too long delayed, for wee have not founds to subsist the troops three weeks after the Parliaments meetts.

[In the same handwriting as previous letter, but signed by Seafield.]

*f. 172.*

*Edinburgh, Apryle 26th, 1705.*

MY LORD,—My Lord Comm<sup>r</sup> came here on Tuesdayes night and was mett on the rode both by the Old and New Parties, and I paid him all the respect that was due to his character. I asked him that night if he had any commands for me; he said he could not speak to me till next morning.

I did accordingly then wait on his Grace, and wee spoke att lenth of severale particulars. He did, in the first place, assure me that he was very ready to advyse with me in any thing concerned her Ma<sup>ts</sup> service, and I answired that I should be ready to concurr with his Grace in serving her Ma<sup>ty</sup> to the outmost of my power.

Wee then spoke concerning the New Party, and I told him they were ready to concurr in all measures could be proposed for her Ma<sup>ts</sup> service and were ready to attend his Grace when he pleased to call them, and would signify so much to himself. However, I said I would answire for none of them. He might call them and speak to them particularly. He seemed to me not to be ready to discourse of the measures to be taken in the Parliament, by which I understood he was to speak with his particular friends first, and I doubt not but y<sup>r</sup>after I shall have ane oportunity of leting him know my sentiments, but, till I

speake with his Grace concerning measures, I can give no advyce to yo<sup>r</sup> Lo<sup>p</sup>, least it might contradict what the Comm<sup>r</sup> is to propose. All that I speake with of the Old Party are of one of these two opinions, 1<sup>o</sup>, that there be a treaty sett on foott for ane intire union betwixt the two kingdomes or for commerce and other advantages, leaving the nomination of the Comm<sup>r</sup>s to her Ma<sup>ty</sup>, or, 2<sup>o</sup>, that there be ane act of succession with conditions and limitations on the successor, and that wee have free trade and commerce established with England, as wee had before the Act of Navigation. These things are only suggested for yo<sup>r</sup> Lo<sup>ps</sup> informatione. I still wish that there were a good understanding betwixt the Old and New Parties, for without that I see little hopes of success, though either of them alone were as willing as could be wished. The New Party doe litle at p<sup>ntt</sup>; they wait till they understand the issue of the deliberationes of my Lord Comm<sup>r</sup> and his friends. I shall be very glade to have yo<sup>r</sup> Lo<sup>ps</sup> opinion, for I have no rule att p<sup>ntt</sup> but this one, that wee should endeavour to have a clear majority before we venture any thing that is of consequence, and I shall take the oportunity of reading the list of Parliament with the Old Party, which is the surest method. It is easy to speake of success and of union, but all that signifies nothing without a majority. My Lord Roxburgh and I wrote to my Lord Montross when the Comm<sup>r</sup> was on the rode that, since her Ma<sup>ty</sup> understood him willing to serve her, he might now declare his having a commission to be Lord High Admirall. Wee gott very discreet answives from him, and after this both his friends and wee mad no secret of the matter and he sent on his Commission to be past the seals. It was kept some dayes in the hands of the Director of the Chancellery, so that it was not presented to the keepers of the seals under me till the night my Lord Comm<sup>r</sup> came to towne, and then he sent Sr. Gilbert Elliott to me, desyreing it might be stopt till he saw it, and I said it should be done. When I mett with his Grace, wee discoursed fully of this matter; what he said was that nothing of this consequence ought to be done without his knowledge, and, had he been



acquainted, he would have consented to this or any thing els that might have been reasonably proposed for my Lord Montross. I said that I thought his Grace should principally endeavour the success of her Ma<sup>ty</sup>s affairs and that it was of great consequence to gain Montross, and I thought he might take this oportunity of writing to him and giving his consent heartily. I told him, also, that Montross had accepted it without any sallary, and that, if he did not act well in it, he had gott it but *durante beneplacito*, and that his Grace needed not think that there was any slight designed to him, either by her Ma<sup>ty</sup> or any of her servants, for it was signed before his commission, and it was kept secret, because wee did not know if Montross would inclync to accept. I know sēralls of the Old Party would be very glade that wee may goe on calmly and surely that wee may bring this kingdome to some settlement, but others of them push to have all the employments in there own hands and y<sup>r</sup>by to have the Government of a peece, as they call it, but some time this week I shall speak plainly to the Comm<sup>r</sup>, and, according as I know his mind, I shall write my thoughts with all freedome and submission, for I sincerely wish success to her Ma<sup>ts</sup> affairs.

As to Captain Green's crew, there being this day a full Council and I having stated the matter plainly to them and made ane insinuatione that her Ma<sup>ty</sup> did inclync that the execution should be delayed till the matter did open more clearly and that I thought some further enquiry might be made by confronting those who confess with those that are condemned, after some litle difficulty, the Comm<sup>r</sup> having prepared the one side and I the other, a reprieve was granted, some to the first Wednesday and others to the second Wednesday of June. I appointed a committee in the mean time for examining them all again, and wee allowed the Advocat and Judges of the Admiralty to print this tryall.

After the Council my Lord Comm<sup>r</sup> and sēvalls of his friends did me the honour to dine att my house, so wee live in great civility together, but this is all the accompt

can be given of affairs att pntt.—I am, with all respect,  
my Lord, etc.,

SEAFIELD.

[Not in Seafield's handwriting, but signed by him.]

*Edr., May the 2d, 1705.*

*f. 184.*

MY LORD,—My Lord Commissioner transmitts to the Queen by this packet some declarations and letters of on Mack Daniel, ane Irishman, concerning designs against the goverment. My Lord Comissioner hes redd to several of her Majesties servants what he hes writt on this subject. Wee have al declaired our opinions that, tho thes declarations and letters ought to be sent to her Majestie, yet wee belive the whol to be a contrivance of M<sup>c</sup>k Daniels to get monie. Our reasons are contained in my Lord Commissioners letter, and it is not necessarie I should repeat them, and I heartilie join that it is most unfit for her Majesties service that it be knowen what he hes said, especialie as to persons, unless it wer better documented, and ther is so litel probabilitie of this that wee have ground to think he hes absconded. If anie thing further occur in this, your Lop. shal be acquainted. I have delivered your letters to my Lord Annandale and the Justice-Clerk. I shal by my next give you ane accompt of what past betwixt my Lord Roxbrough and me when I made your Lops. excuse for not wreatig to him. This is onlie for your Lops. information, since it is like the Commissioner hes onlie writt to the Queen.—I am, with al respect, my Lord, etc.,

SEAFIELD.

*Edr., May the 3d, 1705.*

*f. 186.*

MY LORD,—Your Lop. knows my mind so weal that it is nou ane unecessaire trouble to you to hear from me. I heartilie wish success whoever be imployed, and my endeavour shal not be wanting to serve the Queen. I have discoursed [with] my Lord Roxbrough on what is contained in your Lops. letter. He and others wer, indeed, verie concerned for Mr. Johnstouns being laid aside, bot that would not have hindred the agreement of the two

pairties. The reasons your Lop. gives would have satisfied al concerned, and Teviot's disapointment might have been made up, since the Duke of Marlborough was earlie ingadged to the Earle of Leaven, bot nou the whol Neu Pairtie belives the united force of manie of the Old Pairtie who are imploied in her Majesties service is turned against them, and the Queen, probablie on this accompt, may be prevailed on to throu them out of her service. So, till they know what her Majestie does, they say nothing. I fear I have already medled to much in this mater, and, if ther advice be fol'oued and business misgive, which is too probable, I know not what may be the consequence. The Commissioner begins to treat me fairlie aneugh and would nou communicat more of his project then is fit for me to understand. I have told he knows my opinion, and I have laitle told him that I can see no advantage, either to the Queen or him, by puting al in the hands of Queensberries pairtie, nor, indeed, doe I think it the interest of Queensberrie himselfe, and I have caused the E. of Marchmont, the Advocat, and several others speak to him, bot I am affraid it is out of time. The Commissioner is verie heartie in the Queens measurs, bot may take wrong means to attain them, bot after al, when the Queen hes determined, I shal doe my best with al I can influence, and I find manie verie sensible of the danger of bringing maters to ane open breach with England. When once I know the resolutions, I shal doe what is nixt best. This hes ever been my way in the publict affairs, bot, being nou in the dark, I shal forbear troubling your Lop. anie further, and shal ever continou to be, with al respect, my Lord, etc.,

SEAFIELD.

I intreat your Lop. may doe me the favour to present the inclosed to the Queen, it being concerning the not reading of her Majesties last letter.

MY LORD,—I have received the honor of your Lops. of the 5th of May, bot the flying packet is not yet come. It

is ane obligation I shal neaver forget that your Lo. belivs that, if I had been advised with, I would have at least made a more compleet proposal then what my Lord Commissioner hes, by advise of thos have particular designs, hes sent [*sic*]. My wishes are for success, and, if my Lord Commissioner could sheu that, by laying aside the Neu Pairtie, it wer probable, I should heartilie agree, bot when al conjoined are rather to feu, I wish he had advised better befor he had offered so positive ane advice. However, I shal not give my thoughts bot with submission till I have the honor to hear from your Lop. by the flying packet with her Majesties determination. I am affraid I wreat too often, bot you give me incuragement, so I cannot forbear. The Commissioner seems positive to lay down if his advice be not taken. This would nou much præjudge her Majesties service, both because ther is no time to make ane neu skeam, and his alouences of equipage and dailie alouence hes so exhausted the Thrasurie that litel, if anie thing, remains for anie other, and, if business should not succeed, he and his friends would say they could have done it, if ther opinion had been taken. So, for my oun pairt, I shal chearfulie serve the Queen in the way her Majestie shall determin, bot I hope will not be further accountable. The Neu Pairtie are much disoblidged with the neglect they have mett with, bot they promise al diutie to the Queen, and seem convinced of what they owe her Majestie. I doe, indeed, find thos have given the lait advise diffident of success, bot they think themselvs necessarie, and, th<sup>o</sup> business misgive in ther hands, they think they have support by a pairtie in England, bot it is to be feared, when the Queen cannot carie the majoritie of the Parliament, manie inconveniencies will folou, which that pairtie will too lait discover. Duke Hamilton steys in the countrie, as does the Duke of Athol, no doubt waiting the issue of our animosities. I find Montross angrie; his Commission as Admiral hes been stopt, and I believe he hes writt to the Queen. The Commissioner seems nou more against his having it then he was. This is al occurs to me at present, bot that I stil



think my pairt in al this is to reserve my selfe intier to serve the Queen, and, while I live, your Lop. shal find me most sensible of the obligations you have laid on me, and I am, with al sinceritie, my Lord, etc., SEAFIELD.

I did advise the Commissioner befor I knew your Lops. opinion to call the Neu Pairtie and ask assurances of them, and, if they had refused, the advice sent was right, and I am nou convinced I was in the right, since your Lop. seems to think so. Mr. Wedderburn will inform your Lop. what was done this day against the rablers in Councel.

*f. 200.*

*Edr., May 12th, 1705.*

MY LORD,—Afeter the aravel of the flying packet my Lord Commissioner called me and delivered to me your Lops. letter, and he redd to me the Queens and yours to him ; and I, having redd your Lops. to my selfe, I found nothing in it bot what might be communicat to him, for it was as I could have wished it. I did most earnestlie obtest his Greace to give obedience to her Majesties most gracios letter in calling her servants and trying if they would ingadge and give assurances to assist in the folouing out her Majesties measurs in the setteling the succession in the Protestant line and in avoiding animosities and evrie thing might hender success, and, if they refused, he would then have just ground to insist on laying them aside, and, if they would concurr, I thought the Old Pairtie ought to be satisfied to take ther assistance, of which I am sure they would have great need when they meet in Parliament, and I wished he had tried this befor he wrot to the Queen. He said he could not doe it and seemed to be positive that it was nou impossible to join the two Pairties, and, since that seemd to be her Majesties inclinations, he wished he wer aloued to give up his Commission, and, if another wer employed, he and his friends would concurr in al her Majesties measurs. I told him that I hoped he would not be rash in doing a thing of so great consequence to the Queens service, to the Old Pairtie, and to himselfe, and intreated that he might take good advice befor he made

anie ansuer to her Majestie and your Lops. letters and that he might perceave her Majestie reposed intier trust and confidence in him and his friends, bot soon found that what I said was like to have litel influence on him, so I went and spok fullie with the Advocat, who hes been alwayes of my opinion, bot I am affraid to no purpose. I am grived for the trouble the Queen meets with and am affraid to think of what is like to hapen in this kingdom ; our devisions will in al probabilitie bring us to ruin and confusion when wee have a Queen that places the honor of her reign in promoting the happiness of her peopel ; hed her servants united, ther was great appearance of success, either in setling the succession on conditions or in seting on foot a treatie, for, tho in manie of the northern shirs endeavours have been used that ther should be instructions to ther representativs aganst the succession, yet none have been granted, bot, my Lord, I can offer no advice. Her Majestie knows much better then I what is best for her service and my weak assistance and endeavours shal be given to the utmost of my pouer. If the Commissioner lay down, he and his friends will say both hier and, I am afraid, in England that al would have succeeded in ther hands, and, perhaps, this may be belived by thos that desirs to have a handle to advance ther oun designs, and, on the other hand, I think the Neu Pairtie may be convinced that the Queen inclins to protect and incurage al her servants that are faithful, and that our particular concerns most yield to thos of her Majesties and the kingdoms. Yet hou can it be expected that such as are disoblidged, as they think, without ground, will concurr, or rather that they will not oppose, at least, thos they think have maltreated them, and by this the Queens affairs may be stopt, tho nothing be done openlie against what her Majestie proposes. I find the New Pairtie sayes nothing to me, bot are waiting the issue of what is nou under consideration. I know not if they wreat to your Lop., and what presses most is the fonds can give subsistance to the troops no longer then the first of Julie, and the fonds of the Civil List are intierlie exhoused, so what can

I doe bot act my own pairt after I know her Majesties determination? I find also the Commissioner and his friends will give no assurances of success, tho ther advice be taken, and they pretend the delay hes done hurt, and in this I agree that ther is too much time lost, bot who is to bleam, for wee have not concerted so much as anie thin[g] to be proposed by her Majestie in Parlament neither letter nor instructions. I would advise ane adjournment of the Parlament for some time and the calling some to Court, bot this is impracticable, because ther is no time for it, the fonds being exhouted and al in expectation of the præsent meeting of the Parlament and the other circumstances of the nation, particularlie the scarcitie of our monie and manie things els, I am afraid, would be objected against us, wer the meeting of the Parlament putt of, and I know not what it would signifie, and the fonds of the Civil List could not bear ther charges. Thus I have with freedom and sin[c]eritie gone through al occurs to me, bot can offer no advice; your Lop., I hope, will doe much better then I can propose; besids M. of Annandale is to be in toun on Tuesday, and I belive my Lord Register will also come about that time. Your Lop. will certanlie hear from them, and, when al is befor you, can best judge what is fitt to be done, and so I leave it for this time and shal continu to wreat, since I have your alouence. Your Lops. opinion of McDaniel is just; he is gone; wee have heard no more of him. I most oun, befor I end this letter, that my Lord Commissioner treats me with al civilitie, and I am trulie sorie for what hes hapned, for I would have assisted him with heart and hand, and I am, with al sinceritie, my Lord, etc.,

SEAFIELD.

If your Lop. continu to wreat to me on for my particular direction seems stil necessarie.

MY LORD,—Having written to your Lop. last night by the ordinarie packet I have litel to add, save that my Lord Commissioner hes advised with his friends and

certainlie now wreats by ther advice. He spok to me too day to the same purpose as befor. I did indeavour to diswad him, bot I am affraid he hes written to your Lo. plainlie that, unless what was proposed by him be granted, that he cannot serve as Commissioner. I wreat no more on this subject, bot I doe agree that a speedie ansuer is necessarie, because now nothing will be concerted; on the contrarie, devisions and animosities will increase, and after June ther is no money to subsist the troops. If the New Pairtie be laid asaid, ther posts most be filled; at least, assurances given, bot in that caise ther is nothing I can advise. If the Commissioner be not gratified in this, then a neu Commissioner most be thought of, bot that will not be easilie adjusted. Of the Old Pairtie feu will accept or are fit; of the Neu, I can say litel. Its like the Old Pairtie would not concurr with anie of them, and ther are too great objections against anie of the opposing pairtie, so the Queen, I know, will have great difficultie to determine. Bot what ever be determined, a short adjournment of the Parlament is nou necessarie. The Neu Pairtie, I find, confids in her Majesties favour to them, and think they will not be laid aside without they refuse to serve her Majestie in the measurs she proposes, bot al agrees in a speedie determination, and wishing al may end in the good of her Majesties service, I continou to be,  
my Lord, etc.,

SEAFIELD.

[This letter is plainly dated 13th May, but is endorsed 30 May.]

*Edr., May the 16th, 1705.*

*f. 198.*

MY LORD,—Just nou the Commissioner tells me he is to dispatch a flying packet. Al I can nou doe is to acknowledge the honor of your Lops. two letters. The first I could communicat to none, the last was concerning the intelligences of St. Paul, and thos ships sailed from Dunkirk.<sup>1</sup> It was not thought fit to lay this mater as yet befor the whol Privie Council, bot his Greace called severals of

<sup>1</sup> The reference is to a threatened invasion of Scotland by a French squadron under the command of Admiral St. Pol.



us. Wee have acquainted Brigadier Maitland to be on his gaird and to get us accompt what the Hylanders are doing, and the officers are al ordered to ther posts. The troops are pritie ful ackording to ther establishment, bot are ill armed and ther is no amonition in winter. Wee told your Lop. and my Lord Duke of Marlbroug of this. I know not if the Queen will send us anie, bot wee have no money to provid anie. Blist be God, wee have as yet had no alarum from our costs; al shal be done that is in our pouer, and I doubt not if ther is anie invasion bot wee shal have assistance from England, for manie honest men hier will ventur ther lives in the Queens service. Nothing shal be wanting that is in my pouer. The Parliament is adjoined till the fourteenth of June,<sup>1</sup> and after the first of Julie ther is no fond for the troops. The Commissioner seems positive to doe nothing for adjusting measurs till he gets a return to what he wrot last, so I can add nothing to what I wrot formerlie, bot leave it to your Lops. prudence to doe what you think best. The New Pairtie would have concurred, bot it seems nou impossible to cement and join the two pairties. I shal wreat fullie to your Lop. by the morous packet. I shal nou onlie assure your Lop. that I am, with al respect, my Lord, etc.,

SEAFIELD.

I shal ansuer your Lop. first letter by my nixt.

*f. 194.*

*Edr., May the 17th, 1705.*

MY LORD,—I belive befor this can come to your Lops. hands your Lop. will have returned a plain ansuer to my Lord Commissioner, in which I shal acquess. I know it is difficult for me to offer anie opinion, tho ther wer yet time for it, bot I ou such obligations to the Queen, and I have had so great a share of your ffriendship that I shal ever be readie to doe what service is in my pouer. I can say on good ground that severals of the Old Pairtie are affraid of the consequences of laying aside the New Pairtie, for, even in that caise, the whol Old Pairtie would not

<sup>1</sup> It did not meet till June 28.

unite, and, if they did, yet they are most uncertain of a majoritie, and it is also certain the New Partie, being neglected and, as they called it, contemned, will easilie join with the opposers. However, this hinders not a good manie of the Old to desire the places in ther hands, being, they præsum, they would be supported by ther friends in England, bot her Majestie would have great difficultie in caise the Parliament misgive. The armie would have no fonds, and the peopel would adress against the advisers; on the other hand, I doe not see the conjunction of the two parties so practicable now, for the New Partie knows certainlie even from some of the Old what hes been advised against them. They wer brok with the opposers, and would have concurred. That I know positivlie, and in that caise ther was great probabilitie of success, either in setling the succession in the Protestant line or, at least, of setting on foot a treatie, and, in the mean time, al things would have continoued in peace, which would have been of great use and would have given reputation to her Majesties affairs abroad. So I doe heartilie join in the reasoning of your Lops. letter, and by what appears to me M. of Annandale seems satisfied with what your Lop. wrot to him. I am to meet with him to morous morning, and shal leat your Lo. know what passes and what ever may hapen. I find some of the Neu Partie sensible of your Lops. justice and friendship to them, bot, if the Commissioner is aloued to lay down, will it not be said in England that, if his advice had been foloued, he would have succeeded? What weight this may have your Lo. can best judge. I shal not determin if he get his will and misgive. Then a neu seam may be proposed, bot then the affairs will be in disorder, and manie will have taken ther measurs and will not be so able to alter. Thes maters are trulie above my capacitie: some say, could not a Commissioner be found yet that would endeavour a conjunction of the two Parties. I doe think that verie uncertan, and ther is noc monie, so that whoever would adventur would risk his oun reputation and ruin his privat estate. I am afraid your Lop. may blame me for wreatig with so great

freedom, bot, when I have stated this affair in its true light, I know you can determine what is best. I am truly grieved that we are plunged into so great difficulties, but so it is, and we must make the best of it. The Earl of Roxburgh complains that he has not heard from your Lordship, but I know you are not yet determined what to write to him. We have received no further advice of St. Paul's fleet; we are in a bad condition if invaded, full of animosities, an army without money, and, I may say, arms and ammunition. I most certainly know the Commissioner treats me with freedom. I find he has had several advisers in what he has done, and he is truly of great consequence to the Revolution Party. This, I hope, will satisfy your Lordship, that as yet neither letter to the Parliament nor instructions can be adjusted.—I am, with all respect, my Lord, etc.,

SEAFIELD.

*f. 196.*

*Edr., May the 24, 1705.*

MY LORD,—I have the honor of your Lordship's two letters by the flying and ordinary packets. I find my Lord Commissioners has now full powers with regard to the New Party. His Grace has been pleased to acquaint me with it and assure me of his friendship, and that he will communicate with me in every thing concerns her Majesties service. I returned his Grace thanks and assured him I was most willing to join my endeavours with his Grace for promoting her Majesties measures and, as for those to be turned out or concerning who shall succeed, I shall say nothing, I having been for conjoining the two parties, but shall submit to her Majesties determination with all cheerfulness and give my assistance. I know not if as yet any scheme be adjusted. I did indeed say that the Duke of Queensberry ought now to come down and without that his friends would not so heartily concur and that methods should be taken to unite all the Old Party. I have since met with Earle of Stair,<sup>1</sup> the Lord

<sup>1</sup> Sir John Dalrymple, 1st Earl of Stair.

Register, and the Advocat, and they are of opinion that the most probable way to unite the Old Pairtie and to obtain success is that the measur be the treatie and the leaving the nomination to the Queen. This justifies what I ever said that mainie of the Duke of Queensberries pairtie would join in the supplies and the treatie that would not in the succession, and that the joining the two pairties was the onlie way to obtain the succession, bot this observation, I hope, may be of use to your Lop. what ever hapen. I have obeyed you in advising the Commissioner to continou in his post, and I hop he will, bot I am to wreat to your Lop. the morou by the flying packet concerning his being a peer of England, which he desirs may be done nou, tho he is willing not to leat it be knowen till after the Parliament. I find the pairtie will not agree concerning the filling the vacancies, bot that is none of my business. Ther is no occasion to think of anie other Commissioner. I am satisfied the Queen hes done weel att this time. As for the two first you mention, they would have had no interest with the neu and opposing pairtie, and I also know manie of the D. of Q. friends would not have concurred in that caise. As for the 3<sup>d</sup>, he is verie sensible of the particular support was offered, and it is lyke it might have produced some setelment, bot it is much better as it is. I am for trying it with the present Commissioner, especialie nou that it is knowen that he hes got thos pouers he desired. Therfor I have no pairt to act, bot to influence whom I can in the Queens service. It is a loss I cannot wreat by cipher, not being sure if it would be acceptable and that they know when I receive letters from your Lop., and the last wer what I could not communicat; this with al freedom and confidence that it will not be knowen what I wreat. I have noe reason for desiring to continou in my post, if it be not that I hope it may be in some measur useful to your Lop. to be impartialie informed, which is indeed al the return I am capable to make to the manie obligations I have received. I almost forgot to acquaint your Lop. I have been in the country two dayes upon the occasion of the death [of]



my step mother, the Countes of Findlater, and that being near to Kiniel, a house of Duke Hamiltons, wher he was, he sent to invite me to dine, and withal said he be honerd to see me. I went and was verie weal receaved ; he said he would have been readie to have served and that he made insinuations of this and that as yet he hes not ingadged in anie measur with anie of the opposing pairtie, bot I could say no more to him bot that his onlie method to be employed suitable to his qualitie and merit was to make the first step by concurring in the Parliament, bot, as things goes, I know not if anie thing can be expected of him. This is the sum of what past.—I am, with al respect, my Lord, etc.,

SEAFIELD.

Notwithstanding of what is granted, the Commissioner seems positive not to continou if his patent to be a pear of England be not granted, bot he layes it on me to wreat, bot, till I wreat again, you need take no notice of this.

f. 204.

*Edr., May the 29th, 1705.*

MY LORD,—I have not heard from your Lop. thes three or four last posts, I suppose because you are expecting an ansuer to your Lops. by your last flying packet, which befor this will be with you. Al I can add to what I wrot formerlie is that I find my Lord Commissioner, the Earle of Stair, and the Lord Register convinced that the measur that hes the onlie probabilitie of success is nou that of the treatie, for in the succession upon the Limitations or conditions of Government ther own pairtie cannot be united, and, if ther friends devide, they can succeed in no thing. I am also convinced of this, so I hope this will make it clearlie evident that what I have frequentlie informed your Lop. is true, that the D. Queensberri's friends and thos wee called the Old Pairtie could never setel the succession and that the onlie probable method to obtain that was the conjoining the two pairties, at least, such of them as wer for the succession. This was brought a great lenth by what was done this last year by your

Lops. mediation,<sup>1</sup> bot, this being overturned by the Old Pairtie, ther is a necessitie to doe what is nixt best, and it is my satisfaction that thos in England that supported the Old Pairtie will have nothing to object against your Lop., and I shal præsum to add my selfe, what ever be the success. I find Annandale and som of thos pressed most the turning out the Neu Pairtie sees this, and would nou pretend to be for a conjunction, when they themselvs have rendred this impracticable; and too necessitat the Commissioner to lay doun would give stil to that pairtie in England ther handle to blem the Queens measurs. This is onlie to your Lop., as a return of that diutie I ou you. I shal continou to serve her Majestie faithfulie and to endeavour to keep this nation from præsent confusion, and in time maters may mend, bot till after the Parlament no advice can be offered, bot to leat the best be made of what my Lord Commissioner and the Duke of Queensberrie and ther friends advise. I ever depended on the Queen and on no pairtie, and shal desire to doe so so long as my service can be useful. The Commissioner continous to be verie kind to me, and, your Lop. having desired that I should make the best of what is now resolved, I shal doe so, and in a feu dayes the letter and instructions will be sent, which will clear al this further. As for the cheanges, I doe not interpose, because I was against them, as your Lop. knows, and, if I recommended anie in place of thos to be laid asaid, perhaps the Old Pairtie might afterwards blem what I did, and the Neu might think I had deserted them, so I leave this intierlie to my Lord Commissioner, who, I know, will doe what he and his friends thinks best for joining the Old Pairtie, who wer enough devided in the last Parlament, and, when the skeam is once knowen, I shal præsum to give your Lop. my thoughts of it. The Duke of Queensberries friends have writen for him to come

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<sup>1</sup> It had been Godolphin's express desire that, in the session of 1704, an Act should be passed settling the succession on the Electress Sophia and her heirs. Tweeddale, the leader of the New Party, whom Godolphin had made Commissioner, had failed to carry the measure owing to the opposition of the Old Party.

doun, and I am sure nou he cannot refuse to doe it. The sooner the Parliament meet it will be the better for the Queen, for the fonds of the civil list will be intierlie exhoused by the delay and the extraordinarie charge. As for my selfe, I am spending my oun privat estate, which cannot support the expense I am necessarlie put too, and most goe on with till the Parliament is over, but I shal readilie ventur what I have in the Queens service, especialie when I have so good a friend as your Lop. to repræsent what concerns me, bot what presses most is the fonds of the armie have been managed to the best advantage to gain time, and after the first of Julie they are intierlie exhoused. I still find the Commissioner more convinced of the M. of Annandals cheangablness. If he finds that he hes counteracted him in anie thing, ther will soon be a breach ther, bot it is like resentments will now be delayed. For the Queens service on of her Majesties frigats of this kingdom hes taken on the cost of Kintyre a St Maloes privatier of eight guns and sixtie men, who are nou prisoners. This is al I have to truble your Lop. with, bot that I am, with al respect, my. Lord, etc.,

SEAFIELD.

*f. 216.*

*Edr., June the 2d, 1705.*

MY LORD,—I have not heard from your Lop. for some time, bot this next week will certanlie bring her Majesties determination of al hes been proposed. What I wrot formerlie to your Lop. will be sent on Moonday. My Lord Register is to send the Memorial recommending the measur may be a treatie, and, as maters nou stand, ther remains nothing els to be done, and I most acknowledge, tho the Old and Neu Pairties had been joined, it would have been difficult to have caried the succession, but nou it is not to be expected, and in this session a reconciliation of thes two pairties is not to be proposed. My Lord Commissioner will also expect that I shal wreat for the treatie to be the measur, which I shal doe when the Memorial and the draught of the letters are sent. I find

ther will be a necessitie for a further adjournment for some few dayes. I heartilie wish wee may nou obtain the supplies and a commission to treat; it would at least keep us in peace, and more, perhaps, may be afterwards got. Wee have again reprived Captan Greens creu till August, so that ther hes as yet been no necessitie to produce her Majesties letter to the Privie Councel. Wee have heard no more of St Paul, so I hope the danger for some time is over.—I am, with al respect, my Lord, etc.,

SEAFIELD.

*Edr., June the 8, 1705.*

*f. 218.*

MY LORD,—This packet caries the draught of the instructions for the Commissioner and draught of the letter to the Parliament. They are proposed either for a treatie or the present setelment of the succession, as her Majestie shal think fit to determin. I know the succession is most desirable, bot I am verie afraid it will not succeed at this time, and manie of her Majesties most faithful servants and who heartilie wish the setelment of the succession are of this opinion, and, if it fails, it will be a præjudice to it, and I am affraid give great strenthe and advantage to the opposing pairtie, wheras that of a treatie seems more probable to succeed, bot as for my selfe I shal chearfulie obey her Majesties commands, as I have alreadie done in this last Parliament in this mater. Ther is a Memorial sent by my Lord Register, wherein I am mentioned, bot my name is onlie made use of in place of manie others who reasoned for that opinion, and I hope it will not be mistaken. I doe earnestlie wish for success, and I am for the most probable method to obtain it. Ther is litel hops of success nou if the D. of Q. come not down,<sup>1</sup> and I doubt not your Lop. will give him al incuragement to doe it, and, thes cheanges being agreed too, it is indeed in my opinion necessarie to take my Lord Commissioners

<sup>1</sup> Queensberry gave out that his coming was delayed by the state of his health: his enemies said that he was afraid to face the Parliament lest the question of the Plot should be raised.



advice, who will certanlie doe al that is in his pouer to serve her Majestie effectualie. I have had so muche privat business that I have had no time to wreat till just nou that the packet is readie to be dispatched, and, it being alreadie to long delayed, I shall onlie assure your Lop. that I am, with al respect, my Lord, etc.,

SEAFIELD.

f. 234.

*Edr., June the 9th, 1705.*

MY LORD,—I find the Queen hes nou granted thos alterations my Lord Commissioner and his friends desired.<sup>1</sup> I am sensible of the necessitie ther hes been for this. I wish it may be for her Majesties service. For my own part, I shal doe what is in my pouer. I find my Lord Commissioner verie much concerned that the Duke of Queensberrie is not Privie Seal and Lord of the Threasurie. If this is not done, then it will be said that this hes hendred the success. So, since my Lord Rothes place is declaired vacant, as I am informed, I can not see anie reason why the D. of Q. is not incuraged; and, then, what can be said if the Queens affairs doe not succeed? I belive that the Partie in England are for pressing the succession, bot, as I wrot formerlie, my Lord Stair and the Lord Register are verie sensible that it will devyde Q'beries friends and that it will not succeed. Houeever, direct this as you find it best for the Queen. This mater is fulie explained, and I shal obey. I most inform your Lop. that my Lord Phesdo, on of the Lords of the session and a verie eminent judge, deed this morning. My loss is the greater that he was my particular friend. I am indeed concerned for him, because it is a national loss. Your Lop. knows Sir Alexander Ogilvie was disapointed of the last vacancie, and the concern I had in that mater. I am most sensible of your Lops. friendship to my selfe then, and your Lo. may remember that you was plesed at my desire to wreat a

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<sup>1</sup> On the dismissal of the New Party, the Earls of Loudoun and Annandale were made Secretaries; the Earl of Glasgow, Treasurer-Depute; and Queensberry, eventually Lord Privy Seal. Seafield retained his office of Chancellor.

verie oblidging letter to Sir Alexander, which gave him intier satisfaction and hops of the nixt vacancie. Al I shal say for him is that he is ane honest man and of long experience in business; he hes ever served the Queen and K. William, whilst he lived, faithfullie, and, if it could have anie weight, he is my particular friend and relation. His post he nou hes may provid ane other and advance the Queens service, bot, my Lord, I am passive, and on this occasion hes recommended none. So in this I might hope for the better success. Houver, I thought it my diutie to leave this request with the Queen with al submission, and her Majestie ought to doe in it what she finds to be best for her oun interest, and I belive you will find great opposition to this, tho I am sure thir is not on of the fifteen judges of my recommending, tho I have the honor to præside in that judicatur. Sir Alexander will wreat to your Lop., and, I hope, with al submission, and whatever be the effect of this recommendation, I shal alwayes continou, with great respect, my Lord, etc.,

SEAFIELD.

I know my Lord Commissioner and al the rest recommends Sir Gilbert Elliot, and that he will take it ill I have recommended anie other, bot your Lop. knows my ingadgments to Sir Alexander.

Since wreating what is above I understand that the Commissioner and his friends have dispatched a flying packet in favours of Sir Gilbert. I have convinced Sir Alexander Ogilvie of the difficulties the Queen and your Lop. will have in this mater at present, and, to convince you hou faithful he is to the Queen, I did perswad him to goe to the Commissioner and leave this mater to his Grace, which Sir Alexr. sayes hes oblidged him intierlie, and Sir Alexr. will depend on your Lops. favour for the nixt, in which the Commissioner and his friends hes promised ther assistance. Your Lop., I hope, will approve of this, for I am intierlie on my gaird not to give that Pairtie anie handle to blem your Lop. for ther want of success in caice it happen.

*f. 222.**Edr., June the 12, 1705.*

MY LORD,—I have writ so fullie to your Lo. in my former letters, so that I have nothing to add till I receive ane ansuer concerning the measurs of the Parliament; onlie this is to acquaint your Lop. that this day the Queens letter was redd laying aside from her service the M. of Tweeddal, the E. of Rothes, Roxbrough, Selkirk, My Lord Belhaven, and Jeroeswood [*sic*]. They are al out of toun except the last, bot, as I fear they are verie dissatisfied, I wish what is done may prove weal. The Commissioner tells me he wreats this night that the Earls of Mar<sup>1</sup> and Hadingtoun<sup>2</sup> and the Lord Orrerie may get the Green Ribban. I know her Majestie was spoke too for this befor I came from London, bot the Queen delayed till after the Parliament and the Earls of Rothes and Roxbrough got the same ansuer, bot perhaps her Majestie may nou inclin to dispose of it to thos proposed by my Lord Commissioner, soe I doe submit to her Majesties pleasur. He has laid it on me to concurr with him, which I am resolved to doe in al things concerns the Queens service in the insuing Parliament. I desire to have no ansuer to this, bot to know what the Queen resolvys to doe in it. I am, with al respect, my Lord, etc.,

SEAFIELD.

I think my Lord Commissioner also said the Queen had promised the Riban to the M. of Lothean.

*f. 228.**Edr., June the 23d, 1705.*

MY LORD,—I most approve of what your Lop. hes been oblidged to doe on this occasion, and I hope the Commissioner and al his friends will be so just as to oun that al hes been granted that they proposed. If ther be success, it is weal, and, if not, I hope they have none to blem. I shal nou doe, as I have ever done, that is, to

<sup>1</sup> John, 11th Earl of Mar, subsequently the leader of the Rising of 1715.

<sup>2</sup> Thomas, 6th Earl of Haddington, a supporter of the New Party.

endeavour that al may be done that is for her Majesties satisfaction. The members of Parliament are dailie coming to toun. E. of Selkirk<sup>1</sup> hes been with me, and I have also seen the E. of Rothes.<sup>2</sup> They have not yet taken ther meassurs, bot it is like, in what concerns the Queen they may concurr, bot of this I can give no assurance. I dare not use anie interest with them, least I may disoblige thos in the government. I am sensible of the difficulties I shal have during the Parliament. I am glaid I have your Lops. approbation in what I caused Sir Alexr. Ogilvie doe. Both he and I shal depend on your Lops. assistance on some other occasion. I find M. of Annandale will not quit the Thræsurie at præsent with good will, and the E. of Loudoun would be willing to be out of the Thræsurie, for none of them should be continoued; this the Commissioner and evrie on of the goverment thinks. Bot the best expedient I think in this mater is that her Majestie acquaint my Lord Commissioner that she alous them both to continou till after the Parliament. This wee think may satisfie them and doe no præjudice, bot the E. of Loudon will expect to be used equalie with my Lord Annandale that they be both continoued in the Thræsurie or both laid assyde. The Commissioner transmitts our opinion concerning the adress that past last Parliament. It is advised with the E. of Stair and my Lord Register, and, therfor, it most pleas D. Q., and it is safe for the Queen. I shal continou to wreat when anie thing occurs of consequence, bot I have forbore this last week, being affraid I have been too troubelsom, bot I am, with al respect, my Lord, etc.,

SEAFIELD.

I did not recommend the Earle of Loudoun to be Secretarie, bot he is my cousin-german and hes desired me to recommend him to your Lops. favour, which I hope you will leat him know I have done. He is son-in-lau to the Earl of Stairs.

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<sup>1</sup> Charles, 2nd Earl of Selkirk. He was a strong opponent of the Union.

<sup>2</sup> John, 8th Earl of Rothes. He was a member of the New Party.



*f. 236.**Edr., June the 30th, 1705.*

MY LORD,—The Parliament did meet on Thursday, bot, several of the members being absent, it was thought best to adjourn till Tuesday and to delay præsenting the Queens letter. Till then the opposing pairtie seems to be devided. Thos laitlie turned out seems to be for limitations, others are for a treatie, and a great manie against both. I am onlie affraid that they join in some previus resolve; if not, it is probable either the limitations or the treatie will carie, bot, had the Old and Neu pairties joined, it would have done weal, bot that is nou past. If the Duke of Queensberrie wer hier and the measur rightlie concerted with his friends, it would be more probable then it is nou. Bot, not to take up your Lops. time, I cannot yet inform with anie certantie what success wee are like to have. I shal wreat again on Tuesday, and have onlie nou time to assure your Lop. that I am, with al respect, my Lord, etc.,

SEAFIELD.

I have received the honor of your Lops. of the 23d, bot have had no opportunitie of speaking with Belhaven.

*f. 244.**Edr., Julie the 7, 1705.*

MY LORD,—I know my Lord Commissioner hes ordered my Lord Register to give your Lop. ane accompt of yesterdays proceedings in Parliament, and, therfor, I shal give your Lop. the less trouble. My Lord Commissioner had called the Officers of State and some others to advise what was fit to be proposed. Wee al concluded it necessarie to obey her Majesties commands in proposing the taking to consideration such limitations as may be proper for the nixt Protestant successor in the royal line. The opposing pairtie spoke much of the state and lou condition of the nation, and proposed a resolve that, previus to al other business, they would proceed to the regulation of coin and tread. The M. of Annandale, by the Commissioners appointment, proposed the Limitations and the E. Marishal,<sup>1</sup> the other. The debate, at first, as wee

<sup>1</sup> William, 9th Earl Marischal. He was a strenuous opponent of the Union.

had agreed, was against al resolv's as prælimiting the Parliament, and that wee should take both to consideration as overturs, and, if this wer yielded, then a vot might determin which should be first considered and proper propositions concerning both might be received, whereas a resolve might fix us to the tread and coin, perhaps several months, being what comprehended manie particulars. It seemed by the debate that the præsent necessitie would determine the House to go first on the consideration of the coin and tread, yet the advantages of limitations and the setling the Protestant successor was fullie argued, and I am sure I spok ass much for this as anie in the House, bot al the Servants spoke most against al resolv's. Att last, wee come to this conclusion that ther was two vots stated; the first, take to our considration first the Limitations, or coin and tread, and it caried by a great majoritie, by fiftie three or four vots, for coin and tread. Al my friends voted for limitations, and I hope it will be acknouledged that I acted my pairt, for which I have the Commissioners thanks and approbation, so I hope you shal have no blem for your friendship to me on this occasion. In this vot the Neu Pairtie joined the Caveliers, as did most of D. Q. berries friends, except thos inposed [*sic*], so it is plain hou this was lost, bot it was necessarie to vot this in obedience to the instructions and her Majesties letter. The nixt vot was, if wee should proceed by resolv's or by overturs, and wee caried it by a majoritie of thirtie three against resolv's. In this the Neu Pairtie joined with us, and severals of D. Q. friends. The observe from this is plain, that your Lop. and I wer in the right in endeavouring to conjoin the two pairties, for in this al the Caviliers wer beat, bot, as maters nou stands, I know not what too expect, for I am affraid that they may make the regulations of tread deminish the customs and leav no fond for the civil list, bot wee most doe what is in our pouer in this. 2<sup>d</sup>lie, the Limitations will be verie great,<sup>1</sup>

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<sup>1</sup> The most important of the 'Limitations,' proposed by Fletcher were as follow: That there shall be annual elections; that the sovereign shall

so that the successor will have onlie the name, and the pouer will be in the Parliament. 3<sup>d</sup>lie, when the Limitations are past, I am affraid some conditions from England will be demanded befor the nomination and that a treatie be also voted prævius to the setelment. Others hes better hops, bot it depends much on the Neu Pairtie and on some of D. Q. friends. If it prove better, I shal use my endeavours with them. I find some thinks our onlie remedie nou would be to goe into a treatie, which may be voted nixt sederunt, for the Earl of Mar proposed the treatie, and it may yet have a vot for præference to both tread and the Limitations. If this would be acceptable, I belive it would doe, and, had the measur been the treatie, it would have caried prævius to al. I hope to be able to wreat more fullie in my nixt. The D. of Hamilton caries with more moderation then I could have expected, and I belive would have assisted in a treatie, bot he joined for the resolve with the Duke of Athol and the Caveliers. The Commissioner is verie observant of her Majesties commands and does al in his pouer. The E. of Forfar<sup>1</sup> and the Lord Ross<sup>2</sup> concurred. The M. of Annandale, I belive, hes good hops of the succession. I shal be glaid it prove so, and shal doe al that is in my pouer for to obtain success if your Lop. wreat me a particular ansuer. Leat it be by the ordinarie post, bot my other leter by the Secretaries packet may be secret [?], as the Commissioner and his friends may see, and his opinion will be better knowen by the Registers letter or his oun. If the Neu Pairtie give heartie assistance, they will have a great dail of merit. This is with al freedom from, my Lord, etc.,

SEAFIELD.

I desire it may not be knowen what I wreat of Q. friends, bot you will have it from others.

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sanction all laws passed by the Estates; that without the consent of Parliament the sovereign shall not have the power of making peace and war; and that, if any sovereign shall infringe these conditions, he shall be declared to have forfeited the Crown.

<sup>1</sup> Archibald, 2nd Earl of Forfar.

<sup>2</sup> William, 12th Lord Ross.

*Edr., Julie the 14, 1705.*

*f. 246.*

MY LORD,—I have received the honor of two from your Lop. since I wrot last. I am unwilling to trouble you when nothing of consequence occurs, and I doubt not bot my Lord Commissioner and the Secretaries wreats frequentlie. I have also much to doe, being in the sessions or the Parlament almost evrie day from nine a cloak till six or seaven at night. Wee make smal progress in the Parlament, it having caried to begin with tread. Wee have been on the consideration of two prohibitorie laues on prohibiting the importation and wearing of forain museling, damask, dornick, and holand for the incurageing of our lining manufactories, and this hes been twice readd, bot is not as yet past. The other act is discharging the importation of butter and chieess except for export. This is past, and, tho thes two acts may a litel præjudge her Majesties revenue araising from the customs, yet wee have delayed to propose that what the revenue is therby deminished may be made up. For this wee shal have a better opportunitie when they proceed to acts of greater consequence and when our pairties have come to some material difference. The Cavalier Pairtie have not yet fullie adjusted. The Duke of Hamilton, the Earle of Eglintoun,<sup>1</sup> and several more of them are for a treatie and a moderat supplie. The New Pairtie are for limitations, and, I belive, a supplie, bot I am sure wee have not a majoritie of our oun to carie anie thing. I am also convinced that, if wee goe on limitations, that after they are voted the nomination will stop till ther is a prævious treatie, or they will onlie declair on the condition of granting a full communication of tread with England and the taking of the Acts of Navigation,<sup>2</sup> as being contrarie to our privileges as being subjects. I belive they may be diverted from insisting so positivlie for the communication of tread

<sup>1</sup> Alexander, 9th Earl of Eglintoun.

<sup>2</sup> The English Navigation Act of 1651 prohibited the importation of all commodities into England or its dependencies except in English bottoms. The Scots partly indemnified themselves by extensive smuggling with the American Plantations.



to the Plantations, bot this is the summ of what I can understand is intended. I know ther are some that think that, after the limitations, the successor may be declaired, bot I am sure it is a mistake. I shal stil continou to use my endeavours faithfulie, and shal acquaint your Lop. with what occurs. If a treatie and suplie wer al that had been demanded, I belive it would have been easie to have brought maters in the Parliament to a calm issu, bot wee most nou goe on and doe our best. I find ther is some difficultie in granting a commission for examining concerning Captain Greens creu after the trial. The Advocat thinks it might doe præjudice hier, and I hope ther is no more danger. They will be again reprived when it is needful. Houever, my Lord Commissioner will advise with al the Servants and consider what is to be done in it. What was done in dismissing the creu of the privatier of Ostend was upon the application of manie of our merchants, and the Councel agreed too it unanimslic, except that my Lord Annandale made some difficultie; bot the creu of the other privatier shal be sent to Newcastle, and wee shal observe what seems to be her Majesties commands. It is a great satisfaction to me when I have the honor to hear from your Lop., and I am, with al sinceritie, my Lord, etc.,

SEAFIELD.

Two or three hundred of the Dutch dogers for herin fishing are just nou coming up this river, being persued by some Frensh men of warr. Some mistake haveing hapned betwixt the Earle of Roxbrugh and Mr. Fletcher of Salton in the House, the last sent my Lord a chalenge, and they went to the field, bot it was agreed the Earle of Roxbrugh behaved verie weal. The two 2<sup>ds</sup> did perswad them both to ane agreement. The Commissioner sent a detachment of the Gairds after them, having done what he could befor to prævent it.

*Edinburgh, July 18th, 1705.*

MY LORD,—Your Lo<sup>p</sup> is acquainted with what past in Parliament before yesterday, but, what past then being

very matterial for yo<sup>r</sup> Lo<sup>ps</sup> information, I presume to send yo<sup>r</sup> Lo<sup>p</sup> this Memoriall.

On Monday wee understood that severalls of the opposing party designed some resolve with regard to the act past in England last session concerning the succession and treaty. They were divided amongst themselves, but, att last, they agreed upon the resolve they presented last year. So, after the reading of the minutes of the former sederunt, the Duke of Hamilton proposed the resolve, of qch I send to yo<sup>r</sup> Lo<sup>p</sup> a cobby. It was fully reasoned on both sides, but it was thought the safest way for us to argue against all resolves as being a prelimitation of our freedome in Parliament. Besides sēralls spoke to what was contained in the resolve as hindering the settlement of the succession in this Parliament, and that it was much better to begin with limitations. After these were established, wee might either setle the succession or propose a treaty and consider which were most for the interest of the nation. But, after six or seven hours reasoning q<sup>r</sup>in the opposing party did insist upon a treaty previous to the settlement, wee endeavoured to have a vote if wee should proceed to the consideration of the resolve by way of overture or resolve, the other party insisting closs that the state of the vote might be, 'approve of the resolve or not,' and most of our friends in the House haveing expressed themselves to be satisfied with that state of the vote, because all that were against resolves or the subject matter of it could vote, 'No.' So the vote being putt, 'approve of the resolve or not,' it carryed, approve, by a majority of 43. The Duke of Queensberries friends voted as last year; Cromarty<sup>1</sup> voted none, but all his friends and dependers voted for the resolve, and sēralls that are truely for the succession voted for the resolve, as being of the opinion that it is impossible to setle the succession till there is a treaty. All my friends voted against the resolve, and there was none of the

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<sup>1</sup> George, 1st Earl of Cromartie (originally Sir George Mackenzie of Tarbat). He was a keen supporter of the Union.

Comm<sup>rs</sup> or my Lord Annandales that failed them. The New Party, except Selkirk and Belhaven, voted against the resolve.

The Comm<sup>r</sup> has called s<sup>er</sup>alls of the Servants this day, and wee all agreed that there remains nothing now to be done concerning the succession in this session of Parliament, and that wee ought to endeavour to have ane act for a treaty in such termes as that wee might hope to have some success. So wee are to try what influence wee can have upon the members of Parliament for obtaining ane act for a treaty, leaving the nomination to the Queen, and, if we cannot prevail in that, to joyn that there be a good nomination. If this cannot carry, wee will be necessitat to bring the session to a close as soon as wee can.

A supply was never more needfull, for the funds are intirely exhausted. The Comm<sup>r</sup> adjourned the Parliament to Friday that wee might have time to concert measures, and, as little can be done that day, so wee are hopefull that the Duke of Queensberry will be in before Tuesday. I am sorry that I cannot give yo<sup>r</sup> Lo<sup>p</sup> a more satisfying acco<sup>tt</sup> of our affairs. After all, if a treaty and a supply were granted, it would keep this nation in peace and quiet, and I hope it would end in a right settlement att last.

The Duke of Hamilton does say that he is for a treaty and against breaking up the Parliament, and sayes he heartily wishes a good correspondance betwixt the two kingdomes. If he concurr and act in this, it would be of great advantage. A little time will now discover what he and others will doe, and till then yo<sup>r</sup> Lo<sup>p</sup> needs take no notice of q<sup>tt</sup> I write concerning his Grace. S<sup>er</sup>alls of the Servants have again this year voted for the resolve, but I am hopefull they will be usefull to us in obtaining a good act for the treaty. This is all I can acquaint yo<sup>r</sup> Lop. with att p<sup>ntt</sup>. I long to have yo<sup>r</sup> Lo<sup>ps</sup> answire concerning the Marquis of Annandale and the Earle of Loudouns continuing in Thesaury, for, whatever be done in that matter, it should be with equality to both, in qch case the Earle of Loudoun is intirely satisfied with q<sup>tt</sup>ever her

Ma<sup>ty</sup> shall determine ; and, if yo<sup>r</sup> Lo<sup>p</sup> be pleased to write but kindly of the Earle of Loudoun to me, it will be encouraging to him and to the family of Stairs, for, as I acquainted you formerly, he is married to the Earle of Stair's daughter.

My Lord Comm<sup>r</sup> doth expect that there will be an allowance for his brother Lord Archbald<sup>1</sup> for carrying the purse ; S<sup>r</sup> David Nairne will informe you what hath been given to others. I know yo<sup>r</sup> Lo<sup>p</sup> will have full accompts of what is past, both from my Lord Comm<sup>r</sup> and my Lord Register, so that what I have write concerning the Duke of Queensberries friends and the other Servants that were for the resolve needs not to be knowen. However, I have write nothing but what is truth in that matter, and I am apt to beleve the Duke of Queensberrie could not have altered many of them if he had been on the place. This is what I ever said to her Ma<sup>ty</sup> and yo<sup>r</sup> Lo<sup>p</sup> on all occasions. I did indeed acquaint yo<sup>r</sup> Lop. that the succession would not carry, and so it hath happened, although wee had the concurrence of the New Party, but still the obtaining of the succession was the conjunction of the two parties. But that is now impracticable, nor doe I know what to advyse till this session of Parliament is intirely over. I am hopefull that the Old Party will have nothing to complain of, having gott all done by her Ma<sup>ty</sup> that they proposed, and no doubt it will be advyseable to continue to give them no discouragement, for I beleve they will closly unite in bringing this session of Parliament to a peaceable issue. I have not been able to write with my own hand, being so much fatigued with the session and Parliament, but it is write by one I can trust, and I shall only add that I am, with all respect, my Lord, etc.,

SEAFIELD.

[Same handwriting as the other letters that have not been written by Seafield, but signed by him.]

Resolved that this Parliament will not proceed to the nomination of a successor till wee have had a previous

<sup>1</sup> Afterwards Earl of Ilay and 3rd Duke of Argyll.



treatty with England in relation to our commerce and oy<sup>r</sup> concerns with that nation ; and, further, it is resolved that this Parliament will proceed to make such limitations and conditions of government for the rectificatione of our constitution as may secure the liberty, religion, and independancie of this kingdome before they proceed to the said nomination.

[Same hand.]

f. 265.

*Edinburgh, August 1st, 1705.*

MY LORD,—My Lord Comm<sup>r</sup> and I received yo<sup>r</sup> Lo<sup>ps</sup> letter, whereby you signified to us that, in respect the Parliament had by a resolve postponed the settlement of the succession to a treatty, that, therefor, we should use our endeavours to obtain such ane act of treatty as her Ma<sup>ty</sup> could give her royall assent to. Wee did, in conjunction with the Duke of Queensbery, use our outmost endeavours to prepare the members of Parliament for this, and I spoke to above fourscore of them myself that had been for the resolve, and found a great many of them well inclyned to a treatty. The Duke of Queensberry was mighty dilligent in this measure, and did effectually prevail with many of his friends. The high Cavaleer Party and New Party, finding this, did reconcile upon this point to prefer limitations to a treatty.

Yesterday wee recommended it to my Lord Lothean<sup>1</sup> to propose the giving the act for a treatty a first reading. Att first, wee mett with nothing but high and studied speeches complaining of the English act of treatty, and that it was inconsistant with our sovereignty and independancy to treat untill the menaceing clausses in the English act were recinded. It was said, on the other hand, if there was anything hard or severe upon us in that act, the only way to obtain redress was to treat, and it was not to be doubted, if this method was followed, but by her Ma<sup>ts</sup> interposition and assistance, the two nations might

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<sup>1</sup> William, 2nd Marquis of Lothian. He was a steady supporter of the Union.

be brought to a good correspondance and all grounds of difference removed.

I did what was agreeable to my principle in this matter, and, not to trouble yo<sup>r</sup> Lo<sup>d</sup> with the arguments I used, after some of them had said what Scotts men would propose treating so long as these menacing clauses continued over us, I did say that I should ever [be] for the honour as well as for the interest of my countrey, but I could never be for a separate king or a separation from England so long as there was any possibility of getting our differences removed, and that I was very hopeful a treaty would doe it. My reasons for conjoining with England on good termes were these: that the kingdome of England is a Protestant kingdome and that, y<sup>r</sup>for, the joyneing with them was a security for our religion. 2<sup>o</sup>, England has trade and other advantages to give us, which no other kingdome could afford; 3<sup>o</sup>/, England has freedome and liberty, and that the joyneing with it was the best way to secure that to us; and 4<sup>o</sup>/, that I saw no other method for securing our peace, the two kingdomes being in the same island, and forreign assistance was both dangerous to ourselves and England and that, y<sup>r</sup>for, I was for a treaty.

After this, sērall others having spoke to the same purpose, the vote was near being stated to give the act of treaty a first reading or approve of the resolve presented by Mr. Fletcher of Saltoun and the addition offered by the Duke of Hamiltone (herewith sent), but, they being sensible that wee would carry this, there was a new debate upon limitations and rectifying our constitutione before entering upon a treaty. Wee said that, if limitations were offered in order to the settleing of the succession p<sup>r</sup>nttly, and, if the resolve concerning a treaty were laid aside, wee were willing to enter upon them, but limitations without settling the succession would both postpone the succession and treaty and ruine the monarchy, and that, y<sup>r</sup>for, wee could never agree to limitations but in ane Act of Setlement. Att last, the vote was stated, 'proceed to limitations or to the act of treaty,' and, the Cavaleer and New Party having fully conjoined, it was carried by

a majority of three votes only to proceed to limitations. If two or three off our friends had been in the House that were absent, it had come to my casting vote and I would have given it with all my heart for a treaty. The Comm<sup>r</sup>, the Duke of Queensberries friends and my own acted there parts to our satisfacione. I prevailed upon Earle of Eglington and s̄erall of my north countrey friends to be for a treaty, whom I could not influence to be for the succession before a treaty. E. Cromarty voted for us, but his whole friends against us. E. Marchmont and those of his friends who are in the Government voted for limitations; the Earles of Lautterdale and Glencairn<sup>1</sup> were absent, but I am hopefull to prevail with them, they having voted for us in every thing els. I shall make this observation, that this of a treaty was the only probable measure from the beginning, and, if wee had been allowed to have prosecute it, then there are many who never would have left us who are now engaged in opposition; 2<sup>o</sup>/, Queensberry can influence his friends in a treaty but not in the succession; 3<sup>o</sup>/, I continue still in my opinion that limitations are only tollerable when they can obtain a majority for a settlement, but otherwise doe both prejudice to the succession and treaty. The Comm<sup>r</sup> having called s̄eralls of the Servants together this day, wee all agreed in opinion that wee should yet try if wee can gain a majority to be for a treaty, and that, in order to have time, wee may proceed to some acts of trade and limitations, and, if this can result in the obtaining ane act of treaty and a supply, it is well, but, if not, wee must give it over for this time, and wee thought it proper that her Ma<sup>ty</sup> should have information of what is past and what wee are adoeing, I write this memoriall to yo<sup>r</sup> Lo<sup>p</sup> with a great dale of concern, both for her Ma<sup>ts</sup> service and the good of the two nations. I have seen this day some of both the parties that joyned against us, and I have spoke very plainly to them, particularly to the Earles of Rox-

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<sup>1</sup> William, 11th Earl of Glencairn. He was a Privy Councillor and a supporter of the Government.

burgh and Belhaven,<sup>1</sup> and I beleeve I have disoblidged both them and there friends with my plainness. I have also done what I could to perswade Duke Hamiltone to be for the treatty, and I had very good hopes till yesterday. But I am afraid that he is now gone on so farr that it will be difficult to obtain his concurrence. However, if he could be prevailed with, I should still think it of consequence. Now that I have writt with so much freedome and plainnes to yo<sup>r</sup> Lo<sup>p</sup>, I am hopefull that it will only serve for her Ma<sup>ts</sup> information, and I desyre it be noticed no further but that the Comm<sup>r</sup> and Duke of Queenberry know that I have acquainted yo<sup>r</sup> Lo<sup>p</sup> with there dilligence and that they and there friends have served very faithfully, and I am perswaded they will be ready to give me the same testimony. I can offer no further advyce as yet, but that wee be allowed to try what can be done for obtaining the treatty and supply, and I shall think it a good session if wee can yet compass these. I beg yo<sup>r</sup> Lop<sup>s</sup> pardon that I could not write this with my own hand. I am, with all respect, my Lord, etc.,

SEAFIELD.

[In the same hand as previous letter signed by Seafield.]

#### Resolve presented by the Laird of Saltoune.

Resolved that, in pursueance of a resolutione made last session of Parliament and now again confirmed in this the Parliament, notwithstanding the unneighbourly and injurious useage received by ane act lately past in the Parliament of England, intituled an Act for the effectuall secureing of the kingdome of England, etc., is still willing, in order to a good understanding between the two nations to enter into a treatty with England, but that it's not consistant with the honour and enterest of this independent kingdome to make any act or appoint Comm<sup>rs</sup> for that end, untill the Parlia<sup>tt</sup> of England doe propose the same in a more neighbourly and friendly manner.

<sup>1</sup> John Hamilton, 2nd Lord Belhaven. On being deprived of the office of Commissioner of the Scots Treasury, he became a violent opponent of the Government and of the Union. His anti-Union speeches are historic.



Added and given in by the Duke of Hamiltone, Resolved to proceed to the necessary acts for regulatēing our trade, the rectificatiōne of our p̄ntt constitutione, and the limitations in the terms of our first resolve.

[Same hand.]

f. 270.

*Edr., August the 5, 1705.*

MY LORD,—Since my last, litel hes occurred bot that the opposers tryed to carie a resolve for finishing acts necessarie for regulating our export and import and for limitations prævious to ane act of treatie, and tread and limitations having been præferred to the act of treatie by former vots, wee wer afraid it would carie, and so wer necessitat to agree to four sederunts for tread and four for limitations befor the treatie or cess be proposed, bot, notwithstanding this concession, the resolve was pushed, and wee caried the vot for limiting the time, as above. By this and some other vots I begin to hope that wee may at last carie the act for a treatie and a supplie, and, this being so necessarie, it is worth our pains and trouble, and, if wee fail, it is some satisfaction that wee have done al that is in our pouer. The Neu Pairtie, at least some of them, say that, if limitations on the successor be voted, tho not past, they will then be for the treatie. Bot what I fear most is some regulations of ther constitution to take place in her Majesties oun time, such as the triennial Parlements and the excluding farmers and taksmen of the revenu from being members after this Parliament, which may lessen the Queens pouer. Bot this is onlie for information. I shal offer no advice bot in conjunction with the rest of the servants. In the meantime, our fonds are intierlie exhoused, both civel and militarie. I most stil hope the best; it is so reasonable for our selv. The D. of Q. does, indeed, what is in his pouer, and I can doe no more then I am doing. The Earl of Eglintoun is nou verie assisting to us, and I hope will prevail with several others, and, therfor, if the Commissioner and D. Q. shal recommend it, I hop your Lop. will not be against reponing him to his place of Thræsurie. If they doe not

wreat of it, I shal not press your Lop. in it. At præsent, they are both out of toun, the first at the Earl of Murrys,<sup>1</sup> and the last at the M. of Annandals. If I could give him incouragement, I know he would be most useful. Ther are others of consequence that begin to speak mor calmlie of a treatie. I am unwilling to give your Lop anie further trouble at præsent, bot that I continou, with al respect, my Lord, etc.,

SEAFIELD.

The Commissioner comes back on Moondays morning and Q. this eavning.

*Edr., August 8, 1705.*

*f. 272.*

MY LORD,—I shal onlie at præsent concurr with the Duke of Queensberrie and the Earle of Loudoun in desiring your Lop. may be pleased to desire from her Majestie in favours of my Lord Commissioner a prolongation of the assise herings taken on the west cost, as he and his father had it from her Majestie and her royal prædecessors. He puts a valu on this, and I know he hops it will not be refused. I wish he may knou I have desired it. Wee have been al this day on the act for incurageing fishing, and I am affraid the præmiums voted will diminish her Majesties revenue, bot it will be hard to refuse the royal assent to ane act for the improvment of fishing. Houever, I as yet can offer no advice till the act is voted. I am fatiged and can onlie add that I am, with al respect, my Lord, etc.,

SEAFIELD.

The Commissioner hes a lease of the assise herings for nine years yet to run. I know not to what time he proposes it now.

*Edinburgh, August 11th, 1705.*

*f. 274.*

MY LORD,—I have had none from yo<sup>r</sup> Lo<sup>p</sup> these seven or eight dayes, but I have seen yo<sup>rs</sup> to my Lord Comm<sup>r</sup>, wherein you approve of our continuing to endeavour to obtain a reasonable act of treaty and a supply for the

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<sup>1</sup> Charles, 6th Earl of Moray.

fforces. This, indeed, was the unanimous opinion of all the Servants whom my Lord Comm<sup>r</sup> called, but since that time there are two acts voted, the first for the encouragement of fishing, q<sup>r</sup>by her Ma<sup>ties</sup> revenue may come to be diminished in time by the premiums that are appointed to be given to the exporters of herrings. But, since this will probably improve trade, I am hopefull that the customes may be y<sup>r</sup>by as much augmented. Wee that are her Ma<sup>ts</sup> servants did all argue that it was not reasonable to appoint these premiums to be paid out of her Ma<sup>ts</sup> revenue, since what her Ma<sup>ty</sup> hath is not sufficient for the support of the government, and that, y<sup>r</sup>for, they ought to grant a fund for the payment of draw-backs and premiums for the encouragement of fishing and improveing of our manufactures. On the other hand, they represented the low condition of the kingdome, and that it was uncertain what diminution the revenue might sustain by these premiums, and, y<sup>r</sup>for, they did not doubt but her Ma<sup>ty</sup> would give the royall assent to this act, and her Ma<sup>ty</sup> might be assured that the Parliament would take care to grant what was necessary for the support of the government on ane other occasion. I shall not trouble yo<sup>r</sup> Lo<sup>p</sup> further with what was reasoned on either hand, but the act was carried against us by a majority of eleven or twelve votes. The second act is for establishing a Council of Trade and constituting in this Council a jurisdictione for the determining in all complaints against the contraveeners of all laws concerning trade and for putting in due execution our prohibitory laws. Wee did propose that the nominatione of this Council might be left to her Ma<sup>ty</sup>, it being her Ma<sup>ts</sup> undoubted prerogative to nominate and appoint all judges. On the other hand, they acknowledged her Ma<sup>ts</sup> prerogative in nameing the judges of the ordinary judicatories, but this was ane extraordinary one which could be only constitute by authority of Parliat<sup>tt</sup>, and that the Estates of Parliament could give her Ma<sup>ty</sup> better advyce in this matter than any she could have from her Privy Council or other Servants, and they made insinuations against English influence, qeh might be yet

more dangerous in a Council of Trade than any thing els. I did argue this point very fully, as did s̄rall others of her Ma<sup>ts</sup> Servants, to this purpose that her Ma<sup>ts</sup> prerogative in nameing all judges was clearly established by s̄rall acts of Parliament, and that this did extend to the extraordinary judicatures as well as ordinary ones, as in the commission for valuing of tythes, the Commission of Justiciary for the Highlands, and commissions for regulations of judicatures, and in all these the nomination had been left to her Ma<sup>ty</sup> and her royall predecessors, though the Commissions had been voted by Parliament, and that the reasons adduced for nominating in Parliament in this caise might be applyed against her Ma<sup>ts</sup> prerogative in nameing other judges or Privy Councelors, and, though the nominatione were left to her Ma<sup>ty</sup>, it could not be denayed but it would be as usefull as if the nominatione were made by Parliat<sup>t</sup>, seing they would still be accountable to succeeding Parliaments for what they acted, and I truely think that wee had greatly the advantage of them in reasoning, for wee argued that, as the legislative power was in the Queen and Parliament, so the executive power was by our constitutione in the Queen. But, not to trouble yo<sup>r</sup> Lo<sup>p</sup> with all our arguments, it was putt to the vote, and it was carried against us by a majority of nyne votes. In this all the New Party and the Cavaleer Party, with Duke Hamilton, joyned. After this they endeavoured to have the nomination made in the whole House, by qch they would have probably carried whom they pleased, but, seing there is ane act of Parliament appointing committees to be chosen by the rēxive [respective] Estates, many of there own party agreed that this was the proper method, and they were necessitat to let the debate fall, and, it being agreed that seven of each Estate be chosen, wee are in hopes to carry both the nobility and burrows, and, if so, it will not be of so great danger. It is also agreed that this Council of Trade shall continue only to the next session of Parliament inclusive, and it is much easier in the other powers than it was when presented. I shall not offer her Majesty



any advyce concerning the passing of these two acts untill all her Ma<sup>ts</sup> Servants be called to give there opinions, but I can doe it with the greater freedome that I and all my friends whom I could influence did both argue and vote against them both. However, if ane act of treaty and supply could be obtained, I doe, with all submission, think that it would be proper to yeild both, for by the first the diminution of the revenue will not be considerable, and it will be popular to grant ane encouragement for the fishing, and, though the second act derogates from her Ma<sup>ts</sup> prerogative, yet the act is to be but of a short continuance, and the powers of the Comm<sup>rs</sup> are well explained that they cannot encroach upon any brench of her Ma<sup>ts</sup> revenue, and it is very takeing with most of the people I speak with, because it is intended for the better execution of the laws concerning trade. However, I am not certain if I shall continue to be of this opinion, and it is only for yo<sup>r</sup> Lo<sup>ps</sup> information that I have writt this, for wee are as yet very diffident of success as to the treaty and supplies, for the New Party and Cavaleer Party have joyned almost in every thing since Queensberries friends concurred with us. I think it both my duty and interest to doe her Ma<sup>ty</sup> all the service in my power in every thing that is proposed, and I beleeve I shall incense against me sēralls, both of the Cavaleer and New Party, by my concurring against them so vigorously. But, though I was against removing the New Party from her Ma<sup>ts</sup> service att this time, yet, it being done and I continued in the service, I think it my duty to use my outmost influence to obtain suecess, and I am perswaded that nether the Comm<sup>r</sup>, the Duke of Queensberry, nor any oy<sup>r</sup> of the Servants will deny that I have done and am doeing all that is in my power. If yo<sup>r</sup> Lo<sup>p</sup> give me any ansuire to this, it may be in the usual way, when yo<sup>r</sup> Lo<sup>p</sup> doth not desyre yo<sup>r</sup> letters to be seen. I resolve, after I have spoke with Roxburgh and Tweedale, to write to yo<sup>r</sup> Lo<sup>p</sup> again and to acquaint you how I find them resolved to doe as to the treaty and supply. I am, with all respect, my Lord, etc.,

SEAFIELD.

[Same handwriting as previous letters not written by Seafield—signed.]

[*Edinburgh, August 18th, 1705.*]

*f. 280.*

MY LORD,—Since the last Memoriall I did send to yo<sup>r</sup> Lo<sup>p</sup> the Parliament hath mett so frequently that I had not time to give yo<sup>r</sup> Lo<sup>p</sup> accompt of what occurred.

Wee had great difficulty to adjust our lists of the Councilors for Trade. I acquainted yo<sup>r</sup> Lo<sup>p</sup> they were to be chosen by the re<sup>x</sup>ive States. The nobility were to chose those of y<sup>r</sup> own number, and the barrons and burrows were to do the lyke, by which I had hopes that two parts of the number would be such as we could desyre.

The Duke of Hamiltone did show a great concern to be chosen one of the number, and he and his friends spoke almost to the whole nobility, but very particularly to those with whom he was related, even though they were immediately employed in her Ma<sup>ts</sup> service, and he was extraordinarily earnest with my father and myself on this point and told [that] he would take it as ane affront if he were not upon the Commission. I told him that I had a great deal of respect for himself and his family, but was very sorry that he took such measures that I could not be usefull to him, but more particularly in what he now desyred, for he had had a great hand in takeing from her Ma<sup>ty</sup> the nomination of these Councilors of Trade, and, therfor, her Ma<sup>ty</sup> would reckon her Servants unfaithfull if wee did vote for his Grace to be in that number; but, on the other hand, had he assisted us in procuring the nomination to be left to her Ma<sup>ty</sup>, I should very readily have concurred in recommending him to be named. He was very dissatisfied, and wee have not spoke together since that time. The Comm<sup>r</sup> and the Duke of Queensbery were positive not to have him named, nor any that voted against the Queens nominatione, and so wee prepared for the election with all possible care, and wee found that he had pre-engaged s<sup>e</sup>ralls before they knew of the consequence of it, and one of our reasons for this measure was that wee thought, if the Duke of Hamilton and the Duke of Athole

and oy<sup>rs</sup> of that party had not the interest to be chosen of that Committee for Trade, they would not insist to have the nomination of Comm<sup>rs</sup> for the treaty named by the Parliament.

On Tuesday, so soon as the rolls of Parliament were called, I proposed that the Estates might separate and proceed to the nomination in there usuall manner, but the Earle of Marchmont proposed that wee might give in to the clerks our lists closs by way of ballatt. The Duke of Hamilton and sēralls of his friends were of this opinion ; on the other hand, wee thought it of very dangerous consequence and proved it to be quytt contrary to our constitutione, for in the year 1661<sup>1</sup> there was ane express Act of Parliament discharging in all time comeing the voteing by balletting, so that, unless that Act were rescinded, they could not vote in that manner, and, sēralls of y<sup>r</sup> friends having spoke to this purpose, the debate was let fall.

The Estates did then separate and proceeded to a nomination. I did, as Chancelor, give in my list first, as was concerted with the Comm<sup>r</sup> and it carryed in the Estate of the nobility, and Duke Hamilton and all in his list were excluded. Wee did likewise carry our concerted list in the Estate of the burrows, and, as for the State of the barrons, though wee did not carry it, they have chosen some very moderate ; so that, had her Ma<sup>ty</sup> nominate, the nomination could not have been more moderate, and, as I acquainted yo<sup>r</sup> Lo<sup>p</sup> formerly, there is very litle in this Act that can give her Ma<sup>ty</sup> any trouble, it being but temporary and there powers very much restricted.

On Wednesday wee begun to be upon limitations. The Earle of Rothes moved his act, which was a limitation on the successor, giving the nomination to the Estates of Parliament of the Officers of State, Lords of Privy Council, Excheq<sup>r</sup>, Thesaury, Lords of Session, and Justiciary. Mr. Fletcher of Saltone presented eleven limitations by way of petition of right, plainly constituting a republict

<sup>1</sup> This Act was passed in 1663 (*Acts of Parliament of Scotland*, vii. 471-2).

after her Ma<sup>ts</sup> death, of which I send yo<sup>r</sup> Lo<sup>p</sup> a cobby, and he made a long formall speech, holding out the necessity and advantage of such a government. There were sēralls that joynd with him in the method of goeing on by way of clame of right, but, when wee, on the oy<sup>r</sup> hand, explained our constitution, that in her Ma<sup>ts</sup> time, without her authority interposed, no vote of the Estates could be of any force or binding on the subjects, and that, y<sup>r</sup>for, his clame of right, though voted, would fall and be of no consequence after the adjournment of Parliament, so, after a considerable time was spent in this debate, this proposition of a clame of right was let fall, but the prin<sup>l</sup> arguments that carryed this point were that monarchy and the prerogatives of the sovereign were clearly established by Acts of Parliament, and, till these were rescinded, it was not the right of the people to clame these prerogatives to be taken from the sovereign and placed in the Parliament and these Acts could not be rescinded but by consent of the sovereign. 2<sup>o</sup>/. No clame of right could be settled unless the successor were declared, and, if that were to be done, it behoved to be by ane Act of Setlement, and her Ma<sup>ts</sup> consent to that Act is absolutely necessary, for the Estates, without her Ma<sup>ts</sup> consent, cannot settle the successor.

After this debate was over, the Earle of Rothes did again move his act and severall others seconded him. The Cavaleer Party presented the act for regulating our constitution even in her Ma<sup>ts</sup> time, viz. for a triennial Parliament and the excluding the tacksmen and ffermers of her Ma<sup>ts</sup> revenue and pensioners from being capable of being members. In this debate wee were obliged to joyn with the Earle of Rothes and the New Party, it being better to take to consideration the limitations on the successor than her Ma<sup>ty</sup>, and wee thought that this might engage the New Party to joyn with us in voting that which they call the regulation of the constitution of Parliament to take place only as a limitation of the successor, and, the New Party and wee joyning, it was carried to proceed to the consideration of my Lord Rothes act first, but,



however, it was also carried a first reading to the other act.

Upon Thursdays morning I was informed that Mr. Fletcher was to propose the act read last session for ane additionall number of Comm<sup>rs</sup> for Shyres, and y<sup>t</sup> any limitation that had been proposed for the successor might take place in her Ma<sup>ts</sup> own reign.

The barrons did not inclyne to concurr with him in that proposition for ane additionall number of Comm<sup>rs</sup> for Shyres untill the limitations for the successor were first considered. So Mr. Fletcher proposed that my Lord Rothes act might be a limitation on her Ma<sup>ty</sup>, but this proposition of his was very warmly received in the House. My Lord Stairs spoke very well on that occasion, as also did my Lord Belhaven, and he said that it was very hard, her Ma<sup>ty</sup> being allready restricted by the Clame of Right, to which her Ma<sup>ty</sup> was allready engaged, to offer a second upon her Ma<sup>ty</sup>; and so Mr. Fletcher was only seconded in his proposition by the Earle of Hume,<sup>1</sup> att which Mr. Fletcher was so angry that he went out of the House, but I know he will return to our next meeting.

After this wee proceeded to my Lord Rothes act; wee thought it was necessary to agree to some limitations on the successor, even in the nomination of the Servants and Privy Council, but wee said the most that could be desyred was that the successor might be restricted, as king Charles the first had consented in the year '41,<sup>2</sup> qch was that the sovereign or his Comm<sup>rs</sup> should present the list of his Officers of State, Privy Council, etc., in plain Parliament to be voted and approwen by the Parliament, and, if the sovereign did name any person against whom there was any reasonable objection, it might then be proposed and the sovereign would, in that case, be oblidged to name such as would be acceptable and had interest in the Parlia-

<sup>1</sup> Charles, 6th Earl of Home. He was an opponent of the Union, but died in August 1706, before the session of the Parliament in which the treaty was passed.

<sup>2</sup> On the occasion of Charles's visit to Scotland after the second Bishops' War.

ment, but to loadge the nomination in the Estates was to divest the sovereign of all power and to extirpate the monarchy and constitute a republict.

There was a great deal said for loadging it in the Estates as the only remedy to prevent English influence on the successor and to prevent the nobility and gentry going up to London to seek places, qch did ruine our private estates and fortunes, and exhaust the wealth of the kingdome.<sup>1</sup> It was replyed particularly by my self that, in takeing of this remedy, wee would certainly run our selves in all confusion and disorder, for, if the royall authority were removed from the nomination and the executive power intirely loadged in the Estates, great divisions and animosities would happen, and wee had no great encouragement to goe further than what had been agreed and settled in the year 1641, for our histories informed us what followed that settlement, for in the 1643 the Scotts army went into England; in the 44 wee fought the battle of Long-mes-toun-moore<sup>2</sup> near York, where King Charles army was beat; that wee continued till 46 or 47 in England and the civil warr was in the mean time in Scotland, Montrose having headed the royall party; that in the year 1648 there was ane army sent in to England under the command of the Duke of Hamilton for the relieff of the king, which was beatt. In the 1649 all the Royallists had there estates sequestrate and many of themselves were forced to quitt the kingdome, that in the year 1650 Oliver Cromwell invaded Scotland and wee called home King Charles, that wee were beatt at the battle of Dunbar, that our army went y<sup>r</sup>after with the king to England, and wee were beat att Uster,<sup>3</sup> that thus wee continued in anarchy and confusion till the year 1660, and in that year and the 1661 the monarchy was reestablished higher than ever, as was clear by the s<sup>c</sup>rall acts asserting the prerogative then past, so that wee had no reason to expect any advan-

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<sup>1</sup> A journey to London, and a six months' residence there, was reckoned to cost £600, and it is stated that only one Scottish peer could meet the expense out of his own pocket.

<sup>2</sup> Long-Marston Moor.

<sup>3</sup> Worcester.

tage by overturning the monarchy, nor had wee reason to think that ever a republict would ever sute with our temper and inclinationes, where wee have so many nobility, superiorities, and jurisdictions, and, in short, that our whole constitution was contrary to parity. Much more was said by many others to this purpose, and after long debate the vote was stated, if the nomination of the Privy Council and Officers of State, etc., should be by the successors of her Maty, kings or queens of this realme, by giving in a list in plain Parliament to be voted and approwen, or if all these should be nominate by the Estates. It carried by the Estates by a majority of sixteen. My letter herewith sent will informe yo<sup>r</sup> Lo<sup>p</sup> what hath occurred since. I beg pardon for this tedious accompt, but the matters contained in it are of importance and necessary for yo<sup>r</sup> information to be communicate to her Maty.

[Not signed. *Endorsed*: 'Aug. 18, 1705, L<sup>d</sup>. Seafield.']  
 [Not autograph. Handwriting as in other non-autograph letters of Seafield.]

*f. 290.*

*Edr., August the 26, 1705.*

MY LORD,—The enclosed Memorial is for her Majesties information, if your Lop. find it necessarie, and my Lord Commissioner transmitts the unanimus advice of al the Servants he called; which agrees with the informations I sent formerlie, tho, till now, I offered no opinion. I cannot approve of what the Neu Partie hes done, and of which the Memorial gives a true accompt. Yet I doe not discourge them to expect a share of her Majesties favour if they will not insist to have the royal assent to the acts for limitations, and if they will give a suplie and a plan act of treatie. I dare not keep a closs correspondence with them for fear of giving jealousie, and ther are so great devisions amongst us, it is difficult to know what to say, bot more difficult to know whom to trust, and al that is said or done is judged by the event. The D. of H. is violent against me, because he thinks me joined with D. Q. The Neu Partie also thinks so, bot I tell them that

I most serve the Queen and animosities amongst the Servants most be avoided, and, if they wish to prevail in ther Court interest, they most serve the Queen and endeavour to prevent confusion in this countrie and to promot a good correspondence betwixt the two kingdoms. I belive the Neu Pairtie will yet be assisting to bring this Parliament to a good issue, bot, if they bleam the Servants for opposing the limitations, they are to bleam, for wee offered to concur in the setelment made in the 41, and this was the loest degree of monarchie, bot what is now voted is plainlie a Commonwealth, and the triennial Parliament is voted in the Queens reign. Wee agreed to this on the successor, so wee have gone the greatest lenth to pleas them. The Lord Belhaven is much concerned to understand that your Lop. hes information of what he said when wee wer endeavouring to have the nomination of the Councelours of Tread left to the Queen. What he said was, indeed, almost what you have heard, bot I belive he intended it against other English lords. Houeever, I wish nether he nor others of the Neu Pairtie be discouraged till al is ended, my onlie concern being for success. Ther is a letter from the Council too her Majestie sent to Sir David Nairn, advising the granting of passes to Scots ships for ther securitie in ther tread with France and Spain, this being agreable too the treatie with the States of Holand. Without wee had done this, the merchants wer to have applyed to the Parliament, so wee thought it better to send this letter, which, wee hope, will be granted. As for what your Lop. wreats of haveing a Scots Council about her Majestie, that would be found no expedient, as I have told your Lop. on other occasions, so shal say no more of it nou. I am, with al respect, my Lord, etc.,

SEAFIELD.

[Edinburgh. August 26. 1705.]

f. 22.

MY LORD,—In my last I give yo<sup>r</sup> Lo<sup>d</sup> ane accompt of the voting of the act of limitations on the successor, q<sup>r</sup>by the nomination of the Officers of State, Council, and



Session is to be by the Estates of Parliament. The next limitation proposed was that of a trienniall Parliament and the excluding of the managers collectors, and farmers of the revenue from being members of Parliament.

Wee did not oppose this act as a limitation on the successor, for, if the Parliament was to choose all the servants of the Government, it seemed very reasonable that a Parliament should not continue any longer than three years, and that lykewise the servants, collectors, and others of the customes and excyse should be incapable of being both members of Parliament and collectors att the same time, but wee thought it very unreasonable that this limitation should take place in her Ma<sup>ts</sup> own reign. The reasons wee gave were that her Ma<sup>ty</sup> having accepted of the Crown in the terms of the Claime of Right, her prerogative was y<sup>r</sup>by much restricted, when we consider the Acts of Parliament establishing the prerogative of her royall predecessors. However, her Ma<sup>ty</sup> is not desiring the prerogatives of the Crown now to be enlarged, but willingly governs us according to the Claime of Right and standing laws of the kingdome. 2<sup>o</sup>/. Her Ma<sup>ty</sup> doth use all the prerogatives of the Crown for our advantage, and has no other design in keeping of them but to protect us and doe us good, and that it is never a proper time to restrict the prerogatives but when they are extended and stretched to the prejudice of the people. It was reasoned, on the other side, that this was no limitation on her Ma<sup>ty</sup>; it was only a regulation and rectification of our constitutione and that England had the same priviledge presently, and, when it was enacted, was not considered as a limitation, and that her Ma<sup>ty</sup> would certainly grant it to us, if it were found by the Parliament to be for the advantage of the nation.

It was replied that whatever restricted the prerogative was a limitation and her Ma<sup>ty</sup> att p<sup>ntt</sup> may continue this Parliament longer than three years, and the putting her Ma<sup>ty</sup> under a necessity to dissolve it was certainly ane alteration of the constitution. The excluding of the servants of the revenue from being members of Parlia-

ment is a novelty and did insinuate that y<sup>r</sup> could be a separate interest betwixt her Ma<sup>ty</sup> and her people. But, after long and full reasoning, it was putt to the vote and, the Cavaleer and New Party joyning in this and the vote being stated if this act should take place in her Ma<sup>ts</sup> reign or on the successor, it carryed by a majority of sixteen votes to take place in her Ma<sup>ts</sup> own reign.

The next point in this act that fell under our consideration was the commencement of it. The Duke of Hamilton proposed that this Parlia<sup>tt</sup> should terminate the first of Novem<sup>r</sup> next. Some proposed to May and oyr<sup>s</sup> to the first of Novem<sup>r</sup>, 1706, but the Earle of Marchmont and the New Party proposed that this act might look forward and have no restrospect, and y<sup>t</sup>, y<sup>r</sup>for, it might be so enacted that her Ma<sup>ty</sup> might continue this Parliament till the end of August, 1708, qch was three years. With this wee joyned, since it was offered so that her Ma<sup>ty</sup> might dissolve it sooner, if she thought fitt, so, it being putt to the vote, to continue the Parliament, if her Ma<sup>ty</sup> pleased, for one year or three, and it carryed three by a majority of 32 votes.

Thereafter sēralls proposed that this act should take place against the servants of the revenue sooner, but after some reasoning this was let fall as unreasonable. Then it was proposed that, att least, the collectors of the revenue should not be capable to be elected members of any new Parlia<sup>tt</sup> whenever called, and to this wee were necessitate to agree, for wee found it would carry.

Then the Duke of Hamiltone proposed that the generall receaver of the revenue might lykewise be incapable of being a member of Parliament. This I took as designed against myself, because S<sup>r</sup> Alex<sup>r</sup> Ogilvie is my near relation and has allwayes followed my opinion in publict bussines, but, having had some intelligence of it before that it was designed, S<sup>r</sup> Alex<sup>r</sup> and I had it pretty well prepared, and, y<sup>r</sup>for, not to trouble yo<sup>r</sup> Lo<sup>p</sup> with the reasoning, the vote was stated, ‘add the generall receaver or not,’ and it carried in the negative by a majority of 87 votes, so that his Grace had better let this proposition alone.

The act being y<sup>r</sup>after putt to the vote, it was carried by a considerable majority.

The ffour sederunts appointed for trade and the other four for limitations being past, her Ma<sup>ts</sup> Servants resolved they would propose a supply, the funds being out and the army now maintained on credit, and wee appointed my Lord Thesaurer Depute to make the proposition, and with it to give in a state of the funds that were granted for instructing that they had been duely applyed. There were many speeches made against this—to this purpose, that there was much necessary to be done for the good of the nation and that acts of supply uses to be the last, that some acts concerning trade had been voted but had not yet received the royal assent. There were also regulations and limitations voted, but, if this session of Parliament were adjourned before they receive the royall assent, they would also fall and signify nothing; that supplies could not be effectuell before the terme of Martimas, and that, y<sup>r</sup>for, there was time enough for passing acts of supply after the nation had gott satisfaction in other matters. Some spoke for a treaty and others about necessary acts of trade, especially if the English acts<sup>1</sup> took place after the 25th of Decem<sup>r</sup> next, and many spoke against supplies.

Wee answired that her Mat<sup>ys</sup> Servants had been very unwilling to insist for a supply till the oy<sup>r</sup> affairs of the nation had been complectted, and y<sup>t</sup> this did plainly appear, for the Parliament had continued eight weeks upon trade limitations, and other matters; that, now the supplies were out, that the Army had been allready a moneth supplyed on credit; that the Lords of Thesaury could doe no more. Supplies must now be granted or the army disbanded. Though wee had litle money in the kingdome, yet what wee gave would circulate, and it is necessary for supporting the Government and securing us against the attempts of our enemies, both att home and abroad. After long reasoning, it was proposed to give

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<sup>1</sup> The English 'Alien Act.'

the act of supply a first reading, but, previous to a second, that ane act of treaty and the branches of trade mentioned in the English act be first considered, and that wee should also enact such laws as are necessary for ballancing the export and import for our advantage. Wee found the New Party inclyned for this, so all wee could doe was to reason to this purpose, that it was very reasonable to consider all these particulars, but in a large sense they might be called a *mare magnum*, and, before wee could gett through, the army would be disbanded without a vote, qch wee beleevd was not the intention of the Parliament. However, a refusall, by prefering these particulars, would be as plain and clear as passing a resolve for disbanding of the army. This free reasoning had some influence on the New Party, and, y<sup>r</sup>for, they were willing to restrict the proposall to ane act of treaty and the considering the clauses contained in the English act of treaty. Wee found this would carry, so wee agreed to proceed in that way, but the Cavaleer Pairty were very unwilling to come to any vote in this matter and pressed extreamly the generall clause that they should proceed to acts for regulating the export and import, but, the vote being putt, to add this generall clause or not to the proposall had been made by the Earle of Rothes, it carried in the negative, and in this the New Party joined with us, so that now wee have only before us the supplies and the act of treaty and the considering the clauses in the English act in caise they take place after the 25th of Dec<sup>r</sup>. The act of supply received a first reading, and wee appointed the next sederunt to proceed on the treaty, qch accordingly wee did, and reasoned above seven or eight hours upon it. The New Party was unwilling to shew there inclinations, but proposed a delay, and, it being late, wee all agreed to it.

All that remains to acquaint yo<sup>r</sup> Lop. of is, that the Duke of Athole and Duke of Hamiltone did insist to know if the address of Parliament, desyring the papers and depositions qch had been before the Parliament of England concerning the Plott to be sent downe and sisted before



this Parliament, had been presented to her Ma<sup>ty</sup>, and what ansuire had been given to it. The Duke of Hamiltone made a long speech shewing how much the honour of the nation was concerned in it, and said, as a part of his speech, he would read the cobby of the Duke of Queensberries letter to her Ma<sup>ty</sup> whereby he pretended that many persons were accused. The Duke of Queensberry made ansuire that, in the station he was then in, he was oblided to represent to her Ma<sup>ty</sup> what informations he received, though he had given very little credit to the informer. However, he was willing that a day might be appointed for inquiring to this whole affair, which had made so great noise, and in this he agreed with the Dukes of Hamiltone and Athole.

I said I differed from all the three Dukes in this matter. I was very sensible there had been a plott and that the Duke of Queensberry was oblided to transmitt what informations he had received. Att the same time, I beleevd Simon Fraser had been very calumnius in his representationes, yet a great deal of what he said had been confirmed by others; that the hazard of this plott was now over if, by inquiring into it, wee did not raise new animosities among ourselves. The Duke of Hamiltone and Duke of Athole did insist to have a day appointed and the Duke of Queensberry did agree. So the Comm<sup>r</sup> did speak to the House and acquainted them that he had a letter from her Ma<sup>ty</sup> to himself, qch he would consider and acquaint y<sup>m</sup> with her Ma<sup>ts</sup> pleasure betwixt and the third sederunt of Parliament this week, qch I beleevv will be on Friday next, so this matter stands att pñtt, and is all I have to acquaint yo<sup>r</sup> Lo<sup>p</sup> with concerning the proceedings of Parliament.

[Unsigned. *Endorsed*: 'Aug. 26, 1705. L<sup>d</sup> Seafield.']

[Not autograph. In the same hand as Seafield's other non-autograph letters.]

MY LORD,—I am confident your Lo. will be verie weal pleased with the neus of our succeeding in the act of

treatie, the accompt of which is contained in the inclosed Memorial. I have seen the Earle of Roxbrough since, who goes to morou to the Bath for his health. He satisfied me that he had done al he could in his præsent circumstances with regaird to the treatie, for some of the pairtie did not vot, and E. of Marchmont and some others joined with us, whom he thought he could have influenced. Houever, he did not alou me so much as to wreat this to your Lop. So I hope you will take no notice of it, not to himselfe, unless he wreat so or speak to this purpose if he wait of you. He prætends to have a desire to be employed : bot pairted verie friendlie with me. I desired he might stey till the suplys wer granted. He said he belived that would be caried, and he hoped the Neu Pairtie would assist us. I desired he might recommend it to them. He said he would. If your Lop. take anie notice of this, leat it be by a seperat letter, for I oun no corrispondence with anie of the Neu Pairtie, and I am sure the Commissioner and D. Q. makes me great complements and ouns I have given them greater assistance then they could have expected. I value this act of treatie more as the supliees, tho thes are also needful. I shal wreat fullie when al is past, and I hop I shal have the continouence of your friendship, and shal ever continou, with al sinceritie and respect, my Lord, etc.,

SEAFIELD.

The D. of Q. intreated me to wreat in favours of the Duke of Douglass<sup>1</sup> that his alouence from her Majestie may be augmented to 400 pound. He hes at præsent onlie 200 pound. This will be oblidging to al the familie of Douglass.

[September 3, 1705.]

f. 360.

MY LORD,—I acquainted yo<sup>r</sup> Lo<sup>p</sup> in my last Memoriall that wee had given a first reading to the act of treaty. The next day was employed upon hearing of causes; Thursday was appointed for takeing into consideration the papers concerning the Plott. The Comm<sup>r</sup> signified

<sup>1</sup> Archibald, 3rd Marquis of Douglas, created Duke of Douglas, April 18, 1703.

her Ma<sup>ts</sup> answire to the address to this purpose, that she had had the same under her royall consideration, that she was desirous they should avoid all things that might occasion animosities ; however, since they had desyred, she had given orders for sending down the papers that had been before the Parliament of England, but that the witnesses, by the laws of that kingdome, could not be sent but by there own consent. He also spoke to the House himself, and, wee thought, to very good purpose. But his Grace will no doubt give ane acco<sup>tt</sup> of this himself. He also acquainted the House that some of these papers were allready come and that he expected the rest, and my Lord Secretary Loudoun did thereafter deliver them in to the Clerk-Register.

The Dukes of Hamilton and Athole moved that the address might be read, qch was done. Then the Duke of Athole made a long speech, how he had been maltreated by the Duke of Queensberry, and read out of the printed narrative the cobby of the Duke of Queensberries letter to her Ma<sup>ty</sup> concerning the Plott, and spoke a great deal of his own innocency. The Duke of Hamilton spoke much to the same purpose, as did my Lord Belhaven. The Duke of Queensberry and his friends and all of us that are her Ma<sup>ts</sup> Servants spoke very little, but in the end the Duke of Hamilton and those others I have mentioned proposed that y<sup>r</sup> might be a new address to her Ma<sup>ty</sup> for these letters of the Duke of Queensberries and oy<sup>r</sup> papers which had been before the Parlia<sup>tt</sup> of England and not yet sent down. This wee opposed as unnecessary and unfitt, because her Ma<sup>ty</sup> had given orders allready, and wee had reason to expect that the papers would come very speedily, and so this was laid aside for that time. But it was ordered and appointed that against Thursday next the witnesses that were in this place, particularly Campbell of Glendaruell, Captain Mcleoud, and Mr. Mckenzie should be cited to attend ; so, if they will insist upon it, I know not but most of the members doe inclyne that y<sup>r</sup> should be no more of this matter, att least, in this session.

Upon Friday the act of treaty was again read. The



first debate, qch was proposed by the Cavaleer Party, that the Comm<sup>rs</sup> might be restricted by the act for treating of any thing but a federall union and spoke much against ane incorporating union. Wee did, on the other hand, argue the great advantages of a treaty and the good correspondance with England and that wee thought the powers of the Comm<sup>rs</sup> should be as large as these contained in the English act and that the Treatters might perhaps find it necessary to treatt the termes not only of ane intire union but of a federall union and the adjusting of commerce betwixt the two nations, that the two Parliat<sup>s</sup> might have a full view of the best method of establishing a solid union and good correspondance betwixt the two kingdomes. The New Party did att first appear favourably for our opinion, but, att last, they joined with the Cavaleer Party that the Treatters should be expressly prohibited to treatt of any incorporating union, but the clause was conceaved in other words, yet had this import. I had sērall friends whom I could not intirely influence in every thing, but in this I prevailed with them and, the vote being stated, to add that clause or not, it carried in the negative, so that, with regard to the powers, the Comm<sup>rs</sup> are no wayes restricted. The Earle of Marchmont<sup>1</sup> joyned with us in this matter and left the New Party.

Wee proceeded no further on Friday but to adjust the common and usuall clauses that have been in all acts of treaty.

Upon Saturday the Parliament mett again, and then the Duke of Athole presented a clause, qch he desyred might be added, viz., that the Comm<sup>rs</sup> to be named by this act should not commence any treaty untill by ane act of Parliament in England the clauses q<sup>r</sup>by wee are declared aliens and the other minatory and prohibitory clauses concerning our trade in that act be rescinded ;<sup>2</sup>

<sup>1</sup> Sir Patrick Hume, afterwards (1697) 1st Earl of Marchmont.

<sup>2</sup> The English Act, entitled 'An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately passed by the Parliament of Scotland,' was the reply by the English Parliament to the Scottish Act of Security.



and there were many speeches made against the injury wee had received by these clauses, but more particularly of that declaring us aliens and that, y<sup>r</sup>for, it was most dishonourable for us to treatt before these clauses were rescinded. Wee found that all the parties were lyke to unite not to treatt whilst wee were declared aliens, so wee were necessitat to argue only that it was unfitt to have such a clause in the act of treaty, and that, as to the other clauses on our trade, wee did not doubt but that, if a treaty were set on foott, these would be adjusted. Att last, wee found it necessary to agree that by ane address or instruction wee should so order it as that the Comm<sup>rs</sup> should not enter on the treaty till the clause declaring us aliens be rescinded, but that it were hard to insist that her Ma<sup>ty</sup> should give the royall assent to ane act that contained such clauses in it, she being the sovereign of both nations.

Att last, the New Party, severalls of them, spoke and joyned that it was necessary for vindicating the honour of the nation that this clause should be in the act, since the clause declaring us aliens was in the English act, so wee were necessitate to let it goe to the vote in these terms, add this clause to the act or doe it in a separate way by address or instructione, and wee carried it by a majority of 3 or 4 that it should be done in a separate way.<sup>1</sup> Before the stating of the vote the Duke of Athole gave in a protestation against the act in caise this clause did not carry, to which protestation the New Party adhered and joyned, so that wee were in great concern to prevail in this and thought it a great victory.

All that remained of the act to be adjusted was the way and manner of the nomination, so I stated in the debate that it behoved either to be done by leaving it to her Ma<sup>ty</sup>, as was done in the year 1670, where it was left to King Charles the Second, and the year 1700 it was left to

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<sup>1</sup> It was carried, on the motion of Queensberry, that in a separate Address to the Queen she should be informed of the indignation of the nation at the interference of the House of Lords in Scottish affairs.

the Queen, or it behoved to be done by the Estates of Parliament. The Duke of Hamilton called to be heard and made a very handsome speech. He said he was sorry there were so great division and animosities among us as that he was certain wee could make no good nomination in Parliament, and he had a great deal of trust and confidence in her Ma<sup>ty</sup> our sovereign, and, y<sup>r</sup>for, he proposed the nomination might be left to her Ma<sup>ty</sup>. With this proposall, you may be sure, wee heartily joyned. His party was surprysed, as was also the New Party, and they proposed that the determination of this might be delayed till the next sederunt, and some of the Cavaleers had pretty sharp speeches against the Duke, but he said very boldly that he had told his opinion and saw no reason to retract it, and moved that the vote might be stated, proceed or delay to the next sederunt, and it carryed, proceed ; and then the Duke renewed his proposall again, on which there was a closs debate for some time. In the end the Marquis of Twedale, the Earles of Rothes, Roxburgh, Haddingtone, and s̄erall others of that party spoke. What the Earle of Roxburgh said was as near as I can remember in these words, that he had joyned in a protestation against the act if the clause was not carried, qch I formerly mentioned, and, y<sup>r</sup>for, he would be oblidged to vote against the whole act, and so would not make her Ma<sup>ty</sup>, for whom he had a great deal of veneration and respect, the sham complement of leaving to her the nomination. Wee all acted our parts and proceeded firmly in the matter and putt it to the vote, whether the nomination should be by the Queen or by the Parliament, and it carried that it should be by the Queen, and the Duke of Hamilton did vote for the Queens nomination. This wee carryed by a greater majority, because Twedale and Roxburgh did not vote in this, though most of the New Party did vote for the Parliament, and thus yo<sup>r</sup> Lo<sup>p</sup> has the history of the whole act, only that the Cavaleer and New Party shew a great inclination to have the act throwen out. However, wee proceeded to the vote, approve the act or not, and it carryed by a considerable majority,

approve, and so there is now voted a plain act of treaty leaving the nomination to her Ma<sup>ty</sup>, qch I am very hopeful, if rightly managed, may be the foundation of a lasting settlement betwixt the two nations. I beleeve the Comm<sup>r</sup> will give the royall assent to it how soone he has ane answire to the last flying pacquet wee sent of this day seven night, and I am hopefull wee shall also gett the supplies. All that remains to be done is that her Ma<sup>ty</sup> effectually prevail with the English Parliament to rescind that clause in there act, declaring us aliens, qch cannot doe the least prejudice to England, and, if this is refused by the English Parliament when wee have desyred it in the most discreett manner and att the same time left to her Ma<sup>ty</sup> the nomination of the Comm<sup>rs</sup>, then it will be thought universally in this kingdome that the English doe intend no good correspondance with us, and I am perswaded that now yo<sup>r</sup> Lo<sup>p</sup> may have the honour of completing what you have been sincerely endeavouring these sc̄rall years past. But I shall say no more in this Memoriall, hoping to have ane oportunity of writting more fully when the Parliament is ended. I shall now only say that, since the carrying of this act, there is a generall satisfaction amongst those who wish well to the p̄ntt settlement, and I know that the New Party are well enough satisfyed with it, for I have seen some of them since who have said so to me.

[No signature.]

[*Endorsed* :] ‘L<sup>d</sup> Seafield. No date.’ [Not autograph.]

*f. 352.*

[21 *Sept.* 1705.]

MY LORD,—I have received the honour of yo<sup>r</sup> Lo<sup>ps</sup> of the 15th from Windsour, and it is a great satisfaction to me to know from so good a hand that her Ma<sup>ty</sup> is satisfyed with what service I have been capable to perform in this Parliament. Perhaps every thing is not so well done as wee wished, yet the Parliament has had ane issue very farr beyond what in reason wee could have expected as matters stood at the beginning of the Parliament and a

considerable time y<sup>r</sup>after ; and, seing yo<sup>r</sup> Lo<sup>p</sup> does encourage me to offer any advyce for the future in what may concern her Ma<sup>ts</sup> service, I shall doe it with all submission and fidelity. I think much depends upon the unity of those imployed in the service for this end. Many of the most considerable of the Servants did propose the settling of the Secretaryes office in such hands as will make this there measure and prevent her Ma<sup>ts</sup> having the trouble of different skeames, and I am very glade to find that what was desyred of changing the Marques of Annandale<sup>1</sup> from Secretary to be President of Council and one of the Thesaury and of conjoyning the Earle of Marr with the Earle of Loudoun is so agreable to yo<sup>r</sup> Lo<sup>ps</sup> opinion, and that the only difference is as to the time of doeing it. The Comm<sup>r</sup>, the Duke of Queensberry, and those others, who write again on this occasion, doe still think that it were of the greatest advantage to make that alteration now, for, if the Marquess of Annandale be allowed to come up in the prospect of being Secretary and after having ordered the affairs of his family in that view, ane alteration will be certainly very uneasy to him, and, though the removing him from Secretary now may be a disappointment to him in his ambition of governing, yet the settling him so well here will be for the solid advantage of his family, and, though he may be very usefull as a servant kept within bounds, yet, as Secretary, he would soon either lose himself or others that are more necessary for the Queens service.

The Queens great advantage in this is that the Servants, being once settled and out of all jealousies of one another, and, if they find themselves too waiked to undertake the next Parliament, they will easily agree to allow of such changes as may be att that time most usefull. The doeing of this will also prevent the desyres of some

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<sup>1</sup> William, 1st Marquis of Annandale, one of the two Scottish Secretaries of State. Opposed to the Union, he had quarrelled with Argyle, and was dismissed from office. From his own correspondence it appears that he was really convinced that the settlement of the succession was a preferable measure to a treaty.



of the Servants from coming up, who otherwise will not reckon them selves secure.

The Parliament ended this day very calmly and is adjourned to the 20th of Decem<sup>r</sup>.<sup>1</sup> Those acts received the royall Assent, for qch my Lord Comm<sup>r</sup> had her Ma<sup>ts</sup> instructions. The acts concerning the limitations,<sup>2</sup> trienniall Parliament, and the nameing of ane ambassadour have the negative. The two last were most desyred. However, there will be time to consider of these before the next Parliament. Wee have supplies for maintaining the Forces, so I hope no disorder shall happen within this kingdome, and there is ane act of treaty, qch, I hope, may be a mean of setling ane intire correspondence betwixt the two nations. Seing her Ma<sup>ty</sup> hath the nomination of the treatters for both kingdomes, much depends upon this, and I am very hopefull that the English will make a right use of this oportunity and that yo<sup>r</sup> Lo<sup>p</sup>, under her Ma<sup>ty</sup>, will have the honour to establish what hath been so much desyred and difficult to obtain.

The Parliament had continued a day or two longer, but wee found that our opposing party would probably have insisted on ane address to her Ma<sup>ty</sup> to have called the Parliament in the next spring, whereas the funds, rightly managed, may, in caise of necessity, subsist the troops and garrisons to August, and, whatever may happen, it is good to have time.

Before the instructions came by the last flying pacquet the merchants brought in a petition to the Parliament desyring there recommendation of the Estates of Parliament to her Ma<sup>ty</sup> for passes to protect them in there trade with France and Spain against her Ma<sup>ts</sup> ships and those of her allies, the States of Holland. This wee diverted the first sedcrunt, but the next they insisted upon it again, and the pctition was presented by the Marquis of Tweeddale and seconded by the Dukes of Hamiltone and Athole. And many of our own friends inelyning to have

<sup>1</sup> It did not re-assemble till October 3, 1706.

<sup>2</sup> The 'Limitations' on the royal prerogative proposed by Fletcher of Saltoun.

it, because the French trade is the foundation of our customes and the encouragement of our fishing and support of the government, wee, therefor, yeilded for preventing ane address that it should be marked in the minutes that the Estates of Parliament recommended to my Lord Comm<sup>r</sup> to represent to the Queen there concern in this matter. Sir David Nairne<sup>1</sup> can show yo<sup>r</sup> Lo<sup>p</sup> what past concerning this in the printed minutes.

I cannot conclude this memoriall without giving my testimony to my Lord Comm<sup>r</sup> that he hath served her Ma<sup>ty</sup> in that station with very great fidelity and concern, and I must also own that the Duke of Queensberries friends have given very great assistance since he came to Scotland.

S<sup>r</sup> David Nairne sent down a warrant for a remission to be past the great seal in favours (as I suppose) of all Greens crew, but, the names not being insert in the warrant, I could not pass it. It was sent to my Lord Comm<sup>r</sup>, and I have given his Grace the names, and he will certainly transmitt them with the warrant to S<sup>r</sup> David Nairne to be insert y<sup>r</sup>in, and, if it be returned by a flying pacquet in answire to this, it will come in time.

[No signature.]

[*Endorsed* :] ‘L<sup>d</sup> Seafield. No date or year.’ [Not autograph.]

*Edr., Septr. the 22d, 1705.*

*f. 312.*

MY LORD,—The inclosed Memorial contains al that occurs to me at præsent. I find the Commissioner and the Duke Queensberrie verie hopful that what they have proposed concerning the M. of Annandale will be granted nou, and, if not, they will certanlie desire some of the Servants to be called.<sup>2</sup> The Commissioner hes said so to me this morning. The sooner wee have her Majesties ansuer it will be the better, for al that is needful in Council, Thræsurie, or Exchequer will be done this week. I hope your Lo. will be pleased to leat me know her Majesties

<sup>1</sup> Under-Secretary of State.

<sup>2</sup> Annandale was offered the office of Lord Privy Seal, of which he had been deprived, and which he now refused to accept.

commands, to which I shal give al obedience. Ther hes been insinuations to me to goe if Annandale continou, bot doe in this what your Lo. thinks best for the Queens service. Bot if the Commissioner desire me, be pleased to let me know what I shal doe, for the Queens letter to his Greace stops al the servants, unless they ar called, and what your Lop. wreats in ansuer to this may be in a seperat letter. I am, with al respect, my Lord, etc.,

SEAFIELD.

*f. 322.*

*Edr., Octr. the 6, 1705.*

MY LORD,—That her Majestie has been pleased to remove my Lord Annandale from being Secretarie to his former post will be found for her service and the satisfaction of her servants and his oun advantage, tho, at present, he seems dissatisfied and sayes he will not accept till he sees the Queen. I would have writen fulie of this and concerning her Majesties other affairs, bot her Majestie, in her last letter to my Lord Commissioner, having called me to London, I shal forbear till meeting. Since the Parliament wee have had frequent meetings of Council, Thræsurie, Exchequer, and I hope to be able to give her Majestic ful accompts of al her affairs in this kingdom and to leave al things in peace and good order. The Earle of Mar being nou Secretarie, his regement cannot be better dissposed of then too the yong Laird of Grant, who has a good csteat and great influence both in the Parliament and the countrie, and has behaved veric weal in the Parliament. My Lord Commissioner has writen of this to Sir David Nairn and desired me to wreat of it to your Lop., which I doe most willinglie. The D. of Q. seems resolved to excuse himselve from coming up for some time because of his privat affairs, bot it was veric right to call him. I had, indeed, much to doe also in my privat business, bot I have laid thes aside, since it is like Scots affairs may be under her Majesties consideration about the time of the meeting of the English Parliament. I continou, with al respect, my Lord, etc.,

SEAFIELD.

[1706]

*Edr., Oct. the 4th, 1706.**f. 318.*

MY LORD,—I præsum by this to send your Lo. a copie of my speach to the Parliament,<sup>1</sup> which I intreat you may doe me the honor to deliver to the Queen, for I have nothing worthie her Majesties trouble to wreat to her or I would have præsumed to have sent it by a letter. After her Majesties letter was præsentend and redd, and when my Lord Commissioner and I had made our speaches and that thes wer ordered to be printed, I told them the artichs of the treatie wer readie to be reported to them, so they wer redd and ordered to be printed. The Duke of Hamilton and several others desired that the minuts and journal book of our proceedings might also be printed. I said that by the Act of Parliament on which the treatie proceeded wee wer onlie oblidged to report to the Parliament the artichs agreed on, bot for ther satisfaction the minut book shal be præsentend nixt sederunt, and, if therafter it should be thought necessarie to print it, it might be then ordered. Bot, when we found them continou to desire it might be immediatlie ordered to be printed and that it would occasione a delay, wee did, therfor, agree that it should be printed and it was ackordinglie ordered. Wee had a great majoritie in the House yesterday, as appeared in a vot wee had concerning the admitting Sir Alexander Bruce as Earle of Kin[c]airne. The vot was stated, ‘admitt or hear my Ladie Marie Bruces prætentions.’ Wee caried it to ‘hear befor admission.’ He is certainlie to be against the Union, therfor all that partie wer for admitting him præsentlie. I belive he will carie it nixt sederunt, bot wee onlie took this opportunitie to trye. I find they have not yet joined in ther measurs concerning what they will oppose to the Union. Some,

<sup>1</sup> The Parliament had met on October 3—the day before this letter was written.

<sup>2</sup> Sir Alexander Bruce of Bromhall had his claim to the title of Earl of Kincardine recognised during this session. Lady Mary Bruce was heir of line.



as I hear, are for setling the successor presentlie with limitations and with a condition that England grant a communication of tread; others are for altering the artcils of the treatie, which last is in my opinion the most dangerus measur. For, as [*sic*] I onlie wreat this for your Lops. privat information, as I also send you my Lord Advocats peaper, of which I promised you a copie, bot I wish none els to see it, because I hope stil that he will concurr, and, if your Lop. on occasions wreat me two letters, I can wreat with the greater freedom. The Marques of Annandale and al he can influence, as I hear, are to oppose the Union. He did not wait of the Commissioner yesterday, bot the Duke of Hamilton and the Neu Partie did. The D. is, as I hear, violentlie against the Union, bot knows not hou to unite his pairtie. I shal doe my diutie faithfullie to obtain the Union and my friends will al concurr with me. I shal writt to none of the English that treated with us till somthing occur worth ther noticeing. I hope for the continouence of your Lops. favour in leating me know her Majesties commands, and I am, with al respect, my Lord, etc.,

SEAFIELD.

I hope you will excuse the manie faults of my speach. It is a great disadvantage to speak on the same subject after the Queens letter and my Lord Commissioners speach, bot I hope it will be found to be weal intended.

f. 324.

*Edr., Oct. the 14th, 1706.*

MY LORD,—Since my last nothing has occurred befor nou worth your Lop. trouble. I have taken al the methods I was capable to use to keep the Neu Pairtie from conjoining with our Torie Pairtie, and the Marques of Montrose has concurred most activlie in this, and I doubt not bot that they will al concurr with us, which, I think, will make the cariing the Union certan. The Earle of Eglington, Cromertie and severals of the moderat Tories gives us hops, bot what our opposers begins with, is to obtain a delay till ther constituents be informed, since, as they

say, the constitution of this kingdom is intierlie altered by the treatie. Some of them spok out this plainlie in Parliament yesterday, bot ther chiefe managers insisted on a delay, even not to read or receive the artiels under our consideration till the records of Parliament wer made patent to the members that they may have information of what had been done formerlie att treaties of union and commerce, and some moved that al that was on record concerning thes maters might be printed, bot this last point was let fall, and it was agreed that anie of the members might see the records and take information, and I belive it will prove for our advantage. Then it was proposed that, befor wee proceeded further, that ther should be a national fast appointed that wee might beg direction from God Almighty in this great affair. The Earle of Marchmont, my Lord Justice Clerk, Jerriswood, and severals oppos'd this, and wee had by what was said in the debeat the assistance of the whol Neu Pairtie, so it was lett fal for that time ; bot wee know that our opposers will endeavour to bring this again upon us by influencing the Commissioner of the Assemblie to desire that a fast may be appointed. Wee have prepared the best wee can against this. We have spok to al our friends that are members of that Commission and to several ministers, and your Lo. shal be acquainted with what shal be done. The movers of the fast wer the highest Tories.<sup>1</sup> The artecls wer after al this reedd, but nothing was spok for or against them, bot it was agreed that wee should proceed to the farther consideration of them on Tuesday, to which time the Parliament was adjorned. I think the Neu Pairtie deservs al incuragement, if they continou to doe as they have begun. All our treaters continou fixed to what they did, bot wee belive Mr. Lockart of Carnwath will be against us. The E. of Cromerties friends are not

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<sup>1</sup> It was the hope of the Opposition that the Commission of the General Assembly, a permanent body appointed to look after the interests of the Church, would petition the Parliament to sanction a fast: if the Parliament should refuse, this would further embroil the Government with the Church and throw fresh obstacles in the way of the Treaty.

yet come, so I cannot yet wreat concerning them further then that he and his brother sayes they will be hier verie soon. My Lord Rankilor, on of the Lords of Session, is dead, and was a Parliament man and verie much for the Union. Ther are manie pretenders to his place; he was also of the Justice Court. Al I shal writt on this subject is, if it is disposed of during the Parliament, manie will be disoblidged, and, tho it is not to be noticed that I give this opinion, yet I have said to the servants that I belived that the Queen would delay the disposing of this post till after the Parliament. The Justice Clerk has been most earnest with me to wreat this to your Lop. The Duke of Argyl is nou with us,<sup>1</sup> and seems readie to concurr, bot both he and his brother are most pressing with the Commissioner, the Secretaries, and myselfe, to desire that her Majestie may conferr on my Lord Archbald the title of ane Earle, and what ever objections ther may be to this, and of which they are fullie acquainted, yet I am sure they will not be pleased unless it be granted, and it is certanlie necessarie to keep them right at present. I promised my Lord Duke to concurr in using my interest, which I could not refuse, for I am much oblidged to him. Your Lo. will easilie determin what is fit to be done. I am for al measurs [that can] strenthen us in the carying the Union, and, if I be favored with ane ansuer, I desire it may be such as I may shou to my Lord Duke. I forbear to give your Lop. further trouble, and I am, with al respect, my Lord, etc.,

SEAFIELD.

The Marques of Annandale has not visited the Commissioner as yet, and in al thing appears against us.

*f. 328.*

*Edr., Oct the 16, 1706.*

MY LORD,—What occurred yesterday in Parliament gives so good hopes of success that wee thought it necessarie to acquaint you with it by this flying packet. Our opposers proposed evrie thing they thought could perswad

<sup>1</sup> It was only after receiving the commission of a Major-General that Argyle consented to appear in Parliament and support the Union.



the Parliament to delay entering upon the consideration of the articles of the treatie for a considerable time that they might have the opportunitie of getting instructions from the shires and broughs concerning the Union. I shall not trouble your Lo. with the debate, but they found they could not carie anie considerable delay, and, therfor, at last, the Lord Belhaven and the Marques of Annandale proposed at least that wee might grant a further delay, onlie for eight dayes, but the Neu Partie, I mean, the Marques of Tueeddal, Rothes, Roxborou, Hadington, Marchmont, Jerreswood, and al their friends and several others who had been in D. Hamiltons partie having concurred with us in the debate, and the E. of Roxborough having fullie declaired his opinion in favours of the Union. and that I perceaved that the strenth [of] both parties would appear by this vot, it was stated, proceed nou to the consideration of the articles of the treatie or delay till the first sederunt nixt week, and it caried to proceed by a majoritie of sixtie six. The Marques of Annandale had feu or none of his friends concurred with him, and I belive, nou that he sees the Union in so fair a way, he and several others will join with us. I doe al I can to encourage the Neu Partie, for its of great consequence to have a considerable majoritie, and severals of them are men of qualitie and of good esteats. Al her Majesties Servants and ther friends acted ther pairts faithfullie. The Commission of the Assemblie have also acted verie prudentlie in the mater of the national fast, for they have appointed Friday nixt to be a day for prayer for direction to the Parliament in the great affairs before them, so that I belive that of the national fast is laid aside. It is said the opposers will try ther strenth against the intire union and propose a neu treatie for a federal union, but they will also lose this. The greatest difficultie will be that amendments or alteration of some of the articles will be tryed, but I hope wee shal succeed in this whol affair, and beside the satisfaction I have in thinking this will be a great advantage to the whol iland, it rejoises me to think it will be verie satisfying to her Majestie to have this great



affair accomplished in her reigne, and, therfor, I shal doe al that is in my pouer in this mater, for this, added to the glorius successes that her Majesties forces and thes of her Allies have attained, will make your Lo. administration under her Majestie most acceptable to us and our posteritie. I am, with al respect, my Lord, etc.,

SEAFIELD.

Wee readd the first article of the Union and the minuts relating to it, and explained them and adjurned the further consideration of the artiels til the nixt sederunt, which is Thursday nixt.

*f. 314.*

*Edr., Octr. the 2d* [? 21], 1706.

MY LORD,—The inclosed Memorial is so long that I shal offer your Lop. no further trouble bot to acquaint you that the Neu Partie, both in Parliament and Assemblie, gives us al the assistance wee can desire, particularlie my Lord Roxbrough, the E. of Marchmont, and Jerveswood. The Duke of Argyl is so useful to us that wee al agreed that he might exped his brothers patent when he pleased.<sup>1</sup> So he hes sent it to the seals, and he oblidged the Commissioner also to exped his son my Lord Charls patent. As for the vacancies of the Session and Justice Court, thos, I belive, will be delayed till after the Parliament. The Memorial, tho it may be used for information, yet I hope my having writ with so much freedom will not be knowen bot wher it is necessarie. I am, with al respect, your Lops.,

SEAFIELD.

*f. 330.*

*Edr., Novr. the 3d*, 1706.

MY LORD,—I know my Lord Commissioner and the Secretaries takes care to send your Lop. ane accmpt of what occurs, which makes me unwilling to give your Lop. too frequent trouble. I have also great fatige in presiding and more in giving frequent interteanments to the members, which is most necessarie on this occasion. Wee continou

<sup>1</sup> According to the Secretary, the Earl of Mar, the passing of the Treaty of Union was due to Argyle above all others.

to have a majoritie in Parliament, and the Neu Pairtie continus to act verie zealouslie in conjunction with us, as does the E. of Cromertie and Marchmont, so that wee have stil good hopes of succeeding in Parliament, bot great pains is taken in the countrey by the opposers to incense the gentrie, touns, and common peopel against us, and in places disaffected they procure adresses against ane intire union signed by manie of the geñlmen of this countrey, bot in other places feu as yet concurr with them, and, if wee can bot pleas the ministers in the securitie of the Church, our greatest difficultie will be over. We stil continou Gairds of the regular forces within the town, and so al continous peaceable. The inclosed copies of the minuts will inform your Lop. what progress wee have made. Wee caried the two questions that wer stated, and then ther was a long deabate upon the first article,<sup>1</sup> which both sids reckonod of the greatest importance, and this continoued til eight at night, by which time wee had been nine hours in the House, and then wee used al possible endeavours to obtain a question, approve of the first article or no. It was proposed, on the other side, to adjorn the debeat, and, when wee offered to state the question, they had alwayes some of ther side offered to speak, and, a delay being much insisted on, some of our own friends acquainted us that, if ther was a vot stated, proceed or delay, that wee would either lose it or carie it by a smal majoritie, and therafter wee would not have time to obtain the vote of, approve the article or not. The Commissioner, my Lord Montrose, the Secretaries, the Earle Leaven, and my selfe wer acquainted with this, bot the Duke of Argyl and the Neu Pairtie did not know that wee had several of our friends that advised us to delay. At last, I asked if I should order the calling of the vots, proceed or delay, or, would they agree, either to proceed or delay without a vot. Ther appeared a great inclination to delay, and the Duke of Argyl and Niu Pairtie thought that wee should have insisted longer to

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<sup>1</sup> Enacting the incorporating union of the two kingdoms.

have this mater determined, and, therfor, seemed to be somewhat displeased when the debate was adjourned till Moonday. Bot I doubt not bot they will be satisfied when they know what advertiments wee had from our friends. What I acted was with a sincer intention for obtaining the cluse to be approved, and I am sure I did resume the debates and argue the mater als weal as I was capable, and in al the vots al my friends have concurred to the satisfaction of al the Servants. I hope, on Moonday, the article shal be approved and the act for securing the Church presented. I am convinced if wee succeed not in this mater nou, when wee have her Majesties protection, this kingdom will be in confusion befor wee can obtain a setlment, and, if the Parlament had once determened the Union, I hop it will render the peopel peaceable. The Marques of Annandale continous on of the chiefe opposers. My Lord Belhaven had a speach contrived to incense the common peopel ;<sup>1</sup> it had no great influence in the House.<sup>2</sup> If it is printed, I shal send it. The Duke of Hamilton was with the Commissioner and yesterday with me. He sees he will lose his designs in Parlament if wee goe on nou, and, therfor, tells us that the nation is against what wee are doing. Bot I pray God wee may carie the Union in Parlament, so as it may be approved in England, and then I hope al danger of confusion in this iland will be past. I had almost forgot to acquaint your Lop. that my Lord Belanden<sup>3</sup> is dead and left a great manie children and almost no estate. He was my Lord Roxbroughs uncle, and my Lord is much concerned that the nou Lord Belanden be provided with Lord John Kers post in the Gairds. If Lord John get the leat Lord Belandens, the Duke of Argyl being Collonel of the troop, it most be done by his advice, and, if he consent, my Lord Roxbrough should

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<sup>1</sup> This was the speech in which occurs the well-known passage beginning, 'I think I see our ancient mother Caledonia,' etc.

<sup>2</sup> The Earl of Marchmont's comment on Belhaven's speech was, 'Behold, he dreamed, but lo ! when he awoke, he found it was a dream.'

<sup>3</sup> John, 2nd Lord Bellenden, son of William Drummond, 2nd Earl of Roxburghe.

be satisfied ; if not, I think it should at least be delayed till after the Parliament. I have not as yet spok with the Duke of Argyl. I am affraid I have given your Lop. too great trouble. I am, with al respect, my Lord, etc.,

SEAFIELD.

Wee caried the adjoining of the session by a great majoritie, tho al the opposers concurred against us.

*Edr., Novr. the 7th, 1706.*

*f. 834*

MY LORD,—Since my last to your Lop., wee have caried by a majoritie of 32 vots the first article of the Union in the terms of the resolve I formerlie mentioned, bot, ther being a memorial concerning this and several other particulars, which my Lord Commissioner and her Majesties servants finds to be necessarie to obtain the Union to be past hier, I hope that wee will be aloued to make thes alterations. I shal give your Lop. no further trouble with relation to what is contained in it. Ther have been several addresses against the Union presented to the Parliament, bot what troubls me most is that from the Commission of the Assemblie, which declairs the Union inconsistent with ther principels, it being contrarie to the Covenant that the bishops sitt in the Parliament, bot I have not seen it.<sup>1</sup> I hear it is to be presented to morou. A copie of it shal be transmitted. The majoritie of a convention of borous have also addressed against it. After al wee hope, if the alterations be aloued, wee will carie it in Parliament. The Jacobit Pairtie continou to oppose it with violence. The Neu Pairtie, the E. of Marchmont and L. of Cromertie gives us al the assistance wee can desire. The D. of Argyl influences the M. of Lothean and his oun friends, so your Lop. sees wee have a majoritie that I hope will not fail us, bot without thes alterations nothing can be done that will pleas the treading peopel. The M. of Annandale continous to oppose the

<sup>1</sup> On November 7, Mar wrote : 'One thing I must say for the Kirk, that, if the Union fail, it is owing to them.'



Union. The minuts will inform your Lop. of his proposel of a federal union or the succession with limitations, bot he had verie feu that concurred with him. Wee have given a first reading to the act for the Church, and wee have also given a first reading to ane act for a supplie. This could be delayed no longer, for the fonds are out and a great arear diu to the armie. Wee shal make what haist wee can, bot, tho wee continou with the majoritie wee have, wee cannot end so soon as is desired. I have onlie time to add that I am, with al respect, my Lord, etc.,

SEAFIELD.

Sir David Nairn will shou your Lop. the list of al thos voted for or against the first article of the Union. I also send Belhavens speach, by which your Lop. will see what pains is taken to incense the mobe.

*f. 338.*

*Edr., Nov. the 11th, 1706.*

MY LORD,—Your Lo<sup>p</sup> will receive together with this a letter from my Lord Commissioner and some others of us, her Majesties Servants. What is proposed in it is, indeed, necessarie. This is al I shal trouble your Lop. with on this subject. Since the voting the first article of the treatie, the Parlament has given to her Majestie eight moneths cess, which is, indeed, rather more then the countrie can weal spair, bot it was necessarie, and it was given with a great daile of chierfulness. The Dukes of Hamilton and Athol concurred in it, and feu or anie opposed it. This satisfies the armie, and will make them undergoe ther present fatige the more willinglie, and it will be of use to us that, whatever happen, wee can adjorn without anie confusion. Wee have also proceeded to the 2<sup>d</sup> reading of the act for the securitie of the Church<sup>1</sup> and have voted several paragraphs of it and caried al the vots as wee desired. Wee proceed farther upon it the nixt sederunt. It will be of great consequence if wee get this act weal adjusted. They will endeavour to have

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<sup>1</sup> It enacted that the Church, as it now existed, was 'to continue without any alteration to the people of this land in all succeeding generations.'

the sacramental test in England taken of, bot wee have fullie informed the friends of the Union of the danger of this, and it is most reasonable to leave it intier to the Parliament of England to secure the Church ther, as wee doe for our Church hier. The 2<sup>d</sup> point they intend to insist upon is too enclude the pouer of the Parliament of Britan to grant a toleration within Scotland, bot this, I hope, wee shal also prevent. The 3<sup>d</sup> point is that the opposers will join to reject the whole act after it is adjusted, and wee have difficultie with some of our friends to perswad them to vot for a perpetual securitie to Presbyterian government, bot yet, after al, I hope wee shal succeed in this, for without some securitie to the Church the whol Presbyterians would be dissatisfied. When this is past, wee resolve to proceed nixt to the 2<sup>d</sup> article,<sup>1</sup> bot our opposers will endeavour that the fourth article and the other articles that concerns tread or taxes be first explained. In this wee will have some difficultie with some who are friends to the Union, bot wee shal doe our best. If it wer not for the needless fears and jealousies of the Church, wee would easilie have overcome al our other difficulties. I have stil verie good hopes. The Neu Partie wer with me last night and are als right in this mater as I am my selfe. I belive my behavior in this great affair is not misrepresented. I am sure I doe al that is in my pouer, and al my friends concurr heartilie and I endeavour to prevent differences amongst the friends of the Union and gives al the incuragement to thos concurs in my pouer. I have as yet writt none bot to your Lop., bot, as you have ever been my best friend, so I hope you will leat this be known to the Queen, and I belive it will not be unfit that some who treated with us also know what is my part in al this mater, and, if your Lop. approve of it, I will wreat to my Lord Sunderland<sup>2</sup> or my Lord Somers. Bot, if it be not necessarie, I am unwilling to give anie of them trouble. We long for ane ansuer to our Memorial concerning the necessarie explana-

<sup>1</sup> It settled the succession on the Electress Sophia and her heirs.

<sup>2</sup> English Secretary of State.

tions of the treatie. If thes can be obtained, I hope the Union will be acceptable to al that understand the interest of this country. I am, with al respect, my Lord, etc.,  
SEAFIELD.

*f. 340.*

*Edr., Novr. the 13, 1706.*

MY LORD,—I received the honor of your Lops. this day and sent the inclosed to my Lord Duplin,<sup>1</sup> who is at present in the country, his second son being ill. I have not since seen the M. of Tweeddal nor the Earl of Roxborough, bot shal to morou obey your Lops. commands as to them. Wee have caried the Church Act and voted out the clases wer offered by the opposing pairtie, particularlie that for alouing Scots men the privilege of enjoying posts, civel and militarie, in England without taking the sacramental test. This day we returned to the consideration of the articles of the treatie and proposed the 2<sup>d</sup> concerning the succession. The opposers proposed the 4<sup>th</sup> article might be first considered, bot after long reasoning the vot was stated, proceed to the consideration first of the 2<sup>d</sup> article or the 4<sup>th</sup>, and wee caried, to proceed to the 2<sup>d</sup>; and, it being leat, the Parliament was adjourned til the morou, and then I dout not wee shal carie the 2<sup>d</sup> article. If wee succeed in this, I hope wee shal succeed in al the articles with reasonable explanations in the terms of the Memorial wee sent. I am sorie wee cannot proceed with more expedition, bot it is impossible, for our opposers take al opportunities to delay. My Lord Annandale concurs with the opposers in evrie vot, bot has onlie the influence to have on of our friends with him. It being lait and I being oblided to have companie with me, I have onlie time to doe justice to my Lord Duffus.<sup>2</sup> He concurs with us in evrie vot. I shal not trouble your Lop. anie further, bot that it is my confort my friends have as yet failed me in no vot. I am, with al respect, my Lord, etc.,

SEAFIELD.

[*Endorsed: 'Nov. 23, 1706.'*]

<sup>1</sup> Thomas Hay of Balhousie, created Viscount of Duplin in 1697.

<sup>2</sup> Kenneth, 3rd Lord Duffus.

*Edr., Novr. 16, 1706.**f. 336*

MY LORD,—The Parliament has had under consideration the second article of the treattie of Union concerning the succession to the Crown. I acquainted yo<sup>r</sup> Lo<sup>d</sup> formerly with the resolve presented by my Lord Register on that subject, qch satisfyed all those that are for the Union that it was not binding unless the whole termes of the Union were adjusted and voted in this Parliament and approwen in the Parliament of England.

Notwithstanding of this the opposers spoke against this article as much as if the Union had been y<sup>r</sup>by concluded. Yo<sup>r</sup> Lo<sup>d</sup> was acquainted that in the first place they endeavoured that the 4th article should be adjusted before the second, but [it] carried to give the sense of the House concerning the second in the first place. This did coast us one daye's labour.

Yesterday the second article was read and the reasons for aggreing and concluding it fully explained. First, that it was a necessary consequence of uniting the two kingdomes into one, for, though there are instances of two kingdomes under one sovereign, it is impossible there can be two sovereigns in one kingdome; 2<sup>o</sup>/, the successor declared in England is, after her Ma<sup>ty</sup>, the first Protestant heir in the Scotts line, and, though wee continued a separat kingdome, it was both just and necessary to declare the same successor; 3<sup>o</sup>/, if wee refused to doe this as ane article of the Union, it is impossible to expect any alterations in our favours of the articles, for England would take the refusall of this point as the rejecting of the union.

My Lord Annandale was the first that spoke against us. What he spoke was to this purpose, that there was none that was better inclyned for the setling of the successor than he, that he had been for that settlement, that he is for it and would continue to be so, but he was so much against the Union, qch he thought to be contrary to the inclinations of the people, that he proposed the articles might be laid aside, and that wee might proceed to the settlement of the successor upon reasonable limitations.



The D. of Hamiltone, my Lord Belhaven, Mr. Fletcher of Saltone, and some others seconded this proposall, but, finding there party did not so frankly come into it, my Lord D. of Hamilton with Belhaven proposed that the Parliament might be adjourned and that it might be represented by ane address to her Ma<sup>ty</sup> that they were willing to settle the successor upon limitations. There party came all into this of addressing. On our part, it was argued that the treattie was sett on foott by authority of the last session of Parliament after refusing to settle the succession upon limitations, that then the Union was thought farr preferable to limitations, even by those who now proposed them, etc.; that the Union was now misrepresented in some places of the kingdome as if the establishment of the Church and trade of the nation were y<sup>r</sup>by to be destroyed. The best way to satisfy the people was that the Parliament should freely give there sentiments concerning the Union. The Church is allready secured by the act wee have past, and, the articles concerning trade and taxes being explained, the people would soon see there interest by going into ane union. But, not to trouble yo<sup>r</sup> Lo<sup>p</sup> with the dispute any further, ũch was managed for the limitations by the highest Tories and by our party for the Union, except that wee took notice of the limitations allready past, such as the Act of Peace and Warr, the Act of Security, and the other limitations, ũch were voted in the last session of Parliament, particularly that of giving the nomination of the Officers of State and Privy Councillors to the Parliament. It was plain there was no solid settlement could be obtained but by ane union ũch, if it were explained in some particulars, wee hoped would give generall satisfaction, and, therefor, wee proposed the vote might be stated, approve the second article or not. The other party desyred the vote might be, address or not, so, there being a previous vote ũch of these two should be the state of the question, the first was carried by a great majority. After this there was great opposition to the calling of the rolls upon the question, but, att last, the English Acts of Parliament anent the succession being

read, and the Earle of Marshall being allowed to give in his protestation against the setling the succession in that manner, wee carried, approve the article, by a majority of 58; and then the Parliament was adjourned till Monday.

Wee have had another representation from the Church against the popish successor, leaving it to the Parliament to determine in what manner they think proper to secure this nation against the dangers that did threaten us from his pretensions. There was endeavours to have it directly pointed against the Union, but it was carryed that nothing for or against the Union should be contained in it, as you will see by the copy I received from the moderator and I herewith transmitt to yo<sup>r</sup> Lo<sup>p</sup>.

There has been a tumult within the town of Glasgow.<sup>1</sup> The mobb proposed that the provest and towne council might, in name of the community, sign ane address to the Parliament against the Union, but, this being refused, a tumult did arise upon it, and the provest was in hazard of his life. The windows of his house was broke with stones. He is come into this place, and there is ane address signed since that time, after ũch the tumult settled, and wee hope there shall be no more of it, especially that before this time they know that the Church is effectually secured. And there were sērall others who favoured the Union whose houses were insulted. But, if the Union were ratified by the authority of Parliament, and some articles explained, wee hope all these confusions will be composed.

[This letter is not signed, but is endorsed: 'L<sup>d</sup> Seafield, Nov. 26, 1706.']

*Edr., Novr. the 16, 1706.*

*f. 342.*

MY LORD,—The inclosed Memorial contains al that seems necessarīe to inform your Lop. of at present. Wee hope to have the 3<sup>d</sup> article approved on Moonday, and that,

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<sup>1</sup> The mob was for a few days master of the town, and a party of the rioters, under the command of one Finlay, marched to Hamilton, but the approach of the Government troops dispersed them.

betwixt and then wee shal have your Lops. ansuer concerning the explanations of the article<sup>1</sup> which would give great satisfaction. I have as yet writt to none bot your Lop., bot my Lord Justice-Clerk wreats this night and sends his leters under my covert. He and al his friends concurr heartilie with us. Wee meet with great opposition, and al methods are taken to incense the mobe against us, bot I shal continou my endeavours faithfullie, and I hope wee shal have success. I am, with al respect, my Lord, etc.,

SEAFIELD.

My Lord Annandale, after al his opposition, did at last vot for approving the 2<sup>d</sup> article. I hope your Lop. will take the trouble to cause deliver the inclosed from the Justice-Clerk to the Earl of Sunderland.

[1708]

*f. 228.**Edr., June the 20th, 1708.*

MY LORD,—The two inclosed Memorials will inform your Lop. of what concerns our elections and shal offer you no further trouble on that subject. I receaved the honor of the Queens letter. The person concerneng whom I had her Majesties commands called on Weednesday night, bot I was abroad and I expect him this eavning or to morou, and then shal acquaint your Lop. with what occurs. The election hath given us a great dail of trouble ; it continoued till four the nixt morning. I shal take cair of what your Lop. has recommended concerning the essay [of the] Master of the Mint. It is unreasonable to give your Lop. further trouble att present, so I shal onlie assure you that I am, with the greatest respect, my Lord, etc.,

SEAFIELD.

I beg the favour of your Lop. to give the Queen what information is necessarie concerning the election, and that my Lord Chancelour may see the long Memorial, the short on being onlie to your selfe.

<sup>1</sup> That the United Kingdom of Great Britain be represented by one and the same Parliament to be styled the Parliament of Great Britain.

*Edr., Julie the 5, 1708.**f. 412.*

MY LORD,—The Duke of Athol by this packet has sent a petition to the Queen, praying that he may be admitted to bail.<sup>1</sup> I am informed that he is verie weak by his long confinement and siknes. He has qualified himselfe by taking the oths and wreats that he is readie to ventur his life and fortun in her Majestie service. I doe concurr with the Duke of Queensberrie and the Earls of Mar and Loudoun in recommending him to your Lops. favour in this mater, considering that al the other prisoners are alreadie out on bail, and he desirs to oue his liberation to the Queen alon, and I trulie think it for the Queens service, for he will be then als much under command as he is att present. I leave this mater to your Lops. consideration, and I am, with al respect, my Lord, etc.,

SEAFIELD.

*Edinburgh, August 5th, 1708.**f. 416.*

MY LORD,—Since I am oblidged to goe north to see my wife, who is dangerously ill, I will there have occasion of seeing severalls of the Parliament-men, who are my friends and who, I hope, will serve her Ma<sup>ty</sup> faithfully in the Parliament, particularly the Laird of Grant, my brother, S<sup>r</sup> David Ramsey, Mr. Urquhart, Mr. Abercrombie, the provests of Aberdeen and Inverness, and Ross of Kilraick. My uncle, Mr. Montgumrie, will lyke wise be with me. They expect to know from me what time the Parliament will meett.<sup>2</sup> I think it necessary for the Queens service that they be at London then, and they are unwilling to leave there affairs sooner than is needfull. Therfor, if your Lo<sup>p</sup> will acquaint me, how soon this comes to yo<sup>r</sup> hands, when the Parliament will meett, I shall acquaint them of it. I have writt to the Earle of Marr concerning a small affair of the Earle of Airleye's.<sup>3</sup> He

<sup>1</sup> He had been placed under arrest in Blair Castle under the charge of being accessory to the attempted invasion of Scotland in 1708 in favour of James, son of James VII.

<sup>2</sup> This Parliament, the first British Parliament by ordinary election, met in November 1708.

<sup>3</sup> David, 3rd Earl of Airlie.



will acquaint yo<sup>r</sup> Lo<sup>p</sup> of it. It is but off small value, and it will secure my interest with him. He made me his proxy at the last election and promises to doe so again when there is occasion for it, and, therfor, I hope yo<sup>r</sup> Lo<sup>p</sup> will be assisting to my Lord Airley in this. I will stay but very short time in the north, and, after I return here, shall take journey how soon yo<sup>r</sup> Lo<sup>p</sup> is pleased to direct me. I am sorry to find by the letters that are writt from London, both from our friends and to the Squadrone,<sup>1</sup> that the Juncto<sup>2</sup> continues as ill disposed towards us, who were her Ma<sup>ties</sup> Servants as ever. I presume to think that, some time before the Parliament, it will be necessary, either to adjust matters with them or to have a sufficient party established to support her Ma<sup>ty</sup> and Servants in all just concerns. Yo<sup>r</sup> Lo<sup>p</sup> is the only person fittest to conserit this, and you shall command me and my friends in what measures you shall think proper. I hope yo<sup>r</sup> Lo<sup>p</sup> will excuse this freedome I use, ſich I truly designe for her Ma<sup>ties</sup> service and yo<sup>r</sup> Lo<sup>ps</sup>; and I am, with the greatest respect, my Lord, etc.,

SEAFIELD.

[Not in Seafield's hand, but signed by him.]

I hope your Lo<sup>p</sup> will excuse my using another hand, being straitned by want of time. The Earle of Kin[c]airn is verie desirus to have ane ansuer concerning his daughters petition, of which I wrote to your Lop. some time agoe.

[Postscript in Seafield's hand.]

My Lord Treasurer.<sup>3</sup>

<sup>1</sup> Another designation for the New Party.

<sup>2</sup> The 'junta' of Whigs who were pressing for a larger share in the councils of Godolphin.

<sup>3</sup> Godolphin.

## LETTERS OF JAMES, FOURTH DUKE OF HAMILTON <sup>1</sup>

(*State Papers, Scotland, Series 2, vol. i., Record Office, London*)

[*Ed., June 24, 1702.*]

*No. 15.*

SIR,—I had yours of the 20. I was in hopes we should hav had the account of her Majesty's receaving the Adress <sup>2</sup> at the saime tyme she allowed you the honor of kissing her hand. The Courtiers <sup>3</sup> heer give it out that she will not receive itt, but I shall not belive it till I see it is soe. I wonder that my Lord Blanter <sup>4</sup> has not written one worde to any bodie heer that I can larne. They have past the actt for the Union and putt off the bussiness of the advocatts <sup>5</sup> till Saturday when they say they are to bring in the abjur-ation. Your letters came saife to me, as Mr. Masons did, by the same cover, so that way may be continued, tho I shall expectt to see yow everie moment heer, for, imedatly after the resoluttion is taken above as to your comission, the sooner wee know it the better, which is all at present from your most affectionat and reall freind,

HAMILTON.

I make noe dout you have taken care that noe copie has been given of the Adress to any bodie whatsome ever

<sup>1</sup> The following letters were addressed to William Keith, younger, of Ludquhairn, Commissioner of Supply for the shire of Aberdeen.

<sup>2</sup> This Address to the Queen was a protest against the legality of the existing Parliament by the Country Party, of which Hamilton was the most prominent leader. This Parliament was the convention which had been elected at the Revolution of 1689.

<sup>3</sup> The name given to the supporters of the Government.

<sup>4</sup> Alexander, 5th Lord Blantyre.

<sup>5</sup> A number of the advocates had signed an Address in favour of the party that had seceded from Parliament under the direction of Hamilton.

till her Majesty receaves itt, and her pleasur concerning it known.

I dont wrytt this night to Lord Blanter, so I desir you may comunicatt this to him.

[*Endorsed:*] ‘ June 1702.’

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T. B.

No. 14.

[*Ed., June 27, 1702.*]

I HAVE received yours of the 23 and am most extreemly pleased with your conduct and managment. Nothing could have been better then the measure you took of waitting uppon her Majesty as you did, and your persisting to give the Address to non but her self was the only thing you could doe since the subscribers adrest only to her Majesty and non els. They give it out heer that her Majesty has refused the Adress, which I cant belive after what you wrott of your resolution of presenting it the next day in the drawing room. I hope you 'l take care to read itt to her when you doe present itt. Lett itt be open, and read itt and then present itt; but I am of the opinion that is past now. However, if her Majesty should be advised to refuse itt, I begg you may come off imediatly. I must still insist that you may come down with the account of what pases, for I assure you you have gained great repputation with all your freinds heer, and noe bodie can be more sensible then I am of your zeall and affection to your countries intrest and her Majesty's service then I am. You exprest it in the brightest manour in what you told her Majesty; and all your constituants will thank you for itt. I am wonderfully pleased with what the Countes of Malborough said to yow. Pray make my complements to her, and tell her that I am affrayed of troubleng her with my letter, els she should get more of them. But I have heard nothing from Blantyr of the letter I wrott to her by him. But, by the manour she has treated you, I am convinc't of her goodness towards uss. Ther has been a weighty contest

this day in the Parliam<sup>t</sup> here about the abjuration oath, and it was caried only by 4 whither it should recave a first reading ore lie upon the table. I doe assure yow ther are great heats amongst them. Tho we have left them, they are fare from aggreing amongst themselves. I wrot this to my Lord Treasurer<sup>1</sup> in the letter I sent by Blantyre, and now he 'l see I have not mad a wrong judgement.

The bussines of the advocatts is put off again. They continew firme to what they have done. I am sure now I have troubled you with a long letter, so I shall add noe more, but that I am your most reall and affectionat freind,

HAMILTON.

June 1702.

[*Ed.*, June 30, 1702.]

*No. 13.*

UPON Sunday Mr. Benerman arived heer about 2 o'clock, and I had yours of the 23 by the post the day before, which made what came by the express the more surprizing, but now, since that is over, by noe means let any more application be made for the presenting our Adress, and I am verie glad you say its sealed upp. I desire it may continew to be soe and that you may bring it down with you when yor convenience allows you to come hither, but be sure it be kept saif in the mean tyme and wher you can come at itt. I am perswaded thos who have adviesed her Majesty not to receave itt have not considred her service, but it's not proper to talke of that now. It will be seen who gave her Majesty the best advice, and tyme will show whether it had not been better for her service this Parleament had never mett. It is this day addjourned; ther having been the greattest debates and heatts imaginable in relation to ane abjuration oath, which was caried to have a first reading upon Saturday last, and this after greatt cabaling one both sydes. When the matter was goienge for the debate, the Duke of Queensbery adjoined the par. till the 18 of Agust.

Everie bodie hear are verie sensible of your good inten-

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<sup>1</sup> Godolphin.



tions and service to your countrie. Wee only wish your zeall may not expose you to some resentment, and, therfor, as soon as your convenience will allow you, wee would be all verie glad to see you hear and desir you may be circumspectt in your conversation where you are. I make no dout you 'l have particulars of what passes from other hands, so I shall give you noe further trouble, but assure you that noebodie can bee with more reall concerne your most sincer and affectionat freind then

HAMILTON.

The advocats affare is remitted to the Councill.<sup>1</sup> I assure you the heats and the devissions upon the other point has been soe great that ther was noe tyme to think of them.

*June 1702.*

*[Yester, July 9, 1702.]*

I HAVE just now receewd yours of the 4 with my Lord Blantynes postcrip to itt. I cam hither to keep our Fast in good company, and I assure you all our freinds are pleased with your part, only we are sory that, after her Majesty shewed soe much dislike to our Adresse, that she should have been importuned any farther upon the subject. Yew may perseave that all the steps that has been made has advanct nothing, as by the event yow find, th<sup>o</sup> yow have given a copie of the adresse which, since ther was soe litle hopes of its beeng recaved, was not so verie nesarie, as our freinds heer conseave, but those upon the place may have reasons that we at a distance cant soe weel judge off. However, now I wish it stood with my Lord Blantyre's convenience to come down, for I think both he and yow will think ther's nothing more to be done by yow ther in relation to the comission of your freinds heer, so I think yow should take spetiall care of the principall address. I can't help saying I wish that had been sooner done by bringing it hither. If my Lord Blantyre and you have receaved the letters I have written, you 'l find befor now that, since the first repulls that yow mett with, I

<sup>1</sup> The Privy Council.

have ever been of that oppinion. Pray, shew this to my good Lord Blantyre, for I can't wrytt any more by this post, fearing it won't come in tyme. When he comes of, I hope he 'l aske my Lady Malborough if she has any ansuer to make for what I wrott by him to her Lap., which is all at present from your most reall and affectionat freind,

HAMILTON.

[*Endorsed.*] 'For Mr. Keeth at London.'

July 1702.

D  
F. B.

[*Agust 7, 1702.*]

No. 11.

UPON Saturdaysday last yours of the 25 Jul. came to my hands. I have not seen the D. since to know the reasons why yow gave a copie of the Adress to my Ladie Malb. and why you dont improve the acquaintance you made amongst the statsmen, but, without hearing of them, I am verrie readie to approve of them and to vindicate you for doing that which I am much inclined to belive you would not doe without good grounds. The first time I have occasion to see the D. I will endeavour to get a sight of your letter upon no other account but to confirm me in the good opinion I have of your conduct.

We begin now to think of our elections, though the Parliament is not yet adjourned, and, so farr as I understand, there seems to be a greater life and vigour in the nation then used to be upon such occasions, if I might judg of the elections throu the whole kingdome by those are like to be made in the countrie I live in, and some shires about. I belive our Parliament might recover in some measure the sinking reputation of our countrie, but there are so manie difficulties to struggle with that the fear of punishment are powerfull arguments to weak minds, and you know what partie hes the distribution of them. However, if honest men will doe their endeavour, I hope still the best, but there are too manie who I am affraid will

lay themselves aside out of a scruple which I dont understand, and a diffidence of doing anie thing to purpose, so that there must be great pains taken to remoove those scruples, and to give people such a just sence of the danger wee are in that they may not be indifferent in a matter which concerns the nation so much. The D.<sup>1</sup> is now in the west countrie, and you may be sure is not idle. There are a great manie more who are not to be blamed if there is not a right sett of men chosen in the shires they have interest in.

There is great pains taken by some of the Court Partie to blind peoples understandings. They leave no ston unturn'd; they endeavour to raise the scruples of some by the change is made in the oaths by the Councill, and there are stories spread industriously, as if there were a design to overturn the present constitution, meerlie to blunt the edge of some well meaning people, but I hope that neither English monie, nor the designs of unnaturall counciemen shall be able to pervert the judgments of honest men so farr as to mistake the trow interest of there nation, and, if wee doe overcome, the victorie will be the more glorious that wee have such powerfull enimies to deall with.

By all the accounts wee get, the English Parliament will be Torie,<sup>2</sup> whether that will turn to our advantadg or prejudice is uncertain, but there may be this advantadg in it, that it is so generallie beleev'd that the heads of that partie are ennimies to Scotland, that it may lessen the credit here of those of our counciemen who are thought to be influenced by them, so that our elections may be the better for it. Perhaps this is to reason too farr upon uncertainties, and, therfor, I shall say no more about it. Some months will determine the matter; in the mean time I hope evrie honest man will endeavour to doe his best.

Wee expect dailie to hear how the difference is taken up

<sup>1</sup> The Duke of Queensberry.

<sup>2</sup> The Tories were returned in the proportion of two to one.

amongst our Courtiers who are gon from this latlie. The parties seem to be strong on both sides, and by anie thing wee have heard, yet it appears to be doubtfull which will get the victorie. Yow will have the advantadg to know how the intrigues are manadged about making friends at Court and what complaints are made on both sides, but, whoever gets the better, our countrie is still at a loss, for those feuds and quarrels makes us more contemptable to the English, and the advantadg will be purchased at the expence of the nation. I will not trouble you with a longer letter, and, therfor, I bid you adieu, and onlie tell you that I am verrie much your servant.

Je vous prie de faire mes baismains a Monsieur Montingi.  
[*Endorsed.*] 'To Mr. Kieth of Lutwhairn.'

*Agust 1702.*

*London.*

**D**  
F. B.



THE FIRST CAUSES OF SCOTLAND'S  
DIVISIONS, BY LORD TARBAT,<sup>1</sup> 1703

(Brit. Mus. Add. MSS. 29,587)

*First Paper*

A SHORT ACCOUNT OF THE FIRST CAUSES OF  
SCOTLANDS DIVISIONS

f. 147. THE Reformation from popery in Scotland being opposed by the Queen Regent at first, and thereafter by her daughter Queen Mary, and their opposition mostly managed by the furious zeale of priests, those of the nobility and people who were first reformed were violently persecuted, and what from selfe defence, what from human infirmity and strong irritations, they were driven to some actions and invasions of the royall rights, which were neither consonant to the Protestant principles, nor consistent with justice, tho in some measure excusable by the force of necessity: and, albeit the good and learned did never oun and far less persuade them, yet, coming unhappily in with the first appearance of our reformation, by the more ignorant they were considered first as necessary, then as lawfull, thereafter as duty, and at last esteemed by some as a part of the Reformation, and this mistake was wickedly cultivated by the hotter and more ignorant of the preachers, and was propagated and sustain'd at severall times and on severall occasions by factions of the nobility; for, whenever a faction was disoblged, they

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<sup>1</sup> Sir George Mackenzie of Tarbat, created Earl of Cromartie and Viscount of Tarbat on January 1, 1703. On the accession of Anne he had been made Secretary of State for Scotland. During the reign of Charles II. he had strenuously supported the Government's policy in Church and State. This explains his point of view in his historical retrospect addressed to Anne.

joined in to the antimonarchical party; and owned these spurious principles, as, on the other hand, the Clergy and others infected with that seditious principle did alwise join in with what ever faction moved against the authority; and this appeared almost yearly during the reign of Queen Mary, and king James the Sixts minority, that it did take too deepe root, and was a Zeruah too hard for the king untill he came to the croun of England, but then he easily suppress it, and, if his gentleness had not indulged his countrymen who were infected with it, he had with the same ease and more safety to him and his posterity extinguished it. This he saw and recommended judiciously to his son in his excellent treatise called *Basilicon doron*, but by his indulgence the root not only remained, but was secretly cultivated by, and in the succession of a party of the Clergy, who might be justly named fanaticks.

But they had no opportunity to dare a public ouning or putting their oppinions in practice after K. James was king of England, untill a party of the Scots nobility, whose pride was unproportionable to their estates, did take up a prejudice against king Charles the first in the year 1633, when coming to Scotland he did not bestow on them either the honors or offices which they pretended. And that kingdom being in the distinct notion of a different government from England in different constitutions, both as to civil and ecclesiastick administration, and lying at a great distance from the kings person, and thereby remote from the immediat influence of his Majesty, and the persons and things of Scotland lying more remote from his knowledge, he having likewise taken his measurs in choosing his Ministers and Officers there, rather by the wrong measures of a particular party, who were in his more special favor than by those measurs which wold have generally pleased and obliged the body of the nation; and the clergy who were opposite to the fanaticks driving their design with more haist than prudence, by and from these causes the kings affairs were manadged so as that the fanatick party were emboldned and encreased, and the factious nobility encouraged to insult the kings Ministry,

whence a rebellion did begin about the year 1637 with that boldness that the king was brought thereby, and by the advice of others about him, to grant what the rebels desired, through a great mistake, thinking thereby to satisfie the ambitious nobility and to oblige the fanatical clergie. But, on the contrar, the one was encouraged not to be satisfied with sharing in the Offices and Ministry but to have it all, with exclusion of all those of the nobility or gentry, who were loyall and well affected to the kings person, family and government, and the clergie were bloun up above all moderation, so as, not satisfied with regulating Episcopacie, they reported the whole order as antichristian and excommunicated their persons, establishing a new government not only without the kings consent but contrary to the standing laws and his Majestys express proclamation, albeit the loyall subjects were at least two to one in number, and far better qualified for the kings service than the other.

However, by this wicked council given the king, and his fatal choise, the whole power, civil, military, and ecclesiastick, was put in the hands of the fanaticks and the factious, and they thereby emboldned and enabled to ruine the king and his true friends, while, on the other hand, the loyal, numerous party were both discouraged and disabled. This was formed in the year 1641, and in 1642 these Ministers of State and of the Church raised the nation in arms, opprest those who dared own their loyalty at home, and sent in their army to joine the rebels in England, whence was the ruine of the king, of the monarchy, and of the loyal subjects, some of them rising in arms for their prince, tho with eminent courage, but under great inequality, for the kings Ministers, his forts, his revenues, his seals, and his authority fought against them, and the body of them were as dead under the great discouragements and disobligements by the kings cariage to them.

In the year 1648, the loyall party, outwearied by oppression did (as it were) rise from the dead, and soon turned the other out of the saddle of government ; but from the like

causes and methods, the kingly power being ruined in England and fixed in the fanatical partie there, the Scots army was defeated at Prestoun, and Cromwel came in to assist his bretheren of the league in Scotland, reestablished them in the government of Scotland, and then the oppressions on the loyalists were doubled, the king being necessitat to come in to them and undergoe their severe yoak in the year 1650. The loyall party in short time reestablished themselves in the state by a great plurality in Parliament, who did not as they were done by, but shared the government and army with the fanatic party, thinking it prudence so to doe in the then circumstances under the hazard of the English army, which soon thereafter did prevaile, partly at Inverkeithing in Scotland, and shortly thereafter by a total victory over the Scots at Worchester. The English usurpers did then overrule in both kingdoms, and, to be sure, with all the favor possible to the Scots fanaticks, Monk only in some measure supporting the loyallists from falling under the Scottish fanatick lash. On Monks invasion of the English usurpers the loyall party did soon possess themselvs with the appearance for the nation, till the king, on his restauration, called a Parliament *anno* 1661, when the fanaticks appeared of litle or no consideration in respect of the other, and then the kings ministry and power was put in loyall hands; fanaticks and fanatical principles were equally contemned and hated, and had been for ever extinguished in Scotland, had the king pleased to have it so, and this with no greater severity than the sentencing three of the most eminent rebels; albeit they during their government did execute, in cold blood, the loyall subjects by hundreds, and that expressly for their loyalty, and obeying the royal authority. But some of them being still in place about the king, both of Scots and English, who, vext to see their old party totally supprest, left no stone unturned to preserve a seed of them, untill by fatal circumstances opportunity falling so, by the Earl of Clarendens falling from the Ministry in England, the Duke of Ormond in Ireland, and the Earle of Midletoun in Scotland, all about a time, and from the



same designs, the fanaticks were again in some measure raised from the dead and peece-meall many of the loyallists wormed out and fanaticks introduced as much as their patrons dared adventure on, whereby again loyallists were of new discouraged; and so matters proceeded untill king James, by unhappy council, was moved to the introduction of popery, wherein he was not a litle encouraged by the fanaticks addresses of thanks from Scotland for the tolleration, which they knew was intended to pave a way for popery. But, the Revolution occurring, the loyal party in Scotland, tho both in Parliaments 1685 and 86 and in all the concerns of the nation, they appeared the most fixt enemys and opposers of popery; yet they, not having inclination to haisty steps in what concerned either the kings person or the succession of the monarchy, did not press in as the fanaticks did, laying hold on the occasion; whereby King William, as invited by the ones blandishing intrusions, and angered by the others too nice withdrawals, did with haist enough establish the fanaticks again in all their wisht for stations and power; yet the numerousness of the others made it impracticable for them to retaine it, unless the king had with a vast expense raised nine or ten regiments in Scotland, and sent considerable bodies of horse, foot and dragoons, to support them from England, so that, in place of their supporting his government, they were a heavy weight on him, and this, albeit the loyall Protestants were far from rising or disturbing the government, but, according to their constant principles, submitted to the royal family and their authority: (for what was acted by the Vis-count of Dundee and some few Highlanders was from inevitable necessity, they refusing all quarters to him), and yet those few had been too hard for the fanaticks had they not been supported by the kings armics and with great expense. But, when the loyall party did calmly obey and submitted; yet, what was not done and invented to force them to a rising? And, indeed, their seing the authority and power of the nation invested in fanatick hands did keepe them in great disquiet, and probably might have produced

mischiefs insuperable for the Scots fanatick power had occasion offered, as, praise to God, it did not, for, all this while nothing was more feared by the Scots Governours than that the loyal partie should qualifie themselves for sharing in the government, and they alwise shewed more hatred to those who did than to those who did not, and their invention was streached in finding out mediums to provock their disaffection by new oaths and by unheard of severitys to their Episcopal clergie, notwithstanding of their peaceable deportment; so far different from the cariage of their clergie under Episcopacie when they preacht Episcopacy as worse than popery, called the people to rebell under the paine of damnation, excommunicated the king, and owned as martyrs such notorious rebels as law condemned and preservation of the monarchy did force to execution, yet all these incitements could not irritat the loyalists to sedition during the therteen years reign of the fanatical Ministry, they being retained in duty by loyalty to the king and hatred to popery.

*Second Paper*

THE PRESENT STATE OF THE SCOTS  
DIVISIONS

The former paper having given a general view of the causes and consequences of the evils which did arise in Scotland from the measurs then taken, to the end that the same or like measurs may be evited for the future, I come next to the present state of the kingdom.

f. 151.

And, that I may the better explicate it, it will be necessary to expose it in different views, becaus of the different relations in which they are placed. And, first, as it is divided in Whig and Torie, these names (tho' barbarous enough) being now of vulgar use; but Whig in Scotland hath a very different signification from what it hath in England; for by Whig I understand a party who principally oun a design for a parity in church Government by presbytry and are enimys to what is opposite to that,

for, tho they be not against monarchy absolutely, yet it hath but the second place in their esteem. In this party there are two classes, the one who think presbytery of a divine right, and with those it is a principal head of their religion, and all concerns must cede to it: others of them, tho they esteem it much, yet they will not readily either fight or suffer for it: those are less enimys to monarchy than the first, which is truly inconsistent with monarchy or any government which will not be subjected to their mode of hierarchie or common-welth of pop's.

Tory, in general, signifies all who are opposite to Whig, wherin there is one class who place both their religion and their interest in bringing in the P. of Wales by whatsoever method or assistance; the other class of them are firme to the monarchy and to the true line in the Protestant religion. The greatest part of these are indifferent as to church governments, providing they encroach not on the monarchy, and be not of a persecuting principle against any of the reformed religion.

In these senses and significations the Tories are thre to one amongst the vulgar, and four to one amongst the nobility and gentry. Whig will oun the monarchy so long as monarchy ouns them, and, when it does not, they will fly in its face, in arms, if they can, and, if they can not, by preaching.

Tory will not resist the monarchy, but will not assist it much, whilst it is joined with Whig and supports them, but will very willingly subject the Whig to monarchy.

When Tory was up and Whig down in the bypast Government, Whig made much noise and gave disturbance, but were easily suppress by Tories when the Government did not hinder that, and then Whig was too sorely prest, which made them zealous for a change in the Government.

And in the past 13 years, wherin Whig was up and Tory down, Tory was silent and submissive, but in a sullen, discontented silence; and there is litle doubt that from that cause they were generally disaffected to the Government and may prove so if Whig continue master; for they have and will persecute Tories clergy.



It is certain that a moderat tolleration wold have rendered Whig less troublesome to the late Governments, had it been allowed then, and such a tolleration now wold (I doubt not) satisfie the Tories who are loyall.

If her Majesty judge it for her interest to continue her Ministry in the hands of Whigs, I doubt not but on that condition they will be zealous for her service, so she allow them to be heavy upon Tories, and will live in good affection with the Whig party in England, even for the names sake, but will never have affection nor good will to the English Tories. But her Majesty may be assured that she will want both the affection and support of Scots Torries; and, albeit they make less noise, they may be far more dangerous, being far more powerfull in the nation.

On the other hand, if her Majesty place her Ministry in Tories hands, she will be sure of the greatest part of the nation, they being a party who are zealous for monarchy, and can easily beare with any church government, which will be subject to the sovereign. They will beare with presbytery, the Whig can not beare with prelacy; they will frankly allow tolleration to Whigs clergy; nay, more, that the government of presbytery be continued to their clergie, so that the Episcopal clergie be but tollerat amongst the people and parishes of that principle, albeit Whig will never acquiesce nor willingly submitt to Episcopacy, tho it were by law established.

And from those positions I deduce those corolaries: the Queens Government will stand upon a broader and more natural base in the Tories hands than in the Whigs.

Dissatisfied Torries will make less noise and more danger, and Whig make more noise with less danger.

If Whig have the Ministry of the State, he must also have his will in the Church; if Torie be in the State, he will be pleased with what the Queen disposes as to church government, even with Presbytery.

Whigs strength lyes in the mobe, and, if they have their ministers and presbyterian government continued with them, they have their will as to them selv's; and tho, perhaps, they may be angry, they will not goe to the



hills again, which is the worst they could or can doe ; and, if the Queens Tories be in the state, her Majesty hath the power and affection of the kingdom in her hand without great provocation to the Whig.

Tory in Scotland will more naturally concur or conjoin with England, especially with the English Torie, whereas Scots Whigs have little less hatred to prelacy than they have to popery ; but will more readily run into the same measurs with Whigs in England, if occasion offers.

If Whig be discontent, I know no partie with whom he can joine in his discontent, except it be with the English Whigs, and, when they know other, I presume they will never joine either in interest or affection ; and if Tory be discontent, he can not only joine on occasion with the English Tories, but, if highly provockt, can joine with the Jacobite interest, and, therefore, there is more danger from angry Tories than from angry Whigs, even albeit they were of equal force, as they are not.

From all these I infer this conclusion, but with all submission to higher and better judgements.

That it is her Majestys interest to keepe the affections of both those parties, thereby to evite danger from a Jacobite and, likewise, from a Republican party. And, I presume, her safest way to please, at least to use both at this time, is to continue presbyterian government in the church with an orderly tolleration to other Protestant perswasions and to put the government of the State, for the most part, in Tories hands, providing alwise that whoever shall be employed by her Majesty give both evidence and assureance that they will concur in the measur's prescribed by her ; for any party who think that the use of the government is to support them will certainly direct their designs for them selv's ; but such as think that the use of parties is to support the government, these will design and endeavor to be faithfull in their service and impartial in their counsel.

There is another considerable division in that kingdom, which consists rather in personal animosities and privat designs than principles or national concerns, and are most

pernicious to the sovereign government, and the quiet of the nation; but, these consisting of several persons and different interests in their several combinations, it will be fitter to discourse than to write upon that subject, because of the numerous circumstances wherin they stand.

Yet there are some transcendant positions which overrule particular respects.

Such are, that, albeit good men may be in parties, yet all parties, as such, are odious in and to government. It is ever dangerous for a prince to put the government in the hands of a party, and destructive to the other halfe of the people.

It is inconvenient to design a mixture of parties in the complex, whilst they adhere to a party principle, for, on that account, they will alwise direct their design to their party advantage whatever it be to the prince, and likewise to the hurt of the opposite party whatever that may hurt the common-weall.

And, therefor, that as persons of no particular combinations are fitter, if they be otherwise qualified, so such are to be sought for.

And, also, party-men brought in to Ministry should give evidence and assurance that they will goe along in the sovereign's measur's and of complacent concurrence with other Ministers, tho not of their partie.

Without such assurance mixture must encrease diffi-cultys, embarrass counsell, and obstruct all execution, especially on more considerable emergents; and, as in physical, so in political mixtures, heterogenous parts never concur so well for the whole as when they change the contrarieties of their natures and enter into consonancy and agreement, conducing to support the whole, and then they lose the nature of parts and enter into formal unity; then and not till then they are usefull, and, if they be not such, they should be purged out, and, when out, never taken in.

For, I ask, whether can an opposer, when without and wanting the adjunct of authority, doe more mischief, than when he is within, and strengthened with authority?

Is not a sovereign in so far *felo de se* who puts the sword of authority in those hands, who owns that they will use it against his person or interest ?

The application of these positions to particulars must be regulated by particular and personal considerations and by necessity, which sometimes breaks over the banks of the best positions.

What is hereafter proposed, albeit exprest in positive terms, because they are offered in all possible sincerity, without one graine of selfe interest or partiality to others ; yet the proposals are most humbly submitted to your royall judgement and will ; and also to better and more knowing counsellors.

The Whig party, who are of that fanaticke principle, never were, nor will be faithfull to the Croun, nor to the royall family ; but, on the contrare, they never did serve it, but when it served them, that by it they might wound and ruine the true monarchical interest, both in church and state.

They never had the power nor interest to hurt it, but when the prince did put power and authority in their hands, as appeared from the mischiefs they did when K. Charles the 1<sup>st</sup> did put the authority of the nation in their hands.

The like, when K. William did so : witness the laws and statut's past in those times, whereby the Church was twice overturned, and the Croun robed of almost all its prerogative, and made precarious to every popular interest, and that by the kings own authority put into their hands on design thereby to oblige them. And, at present, they employ their interest, with all diligence and influence on their party to keepe all the true friends of the monarchie out of the Parliament, wherein they and the Queens own Servants of that stamp have been too successfull ; and the strong inclinations of the nation to the Queen appeare evidently even in that there are so few of the Presbyterian stamp elected, when several Officers of State and the whole established clergie did both diligently and officiously interpose themselv's to hinder it ; and, furder, by the said



Officers of State and clergie their obstructing the present intended union of the nations with all their force; well knowing that by the union the interest of the Croun will be placed above their power. Yet, they have been so long invested with power of late that it may be fitt to continue some of them in offices if they will undertake frankly to goe now into her Majestys measures, but, to be sure, let them be few.

It is also dangerous to put offices in the Jacobite hands; for they may enable themself's to disturb your Majestys Government.

The Protestant Cavaleer party are certainly your Majestys surest friends, have the greatest power, and best will to serve you, but nothing will so much dissatisfie and disable them as too great a weight of fanatick mixture; for that party are diligent, close, and closely joined, in their antimonarchical principles.

### CHARACTERS OF FAMILIES

Duke Hamilton's family is now the greatest in Scotland, chiefly by its alliance. It was raised haistily by our kings, and hath suffered with them. The histories tell how the Croun hath jealoused them, but I think they are not much to be feared on that account. This, indeed, is considerable that, if the authority be put into their hands, they will raise dread and ill will in the other familys, and, when in the offices, it will be more difficult and more dangerous to pull it from them again, even by the prince.

*f. 156.*

The Duke of Argyls family is next in greatness and power, but the most hurtfull of all to the Croun. Generally they are deepe in the fanatick principle; and, being scituate in the mountains, are aptest to rebell, and safest if they doe. And, now, by the fanatick government the great part of the other high-land clans are brought under the Campbells, which was a wrong politick for the Croun, since it only could ballance and overaw Argyle by these clans; and this should be retrived by all just means.

The third in power and estate is the Duke of Buccleugh,



an old family as gentlemen, and lately very considerable, and the more that their interest lyes nearest to Edinburgh and thereby may be either hurtfull or usefull, more sud-dounly than others, who are remote.

The fourth is the Duke of Gordon, who is as great as any of them, but more remote, yet they have ever weighed more in all our civil wars these 260 years than any two of the other, and have been of all the most faithfull to the Croun, and never failed it; but now almost useless by their chiefs being papists. Yet most of the clan are not.

The fifth is the Earle or Marquis of Seaforth. He is of very considerable power in the High-lands, and the only High-lander who can be sett up to ballance Argyl's family: which, by conjunction withe the clans of Mackdonald, Mackleod, and some other lesser ones, can easily be done, and the Prince should be sure to state them so, for, if Argyle had those in conjunction with him, and but in friendship with the Duke of Gordon, the rest of Scotland could not well reduce them. This is a maxime neglected of late, but carefully recommended by K. Robert Bruce and alwise observed till of very late.

The sixth is the Marquis of Athole, very considerable in his own power, and the more by his scituation in the midst of the High-lands, and nearer to Edinburgh than other High-landers. The family was ever loyall. It is now allied to Duke Hamilton.

The Duke of Qucensberry is in estate as great as any mentioned, and considerable in his following; but the more by his being now the most considerable of the noble family of Douglass, who ever were the most eminent family and most active in Scotland, or perhaps else-where.

The Duke of Lennox is in the place of a great Scots family and very considerable by vertue of his heretable superiorityts and jurisdictions. Having a very small estate in that kingdom, and, not residing in it, he is the less usefull to the Croun there, which is a great loss, becaus the offices of Chamberlanry and Admirality wold have great influence on the burroughs of Scotland.

The Earle of Breadalban hath a considerable power, but

is much sunk by Argyls being his chiefe ; however, he is considerable.

The Lord Lovat, one of the antientest of the nobility and of a very considerable power in the Highlands and Innernesshire.

These are the families most considerable by their intrinsic value, tho in no employment. There are some families, who, of no very great power in themself's, yet have great following and dependances in the nation. Such are the Marquis of Montrose, Earl of Mar, Earl of Roseburgh, Earl of Rothes, and Earl of Eglintoun and are worth special notice by the prince ; for, the princes service being put in their hands, by that they ballance the greatness of the other chiefs, and are fitter, on family accounts, to be put in offices than those others, who have intrinsic power in themself's ; for, if such be loyall, they have due measure of power in themself's to serve by ; and so accidental gratifications should be their remuneration when they perform service ; and, if they be not loyall, then it is imprudent to add the princes authority to their power. This is alwise with proviso of personal abilities and qualifications for offices, however they are to be regarded in themself's ; altho, perhaps, it will be and ever was more convenient for the prince to choose his Ministers of government out of the lesser familys, and only with regard to personal qualifications.

But there is a peculiar concern which your Majesty hath in Scotland, and is industriously kept from the sovereign's knowledge, and chiefly in favors of fanaticks and others who wold not have the sovereign to know his own strength in that kingdom. It is in the matter of the High-landers besid's those who appertaine to the Duke of Argyle, Marquis of Athole, and Earl of Mar ; for the Mackenzies can, on the Queens call, raise above 2000 men in arms, the M<sup>c</sup>kies 600, Sir Donald M<sup>c</sup>donald 400, M<sup>c</sup>Leod of Herries 400, the Camerons 400, the Lord Lovat 600, M<sup>c</sup>Intosh 400. All these are firm Protestants and were ever faithfull to the Croun. The M<sup>c</sup>Ronald of Moydart and Barry 400, Glengary and Keppoch 400 ; most of these tuo are popishly

inclined. It was with these clans and the assistance of the Atholl men that Montrose in six severall battles did defeat the whole forcess of the states of Scotland when in rebellion, and had ruined them totally, had not forcess from England come to the States assistance, and had not the king, when he came in to the Scots army, commanded them to lay down arm's.

These maintain'd a war against the Commonwealth of Englands forcess for more than two years after the kings army's, both in Scotland and England, were ruined ; and never submitted but on very good conditions. And these joined with the Marquis of Athole, when Argyle invaded Scotland and raised all his power in the High-lands. He was forced to quite the High-lands and cast himselfe on the low cuntry in the west, where he was ruined by the kings army.

It was with these that the Earl of Dundee defeated Major-General M'ekies armie, and, had not Dundee been killed and also forcess sent down by K. William from England, they had undoubtedly chased the Whigs out of Scotland.

All these Protestant clans are fixt in affection to your Ma<sup>ty</sup> and wer ever unchangeably faithfull to their king, but hated in extremity by the Whigs.

Now, if two thousand pounds sterling by year were discreetly distributed amongst the principal leaders of the 4800 Protestants, they will alwise have in readiness 2000 men well armed, with fourteen days provision, to march to any place within Scotland on a call from the sovereign or his lievtentent, and this besid's the Highlanders belonging to the Marquis of Athole, the Earl of Mar, Earle of Breadalban and the Lord Rae, all which are supposed to be obliged to the Queen by other tyes ; and may at least have as many more in constant readiness for her Ma<sup>tys</sup> service, so that, without levying of forcess or keeping of an army in tyme of peace, or doing anything contrar to law, her Majesty may have 4000 men well armed and of known courage, ready either to suppress sedition or oppose any enemy without any other expense

or trouble than what she wold confer, however, on Tullibardin, Mar, Breadalban and Rae. And the said 2000 pounds per annum should be divided amongst the other halfe, who have neither pensions nor offices, and no new levied men in Scotland can stand before these. Which force, joined with her Ma<sup>tys</sup> Guards and a few more under pay, will make her government secure against all insurrections and mobs. And even after an Union, two Lievtenancies in these parts may prove very considerable in the sovereign's hands.



LETTERS OF JOHN MURRAY, SECOND  
MARQUESS, AFTERWARDS DUKE OF  
ATHOLL, KEEPER OF THE PRIVY SEAL  
OF SCOTLAND <sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

*f. 66.*

MY LORD,—I have the honour of two of y<sup>r</sup> lps. daited Windsor, 17 and 24. In the first y<sup>r</sup> lp. uses very good arguments against the Act of Peace and War, which convinces me so much that I shal endeavour to lay it aside this session, as I was formerly against its being in the Act of Security, and I think it is not consistent with an union and communication of trade betwixt the two nations. In y<sup>r</sup> lps. last I cannot but be satisfied with the freedom you are pleased to express y<sup>r</sup>self, which, as its a new proof of the freindship you honour me with, so, at the same time, I must mind y<sup>r</sup> lp. that nether in freindship or justice vottes in Par<sup>lt</sup> ought to be misconstrued untill the reasons of them be enquired into, which I did not acquaint y<sup>r</sup> lp. fully off in my last, because I was in hopes to have gott the alteration I had proposed to that clause of E. Roxboroughs agreed to by the rest of the Queens Servants, w<sup>ch</sup> I knew was the best handle we coud take to putt off all limitations this session of Par<sup>lt</sup>. But, for y<sup>r</sup> lps. fuller information of all the steps of my procedure, both in the Par<sup>lt</sup> and in the concerts w<sup>th</sup> the Queens Servants, I refer y<sup>r</sup> lp. to the memorial here inclosed, which I shall answer for is true matter of fact, and, when you have considered itt, I beg y<sup>r</sup> lp. will let me kno wherin you

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<sup>1</sup> He was created Duke of Atholl by diploma on June 30, 1703, and made Lord Privy Seal in April, 1703. His letters are addressed to Godolphin.

think I have failed. As for E. Rox. clause, as I writt formerly, I never saw it nor heard of itt till it was read in the House, so we could not concert about itt. But, if we had, I should not have differed w<sup>th</sup> others of the Queens Servants, but my view of it was that, if we gott these words insert, that the limitations might be made any other session or at the meeting of the Estaites. We might putt them off for this time w<sup>th</sup> some other alteration, as is marked in the paper inclosed, and which alterations all the Queens Servants agreed to afterwards, and was given in joined w<sup>th</sup> the Advocats<sup>1</sup> clause, but then it was too late, for we could not cary it then so fully amended. It has past as neare it as we could.

As for the Advocatts clause, the Memorial shows my part in itt, in which, if I had differed from all the rest, its like I should have been blamed for not concurring, but, after we all concurred and went so far as to put our hands to our opinion, and that one of the Queens Servants was ordered to give it in, and most of us had spoke to it in the House, and, at last, when it came to be votted, tho there was not a syllable of alteration from the draught brought in by the Advocat, yett some of them to votte against it and particularly the Advocatt himself and others to vote nothing looks as if some designed to lay more of the blame on me then on themselves. Yett I am satisfied that not only the Queen, but all that ever heares of such a manadgement will justifie my carriage in itt. But, w<sup>ch</sup> is worst, they have lost the end and designe of going into that measure, as is expressed in the paper we have all signed, w<sup>ch</sup> is that we entered into that measure to make the Queens affaires goe on this Par<sup>lt</sup>. But now its to be feared by the manner of manadgement the Servants will have no greater interest to carry affaires. There is one passage I have forgott, w<sup>ch</sup> is, when I perceaved the Comissioner had a mind to gett off out of this clause againe, I went to V. Tarbatt, and, after we had discoursed of the inconveniencies might follow on itt and of the impossibility of

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<sup>1</sup> Sir James Stewart was Lord Advocate.

getting out, I proposed to him that the best way I could think off was to turn the Advocats clause to an adress to the Queen from the Par<sup>lt</sup> to intreate her Ma<sup>tie</sup> to take such methods as she thought fittest w<sup>th</sup> the Par<sup>lt</sup> of Eng. to enter into a treaty of union or comunication of trade with this kingdom. This immediatly took with V. Tarbat, and he put the heades of an adress in writting and desired we might miet that night, being Saturday, at the Comissioners to speake of it to him. Accordingly we both proposed itt, as being perswaded it woud be easier to the Queen and the best way of getting out of the clause. But the Comissioner was absolutly against itt, as being afraid to propose adressing, since he was not sure but other things might be brought in to itt, and, therefore, he was against itt, on w<sup>ch</sup> we woud not venture to propose itt in the House. This I beg y<sup>r</sup> lp. will acquaint the Queen off, together with the Memorial I have sent, by w<sup>ch</sup> I am perswaded her Ma<sup>tie</sup> will be convinced my designes and actions are and shall be what I judge is fittest in the circumstances we are in to carry her affaires, throw w<sup>ch</sup> I have early signified I saw woud meet w<sup>th</sup> very great obstructions after the parties were stated in the beginning of this Par<sup>lt</sup>. I shall answer what els is in y<sup>r</sup> lps. letter by the next. Begging pardon for the length of this, I am, my Lord, etc.,

ATHOLL.

[Undated.] [June 1702.]

f. 92.

Aby., July 11/1704.

MY LORD,—I came here about three weeks since at the Commissioners<sup>1</sup> desire, and stayed 5 or 6 days and returned to the country, from whence I had been too long absent. But I came back here the 5th instant before the meeting of the Par<sup>lt</sup>, so I am sure there has been no just occasion to notice my absence. The Par<sup>lt</sup> being adjourned from the 6th to this day, the Queens letter was read, and the Comissioner and Chancelor made their speeches, as is usual,

<sup>1</sup> Marquis of Tweeddale, the leader of the New Party.



and the secretary, E. Cromartie, had also a long written speech, w<sup>ch</sup> was unprecedented. He took notice that it had been represented that the Queens private opinion differed from her publick declaration concerning the succession.<sup>1</sup> What grounds he had for this I kno not, for I am sure I never heard any insinuate any such thing, and which ought not to have been said, tho it had been true. I have been often tryed as to my opinion about the succession, which I have answered I woud declaire first in Par<sup>lt</sup> after hearing the reasonings and the terms to be granted, but I must tell y<sup>r</sup> lp. I am still of the mind I told y<sup>r</sup> lp. at London that the Par<sup>lt</sup> woud not declaire without adjusting what relaites to trade. There was this day a resolve presented by a gentleman in the House against declairing the succession. I doubt not y<sup>r</sup> lp. has a copie, but I understand the person had not concerted it, and I am perswaded it will not be insisted on. If it be acceptable to y<sup>r</sup> lp., I shall acquaint you of what passes, as I did the last session, and I hope I shall have alwayes the justice done me by the Queen and y<sup>r</sup> lp. as not to belive any thing to my prejudice without hearing what I have to say, and I assure y<sup>r</sup> lp. of my constant zeale for her Majesties service, who am, my Lord, etc.,

ATHOLL.

*Aby., July 18, 1704.*

*f. 100.*

MY LORD,—I did myself the honour to writte to y<sup>r</sup> lp. last week, in w<sup>ch</sup> I promised to give your lp. an accompt of the most material passages in the Parl<sup>t</sup>. On Thursday ther was a resolve presented by D. Ham., w<sup>ch</sup> was delayed to be considered till yesterday, in w<sup>ch</sup> it is declaired that the Par<sup>lt</sup> will enter into a treaty with England previous to a nomination. The reasons for this treaty were many, such as the evident decay of our trade since the union of our Crowns, the hardships put on us by the Act of Navigation, the seising of our ships and seamen, the

<sup>1</sup> The belief that Anne was opposed to the settlement of the succession on the Electress Sophia and her heirs was widely entertained both in England and Scotland.



hindering of our planting of colonies, as latly in Darien, the high duties on linnen cloath, xcaet., all w<sup>ch</sup>, considering we are under one heade, was thought most reasonable shoud be regulat by a treaty before the nomination. Those that inclined to a present nomination did not argue against the reasonablenes of a treaty, but alledged that, after we had secured our selves by limitations, we woud be in a better condition to treat, on w<sup>ch</sup> the E. of Rothes presented a resolve that we shoud first enter on limitations and afterwards consider the treaty. In short, none refused. The limitations were offered both by the Commissioner in his speech and others of the Queens Servants, so both the resolves were joined and pressed to a votte after 6 hours sitting. But, just before votting, the Queens Servants that were for limitations, being sensible they woud both pass, did then propose to seperate the clauses, but it was too late, for they had the same fate that the clause in the Act of Security had last year, which was then offered to put off another clause about limitations.

My Lord, as to the way and method of manadging this affaure, I have had no manner of hand, not being advised with by the Queens servants, who are the manadgers here, and, therefore, as I said in Par<sup>lt</sup>, I was at the more freedom to declaire my opinion, which was that I thought it the interrest of Scott., as well as of Brittain, that there shoud be a previous treaty to adjust what is wanting before a nomination, without which the settlement coud never be lasting nor secure, and, therefore, it was also the interrest of Eng. that it shoud be done in that manner, and I hope no impartial Englishman will blame a Scottsman to desire such a settlement ; much less I am perswaded will the Queen be dissatisfied that any of her Servants shoud desire that reasonable and just terms be agreed to before a nomination, which is not opposing but proposing the best method for itt. I hope the Queen and also y<sup>r</sup> lp. will now be satisfied that what I told at London was truth, for I then said that a Scotts Par<sup>lt</sup> woud never nominat without a treaty, and, if others had been as ingenuous, it had been better, but I hope the Queen will

alwayes most approve of those who are so. And, tho all the Q<sup>s</sup> Servants were of a peice, as they call itt, in this measure to prefer the succession to their Queen and country it woud not doe, for y<sup>r</sup> lp. may depend on itt, there are nine parts of ten of this nation against itt without terms from Eng., and the new Register<sup>1</sup> is now so sensible of this and so afraide to appeare for this measure in Par<sup>lt</sup> that he never once opened his mouth for itt. I doubt not but he and those he influences will misrepresent me and the Justice-Clerk,<sup>2</sup> who also concurred for the treaty, because the truth is, we prefer the Queen to her successor, w<sup>ch</sup> by irregular and over zealous methods he takes, it rather appears he prefers the last. I am sure nothing can or shall be more affectionate then I am to the Queen, which shall alwayes appeare in all my actions relating to her Ma<sup>tie</sup>. Particularly I shall show in this session by supporting her goverment and the forces that I act as a dutiful and faithful servant to her Ma<sup>tie</sup>. I beg y<sup>r</sup> lp. will be pleased to acquaint the Queen of what I have writt, who am, my Lord, etc.,

ATHOLL.

*Aby., July 22, 1704.*

*f. 105.*

MY LORD,—I doubt not but yesterdayes proceedings will be misrepresented by those who pushed the beginning with a suplie before we gott any good laws. Those who differed from them were for beginning with some good laws to satisfie the minds of the nation, which, as it was alwayes the ordinar method both here and in Eng., so I was realy convinced it was most for the Queens service that some good laws, particularly an Act of Security, in caice of her Majesties decease (who I pray God long preserve), shoud be begun with, which woud have made the supplie carie not only unanimously but with the satisfaction of the whole nation, which I cannot but think was worth the delaying it a few dayes, and, in the meane time, it was proposed by D. Hamilton that two months

<sup>1</sup> James Johnstone.

<sup>2</sup> Roderick Mackenzie of Prestonhall.

suplie shoud be granted to subsist the Forces. I found the Comissioner once inclined to this method, but his advisers, considering more theire private designes then ether the Queens true interrest or his, pushed the vote two months or six, the last carying by a smal majority. But I must tell y<sup>r</sup> lp., before it went to the votte I offered that, if we passed first ether a short and plaine act for security of the kingdom in caice of her Ma<sup>ties</sup> decease, or the act for security that was voted last session, taking out of it the clause for a communication of trade, we woud immediatly therafter grant supplie for maintaining the Forces for a yeare at least, and D. Hamilton offered to give 8 months cess instead of six, after voting some good acts. But, since this was not accepted, we were for giving first but two months supplie to subsist the Forces untill we had some good acts passed, wherfore I hope the Queen will not think those who were for this method less forward to give large supplie then the others, but that it shoud be given with more unanimity, and with the hearts and good will of her subjects, which I am sure is much more valuable to her Ma<sup>tie</sup> then a few thousand [libs.].

And now, my Lord, I must tell y<sup>r</sup> lp. that, as the house of Lords adress about the succession and Mr. Johnstons coming down an Officer of State, who has not a shilling interrest in Scott., and his violent pushing that measure was the cause of the last resolve about itt, so I am sure his too hasty pushing the supplie was the cause of the differing about itt.<sup>1</sup> But its too visible he designes to take all methods to bring the Queens goverment to stand on as narrow a foundation of one sett of people as D. Queens. had done.

But I shall now only ad that I hope y<sup>r</sup> lp. will be pleased to communicate what I have writt to the Queen, who am, my Lord, etc.,

ATHOLL.

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<sup>1</sup> It was Godolphin's ardent desire that in the session of 1704 an Act should be passed settling the succession on the Electress Sophia and her heirs, and with this object he had placed the New Party in power. Johnstone, who had been his chief Scottish adviser, was made Lord Clerk Register.

*Blair Atholl, ye 22d Jully, 1708.*

*f. 414.*

MY LORD,—This day the party is removed from this place on my finding baile in the terms and for the sum the E. of Leven proposed.<sup>1</sup> I am extremly sensible of this great favour I owe to the Queens goodness in the first place, and allow me to return your Lop. my humble thanks for your concerning your self so much for me, for which I shall allways make what gratefull acknowledgements is in my power, as also for the great concern you have shown for my brothers, which my brother James who is now returned and Sir David Narin have acquainted me of.

There is none more heartily rejoyces than I doe for the late success of her Ma<sup>ties</sup> armés in Flanders under the command of so singularly great and successfull a Generall as the D. of Marlborough. I hope it shall have the happie effects of making the best of Queens easie in time comeing.  
—my Lord, etc.,

ATHOLL.

[Not autograph, but signed.]

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<sup>1</sup> Atholl had been arrested under the suspicion of being in correspondence with the Court of St. Germain. See above, p. 109.



LETTERS OF ROBERT HARLEY, SPEAKER  
OF THE HOUSE OF COMMONS, AFTER-  
WARDS EARL OF OXFORD<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

f. 3.

*Bramton, Aug. 9, 1702.*

YOUR L<sup>dp</sup> wil, I hope, forgive me if I troble you very impertinently w<sup>th</sup> what I hear from Scotland.

That the Parliament there is to be dissolv'd by proclamation they like very wel, but the immediate appointing a time for the meeting of a new one gives them great uneasiness. If the thing be so, they charge it upon the English ministers, because D. Queensberrie came out of Scotland of another mind; and, in particular, they say L<sup>d</sup> Not<sup>m</sup> presses it and hath written to D. Q<sup>berry</sup> for his opinion if he cannot come up. The arguments they urge ag<sup>st</sup> this are that the Queen need not do it, for she hath supplys for her Forces until June 1704, w<sup>ch</sup> gives her Ma<sup>tie</sup> time to calme the minds of her subjects there, and choos a fitter time; that it hath been usual in Scotland to dissolve a Parlm<sup>t</sup> and not appoint the meeting of another; that the constitution of Scotland requires them to clect members for the countys at Michaelmas, but not for the burgs, etc., til a Parlm<sup>t</sup> be actually called, thereby her Ma<sup>tie</sup> wil have an opportunity to see what elections the countys make, and so have it in her power either to cal a Parliam<sup>t</sup> if she likes their choice, or difer it to another year, when they must make another election; that this wil be look'd upon as procur'd by the interest

<sup>1</sup> Harley's letters are addressed to Godolphin.

of D. H. and the dissenting members. The Kirk pretend to be frightned at it, and their own country men (according to their custome) already disown it. This is what I hear from thence and I must beg your L<sup>dp</sup> pardon for laying this before you as I receive it, having neither wil nor skil to reason upon these heads my self. One thing wil occur at the first sight, that new Parliaments in England, Ireland, and Scotland in the compass of so few months wil find her Ma<sup>ties</sup> ministers business enough.

. . . . .

1703 [?] *Thursday night.*

*f. 5.*

I DESIRE this may present your L<sup>op</sup> my most hearty thanks for the honor of your L<sup>op</sup> letter and the enclosed papers from Scotland, which I returne herewith.

I think that Parlm<sup>t</sup> have reason to be satisfied in her Ma<sup>ties</sup> declarations in her letter, and the two speeches of y<sup>e</sup> Commissioner <sup>1</sup> and Chancelor <sup>2</sup> give them no ground to suspect any art in the managers.

The steps hitherto seem to be fortunate and Lord Seafield judges very wel when he wishes a short session, and to that end to get the public business dispatch'd. He seems in his distribution of parties to leave none to D. Hamilton but his relations and dependants.<sup>3</sup> He is willing, I see, to christen the nonjurors by the softer name of Cavaliers. He seems to have a reasonable fear of the Parliament dividing into two partys; that I doubt wil be very mischeivous; for, tho he calls them Whig and Tory, it wil turne to down right Kirkmen and Episcopalians, w<sup>ch</sup> wil have its influence heer as wel as there, and, therefore, I hope it wil be prevented.

No side at present cares for settling the succession, but, if they break into partys, it may be the weakest wil attempt somewhat of that kind for their own reputation.

<sup>1</sup> Queensberry.

<sup>2</sup> Seafield.

<sup>3</sup> The Country Party had been greatly reduced in numbers at the late election.

*f. 94.**July 17, 1704, Monday night, past one.*

I HAVE also receiv'd two letters from Scotland, one from L<sup>d</sup> Leven, and the other from Mr. Carstares, to whom I have not wrote since he went down last to Scotland, and this is the first I receiv'd from him. If her Ma<sup>tie</sup> approve it, I wil write to them both to encourage them to promote the Queens service. The overture, as they cal it, w<sup>ch</sup> Lord Leven encloses is a most insolent one, and there seems too much shew of delight in several persons to see the present managers in Scotland like to miscarry.<sup>1</sup> They, the Q<sup>ns</sup> Ministers, ought to be sensible of that, and their own hazard if they do not succeed. That w<sup>ch</sup> wil work most upon that nation is to be made sensible the Queen doth not fear them.

[No signature.]

*f. 122.**July 29, 1704, Saturday night past 11.*

I CAME hither in good time and immediatly applid myself to y<sup>e</sup> main business. My agent hath been with me and hath had that good effect with the father last night that he promises to put al he knows in writing, and he says he can do the greatest service ever was done to England. I have ordered my agent to prevail with him to come to me personally. They are now in search to find him, because he, according to custom, shifts his lodgings, and I hope to have him willingly tomorrow. This consideration inclind Mr. Secretary Hedges,<sup>2</sup> to whom I have communicated the whole affair, to think it best to recal y<sup>e</sup> summons to the Lords upon pretence no letters are come in, etc., and both of us to attend in town tomorrow, either to have the father by fair means or by foule in our hands. But I hope he wil point us out how to have them al. As soon as anything is done, y<sup>r</sup> L<sup>dp</sup>

<sup>1</sup> The New Party, the party in power, utterly failed to carry the measure with which they had been specially entrusted—the settlement of the succession.

<sup>2</sup> Sir Charles Hedges, English Secretary of State, 1700-1706.

shal have an express; but we thought it would have spoyle al to have opned the business to y<sup>e</sup> Lords before the persons were seizd.

If it be an error, y<sup>r</sup> L<sup>dp</sup> wil forgive it, and believe it to be an error of zeale.

[No signature.]

[1704] *July 30, past nine at night.*

*f. 7.*

I RECEIV'D the honor of y<sup>r</sup> L<sup>ps</sup> letter just now, and wil acquaint y<sup>r</sup> L<sup>dp</sup> with the reasons at large why we could not do anything last night, and hope that the father is not slip'd out of our hands. But my agent could never learne of him where he lodg'd, but having on Fryday night talk'd with him upon the advantages might be made of his knowledge, he enterd upon it himself, and that, if he might not be exposed, he could do the greatest service that ever was done in England. Last night, while my agent was with me, he cal'd at her house, and left word he would be there this night again; and tomorrow morning I expect to have him with me. I have had the same jealousy as y<sup>r</sup> L<sup>dp</sup> has, and it is but reasonable; but my hope is grounded upon the expectations that the father and my agent have of a reward; that not knowing where to snap the father and the hopes of seizing her's that is gon into the country and whose returne is expected, together with the names of some others w<sup>ch</sup> I want, and are necessary to be known, and the fair prospect of what the father can reveale, encoragd me to think a days delay would be abundantly recompenc'd if the discovery succeed and to send out warrants, as so much uncertainty might chance to spring the birds before the nett.

I have this morning the name of a woman who is made use of to convey them their intelligence when the Court is at St. Jameses.

Tomorrow I wil send away an express as soon as ever I have my answer, for, if he keeps not his word, there shall not be a moments delay to search for him and the rest. By what I shall write tomorrow y<sup>r</sup> L<sup>dp</sup> wil judg whether



it is necessary for her Mat<sup>le</sup> to come to town, and I hope we shall not be disappointed.

It is hard not to have access in Scotland without a clog. If any thing is to be conceded, it ought to be for the succession.

And it is not possible for any one to judg of their Act of Security but those who are upon the place and know y<sup>e</sup> contents of it. On the other hand, to disband their few forces at this time wil look very strange, and yet I believe they want to be new moddeld before they can be confided in. If they had given more time, and this conspiracy be plainly made out (in y<sup>e</sup> mean time) it would give a new face to affairs there. I did write last night to the Lord Chan<sup>lr</sup> that I hoped in a few days I should give him a large acc<sup>t</sup> of the designs ags<sup>t</sup> Scotland, but that there was proof already that they carried commissions down to Scotland.

I am sensible in this great affair that I am liable to be guilty of great weaknesses ; but I beg you wil represent to her Ma<sup>tie</sup> that I wil never be wanting in diligence, zeale, or duty for her service.

[Written on the back of the page :]

I cannot find by comparing circumstances that the priest hath y<sup>e</sup> least suspicion of my agent ; if he had, why did he not go away yesterday ?

[Written in another hand :]

No name or date. Mr. Harley.

BY my letter last night I gave y<sup>r</sup> L<sup>dp</sup> the reasons why the priest was not endeavor'd to be seizd. I am now in a great measure eas'd of my paine by a letter I receiv'd from him ; a copy whereof I heerwith enclose for her Ma<sup>ties</sup> perusal, as also a copy of my answer, in w<sup>ch</sup> I hope I have not gone too far ; and, considering what service the priest is capable of performing, I thought his proposition ought to have a hearty reception and an encouraging answer. I send also a blank warrant for a pardon if

what I have written to him do not give satisfaction without her Ma<sup>ties</sup> hand. If her Ma<sup>tie</sup> is pleased to approve of what is done, the expectation of a full discovery will require her Ma<sup>ties</sup> presence as soon as suits with the Queens convenience.

The priest doth not suspect my agent in the least, and by the begining of his letter y<sup>r</sup> L<sup>dp</sup> wil see that he believ'd I made some doubt of his sending the message to me on Saturday last the better to disguise my agent.

Yr L<sup>dp</sup> wil please to keep the copy of my letter, for I have no other and wil not stay this messenger to transcribe it again.

I would have come myself to Windsor instead of sending this letter, but that I think my attending on this affair in town is more for her Ma<sup>ties</sup> service.

I have observd the very spelling of y<sup>e</sup> priest in y<sup>e</sup> copy.  
[No signature.]

*St. James [? Aug. 3, 1704], Thursday, past eight. f. 9.*

NOT finding y<sup>r</sup> L<sup>dp</sup> come from Windsor, and being oblig<sup>d</sup> to go as far as the Tower to pay my last respect to poor S<sup>r</sup> Christopher Musgrave,<sup>1</sup> I doubt it wil be too late to troble y<sup>r</sup> L<sup>dp</sup> this night. When I return, therefore, I leave enclos'd the priests letter to me this afternoon and a copy of my answer. I bid my agent tell him that I wil wait no longer than tomorrow to see him; that, if he be not nimble, he wil loos his reward, and others wil step in discoverers before him, for I have evidence enough ag<sup>st</sup> him and some others. I understand by my agent that he expected letters this night. I wil wait upon y<sup>r</sup> L<sup>dp</sup> as soon as I have his answer tomorrow morning that I may attend her Ma<sup>tie</sup> with it.

I have written to Mr. Robinson, Mr. Stanhope, and Mr. Poley upon this action of y<sup>e</sup> Swedish man of warr.

[No date or name. Mr. Harley.]

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<sup>1</sup> Clerk of the Ordnance.

f. 134

*Sunday, Sept. 24, 1704, past twelve.*

I RECEIVD the enclosed letters, one from Lord Leven, and that enclosed to the Queen. I find my letter is of an old date, viz. Sept. 6, tho brought but new to my hands, and my porter tells me the person who left it said he was a servant of the Duke of Argiles. I doubt not but her Ma<sup>ties</sup> resolution to dispatch that nation speedily, and to show her resentment on those who have disserv'd her in that country wil have a very good effect at home.

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LETTERS OF  
LIEUT.-GENERAL GEORGE RAMSAY<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

MY LORD,—I had a letter from my Lord Cromertie, wherin, amongst other fondes for payeing me what is dewe to me by the Government, he acquainted me that he had spoke to your Lordship of two thousand pounds advanced by the treasury of Scotland to some Forces on the English establishment, and that you wer pleased to say that you would speake to her Majesty, finding the thing just, and that I should be preferred to any in the like circumstances, for which I give your Lordship my humble and hearty thanks. I hope you will take some course with the respitts of the Scotts Guards, of which your Lordship has had severall memorialls. I am ashamed to trouble your Lordship with the state of her Majesties Forces in this kingdome, which are extream weak. I am with respect, my Lord, etc.,

*f. 32.*

GEO. RAMSAY.

*Caridden, June 1, 1704.*

MY LORD,—Nothing having occurred to the Queens Forces in this country I would not trouble your Lordship, but, her Majesty having given instruction to her Ministers here anent the succession, I thought it my deuty to acquaint you of such officers of the army that are members of Parliament who have voted contrary, to witt, the Earle of Marr, Governour of Stirveling Castle, and Colonel of a regiment of foot, and Mr. John Stewart,

*f. 98.*

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<sup>1</sup> George Ramsay of Carriden. His letters are addressed to Godolphin.



brother to the Earle of Galloway, second Lt. Colonel to the regiment of Guards, that I may have her Majesties pleasure therein, for in my sentiment it looks not well, and I think none deserves a commission that will not serve her, as her Majesty pleases. I lykewise intreat your Lordship would acquaint her Majesty that there are a hundred and twenty men in Edinburgh Castle, a hundred in Stirveling, forty in Dumbarton, who are altogether insufficient, and are under no direction, but that of their respective Governours, nor do receive any orders from the Commander-in-Chieff, and, if there were any stir here, behoved to be supplied from the few forces wee have in the country. Ther is also three Highlands independent companies of fifty each that are of no use that I know of if ther were any commotion, which are lykwise included in the number of the three thousand, so that the small army here is in a manner mouldered to nothing. Pardon this trouble and beleive me to be, my Lord, etc.,

GEO. RAMSAY.

*Edr., July 18, 1704.*

*f. 132.*

MY LORD,—I think it my duty her Majesty be acquainted that the Lords of the Treasury are not so friendly to the army as might be expected, particularly my Lord Chancellour, and Eglington,<sup>1</sup> for with much adoe wee gott them to signe precepts for the 14 months of reckonings which werr ordered by Parliament, tho att the same time, the Chancellour gott his brother his yearly sallary for 200 p̄ds for his service in the west, wheras the Council had only allowed one hundred p̄ds in all to fitt him out, that being thought sufficient, he having the allowance of one half of what catle or victuall he should siese imported from Ireland. As for the 40 foot and twenty dragoons, for which he obtained the Councils order, I permitted them to stay during the sitting of Parliament, but, being now to review the troops, and the winter comeing on, I have recalled them. It has been often represented to her

<sup>1</sup> Alexander, 9th Earl of Eglington. He was a Privy Councillor.

Majesties Ministers that their being there was rather a hurt than advantage to the country, so I should be glad to know the Queens mind, if, after the review, they should be returned. The Ministers here lykewise amongst them have made a wrong calculation as to the fonds of supply for a year, being short of the full pay of the army as now established, 4327  $\hat{p}$ ds., 4 shillings and 6 pence, besydes 1500  $\hat{p}$ ds. which the Treasury judged necessary to buy ammunition; as also, about 2000  $\hat{p}$ ds. for keeping up the frigatts. To help this their mistake, the Chancellour, eer he left this, was talking of breaking a corps or reduceing of companies, which in my opinion is wrong, her Majesties service rather requyring her Forces should be augmented than diminished in this kingdome, which may be done by the scheme I sent your Lordship formerly, and the army kept up till next session of Parliament by the 10,000  $\hat{p}$ ds., which the commissariat are obliged to advance. I am, with all esteem, my Lord, etc.,

GEO. RAMSAY.

*Edr., Septr. 23, 1704.*

LETTERS OF DAVID MELVILLE, THIRD  
EARL OF LEVEN, AFTERWARDS SECOND  
EARL OF MELVILLE, COMMANDER-IN-  
CHIEF IN SCOTLAND <sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

*f. 230.*

MY LORD,—I have given you so much trouble formerly in my own concerns that nothing but the outmost necessity could make me give you any more of that sort. I find, since my arrival here, that what I told your lordship of a designe against me is more certain than I did believe when at London. I am informed my enemies have bespoke some lawyers in order to prosecute me before the Parliament. They insult mightily because of my not obtaining a remission, and I see very plainly that that has increased their malice and encouraged their hopes of success against me. This makes both my friends and my selfe uneasy. I have waited severall times on the Chancellor, but I was received with so much coldness and he was so much upon the reserve with me that its evident he neither trusts me in publick matters nor designs to favour me in my own concerns, and, when I informed him that your Lordship told me you was to write to him to take care to prevent my being brought to any trouble, he did not acknowledge the receipt of any such letter, but said that it would be more proper for your Lordship to acquaint the Commissioner thereof. I desired he would do me the favour to write so to you, which he promised. Your Lordship will know if he has done so or not. My lord, I came home in full hopes of her Majesty's protection and with a real designe to advance

<sup>1</sup> Melville's letters are addressed to Godolphin.

her interest to the utmost of my pouer, but my present circumstances doe considerably obstruct my influence, people now beleiving my enimies have more interest at Court then I. Now, if it wer possible for your Lo. to prevaill with the Queen to grant me a remission befor the Parliament sitt, as it wold be a new obligation from your Lo. never to be forgott by me, so it wold be a meen to further her Majestys affairs by preventing much heat, which must necessarily fall out if I be attacqued. It has been insinuat to me that, if I will not joine with the Court, I shall be safe, but this is a proposition I never will listen too. Therfor, I beg the Queens protection and your Lo. assistance that I may be in a capacity to serve her Ma<sup>ty</sup> in this Parliament, which my enimies hop to hinder me from, either by frightening me to withdraw or by imprisoning me upon ane accusation, and, if either of those fall out, I fear it may be attended with inconveniencys by the discouradgments that will therby be given to all those I either have relation too, or influence upon. I must intreat to have the honour to hear from your Lo., and must beg your pardon for this great trouble. I am, my Lord, etc.,

LEVEN.

*Edinb., June 20 [1704].*

MY LORD,—I wold have acknowledged the honour of your lo. letter of 28 Juine befor now, had ther been anie thing worth your notice to have given yow an account of. I wrot last week to Mr. Secretary Harlay and I know what I wrot to him he wold give an account off to your Lo., and, therfor, I forbore giving you anie trouble till now; and, altho I am very sensible that yow may have fuller accounts from others, because I'm keep't altogether a stranger from the management and knows nothing untill I hear them in the House, yet I cannot forbear giving your Lo. a short account of what has passed amongst us within these few days. That resolve given in first by Mr. Seaton was given in nixt day by the Duk. of Hamilton with a very smal alteration, and, affter it was reasoned a litle upon, was delayed untill the next meeting of Parlia-

*f. 255.*



ment, wher it was againe taken unto consideration, and, affter sume debate and additions made to it, those that pleaded for it, knowing their own strenth, pressed mightily for a votte, which they obteaned; and it carryed, approve the resolve by above forty vottes, so that now the settling the succession at this time is quit out of door's. I shall not take upon me to determine wher the mistake has been as to the calculation of our strenth (for I was made belave befor the votte that the plurality was on our syde), but sure sume has either litle influence or they have not made use of it, else wee could never have lost it by so many. But its not fitt for me to accuse anie body, so I shall only say for my father and my selfe that, what ever others have done, wee have omitted nothing (so far as wee wer capable) that could anie way advance her Majestys interest, and I hop this will easily be beleived, when its considered how unite the Presbyterian party have bin, and how firm on this occasion to hir Maj<sup>s</sup> interest and service. And I dare appeal even to my enimies if ther be so much as on member with whom I ever had anie interest or influence but who has appeared on this occasion with dutyfullness and zeall. I have met and still meets with very great discouragements from those intrusted with the management of affairs, but I intreat your Lo. to beleive that nothing can divert me from my duty to the best of Queens; and I most humbly beg that your Lo. will doe me the honour to lett hir Majesty know so much.

What my Ld. Commissioners instructions may be on such an emergent as this I know not, but, in my humble opinion, the cheife, if not the only thing now to be attempted is the obteaning a supply, and, if that wer once granted or refused, the sooner the session cume to ane end the better. For, if the Parliament goe unto the considerations of limitations, it may be inconvenient, unless all such limitations are to be granted, for, altho without the royall assent a votte of Parliament is not binding, yet it has been always the chief care of our soveraigns to shun as much as possible the interposcing of

the negative to what was once passed unto a votte. I shall give yow no further troble, but begs the continowance of your Lo. favour and protection, and that yow will beleive that I am, my Lord, etc.,

LEVEN.

*Ed., July 18 [1704].*

RIGHT HONOURABLE,—I have not given you anie trouble of this sort for sune time, because, as soon as the Acts of Suply and Security wer passed, I was dayly expecting an end to this session of Parliament. I was obliged to make use of a borrowed hand the last two letters I sent to you, because I understood that sune wer very bussy upon the enquiry if I kept corespondence with anie in England, and wold have been glad to have gott a letter under my hand to anie English Minister. But, now that the Parliament is at an end, that danger is over. I wrot my opinion pretty fully of the Act of Security in my last, and, now that it hath gott the royall assent, ther's no more to be said; only sune part therof seems not to be much in favours of a Protestant successor upon the event of the Queens death; at least, not in favours of the successor of England because of severall conditions mentioned in that act. The sitting of our Parliament so long after the granting of the supply has been matter of great admiration to me and many others; nor can wee imagine what arguments have been made use of by our statesmen to perswade hir Majesty to allow therof, for sure they can not so much as pretend that ther has bin anie thing of importance offered to the Parliament by them, either for the advantage of the Croun or for the good of the cuntry. For, as to publick accounts which has taken up a great part of our time, ther is nothing done upon them; they are all remitted to a Commission of Parliament; and now its pritty evident that the great design of sune persons for enquiring into those accounts in plain Parliament was to reach particular persons who had been either on the Theasury or anie other way concerned in the management or collecting of the publick mony. The other acts that

*f. 56.*

have been under the consideration of the Parliament are an act for enlarging the number of burrows, offered by Mr. Fletsher, an other offered by the Duk. of Hamilton for free votting, as he called it, in which act all officers of the army, all haveing pensions from the Queen, all concerned in collecting of the publick mony are made incapable of being chosen or continouing to be members after they get anie such employment. Now, how far those or the resolve relaiting to the House of Peers ther procedour in the enquiry into the Plot and ther address to the Queen, which wer equally disobleidging to many in our Parliament, altho ther wer others that did not think the Lords addressing hir Majesty to use hir endeavours to setle the succession anie under intermedling in our affairs; I say, how far tho[se] or the address by our Parliament to hir Majes[ty], as it is worded, may either tend to the Que[ens] service, the good of our cuntry, or to the promotting of a good correspondance betwixt the two nations, I leve you to judge. But why the Ministry should have concurred in those acts, resolves, and addresses I cannot imagine; and that they did so, I hop they will not deny, and without ther concurrence it was not possible for the opposing party to have carryed a votte in favours of anie of those acts; and of what bad consequence ther getting a first reading by a votte in this session is easie to be judged. As to a subsequent session, and if the comissioners speach to the Parliament, when it was adjurned, be considered, it seems to infer that such acts as have not been perfected this session may be so nixt time the Parliament meets. All I shall say is that the misterious manadgment of our statesmen was not to be understood by such of us who had not the honour to be upon ther counfills. I hear they are called to Court, and are therby in great expectation to have all employments at ther oun disposall, and, if you will take ther oun testimony, no doubt they and ther frinds will be the most deserving persons in the nation. I wish hir Majesty may employ such in hir service as will be both zealous and faithfull in the discharge of ther duty. I have presumed to wreat to hir Majesty and have adventured to put it

under your cover which I humbly beg you to pardon. I must intreat the continowance of your favour that you will pardon my freedom in this long letter and that you will still allow me the priviledg of wreatig to you, and the honour of ouning my selfe to be, Right Honourable, etc.,

LEVEN.

*Sep. 6 [1704].*

If you please to honour me with a letter, it will come safe if directed as formerly.

[*Endorsed: 'L<sup>d</sup> Leven, Sep. 6. No year.'*]

MY LORD,—I should not have been so long silent, had not my Lord Commissioner and the Marquis of Annandale given your Lo. so full accounts of what passed in Parliament that ther was nothing left for me to ad. This serves to give your Lo. notice that yeasterday wee obtaned a supply of six moneths cess, which serves to pay the Forces for a year. I hop now this session shall be very soon at ane end, ther being litle business to finish but such as pass of course, except that relaiting to our haveing ambassadors to represent us at the first treaty of peace. How this may goe in Parliament I know not, but wee will use our endeavours to get it put off if possible.

*f. 306.*

I intreat your Lo. to beleive that I have contribute all that was in my pouer to bring this session to a good conclusion, and I perswade my selfe that his Grace my Lord Commissioner will doe me the justice to oun that my interest has been of sume use to him. I shall give your Lo. no further trouble, but beg the continuance of your favour and protection, and that your Lo. will doe me the honour to beleive that I am most intearly, my Lord, etc.,

LEVEN.

*Edinb. Castle, Sept. 9 [1705].*

MY LORD,—I am unwilling to be trublesome, but yet I cannot be longer silent lest I should be thought ungrate.

*f. 404.*

Hir Majesty has been pleased to order the Earle of Mar to acquent me that I am to be honoured with the command



of the Forcess of this kingdom, and, therfor, I think its high time for me to make my humble acknowledgments to your Lo. for your frindly assistance in this affaire. I know I owe my preferment in a great measure to his Grace the Duke of Marleborough and your Lo., and, therfor, my return of thanks is ane indispensable duty, which I hop your Lo. will accept off. The trust hir Majesty has been pleased to honour me with is very great, and I doe assure your Lo. it shall be my great study to acquit my selfe so in the discharge therof as hir Majesty may have no reason to repent of the choise she has made, nor your Lo. of the favour and honour yow have done me in recommending me to hir Majesty. Its very probable the post I am now in may obleidge me to address your Lo. sumetimes, which I hop yow will allow off. I must still beg the continuance of your Lo. favour and protection, etc. My Lord, etc.,

LEVEN.

*Ed. Castle, Jan. 26, 1706.*

LETTER OF SIR GEORGE MACKENZIE,  
 FIRST EARL OF CROMARTIE, LORD  
 JUSTICE-GENERAL OF SCOTLAND

(Brit. Mus. Add. MSS. 28,055)

MY LORD,—My earnest desyre to be usefull to herr Maj. in the matters now under consideration moved my resolution to wait on your G<sup>r</sup> this day, but I am taken ill, and I judge the reading of this will take less of your tyme then if your G<sup>r</sup> should call at me, yet always under protestation for allowance to wait on you some minuts befor you part. My Lord, I am still afraid that some who have done too much for inhancing herr Maj<sup>s</sup> offices, will readily undertak more as they can perform, and think that they may find a pretence or excuse on failur, with more ease then to gett in againe to ane unfitt share of imployment. But a failure in the undertaking as to the succession hath a worse veiw then they or their service can take of, and, as a remedy, I have heer inclosed some of my poor thoughts as to that matter which, with takeing in some considerable men to the Government, and such as may be presumed to goe truly into herr Maj<sup>s</sup> measures, and are true Protestants and sonnes of Brittain, I hope may sett matters right; and I am sure I recomend persons without the least byass on my relation or affection, but such as I think will be true to the Q<sup>n</sup> and Brittain, tho they were never kind to me, of which number there was one which the last dayes hast left unnamed, and yet I doe beleeve may be of great use on this occasion on diverse accounts; this is Mr. Jonston, nor perhaps, will any one be more capable to doe good service now. I have inclosed a litle note relating to my self, which some urgent occasions forces from your Graces, etc.,

f. 76.

CROMERTIE.

28 March 1704.

LETTERS OF CHARLES MONTAGU,  
FIRST LORD, AFTERWARDS EARL  
OF, HALIFAX

(Brit. Mus. Add. MSS. 28,055)

4 *Septemb<sup>r</sup>* 1705.

*f. 300.*

MY LORD,<sup>1</sup>—I return your Lordship many thanks for the honour you did me in sending the letters, w<sup>ch</sup> I return, and will freely tell your Lordship what occurs to me upon reading them, tho I will not pretend to give any opinion. L<sup>d</sup> Somers went out of toun so lately that he thought it would not have a good appearance to come up to discourse this matter. I sent the paquet to him, and by what he writ, and what wee have talked lately, I beleive our sentiments agree on this subject. I should never be fit to offer an opinion on a matter of such consequence, on which, as appears to me, the whole affair turns. But, in this case, I am the lesse capable, because I have not all the information requisite to form a judgement. The unanimous advice of all the Queens servants is mentioned in all the letters, but that, I suppose, is in the Queens hands, and I cannot judge of the weight of those reasons before I know what they are. I never heard what the Act of Fishery contains, and, tho I suspect a snare in every thing, I can not say a word about it.

I know nothing of the contents of the Act for the Council of Trade, but only have heard that the members are to be nominated by the Parliam<sup>t</sup> without any approbation of the Queen. I beleive this is w<sup>th</sup>out precedent, and, if they have also power of acting without her, such an act alone is enough to occasion a war between the two nations. By the copys of these acts your Lordship will see what

<sup>1</sup> Godolphin.

the import of them is, and what danger there is that they will be ill taken here. But it's impossible for me to do any thing but frame conjectures, who do not know the contents. The subject of them is trade, which nearly concerns England. One thing falls out unluckily (or is done very knavisly), the Queens servants have been allowed to carry this only point: the Council of Trade are chose by them by which the Ministers are obliged to espouse the Act, and their party will be disoblged by the rejecting it. Something of this kind was attempted in England and laid aside but by one vote. I remember very well with what views that was set on foot, and, considering the opinion the world has of our Council of Trade and Admiralty Board, how far, my Lord, may a Scotch precedent be caryed?

I confesse, my Lord, I see nothing but that they are bringing the Queen to the like difficultys as the last year before she is well got rid of the unhappy circumstances of what they then got from her. If she will have a sess, she is likely to pay dear for it. She must consent to change the Government in the time of her successor, at least, if she does not make a great advance towards doing it in her own time. The sending for the royal assent by peicemeal and expecting that, as the terms of proceeding farther is of dangerous consequence, and if such a method was taken up in England, might prove worse then a tack. The resentment the Queen has show'd against such sort of proceedings should incline her to checq̄ the offering it in an other disguise. Why should not the Queen hold to the answer she has sent for the present? I should think it was soon enough for them to know what she would do, when she knows what they will do. If the supply must wait for the Act for the Treaty, should not every thing else wait for it? And, if there be really any weight to be laid on these acts, to which they desire the royal assent, will not the delay of them naturally hasten the passing the other, unlesse you rely on their gratitude? The Duke of Queensberry says, if the Acts for a Treaty and Supply do not passe, there



will be danger of confusion and an irreparable breach between the two nations. But he confesses the Queens servants are under great difficultys, that they must comply in some measure with expressing their resentm<sup>ts</sup> against England, and that there is danger this may be pushed too high. Who can explain this? And ought it not to be explained before the Queen shows any compliance? Perhaps the Act for a Treaty is not designed to set a foot a union but to affront England. In that case the Queens choice is not difficult to make, and the lesse she has done the better. I am no competent judge how uneasy the Queen may be in her own reign with a triennial Parliam<sup>t</sup> in Scotland, but I can see very plainly the New Party and all of them are very well pleased this should continue. And I am sure this can never (after being entangled, as they are) do any good for this or any future reign. And, if this Act passes, the Queen is deprived of the assistance of any of the collectors of the revenue. How far that is of consequence I can not tell, but, if the same care had been taken of the other officers as of the Receiver-General, they would have scaped better. They were excluded by a small number, and he was saved by a great majority, tho the most likely to influence.

I am running on without end, but, when it is impossible to come to a judgement in any point, all one can do is to suggest what comes to mind, and submit all to your Lordships better judgement. I may be the easier mistaken in this matter, for I never expected any good from this session. I have no hopes of the publick good, and, if things are so ordered, that no blame can be laid on the Queens Minister here, 'tis all I can wish. I think the step you have made cannot be mended, and I hope you will keep your footing.

I beg leave to trouble you with a letter from one of your Lordships officers in an other kingdom. I have heard a great deal of the Club he speakes of, and will tell you more of it when I have the honour to wait upon you.

I am, My Lord, etc.,

HALIFAX.

MY LORD,—I hope I have not done wrong in keeping the Scotch letters so long. I was to meet L<sup>d</sup> Somers this day to finish what wee discoursed of last weeke, and I thought your Lordship intended I should show them to him. When I came to toun, I found every body full of discourse that the Queen had signed a warrant to Secretary Hedges to fetch the seals. I was not surprised that the seals were sent for, but I wonder a warrant of that kind is made publick before it is executed. If I should happen to be at Hampton Court, I will come to wait upon your Lordship as soon as I hear you are in toun. I am, My Lord, etc.

HALIFAX.

4 Octobr. 1705.

LETTERS OF ADAM COCKBURNE, LORD  
ORMISTOUN, LORD OF SESSION, AND  
AFTERWARDS LORD JUSTICE-CLERK

(Brit. Mus. Add. MSS. 28,055)

*f. 203.*

*Edinbr., 31 May 1705.*

MAY IT PLEASE YOUR LOP.,—The Lord Cōmmissioner, haveing last night called me with three or four of hir Māties Servants to advise what was the properest measure to be taken for doeing hir Māties bussines in Parliament, I was of opinion that hir Mātie could not get over the recomending the succession and that with as much earnestnes as she did in hir letter last year, which all the Queens Servants behooved to endeavour w<sup>t</sup> all the firmnes and earnestnes they were capable. Others thought that measure would endanger all be reason they could not get their pairty up to it, but, if a treatie was proposed, they might goe along even in the giving of supplys, which they would not doe if the succession was proposed; for some of the pairty could not make so short a turne (haveing gone last year in to Duke Hamiltons resolve) as to vote the succession this year. 'Twas said again those men ought not to be so fare indulged, as to take the measure from them who look't not to be found at bottom for this constitution. Besides, if the succession did not cary, we had alwayes a pull for the treatie, and, indeed, in my opinion the treatie is but a handle to throw off the succession, for I don't find ten men of the Parliament will goe in to a entire and compleat union, so that there is no prospect of a treaties takeing effect. The consequences then may very reasonably be judged will turne more against our accepting the English successor when they

have refused us all conditions as to our trade. This treatie may lykewayes be of some times continuance, and, if the succession is not settled in Scotland 'ere there be a peace concluded in Europe, hir Māties interest and the present constitution are in more hasard then during the ware. In my last I told your Lop. a thorow change in the Ministry was so tender a point I took leave not to touch it; but this I will make bold to say, it had been better to have concerted the measure in the first place and suited the Ministry to it then now to be obliged to take the measure from a new sett, which methode, I beg pardon to say, I cannot think is for hir Māties interest. I'm apprehensive one reason at bottom for pressing the treatie is, there are of those to be laid aside who will be for the succession, whether in post or out of it, and some of thire I know. Now't may touch upon a point of honour to have laid such aside when those brought in cannot bring up there pairty to the measure; yea, even some of those continowed will not joine. I wish all my Lord Comissioners advisers were as firme and intirely of hir Māties interest and for the present constitution as he is. My Lord, when I speak of the settleing the succession, I mean upon terms and conditions of government. Your Lop. knows my principles so well and that the Revolution bottom is the only ground I cane stand upon, that I cannot give my self leave to think I am in hasard of falling under any jealousy or be thought to look any other way then what is for hir Māties true interest. The allowance your Lop. was pleased to honour me with and the confidence I have your Lop. will take what I writtt as truly designed for hir Māties service and to no mans prejudice will, I hope, obtain pardon for this trouble. I am, with entire respect, my Lord, etc.,

AD. COKBURNE.

MAY IT PLEAS YOUR LOP.,—It being so much for hir Māties honour and interest to have hir judicatories filled with men fitted and qualified for dischaarge of so great a trust as the distributing justice to hir Māties lieges that I doe make bold to joine my earnest desire with others in



behalf of Sir Gilbert Eliot, a man firme and sincere for the present constitution, that the Queen will be pleased to name him to supply the vacancies have happened this day throw the death of one of the judges. He is one that's knowing in the laws as well as ane honest Revolution man. My Lord, the stile of my letter, I hope, will plead pardon for what may seem presumption. I am, my Lord, etc.,

AD. COCKBURNE.

*Edinbr., 9 June 1705.*

*f. 263.*

*Edinbr., 1st Agust. 1705.*

MAY IT PLEASE YOUR LOP.,—Since my last the affairs in Parliament have taken very different turnes. Whill we were going on w<sup>t</sup> matters concerne our trade, which in my opinion was more to gratifie some people then any reall advantage cane be expected from any act proposed on that subject, save the act for encouraging the fishing, there was a resolve brought in by the Duke of Hamilton, the same past last year. What measures were taken to obviate this, I am ignorant of them, and your Lop. may rationally conclude from the majority of votes were for it, and how few spoke against it, there was no great opposition designed. By this resolve the Parliament was precluded from meddling with the succession. The New Pairty, being all against the resolve, did nixt day bring in the draught of a letter in answer to hir M<sup>at</sup>ies. This was not relisht, and 'twas thought fitt to put the specious word trade in opposition to it, which caried by a vote. The day after the draught of ane act for a treattie being concerted, 'twas offered in Parliament by the Marquis of Lothean, who had seconded the Duke of Hamiltone in favours of his resolve. The Marquis was pleased to say in my Lord Co<sup>m</sup>missioners presence that he knew it very well to be the Queens mind that we should have a treattie previous to the settleing of the succession. I was surprised at this, and said I thought hir M<sup>at</sup>ie had said as much in hir letter as might convince the world of the contraire. Endeavours were used to have this act for a

treattie to get a first reading. The New Pairty opposed this, and moved we might proceed to limitations. The Duke of Hamilton and Mr. Fletcher were for clogging the treattie, and they spoke warmly of the act past in England, as did lykewayes the Earle of Stair. But the first two, finding they could not cary what they designed, they turned in to the New Pairty. I cannot say this was agreable to their resolve. The Marquis of Annandale and others of the Queens servants said they would go in to limitations in order to name the successor, but, whill limitations were only proposed to throw out the treattie, they could not comply w<sup>t</sup> the motion. The question was putt, and it caried—limitations. I must take leave to say y<sup>t</sup>, had y<sup>r</sup> been as great pains taken to have advanced limitations in order to setle the succession as to every mans conviction there was to advance the measure of a treattie, we had been farder advanced in bussines then we are this day. But my opinion haveing differed so fare in this matter with those have the chief manadgment of hir Mäties affairs, I shall not insist; only beg your Lop. will allow me to say for my relations who voted for limitations, they are as much for setleing the succession as I am, and upon that foot went in to the vote, as did the Earle of Marchmont and others, who deserve not the name of Jacobites, which his grace my Lord Commissioner is pleased to give them out of resentment that what he promised himself with so much assurance would cary has misgiven him. I thought it a strange argument I heard in my Lord Commissioners rouns to be used in behalf of the treaty, that those were for the Prince of Wales should go in to it without any clogg, for 'twas the best handle to hold of the succession. I said I could not use it as ane argument, but I did beleve too many made it one to themselves to goe in to that measure. Your Lop. will pardon this freedom, and beleve that no consideration can shake me from the measure of the Revolution bottom, that being hir Mäties true interest. I am, with all duty, my Lord, etc.,

AD COKBURNE.

2d Agust.

MY LORD,—I hop't what is above written should a come w<sup>t</sup> the flying packet; but, not being favoured to know it's dyet, I shall here let your Lop. know what past in Parliament this day. After reading the minuts of last day, 'twas moved that, according to the vote, we should proceed upon limitations. To this was opposed trade, upon which a debait arose which lasted above five hours and ended in this, that the four subsequent meetings shall be assigned wholly to trade, and the nixt four to limitations w<sup>t</sup>out any other extraneous bussines to interveer [*sic*]. Here is work for eight days; what will be the issue seems very doubtfull.

f. 310.

Edinbr., 22 Sepr. 1705.

MAY IT PLEASE YOUR LOP.,—I presumed to give your Lop. the trouble of two of mine, the one of the 7th of July, th'other the 1st of Agust, in both which I used freedom in giveing my thoughts of affairs. But judging yt. either I had transgressed or that my letters had miscaried (haveing no returne), I choosed to be silent. Now that this session of Parliament is (after some warme debaits) come to a calm issue, I shall not look back to trouble your Lop. w<sup>t</sup> accts. of persons and their manadgment. Scots men are too apt after such meetings to be valueing y<sup>m</sup>selves at the expence of others. All I shall say for my self is that I wanted not inclination to have forwarded hir Mäties true interest, yet my differing in opinion as to some things may make some men uneasy to hir Mätie upon my acct. Your Lop. will be so good as to assure the Queen, however she shall think fitt to dispose of me, it shall not in the least shake my affection nor duty I owe hir Mätie and hir government.

A treattie being the measure our chieff managers thought proper to follow out at this time, your Lop., allow me to offer my thoughts, which I doe w<sup>t</sup> all submission. If England will be so good and show a unparaleled temper in passing by in silence the order and address past in this Parliament w<sup>t</sup> relation to the repealling of the clause of

the act past in England and doe repeal it, then will the treattie proceed ; where, some things of the Act of Navigation and our home trade being ajusted, one may w<sup>t</sup> confidence say the setleing of the succession cannot fail. On the other hand, when the treattie is sett on foot, if nothing but ane intire and compleat union will doe, as that must be a affaire of time, so will it affoord y<sup>e</sup> opposing pairty a handle, and the pluralitie of our people will not be brought into it, and the consequences must tend to a rupture between the two nations. Much will depend on hir M<sup>at</sup>ies making a good choice of co<sup>m</sup>missioners.

My Lord, I'm desired to beg your Lops. favour for the Earle of Hindfoord, a person whose character is known to your Lop. He is desirous to have his son, the Lord Carmichaell, imployed in hir M<sup>at</sup>ies service, and he cane think of nothing so proper as to let him have the regiment of dragoons he now comand ; not that he thinks of pairting w<sup>t</sup> his regiment upon any other acct., but that hir M<sup>at</sup>ie will grant a commission to his son, who's good affection to hir M<sup>at</sup>ie is upon the same bottom w<sup>t</sup> his father, and his firmnes to the Revolution interest is beyond question.

I want words to apologise for this freedom, but trusts your Lop. goodnes will pardon it, and subscribes my self, w<sup>t</sup> all respect, my Lord, etc.,

AD. COKBURNE.



LETTERS OF HUGH CAMPBELL, THIRD  
EARL OF LOUDOUN, SECRETARY OF  
STATE IN SCOTLAND<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

f. 224.

MY LORD,—I am verrie sensible of the great honor the Queen has done me in imploying me as her Secretarie of State. I shal indeavour to make up my want of the merit which is necessar for that post by zeal and assiduitie in her Majesties service. I have not the honor to be knoun to your Lošp., but your great merit and character make me presume to intreat your favor that in this troublesome time I may be the more capable to serve her Majestie by your Lošp. countenance and direction. My Lord Commissioner by the last post recommended Sir Gilbert Elliot as the fittest man to succeed my Lord Phesdo in the Session and Justiciorie. He has been long at the bar with the reputation of a good lauer and ane honest man. He has allways serv'd the Queen well in Parliament, and, therfor, in my humble opinion, it will be for her Majesties service and agreable to everie bodie hear that he be promoted. I shal lose no opportunitie of shewing with hou much respect, I am, my Lord, etc.,

LOUDOUN.

*Edr., June 12th [1705].*

[*Endorsed : ' June 12th, 1705.'*]

f. 330.

MY LORD,—I've sent to Mr. Nairn a prorogation of the Duke of Argylls tack of the assyze herrings of the west seas. My Lord Commissioner is indisposed this night

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<sup>1</sup> Addressed to Godolphin.

and, therfor, he has ordered me to let your Lošp. know that his famillie has for severall ages had what he nou asks, and that he doubts not of your Lošp. friendship and her Majesties bountie in this affair.<sup>1</sup> Your Lošp. has had the accounts of what has past in our Parliament from better hands than mine, but, nou that it is my mouth when anie thing of importance hapens, I shal take the libertie to give your Lošp. ane account of it. This days procedur is not worth the while of giving you the trouble of a longer letter, but I've given Mr. Nairn a full account of it. I am, My Lord, etc.,

LOUDOUN.

*Eder., August 7th [1705].*

MY LORD,—My Lord Commr. sends by this paquit a patent in favours of Lord Archibald Campbell who serv'd her Maj. as Lord Treasurer the last sessions of Parliament, and was one of the Commrs. in the Treatie. The Duke of Argyll desires to have one of his familie amongst our Peers. I hope it will be ane advantage to the Queens service, which makes me take the libertie to recommend this affair to your Lošp. favor. There are two places to be disposed of by my Lord Rankillors death, one in the Session and ane other in the Justiciarie. I knou my Lord Commr. desires that the Commissions may be sent blank to him that he may fill 'em up. I believe he designs the first for the Earle of Mar's brother, Mr. James Ereskine, who has been bred a lauyer, and the other for my Lord Tillicultrie, who is one of the most eminent of our Judges in the Session. In my humble opinion these places can not be better disposed. Mr. Areskine is one of the Generall Receavers, which he does not propose to keep, if he be advanced to the Bench. It will advance her Maj. service that my Lord Commr. have a blank commission for this post likeways put into his hands. The articles of the Treatie were read in the House a second time upon Saturday, and, tho there were manie proposals made with a

*f. 392.*

<sup>1</sup> See Seafield's letter of 8th August 1705.

design to put off the consideration of the Treatie for some time, it was at last agreed by the House that wee should proceed upon Teusday nixt to take the articles of the Treatie under consideration. Our affairs have a good appearance, and, tho I doubt not there will be neu attempts made for procuring delays, I hope wee shal be able to defeat them. I am, with great respect, my Lord, etc.,

LOUDOUN.

*Eder., Octob. 14th [1706].*

LETTER OF THOMAS HAY, VISCOUNT DUP-  
PLIN, AFTERWARDS SIXTH EARL OF  
KINNOUL <sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

MY LORD,—Your Lop. knows I was always for a treatie of union with England, because I thought it the only mean left to preserve p[e]ace in Brittane, and I am still for it, but not for prosecuting it in such a manner as will disturb the peace of the Government and involve us in blood and confusion.

*f. 325.*

The great success abroad, the extream poverty of this nation, the poure and influence of the advanced Equivalent, with the arguments that have prevailed with the Marques of Tweddals party, who are now all as one man for the Union, these things have putt it beyond all doubt that the Union will carry in Parliament by pluralety of voices, but still there is a considerable partie who, tho they doe not directly oppose the Union, yet goe in very naruly to inquire into the articles of it, and insist mightely for tyme deliberatly to consider them.

It had been good that at the beginning we had cautiously managed the advantage we had of such a considerable pluralety, but, no sooner we saw our strenth, then we proclaimed it, and pushed some inconsiderable votes with so much fordwardnes that, in place of recommending the Union, to a great many it has made them still more jealous, and has raised such a ferment in peoples minds as I am affraid shall not be easily calmed, ane small instance wherof we had last night in the mobb of

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<sup>1</sup> Addressed to Godolphin.



this place, whereof I doubt not but your Lop. hes had a particular account. I am affraid this is but the beginning of a greater mischief, unless it be prevented, for not only the merchants, who every body thought would have been the first that would have grasped at the Union are afrayed that the litle tread they have will suffer by it, but lykways the Presbyterian clergie discover themselves every day more and more to be against it, so that from the present temper and disposition of all sorts of people there is too great ground to fear that, if the Parliament continue to sitt and push this bussines, they will either be raised by force, or, if they should bring it to a conclusion, a rebellion may follow.

My Lord, if I might presume to offer my humble oppinion, it would be that the Parliament should immediatly give sune cess, and then adjourn for some time, for nothing but time will wear off the present ferment that is generally in peoples minds over the whole nation, and bring them to a more impartiall and reasonable view of the Union, against which they seem at present to be so much prejudged.

I am perfectly satisfied that, the longer this measure is delayed, it will still be so much the worse, for I am, I think, pretty weell inform'd that severall addresses for a delay will in a few days come from the country to the Parliament, and, if we push the voting the articles of the treaty, I am very much afrayed the Parliament will be raised by force.

I would have written to your Lop. before now, but the truth is, I did not well know what to say, peoples mynds here have been so changeable that it was hard to make any tollerable judgment till now. My Lord, it is the zeal I have for the peace of the Government, the great obligations I ly under to your Lop. and absolute security I promise to my self of what I say or wreat to your Lop., hes made me so plainly and fully expose the truth to your view. I am, with all imaginable respect, my Lord, etc.,

DUPPLIN.

*Edinburgh, Octobr. 25, 1706,*

LETTERS OF JOHN ERSKINE, ELEVENTH  
EARL OF MAR, SECRETARY OF STATE  
IN SCOTLAND<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

MY LORD,—Since my Lord Comis<sup>r</sup> wryts to y<sup>r</sup> Lop. by this flying pacquet, I shall not give you much trouble, for I doubt not but he informs y<sup>r</sup> Lop. fully of the state of affairs here and how people stand effected to the Union. Y<sup>r</sup> lop. heard formerly that the Queen's Advocat<sup>2</sup> did not like it, and, notwithstanding of all the Comis<sup>r</sup> and the rest of the Queens servants can say to him, he continows of his own oppinion, and argowd against it to us all together. However, he said he thought a separation of the two kingdoms ruin, and that he wou'd do what he can to bring himself up to our oppinion, and, if he cou'd not, he shou'd do no harme; or, if we thought his place cou'd be given to any body who wou'd do better service and was more convinced of the advantages of the Union, he wou'd resigne it very freely without any grudge. His main arguments against it are the loosing of our sovereignty and that a toleration will ruin Presbitrie. He gave the Chancelor a paper w<sup>t</sup> his reasons against it much to the same purpose with what he had said to us, but certainly his being against it and acting the pairt he does most be with a designe, for a man of his sence cou'd never be convinced w<sup>t</sup> those waik reasons and arguments he makes use of. What is the properest method to be taken with him y<sup>r</sup> Lop. is best judge. There are very few of the members of Parl. yet come to toun, but we have wrote for our friends

*f. 383.*

<sup>1</sup> Addressed to Godolphin.

<sup>2</sup> Sir James Stewart.

and hope they will be soon here. When they come, we will be able, I hope, to give y<sup>r</sup> Lop. such an account of peoples inclinations that you can in some measure judge what success we will probablie have, w<sup>ch</sup> is imposible to do just now, tho we have fully more reason to hope good success than before we came to Scotland. The Comis<sup>r</sup> is now on the consideration w<sup>t</sup> the Servants what are the most advisable methods and measurs for manadging and cairying on bussiness when the Parl. meets, and, when the resolution is taken, y<sup>r</sup> Lop. may be sure it will be laid before you. I'll trouble y<sup>r</sup> Lop. no more now, but I am, in all dutie, my Lord, etc.,

MAR.

*Edinb., Septm. 22, 1706.*

*f. 396.*

MY LORD,—I had the honour of y<sup>rs</sup> of the 19th some dayes ago. I'm extreamlie oblidg'd to y<sup>r</sup> Lop. in that affair of my brothers, which wou'd make me more your humble servant if posible, but I'll trouble you no more with it, since 'tis but one of many favours I have had from your Lop.

I have wryten fully to S<sup>r</sup> David Nairne from time to time of the Queens affairs and of our proceedings here to be laid before y<sup>r</sup> Lop., because I thought that wou'd be less troublesome to you than wryting directly to your self. I have by this flying pacquet given him a full account of what has past here this week, and ordred him to show it to y<sup>r</sup> Lop. if your time will allow. I'm sure y<sup>r</sup> Lop. will be surprised with some things in it and of some peoples cariadge here. We have still as good hopes of success in the Parl. as ever, tho perhaps it will take some time before we finish the affair. I wish that may be no prejudice to it in the Parl. of England, which, I fancie, must of necessity sitt soon, but I hope, before the supplys be over there, we may have finisht the affair here. Tho we have still as good hopes as ever of succeeding in Parl., yet I must acquent y<sup>r</sup> Lop. that the humour in the country against the treatic or union is much increst a late, and I must acknowledge the ministers preaching up the danger

of the Kirk is a principal cause of it, and the opposing parties misrepresenting every article of the treatie makes the comonality believ that they will be opprest with taxes. Thirr and other by wayes have altered all of a sudden the inclinations of the populace very much as to the Union, and most of the churchmen are not like to behave so wisely nor prudently as I expected. Yet the union will certainly do in the Parl. But I am affraid some people may comit some foolish irregular thing, either before it pass or after it ; which I think my self oblidge to let y<sup>r</sup> Lop. know that it may be laid before her Majestie. I doubt not but others of the Queen's Servants have wryten to y<sup>r</sup> Lop., so I will not trouble you any more at this time, but shall think it my honour to receive your comands when you are pleased to lay them on me. I am, my Lord, etc.,

MAR.

*Edinb., Octob. 26th, 1706.*



## LETTERS OF DAVID BOYLE, FIRST EARL OF GLASGOW<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

*f 168.*

MY LORD,—The Duke of Argyll, her Māties Commissioner, having done me the honor to call me with some other friends at his Graces arrivall to consider how the ensuing Parliament might be best manadged for her Majesty's service, wee most unanimously agreed that the Marques of Tweeddale, the Earle of Roxbrugh, and others brought in with them to the Ministrie should be presently laid asyde befor the sitting of the Parliament, and others employed in whom my Lord Commissioner may have intire confidence.

My Lord, if her Majesty be pleased to make her Government all of a piece thorowly upon the Revolution bottom, it is the only means left to retrieve the mismanagements of the last Parliament, wherin the prerogative and the monarchy so extreamply suffered, and to pull us out of that confusion wee at present ly under. For, my Lord, there is no thinking man that is not perfectly sensible that the Queens having employed persones of opposite views and interests in the Ministrie was the only reason of her Majesty's being unsuccessfull in Parliament ever since her accession to the throne.

My Lord, her Majesty's Commissioner having fully written to your Lop. in this matter, I forbear to give your Lop. farder trouble, and beggs pardon for what I have done, assuring your Lop. that I ever shall faithfully and heartily serve the Queen to the uttmost of my power. I am, may it please your Lop., etc.,

GLASGOW.

*Edr., 26th Appryle 1705.*

<sup>1</sup> Addressed to Godolphin.

MY LORD,—I had the honor of your Lops. of the 7th, wherein you are pleased to give me allowance to trouble your Lop. with my opinion of what may be proper for the Queens service.

My Lord, I shall faithfully and impartially give my thoughts as to the present measures in settling the Protestant succession in this kingdom. Its my opinion that the only means and way to settle the succession is that the Duke of Queensberrie come down to Scotland so soon as possible and cordially assist my Lord Duke of Argyll, her Majesties Commissioner, and they, in concurrence with their friends of the Revolution foot, have a most probable expectation of success; and it is absolutly impossible for any others in this kingdom, yea, all the rest joyned together that will undertake the manadgement of that matter, to propose the least probability of succeeding; no, not so much as to come within vieu of it.

My Lord, I humbly offer my advyce for her Majesties service with all duty and respect befor her Majesty take her finall resolutions as to measures or persones she designs to employ in her service, and that free of all positiveness. For, when her Majesty hath determined her self, I lay my hand upon my mouth, and doe most chearfully submit; and shall heartily concur to serve the Queen in her measures with any persones she pleaseth to employ; and that so much the rather that I have no post in the Government, for I have ouned myself her Majesties faithfull and obedient subject and servant, and shall be ambitious to take hold of every opportunity, wherby I may testifie my duty and allegiance. And, my Lord, whill I breath, I shall serve the Queen in her interest and measures of government to my uttmost capacity.

My Lord, I know I was represented to her Majesty by some that were none of my best friends as not hearty in the succession last Parliament. I hope the Queen is satisfied of the contrar; for I had occation for tuo dayes to goe to my countrey residence and use my uttmost influence to hinder a Jacobites coming in to be elected a

member of Parliament, and in my absence the succession was moved, which was the ground of that malicious aspersion. I only trouble your Lop. with this accompt that the Queen may have no misapprehension of my unfixedness to her interest; or judge, because I was turned out at the doun-sitting of the last Parliament, I was in the least picqued or humorous.

For, my Lord, upon honor, no friend's nor party's concern whatsoever, provyded I can any wayes come at the knowledge of her Majesties measures, shall in the least divert me from serving the Queen in the best way I am capable of. So hoping your Lop. will excuse this trouble, and beleve that I ever shall approve myself, may it please your Lop., etc.,

GLASGOW.

*Edr., 12th May 1705.*

*f. 226.*

MY LORD,—The honor you did me in your last in letting me know the justice your Lop. was pleased to doe me in reading my letter to the Queen, vindicating me from that aspersion of counteracting her Majesties measures last sessions, and that her Majesty was satisfied the same was a misrepresentation, hath made me perfectly easy; for I had rather chosen death then acted so humorous and base a part; and must acknowledge my self infinitely bound to your Lop. for your goodness, and shall ever retain a gratefull sense of it, and shall most faithfully and heartily serve your Lop. if ever providence give me ane occation, bot, alas, I fear I never have ane opportunity to testifie my duty and gratitude, bot, whill I breath, I ever shall have the good will; and I am known never to be worse then my word.

And now, my Lord, that your Lop. hath been instrumentall in procuring me this mark of her Majesties favor in naming me her Treasurer-Deputt, I am truly out of countenance, and know not what returns to make your Lop. I give you my humble and hearty thanks, and begs leave to give your Lop. all the assurances of a man of honor that I ever will faithfully and sincerly serve her

Majesty to the uttmost of my power, and, whatever measures the Queen pleaseth to goe in to, either in this or any other session of Parliament, I shall heartily comply with without reserve or in the least disputing her commands. And, whatever sett of persons the Queen shall find neccessar to bring in to her government, I shall chearfully concurr with them, for I bless God I have exceptions against no man the Queen can prevail with to serve her interest. And, my Lord, I shall also with ten tymes greater satisfaction lay down my post when her Majesty finds it convenient for her service then I now accept of it, and serve her Majesty faithfully so far as I have access in my private station. My Lord, I have my oun fears that the Queens affairs shall not have the wished for success, bot I shall be glad to be disappointed.

My Lord, I from my heart wish your Lop. all health and happiness, and that your Lop. may ever continue in the honorable post you now enjoy shall be the constant and earnest prayer of, may it please your Lop., etc.,

GLASGOW.

*Edr., 14th June 1705.*

MY LORD,—The Commissioner and the Queens Servants having laid it upon the Clerk-Register to acquaint your Lop. with the proceedings in Parliament, is the only reason why I have not troubled your Lop. with letters, for I love naiter to repeat nor be troublesome.

My Lord, yesterday by my office I pressed a second reading to ane act of supplies, which sometyme agoe I had offered to the House and obtained a first reading marked on it. The Parliament was pleased verry unanimously to grant six moneths supplies, which is thretty six thousand pounds, for mantaining our troops and garrisons and for outreiking tuo friggotts to defend our Coast trade agt. privateers. This supply only serves for a year; the Parliament also granted another moneths supply, being six thousand pounds for refitting another friggott to guard our coast trade. My Lord, I heartily

*f 308.*



wish wee had continued our supplies for tuo or three years, bot I can assure your Lop. there was no paines wanting in me to bring the Queens affaires to a good issue, and, whill I breath, shall contribute my uttmost endeavours to doe her Majesty the best serviees I am capable of, and that as frankly and ehearfully when out of offiee as in offiee.

My Lord, I am sorry to give your Lop. by this the aecompt of the death of the Earle of Mareh, brother to the Duke of Queensberry, and of the death of Lewtennent-Generall Ramsay, who both died this evening between six and seven a cloak. My Lord, the Earle of Leven desyres his pretensiones to command the armie may be laid befor the Queen. He is certainly a faithfull servant to her Majesty and would be intirely acceptible to all that wish well to the present established Government in this nation. I hope your Lop. will pardon this presumption in me. I ever am unalterable, may it please your Lop., etc.,

GLASGOW.

*Edr., 9th Sepr. 1705.*

*f. 39.*

MY LORD,—The Queens Commissioner, the Duke of Queensberry, with others of her Majesties Servants having written to your Lop. concerning the payment of ten thousand pounds to Sir David Nairn,  $\bar{q}$ rof four thousand fyve hundred pounds to be detained by the said Sir David upon the Duke off Queensberry's aecompt, and the remaining soume off fyve thousand fyve hundred pounds to be remitted to Seotland, I was this day ordered by the Duke of Queensberry to acquaint your Lop. that you would be pleased to remitt the s<sup>d</sup> money to Seotland so soon as possible, in regard that many of our nobility who are come to Parliament, that want their bygone pensiones, are calling for some money, and it is for her Mäties service that they have a part at this juncture. My Lord, our Parliament mett yesterday and, contrar to expectation, wee proeeded and read the articles of treaty with great ealmness and attention, and ordered the

treaty with the Journalls for the better information of the members to be printed ; and adjourned to the tenth of this moneth. The opposing party designed to open hotly and declare them selves ag<sup>t</sup> ane intire and incorporating union, bot, finding their numbers short, they forbore and delayed their fire.

My Lord, I am heartyly glad that I can give your Lop. good hopes of the success of the treaty. Our clergy are become verry calm, and many of our members of Parliament upon second thoughts have altered their opinion, and are now friendly and hearty for the union.

My Lord, nothing shall be wanting that is in my power to advance the success of the measure, and, whill I live, shall ever with lyfe and fortune mantain the same succession to the Croun of Scotland that is declared by England. I beg pardon for this trouble, and ever am, with the greatest respect and uttmost sincerity, my Lord, etc.,

GLASGOW.

*Edr., 4th octbr. 1706.*

MY LORD,—The Queens Servants here having given your Lop. the trouble of writting to you in my behalf, by this packett I shall beg leave to return your Lop. my most humble and hearty thanks for all the marks of favor and friendship I have received of your Lop. My Lord, the office of Clerk-Register being at her Majesties disposal upon the death of my Lord Philliphaugh, your Lop. will excuse my using this piece of violence to my modesty, earnestly begging that your Lop. would be pleased to intercede with the Queen to conferr that mark of her Royall favor on me. My Lord, I am verry much ashamed and out of countenance to give your Lop. this trouble, for I'm sure, if I can pretend to any ingenuity, I love to be easy to the Queen and all her servants and to give them verry litle trouble. My Lord, whither her Majesty think good or not to conferr that employment on me, I shall ever, with the same zeall and faithfulness, serve her interest, whill I live, against all opposers whatsomever.

*f. 422.*

I intirely depend upon your Lops. goodness and favor,  
and am, with the greatest truth and respect, my Lord, etc.,  
GLASGOW.

[No date. Glasgow was appointed Clerk-Register  
16 July 1708.]

## LETTERS OF ALEXANDER RIGBY

(Brit. Mus. Add. MSS. 28,055)

*Edinburgh, the 19th June 1708.*

SR,—The last post I gave you a great deale of trouble. Annexed is a list of the Lords of Scotland and them crossed are the 16; those with 9 were before the election<sup>1</sup> supposed to be for D. Queensberrys party; those, S. of the Squadron; P. for Papists; and M. for Minors.

*f 406.*

Yesterday morning I visited the Marquis of Carmarthen,<sup>2</sup> who told me that he had voted for y<sup>e</sup> D. of Roxbro', and sorry he was, he said, but, then, he confess't his father would have it so, Ld. Nottingham hauving been very importunate for his son-in-law. It slipped from him that the D. of Queens—ry was uneasey at what had happened and complained y<sup>t</sup> he was left in the lurch.

I was an hour with Ld. Seafeild, and he seemed pleased enough. He was very diligent and quick at th' election, and with perswaison and retorick did as much as the Housekeeper. His L<sup>d</sup>pp. was very frank and open, for it was in his closett. He shewed much good nature, and I do think him the prittyest person in this country for an affaire of this, or any other kinde of bussiness, so that, if he cannot continnue Ch. Baron, he ought not to be rendered useless, as some threaten, and I'm sure when alls considered, it will be found y<sup>t</sup> the D. of Dover<sup>3</sup> and his freinds have the greatest stroak in the Kn<sup>ts</sup> of the Shires and in the burroughs, but it will require another considera-

<sup>1</sup> This election was the first appeal made to the country after the Union. The letter refers to the election of peers, the result of which was that the Government secured ten out of the sixteen.

<sup>2</sup> Sir Thomas Osborne, of Kiveton, co. York. He was created Marquess of Carmarthen on April 9, 1689.

<sup>3</sup> Duke of Queensberry. He was created Duke of Dover on May 26, 1708.



tion whether it would have been so if the influence had not been on their side. Many are very angry at young Ld. Stair being out, and blame the President and the Dalrimples, and I asked Ld. Roseberry how he had so many and his relation Staire so few. He answered, because the Lords who had proxeys on the Juncto side would not tell him that they had orders to put him into their lists, and that keep't him so under doubts that he was obliged narrowly to regard his owne safety.

My Lord Annandale, Sutherland [blank] and Rose. hope to gitt in by the objections to proxeys, so that the House of Lords must have a Committee of Elections and Priveledges as well as the Commons, and you'l see, S<sup>r</sup>, the disappointed peers will follow those close that they think to put out of their way. I shall do what I can to make the mentioning of moderation effectuall, but he is reconed no body y<sup>t</sup> will not persue an injury or sustain his pretentions.

I am endeavouring to gitt a copy of the pole y<sup>t</sup> you may see how every Lord voted, and I will, if I gitt it in time before I go my great jorny, add some remarks by which you will be able to knou much of the nobility here and how they are influenced, and in what country they prevaile.

The D. of Roxbro' will be in London very speedily, and the D. of Dover soon after him. I hear the Marquis of Carmarthen will go back in the D. of Dovers coach: he looks miserably thinn.

The Court Lords, as they call them here, had 24 proxeys, and, most of the L<sup>ds</sup> who gave them proxeys haveing reserved a vote for Lord Orkney and his bro<sup>r</sup> the Duke, the 14 remaineing were thrown for at dice at Q<sup>s</sup>berry house, and Roseberry had great luck and Lord Stair badd, Geo. Dalrimple throwing for him. Y<sup>e</sup> rest of the Lords had what the dice gave them. This shews what comes of granting proxeys in an election of this nature.

My Lord Roseberry hath too long neglected himselfe, and, therefore, I doubt hee'l find it hard to shake off

some habitts; otherwise he is as well worth carressing as most Lords of this country, being a sencible, reserved, well breed, and indefaticable gentleman.

The Lords old Cromertie was for, were [blank] Levin, Northask, Weems, and Marr.

The D. of D——rs freinds threaten highly to resent the letters I writt to you of, and much rage runeth against L<sup>d</sup> S——d. God send such things well quenched.

If elee occurs err sealing, you shall have it.

I had like to have omitted telling you that Lord Forbes did not vote for Ld. Ross, w<sup>ch</sup> Lord Ross resents prodigiously.

Pray, sir, dropp a kind word for me to Mr. Lowndes where and when you think it convenient. Before X<sup>tm</sup>as I hope Mr. Lowndes will have good hopes of the customes of North Brittain. Nere 2000£ came from Port Glasgow

this last weeke and between 3 and  $\frac{m}{4000\text{£}}$  from Leith, and

yesterday a prize was brought in with wine, etc. Y<sup>t</sup> will pay 5000£ if it be, as wee expect, for 'tis Burdeaux clarett, etc<sup>a</sup>.; and 3 Men of Warr hath brought in a Martinico Man worth 10 thousand pounds. Pray, Sir, do not forgitt me to L<sup>d</sup> Derby if you judge it convenient for you to say anything to him now or hereafter, and I beseech you to be assured, I am, Sir, etc.,

ALEX. RIGBY.

Justice Clerke is agoing to marry a daughter to a very pritty gentleman of a 1000<sup>d</sup>£ a yeare sterling, nere this citty. I mett him on Fryday morning in Holy Roode House a going to visitt D. Ham—ton w<sup>ch</sup> put me in mind, how variable are sublunary things.

The vessell brought in w<sup>th</sup> wine has a French master who, I'm told, hath reported that he came from Dunkirk, where all the men-of-warr and transports lye still in a saileing posture, and y<sup>t</sup> they'l come againe of a sudden to invaide these parts.<sup>1</sup> This Dr. Pitcarne<sup>2</sup> tells about a J——te Dr. of great fame here—I shall gitt an affidavitt by next post if it be true and send it Mr. Lowndes.

<sup>1</sup> The abortive invasion of 1708 had taken place in March.

<sup>2</sup> The well-known Dr. Archibald Pitcairne. He was an ardent Jacobite.

*Edinburgh, the 22d June 1708.*

*f. 110*

SR,—The Lords dropp out of towne, the D. of Roxborough being gone, and y<sup>e</sup> D. of Dover will proceede for London on Thursday.

Great endeavours are now a using to inflaime y<sup>e</sup> Camironians.<sup>1</sup> They are told tis now plaine that the great Lords are making their peace, and consiquently it behoves them to look out in time, or some body will be here.

A man of good sence and quallity assured me this morning that there had been an intention for to raise such a spiritt as would have hindered y<sup>e</sup> people from chooseing Lord, Baron, or Representitive of Burrowes for any part of this country, untill satisfaction had been given for the sending upp the prisoners ;<sup>2</sup> and the same party added that matter would be pushed briskly in time and place. I told him that prejudices had better be layd aside. And that 'twas a mighty mersey no greater harme attended noblemen and gentlemen upon so bold an attempt, as was th' invation.

Last night I had one botle with the Marquis of Carmarthen after his haveing dyned with Ld Marr,<sup>3</sup> where was 3 other L<sup>ds</sup>, Glasgow, Gray, and Weems. I found by him their L<sup>dpps</sup> make sure of worsting one another above, and it runs in the limping Admiralls head y<sup>t</sup> the W. L<sup>ds</sup> are for anarchy, but it will only bring the most forward, nameing the young one of — Bussiness, to the block. Then a degretion came on about L<sup>d</sup> Griffin, and it was said Lambert was confined, tho a flagrant Rebel, and w<sup>t</sup> refuse the same humanity to a poore old man of quallity, who came to assert, he could not tell what to call it ; but, in short, it was of another nature ; but, I looking grave and not replying, the cant ceased, and then I had a story of bigg words he had given his G. of Ham—ton, but they being done when his Grandure was

<sup>1</sup> A junction of the Cameronians with the Jacobites was feared by the Government.

<sup>2</sup> After the attempted invasion of 1708 several Scots nobles were seized, and the majority of them imprisoned in the Tower of London.

<sup>3</sup> Stair ? The word has been altered and is illegible.

in drink. Amongst other things he told him that his heart and his actions did not corrispond, but 'What would you have me do,' reply'd his G—ce, 'is it not better than confinem<sup>t</sup> and being starv'd' ? *etc.*

I find by a gentleman that y<sup>e</sup> G one of Cornwall writt to y<sup>e</sup> D. of y<sup>e</sup> Castle over against Callice that he doubted the gentlema[n]s fidelity amongst the Cameronians, *etc<sup>a</sup>*, as being too great w<sup>th</sup> Roxbro' and others that he did not so well like at present, and I find by the same gentleman that, when a discourse happend between the son-in-law of Nott—ham, and he about our good fr<sup>d</sup> over against Sr Charles Hedgeses, his L<sup>dpp</sup> answered that my L<sup>d</sup> T——r was a very wise and great man, but was not trusted so much now by y<sup>e</sup> W. L<sup>ds</sup> as formerly.

Thus, S<sup>r</sup>, I give you y<sup>e</sup> simtoms here without reserve, not doubting but you will use them for y<sup>e</sup> good of y<sup>e</sup> whole and perticularly for the preservation of her Ma<sup>tie</sup> and her true freinds in the times of most difficoly.

To convince you that rogues are as laborious as bees, pray, reade th' annexed, w<sup>ch</sup> I took out of the hand of a cadee' or beggar-boy as he sold them for a  $\frac{1}{2}$  penny about the streetes this morning. I shewed it to men of experience and watchfullness, and they assured me this was the first of its appearance.

I cannot gett from the Clerk how the Lords voted, notwithstanding the authority of his Master is on my side, he excuseing it because the Lords perpetually hunt him for it. I am under dayly and hourly wishes for your prosperity, and entirely, S<sup>r</sup>, *etc.* A. RIGBY.

Mr. Lowndes corrispondeth mighty kindly with us, and I take the best care I can to give him as good musick back.

Tis all about the Towne that the Marquis of C——n challenged D. H——ton, and some say th' Admiral may chance to gitt a Sc—th stick before he gitts back to Berwick. Those he se[rv]ed make him foe as they call it here and then he appears in publick to do honor to high Ch——. This for reputation.<sup>1</sup>

<sup>1</sup> The writing of the last paragraph is very indistinct.



‘COPPIES OF PAPERS SIGNED AND DELIVERED BY JAMES M‘DANIELL TO HIS GRACE THE DUKE OF ARGYL, HER MAJESTIES COMMISSIONER, RELATING TO A DISCOVERY OF PERNICIOUS PRACTISES AGAINST THE QUEEN AND HER GOVERNMENT.’—27-30 APR. 1705.<sup>1</sup>

(Brit. Mus. Add. MSS. 28,055)

*f. 174.*

A Copy of a Letter directed thus: For His Grace The Duke of Argyl, Her Majesties high Commissioner for the Kingdom of Scotland: humbly presented.

*April the 27th, 1705.*

MAY PLEASE YOUR GRACE,—I have matters of the highest consequence to lay before your Grace relating to a most pernicious design now on foot in order to dethrone her Majesty and place the pretended Prince of Wales on the throne, in which design several men of great interest are concerned. I shall not only make a full and plain discovery of the whole affaire, but likewise I shall be an instrument to have several Commissions, Emissaries, and other Instructions from France intercepted and the whole design suppressed by your Graces assistance. I humbly pray that your Grace for my safety will sign the inclosed and send it me inclosed in a piece of paper, and let me likewise know from your Grace what hour this night you will be more att leisure, and then without fail I shall wait on your Grace and acquaint your Grace of the whole

<sup>1</sup> The following papers may be read in connection with the *Correspondence of Colonel A. Hooke, in the Years 1703-7*, Roxburghe Club. Hooke, a native of Drogheda, came to Scotland in August 1705, on a Jacobite mission.

matter. I humbly pray that your Grace do not communicate any thing of this to any person living till I come to you, which shall be exactly whatever hour you 'l appoint me. I am, yo<sup>r</sup> Grace most humble and obedient sert.,

(Signed) JAMES M<sup>c</sup>DANIELL.

PASS given to this M<sup>c</sup>Daniell by the advice of her Majesties servants.

By his Grace the Duke of Argyl, her Majesties High Commissioner for the Kingdom of Scotland.

WHEREAS Mr. James M<sup>c</sup>Daniell by his letter to me, dated the 27th April instant, proposes to make a discovery of a most pernicious and notorious design now on foot in order to raise a rebellion in her Majesties kingdoms of England, Scotland, and Ireland in order to dethrone her Majesty and sett the pretended Prince of Wales on the throne, and, whereas the said Mr. James M<sup>c</sup>Daniel doe by his letter aforesaid desire a protection or safety from me in order to come and make the said discovery to me, I doe, therefore, in her Majesties name assure, promise, and engage unto the said Mr. James M<sup>c</sup>Daniel that he shall not be molested, arrested, or taken for the space of ten days from the date hereof, but shall have free egress and regress to come to me and goe when he pleases, and not that only, but shall meet with all suitable encouragement in the prosecution of the said discovery, provided the said Mr. James M<sup>c</sup>Daniell doe come and make the said discovery to me any time before the 29th of this instant. Apryl. Given under my hand and seal.

THE FIRST NARRATIVE delivered by M<sup>c</sup>Daniell.

A Copy of the forementioned Paper on the outside thus entitled, An account of the design in view to restore the pretended Prince of Wales.

An account of the design in view for restoring King James the Pretender.

That in July last John Mullony, Bisshop of Killalue, my unkell, and Cofl Thomas Stiphenson and Cofl Charles

McCarty came from France to Ireland in order to settle matters there for restoreing the King. Att the same time came into England Bishop Price of Watterford, Coſl Breyan, and Capt. Wray; att the same time came to Scotland Coſl Munroe and Coſl M<sup>c</sup>Daniel. That in October last all these persons returned back to France, and there have delivered an acc<sup>t</sup> to the late Queen<sup>1</sup> and to the Pretender of all the persons that are well affected to restore his Majesty, that about the latter end of January last the Bishop of Watterford, Coſl Stiphenson, and Coſl M<sup>c</sup>Carty were dispatched from France to Ireland with several commissions and other instructions. Att the same time my unkel, the Bishop of Killalue, Coſl Breyan, Cap<sup>t</sup> Wray and I were dispatched for England with commissions, instructions, and other messages. That Coſl Munroe, Coſl M<sup>c</sup>Daniel, Cap<sup>t</sup> Muray, and Mussier Lanuy stayed after us in France, having occasion to setle matters for any amunition and money w<sup>ch</sup> was agreed to be sent to Scotland, it being the first kingdom to get in any; that on the first of this month Cap<sup>t</sup> Stuword arrived from France in England with farther instructions, w<sup>ch</sup> he delivered there to my unkel, and by his orders or commands was obliged to come to Scotland and to meet Coſl Munroe, Coſl M<sup>c</sup>Daniell, Cap<sup>t</sup> Muray and Musier Lanuy about the time they land; that my unkel sent me along with him in order dispatch back for England as soon as they safely landed; that Cap<sup>t</sup> Stuword is gon to Dundee, where he has directions to find out if they have landed; that, immediatly after the Act of Security past in this kingdom, severall of the leading men here made covenant with the king for to restore him this summer, to w<sup>ch</sup> intent Musier Lanuy and the rest brings his Majesties declaration along with them for to satisfie the minds of the people as soon as ever they draw into the field, w<sup>ch</sup> [was] to be in June next. The names of severall concerned in this design are as followeth viz.: the Lord Conisby, the Earle of Dysert, the Earle of Castlehaven, S<sup>r</sup> Edword Seymor,

<sup>1</sup> Mary of Modena, Queen of James II.

my Lord Conway, S<sup>r</sup> Edmond Bacon, S<sup>r</sup> Charles Bloyes, S<sup>r</sup> George Bewmont, S<sup>r</sup> Henry Seymor, S<sup>r</sup> Charles Barington, John How, Esq., S<sup>r</sup> Henry Bunbury, S<sup>r</sup> Walter Clarges, S<sup>r</sup> William Drake, S<sup>r</sup> Thomas Coffin, Stephen Creagh, Gentleman, S<sup>r</sup> Robert Daviey, S<sup>r</sup> Samuel Gerord, S<sup>r</sup> William Ghir, S<sup>r</sup> Christopher Hayes, S<sup>r</sup> James How, Daniell Artur, Gent., Councelour Mullony, S<sup>r</sup> Thomas Hamer, S<sup>r</sup> Willoughby Hickman, S<sup>r</sup> Robert Jenkin, Henry Loyd, Esq., S<sup>r</sup> Roger Musten, S<sup>r</sup> John Mordant, S<sup>r</sup> Humphrey Markworth, S<sup>r</sup> John Stanhouse, S<sup>r</sup> Beyan Stapleton, S<sup>r</sup> John Terald, and severall othe[r]s that I have not taken their names.

In Scotland three Dukes whose names I am affraid to make use of w<sup>ch</sup> will be described by the papers when intercepted, as also the Lord Drummond, the Earle of Errol, the Earle of Bredalbin, the Earle of Cromarty, the Earle of Hume, my Lord Aberdine, the Lord Belhaven, S<sup>r</sup> Donald Mc'Donald, Mc'Donald of Glincoe, Mc'Donald of Glenonald [*sic*], S<sup>r</sup> Evon Cameron, the family's of the McClods, the Mc'Kensies of Seaford, the Laird of Grant.

In Ireland, O Sullivone More, O Sullivone Bear, Mc'Carty More, Mc'Carty Reaugh, Co'll John White, Co'll Dinish, Mc'Groth, Co'll John Broun, S<sup>r</sup> Donough o Brey, O Ranke, O Mally, O Daniell, Mr. Lusius O Brey, S<sup>r</sup> Thomas Soutwell, Co'll Thomas Bourk, Co'll William Bourk, Co'll James Mc'Daniell, Dinish Dally, Esq., one of the late King James's judges, Artur French, Esq., and severall others that I have not taken their names.

(Signed) JAMES MC DANIELL.

A COPPY of ye second narrative delivered by  
M<sup>c</sup> Daniell.

An account of the dangerous designs now on foot  
against her Majesty delivered to his Grace the  
Duke of Argile on the 28th of Aprill, 1705.

The humble memoriall of Mr. James Mc'Daniell on ye  
28th of Aprill, 1705, delivered att Edenborough to his



Grace my Lord Duke of Argile, her Majesties High Commissioner for the Kingdom of Scotland, relating to severall pernicious designs now on foot against her Majesties Crown and Government, w<sup>ch</sup> are as followeth, viz. :—

That in July last John Mullony, Bishop of Killaloe, unkell to the said M<sup>c</sup>Daniell, Co<sup>ll</sup> Thomas Stiphenson, and Co<sup>ll</sup> Charles M<sup>c</sup>Carty came from France to Ireland in order to settle matters for restoreing King James 8 and 3, and att the same time came to Scotland Co<sup>ll</sup> Munroe and Co<sup>ll</sup> M<sup>c</sup> Daniell; att the same time to England Bishop Price of Waterford, Co<sup>ll</sup> Breyan, and Cap. Wray; and after having finished their negotiations in the said kingdoms returned to France in October last and there have delivered to the late Queen and her son, the pretended king, all the assurances w<sup>ch</sup> they have brought from the kings well affected friends in the kingdoms aforesaid, amoungst w<sup>ch</sup> assureances were invitations and assurances from his Grace the Duke of Hamilton, the Duke of Athol, the Duke of Gordon, and severall others of the kingdome of Scotland promising their assistance in restoring his Majesty, a list of whose names therein conserved I have this day along with this memoriall presented to his Grace the Duke of Argile. That, immediatly after the late queen and the pretended king received the same assurances, they immediatly repaired to Versailes to the French king, and there layed all the said assurances and invitations before him, att w<sup>ch</sup> time the French king gave orders to Musier de Torey to send for Bishops Price and Mullony and for Co<sup>ll</sup> M<sup>c</sup> Daniell and Co<sup>ll</sup> Munroe, and to examine them severally about the disposition of the people in Scotland, England, and Ireland towards the restoration of the king, w<sup>ch</sup> was done; that afterwards it was agreed that aforesaid persons should be sent back to England, Scotland, and Ireland with commissions and other instructions to the kings party there, the Bishop of Watterford, Co<sup>ll</sup> Stiphenson, and Co<sup>ll</sup> M<sup>c</sup> Carty to Ireland; to England, Bishop Mullony, Co<sup>ll</sup> Breyan, and Cap<sup>t</sup> Wray; Co<sup>ll</sup> Munroe, Co<sup>ll</sup> M<sup>c</sup>Daniell, Cap<sup>t</sup> Muray, and Musier Lanuy

to Scotland, but the latter four, having occasion to stay for sometime att Paris for money, arms, and amunition, w<sup>ch</sup> were agreed to be sent to Scotland by the way of Dunkirk, stayed behind in order to bring the same, and the rest came away about the latter end of January; that it was likewise agreed that 6000 men should be sent to Scotland as soon ever as the Duke of Hamilton, the Duke of A[t]hol, and the Duke of Gordon and the rest of their party got in arms; that 13,000 men were to be landed att Baltymore in the county of Corke in Ireland att the same time; that at the same time the kings party in England were likewise to be in arms, and to hinder her Majesties Forces from joyning. They had, at the same time, a rumour and a discovery to make the Queen prisoner, w<sup>ch</sup> might discourage all the kings enemy's, all w<sup>ch</sup> proceedings are to be in June next; that on the beginning of this mounth Cap<sup>t</sup> Stuword arrived in England from hence with some further instructions w<sup>ch</sup> he has delivered to Bishop Mullony, who is now in England, and by his orders and commands the said Cap<sup>t</sup> Stuword was obliged to come to Scotland and about Dundee to meet Cofl Munroe, Cofl McDaniell, Cap<sup>t</sup> Muray, and Musier Lanuy, who are to land there about this time with severall commissions, messages, instructions, and money, they having left Paris att the same time with him in order to come to Scotland; that the said Cap<sup>t</sup> Stuword is gone to Dundee, that my unkell sent me along with him from London to Scotland in order to goe back as soon ever as they land with whatever instructions I recieve from them; that Cap<sup>t</sup> Stuword, knowing where to find intelligence of their landing, is gone to enquire and watch their landing, and, thinking it not proper to bring me along with him, left me in Eednborough where he is to come to me as soon ever as they land; that the 13,000 men that are to be landed in Ireland are to be commanded by the Duke of Berwick, who is in cheif to command in that kingdom.

(Signed) JAMES M<sup>c</sup>DANIELL.

A LIST of the severall persons y<sup>t</sup> are engaged in ye interest of the pretended Prince of Wales in order to restore him and dethrone her Majesty: viz., in England the following persons:—

4

o The Earle of Dysert	o The Earle of Castlehaven	o Lord Conway
o S <sup>r</sup> Edward Seymour	o My Lord Conisby	S <sup>r</sup> Henry Bunbury
S <sup>r</sup> Walter Clarges	o S <sup>r</sup> Thomas Coffin	S <sup>r</sup> William Ghir
o S <sup>r</sup> William Drake	S <sup>r</sup> Edmund Bacon	o S <sup>r</sup> Samuel Gerard
o S <sup>r</sup> Henry Seymour	o S <sup>r</sup> Charles Bloyes	o S <sup>r</sup> Christopher Hayes
o S <sup>r</sup> Charles Burington	S <sup>r</sup> George Bewmont	o S <sup>r</sup> James How
John How, Esq.	S <sup>r</sup> Robert Douviss	S <sup>r</sup> Thomas Hamer
S <sup>r</sup> Willoughby Hickman	o S <sup>r</sup> Robert Musten	S <sup>r</sup> John Stanhouse
S <sup>r</sup> Robert Jenkins	S <sup>r</sup> John Mordant	o S <sup>r</sup> Breyan Stapleton
Henry Loyd, Esq.	o S <sup>r</sup> Humphrey Muckworth	S <sup>r</sup> John Tereld

3

The Earle of Nottingham

Daniel Arthur, Gent.  
Councelour Dimish MullonyStiphen Creagh,  
Gent.

I have not delivered any letters or other packets to any of those written, the line four and the line three, but have seen letters and other packets directed to the severall persons marked with the (°) and my unkell tould me that packets and letters were delivered to the rest, and I took all their names out of his book.

I have with my own hands delivered three packets in Daniell Artur's house to Nottingham, Artur and Creauch, and a letter w<sup>ch</sup> I suppose to be from my unkell to Mullony.

(Signed) JAMES MCDANIELL.

A LIST of the severall persons that are for raising in rebellion in Scotland in order to restore the pretended King James the Eighth and 3 and dethrone her Majesty.

The Duke of Hamilton	S <sup>r</sup> Donald M <sup>c</sup> Donald
The Duke of Atholl	M <sup>c</sup> Donald of Glincoe
The Duke of Gordon	The Laird of Grant
The Earle of Cromarty	M <sup>c</sup> Donald of Glenronald
The Earle of Hume	S <sup>r</sup> Evon Cameron
The Lord Drummond	The famelies of y <sup>e</sup> M <sup>c</sup> Clods
The Earle of Bredalbin	The M <sup>c</sup> Kenzies of Seaford and
The Lord Aberdine	severall others that I can not
The Lord Belhaven	remember
The Earle of Errol	

The reason that I have to believe that the foregoing persons are concerned is as followeth: I have seen with Co<sup>l</sup> M<sup>c</sup>Daniell a list of their names, w<sup>ch</sup> he said he took in Scotland, w<sup>ch</sup> list my unke<sup>ll</sup> took a copy att the English coffe house near the Aby in S<sup>t</sup> Germain, and I took a copy of the same from my unke<sup>ll</sup>; besides Co<sup>l</sup> Munroe named them to me att severall times and my unke<sup>ll</sup> tould me that he saw the assurances under the Dukes Hamilton, Gordon, and Athols hands, and that the Queen shewed him the same, and told him that now her child would be restored, for w<sup>ch</sup> she gave God thanks. Besides every body concerned for the kings interest att S<sup>t</sup> Germain generally said that the Duke of Hamilton is to command the army in cheif here in Scotland.

(Signed) JAMES M<sup>c</sup>DANIELL.

A LIST of the severall persons in Ireland concerned for the interest of the pretended Prince of Wales in order to restore him and dethrone the Queen.

O Sullvion More	O Sullvion Bear	M <sup>c</sup> Carty More
M <sup>c</sup> Carty Reaugh	Co <sup>l</sup> John White	Co <sup>l</sup> Dinish M <sup>c</sup> Grall
O Moly	O Rourk	Co <sup>l</sup> Thomas Bourk
Co <sup>l</sup> William Bourk	Co <sup>l</sup> James M <sup>c</sup> Daniell	Co <sup>l</sup> John Brown
Dinish Dally, Esqr., one	of the late King James's Judges	
Artur French, Esqr.	S <sup>r</sup> Donough O Breyan	of the County Clare
Cap <sup>t</sup> Nicholas Bourk	M <sup>r</sup> Lusius O Breyan	Co <sup>l</sup> Power
S <sup>r</sup> Thomas Southwell	Co <sup>l</sup> M <sup>c</sup> Carty of the County Corke, and severall others I do not well remember.	

I have seen of late packets or letters to every one in this list from France, and, when my unke<sup>ll</sup> was in Ireland, he brought every one of them letters from France, but I saw none delivered, only to Co<sup>l</sup> White, S<sup>r</sup> Donough O Breyan, and Co<sup>l</sup> Dinish M<sup>c</sup>Grall of Killbeherry in y<sup>e</sup> county of Korke.



A COPPY of another letter directed thus :—For His Grace My Lord Duke of Argyle, her Majesties High Commissioner for y<sup>e</sup> Kingdom of Scotland.

*Aprill the 30th, 1705.*

MAY IT PLEASE YOUR GRACE,—I have received the inclosed just now and thought it my duty to send it your Lordshypt by the bearer. Now, I suppose, your Lordshypt has noe need to be in any despair of finishing your design ; nothing I am sure shall be wanting on my side. I beg leave, my Lord, to tell your Lordshypt that in my opinion, considering the state of her Majesties affairs abroad and y<sup>e</sup> severall divisions and misunderstandings now att present between her Majesties subjects att home, that nothing could be more seasonable for ye welfare of her Majesties interest and Government, as now established, than this discovery that I made, through which I shall goe by Gods help and see the same finished compleatly, which is my ambition and desire, but I must farther beg leasure of your Lordshypt to acquaint your Lordshypt that, when a person intrusted by a Prince and by his nearest of relations forfeits his reputation, layes his friends in the greatest of dangers, and destroyes the interest for w<sup>ch</sup> he was first concerned, that those when considered ought to be sould and purchased att the dearest rate. My Lord, if I had made such a seasonable and timely discovery as this to the French Court, I should, att least, upon the first opening of it, receive five or six hundred pistoles as a present in order to make me sensible of the good intention designed for me, and I am apt to believe, had I made it to the Court of England, I should meet with the like success, but I had a reason not to make it there, w<sup>ch</sup> I partly told your Lordshypt. It's not that I despair to be gratified, but that a bird in the hand is worth two in the bush. I must own to have met from your Lordshypt and the rest of the Lords with all the respect and civility imaginable, for which I doe in most humble manner give you all my hearty thanks. My Lord, I rather write this to your Lordshypt than think [*sic*],

and, not to open my mind, I wish your Lordshypt would be more kind to the bearer than you have been hitherto. By Gods help nothing will discourage me from finishing the great and good work I have begun, w<sup>ch</sup> I doe not doubt to compleat to your Graces and the rest of the Lords full satisfaction. I am, my Lord, your most humble servant,

JAMES M<sup>c</sup>DANIELL.

A COPPY of the inclosed mentioned in this letter design'd to pass for Cap<sup>t</sup> Steward's under the name of William Livistoun in all probability forged, the hands resembling each other, directed to M<sup>c</sup>Daniell.

SR,—I hope you are not uneasie ; if ever you were, be not now. You cannot find better opportunity to buy goods than y<sup>e</sup> will have now. The Merchants I expect every hour. I have met with one that left them the other side, who was dispatched by them to their wives and servants here in order to acquaint them of their coming. The wind proves fair, so that I believe you shall see them in a little time. I am in hopes you shall have a good pennyworth from them. I will make no stay, only see what goods they bring. I hope you have received your bills from London. Expect me every hour. I am, S<sup>r</sup>, your humble servant,

(Signed) WILLIAM LIVISTOUN.



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