

# The Lockhart Papers:

MEMOIRS and COMMENTARIES upon the Affairs of SCOTLAND from 1702 to 1715,  
by GEORGE LOCKHART, Esq. of CARNWATH,

His SECRET CORRESPONDENCE with the Son of King v JAMES the SECOND from  
1718 to 1728,

And his other political Writings;

Also, JOURNALS and MEMOIRS of the Young PRETENDER'S Expedition in 1745,  
by Highland Officers in his Army.

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PUBLISHED FROM ORIGINAL MANUSCRIPTS

IN THE POSSESSION OF

ANTHONY AUFRERE, ESQ.

OF HOVETON, NORFOLK.

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*Celebrare domestica facta.*

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IN TWO VOLUMES.

VOL. I.

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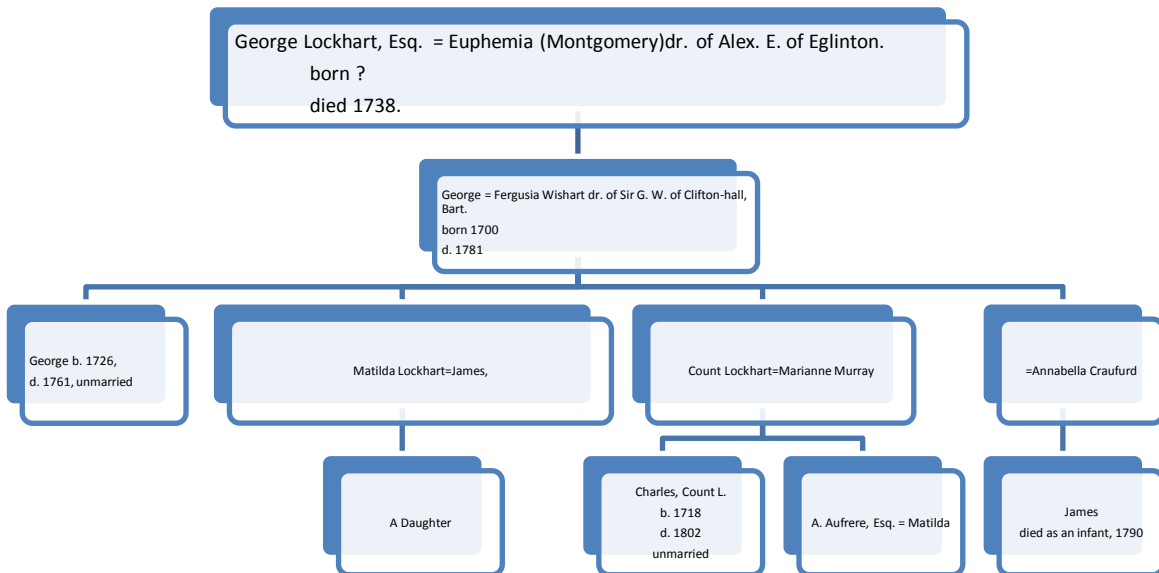
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1817.

# Pedigree

SHOWING THE DESCENT OF THE PAPERS.



## TO THE READER.

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THE Papers now offered to the Public carry with them so many indisputable proofs of a genuine origin, that it remains only for me to mention how they came into my possession.

They were given to me, for the purpose of publication, by my brother-in-law *Charles Count Lockhart* of Lee and Carnwath (great grandson of *George Lockhart*, author of the *Memoirs*, &c.), about three years before his death, which took place in August 1802; but my avocations during that period, my journey to and detention of eleven years in France, and application to family arrangements upon my return to England in 1814, combined to delay their preparation for the press.

In bringing these papers before the public, conformably to the instructions contained in the Author's letter to his eldest son (of which a fac-simile is given) I do no more than accomplish the intentions of that eminent and disinterested Patriot: but though I have no other merit than the diligent performance of my duty as an Editor, I may be pardoned for expressing my satisfaction at being instrumental in thus giving publicity to documents of no inconsiderable importance to our Historical literature.

The period of time pointed out by Mr. Lockhart as likely to be proper for the publication of his writings, was by circumstances rendered extremely unfavourable to his purpose; for his grandson had so warmly espoused the cause of the Stuarts in 1745, as to be expressly excepted out of every act of amnesty during the remaining part of the reign of King George the Second. The papers relative to the Young Pretender's Expedition, which were intrusted to Mr. Lockhart son of the author of the *Memoirs*, were therefore by him deposited with the others, until a more suitable moment should arrive for the publication of the whole; and both he and his eldest son dying very soon after King George the Second,—and James, the second son, who succeeded to the estates, being in the Austrian service and more usually residing upon the Continent than in Scotland,—all the manuscripts remained unnoticed until the period when they came into my possession as I have mentioned.

ANTH. AUFRERE.

Orchard Street, London,  
31<sup>st</sup> March, 1817.

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# MEMOIRS

CONCERNING THE AFFAIRS OF

**Scotland,**

FROM

**QUEEN ANNE'S ACCESSION TO THE THRONE,**

TO THE COMMENCEMENT OF

THE UNION

OF THE TWO KINGDOMS OF SCOTLAND AND  
ENGLAND,

IN MAY 1707.

With an Account of the Origine and Progress of the design'd  
INVASION from France, in March 1708,—some Reflections on  
the ancient State of SCOTLAND,—and an APPENDIX,  
containing an Account of the Sums of Money distributed by  
the Government of England among the Scotch Noblemen and  
Gentlemen.

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BY GEORGE LOCKHART, ESQ. of Carnwath.

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To which are prefixed Sir DAVID DALRYMPLE'S INTRODUCTION  
shewing the Reason for publishing the Memoirs in 1714,  
which was done without the Author's knowledge, and an  
additional PREFACE by the Author, never before printed, in  
answer to the Introduction.

## THE PREFACE.

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A BOOK now without a preface, is thought as ridiculous as a man with a suit of fine cloaths and a slovenly sign-post hat and perriwig; and therefore, since, according to the proverb, “A man had as good be dead as out of the fashion,” I must preface a little too, tho’, indeed, after all, I might spare my self the pains, since the odds are more than two to one that these Memoirs will never appear in publick: one thing I’m sure of, that a good space of time must needs interveen; since they contain several passages, that upon many accounts are not fit to be promulgated in the world, till the affairs thereof, I mean in this island, take another turn; and even supposing that obstacle were (and I pray God it may be soon) remov’d, yet having us’d a little freedom with several persons of rank and power, in the characters I have given of them, and in the relation of several matters of fact, common prudence requires these Memoirs should lie dormant till such be out of a capacity to resent the same either on my self or posterity.

To begin then: I do most solemnly declare, not because it is the jog-trot method of prefaces, but because ‘tis real truth, that my writing of these Memoirs did not proceed from any desire of being an author; for the true rise and origine was, as I’m now to tell you, having had the honour to represent one of the chief shires in Scotland during the four last sessions of parliament, I did apply myself to become as useful as I could to my country: and, I thank God, my behaviour was such, that I did not procure the displeasure of my constituents. I consider’d that, when I first enter’d upon that employment, I was very young, and void of experience, and was desirous to retrieve that loss by a diligent application to observe what did occur for the future; and for that purpose I used, for the most part, to make my remarks on what I thought observable, as they occurred either in or out of the Parliament house, and gather a collection of all the valuable prints, and procure extracts of such papers as I believ’d might be useful to lie by me. Having follow’d this method for four years, viz. from Queen Anne’s first session of parliament in May 1703, to the commencement of the Union in May 1707, I liv’d thereafter some time privately at my house in the country, and thought I could not divert myself to better purpose than by ranging my notes into order, believing they might, perhaps, prove some time or other useful, to keep in my remembrance several passages that I might otherways forget; and all I then design’d was to

be contain'd in a small volume. But after I was once engag'd in the work, I found several passages requir'd the relation of others, without which they were not plain, which, bit by bit, drew me into a labyrinth, out of which I could not well extricate myself, till it had swell'd to a much greater bulk than I at first imagin'd. This being finished, I projected no more: but being afterwards a little curious to know if any other person had a design of writing an account of these times, and being certainly inform'd that there was none, at least that I could hear of (except Mr. Ridpeth, and some such other mercenary party scribblers, whose accounts, if ever published, will be found to want several remarkable passages, the knowledge of which they could never attain to, and which are contain'd here), I thought it a million of pities that such considerable transactions should be altogether buried in oblivion; and therefore, since no other that I heard of did, I was resolv'd to attempt it.

In prosecution whereof, I found it necessary to give the reader a particular account of the lives and characters of several persons, without which he could not well have had a clear and full idea of what passed. I know 'tis the hardest part of an historian; and how I have perform'd it I must refer to the judgment of others. These characters will let posterity know who they were made the greatest appearance, and had the chief ruling of the roast in these days; and the protestations and protestors' names will serve to keep in remembrance the grounds upon which they went, and to whom the country owes its ruin, and who they were stood to its defence.

After I had finished it so far as to the commencement of the Union, the design'd invasion from France soon follow'd; and I thought it had so near a relation and dependance upon what preceeded, that I inclin'd to give likewise an account of it: the disappointment of which drew me insensibly to take a short glance of the happy state from which the kingdom of Scotland was fall'n; and I'm perswaded, if Scotchmen would often and seriously reflect upon it and the glorious and heroick actions of their progenitors, it could not fail of exciting in them a generous resolution of recovering what was so valiantly defended and maintain'd by their predecessors, and meanly parted with by this age: and I can never suffer myself to despond, or doubt, but that, some time or other, God will bless such resolutions and endeavours with success, by restoring the nation to its ancient rights and liberties.

What next remains is to acquaint my reader, that besides the pains I was at to make the observations and collections I have spoke of, I had

opportunities of knowing the rise of most transactions, as much as any of my contemporaries, having (I say it without vanity) been trusted by the chief of the Cavaliers and Country parties. It cannot be imagin'd that I (tho' I doubt not the time will come when truth will appear and be made publick) can, in all points, give a full account of the springs and causes of all the measures that were taken and follow'd during this time; many of them being the secret intriegues and resolutions of aspiring self-designing men; but in the main I fancy I have discover'd as much as will give my reader a clear notion of the state of affairs, and the several views and motives that then prevail'd. And I do most solemnly declare I have, to the best of my knowledge, neither added to nor impair'd the truth; as a proof of which, I think I may appeal to the characters and the general strain of these Memoirs, wherein I have not spar'd my near relations, particular friends, and intimate comrades, when I thought them faulty.

As I'm conscious to myself that no motive, save a true-hearted Scots one, incited me to compile these Memoirs; so I beg and hope what imperfections they contain may be excus'd by all such into whose hands they fall. If I have misrepresented any person, 'tis a sin of ignorance, and I beg pardon for't; but I may desire my reader to give their vindications no credit, unless they be as well vouch'd as my accusations; which I'm sure are so well founded, that was there (as we say in Scotland) a right sitting sheriff, I would not doubt to see some gentlemen string. This remembers me, that I foresee it may be objected, I write too much against a certain party: 'Tis true, my indignation against the betrayers of my country is so great, I never could, nor will, speak or write otherwise of them; but when it does not induce me to deviate from the truth, on so provoking a subject, I may be granted that grain of allowance which you know is never refused losing gamesters.

All I have to add is, that perhaps in process of time, some of these persons whose characters I have drawn, and of whose behaviour I have given an account, may alter their minds and manners, some grow better and some grow worse: as to those that grow better, and I wish there may be many such, I shall honour them as much as any man, and I hope they wont take it amiss that I tell the truth, and condemn what they themselves seem to disapprove of. As to the other sort of men, I shall heartily regret their falling off from what they once knew to be right; and what's contain'd in these Memoirs that seems to favour them, will become their greatest reproach. Thus I see no occasion of retracting what I have said of either of these sorts of men: if the



account I give of them be true, and the faults I mention were actually committed, I cannot be accused with any shadow of reason.

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The author's intention that these Memoirs should not be published until after a considerable lapse of time, was frustrated by his lending the Manuscript to a particular friend, who (though under the strictest promises of secrecy) was so faithless and imprudent as to get it transcribed by a common mercenary scrivener at London, who in his turn deceived his employer, and gave copies of it to others; and thus it was for the first time published in 1714, with the following Introduction, which was soon known to be written by Sir David Dalrymple, Advocate.

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## THE INTRODUCTION.

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THE surprize upon the imagination would be too great, and the light too strong upon the eye of the reader, from the naked view of these following Memoirs, without conveying the important matters contain'd therein to the senses, by a proper medium, and preparing them to dwell upon such prodigious wickedness for some time, with a restraint of temper.

The strokes in many places indeed are so bold, and lye so open to the senses of every man, as will raise the blood of the most phlegmatick; and it's happy for some deluded people, who have hitherto doubted of a plot being carry'd on against their country, that the author of these Memoirs has so freely discover'd the flagitious attempt of his party.

The many impious schemes the reader will meet with thro' the course of these sheets, laid down for the entire subversion of liberty and the Protestant interest in Scotland, will often oblige him to carry his reflections higher, and wonder how a government so embarrass'd with faction, and attack'd in her vitals by such a number of parricides, has subsisted to the date of this happy minute.

The imagination will be always kept warm with great variety of incidents, and no person can propose to read some passages coolly, whilst he is encounter'd with such a vicissitude of passions, horror and pleasure rising alternatively in his breast, from the projected wickedness on one hand, and the successful defeat of it on the other.

The noble struggles which have been made for keeping out popery and slavery, and rescuing the constitution out of the hands of its oppressors, must give inexpressible delight to the asserters of liberty and men of true Revolution complexions; whilst the parricides, and those who had sworn her destruction, must be cover'd with shame at the thought of so unnatural an attempt.

Tho' the following transactions are chiefly confin'd to Scotland, yet they will serve to clear up many speculations relating to the English affairs; and by this clue we may be able to come at the paralell wickedness of a set of men in both kingdoms, who had the same villainous intentions towards their country, even those who have been a constant dead weight upon the Revolution, perplex'd King William's affairs, and gave no small disturbance to the throne of

Queen Anne.

The barbarous designs of these men you will find, thro' the whole strain of the Memoirs, artfully disguis'd with the plausible name of publick spirit, and a tenacious love of their country; but they who observe upon what foundations all their measures were built, and that the compassing them must inevitably have been the destruction of all civil and religious rights, will never be very forward in approving the means, when the end was so pernicious.

The following sheets, one may readily discern, were design'd for the triumph of another day, a day which would have extinguish'd the very name of liberty, and even the form of religion amongst us, and which all true Britons deprecate, and never desire to see fill up a space in their kalendar; and what perhaps might have been design'd to make a merit upon the arrival of a Pretender, is now sacrific'd to a more glorious occasion, and publish'd to dispossess some unhappy people of their prejudices, and give all King George's subjects an abhorrence of those wicked practices which were levell'd at the happy Revolution, and consequently at the title of our present king.

The test of assurance at the Revolution, which was of the same nature as a qualifying act, we find loudly storm'd at; not so much upon the account of its irregularity, but because the parliament consisted of a majority of Williamites, who being apprehensive of the Jacobites crowding in to distress the government, under the formal acknowledgement of King William's title as a nominal, or *de facto* king, were resolv'd to make the oath as explicit and binding as they could think of, and therefore requir'd all persons in publick stations to take it to him as rightful and lawful sovereign.

This was an effectual check upon several, and disabled them from doing any legal mischief: thus being disappointed of their aim, we must expect to find their passions disburden'd in bitter invectives against those worthy patriots, who took all the necessary precautions for the support of so glorious a cause.

The reasons given for some gentlemen not appearing as candidates for the Convention, viz. their confidence of a speedy breach in so young and uncompact a settlement, and their unwillingness to be present at any councils which might seem to countenance King William's pretensions, or favour his right, are lucid proofs of their disposition to return back to their former chains, and their ardent zeal for popery.

Their rancour against the Revolution made them refine too much in

their politicks, and so infatuated them 'till the opportunity was past of obstructing so great a felicity, that perhaps it was never known that such prepense malice ever contributed so much to the promotion of a cause which was intended to be disserv'd by it.

It's plain to a demonstration, the unexpected present of the crown to King William first wak'd all the dormant passions of their souls, and the establishment of the Presbyterian Church of Scotland fir'd them to a degree of frenzy.

No man would make himself such a novice in Scotch affairs, as not to be sensible that an Episcopalian in Scotland is a profess'd Jacobite. The Revolution men therefore, knowing that no limitations would bind them, or concessions engage them to become entirely in the interest of King William, thought fit to lodge an incapacity over their heads, whereby their measures were broken, both as to their authority and legal assistance to any contrivance against the Revolution and Protestant interest; the source of all the bitter invectives against the promoters of them, under the invidious names of rebel and fanatick.

It will in a great measure alleviate the complex scandal thrown upon the least distinguish'd worthies, who contributed so bravely to the support of the Revolution, when they find themselves rang'd with the most illustrious blood of Scotland, for having acted so strange a part (in the dialect of the Popish faction) of serving their country.

The great Duke of Queensberry's unbounded zeal for the publick good, his easy addresses to the froward and obstinate, only to soften their rugged spirits, and bend them to humanity and a love of their proper interest which seldom stands in need of strong arguments, merits no better title with this Memoir-author than profound dissimulation; his falling in with the staunch Protestant Revolution interest, after a promise to the opposite party of joining with them only in just and honourable measures, has no better graces assign'd it than revolt and apostacy: and the accumulation of honours heap'd on his family, under the reign of Charles and James the Seconds, is display'd to enlarge the view of his ingratitude to those patrons of his family, in the generous assistance he gave to King William, and the bleeding state of his country, which was dearer to him than all the presents in the gift of a crown, for which this author is pleas'd to give him the civil appellation of the first rebel.

The personal failings of the great Duke of Argyle, which are always to be weigh'd down by superior virtues, are introduc'd in the character of that brave man to sully his early appearance for King William, and to insinuate that as the Revolution was a work begun by

profligate and flagitious men, so consequently it had nothing to recommend it but successful wickedness. The unwilling concessions made to his penetration, judgment, addresses, and elocution, are put in that light, only to raise an indignation in persons that they were not more usefully employ'd. His want of application one would think should atone in some measure, for the mischief he did, with this Memoir-writer; but the least vigilance in a good cause, we find, is not to be forgiven by those who are ever watching for the destruction of their country:—still amidst these pointless assertions, he lives warm in the hearts of all honest Revolutioners, and will triumph in history when the invidious Memoirs of a disappointed faction will moulder with their own envy. We are well assur'd that glosses would not have been wanting to varnish the worst of his infirmities, could he have been prevail'd upon to go over to the interest of a party, which makes even damnable sins venial in transgressors of the greatest magnitude, of their own perswasion.

That part of the character which charges him with ingratitude, for abandoning the interest of King James, when he had so fair a prospect of being restor'd to his forfeited estate, would have fix'd a greater blemish upon him, even that of an unwarrantable credulity, if he had trusted to a promise which would never have been made good, without forfeiting his honour and conscience in lieu of his fortune.

The probity of these Memoirs is further illustrated in the attack upon the character of the unblemish'd Earl of Stair, inaccessible, one would think, even to envy itself. What quarter must persons expect, in the lower orbs of life, from the rage of a faction, when such sublime vertues are so prophanelly insulted? one who commanded assemblies by a masculine unforc'd eloquence, and gave conviction to the most prejudicate minds.

His early and ardent zeal for the Revolution, and incessant toils for establishing it upon a lasting basis, are services never to be forgiven by one set of men, or forgotten by another.

But the plan he laid for consolidating the two kingdoms, and thereby giving a sanction to the title of the illustrious House of Hanover to these realms, will always put the blood of a faction into the highest ferment, and make them gnash their teeth, tho' they are grinded down by this happy conjunction.

We see to what miserable shifts they are reduc'd, when, in opposition to the brightness of his merit, they are forc'd to glance at the freshness of this great man's family, whilst they must be content to enjoy the solitary title convey'd to them by a fortuitous generation,

unaccompany'd with those honours which flow from an exemplary desert and a superior genius. But what will entail their malice upon this noble family, is to find the hereditary vertues of the father shine out so conspicuously in all the actions of a most accomplish'd son.

The consummate merit of the Duke of Roxburgh cannot be pass'd over without having its share of the tainted breath and virulency of this author:—the elegance of his manners, his fine parts, greatness of soul, and all the endearing qualities which go into the composition of a great man, were misapply'd, according to the Memoirs, for being a strong Revolutioner, and his strenuous support of the Hanover interest.

The Duke of Montrose's vigilance and zeal for so good a cause, could not escape unmark'd by this author: his generous warmth for carrying the resolve about the succession for the house of Hanover, is basely traduc'd as heat and passion; and his earnestness for ratifying the Revolution, sets him at the head of the Hanoverian whiggish faction.

Whatever ignominy our author and his party thought to fix upon this great man by these two epithets, yet they will always appear amongst the shining lights of his character; and the noble pushes he made for securing the Protestant interest, and establishing this glorious succession, will yield a solid satisfaction to him; whilst the Popish, Jacobite, Tory faction must suffer all the agonies of mind, and contempt from the world, for having gone all extremities towards accomplishing the ruin of their country.

It's no wonder to find the passions of this virulent writer boil higher, when he falls in with the present Duke of Argyle's character: the hereditary spirit of a family that always detested even the most distant approaches of Popery, and knew not how to bend to arbitrary rule, could not fail of receiving many impotent lashes from the pen of an abject author, who was never easy in the possession of liberty, and enjoy'd it at the hands of a government which ow'd him no protection. The firmness of my lord Duke to the true interest of his country, has given a fresh accession of glory to his family, in having abandon'd all his honours, and leaving himself at large and unincumbred to serve his country, and maintain the succession of our present glorious King George, if any struggles had been made to the contrary.

The Earl of Cromarty's character is treated in a contemptible manner, for favouring the Episcopal party at first, and then deserting them when their violent actions render'd them incapable of protection

from the civil government.

The names of Marchmont, Loudoun, Leven, Glasgow, could not hope to escape the rage of this Memoir-writer, their zeal against popery and slavery being registred in such lively characters. As little favour could those worthy patriots Dalrymples, and Mr. Baily of Jerviswood, expect at the hands of a faction, after having confirm'd the Revolution in the very teeth of rage and tumults, and so vigorously succour'd the title of our present king.

These, with many other illustrious names, we find drawn at full length by this Memoir-writer, but wretchedly mangled: a few virtues here and there have been artfully interspers'd, and so coolly represented, that the warm colourings of their vices should strike more forcibly upon the eye.

This seems to admit of some mitigation, when we consider his usage to those of his own faction, and the reproaches he has heaped upon them in that light he has plac'd them, under pretence of making their characters appear brighter to the world.

Had he study'd a satyr upon his friend the Duke of Athol, he could not have expos'd him more to the censure of mankind: his excess of love to King William, so as to form all his gestures upon the model of that great prince, and then flying off from his interest, because his recommendation was not so powerful as another's, and from a jealousy of a noble lord's being a greater favourite, are such low and contemptible characters as will just suit with our ideas of a person not come to years of discretion. He is owned a trimmer, by this good friend, between Court and Cavalier; after that becomes a violent Jacobite, at the same time a diligent hearer of the Presbyterians, willing to go into any desperate measures against the Hanover succession; and to confirm the world in this opinion, he had, by the Memoir-writer's account, six thousand Cavaliers upon a loyal bottom to sacrifice for the king's service.

In what a fine situation does this scribe put this noble lord! Upon what a slender bottom are his disgusts founded! How lively his inconstancy and inconsistencies are painted! And how nakedly he exposes his zeal for the service of the King, as the faction stiles the Pretender, which, for the safety of his noble friend, might, one would think, have been soften'd by dashes or ambiguities!

The Duke of Hamilton's character is render'd almost as conspicuously bad by this author, in his trimming capacity, and desertion when the Cavaliers thought they had him sure; joyning



sometimes with one party, then another, consenting to the Queen's nomination of commissioners to treat, and his resolution question'd, because he could not be induc'd to go all the desperate lengths of the faction.

The loyalty of the Earl of Errol to the Royal Family is very much illustrated by the Earl Marishal's fidelity to his prince and country; and Lord Balmerino is complimented in a most horrible manner for not taking the oaths to the Government till 1704, with a view of obstructing the Hanover succession.

I shall pass over the large pourtraiture of Mr. Fletcher, the Author having blended so many contrarieties in his character, that it's impossible to reconcile them to any man's apprehension.

When the reader finds the terms Cavalier, Royal Family, Prince, King, Episcopal, dispers'd thro' these Memoirs, he cannot be at a loss for the meaning of them, they being terms of great significancy amongst the faction, but in Revolution dialect go for no more than Jacobite, a spurious issue, Pretender, Mock-monarch, and Popish persuasion.

These terms will be fully explain'd, and the desperate attempts of the faction appear in lively colours, when the barefac'd treason against the late Queen Anne shall glare in your eyes and astonish you.

I shall pass by the Union without any remarks upon the Author's relation, only beg leave to say, that tho' some rights and privileges in Scotland may have been weaken'd by this conjunction, yet they have their religion and liberty secur'd to them by it; for it had been impossible to have defeated the attempts of the Jacobites, or extinguish'd their sanguine hopes, without declaring the succession to the crown of Scotland to be in the illustrious house of Hanover. This is evident from the alarum it gave the whole party; for no sooner was the Union settled, but projects were concerted for restoring their King, as they call'd him.

But this conspiracy against the Queen and the Protestant religion was of a quite different management from all the plots recorded in history. Besides the general expectation and ardent wishes for his arrival, the Jacobites had their delegates to treat about the manner of his restoration, and set meetings in the western shires.

But we shall cease wondering at the insolence of those open attempts under the eye of government, when we read of a black list of sixteen nobles and gentlemen who subscrib'd to a solemn invitation, with a Duke's name in front.

This passage, methinks, should have made the author of the Memoirs a little more temperate in his foregoing reflections upon the Duke of Queensberry and some other nobles, who are represented as trumping up a sham plot upon the abovemention'd Duke. If people should once make use of their reason, and compare the former account laid before the Lords of England with what is set forth here in so many capitals, it would be no great strain upon the imagination to conclude hiin embark'd in the same designs before, as this author, upon his knowledge, assures the world he was of later date.

There was no manner of caution observ'd in keeping this conspiracy a secret. As the general opinion of the kingdom had decreed a great share in the restoration of their King to the Duke of Hamilton, so our author scruples not to let the world know, that letters were sent from the Pretender to that duke and the Earl Marishal, by the mediation of one Hookes, an agent from the Court of St. Germans, but that from some jealousies and disgusts they chose to convey their sentiments to the Earl of Middleton by another hand.

Happy was it for the tranquillity of Scotland, that two great men, equally engag'd in the conspiracy, should, thro' emulation and jealousy of each other's power, keep upon the reserve, and, each affecting the prime direction of that great affair, propose to make a superior merit of it; by which means the communication between them was cut off, and the mutual confidence weaken'd, which was absolutely requisite to a design of that extent.

None, I presume, hereafter will arraign the ministry in England at that time, of severity, for laying the Duke of Hamilton under a modest restraint, after this famous Memoir-writer has affirm'd that the said Lord was so bent upon the restoration, as they term'd it that he had determin'd even to break thro' the messenger's hands to his King, with a guard of horse which were to be sent to his relief.

Such discoveries from the Author of these Memoirs, who was, upon the main secret, entrusted with the conduct of the most important affairs relating to it, and who cannot be imagin'd so flagrant in his malice as to relate each circumstance and punctuality in so solemn a manner against his friends and confederates in treason, must be credited by bigots of the rankest credulity.

After so frank a declaration, we defy the faction, with the most study'd sophistry, to reconcile their allegiance and duty they so much boasted of to Queen Anne, to the active obedience they show'd to the Pretender, under the title of their King, or satisfy any Revolution Protestant, why any toleration should be granted to a Scotch

Episcopalian, after such notorious perjuries, collusions, mockeries of God, and abuses of the Queen's clemency.

And if a rebellion of that black dye was carry'd on against a Queen of the greatest indulgence to their follies, and who was wickedly represented by them as having conceal'd inclinations to serve their interest and keep the crown in trust for their King, what rancour, what hellish malice may not King George expect from a faction who put their country in a flame to oppose his succession, and were reducing it to an heap of ruins, to prevent his being Sovereign of the soil?

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[The answer to Sir David Dalrymple's Introduction is given in the following Additional Preface.]

**ADDITIONAL PREFACE**  
TO  
THE COPY CORRECTED AND LEFT FOR PUBLICATION  
BY THE AUTHOR.

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WHEN the following Memoirs were published at London sometime after the Elector of Hannover's accession to the crown, they appeared under all the disadvantages imaginable; for the copy, from which that printed edition was taken, was noways prepared and design'd for the press, and many errors appeared in it; several words, nay sentences being, some omitted, and some inserted instead of others, by which in many places the sense of the whole was confounded.

But the greatest misfortune arose from the then state of affairs, which was by no means fit for propaling several facts therein contain'd. However, this book was printed, without the consent or privity of the Author; for he having lent it to a particular friend under the strictest ties of secrecy, he was so faithless and imprudent as to give it out to be transcribed by a common mercenary scrivener at London, who in his turn deceived his employer, and gave copies thereof to those who soon after published it.

It is impossible to express what a noise and bustle was made about this book over all Britain: some apprehended danger from the discovery of those measures they had been concerned in for King James's restoration, and that it would clear the way towards frustrating all future attempts of that nature: others again rejoiced at the accounts contain'd in it; some, because they served as a handle to represent their enemys as dissaffected to the then settlement of the crown and government; and some, that the methods by which the kingdom of Scotland was betrayed were so clearly set forth, that the persons guilty thereof must needs appear odious, and lose their interest with all true Scotsmen. But this consideration on the other hand did highly provoke another set of men, who could not endure that their actions, and the motives inducing them thereto, should be set in a true light and made publick; and their resentment ran high against the person whom they supposed the author, and the book itself: but as they could not get proofs whereby to fix it on any particular person as the author of it, the book stood its ground, with respect to the facts contain'd in it, and obtain'd universal credit. And tho' those who were most irritated at it gave it no other appellation than a villainous book, they did not care to enter into particulars, and

some of them were so ingenuous as to own it contain'd much truth.

That they had nothing to alledge against the veracity of it is evidently apparent from the Introduction published with it; seeing nothing of that kind is so much as insinuated. This Introduction, whereof Sir David Dalrymple was the author, is also published with this edition, that posterity may know what objections were then made against the book; and I refer to an impartial reader, if ever he perused any thing more insipid, fulsome and unmannerly, than this Introduction; but such indeed are most of the performances of the author of it.

The chief or only purport of it is to tell the world that the Scots Jacobites, and the author of the Scots Memoirs, were rather for King James than King George; a notable discovery indeed of that which nobody deny'd, nor was ignorant of! But it is strange that any man should have the impudence, after so many years fatal experience, to justify the Union and those who advanced it, With what confidence can this Introducer accuse the Cavaliers for endeavouring to restore that prince, who they believed had an undoubted and the only right to the crown, even tho' the same should be attended with the calamities he asserts, when he at the same time freely confesseth, that to secure the succession of another prince, who had no manner of title but what this Introducer and such as he gave him, the party for which he contends gave up the sovereignty, independence, constitution, libertys, freedom, rights, laws, religion, riches, and trade of their native country? For such, wofull experience hath taught us, are the natural effects of the Union with respect to Scotland; and yet the same was contrived and carried on to establish and secure the Hannoverian succession, if this Introducer may be credited.

And now taking it as he would have it, that is, that the Union was undertaken on no other view than what I have mentioned, and yielding that the Cavaliers, in opposition thereto, designed the restoration of King James, who would certainly oppress and harrass his own faithfull subjects, and impoverish and ruin his own flourishing dominions,—I say let us suppose matters stood thus, the question naturally arising from it is, which of the two schemes was most detrimental to Scotland? Why, for my own part I truly think the former, because King James might change his mind, and be persuaded by reason and interest to act otherwise: if not, he might be controlled by the Parliament, resisted by the people, and sent a-packing, as was his father; and for certain he would sooner or later die, and a better prince perhaps succeed him. But the Union is of its own nature inconsistent with the prosperity of Scotland, and instead of growing

better proves daily more heavy and intolerable, and withall more durable and lasting; so that of two evils, the least was to be chosen, and the Cavaliers' scheme was preferable to that of the Unioners, because it was not attended with such certain and permanent inconveniencies as the other, even tho' all that these Unioners did alledge, had actually come to pass. Tho' after all, I must beg leave to think, that tho' indeed these gentlemen were very fond of the Hannoverian succession, yet as an incorporating Union did more effectually screen them from the punishments they richly deserved for conniving nay contributing to the oppressing of their country, this was what they chiefly aim'd at, and more desired, than the succession of any race whatsoever to the crown, tho' now to conceal and cover their real designs and magnify their merit, they make the Hannoverian succession the only pretence for what they did.

But why does this Introductor reckon those who were against the Union and those against the Revolution in one and the same class? Does he not know that a great many Revolutioners opposed the Union? Hath he forgot that Sir David Dalrymple, when the British Parliament passed the act concerning treason in Scotland, frequently and publickly declared how much he was grieved and repented his having been so instrumentall in promoting the Union? And did he not post from Edinburgh to London how soon he heard there was a design to propose a dissolution of it, and did any man appear more frank for the measure than he? Did not the Earl of Hay in all companies make it his publick and constant toast, and write inscriptions on the glasses in the taverns of Edinburgh, "To the dissolving of the Union"? And did not all of this stamp and kidney declare that the Union was untollerable, and that there was an absolute necessity of hazarding all rather than it was not dissolved? Did not all the Scots members, Whigs as well as Tories, agree unanimously to the motion which was made in the House of Lords for dissolving it? Were these pretences and this behaviour in those people only grimace, and the effects of being deprived of a share in the administration of publick affairs at that time, and a desire of creating disturbance and uneasiness to the then ministry of Great Britain? If these were their motives, their insincerity and selfishness are conspicuously apparent, and we are naturally led to judge of the motives that induced them to be for the Union at first. But if they were sincere in their declarations against the Union, why this sudden change, and whence this new light, when the tables are turned, and they once more at the helm of publick affairs? I will make no reflections, but leave Them to answer, and the impartial world to judge.

But, as I said before, I can see no reason for putting the Revolution and the Union on the same bottom, especially if the latter was only designed as the means of securing the Hannoverian succession; for 'tis consistent enough to have been either for or against the Revolution, and an open enemy to the Union and the Hannoverian succession. As for example, supposing I believed King James and his posterity were enemies to this country, and that for this reason I might lawfully rise in arms against him, and seclude him and his offspring from the crown in all time coming,—is it not reasonable to imagine I would also oppose the succession of Hannover, if it could not be attained without the Union which appeared to me destruction to the nation? King James had a right before and untill he was actually deprived of the crown legally; but the Elector of Hannover had none before and untill it was given him; and if for my country's service I may turn him out that actually is, I may much more keep him out that only aims at being my king. On the other hand, if I was a Cavalier believing that King James and his issue were unjustly secluded from the throne, might I not very consistently with my principles be against the Union, even tho' he or one of his posterity whose title I own'd was on the throne and advanced the measure? because tho' I own his right to rule over me, I deny that he or any power under God can dissolve the constitution of the kingdom; and therefore I might fairly oppose it in a lawfull manner, nay think my alidgiance loosed as to him my sovereign, if he was accessary to the subversion of the monarchy, as happened in the case of Baliol, who without doubt had the best claim to the crown. Now if the Cavaliers did act upon and from such principles, their opposing the Union did not merely proceed from a design to advance King James's interest, which only by accident was concerned in it. 'Tis true indeed when the Union took place, they did what they could to improve it to his advantage,—and who can blame them for endeavouring the restoration of that prince who they believed had the only title to govern, especially when the relief of their country from poverty and oppression went hand in hand and was a natural consequence of it? To conclude: I make a great distinction betwixt the Revolution and the Union: the one was only an alteration of one tho' indeed a material part of the constitution; the other a total subversion of it; and any person might very well declare for or against the first, and be at the same time, as were a great many Revolutioners and all the Cavaliers, averse to the other; so that the Introducer places the opposition to the Union on too narrow a foundation, when he ascribes it only to a spirit of Jacobitism; it being evident and certain that it could and did proceed from no other motives than concern and zeal for the interest and prosperity of their country; and 'tis no wonder

that all Scotsmen, who are not seduced by selfish interest and sordid gain, (to use one of this Introductory phrases,) “*have their blood put into the highest ferment, and gnash their teeth, being grinded by this unhappy conjunction.*”

The Introducer snarls and is very peevish at the characters given of some of his friends. How far they are well and truly drawn, both he and the Author must appeal and submit to the judgement of the age in which those persons lived, and to the account of their lives and actions ingenuously handed down to posterity; and by comparing the same with the characters given of them by the Author, people may judge how far he hath done them justice or injured them. What the Introducer says in their behalf is not material, being nothing more than a rhapsody of words and repetitions of “*Revolution, King George, Popery, Slavery*” and such like cant, brought in over head and ears without rhyme or reason. But when he proceeds to attack the Author’s probity, it had been his interest to have pitched on some other character than that of the late Earl of Stair, whereby to have illustrated and made good his assertion, or obliged the world so much as to publish a few of those particulars, from whence in the main he is pleased to think he deserves the title of the “*unblemished Earl of Stair.*” Sure I am when this Introduction came out, most people ridiculed this paragraph, and from thence were confirmed in the opinion of Sir David’s being the penman, seeing none but he or one of that family would have the assurance to talk or write after that manner.

What the Introducer calls “the personal failings of the late Duke of Argyle,” were mentioned by the Author to show that though the Presbyterians affected a greater degree of sanctity and purity than they’d allow could be possessed by those of another persuasion, they could tolerate and connive at the vices of those who could do God as much service another way. But the Introducer passes over His Grace abandoning the Protestant religion to please and curry favour with King James: this it seems in his sight was no more than a personal failing, but had been branded as apostacy in any other than a good Presbyterian; and no doubt the Introducer would have affirmed that such a person deserting again from the Romish Church was only because he saw the Revolution was like to succeed; whereas in the case of the Duke of Argyle, in his opinion it proceeded certainly from a principle of conscience and conviction of his error. If any man’s character is lessened, ‘tis the present Duke of Argyles, whose many valueable qualities and amiable perfections are ever to be esteem’d and valued by all men of honour and honesty, let his principles as to



government be what they will.

The Author said nothing of the late Duke of Hamilton but what is true, and proves him a great man, tho' according to the old proverb, *Nemo sine crimine vivit*: and His Grace's memory will be fragrant to latest posterity, whilst that of this Introducer and his accomplices will stink throughout all future generations. The abominable, horrid, barefaced murder of this noble patriot, and the kind reception and protection which the detestable wretch who performed it did meet with from a certain set of men, doth evidently show that His Grace was odious to and hated by the Whigs, and consequently that he was a good man, and deserved well of his king and country. What the Introducer means by his observations on the characters of the Earl of Errol and Earl Marishal I cannot comprehend, no more than wherein doth consist the horror of the Lord Balmerino's swearing to Queen Anne, with a design to oppose and obstruct the succession of Hannover, before that Elector had any legall pretence to the crown of Scotland; unless this Introducer thinks the settlement of the crown of England was a tye on Scotsmen. The character of Mr. Fletcher of Salton is consistent, as were all his actions in the main, with that of a true Scotsman who preferred his country's interest to all considerations whatsoever; and it is not enough for this Introducer to contradict in general terms what is said on this or any other head; he should be a little more particular, for his veracity is not so well established that his bare affirmation will obtain universal credit.

He thinks he has gained a mighty point by inferring that as the Duke of Athol was concerned in the design'd invasion 1708, it was reasonable to believe he was not unjustly accused in the year 1703: but with his leave, whatever weight this discovery may now have, 'tis ridiculous to say that what happened in 1708 could occasion a jealousy in 1703. And as this Introducer knows that that plot was merely a contrivance of the Duke of Queensberry, and that no evidence was produced against the Duke of Athol, he must have a mean opinion of his readers if he imagines they will credit his account of the story grounded only from such an irregular inference, or that the charge against the Duke of Queensberry of having forged the story, will be taken off by it. And I would willingly put the question to this Introducer, If there was truly reason to accuse the Duke of Athol, why was it not exposed and judged in the Scots Parliament, as it was often and publickly demanded? Was the English House of Lords a fitter place, and they properer judges to try and determine Scots affairs? And can it be imagined that this affair would have been dropped, if the contrivers had not known that their design was

discovered and care taken to prevent it? I humbly with submission conceive the Introducer had better have omitted this remark altogether, or shuffled it over as he does the paragraph concerning the Union, by saying this affair, tho' contrary to all the rules of honour, equity, and society, was necessary, being design'd and calculated to support religion and liberty, disappoint the projects of the Jacobites, and secure the succession of the illustrious house of Hannover. In this manner does he pretend to excuse the measure of the Union;—but might not this succession, if so very necessary and precious a thing, have been established and secured without the Union? Yes, it was offered and refused, because nothing but one incorporating Union suited the designs and views of England, and (as the Introducer styles them) of those patriots the Dalrymples, their friends and copartners.

Having thus made a few remarks on this Introducer, and having seen two books which take these Memoirs into task, the one intitled A Letter to Lord Hay, and the other The Memoirs of North Britain, both printed in 1715, I beg leave to take some notice of them.—The first does little more than carp and snarl at the style, method, and subject of the Scots Memoirs, and seems highly displeas'd that Mr. Carstairs is called a rebellious Presbyterian preacher (for which the history of the Rye-house plot is a sufficient voucher), but does not pretend to contradict any of the facts mentioned and contained in these Memoirs. So I proceed to consider the other book, the author whereof hath been so stupidly ignorant, that nothing he advances can lay claim to any credit. But that posterity may have something more than my assertion for this undoubted truth, I will pick out a few of the many instances of his ignorance and falsehood, and therein confine myself to such particulars as relate to the Scots Memoirs.

Without taking any notice of his preface, and the particular reflections he throws on the person whom he supposes the author of the Scots Memoirs, I begin with observing that the author of these North British Memoirs (whom for the sake of distinction I will call the Slanderer) manifests his ignorance by asserting that the author of the Scots Memoirs was oblig'd, as being member of the four last Scots Parliaments, to take the oaths of aledgiance and abjuration, and sign the tests of assurance and association; for it is certainly true that the association was not required during all Queen Anne's reign, and the abjuration not till the commencement of the Union.

He condemns the reasons assign'd in the Scots Memoirs why the Revolution went so easily through in Scotland; and to make good the same, he sets down a list of the members of the Convention, and the names of such members as being displeas'd with the proceedings left

the house; and he concludes that these were all who were against the Revolution: but he does not take notice that the Marquis of Athol did not stand his ground with the resolution that became him, that there were great numbers of armed men from the western shires to overawe and intimidate the members, and that a great many who would have opposed the Revolution, when they could not prevent it, submitted, and kept their places in the Convention. If this party was inconsiderable, as is by this slanderer represented, why so great a cry ever since of the danger arising from it? Is the testimony he brings from Dr. Welwood a sufficient proof of what he affirms? Can it be expected that one of his low descent and sullied character (having been expell'd the Colledge of Justice for a gross piece of knavery detected in him) and a stranger to his country (having left it and retired to England after his disgrace) can know much of affairs of state?—and is his account of matters sufficient to overturn what is known to all the world? As for the speech of the learned gentleman which the slanderer gives at full length, as he is pleased to conceal his name, I suppose 'tis not considerable, otherwise we should have had it; and all that can be inferred from it is, that such a rebellious impudent speech was perhaps made, and no doubt there were many such besides it in that Convention. This slanderer's pretending to justify the barbarous treatment of the Scots at Darien, the murder of Glencoe, and the persecutions of the Episcopall clergy, are sufficient proofs of his impudence, and need no reply.

His account of the act for securing the Presbyterian government does no way contradict what is asserted in the Scots Memoirs, viz. that if the Queen had gone into the measure of establishing Episcopacy, her interest would have brought over more than sixteen votes in favours of it, which being added to those who voted against that act and those who were *non liquets* (who were undoubtedly all inclined to Episcopacy) would have made a majority; and from thence it was apparent that the Presbyterian party was not so formidable as had been represented.

The story of Sir George Lockhart's murder is grossly false and maliciously impudent. To this day it was and is believed by his relations and all the nation, that he was murdered by Cheesly for having been instrumentall in obtaining an aliment of Cheesly for the support of his wife and children, whom the wretch had abandoned. If it was a political murder, as this slanderer affirms, 'tis most probable that it arose from the Whigs; for Cheesly himself was a thorough Presbyterian, and the son of Sir John Cheesly, the famous stickler in the late rebellion against King Charles First and Second: and the

Cavaliers had no reason to desire or contribute towards Sir George's death; for 'twas known he was a gentleman of loyall principles, had declined being member of that Convention, as he believed it illegally conven'd, and that some of the King's friends designed to have moved in the Convention to have called for him to give his opinion how far the forfeiture of King James was agreeable to the law of the land. What he affirms to prove that it was a Jacobite murder, viz. that David Lindsay was thought necessary to it, and on that account imprisoned by the Convention, is utterly false; for no such thing was ever laid to Mr. Lindsay's charge, nor was he ever sent to prison on that account, nor did he appear as a witness: and alike false is what he says concerning torture; for, as the magistrates of Edinburgh, by whom the wretch was tryed, convicted, and condemn'd, had no power to impose torture on any pretence whatsoever, there was no such thing proposed or threatned, as indeed there was no occasion for it, seeing Cheesly committed the fact at noonday in the streets of Edinburgh, before many witnesses, and glory'd, instead of denying, excusing, or repenting of the murder. To conclude: All and every part and circumstance of what this slanderer relates concerning the way and manner of Sir George's death, and the person and party he would bring in as necessary to it, are notoriously false, and were never heard of till mentioned in this infamous libell.

The turn he gives to the plot is ridiculous, and will not bear up against common sense; and the justification of the Squadrone's deserting their friends and listing with the Court, is frivolous.— His account of the great Duke of Hamilton's murder is of a piece with the rest, and contrary to the conviction of all but such as averr anything to serve a party interest. His assertion that the Earl of Errol was one of the sixteen Scots Peers in the British Parliament is a gross mistake.

What he says in defence of the Union with respect to the advantages arising from thence to Scotland, is contrary to reason and wofull experience: but I cannot comprehend what he means by saying, that besides the sum of £400000 given as an equivalent, England was at half as much charge in other expences. Pray what expences?—was it in bribing, or what else? This is a new discovery, which we did not know of before.

Does his account of the Kirkmen's behaviour contradict what is said of them in the Scots Memoirs? or does not he even acknowledge that they had no concern for the country, provided their Kirk and stipends were safe, and that the ruling Elders, who were likewise Parliament men, did the same in Parliament, having so fair a copy set before them by the Clergy in the Assembly?

In the list he gives of those who voted against what he calls the Protestant succession, he fairly owns what he hitherto deny'd, viz. that the Jacobite party was not despicable in number or power; and it might easily be accounted for, how it came to pass, that there was a majority for the Union, had he told us that above eighty of his Protestant list enjoyed places and pensions, besides those who got a share of the money sent from England; so that very few or none voted for the Union, who were not influenced by downright bribery and a desire to continue the enjoyment of their places and pensions.—He owns in one place that the Unioners exceeded the other party in Parliament by no more than thirty-two; a majority easily to be accounted for, as I observed lately, especially when 'tis considered that the Squadrone made part of that number; but in another place he affirms that the Unioners were two to one. It would appear this slanderer did not revise his calculations.

He reflects on the author of the Memoirs because he said there was no opposition made to the twenty-second article of the Union; and yet, says he, there were no less than six protests taken against it. To which it's answered, that tho' the Anti-Unioners (for the reasons assign'd in these Memoirs) did not oppose that, as they had done the other articles, with discourses containing undeniable arguments against it (tho' these I imagine will not appear an opposition in this slanderer's judgment), yet several of the members without any concert (otherwise one generall protestation as formerly on other occasions would have answered their design as well) resolved to leave their testimony and reasons against this article on record by entering their severall protestations against it. So that the account as given by the Scots Memoirs is agreeable to the matter of fact, and no way inconsistent, seeing a protestation cannot be reckoned a formall opposition.

In no part of these Memoirs is there the least insinuation (as this slanderer pretends) that those who carried on the Union were a set of worthless beggarly people; at least nothing of the last is laid to their charge; for the Author does frequently in severall different places regrave and admire, that men of such estates and quality should be led into measures so dishonourable and destructive to the nation in general, and their familys in particular. And when the Author advances that there was a great majority against the Union; by the context it will appear he meant, of the whole body of Scotsmen, it being too great and too lamentable a truth, that the bribed mercenary majority of the members of Parliament were quite otherwise disposed.

This slanderer might have spared his observations (page 204) on the remarks he there criticises on; for it's plain, from the Scots

Memoirs, that the author laid little or no stress on them, by his saying that he mentioned these remarks because some people were pleased and diverted themselves with them; and as he does not pretend to justify the truth or wit of them, he seems very indifferent about them. However, I cannot but take notice of the fulsome flattery contain'd in the slanderer's observation on the second remark: it was impudent enough in the author of the letter there cited to say that the Earl of Stair was universally lamented; but for this slanderer to add that he was the best and noblest of his country, is too gross to need any reply.

If any thing could be too absurd for this slanderer to assert, he would not have justified the method taken by the Ministry of Great Britain in settling the Scots customs and excise after the Union. For tho' perhaps, as he asserts, it was necessary to instruct the Scots in the way and manner of managing these according to the English rules and forms, yet there was no need of filling up most or all the best places with Englishmen, and those too of such vile characters and base morals, that the Ministry themselves often repented the choice they had made, when they found that they were cheated and abused in the collection of these revenues, particularly in the customs; and it had been the slanderer's interest to have concealed the names of some of those his worthy gentlemen that were intrusted with the management of the Scots customs, seeing Sir Alexander Rigly, the most abandoned worthless creature alive, appears in the front of his lists.— The aversion which almost every Scot manifested towards the Union after its first commencement, is too flagrant a truth to be discredited by this slanderer's assertions of the contrary, or the letters he trumps up, from hands perhaps as disingenuous and contemptible as his own.

He upbraids the Author of the Scots Memoirs with ignorance in chronology; but if he had considered the strain of the discourse, it would have appeared the Author was giving an account of the inclinations of the French Court after the commencement of the Union in May 1707, and committed no mistake in saying the battle of Turin was fought the campaign preceeding this summer of 1707; and the mistake of placing the battle of Oudenarde instead of Ramillies is owing to the publisher and not the author of the Scots Memoirs, who may retort ignorance on this slanderer from his asserting that the battle of Turin happened in the year preceeding the Pretender's attempt, seeing this was in the year 1708 and the other in 1706, which to any but this judicious critick will appear two years.

How he comes to suppose in one page that the regular troops in Scotland were 7000 men I cannot comprehend, when in the next page the list which he sets down containing the numbers of the severall

corps makes no more than 3350; and if this number was the establishment, it was very fair if they realie amounted to 2500, as they are represented in the Scots Memoirs; and the number which the Author makes the army to consist of, for the most part in England will not be found far short of the truth, if a reasonable allowance be made for non-effectives allowed by the establishment and the great number of faggots.—Had this slanderer given such allowance for the errors of the press as I do to him, he would not have mentioned his observation on the state and inclination of the Scots army, but understood that sentence in the Scots Memoirs, as it stands corrected in this edition.

I am not inclined to follow this slanderer thorow the remaining part of his legend, seeing the Scots Memoirs have no concern with what is contain'd in it. Allow me, however, to take notice that he is as ignorant of Scots affairs after, as before the Union; for in the list of those Scots members of Parliament who he says voted with the Torys, or, as he calls them, the Malcontents, severall are mentioned, who were of quite opposite principles, and voted on all occasions directly contrary to what he affirms; such as Robert Urquhart, William Johnston, Sir James Abercrombie, Mr. Roger (representative of Glasgow), Sir John Shaw, Mr. Joseph Austin, and Lieutenant-General Ross; and he thinks fit to mention Mr. Dougall Stewart as one of those members who voted for Dr. Sacherevell, tho' he was not a member of that session, having before its commencement been made a judge:—on the other hand he bestows the encomium of being good Protestants on severall, because they voted on the Protestant and liberty side, and as such they are mentioned in his list; whereas in that list severall are contained, who according to his notion were rank Papists and mere tools, by adhering constantly in all votes to the Tories; viz. Sir Alexander Cuming, Sir David Ramsay, Sir Alexander Douglas, William Grier of Lag, Alexander Duff of Drummur, and William Cochran of Killmaronock; and in this list he adds two, viz. John Montgomery, and Robert Douglas, Esqrs. tho' they were not members of that Parliament; and other two, viz. John Sinclair and James Abercrombie, tho' they were not members of that or any preceeding or succeeding Parliament.

He styles his Scots Peers in the list, "*Noble Patriots;*" but sure I am it is not long since he would have given another character of some of their Lordships, such as the Earls of Orkney, Roseberry, Loudoun, Seafeld (now Findlater), and Hay, as also of his brother the Duke of Argyle; for these, his now noble patriots, joined once in a day with the Harleys, St. Johns, Harcourts, etc. but perhaps they have repented, and satisfied this slanderer of their contrition, since King George

came to the crown.

I beg the reader would compare his account of the money sent from England during the last session of the Scots Parliament, with the attested account thereof in the Scots Memoirs, and observe what a poor face he puts upon that affair. I will only add one further instance of his prodigious ignorance, and that is the account he gives of the prayer by the Bishop of Dundee in the Scots Convention; whereas there never was such a bishop or bishoprick in Scotland; and this does not appear an error of the press, seeing he is again mentioned in the Index.

I have thus taken notice of some few of the very many gross lyes, groundless misrepresentations and false insinuations, with which this scurrilous libell doth abound, being more than enough to convince any man that nothing in it containd hath any the least pretence to be credited. I could never yet learn who was so much as suspected to be the author of it: he himself pretends to be an Englishman: and indeed he writes in a style so contemptible of Scotland, and his ignorance of Scots affairs is so conspicuous, that 'tis not improbable he was no Scotsman: and yet I can scarce think there's any stranger apprized of so many poor little out-of-the-way storys concerning Scotsmen as are mentioned in this book, unless indeed he is or was one of the worthy publick officers of the revenue sent down from England: and the truth on't is, his style, learning, manners, and knowledge, seem more suitable and corresponding to a gauger or tidewaiter than any other. But after all, to whatever country he belongs, no great honour will be got by him; and for my own part, I would not have been at the smallest pains or concern about what he did or could say, but that those of his party make a terrible noise in behalf of any story, tho' never so false and ridiculous, if 'tis not answered in due time;—and so I take my leave of this slanderer. I have nothing more to add, but that truth will be venerable and stand its ground in spite of the devil and men's malice; and that the Author of the Scots Memoirs hath no reason to be ashamed or repent that he has discerned and propaled the designs and wickedness of those who were the chief instruments of his and their own country's ruin, and may safely remitt himself to the judgement and censure of all the unbiass'd impartiall part of mankind.



# MEMOIRS

CONCERNING

THE AFFAIRS OF SCOTLAND.

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AFTER King James had retir'd out of England, and the Prince of Orange was declar'd King, a Convention of Estates was call'd in Scotland, and met at Edinburgh on the fourteenth of March 1689, which in a little time declar'd that King James, having in several points violated and infringed the fundamental constitution of this kingdom, had thereby forfeited his right to the crown, and that the throne was become vacant, and immediately settled the crown upon the Prince and Princess of Orange during their lives, and the heirs of their bodies, which failing, to Princess Anne and the heirs of her body; as it is contain'd at large in the instrument of government framed by them, and called The Claim of Right; and according thereto, William and Mary, Prince and Princess of Orange, were proclaim'd King and Queen of Scotland on the eleventh of April 1689.

A short  
account of the  
Revolution.

At the commencement of this Convention there was a very considerable party in it that design'd to adhere to and support King James's interest; but jealousies and animosities arising amongst them, and several other unfortunate accidents happening, they were obliged to yield to that violent torrent which rushed down upon all such as had the least regard for the Royal Family, and withdraw from the Convention.

The Viscount of Dundee<sup>1</sup>, and some others, betook themselves to arms, but most of them retir'd home to their country houses: but certain it is, had they been unanimous amongst themselves, they were strong enough to have oppos'd the fanatic party, and crossed them in most of their designs, with relation to both church and state. The opinion likewise, that matters could not long stand in the present posture, induced many of the Royalists to shun being elected members of that Convention, not desiring to homologate any of the Prince of Orange's actings, and thereby many more of the fanatics

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<sup>1</sup> He fell, gallantly fighting, at Killicrankie: and though the Highlanders under his command gained a complete victory, the good effects of it were lost for want of an able successor.—Editor.

came to be elected than otherwise would have been.

The convention metamorphosed into a Parliament.

The Revolutioners being sensible of this, and afraid to call a new Parliament, lest the Royalists, seeing whither they were driving, should lay aside their scruples, and stand candidates for being elected, had recourse to a shift, altogether, I shall say no worse, unprecedented in this kingdom; and that was to pass an Act, on the fifth of June 1689, turning the Convention of Estates into a Parliament; in which William Duke of Hamilton represented the King's person as commissioner.

Parliament meets 1690. Lord Melville commissioner; repeals the Act of Supremacy, abolishes Episcopacy, and establishes Presbytery: imposes the Assurance.

Next year the Parliament met again (the Earl of Melville commissioner), repealed the Act of Supremacy, abolished Episcopacy, and establish'd Presbytery (not pretending it was agreeable to the Word of God, but) as suited to the inclinations of the people: to prevent the designs of the Royalists, in being elected in the room of any vacancies that should happen in Parliament, they framed a test, called the Assurance, wherein they declar'd before God that they believ'd King William and Queen Mary to be king and queen of this kingdom *de jure* as well as *de facto*, and engag'd to defend their title, as such, with their lives and fortunes; which declaration they requir'd all persons capable to elect or be elected members of Parliament, and all in any publick trust or office, civil, military, or ecclesiastical, to sign, together with the oath of allegiance, under the penalty of deprivation.

To these abovemention'd unfortunate jealousies of the Royalists, the turning the Convention into a Parliament, and the framing and imposing this assurance, may be imputed the difficulty that has been since found in opposing the Fanatick and Court-parties designs and projects. For having once settled the government as they pleas'd, and got a Parliament which consisted entirely of a set of men of their own stamp and kidney, (being mostly old forfeited rebels, and gentlemen of no fortunes, respect, or families in the kingdom,) they took care to continue that very Parliament all King William's reign, and even a part of Queen Anne's too.

Thus they went on as they listed, till at last it pleas'd God to open the eyes of several, who at first were as blind and Scotland, and far seduced as any: and the first vigorous appearance we find made against the Court-measures was in behalf of the colony of Darien<sup>2</sup>. The Parliament met the nineteenth of July 1698, (the Earl of

Heats and parties in Scotland, and why.

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<sup>2</sup> See the history of this colony, its extensive views, and calamitous end, in Sir J. Dalrymple's Memoirs of Great Britain and Ireland, vol. ii.—Editor.

Marchmont being commissioner,) and the Company presented an address, setting forth the indignities they had received from England, and craving the Parliament would fall upon ways and means to repair the losses they had thereby sustain'd. This rais'd a hot debate in the house, the Courtiers defending the King; but the Country-party, which then began to get that title, attacking and exposing these proceedings, at last prevail'd, and carry'd an address to the King, representing the nation's concern in the prosperity of the Company, and craving he'd protect them in their just rights and priviledges. The Parliament having once taken the Company by the hand, the scandalous and barbarous treatment which the nation afterwards receiv'd from England on that account, and the tricks and compliance of our statesmen, with all the measures England did propose for our loss and prejudice, so inflam'd this nation with resentment, that in the Parliament which met May the twenty-first 1700, (the Duke of Queensberry commissioner,) they banged and forced the Court to pass several good laws, which tended much to the advantage of the nation.

Thus stood affairs, and the nation was in this temper when King William died, the eighth of March 1702.

Queen Anne  
succeeds.

Queen Anne succeeded, and was proclaim'd on the ——— day of March 1702, to the great satisfaction of all those who were well wishers to their country, and especially to the Cavaliers, who expected mighty things from her: but on the other hand, the Presbyterians looked on themselves as undone; despair appear'd in their countenances, which were more upon the melancholick and dejected air than usual, and most of their doctrines from the pulpits were exhortations to stand by, support, and be ready to suffer for Christs cause; the epithet they gave their own. They knew the Queen was a strenuous asserter of the doctrine of the Church of England: they were conscious how little respect the great men of their faction had paid her during the late reign; they saw the Church party was preferr'd to places and favour in England; they knew the Scots nation, especially the nobility and gentry, were much disgusted at them, because of their promoting the Court interest in the last reign, against that of the Country; and upon these and such like accounts, they dreaded a storm impending over their heads.

State of the  
ministers of  
state at King  
William's  
decease.

At the time of King William's decease, the government was lodg'd in the hands of a set of men entierely on the Revolution foot; the Earl of Marchmont was chancellor, the Earl of Melville president of the council, the Duke of Queensberry privy seal, the Earls of Seafield and Hyndford secretaries of state, the Earl of Selkirk register, Adam

Cockburn of Ormiston treasurer deputy, Sir John Maxwell of Pollock justice clerk, and Sir James Stuart advocate. The lords of the treasury were all (except the Lord Murray) of the same stamp; and generally speaking, few or none were admitted to any post, civil or military, but such as were of undoubted antimonarchical principles, and ready to sacrifice their honour, conscience, and country, to the Court designs, which absolutely depended on the English ministry, and were determin'd according to the English measures and maxims.

The funds allotted to support the army being near expir'd at King William's decease, there was a necessity to have a Parliament in the summer.

A session of Parliament necessary.

The Revolutioners were afraid to venture on a new one, lest (as was observ'd before) the number of the Country party and Cavaliers should increase; and therefore they us'd their utmost efforts to persuade the Queen to continue the former, tho' no instance could ever be given of the surviving of a Parliament after the decease of the monarch by whom it was called: and besides, it is inconsistent with the very nature and constitution of the Scots Parliament; and therefore the Duke of Hamilton, the Marquis of Tweedale, Earls Marishal and Rothes, and a great many of the chief nobility and gentry, went to London and laid before Her Majesty the unreasonableness of such a project, but all to no purpose; for Her Majesty did not hearken to their remonstrance and advice, being, whether for fear of offending and irritating the Presbyterian party (whose power was mightily magnify'd to her), or because they were more submissive and ready to trucle under the English ministry, and comply with every state measure that could be propos'd to them, I know not, prevail'd upon to continue the former Parliament, and in order thereto, issue out a proclamation appointing it to meet on the ninth of June 1702, and name James Duke of Queensberry to be high commissioner thereto.

The consultations and projects of the Revolutioners.

Those of the Cavaliers and Country parties.

The Duke of Queensberry commissioner.

His character.

He was the son of William Duke of Queensberry who was highly in favour with both King Charles and King James, and by them intrusted with the greatest offices and employments (which he well deserv'd, being in all respects a great man); but after the Revolution he retir'd and liv'd privately for the most part, and continu'd firm to King James's interest all the time he liv'd: but the son, notwithstanding King Charles and King James's kindness to his father and family (thro' which he was created a duke, and scraped together a vast fortune), and the respect and favour which King James had all alongst bestow'd on himself, was the first Scotsman that deserted over to the Prince of Orange, and from thence acquir'd the epithet (amongst honest men) of Proto-rebel, and has ever since been so faithful to the

Revolution party, and averse to the King and all his adherers, that he laid hold on all occasions to oppress and depress the loyal party and interest. Having thus made his first appearance in the world, by deserting his king and benefactor, we are not to expect he'll prove more faithful to his country; and had he deserted her, as he did the former, 'twould have been happy for us: but alas he stuck close by her and never left her, till he had ruin'd her to all intents and purposes; having undertaken and promoted every proposal and scheme for enslaving Scotland, and invading her honour, liberty, and trade, and rendring her obsequious to the measures and interest of England. This proceeded, I suppose, from his being of a lazy, easy temper; and falling at first into bad hands, he was seduced by them, and being once deeply dipt in all projects against the king and country, he never could imagine that repentance and amendment would be accepted of, (the frequent effects of a harden'd conscience,) and that he was safe against an after reckoning. He was reputed a man of good parts, but wanted application to business; was extreamly covetous, and, at the same time, extreamly lavish of his money; for tho' he got vast sums of money by his publick employments, most of it was squandred away. He was well-bred, and had so courteous a behaviour, that what by this, and the occasion of doing acts of kindness, by having the chief administration of affairs a long time in his hands, he engag'd the favour and friendship of very many of all ranks of people, and entirely manag'd the Revolution party, and such as were willing to prostitute themselves to serve the Court measures. To outward appearance, and in his ordinary conversation, he was of a gentle and good disposition, but inwardly a very devil, standing at nothing to advance his own interest and designs. Tho' his hypocrisy and dissimulation serv'd him very much, yet he became so very well known, that no man, except such as were his nearest friends, and *socii criminis*, gave him any trust; and so little regard had he to his promises and vows, that it was observ'd and notour, that if he was at any pains to convince you of his friendship, and by swearing and imprecating curses on himself and family, to assure you of his sincerity, then, to be sure, he was doing you underhand all the mischief in his power. To sum up all, he was altogether void of honour, loyalty, justice, religion, and ingenuity; an ungrateful deserter of, and rebel to his prince, the ruin and bane of his country, and the aversion of all loyal and true Scotsmen.

But now to return to the Parliament: as soon as the house was conven'd, the Duke of Hamilton desir'd to be heard, and in his own name, and the name of those that adheared to him spoke as follows.

“We are come here in obedience to Her Majesty's command, and

The Duke of  
Hamilton's  
speech in  
Parliament.

we are all heartily glad of Her Majesty's happy accession to the throne, not meerey on the account that it was her undoubted right as being lineally descended from the ancient race of our kings, but likewise because of the many personal vertues and royal qualities Her Majesty is endow'd with, which gives us ground to hope we shall enjoy under her auspicious reign, all the blessings that can attend a nation, which has a loving and gracious sovereign, united with a dutiful and obedient people; and we are resolv'd to sacrifice our lives and fortunes in defence of Her Majesty's right, against all her enemies whatever, and have all the deference and respect for Her Majesty's government and authority, that is due from loyal subjects to their rightful and lawful sovereign: but at the same time that we acknowledge our submission to Her Majesty's authority, we think ourselves bound in duty, by vertue of the obedience we owe to the standing laws of the nation, and because of the regard we ought to have for the rights and liberties of our fellow subjects, to declare our opinion as to the legality of this meeting, viz. that we do not think ourselves warranted by law to sit and act any longer as a Parliament, and that by so doing we shall incur the hazard of losing our lives and fortunes, if our proceedings shall come to be question'd by subsequent Parliaments." Then His Grace read a paper, which contains the reasons of their dissenting from the proceedings of the other members, who thought themselves impower'd to sit and act as a Parliament, and is as follows;

"Forasmuch as by the fundamental laws and constitution of this kingdom, all Parliaments do dissolve by the death of the King or Queen, except in so far as innovated by the seventeenth Act sixth Sessions of King William's Parliament last in being, at his decease to meet and act what should be needful for the defence of the true Protestant religion, as now by law established, and maintaining the succession to the crown, as settled by the claim of right, and for preserving and securing the peace and safety of the kingdom; and seeing that the said ends are fully satisfied by Her Majesty's succession to the throne, whereby the reigion and peace of the kingdom are secured; we conceive ourselves not now warranted by the law to meet, sit, or act, and therefore do dissent from any thing that shall be done or acted." And thereupon His Grace took instruments, and craved an extract of his protestation; and seventy-nine members of the first quality and best estates in the kingdom adhered thereto, and all withdrew out of the house, and left the other part to sit and act by themselves. As the Duke of Hamilton and the other dissenting members passed in a body from the Parliament-house to the

His and other  
members'  
dissent from  
the  
Parliament.

Cross-Keys tavern, near the Cross, they were huzza'd by the acclamations of an infinite number of people, of all degrees and ranks. These dissenting members sent up my Lord Blantyre with an address the dress from them to the Queen, showing their reasons for this their procedure, which Her Majesty positively refused to receive, but allowed my Lord Blantyre to wait upon her.

Address the Queen.

In the mean time the Parliament went on, and the first thing they set about was to preserve themselves, by passing an act, declaring this session to be a lawful and free meeting of Parliament, and discharging any person to disown, quarrel, or impugne the dignity and authority thereof, under the penalty of high treason. Yet when the taxes they afterwards imposed came to be uplifted, near one half of the nation refus'd to pay the same, and they were rais'd by quartering of soldiers, poynding of goods, and the like methods usual in cases of deficiency. Next the Parliament proceeded to frame an Act recognizing Her Majesty's authority, and another for the security of the Presbyterian Kirk government: and Sir Alexander Bruce, upon account of a speech made against the same, wherein among other things he affirm'd that Presbytery was inconsistent with Monarchy, was expell'd the house. The Dean and Faculty of Advocates having pass'd a vote among themselves, in favour of the foresaid protestation and address of the dissenting members, declaring they were founded upon and in the terms of the laws of this kingdom, were upon that account charg'd and pursu'd by my Lord Advocate before the Parliament, where, after several long debates upon the matter, they were severely reprimanded. But it had been much better for the Government they had not taken any notice of it; for the nation was enrag'd to see a learned and venerable society attacked for declaring their opinion (who are certainly the best judges) in a point of law, which so nearly concern'd the foundation and constitution of the Parliament, and consequently the liberty and right of the subject.

Proceedings of Parliament.

Imposes taxes.

Dean and Faculty of Advocates, are arraigned.

reprimanded.

Earl of Marchmont's Act.

The statesmen divided upon it.

Thus the Parliament proceeded peaceably and calmly within doors (they being all one man's bairns, as we say) until the Earl of Marchmont, from an head-strong over-grown zeal, against the advice of his friends, and even the commands of my lord commissioner, presented an Act for imposing an oath abjuring the Prince of Wales, in the most horrid scurrilous terms imaginable. This divided the house, and raised great heats amongst the members, many of the Courtiers being desirous the dissenting members would return to the house, to assist them in opposing it; and in case it had gone on, they would have come for that end.

It may be thought strange, that this Act did not pass currantly in

such a strangely made-up meeting, and when such eminently famous and zealous Revolutioners were at the helm of affairs, and acted without any to control them. But I presume the reasons were: first, the commissioner had no instructions concerning it; secondly, the uncertainty how affairs would go in England; the Queen was but newly come to the crown, and not well fixed in the throne, and they foresaw they might expect little thanks, if she afterwards should favour the interest of the distressed royal family. And I have reason to believe, that the Queen and her English ministry were then inclin'd to keep the succession in Scotland open, as a check and awe-band upon the Whigs, and family of Hanover. And lastly (as they pretended afterwards in England) that Parliament's title to act was contraverted, and had so little authority in the nation, as it was not fit to venture upon it, there being reason to believe few would have comply'd with it, and every body almost been highly disgusted. For these and the like reasons, 'tis possible, I say, the commissioners, and other courtiers, resolv'd to wave entering upon this matter. And therefore when the day came, in which it was to be under the House's consideration, my Lord Commissioner cut them short and made the following speech: "My Lords and Gentlemen,

The cheerfulness and unanimity of your proceedings in this session of Parliament, in recognizing Her Majesty's royal authority, securing the Protestant religion, and Presbyterian government, and expediting the other Acts that have been made for Her Majesty's service, and the good and safety of the kingdom, will, I'm perswaded, be very acceptable to Her Majesty, and satisfying to all her good subjects, and I do assure you, is very obliging to me: but I must regret, that when I was expecting we should have parted in the same happy manner, a proposal which I had some ground to think was laid aside, was offer'd, to my surprize, as well as that of Her Majesty's other ministers, which occasion'd some debate and difference in the house. My early engagement and firm adherence to the establish'd government is so well known, that none can doubt my readiness to enter into all measures for Her Majesty's service, and secure our happy settlement, according to the claim of right, and I'm confident you're all of the same mind. Since then we are all perfectly the same, as to our dutiful and faithful adherence to Her Majesty, and that the claim of right is our unalterable security, I judge it fit for Her Majesty's service, and your own interest, to prevent further contest and debate amongst persons I know to be entirely so well affected to Her Majesty, and for whom I have all imaginable honour, to dismiss this session of Parliament. We have had no particular acts or



Prorogues the  
Parliament.

ratifications that do require an Act *salvo*; and I do render yon hearty thanks, in Her Majesty's name, for the loyalty you have testify'd by your publick acts, and which I shall be careful to report to Her Majesty, and shall only recommend to you, to let the country know the gracious assurance Her Majesty has been pleas'd to give us, and to dispose them to their duty, and to comply with Her Majesty's royal intentions for their own welfare and happiness. And thus I do, in Her Majesty's name, and by her authority, prorogue this Parliament till the eighteenth of August, which my Lord Chancellor is to declare in the usual form."

And so we take our leave of this monstrous Parliament, which from a Convention was metamorphos'd and transubstantiated into a Parliament, and when dead, reviv'd again; and all this, to support the interest and continue the dominion of a set of men, that would, notwithstanding their pretended zeal for the liberties of their country, break in upon the same, by overturning and trampling upon the most nice and sacred part of our Constitution, the greatest preservative and bulwark of all that is near and dear to a free people.

But to wave this digression: As soon as the Parliament was prorogued, away flew the leading-men of all the different parties, to make their several representations to the Queen and her ministers of England.

Alterations  
in the Court  
of Scotland.

The Queen still continued to bestow her favours on the Church party in England, and alterations were made in Scotland, though not so much in behalf of the Cavaliers as could have been wished, yet more for their's than their adversaries advantage; which had this effect, that it encreased their hopes of seeing better days, but as much displeas'd the Presbyterians, as if their all had been taken from them. The Earl of Marchmont chancellor, the Earl of Melville president of the council, the Earl of Selkirk register, Adam Cockburn of Ormiston treasurer deputy, Sir John Maxwell of Pollock justice clerk, the Earl of Leven governour of the Castle of Edinburgh, and the Earl of Hyndford one of the secretaries of state, were all laid aside. The Duke of Queensberry and the Viscount of Tarbat were made secretaries of state, and the Earl of Seafield remov'd from thence, and made chancellor; the Marquis of Annandale president of the council, the Earl of Tullibardine (now Duke of Athol) lord privy seal, Lord Blantyre treasurer deputy, Mr. Roderick Mackenzie of Preston-Hall justice clerk, Sir James Murray of Philiphaugh lord register, and the Earl of March governour of the Castle of Edinburgh. And tho' 'tis true all these (excepting the Earl of March and Mackenzie of Preston-Hall) had been deeply enough engaged at or since the Revolution against

the loyal interest, yet the Duke of Queensberry, and his two dependants the Lord Blantyre and Sir James Murray of Philiphaugh, now pretended to be quite of another mind: Athol, Seafield, and Tarbat valued themselves, for having each of them, once in their life, oppos'd King William: and the Marquis of Annandale, every body believ'd, would, if kindly dealt with, go along with the prevailing party.

New election  
for a  
Parliament.

But some time before this change in the ministry was perfected, the scrimpness of the funds impos'd by the Rump Parliament, and ment. the difficulties they found in collecting them, render'd it absolutely necessary to call a Parliament, to sit in the spring 1703; and therefore the Earl of Seafield (then secretary) came down from London to influence the elections of the members of Parliament, which, upon the dissolution of the Old Rump, were to be made at the following Michaelmas 1702; and here it won't be much out of the way, to give a particular account of this gentleman, since he had so great a share in many of the transactions of this kingdom.

Earl of  
Seafield  
trafficking.

His character.

James Earl of Seafield was the son and heir of the Earl of Findlater, at this time alive: in his younger years, his father's family being very low and his elder brother alive, he was bred a lawyer, and enter'd and continu'd an advocate with a good reputation. In the Convention 1689 he 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 in the Parliament 1703, to leave them so basely and meanly as he did, is altogether

inexcusable. 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 sacrificed his honour and principles, so he likewise 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.

But to return where we left off: The great and main design of the Court at the time of the elections, was to get the legality of the last controverted session of the Rump Parliament asserted in the ensuing Parliament; and therefore the Earl of Seafieid did assure all such as he knew to be of loyal principles, that the Queen was resolv'd to take their cause by the hand, would trust the government to their management, and take care of both the distressed Royal Family and Church; and with horrid asseverations and solemn vows, protested he would joyn and stand firm to the interest of both. This took with most of that perswasion; but, alas! they were not so provident as the Presbyterians, who (let their several affections to the Court or Country be as they will) where they had the plurality never chose any but such as were true blew. On the other hand, the Cavaliers went into, and elected several Presbyterians, and even, in some places, oppos'd the electing of those who were known to be as well inclin'd to the Royal Family and Church, and of as good a character and reputation as any in the kingdom: and being thus divided in the beginning, it was a wonder they made not a smaller figure than they did in the ensuing Parliament, tho' they joyn'd together, and acted one part: but the cause of this must be chiefly attributed to Duke Hamilton; for the difference and discord between him and the Duke of Queensberry were so great, that whilst the other was at the helm of affairs, he could not be induced to comply with those measures the Queen propos'd, though attended with much advantage to the cause he had always stood up for, and really wished well to; and finding the Cavaliers inclin'd to serve and trust the Queen, he divided them, and oppos'd many of their elections with all his might: however, he soon and often repented it, and they have since seen and smarted for their error. But this is a rock often the Cavaliers (but never the Presbyterians) have split upon; and the reason, as I take it, from whence this comes, is, that the former being (I say it impartially) of generous spirits, and designing good and just things, believe every other man is so too, and are not at such pains as is necessary to cement a party's councils and measures together:

Court politicks.

A general character of the Cavaliers and Presbyterians.

whereas, the Presbyterians, acting from a selfish principle, and conscious of their ill actions and designs, are, like the devil himself, never idle, but always projecting, and so closely linked together, that all go the same way, and all either fall or stand together.

The former practice is certainly more noble and less politick, and ought never to be prosecuted, until we are convinced of a general reformation of minds and manners: which I'm sure this age cannot in the least pretend to.

Having so far digressed, before I return to where I left off, it will not be amiss to let my reader know that:

Duke of  
Hamilton's  
character.

James Duke of Hamilton was the son of William Earl of Selkirk, second son to the Marquis of Douglas, who after his marriage with Anne, daughter to James the first Duke of Hamilton, and heiress of both the estate and honours of Hamilton, was likewise created Duke of Hamilton. During his father's life, and even for some time after his decease, he was design'd Earl of Arran, but afterwards his mother made a resignation of the honours to King William, in favours of her son, which were accordingly bestow'd on him. After his return from his travels, he remain'd for the most part at Court, where he was a gentleman of the bed-chamber, and in great favour with both King Charles and King James. At the time of the late Revolution, he had the command of a regiment of horse, was brigadier general, and amongst the small number of those that continu'd faithful to their unfortunate sovereign, never leaving him till he went to France; and then returning to London, he gave a proof, in a meeting of the Scots nobility and gentry, that he was a faithful and loyal subject: but after King William was established on the throne, he retir'd, was ready to have commanded to the north of England, had not my Lord Dundee's death and some other fatal accidents prevented that design, was several times imprisoned, and much harrassed upon account of his loyalty.

In the year 1698 the oppressions which his native country receiv'd from England, particularly in their affair of the colony of Darien, call'd him to attend the Parliament, in which, with great dexterity, he framed a party very considerable for numbers and power (tho' it was King William's own pack'd-up Parliament), that stood firm to the interest of the country, and asserted the independency of the nation. Had not his loyalty been so unalterable, and that he never would engage in King William and his Government's service, and his love to his country induced him to oppose that king, and England's injustice and encroachment upon it, no doubt he had made as great a figure in the world as any other whatsoever, and that, either in a civil or

military capacity; for he was master of an heroick and undaunted courage, a clear, ready, and penetrating conception, and knew not what it was to be surpriz'd, having at all times and on all occasions his wits about him; and tho' in Parliament he did not express his thoughts in a style altogether eloquent, yet he had so nervous, majestick, and pathetick a method of speaking, and applying what he spoke, that it was always valued and regarded. Never was a man so well qualified to be the head of a party, as himself; for he could, with the greatest dexterity, apply himself to and sift thro' the inclinations of different parties, and so cunningly manage them, that he gain'd some of all to his; and if once he had enter'd into a new measure and form'd a project (tho' in doing thereof he was too cautious) did then prosecute his designs with such courage, that nothing could either daunt or divert his zeal and forwardness.

The Cavaliers, and those of the Country party, had a great opinion of and honour for him, and that deservedly; for 'tis well known, he often refus'd great offers, if he'd leave them, and was by his excellent qualifications, and eminent station and character, absolutely necessary, both to advise and support them: he wanted not a share of that haughtiness, which is in some measure inherent to his family, tho' he was most affable and courteous to those he knew were honest men, and in whom he confided: he was extremely cautious and wary in engaging in any project that was dangerous; and 'twas thought, and perhaps not without too much ground, that his too great concern for his estate in England occasion'd a great deal of luke-warmness in his opposition to the Union, and unwillingness to enter into several measures that were proposal to prevent the same. But his greatest failing lay in his being somewhat too selfish and revengeful, which he carried alongst with him in all his designs, and did thereby several times prejudice the cause for which he contended: and to these two failings, any wrong steps he shall be found to make are solely to be attributed. But since 'tis certain there's no mortal without some imperfection or other, and that his were so small and inconsiderable, in respect of his great endowments and qualifications, we may well enough pass them over, and conclude him a great and extraordinary man; and whensoever a loyal and true Scotsman will reflect upon his actions, he cannot fail to admire and love him for the service he did his King and country, and number him amongst those worthies whose memories ought ever to be reverene'd in Scotland.

But now 'tis high time to consider where we left off. After the elections were over, the Earl of Seafeld return'd to London; and a little thereafter, the above-mention'd alterations of our states-men

were actually effected.

But ere I leave the old set of ministers, I must remember, that upon dissolving the Old Rump Parliament, the Earl of Marchmont and his crew being baulked of their darling abjuration, and still The council dreading the Cavaliers, framed in Council an explanation of the luTM<sup>1</sup> assurance, by changing the engagement to defend the Queen against the late King James and all her enemies, and to the pretended Prince of Wales's assuming the title of King James the Eighth, and order'd it to be sign'd for the future in that form, in hopes thereby to have scared the Cavaliers.

The Earl of Seafield return'd again to Scotland about the be

ginning of February 1703, being then chancellor, full freighted chanc<sup>r</sup>dior. with assurances of the Queen's design to support the Cavaliers, who all resorted to, and were extreemly carressed by him; and then it was, you'd have heard him say, "the Graham's andOgilvy's were always loyal;" but in a short time thereafter they prov'd the very reverse, as you'll hear anon. He brought down a new commission of Council with him, wherein many of the rot- A ten Fanaticks were left out, and Cavaliers put in their places. An act of indemnity was granted to all that had been enemies to An act of in the Government, and guilty of treason since the Revolution, and liberty allow'd them to come home within a certain limited time; and a letter was produced from the Queen to the Council, recom- Ti,<sub>c</sub> *Q<sub>afea</sub>*

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mending the care ot the Episcopal Clergy to them, and we were new com mission.

told every day, that she design'd to bestow the bishops rents upon council. them; and thus affairs went pleasantly on (and no wonder the Cavaliers were elevated) when the Duke of Queensberry (who The Duke of was declar'd commissioner to the ensuing Parliament) and the demands<sup>r</sup>^ \*

and promises

other statesmen came from London, and, with all the oaths and to.thecava

liers.

imprecations imaginable, assur'd the Cavaliers of the sincerity of the Queen's and their designs to serve and promote their interest,

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requir'd nothing from them, but to assert the legality of the last Parliament, recognize Her Majesty's title and authority, and grant subsidies for the support of the army; and in requital, promised they should be taken into, and have a large share in the management of the government, a toleration be granted in Parliament to the Episcopal Clergy, and nothing be requir'd of them, or even pass in Parliament, that did in the least ratify what had pass'd since the year 1689. This the Duke of Queensberry declar'd he was instructed and commanded by the Queen to promise unto them; and for his part, with a thousand oaths and protestations, assur'd them he would be faithful to them: but how he kept his word and vows the following account will illustrate.

Different par- At the time when the Parliament met, there were different

suing paria- parties or clubs: first, the Court party; and these were subdivided into such as were Revolutioners, and of antimonarchical principles, and such as were any thing that would procure or secure them in their employments and pensions; and these were directed by the Court in all their measures. Secondly, the Country party, which consisted of some (tho' but few) Cavaliers, and of Presbyterians, of which the Duke of Hamilton and the Marquis of Tweedale were leaders. Thirdly, the Cavaliers, who, from the house they met in, were call'd Mitchel's Club, of whom the Earl of Home was the chief man. All these had their several distinct meetings, consultations, and projects, and made up that Parliament which met on the third of May 1703.

Parliament The Queen's letter, and the commissioner's and chancellor's

speeches to the Parliament, tended chiefly to assure the House of her gracious inclinations towards her ancient kingdom, recommending unity, and craving supplies.

ier Majeity's The first matter of moment under the House's consideration,

title recog

»i\*«i. was an Act presented by the Duke of Hamilton, recognizing Her

Majesty's title and authority, and declaring it high treason to disown, quarrel, or impugn her title to this crown: and my Lord

Argyle presented a clause declaring it high treason to impugn, or quarrel her exercise of the government since her actual entry thereto, which he craved might be added to his Grace's Act. Th<sup>9</sup> the Duke of Hamilton and all his party opposing vigorously, since it ruin'd their project of asserting the illegality of the former Ruin<sup>d</sup> Parliament, the Court again press'd the addition of the clause, as a most material point, since they knew it saved them from what they dreaded most, and therefore insisted that unless something could be particulariz'd that was amiss in the administration of Her Majesty's affairs, Her Majesty had all the reason in the world to expect this from her first Parliament. To which Duke Hamilton and his adherers made no positive reply, shifting to enter upon the main of their drift at that time, not knowing what support they'd find in the House, and willing to keep it up as a reserve, wherewithall to keep the Court in awe: so at last, by the concurrence of the Cavaliers, (or, more properly, Mitchel's Club,) the clause was added to the Act by a considerable majority, and then the Act itself was approv'd.

Many at that time, and the Duke of Hamilton ever since, The cnvaiien' blamed the Cavaliers for complying with the Court in this point; b<sup>o</sup>am<-d. but in my opinion they may easily be justify'd, considering that this was the particular piece of service the Queen demanded of them, in recompence of the great things she promised to do for them; and with what confidence could they have expected to be admitted into her favour, and entrusted with the administration of affairs, if they had oppos'd her in it?.If she and her servants broke their engagements afterwards to them, that was not their fault; but if they had flown so avow'dly in her face, 'twould have justify'd her future conduct, at least have been a rare handle to have infus'd a jealousy in the Queen, that they were no further inclin'd to serve her than suited with, and tended to, their own particular designs. Tis true indeed, if the Cavaliers had joyn'd with the other party, this clause had been rejected; in which

case 'tis more than probable that the Parliament would have been blown up, for the Court would not have dared to stand it out any longer. But what did this avail either the royal interest, or that of the country? A Parliament was needful for procuring some Acts in favour of both, which the Cavaliers aim'dat: Perhaps it might have ruin'd the Duke of Queensberry and his set of ministers: but what signify'd that to the Cavaliers, since (as we saw afterwards) the government would be lodg'd in other hands that were as much, if not more, their enemies? So that the question comes to this narrow compass: Whether the Cavaliers had most reason to trust the Queen and those she



impower'd to treat with them, or a set of men made up of all sorts of parties, some few Cavaliers, but mostly Presbyterians, Revolutioners, and disgusted courtiers, who had oppos'd the Cavaliers being elected Members of Parliament? I must acknowledge, if they had suspected what was to follow, and acted as they did, there might have been some ground to censure them; but as matters stood then, they had all the reason in the world to do as they did. Their further From these and such considerations the Cavaliers in a full

resolutions. . ^ \_ . , .

meeting (alter the abovemention'd anair was over) unanimously resolv'd to serve the Queen, and, to shew their inclinations, agreed that the Earl of Home should next day move in Parliament a supply to Her Majesty, which they were all to second; and upon these accounts the Duke of Queensberry did again renew his engagements to stand firm to them, and inform the Queen what signal service they had done her. But this good correspondence did not last long; for in two or three days time it begun to lessen, and His Grace's deportment induced many to suspect his integrity. The Dnke of The great hazard being now over, such of the Court as were betraytheca- upon a high-flown Revolution foot, begun to think how they'd The reasons <sup>Des\*</sup> secure their own, and disappoint the Cavaliers game: 'Tis hard to determine whether or not the Duke of Queensberry did from the beginning design to act so foul a part: for my own share, I do believe he was once seriously embarked with the Cavaliers, and I was inform'd by a person of undoubted authority, that the reason why he changed, was as follows: That day in which the Earl of Home design'd to move for a supply, His Grace call'd a Council, and acquainted them of it; with which all agreeing, they adjourn'd with a design to prosecute it: a few minutes thereafter the Duke of Argyle, the Marquis of Annandale, and the Earl of Marchmont, came to wait upon His Grace, and withdrawing privately with him, one of them told him, the other two and himself had that morning met with a considerable number of Parliament-men, when it was resolv'd to move for an Act ratifying the Revolution, and another the PresbyterianGovernment, and press to have them preferr'd to the Act of Supply, which they were certain to cany, but first thought it fit to acquaint His Grace with their design, and ask his concurrance. This His Grace the commissioner begg'd them to forbear, because now he had an opportunity of obtaining a supply to Her Majesty, and if slipp'd at this time (as did happen) never again; and promis'd if this were over, to go into whatever they propos'd. But still the others refus'd to comply, being rather willing that there should be no supply granted at all, than that it should

proceed from the Cavaliers; and thus they left the commissioner in a peck of troubles. Immediately he acquainted Sir James Murray of Philiphaugh with what had passed, (who was, by very far, the most sufficient and best man he trusted and advised with,) and was answer'd by him, he well deserved it; for, notwithstanding his own experience, and his remonstrance to the contrary, he would have dealings with such a pack, and that this day's work would create such difficulties, that he should not extricate himself out of them were he to live an hundred years: which truly came to pass. The commissioner, you may be sure, was much confounded; he durst not venture to push the Act of Supply, knowing the Duke of Hamilton, and his party, would joyn the Duke of Argyle and his, and so it would be rejected: So all that came of it was, the Earl of Home made the motion, and it was order'd to lie upon the table. On the other hand, he foresaw what Sir James Murray of Philiphaugh intimated to him, that if he joyn'd and supported the Duke of Argyle in his designs, the Cavaliers would leave him, and so his interest be much diminished, and he be oblig'd to truce and depend upon the Duke of Argyle, the Marquis of Annandale, and such others.

how it came about.

Whilst he was thus musing and perplexed, the Duke of Argyle (who had more interest with him than any other person) soon return'd, and being privately alone with him, did so effectually represent the improbability of his succeeding by these methods he was then upon, since 'twas certain the Duke of Hamilton had, notwithstanding what had happen'd of late, more interest with the Cavaliers than any other, and that as soon as they gained their point, a correspondence would soon again be commenced betwixt them, and he become the chief ruler of the roast: these, I say, and such representations, joyn'd to the terrour he was in of the Duke of Argyle and the Marquis of Annandale's leaving him, so powerfully wrought upon him, that he resolv'd to desert the Cavaliers. This matter of fact I have from so good hands, I dare ascertain the truth of it.

Having made so much mention of the Duke of Argyle, 'twill not be improper to give a more particular account of him. .

Th<- Duke of Archibald, Earl, afterward Duke of Argyle, in outward apr^ter? pearance was a good-natur'd, civil, and modest gentleman; but

his actions were quite otherwise, being capable of the worst things to promote his interest, and altogether addicted to a lewd profligate life: he was not cut out for business, only applying himself to it in so

far as it tended to secure his Court interest and politicks, from whence he got great sums of money to lavish away upon his pleasures: but when he set himself to it, no man was more capable, or could more quickly, and with greater solidity and judgment, dispatch it than himself; so that, for want of application, a great man was lost. He was always an enemy to the Loyal interest, and came over with the Prince of Orange to England, tho' King James had been kind to him, and given him hopes of being restor'd to his estate, which stood at that time under a sentence of forfeiture. But what other could be expected from a man that (to curry favour with King James) had renounc'd his religion, and turn'd Papist? Notwithstanding which, and his constant vicious life and conversation, he was the darling of the Presbyterians, being descended from, and the representative of, a family that suffer'd for the cause, (as they term'd it,) and of great power in the country, and himself so intolv'd in treason and rebellion, that they were confident he would never venture to leave them: and thus they supported one another, and he made a great figure.

But to return: When the Duke of Queensberry was brought The Duke of

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over to enter into measures opposite to those of the Cavaliers., he behaviour to

, the Cavaliers.

resolv'd, the better to carry on his designs, to dissemble as much as possible with them: but this did avail him very little; for no sooner did they perceive some of his friends and dependents, such as William Alves, and others, (who were known to be constant frequenters of the Episcopal meeting-houses,) appear against an Act of toleration, presented by the Earl of Strathmore, and in behalf of the abovemention'd Act presented by the Duke of Argyle, ratifying the late Revolution and all that follow'd thereupon, and the other Act presented by the Earl of Marchmont, for securing the Presbyterian government; I say, no sooner did the Duke of Queensberry's friends behave after this manner, but immediately all that ever suspected the integrity of one who had been so much concern'd against King James and his family, as His Grace was, did conclude they were betray'd, and declar'd this their opinion in a meeting of the Cavaliers; upon which

it was resolv'd to send some of their number, viz. the Earls of Home and Strathmore, George Lockhart of Carnwath, and James Ogilvy of Boyn, to represent unto him how much they were surpriz'd to find his friends behave after such a manner, and that they hoped His Grace would remember his vows and promises, and how they had served the Queen. The matter of fact would not deny for him; so he excused it, as necessary to please such of the ministry as Mere so inclin'd, lest otherways the Queen's affairs should suffer prejudice; and then he renew'd his former promises, and swore heartily to them. To which they reply'd, they believ'd this would not satisfy those who had sent them there, and that His Grace nor the Queen could not blame them to look to themselves, since it was plain he was embark'd with a party, and enter'd into measures quite contrary to the capitulation made and agreed to between him and them: and so they withdrew; and having made a report to their constituents, 'twas unanimously resolv'd not to enter into any concert with the Court, or any other party, but to stand by themselves firm to one another, and jointly go into such measures, as, when propos'd by any party, should be by the plurality of themselves 'esteem'd for the interest of their country: and this they all engag'd to upon honour; and it cannot be said but they faithfully perform'd the same during that whole session: and to the best of my memory all this happen'd within three or four days after the Cavaliers had so signally preserv'd the Court, and particularly the Duke of Queensberry, from the danger they so much apprehended. Defection of I must do justice to all, and take notice, that from this time itaicarraVand the Earls of Balcarras and Dunmore left the Cavaliers and continued ever since firm to the Court, and went along with all their measures; wretches of the greatest ingratitude! they ow'd all they had, and much they had squander'd away, to King Charles and King James. 'Till now they claim'd more merit than others, especially the first, who had been some time, since the Revolution, in France (where he had, nevertheless, acted but a bad part,) and not many years ago obtain'd liberty to come home. He had some pretence for what he did, having a numerous family and little to subsist them on but what the Court bestow'd, tho' that should never have weighed with him, who lay under such obligations to King James: but the other is in-, excusable, having above five hundred pounds a year of his own,> and yet sold his honour for a present which the Queen had yearly given his lady since the late Revolution. But the truth of the matter lies here; they had no further ambition than how to get as much money as to make themselves drunk once or twice a day, so no party was much a gainer or loser by having or wanting such a

couple.

But 'tis now high time to enquire what the Parliament has Proceeded<sup>^</sup> been a doing. The first material affair they went upon after the Queen's title was recogniz'd, was the Earl of Marchmont's Act for security of the Presbyterian government, in these terms: "Ratifying, approving, and perpetually confirming all laws, &c. <sup>r</sup> made for establishing and preserving the true reform'd Protest<sup>ant</sup> religion, and the true Church of Christ, as at present own'd "and settled within this kingdom, in its Presbyterian government "and discipline, as being agreeable to the Word of God, (this was "more than they pretended at the time of the Revolution, as I "mentioned before,) and the only Church of Christ within this "kingdom." There were many in Parliament argu'd against this Dehaie thereAct, and none with more mettle than Sir David Cunningham of Milncraig, urging that it was uncharitable to affirm that none were of the Church of Christ except Presbyterians. To which the Marquis of Lothian's zeal made this reply, that the clause was right, since he was sure the Presbyterian government was the best part of the Christian religion; which set all the House in a merry temper. The Act however passed; but it was evident Aproved. the Presbyterian party was not so considerable as jmagin'd, and Tfflectioni that if the Queen had been as Episcopal in Scotland aa in Enlunupmi. giand, s]le might easily have overturn'd Presbytery; for at this time the House consisted of about two hundred and forty members, thirty whereof voted against that part of the Act ratifying Presbytery, and eighty-two were non liquets (which last were all Episcopal, but chose to be silent because there was no form'd design against Presbytery at that time, or to please the Court); so that there was not, properly speaking, a plurality of above sixteen voices or thereby for the Act; amongst which, several, such as Duke Hamilton, the Earl of Eglinton, and many others, were no ways Presbyterians. Now had the Queen design'd to introduce Episcopacy, 'tis obvious 'twould have been no hard task to have done it. An Act for When this was over, the Act for a Toleration to the Episcopal read'aodlet Clergy was read; but those who were the greatest promoters of it

fall

agreed not to insist upon it, lest thereby many well meaning persons that oppos'd the Court, and stood for the interest of the Country, might have taken offence; and therefore they delay'd it 'till a more strange r?pre- proper occasion. But I must take notice, that a representation from the General the Commission of the Kirk, signed by their moderator Mr. George

Assembly. . .

Meldrum against the Toleration, was likewise read, wherein was this extraordinary and unchristian expression: "They were persuaded, to enact a Toleration, for those of that way, (considering the present case and circumstances of the church and nation,) would be to establish iniquity by a law, and bring on "the promoters thereof, and their families, the dreadful guilt and "pernicious effects that may thereupon ensue." Act ratifying Next the Parliament proceeded to consider the Duke of Ar

th« Claim of • , . \_ .

Right. gyle's Act, approving, ratifying, and confirming perpetually an

Act of Parliament declaring it high treason to disown, quarrel, or impugn the dignity or authority of the said Parliament, and further statuting and declaring, that it should be high treason, in any of the subjects in this kingdom, to quarrel, or endeavour by writing, malicious and advised speaking, or open act or deed, to alter, or innovate the claim of right, or any article thereof. The last clause of this Act was particularly impugned, and it was alledged, that the import of such a general peremptory clause would be of dangerous consequence, since these words, "endeavour by writing, &c." might entrap innocent people in their common conversation, (which was a grievance not long ago) and that it bound up the wisdom of the nation from making such alterations and reformations as they should judge necessary for the state of the kingdom in succeeding ages. And James More of Stonywood desired to know, if this Act passed in these terms, in case the shire of Aberdeen, which he represented, and every body knew was generally of the Episcopal persuasion, should address the Sovereign or Parliament (which in the Claim of Right is asserted to be the privilege of every subject) for a rectification of the present settlement of the Presbyterian church government, whether or not such an address did import treason? To whom Sir William Hamilton of Whitlaw replied, that this Act did not preclude addressing for a toleration; but he was of opinion, if it were once made a law, that person was guilty of treason who owned he thought the Presbyterian a wrong establishment, and that Episcopacy ought to be restored.—This occasioned a long and hot debate, wherein the dangers that would arise both to the government and subject were fully laid open; but being put to the vote, the Act was approved, there being sixty members against it, and many non liquets (upon the same account as in the former act ratifying Presbytery); and

all the Country party, that were Presbyterians, the ministry and their dependents going into it, except the Duke of Athol, the Justice clerk, and some of the Chancellor's and Viscount of Tarbat's friends, which four began at this time to break with the Court, and join in a particular correspondence with the Cavaliers.

Whilst the rolls were calling upon this question, there fell the greatest rain that was ever seen come from the heavens, which made such a noise upon the roof of the parliament-house (which was cover'd with lead) that no voice could be heard, and the clerks were obliged to stop: whereupon, as soon as it ceased Sir David Cunningham of Milncraig took the occasion to tell the House, "It was apparent that the heavens declared against their procedure:" And those who were inclined to take notice of such things, drew several conclusions and presages from it, suitable, for the most part, to their own inclinations. Tho' this be but a trifle, I inclined not to pass it altogether by.

Then the Parliament proceeded to frame and finish such Acts as tended to secure their liberties and freedom from the oppression of the English ministers over Scots nation.

counsels and affairs, in which a long time was spent, many bold

which causes speeches and excellent overtures being made, the Court strenuously opposing them all; but the Cavaliers and Country party, as strenuously insisting, at last prevailed, and carried in Parlia

Approves Act menthese two valuable Acts: first, an Act anent peace and war;

anent peace

and war, declaring among other things, that after Her Majesty's death, and failing heirs of her body, no person, at the same time King or Queen of Scotland and England, shall have the sole power of making war with any prince, state, or potentate whatsoever, without consent of Parliament: which was absolutely necessary, considering how much the nation had lost, by being brought into

and Act of all England's wars. And, secondly, that excellent and wisely

Security. . \*'• i « i i •

contriv'd Act of Security, which has since made such a noise in Britain, and, from the admirable clauses it contains, justly merits the title it bears, an Act which in all probability would have made this

nation happy, had all those who were concerned, and assisted to frame and advance it, continued to act by the maxims and motives whereupon this Act was founded, and not basely changed both principles and parties; but being very long, and to be found in the printed Acts of Parliament, I shun inserting it here.

All efforts were in vain to obtain the royal assent to this Act, tho' the other (in hopes thereby to have obtained a subsidy for the army) was pass'd into a law.

'Tis needless, and would be endless to repeat, suppose I could, the discourses that were made *pro* and *con*, whilst the Parliament was upon overtures to secure their liberties, and redeem the nation from the oppression it groaned under: 'tis sufficient to say, The P that the Court opposed every thing that could be proposed for "eaV" \*"" that end, and, in return, were so baffled in all their schemes and designs, that on the fifth of September, when a motion was made for granting a first reading to the Act for a supply, the Par

liament flew in the face of it, some demanding the royal assent The to the Act of Security, others asking, if the Parliament met for panics boldnothing else than to drain the nation of money, to support those that were betraying and enslaving it? and after many hours warm debates on all sides, a vote was stated, — Whether to proceed to overtures for liberty, or a subsidy? And the house being crowded with a vast number of people, nothing, for near two hours, could be heard but voices of members, and others, (it being late, and candles lighted) requiring "liberty" and "no subsidy."

The Throne being confounded with this vigorous appearance in behalf of the Country, was at a stand, and knew not what hand to turn to: and the Earl of Roxburgh declar'd, if there was no other way of obtaining so natural and undeniable a privilege of the House as a vote, they would demand it with their swords in their hands.

Whether the Commissioner had got information that the House would that day stand stiffly to what they proposed to be done for the country, I know not; but certain it is, that the foot-guards were ordered to be in readiness; and several days before this, a guard was set every night upon the Nether-bow-Port, and Lieutenant-general Ramsay was heard to say in his cups, "that ways would be found to make the Parliament calm enough." However, the Commissioner perceiving he'd be torn in pieces, if he withstood the formidable opposition he saw against him, order'd the Chancellor to acquaint the House, that it was yielded the Act for a subsidy should continue to lie upon the table, and that the House should next day proceed upon overtures for



liberty; which put a period to that day's debate: but when the next day came, instead of performing his promise, the first thing he did in the house, was to call for such Acts as he was empowered to pass into laws, and having given them the royal assent, immediately made the following speech:

“My Lords and Gentlemen,

“We have now passed several good Acts for liberty and trade, “which, I hope, will be acceptable to all Her Majesty's good “subjects: I wish you had also given the supplies necessary for “the maintaining Her Majesty's forces, and preserving the peace <sup>f<</sup> and safety of the kingdom: But since, I hope, this may yet be “done in due time, and, besides, some questions and difficulties “are fallen in, which in all probability you can have no time \*\* to determine, and, withall, 'tis fit Her Majesty should have some “time to consider on such things as are laid before her, and that “we may know her mind therein more perfectly, a short recess “seems at present to be necessary, and that this Parliament be “prorogued for some time. And therefore I have ordered my “Lord Chancellor to prorogue this Parliament to the twelfth of \*' October next.”

Which he accordingly did.

But before we leave this Parliament, to consider what were the consequences of it, we must remember, that the Earl of Marchmont having one day presented an Act for settling the succession on the House of Hanover, it was treated with such contempt, that some propos'd it might be burnt, and others, that he might be sent to the Castle: and it was at last thrown out of the house by a plurality of fifty-seven voices: such then was the temper of the nation, that, if duly improv'd, might have done great things. Neither must I omit the opposition made to the Act allowing the importation of wines, which was carried by the assistance the Court got from the trading boroughs, and brought in a great deal of money to the customs.

And thus I have gone through this session of Parliament, Reflection, on

*B* ° .the Parlia

which did more for redressing the grievances and restoring the mem. liberties of this nation, than all the Parliaments since the 1660 year of God; and it cannot be thought strange, that Scotsmen's blood did boil to see the English (our inveterate enemies) have such influence over all our affairs, that the royal assent should be granted or refused to the laws the Parliament made, as they thought proper,

and, in short, every thing concerning Scots affairs determined by them, with regard only to the interest of England; and to see bribing and bullying of members, unseasonable adjournments, and innumerable other ungentlemanly methods made use of, to seduce and debauch people from the fidelity they owed to that which ought to be dearest to them, I mean the interest, welfare, and liberty of their country and fellow-subjects, by whom they were entrusted in that office. These considerations, I say, enraged and embolden'd a great number of members to such a degree, that many strange and unprecedented speeches were made, inveighing against and exposing the Government, especially by that worthy and never-to-be-enough-praised patriot, Andrew Fletcher of Salton.

After the Parliament was prorogued, the Queen was pleas'd to New

of honour.

confer several titles of honour on such as had serv'd her. The Marquis of Douglas (tho' a child) and the Marquis of Athol were made Dukes; the Viscount of Stair, Viscount of Roseberry, Viscount of Tarbat, Lord Boyle, James Stuart of Bute, and Charles Hope of Hopeton, were created Earls of Stair, Roseberry, Cromarty, Glasgow, Bute, and Hopeton, and John Craufurd of Kilbirnie and Sir James Primrose of Carrington, Viscounts of Garnock and Primrose. Having made mention of the Duke of Athol, the Earl of Cromarty, and Mr. Fletcher of Salton, it won't be much out of the way to give a particular character of them before I go any further. Thf nukcof John, first Marquis then Duke of Athol, made no great figure

AthoTs elm- # ' \* . .

meter. i<sub>n</sub> the first part of his life; and the first mention I find of him was his conveening as many of his friends, followers and vassals, as he could, to oppose my Lord Dundee; but that being a work contrary to their grain, few join'd with or would be assistant to him, so His Grace soon, quitted the field. In the year 1699 he was made one of King William's secretaries of state, and thereafter: his commissioner to a Parliament, and was all that time a most zealous Presbyterian, and so great an admirer of his master King William, that he mimick'd him in many of his gestures. But being disoblig'd that Sir Hugh Dalrymple was made president of the session, and not Sir William Hamilton of Whitlaw, whom he had recommended, and finding his colleague the Earl of Seafield had much more interest both with King William and his favourite the Earl of Portland than himself, and that he would not be long in that post, without he depended on the Earl of Seafield, he

resigned his office and would serve no longer; and returning to Scotland, he joyn'd with the Country party, and continu'd a leading man therein, 'till after Queen Anne's accession to the throne, that he was created lord privy seal. In the Parliament 1703 he trim'd 'twixt Court and Cavaliers, and 'tis probable would have continu'd so, had not the Duke of Queensberry trump'd up the plot upon him, which did so exasperate him against the Court, that he joyn'd entirely with the Cavaliers; and from being a friend to the Revolution and an admirer of King William, he became of a sudden a violent Jacobite, and took all methods to get the favour and confidence of the Cavaliers, which in some measure he obtain'd, particularly in the shires of Fife, Angus, Perth, and other northern parts, and thereupon affected extremely to be the head of that party, and out rival the Duke of Hamilton: yet notwithstanding this his profession in state matters, he still courted and preserved his interest with the Presbyterian ministers, professing always to be firm to their Kirk government, hearing them in the churches, and patronizing them much more than those of the Episcopal persuasion; which induced many to doubt the sincerity of his professions in other points, and believe he was honest and loyal because he had no occasion of being otherwise. But for my own part, I had an opportunity to know, that he was very frank and chearful to enter into any tho' the most desperate measures, in the years 1706 and 1707, to obstruct the Hanoverian Succession, and especially the Union; because, perhaps, he had but a small estate, and could not expect to make so great an appearance after the Union, as if the kingdom of Scotland remained: but be the reasons what they will, certain it is, he would have gone to the field rather than it should have pass'd, had others been as forward as himself. He 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 service. He was endow'd with good natural parts, tho' by reason of his proud, imperious, haughty, passionate temper, he was noways capable to be the leading man of a party, which he aim'd at. After he betook himself to the Cavaliers, he much affected popularity; but it was still attended with such an unpleasant air, his kindest addresses were never taking: he was selfish to a great degree, and his vanity and ambition extended so far, that he could not suffer an equal, and did therefore thwart the Duke of Hamilton's measures. He was reputed very brave, but hot, and headstrong, and tho' no scholar nor orator, yet express'd his mind very handsomely on publick occasions.

Earl of Cromarty. The satyrist, in his lampoon, speaking of George Viscount of Cromarty, since Earl of Cromarty, uses these words,

Some do compare him to an eel; Should mortal man be made of steel?

And certainly this character suited him exactly; for never was there a more fickle, unsteady man in the world: he had sworn all the contradictory oaths, comply'd with all the opposite Governments that had been on foot since the year 1648, and was an humble servant to them all, 'till he got what he aim'd at, tho' often he did not know what that was. He was full of projects, and never rejected one, provided it was new. Since the Revolution (tho' he had a large share in carrying it on) he pretended to favour the Royal Family and Episcopal Clergy: yet he never did one action in favour of any of them, excepting that when he was secretary to Queen Anne he procured an Act of Indemnity, and a letter from her recommending the Episcopal Clergy to the Privy Council's protection: but whether this proceeded from a desire and design of serving them, or some political views, is easy to determine, when we consider, that no sooner did Queen Anne desert the Tory party and maxims, but His Lordship turn'd as great a Whig as the best of them, join'd with Tweeddale's party to advance the Hanoverian succession, in the Parliament 1704, and was, at last, a zealous stickler and writer in favour of the Union. He was certainly a good-natur'd gentleman, master of an extraordinary gift of pleasing and diverting conversation, and well accomplish'd in all kinds of learning; but, withall, so extremely maggoty and unsettled, that he was never to be much rely'd upon or valu'd; yet he had a great interest in the Parliament with many of the northern members. Tho' his brother, Mr. Roderick Mackenzie of Prestonhall, was not altogether so chimerical as he. His Lordship, yet in their politicks they seldom differed; but he still pretended a greater zeal for the service of the Royal Family than His Lordship did, tho' both proved alike faithful at the latter end.

Andrew Fletcher of Salton, in the first part of his life, did imitate Fletcher.\*

' r ' Salton s cha

prove himself to a great degree by reading and travelling; he was always a great admirer of both ancient and modern republicks, and therefore the more displeas'd at some steps which he thought wrong in King Charles the Second's reign, whereby he drew upon himself the enmity of the ministers of that Government, to avoid the evil consequences of which, he went abroad; during which time, his

enemies malice still continuing, he was upon slight frivolous pretences summon'd to appear before the Privy Council and their designs to ruin him being too apparent, he was so enrag'd that he concurred; and came over with the Duke of Monmouth, when he invaded England; upon which he was forfeited. Thereafter he came over with the Prince of Orange: but that prince was not many months in England, till he saw his designs, and left him, and ever thereafter hated and appeared as much against him as any in the kingdom. Being elected a Parliament man in the year 1703, he shew'd a sincere and honest inclination towards the honour and interest of his country. The thoughts of England's domineering over Scotland, was what his generous soul could not away with. The indignities and oppression Scotland lay under, gaul'd him to the heart; so that in his learned and elaborate discourses he exposed them with undaunted courage and pathetick eloquence. He was bless'd with a soul that hated and despised whatever was mean and unbecoming a gentleman, and was so stedfast to what he thought right, that no hazard nor advantage, no not the universal empire, nor the gold of America, could tempt him to yield or desert it. And I may affirm, that in all his life he never once pursued a measure with the prospect of any by-end to himself, nor furder than he judg'd it for the common benefit and advantage of his country. He was master of the English, Latin, Greek, French, and Italian languages, and well versed in history, the civil law, and all kinds of learning; and as he was universally accomplished, he employ'd his talents for the good of mankind. He was a strict and nice observer of all the points of honour, and his word, sacred; as brave as his sword, and had some experience in the art of war, having in his younger years been some time a volunteer in both the land and sea service. In his travels he had studied, and came to understand, the respective interests of the several princes and states of Europe. In his private conversation affable to his friends (but could not endure to converse with, those he thought enemies to their country), and free of all manner of vice. He had a penetrating, clear and lively apprehension, but so extreamly wedded to his own opinions, that there were few (and those too must be his beloved friends, and of whom he had a good opinion) he could endure to reason against him, and did for the most part so closely and unalterably adhere to what he advanc'd (which was frequently very singular) that he'd break with his party before he'd alter the least jot of his scheme and maxims; and therefore it was impossible for any set of men, that did not give up themselves to be absolutely directed by him, to please him, so as to carry him along in all points. And thence it came to pass, that he often in Parliament acted a part by himself, tho' in the main he stuck close

to the Country party, and was their Cicero. He was, no doubt, an enemy to all monarchical governments, at least thought they wanted to be much reformed: but I do very well believe, his aversion to the English and the Union was so great, in revenge to them, he'd have sided with the Royal Family: but as that was a subject not fit to be enter'd upon with him, this is only a conjecture from some innuendo's I have heard him make: but so far is certain, he liked, commended, and conversed with high-flying Tories more than any other set of men, acknowledging them to be the best Country men, and of most honour, integrity, and ingenuity. To sum up all, he was a learned, gallant, honest, and every other way well accomplish'd gentleman; and if ever a man proposes to serve and merit well of his country, let him place his courage, zeal, and constancy as a pattern before him, and think himself sufficiently applauded and rewarded, by obtaining the character of being like Andrew Fletcher of Salton.

Let us now return back ag-ain. and acquaint you, that after the Friendihip be

T» i- i t- i twUtthe Duke

Parliament was prorogued, mutual engagements of fidelity and °t Athoi.the sincerity to stand firm to one another, were renewed 'twixt the <sup>field aDd</sup> cn>

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Cavaliers on the one part, and the Duke of Athol and the Earls of Seafield and Cromarty on the other; and accordingly when these lords, with the Earl of Eglington, went to London, they were entirely trusted by the Cavaliers. The Courtiers again, they made as great haste, and all parties strove who should outdo one another in paying their respect and shewing their submission to the good will and pleasure of the Duke of Marlborough and Lord Godolphin: the Queen, indeed, for fashion sake, was sometimes addressed to; but such application was made to these two lords, that it was obvious to all the world how much the Scots affairs depended on them. I myself, out of curiosity, went once to their -levies, where I saw the Commissioner, Chancellor, Secretary, and other great men of Scotland, hang on near an hour, and, when admitted, treated with no more civility than one gentleman pays another's valet-de-chambre; and for which the Scots have none to blame but themselves; for had they valued themselves as they ought to have done, and not so meanly and sneakingly prostituted their honour and country to the will and pleasure of the English ministry, they'd never have presumed to usurp such dominion over Scotland, as openly and avowedly to consult upon and determine in

Scots affairs.

of this plot.

A sham plot After the Scots nobility had waited and attended the English

discovered. . . . °

ministers some six or eight weeks, without knowing what was to be done, a flying report was spread about, as if a plot had been discovered, wherein a certain number of the chiefs and heads of the Cavaliers had engaged to rise in arms against Queen Anne, in favours of the pretended Prince of Wales (as they termed the King); and this story was propagated to blacken those people's endeavours to liberate their country from the slavery and dominion which England usurped over it.

A true account But because this sham plot was the foundation of a mighty superstructure, made a great noise, and was the handle the Courtiers laid hold on to ruin the Cavaliers and Country parties, I must go back a little, and trace it from its original, that the design and consequences of it may be the better understood, and the whole look'd upon with that detestation and horror by future ages, which all good men had of it at the time: for certainly never was there a more villainous design, and which, in all probability, would have had its dismal effect, had not the wise providence of God discovered and brought to light the hellish contrivance.

You must know then, that after the Duke of Queensberry had, *its rise.* <sup>ag</sup> above-narrated, broke his vows to the Cavaliers, and seen them,

when joined to the Country, so strong and zealous a party, that there was no hope of being able to stand it out against so violent and united a torrent, he bethought himself how to undermine their reputations, and so diminish their interest with the Court, and find a pretence to vent his wrath, and execute his malice against those that thwarted his arbitrary designs; and knowing, to his certain experience, that the poet was very much in the right when he asserted that

Plots, true or false, are necessary things, To set up Commonwealths, and ruin Kings,

Wheace it had

he, with the special advice and consent of his dear friends, the Duke of Argyle, the Earls of Stair and Leven, and Mr. Carstairs, (a rebellious Presbyterian preacher, one of Her Majesty's chaplains) resolved one way or other to frame such a plot, as, when lodg'd upon those they designed it against, should, in all humane probability, be their utter ruin and destruction.

They pitch'd upon one Simon Frazer\* of Beaufort, as the tool Frazer of to carry on this wicked design, and be evidence to accuse such p<sup>e</sup>^<sup>d</sup> to ma<sup>'</sup> it persons as they directed. This gentleman, some three or four years before, had been guilty of a most scandalous rape upon the person of the Lady Dowager Lovat, sister to the Duke of Athol, for which crime the Lords of Justiciary had condemu'd him to die; and letters of tire and sword were raised, and a detachment of King William's troops sent against him and his adherents, who were pretty numerous, 'twixtwhom several skirmishes happened: but finding the Duke of Argyle, who was his great patron, (for no other reason, that I know of, but because he had been guilty of a vile, lewd, and detestable crime, and that too upon the person of one of the family of Athol, which two houses bore each other a constant grudge), I say, Frazer finding Argyle was no longer able to protect him against the force of law and justice, quitted the kingdom, and retired to France: but King James having got an account of the crimes he was found guilty of, for which he had left his native country, would not, during his life, allow him to come to the Court of St. Germans. This person being made choice of, as well qualify'd for such a design, was sent for from France to England, and afterwards brought from thence to Scotland: but before he left France, by the advice of his friends at home, he turn'd Papist, and finding a way to be in- Tutm p<sub>ap</sub>i.u troduced to the French King by the Pope's Nuntio, he represented

King.

\* He was afterwards well known as Lord Lovat, and perished upon a scaffold on Tower-hill, London, 9th April, 1747.—Editor.

The effech thereof.

himself as a person of great interest in Scotland and oppressed for his zeal to the Royal Family, and that with encouragement, and a small assistance, he could contribute to make a great diversion to the English arms, and much promote the Royal interest. and for that end, proposed that His Most Christian Majesty would furnish him with two or three hundred men and a good sum of money to take along with



him to Scotland, where he'd perform wonders. But the French King, unwilling to hazard his men and money, without a further security and more probability than his assertions, gave him a fair answer, desiring him to go first to Scotland, and bring him some credentials from those persons over whom he pretended so much power; which he agreed to, and got, for that purpose, a little money, and, by the French interest, such credit at St. Germain's as to obtain a commission from King James to be a major-general, with a power to raise and command forces in his behalf, which was the main thing he aimed at: but at the same time Captain John Murray, brother to Mr. Murray of Abercarnie, and Captain James Murray, brother to Sir David Murray of Stanhope, were likewise, under the protection of Queen Anne's Act of Indemnity, sent over to Scotland to be a check upon him, and bring intelligence how they found the tempers of the people and their inclinations towards King James. Thus provided, Frazer arrived in England, and on come\* to Scon the borders of Scotland was met by the Duke of Argyle, and by tne.sedand him conducted to Edinburgh, where he was kept private; and the court. being fully instructed what he was to do, the Duke of Queensberry gave him a pass to secure him from being apprehended in obedience to the letters of fire and sword emitted against him. And now he goes to the Highlands, introduces himself into the company of all that he knew were well affected to King James Tracking in and his interest, there produces his major-general's commission, "cou" as a testificate of the trust reposed in him, and proposes their

rising in arms and signifying the same under their hands, that that the King might know assuredly, who they were, and what numbers he had to trust to, and regulate his affairs accordingly. Some were so far seduced, as to assure him, they were ready to serve the King, tho' I believe there was none did it in the terms he demanded, but generally there were few that did not regret the King's reposing any trust in a person of so bad a character; and fearing he would betray them, refused to treat or come to particulars with him. After he had trafficked here and there thro' the Highlands with small success, when the Parliament was

prorogued he went to London, to consider of what further use ooe» to Loq

•• don\*

he might be to his constituents, resolving (tho' the priraum mobile and his patron the Duke of Argyle was now dead) to continue in their service; and they finding he had made but a small progress, and could

not as yet fix any thing at the doors of those persons against whom they levelled, resolv'd to send him again to France, to demand letters, and further encouragement, to the Dukes of Hamilton and Athol, the Earls of Seafield and Cromarty, and the Cavaliers: and for that end the Duke of Queensberry procured him and two others with him, a pass from the Earl of Nottingham, secretary of England, under borrowed names. If he went upon a good design, as the Duke of Queensberry afterwards alledg'd, why needed he have made their persons and business such a secret to the Queen's secretary, as he must know neither? But before Frazer reached Paris and had executed his black design, it came to light in a great measure; for the famous Mr. Ferguson soon discovered and consequently defeated the project, when it was as yet but in embryo; for Frazer, whilst he was in London, having address'd himself to him and one Mr.

William Keith (son to Sir William Keith of , and a great

dependor on the Duke of Athol), he acquainted them with his pretended design and project for King James, and mightily pressed Keith, that he'd use his endeavours to perswade the Duke of Athol to forgive him and allow him access to His Grace, since he was

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heartily sorry for the crime he had committed, and was promoting so good a design: but Keith (tho' he play'd the fool and dipt deep enough with him in all other points) told him, that was what he could not presume to propose, and what he knew the Duke of Athol would never grant. But Ferguson, an old experienc'd plotter, understanding his character, suspected his integrity; and it coming to his knowledge, that he was often privately with the Scots Courtiers, was by them supported, and had obtain'd a pass, as above related, he soon concluded that there was some base design in hand, and thereupon gave the Duke of Athol notice of it; and he again, having enquired at the Earl of Nottingham's, and finding Ferguson's informations to hold good, and his

concern'd in it . . . , , . \_ °

to the Queen, suspicions to be well grounded, acquaints Queen Anne of the whole procedure, accusing the Duke of Queensberry in particular, and his other friends and partizans, of corresponding with and protecting a person out-law'd in the kingdom of Scotland, guilty of the most horrid crimes, and a trafficker with France. Whereupon the Duke of Queensberry, to vindicate himself, declar'd, that Frazer, when he came to Scotland, wrote to him that he could make great

discoveries for the Queen's service, that upon that account he had sent for him, given him a protection in Scotland, and again procured him a pass in England, with a design he should go to France, and make a clearer discovery, which he did not doubt he'd have perform'd, had not the matter come too soon to light; and as a convincing proof thereof, he produces a

letter from the Queen Mother, directed to L M , which

initials he interpreted the Lord Murray, formerly the title of the Duke of Athol before his father died. But His Grace made use of such solid arguments and convincing proofs to shew the fallacy of that letter, that Queen Anne her self could not deny, but that she

Reflections on thought it not genuine. Now let any impartial judge consider, if 'tis probable that Frazer, with whom no honest man in Scotland would converse, who was under sentence of death, and not such a fool as to imagine that he had interest to do any thing of moment for King James's service, could have had the impudence to address the French King, in the terms he did, and come over to Scotland, unless he had been put upon it, and protected by such as could support him at home. If he only proposed to cheat the French King of a little money, why came he to Scotland with it, since he knew he could not fail, in time, to be discovered, and then could neither hope to be protected there, or dare return to France? These, I say, and many other such shrewd presumptions, make it clear, what was the design of this pretended plot, and if successful, how dismal the consequences of it would have proven, viz. the destruction of those who opposed the designs of the Scots Courtiers and English Ministry against Scotland; how happy it was in being rendered abortive before the design'd conception had come to full maturity, and how odious the thoughts of such a hellish conspiracy, and abettors thereof, ought to be in the eyes of all good men! I must likewise acquaint you, that David Baily wrote a letter, about the same time that the pretended plot was discovered at London, to the Duke of Hamilton then at P<sup>1</sup>,"  
"Edinburgh, intimating that the Duke of Queensberry and Marquis of Annandalc had been at great pains to engage him to go to London with them, and be a concurring evidence of such things as he should afterwards be inform'd of against the Dukes of Hamilton and Athol, the Earl of Home, and several others; which he positively refused to do, and thought it his duty to make a discovery thereof, that these noble persons might be on their guard, lest the Duke of Queensberry should still endeavour, and at last find out proper persons to be his accomplices. This information upon the back of the pretended plot made a great noise. The Duke of Hamilton tabled it before the Scots

Privy Council, and desired their Lordships would take it, and its consequences, under consideration: upon which Baily was imprisoned, and examined; but having no proof, besides his own assertions, he was

ordered to stand upon the pillory, and was banished out of the kingdom; the first part of which sentence was executed, but the other taken off when the Marquis of Tweedale came to the government.

'Tis hard to make a judgment of this story: If it was true, 'tis a further proof of the Court's designs: But for my part, (tho' I'm convinc'd the Duke of Queensberry was capable of it, and did as ill with Frazer) I do believe it was all a lye, being only a counter plot, framed by Mr. Baily of Jerviswood, to exasperate the nation against the Duke of Queensberry, Baily being his near relation, and Tweedale's party appearing most earnest for his being acquitted in Council, and at last, when they came to have power, taking off the sentence of banishment. Let me add too, this Baily was so scandalous a fellow, he would scarcely have been allowed as an habile witness in any judicatory in Europe, where his character was known: But I leave the reader, as he pleases, to give credit or not to his report, there being sufficient evidence without it to convince the world what a horrid design the Duke of Queensberry was upon. The Duke of While all this was a doing, the Duke of Queensberry, to preserve employ the the interest he had obtain'd with the Tories and Church party in

EarlofBal-<sup>r J</sup>

earrajandtbe England, had brought up to London those two renegadoes the Glasgow to j;ar,i of Balcarras, and Paterson archbishop of Glasgow, to assure

support him \* r O \*

?i!hTo<sup>e</sup>rif.<sup>n</sup>” them of his inclinations to serve and protect the Tories and

aodomrcb Church party in Scotland.

Archbishop of The Archbishop was a man of extraordinary parts and great

Glasgow'! cha- .<sup>r</sup> . .

racter. learning, but extreamly proud and haughty to all the inferiour

Clergy of his diocese, and very much destitute of those virtues that should adorn the life and conversation of one so highly exalted in the

Church. He had a great management of the government of both church and state, before the Revolution. After the abolishing of Episcopacy, he lived privately, indulging that avaricious worldly temper which had sullied his other qualifications in all the capacities and stations of his life, and which likewise moved him to embark on this design, which, when he left Scotland, and even after he came to London, he kept as a mighty secret, pretending to the Cavaliers he undertook that long journey, in the middle of winter, so dangerous to his grey hairs, (his own expressions,) only to supplicate Queen Anne to bestow the vacant bishops rents on the poor starving Episcopal Clergy. Yet when this matter was under the consideration of Queen Anne and her servants, his charitable zeal did allow him to accept of four hundred pounds sterling per annum out of them, tho\* there remain'd but twelve hundred pounds after his four hundred was deducted, (to be divided among his numerous needy brethren) that was not appropriated to other uses; and His Lordship was worth twenty thousand pounds of his own.

I have already accounted for the Earl of Balcarras, so let me proceed to tell you that this Noble Lord and Reverend Prelate served the design they came for most religiously: and the latter had the impudence to assure Queen Anne, that the Duke of Queensberry was the best friend the Episcopal Clergy had in Scotland, and would have procured them a Toleration (which, it seems, they knew she desired) had he not found they were so disaffected to her interest, that to shew them favour, would be to encourage and enable her enemies: adding, with tears in his eyes, “she might depend upon the truth of this information, since “it came from him who could be no gainer, but, on the contrary, “was a great loser by their being kept under.” This last part I had in half an hour after it was performed, from one who had it from Prince George, who declared he and Queen Anne were confounded at the account.

During all this, the plot made a great noise; and accounts of the affair being soon wafted over to France, Frazer was immediately clapt up in the Bastile. But since a plot (tho' of the Duke of Queensberry's and his accomplices own composure) was

pretended lobe discovered, the assertion must be made good; and therefore the Duke of Queensberry throws himself upon the

Queensberry . f

throws himself English Whig Lords, craving their assistance to bring him off, giish whigs. by finding there had been a plot, and laying

it upon those that Thejr protect were his, and consequently their, enemies. They, according to the laudable practice of that party, ever ready to support every person and every measure that tended to advance the (' good old cause," taking him and his cause into their own omnipotent protection, tabled it in the English Parliament, and imprisoned and *the* English examined several persons; and sundry papers framed for the proceedings in purpose were laid before the House, and the consideration thereof pi«t. referred to a committee x>f seven Lords, who did and found what

they pleased, tho' never f o gross and absurd; and at last the House of Lords came to the following resolution:

“Resolved, that there had been a dangerous conspiracy in •” Scotland, toward the invading that kingdom with a French “power, inxirder to subvert Her Majesty’s government, and the “bringing in the pretended Prince of Wales; that it was their “opinion, nothing had given so much encouragement to these “designs as the succession of the crown of Scotland not being “declared in favour of the Princess Sophia and her heirs; that “the Queen should be addressed to use such methods as she “thought convenient, for having the succession of the crown of “that kingdom settled after that manner; and that being once “done, then they would do all in their power to promote an entire *f* union -of the two kingdoms.”

But, notwithstanding the Lords were so clear, there was not one unbyassed person that did not see it was all trick and villainy; and the Lords themselves, conscious thereof, would gladly •have had some further proofs to justify their proceedings in the na»id Lindsay matter, and for that purpose did prosecute Mr. David Linds&y, (who had been in France, but came home to Scotland, and, be4bre Jie went to England, was declared by the Priyy Council to be comprehended within the terms of Queen Anne’s Act of Indemnity) and finding he had been in France, by virtue of an English Act of Parliament in King William’s time, condemned TM<sup>nd\*n</sup>»><sup>e<|’o</sup> him to die, tho’ he did plead he was a native of Scotland, and pardon’d by Her Majesty, as sovereign of that kingdom. Yet, nevertheless, so far did they drive the jest, and so much did Queen Anne allow herself to be imposed upon, that he was carried to Tyburn, and the rope put about his neck, the sheriff telling him he could expect no mercy, unless he’d acknowledge the crime, and discover (which was the one thing needful) who were concern’d in the Scots conspiracy; thus tempting him to save himself, by charging others with what he knew they were innocent of: but he (to his immortal honour be it said) answered, His behaviour he was willing to die, rather than save his life on such

terms; <sup>e 8a</sup> whereupon the sheriff ordered the cart to drive on; but finding he was resolv'd to stand it out, in behaving as became a good christian, and worthy gentleman, produced Queen Anne's reprieve, suspending the execution. And Lindsay, having thus, by his heroick behaviour, disappointed the designs of those who hoped, by this severe method, to force a confession (true or false all was one) out of him to justify their proceedings, was remitted close prisoner to Newgate, where he remained in a miserable starving condition for three or four years, and was then banished out of Britain, and died in Holland for want of necessary food and raiment.

Several Scots Councils were called, and met this winter in scots Councils Queen Anne's presence in London, where were several hot debates, and many proposals were made as proper methods to be followed at this critical juncture, with relation to the management of Scots affairs; the most remarkable of which was that A strange prowhich came from the Earl of Stair, who (considering that this Ear) of'salr. procedure of the English House of Lords would so exasperate the Scots nation, and the discovery of the designed plot so irritate and cement the Cavaliers and Country parties, that 'twas to no

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purpose for the .Duke, of Queensberry and his partizans to imagine to succeed there) proposed, that an English army should be sent to Scotland, to be maintain'd by England, and remain there 'till Her Majesty's decease, and that during her life another Session of Parliament should not meet . The first would keep Scotland in awe; and the second prevent her being able to redress herself, and assert her just rights in a legal manner. But this was so dangerous an expedient, the English ministers did not think it proper, lest it had raised such a combustion in that kingdom as would Jiot easily be extinguished. Having made mention of this extraordinary proposal, 'twill be very proper to give a particular account of its author. Eari or stains John Earl of Stair was the oriffine and principal instrument of

character. . . .

all the misfortunes that befel either the King or kingdom of Scotland. 'Twas he that advised King James to emit a proclamation, remitting the penal laws, by virtue of his own absolute power and authority, and made him take several other steps, with a design (as he since braggM) to procure the nation's hatred, and prove his ruin:

‘Twas he that, underhand, carried on the Revolution in Scotland, thus acting the same part as the Earl of Sunderland did in England: ‘Twas he that, to secure his Court interest in King William’s time, contriv’d, and was the author of the barbarous murder of Glenco\*, and had a main hand in the plot just now mentioned, to cut off the chief of the Cavalier and Country parties:—And in this to whom can he be so well compared as to Catiline? ‘Twas he that first suffer’d, I should rather say, taught and encourag’d England arbitrarily and avowedly to rule over Scots affairs, invade her freedom, and ruin her trade. ‘Twas he that was at the bottom of the Union, and to him, in a great measure, it owes its success; and so he may be stiled the Judas of his country. As he was thus the bane of Scotland in general, so he and his family were the great oppressors of all the particular persons that did not depend upon him, and go along with his designs; and that so openly, and barefacedly, that a Cavalier, or Anti-Courtier, was not to expect common justice in the Session, where his brother was president; whereby he and his family were, at the same time, the most dreaded and detested of any in the kingdom, ruling over whom, and after what manner, they pleased. This family had rose but lately from nothing; and it was so much the stranger, that they pretended, and others suffered them to usurp such a dominion as extended not over the Cavaliers alone; but even such of the Revolution party as were of any other interest beside theirs, felt the heavy effects of it. From this short abstract of the Earl’s life, ‘tis easy to gather, that he was false and cruel, covetous and imperious, altogether destitute of the sacred ties of honour, loyalty, justice, and gratitude; and lastly, a man of very great parts, else he could never have perpetrated so much wickedness. He had, indeed, a piercing judgment, a lively imagination, a quick apprehension, a faithful memory, a solid reflection, and a particular talent of dissimulation and cunning in their greatest extents; so that he was seldom or never to be taken at unawares. He was extremely facetious and diverting company in common conversation; and setting aside his politicks (to which all did yield) good-natured. To these qualifications was likewise added that of eloquence, being so great a master of it, that he expressed himself on all occasions and subjects, with so much life and rhetorick, and that likewise so pointedly and copiously, that there was none in the Parliament capable to take up the cudgels with him. Had a judgment of his inside been taken from his outside, he might well enough have passed for that of which he was the least. These endowments, much improved by long experience and application in business, may justly entitle him to be ranked among the greatest, tho’, at



\* See the details of this barbarous cold-blooded massacre, in Sir J. Dalrymple's Memoirs, vol. i. p. 485—489.—Editor.

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Earl of Loudoun's character.

Earl of Leven's character.

the same time, likewise among the worst men in this age: and what has been said of him may serve for a character of his two brothers, Sir Hugh and Sir David Dalrymples, yea, the whole name, only with this difference, that tho' they were all equally willing, yet not equally capable of doing so much evil as His Lordship.

Having thus given a full account of the Earl of Stair; before I return to where I left off, I think it convenient to say somewhat of some of those persons who were chiefly concerned and assisting to him in his projects; and shall at this occasion confine myself to the Earls of Loudoun, Leven, and Glasgow.

Hugh, Earl of Loudoun, was, of all the persons concerned in the Government, without doubt, amongst the best. He had nothing in his nature that was cruel or revengeful; was affable, courteous, and just 'twixt man and man: and tho' he pursued his own maxims and designs, yet it was in a moderate gentlemanny way. Being descended of a family enemies to Monarchy, and educated after that way, and his fortune in bad circumstances, he easily dropt into the Court measures, was soon taken notice of, and first made an extraordinary Lord of the Session, in which post he behaved to all men's satisfaction, studying to understand the laws and constitution of the kingdom, and determine accordingly. He was endowed with good natural parts, and

had much improv'd them in his younger years by reading: and tho' he did not much affect to shew them in publick, yet there were few exceeded him in contriving and carrying on a design, having a clear judgment and ready apprehension.

David, Earl of Leven, in the beginning of his life was so vain and conceit, that he became the jest of all sober men; but as he grew older, he overcame that folly in part, and from the proudest became the civilest man alive. He was a man of good parts and sound judgment, but master of no kind of learning; and tho' he had once the command of a regiment, and was at last created Lieutenant-general, and Commander-in-chief, of the forces in this kingdom; yet his courage was much called in question upon sundry accounts, not necessary to be mentioned here. He was born and bred an enemy to the Royal Family, and therefore cheerfully embraced, and significantly promoted, every thing against its interest. However, he was no ways severe, but rather very; civil to all the Cavaliers, especially such as were prisoners in the castle of Edinburgh, when he was governour; from whence he gained more of their favour than any man in the Government.

David, Earl of Glasgow, had nothing to recommend him, save EmriofGia\*.

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that his surname was the same with the Dutchess of Queensberry; <sup>racter</sup>being upon no account to be reckoned a man of more than ordinary sense. He was esteemed proud, arrogant, greedy, extremely false, and a great speaker at random; was so ridiculously vain, that he affected a great deal of respect and reverence as his due; nothing pleased him so much, as to dedicate a book to His Lordship; and he was sure to take it and its author into his protection, provided much and frequent mention was made in the preface, of his illustrious and ancient family, tho' he and all the world knew his predecessors were not long ago boatmen, and since married to the heiress of Kelburn, a petty little family in the shire of Ayr, the representatives of which, until his father's time, were never designed the Laird, but always the Goodman of Kelburn. However, having, by being concerned in farming the publick revenues, scrap'd together a good estate, he wanted not ambition to be a man of quality, and concern'd in the Government; both which the Dutchess's favour and Ins own impudence procured him. Thus we see to what height, ambition and impudence, without any merit, will bring a man in this world. There was no man had such a sway with the Duke of Queensberry, as he;

and I look upon him as the chief of those evil coun

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sellors that perswaded and engaged him to follow, at least persevere in, such pernicious ways. D«k« of Athoi I have now been so long out of the way, I must refresh mv

demands some ■, «““\*•«« \*

of M. wend, reader's memory with telling him, I left off after I had given him h^atTondo <sup>an account</sup> of the methods and proposals that were under consideration in England, concerning the management of Scots affairs, which induced the Duke of Athol to write to his friends in Scotland, to send up two or three of their number to assist and support him against the torrent he was unable singly to oppose. Upon this account the Duke of Hamilton wrote to, and conveened at Edinburgh a considerable number of the Cavalier and Country parties: but before they came to a general, there were several previous, meetings 'twixt the Duke of Hamilton, on the one side, and the Marquis of Tweeddale, the Earls of Roxburgh, Rothes, Balmerino and Haddington, Lord Belhaven, Baily of Jarviswood, Home of Blackadder, and Haldane of Glенаegles, on the other (who, tho' they were opposite to the Court, were never esteem'd staunch friends to the Royal interest); and altho' there were several of the Cavaliers at that time in town, such as the Earls of Home and Strathmore, the Viscount of Stormont, Cochran of Kilmaronock, Lockhart of Carnwath, and several other gentlemen, yet His Grace never imparted the least of his mind to any of them; but, iii conjunction with the other set, advises and resolves Earis ofRothes to pitch upon the Earls of Rothes and Roxburgh, and Bailv of

and Roxburgh, T . j , , . J

and Baiiyof Jarviswood, and accordingly at the general meeting propos'd «nt commis- these three to be sent to London, to negotiate and manage their

tinnars from the <sup>7</sup> O o

coun'ry^rty <sup>affairs in</sup> conjunction with Athol. The Cavaliers could not well oppose these persons in their meeting, after they had been publickly named; but they did not stick to tell Duke Hamilton, they were afraid they'd mind their private, more than the publick

Their instruc- concerns; which came too truly to pass. They were instructed to inform Queen Anne, that they were sent by a very consider

able number of Parliament men to acquaint Her Majesty, that being inform'd that there had a great deal of pains been taken to perswade Her Majesty that a considerable party in this kingdom had been conspiring against her (designing thereby to incense Her Majesty against her good subjects), and that to make this the more feasible, a plot was pretended to be discovered; and being likewise inform'd of several designs on foot, and advices given (particularly narrating the above-mention'd proposal made by the Earl of Stair) which were inconsistent with the laws, honour, and welfare of the kingdom, they thought it their duty to represent to Her Majesty, the necessity of allowing the Parliament to meet as soon as possible, where this plot might be enquired into, and such as were found guilty be punished, and such measures taken, as would for the future prevent all designs against Her Majesty and her Government, discourage all endeavours to create groundless jealousies 'twixt Her Majesty and her good subjects, and secure the kingdom from the effects of those pernicious projects that were on foot, with design at one stroke to debase the honour and enslave the freedom of this her ancient and independent kingdom. And tho' these gentlemen had afterwards Their teiithe impudence to deny that they received any instructions at all, \*"" yet I'm positive, I heard them read unto, and approved of by, the meeting; and afterwards I saw them delivered unto them, and they promised to fulfill them; and had they faithfully perform'd it, they had done good service to their country, and gained a great deal of honour to themselves, 'Tis true indeed they did attend the Queen, and deliver their commission; but they were not long in London before they were prevail'd upon to depend as sneakingly on the English ministry, as those against whom they had often exclaim'd on that very head, and did engage to serve and promote their designs against the interest of their country, whose rights and priviledges they had, 'till now, pretended to maintain preferable to any other thing, and distinguished themselves by

ons on their zeal therein. 'Tis hard to say, whether they had this pro  
ths affair. \* \*

A.tothe com- j<sup>cc</sup>t of raising themselves and turning tail to their friends, before they left Scotland, or if they were prevailed upon after they came to London: for my part, I'm of the last opinion, because I'm certain My Lord Tester (who was conscious to all their private views,

and their oracle) was against the measure of sending up any to London; next, the measure came from the Duke of Athol, who had no other design, but that a formidable appearance might be made, in opposition to the swarm of Courtiers that appeared this winter at Court; and lastly, the chief, if not the only reason that induced the Duke of Hamilton to pitch upon these three, was to unite them and that party to stand fixed by him, against the Duke of Queensberry, his inveterate enemy: so they were not the authors of the measure, and were but by chance entrusted As to the Duke with the management of it: but no satisfying reason can be alpart.<sup>am</sup> l<sub>e</sub>dg'd, why the Duke of Hamilton did altogether neglect advisingwith, or so much as communicating his design therein to the Cavaliers, and not add some of their number to the other three, in \vhom he and they might have entirely confided.

As affairs stood at this time in Scotland, the Lord Godolphin was fully convinced that the Duke of Queensberry would not be able to carry through Queen Anne's, or rather England's, designs there; and he lay under a necessity to endeavour to have the succession of the House of Hanover establish'd in that kingdom, because his enemies in England asserted he was an enemy to it, and that it might have been done, had he not secretly oppos'd it. And now being resolv'd to clear himself of that imputation, he advises how to effectuate it to the best purpose, and resolves to draw up with the Earls of Rothes and Roxburgh, and Baily of Jerviswood; proposing, by thus dividing the Cavaliers and Country parties, to carry his designs through.

Enri of The Earl of Rothes had not, that I know of, one good property

ract«.s to recommend him, being false to a great degree, a contemner of honour and engagement's, extreamly ambitious, ridiculous, vain, and conceited (tho' of very ordinary parts and accomplishments), extravagantly proud, and scandalously mercenary. No man was more forward in the Country party, nor did any profess greater regard to the Royal Family than His Lordship, and that with repeated oaths and asseverations: but, alas! he had neither enough of sense nor honesty to resist the first temptations.

John, Earl afterwards Duke of Roxburgh, made his first ap

<sup>9</sup> r Roxburgh's

pearance in the world to the general satisfaction of all men. He character. was a man of good sense, improven by so much reading and learning, that, perhaps, he was the best accomplish'd young man of

quality in Europe, and had so charming a way of expressing his thoughts, that he pleased even those 'gainst whom he spoke: And it was a thousand pities, a man so capable to do good, should have proven the very bane and cut-throat of his country, by being extremely false and disingenuous, and so indifferent of the ties of honour, friendship, vows, and justice, that he sacrificed them all, and the interest of his country, to his designs, viz. revenge and ambition.

George Baily of Jerviswood was morose, proud, and severe,  
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but or a profound solid judgment, and by far the most significant man of all his party, to whom he was a kind of dictator. In King William's time he had gained a great reputation, by standing so stiffly by the interest of his country; but being of a rebellious race, he never had the least thought of serving the Royal Family; and tho' he join'd with the Cavaliers and Country parties, in opposition to the Duke of Queensberry and the Court measures, yet he always favoured the Hanoverian succession; and therefore, as soon as the Court of England inclined to that measure, he left his maxims and measures, and, being once dipp'd, never fell off, but served them to the latter end.

The Lord Godolphin knowing, no doubt, that these gentlemen were fit for his business, employs Johnstoun (who was secretary

The term\* of the bargain.

They return home and report.

And after behaviour.

publick.

to King William, and so vile and execrable a wretch, that he deserves not so much room here, as to have a large character, tho' indeed he was a shrewd cunning fellow) to manage it with them; and being very intimate with them and their friends, he soon brought it to a conclusion: They engaging for themselves, the Marquis of Tweedale, and other friends at home, that if the Queen would empower them to pass a few inconsiderable limitations upon her successors into laws, and give them the management of the government, and disposal of all offices and employments, they'd prevail with the Parliament of Scotland to settle the succession of that crown after the same manner as in England; which the English ministers acquiesc'd to, knowing well they could easily repeal the limitations in a subsequent

Parliament, if once the main point, viz. the Succession, were granted. All this, however, was to be kept a mighty secret. So when these gentlemen returned to Scotland, (a meeting of those that commissioned them up being called) they reported the effects of their journey, and, in short, made it to have no effects at all. But by this time there were some little surmises of their going over to the Court; and being challeng'd upon it, they, particularly Rothes and Roxburgh, deny'd it with solemn oaths and imprecations. About a month after this, it was publickly known that the Marquis of Tweedale was to be commissioner to the next Parliament: and tho' the Duke of Hamilton and the Cavaliers knew well enough the nature of the bargain that was agreed to, and what was designed by them, yet they resolved to appear ignorant, and behave towards them as if they had not the least apprehension of their designing any thing that was bad, but, in the mean time, leave nothing undone to advance their own concerns: and therefore 'twas recommended to every one to be as diligent as possible, in setting matters in a true light, that honest well-meaning people might not be deceived by specious pretences, and to understand other people's sentiments, that a judgment might be made

how matters would go in the Parliament, in whom they might confide, and whom they should distrust.

The Marquis of Tweedale never obtained any other character, The Marqu

<sup>n</sup> J of Tweedale'i

than that he was a well-meaning, but simple man; and I have character. the charity to believe, he was forced against his will, by his friends and those he trusted (who made a meer tool of him), to enter into many of the bad measures he pursued: so I may safely say, he was the least ill-meaning man of his party, either thro' inclination or capacity.

About the time it was owned Queen Anne had appointed him Aieraii..n» m

<sup>1</sup> the Uovern

commissioner to the next Parliament, the Duke of Queensberry >»«■ was laid aside from being one of the secretaries of state; and his conjunct, the Earl of Cromarty, remained sole secretary all the ensuing Parliament. The Earl of Leven was reinstalled governour of the castle of Edinburgh, in the Earl of March's place. The above-mention'd Mr. Johnstoun succeeded Sir James Murray of Philiphaugh as lord register, and the Earl of Glasgow treasurer-deputy

was turn'd out: but no body was named to fill up that vacancy, nor any others that were in employments deposed at this time; designing to gain over some to their measures by promises and expectations of preferments, and bubble others that were overlooked, with the hopes of being continued, provided they went cordially along with this new set of Courtiers. All this time, and even during the whole session of Parliament, The Earkn\* the Earls of Rothes and Roxburgh ("with their wonted oaths and Roxburgh!

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imprecations, tho' few gave them any credit) still pretended to the Duke of Hamilton and the Cavaliers, to be as honest as ever, that they would never go into any measure that was against the interest of the Royal Family or Country; and that their only design of coming into the Government, was to dispossess the Duke of Queensberry and his accomplices, and attack them for their horrid designed plot. But the other having resolved to enter into no measures with them, reply'd, that it was time enough to think Vol. i. o

Agreements 'twixt the Cavaliers and the Duke of Queensberry's friends.

Reflections upon the conduct of the Dukes of Hamilton and Athol.

A list of those that deserted the Cavalier and Country parties.

of these things when the Parliament was met, and still carried fair with them above-board.

But in the mean time, by the negotiations of the Earl of Home and Cochran of Kilmarnock on the one side, and the Earl of March and Sir James Murray of Philiphaugh on the other, 'twas agreed, that the examination of the plot should not be pushed any length, provided the Duke of Queensberry's friends in Parliament (for he came not down to Scotland himself) would join with the Cavaliers to oppose the Succession, and other measures of the Court: And, to tell the truth, 'twas no great difficulty to obtain this from them; for most of them, when left to themselves, were very well inclined, and had been dragg'd against their wills to do many things they naturally abhorred, by their friendship to, and dependence upon, His Grace. But I must say the Dukes of Hamilton and Athol gained a great deal of honour, by consenting to this agreement; since they had a fair occasion of being sufficiently revenged upon the Duke of Queensberry and his partisans, and it was generous in them to prefer the publick good to their own private resentments. It would indeed have been good for them, and us too, if they had oftner done the same.



The Earl of Seafield chancellor soon left his old friends, and worshipped the rising Sun, and the Earl of Cromarty behaved after the same manner, and made a long ridiculous speech in favour of the Succession; though his friends, which were numerous, stood firm to the Cavaliers. The Marquis of Montrose, (but without being followed by any of his friends, except Graiam of Qorthie, which he resented extremely)- the Marquis of Tweedale, the Earls of Rothes, Roxburgh, Haddington and Selkirk, and the Lord Belhaven; Dundass of Arnistoun, Cockbura younger of, Ormjstoun, Sir John Home of Blackadder, Sir William Ker of Qreenbeed, Bennet younger of Grubbet, Baily of ^amingtoun, Baily of JerviswQod, Sinclair younger of Stevenson, Haldane of Glenaegles, Sir William Anstruther of Anstruther, Douglass of Strenie, Halyburton of Pitcurr, and Bruce younger of Kinross, Barons; Patrick Bruce, Alexander Edgar, Sir John Anstruther, Sir John Erskine of Alva, James Spittle of Leuchat, and Sir James Halket of Pitfirran, Burrows, all formerly of the Cavalier or Country parties, did now desert them, and in the succeeding Parliament promote the measures of England with all their might; and they were very confident, they would be able to carry all before them successfully. Particularly Johnstoun the register (though he saw he was odious to the nation) took so much upon him, that he had the imprudence, or rather impudence, to say several times publickly before the Parliament met, that the Parliament must and should swallow down the Succession: but he soon found it was not such a mean, servile Parliament, as he had to do with in 1695, to suffer him to bully and dictate to them; for notwithstanding of this great defection of so many, and so considerable numbers, and their great diligence and assurance of success, what by the assistance of the Duke of Queensberry's friends (who were now left to themselves) and the courage and conduct of the Cavaliers, the designs of the Court were all frustrated, and the honour of the nation asserted.

But now I proceed to the Parliament itself, which met the sixth Parliament

meets.

of July 1704, the Marquis of Tweedale being commissioner thereto.

The Queen's letter, Commissioner's and Chancellor's speeches, were of the ordinary strain, exhorting to unity, promising good laws and encouragement to trade, and demanding supplies for the support of the army; but the settlement of the succession of the crown on the House of Hanover was the main scope, and chiefly insisted on and

recommended as necessary to establish peace and secure the Protestant religion. And I observe, that generally both these are in danger at the approaching of a Parliament, the best things being often thus made a bad use of, viz.

Resolve presented by Duke Hamilton.  
A counter resolve by the Courtiers.

to squeeze and drain the country of money, to gratify the ambition and supply the avarice of its greatest, viz. domestick enemies.

The first two days being spent in constituting the House, and discussing of controverted elections: On the third *sederunt* (being the thirteenth of July) the Duke of Hamilton presented the following resolve: “That this Parliament will not proceed “to the nomination of a successor to the crown, until we have “had a previous treaty with England, in relation to our com” merce, and other concerns with that nation.”

This resolve was compiled and presented, after serious consideration, in order to put a bar upon the Succession’s being established before the Courtiers had time to work upon and seduce the members. The Court was much surprized and perplexed, not expecting the Cavaliers would have begun so early on that subject; and they hoped to have had time to gull over some of the members, with passing a few inconsiderable limitations. After the resolve was read, and some bickering discourses followed thereon, it was agreed, that the resolve should lie upon the table till next *sederunt* (being the seventeenth of July), and the consideration thereof be reassuined in the first place; which the Duke of Hamilton having, on the said day, accordingly moved, after some debates (wherein many members, particularly Mr. Fletcher of Salton, did elegantly and pathetically set forth the hardships and miseries to which we have been exposed, since the union of the two crowns of Scotland and England in one and the same sovereign, and the impossibility of amending and bettering our condition, if we did not take care to prevent any design that tended to continue the same, without other terms and better security than we have hitherto had) the Earl of Rothes presented another resolve in these terms: “Resolved, That the Parliament “will proceed, in the first place, to the considerations of such “conditions of Government, as may be judged proper for recti” Tying of our Constitution, and to vindicate and secure the sove” reignty and independency of the

nation; and then the Parliament will take into consideration the other resolve offered for a “treaty, previous to the nomination of a successor to the crown.” The Court being very positive they would be strong enough to give this last the preference, and thereafter get it approved, and reject the other resolve, mov’d that a vote might be stated, which of the two resolves should come first under the House’s consideration. Whereupon brisk speeches and sharp repartees were made by both parties, and great heats arose, which continued a long time, till somewhat allay’d by that worthy and learned judge, Sir James Falconer of Phesdo, who spake to this purpose; “That “he was very glad to see such an emulation in the House, upon “account of the nation’s interest and security; that he thought “both the resolves under their consideration, so good and necessary, that ‘twas pity they should jumble with one another; and “therefore moved, that both should be conjoined in the following “manner; Resolved, That this House will not proceed to the conjoining the

two resolves.

“nomination of a successor, until we have had a previous treaty “with England, for regulating our commerce, and other affairs, “with that nation. And further resolved, That this Parliament “will proceed to make such limitations and conditions of Govern” ment, for the rectification of our Constitution, as may secure “the religion, independency, and liberty of this nation, before “they proceed to the nomination of a successor to the crown. “And this motion (added he) will, I hope, be satisfying and “agreeable to both sides; since there was nothing repugnant in “the one to the other, and that both had their desires granted.” The whole Cavaliers seconded the motion, but the Courtiers as unanimously opposed it: for since their darling Succession was impeded by the first resolve, they were more averse to the second than any others, their only design of proposing the limitations, being to promote the Succession; and therefore if the first resolve must pass, they would willingly have dropped the other, though it was their own child. And next, this resolve, if approved, proposed, at the very beginning of the Parliament, their incapacity to manage the nation, and make good their engagements to the English ministry: but the Cavaliers insisting upon it, as what comprehended every man’s wish, viz. religion, liberty, and trade, and observing that it took with the House, called for, and pressed a vote upon it; which being often shifted and postponed by the Court, (the Chancellor not giving orders as he ought, to the clerks to call over the rolls upon any question offered by a member, and seconded by others) a certain member, in answer to a discourse made by my Lord Roxburgh, told

the House, “He remembered “very well what a noble Lord, (meaning His Lordship) in the “last session of Parliament, in such a parallel case, when a vote “was refused to a considerable number of members demanding “it, was pleas’d to express himself thus: That if the nation was “to be so treated, he knew no way to be taken, but to demand “the vote with sword in hand: and (continues the member) I “cannot see but the encroachment upon the liberties of the House “is as great now as then; and if such measures were allowable “and necessary then, they are certainly so still; to avoid which, “and the pushing matters to the last extremity, I move the vote “may be stated,’ Approve the resolve or not;’ and if I am se” conded in the motion, I will not sit down till the vote be begun.” And the Cavaliers having unanimously seconded the motion, and required the vote, the Court dared not any longer obstruct it, contenting themselves by proposing a previous state of a vote, viz. Whether the two resolves should be voted jointly, or separately; the former of which was carried by a great majority. R«ow«con- And thereafter the two resolves, as conjoined together, being proven’.<sup>81</sup>” voted, were approved by a vast plurality of voices.

The temper and inclinations of the people were very remarkable on this occasion; for, after the Parliament was that day prorogued, t\|e members that had appeared more eminently in behalf of the resolve, were caress’d and huzza’d as they pass’d in the streets, by vast numbers; and the Duke of Hamilton was after that manner convoyed from the Parliament-house to the Abbey, and nothing was to be seen or heard that night but jollity, mirth, and an universal satisfaction and approbation of what was done, and that, by people of all ranks and degrees. This, you may be sure, did much exalt the Cavaliers, to see themselves, from being a poor, despised\* oppressed party, become so powerful as to carry such a material point in Parliament, and gain the love and good wishes of the nation for so doing. This, I say, did much encourage them, and induce them to renew their assurances of continuing faithful in defence of the Monarchy and Country.

But to return to the Parliament: The Courtiers now perceiving The courtiers they could do nothing, unless they divided the Cavaliers and the Duke of Queensberry’s friends, resolved to throw a bone amongst them that should set them together by the ears. The eighth of August being appointed for nominating commissioners to treat with England, (of which more hereafter) several motions were made on that head, and the House was proceeding upon it; but the Lord Belhaven, in a long discourse, left the matter in hand, and gave a full account of the plot; and having, by this means, spent so much of the day, that it was impossible for the House to reassume and finish the former debate,

Mr. Fletcher of Salton (to give the Court a Rowland for their Oliver): spoke to this purpose: "That he was sorry the debate had been interrupted; but "since the plot and proceedings of the English House of Lords "had been mentioned, he was of opinion, the House could not "pass by it, without taking it into consideration; and he having "thereafter exposed the encroachments of the House of Lords" on the freedom of this nation, by presuming to judge of what "they termed ' a Scotch conspiracy,' as the greatest step that e're \*\* was made, towards asserting England's dominion over the

which terminates in a resolve against the House of Lords.

"Scots crown; he hop'd the House would show its resentment "of it; and for that end presented the following resolve, which "he craved to be read and voted, being seconded by all the Ca" valiers: Resolved, That the House of Lords address to the "Queen, in relation to the nomination of their successor to our "crown, and their examination of the plot, in so far as it con" cerned Scotland and Scotsmen, was an undue intermeddling "with our concerns, and an encroachment upon the honour, sots vereignty, and independency of this nation; and that the pro" ceedings of the House of Commons were not like those of good "subjects to the Queen, and good neighbours to us." Though the Earl of Roxburgh, the Lord Belhaven, and Baily of Jerviswood, and many more of the Courtiers were amongst the number of those that were bespattered by this plot, and would willingly all of them have prosecuted the authors of it to the utmost extremity, yet durst they by no means consent to this resolve, because it loaded, and was levelled against their superior powers, the Peers of England; and therefore they oppos'd it with all their might: but the matter was so hotly handled, and the injustice, incroachment, and usurpation of the House of Lords so clearly proven, and the necessity of resenting the same (lest in a few years the English should pretend their dominion and power over us was prescribed) so effectually represented, that when it was put to the vote, the first branch, with relation to the Lords, was approved by a great majority: but the other branch, concerning the Commons, was rejected, many being of opinion, it would have been an undue intermeddling in the English concerns, for the Scots Parliament to declare its opinion, whether the English were in the right or the wrong to the Queen, as Queen of England, and below the Scots Parliament, to return them thanks for not invading the rights and liberties of Scotland. This clause was not much valued by the Cavaliers, since the only design of inserting it, was to cajole the House of Commons, at that time on very bad terms with the House of Lords: but the kind reception

the other branch met with, very much humbled the Courtiers, for courtier,

dispirited.

they knew not what apology to make to their masters, the English Lords: and now perceiving they had, and would be still baffled in all their other designs, they would have bless'd their stars, could they have been so happy as to obtain some subsidies, and prorogue the Parliament upon it. But no sooner was that motion Propose Act of made, than the Act of Security was set in opposition to it, and afterwards (in imitation of an English custom, called *tack/ig*) presented as a clause to be added to the Cess Act: and the Court, perceiving that the first would not pass without the second, proposed, and the other party agreed, that the Act of Security first, and then the Act for a subsidy, should have a first reading, that both should lie on the table until the Commissioner received instructions from the Queen concerning the former, and, that being done, the House might reassume the debate. And now I must tell you, that the Courtiers being all along perswaded of their power to carry through the Succession, with a few limitations granted in lieu thereof, had not made any demands, or required instructions concerning the Act of Security: but now that they were fully satisfied of their mistake, they were obliged to inform the Queen, that their measures being quite broke, matters were come to that height, she must either allow her Commissioner to grant the royal assent to the Act of Security, or resolve to prorogue the Parliament without obtaining money to pay her troops. The Queen, and her ministers of England, considering what a noise these animosities betwixt her two kingdoms would make in the world, thought it better to satisfy the desires of the people, by allowing that Act the royal assent, than, by refusing it, to increase the divisions, and be obliged to disband the army; and thereupon the Commissioner having acquainted the House, that he had obtained the Queen's consent to pass the Act of Security into a law, Act of security it was soon read, voted, approven, and touched with the royal Vol. i. p

Marquis <.f scepter. But the Marquis of Annandale having, in the former

proTM."\* against sessions, protested against that clause in the said Act, which secluded the King or Queen of England in such cases, and without such concessions as were therein particularly specified, and being then adhered to by the Earls of Crawford, Lauderdale, Leven,

Kintore, and Hyndford, the Lord Elphinstone, W. Morison of Prestongrange, Sir G. Elliot of Minto, A. Douglass of Cavers, Mr. F. Montgomery of Giffin, and Sir J. Campbell of Auchinbreck, Barons; Sir P. Johnston, W. Stuart, and H. Montgomery, Burrows; they did all again renew their protestation against the said clause.

After this, the Parliament granted the Queen six months cess, payable in twelve months time, and then went upon the report of the committee, appointed last sessions, for examining the ac-

counts of the publick funds. In the mean time several good

lures for Acts •

presented. laws were presented as overtures; such as an Act for a further representation of the state of Barons, in regard of the late increase of Peers; an Act for freedom of voting in Parliament, excluding all officers of the army, and others any ways concerned in Her Majesty's revenue, from electing or being elected members of Parliament; and three or four other good laws, for regulating

of several abuses; but none of them were finished this sessions. It

Union inagita- . \_ . . . .

was a great pity this Parliament did not proceed to name the

commissioners for treating with England, which was a necessary consequence of the resolve. 'Twas often mov'd, and, as I observed before, once so far advanced, that a day was set apart for the same. But the misfortune was, the Cavaliers could not agree amongst themselves; and this occasioned its being wholly put off this sessions. But had the two Dukes of Hamilton and Athol Atboi, ami the been prevailed upon to lay aside their piques, and allowed the havi.,ur in re- Duke of Queensberry and the Earl of Seafield to have been two

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naming ihc of the number, their friends were willing to have joined with the

treaters. D d .

Cavaliers in all the rest; by which means there would have been twenty-two of the twenty-four treaters on their side and party: but the two Dukes, notwithstanding all the solicitations and arguments used

by their friends to the contrary, would not hear of it, but vowed and protested, if it were done, they would never more concern themselves: so that the Cavaliers, to satisfy those two persons' ambitious designs, and in compliance with their private animosities and quarrels, were constrained to lay aside the nomination during this session, though they plainly saw they would never again have such an opportunity of placing honest men in it. The Parliament, having thus gone through the most considerable affairs before them, was prorogued on the twenty-

prorogued.

eighth of August 1704.

Immediately after, the Courtiers went away to London, where

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the Marquis of Tweedale was made chancellor, the Earls of Sea-<sup>ment</sup>-field and Roxburgh secretaries, the Earl of Rothes privy seal, the Earl of Cromarty justice general, Mr. Baily of Jerviswood treasurer depute, the Earl of Selkirk, Lord Belhaven, and Sir J. Home, lords of the treasury, and Sir W. Hamilton of Whitlaw justice clerk; but he lived not to enjoy that office many months, and was succeeded by Adam Cockburn of Ormistoun.

The first of these was bred a lawyer, and, alter the Revolution, sir

*\* \* . ton of whu*

raised to the bench upon account of his whiggery and disloyalty, law's cbarac

He soon display'd a froward, haughty mind. Betwixt man and man, wherein he had no particular concern, he was just, but extremely partial where his friend, or his own politicks, interfered. He had a sound, solid judgment; but all his actions were accompanied with so much pride, vanity, ill nature, and severity, that he was odious to every body. He gloried in his malice to the Royal Family, and was a great promoter of the Hanoverian Succession. People were generally well satisfied, that he slipt the head; but they had small reason to brag of the change; for the otl ler was a zealous Revolutioner and bi o;otted Presbyterian, which A Oh kh«rn

*0 \* ofOnnixoun*

recommended him to King William. He was a man of good un- im



character. derstanding, and wanted not abundance of application to busi

ness; but of so hot, virulent, turbulent, and domineering a temper, that he was uneasy even to his own party. Of all that were concerned in the Government, there was none equalled him in vindictive persecution of all that he thought enemies to the establish'd government of either church or state, having upon that score regard for neither sex, age, or quality, but, Jehu like, drove always most furiously on, and by these means preserved his interest at Court, serving as a scarecrow to terrify others. A new com- A new Commission of Council was likewise sent down, by council. which most of the Cavaliers and all the Duke of Queensberry's friends were cashier'd, and the Council made up entirely of their own gang. Reflections on And thus was the Government lodged in the hands of a sett of nis'eJs. ° men, that had nothing to recommend them besides their cheerful concurring with the designed ruine of their native country, and that, by deserting and betraying, under trust, those by whom, as above narrated, they were commissioned and sent to London; contrary to their most sacred oaths and solemn vows, all rules of honour, and common notions of integrity and ingenuity.

But few and evil were their days; and indeed they behaved themselves as if they had known so much from the beginning, and were resolved to make the best use of their time; for 'tis not to be imagined how much they were exalted, and how arbitrarily they demeaned themselves.

After the posts and employments were, as above, disposed of, all the Courtiers, excepting the two secretaries, the Earls of Seafield and Roxburgh, returned to Scotland, and took upon them the administration of affairs; in which they not only disobliged many, but gained the contempt of all the world, by their indiscreet, haughty behaviour, and the frequent blunders they daily committed, especially the Marquis of Tweeddale, who was altogether incapable to exercise his office.

Now the people of England began to enquire into the state of Scotland, they saw the Marquis of Tweeddale and his party were so insignificant that they were trampled upon, and despised through the whole nation: yet nevertheless the Lord Godolphin G.>doiϕh;n

~ favours them.

favoured them, because their scheme ot settling the Succession, by the concession of a few deluding limitations, would, as he thought, be

safest for England, and afterwards easily repealed by a subsequent Parliament, if once the monarch were fixed on the throne. But the Dukes of Queensberry and Argyle, on the Whig

. Lords favour

other side, applied themselves with so much success to the Whig  
«the Duke» of

of Queensberry

Lords (now the prevailing party in England) that they understood; took for them. The two Dukes represented to them, “that the Duke of Queensberry had been laid aside for no crime, and no reason given but what testified his firmness and resolution, in opposing every thing that was disagreeable and inconvenient to England: that the Marquis of Tweeddale and his party had been zealous promoters of the Act of Security, both in framing it in Parliament, and afterwards in procuring the royal assent to it; that they were so insignificant they could do nothing: but granting they should prevail, and carry the Succession by these limitations, of what dangerous consequence must even that prove; since thereby a great part of the chief means England had to continue Scotland under its obedience was removed, “and perhaps never to be recovered!” These and the like considerations had the desired effect with the Whig Lords, who and prevail. prevailed so far with Queen Anne and her ministers, as to lay aside this motley ministry in Scotland, (as they termed it in England) and lodge the Government again in the Duke’s hands. Since I have made mention of the Duke of Argyle, and he is to make a great figure in what follows, it will not be amiss to say somewhat more particularly of him.

John Duke of Argyle succeeded his father not only in his Duke of Argyll, honours, and employments, but likewise in his lewdness and disloyalty, and, if it was possible, exceeded him in them

both. He was not, strictly speaking, a man of sound understanding and judgment; for all his natural endowments were sullied with too much impetuosity, passion, and positiveness; and his sense rather lay in a sudden flash of wit, than a solid conception and reflexion; yet nevertheless he might well enough pass as a very well accomplished gentleman. He was extremely forward in effecting what he aimed at and designed, which he owned and promoted above board, being altogether free of the least share of dissimulation, and his word so sacred, that one might assuredly depend on it. His head ran more upon the camp than the Court; and it would appear nature had dressed him

up accordingly, being altogether incapable of the servile dependency and flattering insinuations requisite in the last, and endowed with that cheerful lively temper, and personal valour, esteemed and necessary in the other. In Scotland he affected and gained the leading of the Presbyterians, as his father had done before him, and was upon that and other accounts a very significant member.

The great difficulty and question at London was, what measures were to be taken to make the new designed ministry successful. They foresaw the other party, when laid aside, would oppose them; and being convinced that it was impossible to carry the Succession in Scotland, unless England and she were on better terms, resolved to authorize the Queen to set a treaty on foot, and nominate and appoint Commissioners to meet and treat with those of Scotland for that effect. And accordingly an Act for that purpose was framed and passed in Parliament; but withal so imperious and haughty, that the like treatment was never given by one nation to another: for in the very Act itself they direct the Scots Parliament after what manner the Scots Commissioners were to be chosen; expressly prohibiting their own Commissioners (whom they allowed the Queen to name) to meet and treat with those of Scotland, unless the Parliament of Scotland did allow the Queen the naming and appointing of them: and further to frighten the Scots into a compliance, they declare all Scotsmen to be aliens, and incapable to enjoy the liberties and privileges of Englishmen; prohibit the importation of Scots cattle and linen cloth into England, and exportation of horses and arms into Scotland, and ordain that ships should be appointed to disturb and molest the Scots trade; with several other prohibiting clauses, all which were to take place about eight months thereafter, viz. Christmas 1705. Then they address'd the Queen, that she would grant the royal assent to the abovementioned Act, and give orders to send down troops to the borders\* and put the towns of Newcastle, Tinmouth, Berwick, Carlisle, and Hull, in a posture of defence.

This was a strange preamble and introduction towards an agreement; first to propose an amicable treaty to remove grudges and animosities betwixt the two nations, but at the same time threaten the Scots with their power and vengeance, if they did not comply with what was demanded of them. And truly all true Scotsmen looked upon it as a gross invasion on their liberties and sovereignty, and an insolent behaviour towards a free and independent people; and 'twas odd so wise a nation as England should have been guilty of so unpolitick a step; for they could not have proposed a more effectual way to irritate the Scots nation, (when I say the Scots, I exclude the

Courtiers and mercenary members of Parliament from the category) and I look upon it as the first rise and cause of the general, I may say universal, aversion that appeared afterwards to the Union. Nor ever could I hear a satisfying reason given for it, saving once I was assured by a pretty good hand, that the English would not have presumed or ventured upon it, had not our own statesmen proposed it to them, as what would effectually frighten us to yield to what was demanded by them: vile, ungrateful, rapacious

vultures, thus to tear their own vitals! Little did they consider the rock upon which they ran the Queen, when, by advising her to consent to a deed depriving her subjects of her protection, and declaring them aliens, she at the same time absolved them of their allegiance to her; especially since it was a receiv'd orthodox maxim, at and since the Revolution, that protection and allegiance are reciprocal; or it seems they had not advised with the learned Bacon or Coke, who would have taught them it was the constant unanimous opinion of all the judges and lawyers of England, since the union of the two crowns, that the *post nati*, that is, those born in the other kingdom after the accession of the same monarch to be King of both kingdoms, were, by the laws of nature, and customs of all nations, freemen, and had an uncontroverted natural right to enjoy the privileges of the natural free-born subjects of the other kingdom. However, the English stood at nothing to promote their design, and were encouraged by having so many Scotsmen to-assist them in it. Alterations in Now that the time the Parliament was to meet approached,

the Govern- ,

ment. the abovementioned alterations in the ministry were effected.

The Marquis of Tweeddale, the Earls of Rothes, Roxburgh, and Selkirk, the Lord Belhaven, Bailly of Jerviswood, and Mr. Johnstoun, w'ere cashier'd; the Duke of Argyle declared commissioner to the next Parliament, the Earl of Seafield reinstall'd chancellor, the Marquis of Annandale and the Earl of Leven made secretaries of state, the Duke of Queensberry privy seal, and Sir James Murray of Philiphaugh register; and all the councellers that were laid aside by the last ministry (except Sir James Foulis of Colingtoun, and Mr. Lockharl of Carnwath) restored. Now that we have discussed this sett of ministers, let me compleat the characters of the leading men of that party, by Eari of Had- acquainting you that the Earl of Haddington

was entirely abandoned to Whiggish and Commonwealth principles, and one of Cockburn of Ormistoun's beloved pupils; he much affected, and his talent lay in, a buffoon sort of wit and raillery; was hot, proud, vain, and ambitious.

John Lord Belhaven was a man that could not be fixed to any Lordship

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party or principle, being a mighty projector, and still plodding towards how to advance himself, and for that end steer'd his course to many opposite shores; by which means he became distrusted by both Cavaliers and Revolutioners. 'Twas avarice and ambition moved him to desert the Country party, and go over with the Marquis of Tweeddale; but as soon as he found them going down the hill, he left them altogether and returned to his old friends, though, I'm afraid, there's too much reason to believe he acted a double part. In Parliament he affected long premeditated harrangues, wherein, having a prodigious memory, he used to be very full in citing such passages of history as made for what he advanced, driving parallels betwixt preceding and present times. He was a well accomplish'd gentleman in most kinds of learning, well acquainted with the constitution of this kingdom, very dextrous in chusing the proper seasons and means of managing a debate in Parliament, and a forward useful member in a party.

The Cavaliers apply'd to the Marquis of Tweeddale and his party, (who were henceforward always called the *Squadron volante*, from their pretending to act by themselves, and cast the balance of the contending parties in Parliament) that they would again unite with them in defence of their country; but they positively refused to treat or concert with the Cavaliers, resenting to the greatest height the disappointments they met with last year.

The Duke of Queensberry did not think fit to come down to the beginning of this session of Parliament, being desirous to see how affairs would go, before he ventured himself in a country where he was generally hated and abhorred; and therefore he sent the Duke of Argyle down as commissioner, using him as the monkey did the cat in pulling out the hot roasted chesnuts.

vOL. L Q

The Duke of Hamilton, before the Parliament met, had been often conversing, and in private with the Earl of Mar, and a great familiarity and confidence appeared to be betwixt them. Earl of Mar John Earl

of Mar was descended from, and the representative  
character. , ,

of, a family noted for its loyalty on many occasions, both ancient and modern, and much beholden to the bounty of the Crown. 'Tis true indeed his father embark'd with the Revolution; but if all be true that is reported, His Lordship gave a particular tho' fatal sign of his remorse and repentance. This present gentleman's fortune being in bad circumstances when he came to age, he devoted himself to the Duke of Queensberry, and the Court measures, to which he always stuck close, till, in the year 1704, he headed such of the Duke of Queensberry's friends as opposed the Marquis of Tweedale and his party's designs, and that with so much art and dissimulation, that he gained the favour of all the Tories, and was by many of them esteemed an honest man, and well inclined to the Royal Family. Certain it is, he vow'd and protested so much many a time; but no sooner was the Marquis of Tweedale and his party dispossessed, than he returned as the dog to the vomit, and promoted all the Court of England's measures with the greatest zeal imaginable. He was not a man of a good *coram vobis*, and was a very bad though very frequent speaker in Parliament; but his great talent lay in the cunning management of his designs and projects, in which it was hard to find him out, when he aimed to be *incognito*; and thus he shewed himself to be a man of good sense, but bad morals. imp\*\*-\* on the The Duke of Hamilton no doubt expected, and was in hopes, miiton" \*" to have drawn him over from the Duke of Queensberry; but His Lordship found a way to insinuate himself so much into His Grace, and bubbled him so far, that I have good reason to attribute His Grace's appearing" with less zeal and forwardness in this ensuing than in former Parliaments, to some agreement that passed betwixt them two: and particularly I was told by a person of knowledge and integrity, that he knew the Duke of Hamilton did promise not to oppose the Queen's affairs, and chiefly her having the nomination of the commissioners to the then designed treaty, provided he himself should be one of the number; which was agreed to: but more of this hereafter.

At the opening of this session of Parliament, which met the The pariitwenty-eighth of June 1705, there appeared three different parties, *viz.* the Cavaliers, the *Squadron* or outed Courtiers, and the <sup>part,ts</sup> present Courtiers; which last consisted of true-blue Presbyterians and Revolutioners, and such as enjoy'd pensions, and civil or military posts.

The Duke of Queensberry, as I said before, pretended sickness, and

one excuse after another, to avoid being present at the beginning of this session, that he might see how affairs were like to go, and whether or not he might venture himself in Scotland, and likewise let the world see that tho' the Duke of Argyle was The Duke of

.. |, | i 4-1 i' Queensberry'»

commissioner, yet he was not able to oppose the Cavaliers, un-power; less he came down, and by his presence and influence assisted and supported him. And indeed while he was absent, such of his friends and followers who were left to follow their own inclinations, and join with the Cavaliers last sessions, still continued in that way; and so the Court measures were baffled in every thing that came before the Parliament: but no sooner was His Grace amongst them, than one way or other he perswaded them every one to return again to his beck, and act as he proposed and directed, though against their own inclinations and judgments. And here I cannot but wonder at the influence he Reflections

' i-i ill thereon.

had over men of sense, quality, and estates; men that had, at least many of them,, no dependence upon him, and yet were so deluded as to serve his ambitious designs, contrary to the acknowledged dictates of their own conscience; for at the same time they knew and owned they were in the wrong, and would not some of them stand to say, that though they voted so and so themselves, yet they wished the Cavaliers might carry all the votes. Tbc earners' This being matter of fact, clearly demonstrates the Cavaliers were mistaken in their measures and politicks, when they postponed the more material affairs, and trifled away the beginning of the Parliament on some Acts that related to trade and other matters of no great importance; for had they immediately called for the Queen's letter, (which, and likewise the Commissioner's and Chancellor's speeches, chiefly insisted on the necessity and advantage of treating with England) in order to return an answer to it, the treaty would have naturally fallen under consideration; and then the Duke of Queensberry's friends and party not being gone off from them, they might easily have either rejected it altogether, or at least framed and clogged it as they pleased, and chosen such members as they had a mind to be commissioners for meeting and treating with the commissioners from England. Besides, I have always observed, if any thing for the Country's interest was to be attempted in a Scots Parliament, it must be in the beginning of the session; for in a little time the zeal and fervour of the members go off, they become weary with attendance, and steal home to their country

houses. And lastly, the Court, who had the purse and the power, were still gaining upon the Country, who has no arguments or persuasives to induce members to stand firm and attend, besides those of generosity and honour, which, though indeed the strongest of all motives, have not a like effect with all men. The Parliament 'Tis to no purpose to spend so much time as to narrate the

particulars of what passed whilst the Parliament had the state of the nation, in relation to its trade, under consideration: 'tis sufficient to say, that several good Acts were presented for that purpose; some of which passed, and others were rejected in the House; and that the Court, according to their laudable custom, opposed them all. 'Tis fit however particularly to mention, that a Council of Trade A council of

<sup>1</sup> J. Trade created.

was appointed, with power to put the laws in relation to trade in execution: and it was recommended to them to bring the export and import of the nation to a balance, and lay the same before the House next sessions: this indeed was very necessary; for the merchants met with no encouragement, and trade was carried on without any regard to the methods prescribed by law and the interest of the nation. There were likewise several pro- Proposals for

..... .<sup>a</sup> paper ere

proposals made for supplying the nation with money by a paper credit, particularly one offered by Dr. Hugh Chamberlain, and another by John Law. The first had with his projects in England broke, and spent so great a part of his own money, that he was necessitated to fly out of that kingdom. The other was the son of a goldsmith in Edinburgh, who, being left a small estate which he had several years ago spent, had ever since lived by gaming and sharpening, and being a cunning fellow and nicely expert in all manner of debaucheries, found a way quickly to get into my Lord Duke of Argyle's favour; and in confidence of his and the Squadrone (with whom he was very intimate) their assistance, he presented a very plausible scheme, and the Court and Squadrone (except some that were monied men) espoused the same, because it was so contrived, that in process of time it brought all the estates of the kingdom to depend on the Government: but the House rejected the motion, and passed a resolve, Rejected, that the establishing any kind of paper credit, so as to oblige it to pass, was an improper expedient for this nation.

This being over, let us now come to the more materiall pro- A revive



ceedings of the Parliament. SSSSiLS

About twenty days after the Parliament met, the Cavaliers thought it proper, come of other things what will, to prevent the

Succession's being established; for the Court's chief design was to procure an Act for a treaty with England; yet they design'd to pass a few inconsiderable limitations, that in case they were disappointed in their designs concerning the Act of Treaty, they might reassume the affair of the Succession, according to the old proverb; *Catch geese if they cannot gazelings*. The Cavaliers, I say, to prevent this after-game, had recourse to the measure they took last sessions, by proposing the same resolve, viz. "Resolved, "That the Parliament will not proceed to the nomination of a "successor, till we have had a previous treaty with England, in "relation to our commerce, and other concerns with that nation. "And further resolved, that this Parliament will proceed to "make such limitations and conditions of Government, for the "rectification of our Constitution, as may secure the liberty, re" ligious, and independency of the kingdom, before they proceed "to the said nomination." The Court and Squadrone both united against this resolve, although it advanced their respective projects, viz. the treaty and limitations; for the Squadrone were no ways now inclined for the Union; and both favoured and promoted the limitations, only in so far as they might serve to Appro<sup>TM</sup>. advance the Succession. However, the Cavaliers insisted vigorously upon it, and by the assistance of the Duke of Queensberry's friends carry'd it by a great majority.

Reflexions on Twas odd that the Marquis of Montrose could be so far seine Marquis of . . . ,

Monirov's duced, as not only to vote, but even reason with neat and passion, against this resolve: but why should I say it was odd? What could be expected from him, who had ratified the Presbyterian Government and Revolution in the first session, and in the last went every length with Johnstoun the register, who was the son of the chief persecutor of his glorious great-grand-father, and himself head of the Hanoverian, Republican, Whiggish faction in Scotland; and lastly, had several times of late received the sacrament from the Presbyterian ministers, which, in honest men's

conduct.

opinion, inferred necessarily his owning the validity of their excommunication of his great-grand-father? for, if they had a power of administering sacraments, it must likewise be allowed that they had a power of excommunication.

When he first appear'd in the world, he had enough to recom- mend him to the love and affection of the nation, by being the representative of that noble, loyal, and worthy family: and his interest increased to so great a degree, by his good behaviour after he came from his travels, and in the first sessions of this Parliament, that, had he continued in these measures, he had the fairest game to play of any young man that ever was in Scotland; since undoubtedly he would have been acknowledged and followed as the head and leader of the Cavaliers. But being of an easy, mean-spirited temper, governed by his mother and her relations (the family of Rothes), and extremely covetous, he could not resist the first temptation the Court threw in his way; and from the time he first engaged with them, he adhered closely to their interest, and with the greatest vehemency prosecuted their measures, notwithstanding all the friends of his father's family remonstrated to him against it, and that he lost the esteem and favour of them and the Cavaliers. He was a man of good understanding; yet was led by the nose by a set of men whom he far surpassed, and never, in all his by-past life, did one material action that was prudent and discreet. His courage, upon some certain accounts, was much questioned; but his unsincerity and falseness allowed by all.

But to return to the Parliament: The day this resolve past, the Proceeding u inclinations of the people were seen by their mirth and rejoicings. On the twentieth of July, the Marquis of Tweedale presented a draught of a letter, in answer to the Queen's, which was read next *sederunt*; but a motion being made, that the House should, preferable to the said letter, take the Acts in relation to trade under consideration, it was agreed to. 'Twas unaccountable in the

Approved.

Act appointing Scots ambassadors.

(being deadly afraid of a new Parliament) they only proposed that this Act should not take place during Her Majesty's life. The Cavaliers proposed it should commence immediately: but many members, who were afraid of their own interest to be elected a-new, proposed a medium betwixt the two, viz. That it should take place

three years after the date, that is, the first of August 1708; with which the Court, as being the least of two evils, joined and carried it; and then the whole Act was approved. Next, an Act appointing, that Scots-ambassadors, representing Scotland, should be present when the Sovereign had occasion for treaties abroad with foreign princes and states, and accountable to the Parliament of Scotland, was approved. Several other overtures were made, that came not the length of being ingrossed into Acts: and But pot not the though the House did approve the abovementioned Acts, none of them obtained the Royal assent, though the Court promised it often to many of the members, and thereby wheedled over several to follow the Court in framing the Act of Treaty; they thinking themselves in a tolerable good state, by these Acts of limitations, and never imagining the treaty would terminate as it did. But Mr. Fletcher of Salton having, in a long discourse, set forth the deplorable state to which this nation was reduced, by being subjected to English councils and measures, while one and the same person was King of both kingdoms, did conclude these abovementioned Acts of limitation were not sufficient; and therefore presented a scheme of limitations, which he proposed should be ingrossed into an Act, and taken under the House's consideration: and though they did not pass in the House, yet it will not be amiss to set them down here.

I. That elections shall be made at every Michaelmas head court, for a new Parliament every year, to sit the first of November next following, and adjourn themselves from time to time till next Michaelmas: that they chuse their own president; and that every thing be determined by balloting, in place of voting.

Fletcher of

Salton's scheme of

limitations.

II. That so many lesser Barons shall be added to the Parliament, as there have been Noblemen created since the last augmentation of the number of the Barons: and that in all time coming, for every Nobleman that shall be created, there shall be a Baron added to the Parliament.

III. That no man have a vote in Parliament but a Nobleman, or elected member.

IV. That the King shall give the Royal assent to all laws offered by the Estates; and that the President of the Parliament be empowered by His Majesty to give the Royal assent in his absence, and have ten

pounds sterling a day of salary.

V. That a committee of thirty-one members, of which nine to be a quorum, chosen out of their own number, by every Parliament under the King, have the administration of the Government, be his Council, and accountable to the Parliament, with power, on extraordinary occasions, to call the Parliament together; and that, in the said Council, all things be determined by balloting, instead of voting.

VI. That the King, without consent of the Parliament, shall not have the power of making peace and war, or that of concluding any treaty with any other state or potentate.

VII. That all places and offices, both civil and military, and all pensions formerly conferred by our Kings, shall ever after be given by Parliament.

VIII. That no regiment, or company of horse, foot, or dragoons, be kept on foot, in peace or war, but by consent of Parliament.

IX. That all the fencible men in the nation, betwixt sixty and sixteen, be armed with bayonets and firelocks, all of a calibre, and continue always provided in such arms, with ammunition suitable.

X. That no general indemnity, or pardon for any transgression, shall be valid, without consent of Parliament.

XI. That the fifteen senators of the College of Justice shall be incapable of being members of Parliament, or of any other office, or any pension; but the salary that belongs to their place, to be increased as the Parliament shall think fit: that the office of President shall be in three of their number, to be named by the Parliament, and that there be no extraordinary Lords: as also, that the Lords of the Justice Court shall be distinct from those of the Session, and under the same restrictions.

XII. That if any King break in upon any of these conditions of Government, he shall, by the Estates, be declared to have forfeited the crown.

Then he at large insisted on every particular article, demonstrating, that the first eight were necessary to prevent English influence over our affairs, by rectifying our Constitution; the ninth, to enable the nation to defend its rights and liberties; and the tenth, to terrify the ministers of state from presuming to give the King bad advice, and doing things contrary to law. And here I must mention, that the Earl of Stair having spoke against this scheme, Mr. Fletcher, in answer thereto, when he came to justify this article, said, it was no wonder

His Lordship was against it; for, had there been such an Act, His Lordship had long e're now been hanged, for the advices he gave King James, the murder of Glenco, and his conduct since the Revolution. The eleventh, he said, was necessary to preserve the judicatories from corrupt judges; and added, if the twelfth be not approved, sure I am, this House must own, they treated the last King James most barbarously and unjustly. Th<- Pariia- Another material point under the consideration of this session

?'dKnp7nre- was the Plot. The preceeding session had addressed the Queen,

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pio«. to transmit, against the next sessions, such persons as were ew

dences in, and such papers as related to, that affair. In the beginning of this session, the Dukes of Hamilton and Athol were very desirous to prosecute it to the greatest height, but the Cavaliers were not so forward; because, first, they were under a kind of engagement, as above narrated, to the Earl of March and Sir James Murray of Philiphaugh, that if the Duke of Queensberry's friends did oppose the Marquis of Tweeddale and his party in the former sessions, not to insist on that affair: besides, it would irritate them to so great a degree, that many of them would not concur in opposing the designed Act for a treaty; and this would ruine all. Next, they were afraid they might well show their' teeth, but could not bite; the edge of many peoples indignation against it being blunted by its lying so long dormant. Had it indeed been entered upon while the horror of it was fresh in their minds, and whilst the Duke of Queensberry and the other conspirators were in disgrace and had not the government in their hands, there were many would have pushed it violently enough; but the case was altered, and, as matters stood then, they were afraid they should be baffled in the attempt. But after the Duke of Queensberry came down, and seduced such of his friends as had, in the last and beginning of this sessions, stood for the Country, the Cavaliers did not so much oppose the two Dukes desire of prosecuting the plotters, but were resolved to stand as it were neutral, till they saw if they and the Squadrone could prove any thing against the contrivers of it. It being therefore moved, that the House might know what answer the Queen had given to the abovementioned Address from the last session; my Lord Commissioner acquainted the House, he had received some of the papers that were before the English House of Lords, which he had put in my Lord Secretary Loudoun's hands, and expected the rest in a

little time. But when the House went upon the consideration of these papers, they were found to be no more than copies; for none of the principal papers, nor the persons that were evidences and remained in London, (such as Sir John M'lean, Mr. Keith, and others) were sent to Scotland; and those who liv'd in Scotland, such as Campbell of Glenderruell, and Captain M'lean, were sent out of the way; by which it was plain the Queen and her Ministry did not design a fair and

full trial; since the Parliament could not proceed, unless the persons that were evidences, and the original papers, were at their command, whereupon to have founded their accusation and proven the same. However the Dukes of Hamilton and Athol, the Lord Belhaven, Baily of Jerviswood, and some others, made se'verall speeches on this subject, wherein they vindicated themselves, and asserted that the accusation against them, in the discover)' of the said pretended plot, was false and calumnious; and the Duke of Athol particularly, in a long discourse, very handsomely narrated the beginning, progress, and conclusion of the whole affair, illustrated the design of it, whence it had its rise, and who were the promoters of it, and accused the Duke of Queensberry of endeavouring to give the Queen bad impressions of her good subjects; producing copies of letters from him to her, affirming the whole Cavaliers were concerned in the plot, or at least enemies to her; and that he had, the better to carry on his design, employ'd and held correspondence with, and furnish'd passports and money to Frazer; and insisted upon many other particulars, which rendered the affair, and promoters of it, most odious. And though His Grace did several times term the design (of which he asserted the Duke of Queensberry by name and surname, and several others, to be the authors and abettors) villanous, dishonourable, false, and scandalous, and not to be tolerated in a wellgoverned kingdom, yet the Duke of Queensberry and his accomplices made no answer, suffering all these and the like reproachful epithets, being conscious of their own guilt, and glad to escape at so easy a rate: and this was all that was done in expiscating that villanous design, in which the lives and fortunes of many of the chief families of the kingdom were levelled at.

Act f<.ra Now we come to narrate what was done in relation to the Act

of Treaty. The Earl of Mar, in the beginning of this session, had presented the draught of an Act, for appointing commisfjjouers to treat with the commissioners from England, upon an

union of the two kingdoms of Scotland and England, which lay upon the table till most of the overtures in relation to trade and the limitations were discussed; but these being now over, was reassumed. Both it and the English Act were much of the same nature, both empowering commissioners to meet and treat with one another of an union of the two kingdoms, and restricting them from treating of any alterations of the church-government and discipline, as established by law in the respective realms; only, as I said before, the English Act gave the nomination of their commissioners to the Queen, and even required the same of the Scots, without which they discharged their commissioners to meet and treat. But the draught presented, by the Earl of Mar left the power of the nomination blank, and we shall see afterwards how that affair was managed. Mr. Fletcher of Salton, in a pathetick discourse, represented the scurrilous and haughty procedure of the English in this affair, and exhorted them to resent this treatment, as became Scotsmen, by throwing the motion of a treaty, until it were proposed in more civil and equal terms, out of the House, with indignation. But the House, rejecting the motion, called for the draught and the English Act, and both were read. The Cavaliers and Country parties, observing that there was a great inclination in the House to set a treaty on foot, thought it improper to oppose it any longer in general terms: and therefore resolved to endeavour to clog the commission with such restrictions and provisions as should retard the treaty's taking effect; and for that end the Duke of Hamilton presented a clause to be added to the Act, in these terms: viz. "That the A clause

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"Union to be treated on should no ways derogate from any corporming "fundamental laws, ancient privileges, offices, rights, liberties, "and dignities of this nation." This the Court vigorously opposed, seeing it secluded them from treating on an entire or incorporating Union; of which the abolishing of our Parliaments, and subversion of our Constitution, was a necessary consequence.

Union.

And it was this kind of union England designed and desired \* because it riveted the Scots in perpetual slavery, depriving them of any legal method to redress themselves of the injuries they might receive from them, by keeping them poor and under their chains. On the other hand, the Duke of Queensberry, Earl of Stair, and all that were thoroughly on a Revolution foot, were inclined the same way,

because they were conscious of their own guilt, and afraid, some time or other, a Scots Parliament (if reserved even under a federal Union) might take them to task, and punish them as they deserv'd; whereas if it were out of their power, and the Scots representation stifled and suppressed by the much greater majority of the English representation in one and the same Parliament, they expected to be protected against the Debate ther»- just resentments of an injured and exasperated nation. For

upon.

these and such reasons, I say, the Court opposed this clause, and the arguments they adduced for rejecting it were to this purpose: That since Scotland and England were under the same sovereign, who did here mediate betwixt her two kingdoms, and that England had given ample powers to their commissioners, it would be unbecoming in Scotland to restrict their commissioners, and infer a jealousy of Her Majesty: that it might occasion a stop to the treaty, since it was to be believed that England would expect our commissioners should meet and confer with as full powers as theirs: and lastly, There could be no hazard in not restricting our commissioners, since it was expressly provided, that no matter or point treated of, and agreed to, should take place, and be of force, unless it be first reported to, and obtain the approbation of, the Parliaments of both kingdoms; and that when this report was made, then was the proper time to consider whether they would agree to that scheme of Union which the commissioners had projected, or reject it. To this it was answer'd, That Scotland and England's being under one sovereign was the reason why this clause was necessary, since woful experience

taught us, and it had been often complained of in this house, that our sovereign was under English influence, and subject to the councils of her English ministers, who regarded the interest and honour of Scotland no farther than was consistent with that of England; that the adding of this clause could never infer the least mistrust of the Queen's inclinations towards her ancient kingdom, since all that could be made of it was, that the Scots Parliament, being sensible that the Queen Mas not in a capacity to know the interest and circumstances of Scotland so well as that of England, had taken care to prevent any inconveniencies that might arise from thence: that there were some things so sacred, that the least innovation or alteration, far le?s abrogating or suspending of them, was never to be tampered with, or the subject of any treaty; and the particulars of this clause, such as the sovereignty, independency, and freedom of the



nation, being of this nature, ought to be added: and that England could not take it amiss, seeing they themselves had, before they advised with us, restricted their own commissioners from treating on any alteration of the church government of that kingdom. But whether that had been or not, we were a free, independent people, and had a power to give what instructions, powers, and restrictions we pleased to our commissioners; neither was it to be imagin'd, that England, upon the account of this clause, would refuse to treat, because the very same clause, in the same express words, was inserted in the Act of Treaty, in the reign of King James VI. and to the same purpose in most of the subsequent Acts of Treaty.; and yet neither that King (who would have had good reason to be offended at any disrespect or distrust shown toward him, who was known by the Scots, acquainted with their humours and constitutions, and had given signal proofs of his affection to his native country and subjects) nor his successors, nor the Parliament of England, made any scruple upon that account, to meet and treat with the commissyons

Rejected.

Reflexions thereupon.

Earl of Aberdeen's behaviour.

A clause presented, prohibiting the commissioners from treating, until the English repealed the late Alienation Act.

Commissioners of Scotland. These and many other arguments were adduced for and against this clause; and the question being put, "Add the clause or not," it carried in the negative by a plurality of two voices. And here I must observe and lament the woful fate of this nation; for though it was well known that the House was to be that day upon this grand affair, and the Court had mustered together every individual of their party; yet seven or eight of the Cavaliers and Country parties were absent, and thereby lost this clause, which, had it passed, would have proved a mortal stroke to the Court, they being resolved to have laid aside the Treaty of Union, and prorogued the Parliament; by which means the nation had been free of that fatal thralldom to which 'tis since subjected. Nor must I omit that the Earl of Aberdeen turned tail to the Cavaliers in this important affair: 'Tis not easy for me to determine the cause; but 'tis matter of fact, that His Lordship did not behave, on many occasions during this session, as might have been expected from one of his principles and circumstances, and (though this is not the proper place) could not be perswaded to be present at, and assisting against, the Union in the next sessions; nay, the Cavaliers at last, being informed of his inclinations

towards it, were glad to compound with him to stay away.

This being over, another clause was presented in these terms: “Provided always, that the said commissioners shall not go forth “of this kingdom, to enter into any treaty with those to be ap” pointed for England, until there be an Act passed by the Par” liament of England, rescinding that clause in the English Act, “by which it is enacted, That the subjects of Scotland shall be “adjudged and taken as aliens after the twenty-fifth of Decem” ber 1705.”\* The Cavaliers enlarged upon this clause, as necessary to vindicate the honour of the nation from the injustice of the English in that Act; believing, if it were added, the English would not comply with it, and so the treaty come to nothing. The Courtiers, upon the same grounds, opposed it; but observing it took with the House, they did not presume to do it openly, but by a consequential motion to this purpose: That the clause should be approven, though not, as was proposed, be engrossed into the body of the Act for a treaty, but a resolve of the House pass, that after the foresaid Act is finished, the House will immediately proceed to consider whether the clause should be by a particular Act, or by an order of the House; and the question being stated, “Add the clause to the Act, or by a separate way;” the latter branch carry’d it. And now the Court thought themselves secure of having a treaty; for if the clause was turned into an Act at the close of the session, (when they had no more to require of the Parliament at this time) they might grant the Royal assent to the Act of Treaty, and refuse it to this, as they should be directed from England: and in case the clause was turned into an order of the House, then they might dissolve the Parliament, (their lawyers assuring them that no orders of a Parliament were valid and in force after its dissolution) by which means the Act empowering commissioners to treat remained, and the order ceased, and so the Treaty might go on, whether the Parliament of England did or did not repeal the Act, which was so unjust in relation to Scotland, and notwithstanding the Parliament of Scotland did so expressly require it. But before the vote was stated upon the Act for a treaty, the Duke of Athol entered his protestation in these’ terms: “In regard that by an English Act “of Parliament, made in the last sessions thereof, entituled An Act “for the effectual securing England from the dangers that may “arise from several Acts past lately in Scotland, the subjects of “this kingdom are adjudged aliens, born out of the allegiance “of the Queen, as Queen of England, after the twenty-fifth day “of December 1705,1 do therefore protest for my self, and in the “name and behalf of all such as shall adhere to this my protesta” tion, that, for saving the honour and interest of Her Majesty,

A motion made by (he Duke of Hamilton to leave the nomination of the rnmisUVioners to the Queen.

Dehate thereupon..

“as Queen of this kingdom, and maintaining and preserving the “undoubted rights and privileges of her subjects, no Act for a “treaty with England ought to pass in this House, unless a “clause be adjected thereto, prohibiting and discharging the “commissioners that may be nominated and appointed for car” rying on the said treaty, to depart the kingdom in order “thereto, until the said Act be repealed and rescinded in the “Parliament of England.” To which most of the Cavalier and Country parties, and all the Squadrone, (these last, as I observed before, being inclined to go along with every motion that they thought would obstruct the Treaty’s taking effect at that time) did adhere, making in all twenty-four Peers, thirty-seven Barons, and eighteen Burrows.

While the rolls were calling upon this vote, (it being by this time late, and having been a long *sederunt*) many of the members, after they had given their votes, went out of the House, expecting the Parliament would not lvave proceeded to any more business that night; when, instantly after the last name in the roll was called, the Duke of Hamilton, addressing himself to the Chancellor, moved, that the nomination of the commissioners for the treaty should be left wholly to the Queen.

This, you may be sure, was very surprizing to the Cavaliers and Country party; ‘twas what they did not expect would have been moved that night, and never at any time from His Grace, who had, from the beginning of ihe Parliament to this day, roared and exclaimed against it on all occasions; and about twelve or fifteen of them ran out of the house in rage and despair, saying aloud ‘twas to no purpose to stay any longer, since the Duke of Hamilton had deserted and so basely betray’d them. However, those that remained opposed it with all their might, and a hot debate arose upon it, wherein the Cavaliers used the very arguments that the Duke of Hamilton had often insisted on upon this and the like occasions. “What! leave the no

iniuation to the Queen! No; she is, in a manner, a prisoner in England; and the Estates of Scotland had taught us our duty in a case nearly related to this, during the captivity of King James I. Our Queen knew none of us, but as introduced by her English ministry, and

recommended by our inclinations to serve that kingdom. Our Queen never had an opportunity to know the true interest of our country; and though she did, yet, as she was circumstantiated, could not show her regard for it; and who then so proper to nominate Scots commissioners to treat on Scots affairs, as a Scots Parliament?" The Court, and the Duke of Hamilton, (though he well enough saw these and many other speeches and motions, such as, that no person that had any estate in England should be of the number of the commissioners, were levelled at him) made few or no answers to the arguments against the motion; but insisting that the sense of the House might be known upon it, a vote was stated at last in these terms: "Leave "the nomination of the commissioners to the Queen, or to the "Parliament:" And the former, by the unfortunate and unseasonable absence of the abovementioned twelve or fifteen members, did carry by a plurality of eight voices, of which His Grace <sup>Carried</sup> the Duke of Hamilton had the honour to be one. Immediately after this was over, the whole Act impowring commissioners to <sup>The Act for a</sup> meet and treat with England was voted and approven, the Duke <sup>Treaty votrd,</sup>

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of Athol having protested against it in respect of the reasons con-  
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tained in his former protestation, and being adhered to by twenty-  
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one Noblemen, thirty-three Barons, and eighteen Burrows.

From this day may we date the commencement of Scotland's  
Refle, iOn, ruine; and any person that will be at the pains to reflect upon  
the management of this affair must be the more enraged, when he sees  
how easily it might have been, and yet was not prevented; for, if the  
first restricting clause (which was lost by the unaccountable neglect of  
some members) had been carried, we should not have had one word  
more of the Treaty; or had the nomination been left to the Parliament,  
(which was lost by the unrea

ii[Mm this Act,

sonable humours of such members as left the house in a hurry)  
those of the commissioners that represented the Barons would have  
been so well chosen, that they might easily have obstructed the  
Treaty's being brought to such a conclusion as afterwards happened.  
For I may affirm, (it consisting with my certain knowledge) that the  
English, knowing the backwardness of the Scots nation to enter into

an incorporating Union, would, if there had been but two or three members in the Scots commission that opposed it, been so far from pushing it as they did, that the treaty would have been advanced no further than those others that had been set on foot formerly, and Duke But to consider the Duke of Hamilton's part in this affair a

betaiiou".<sup>8</sup> little more particularly: 'Tis true, some reports had been whisper'd about, from the beginning of the Parliament, that His Grace's behaviour in this point would prove as it did, and many were uneasy at the great familiarity that appeared betwixt him and the Earl of Mar; but yet all were unwilling to believe any thing that was amiss of one who had stood so firm, and done such service to his country, especially in this point, whereupon he had so frequently, nay, not many days before it fell out, expressed and declared his opinion and resolution. But the following particular will make his conduct the more unaccountable: That very morning on which this affair was concluded, about forty or fifty of the Cavaliers being met together, had under consideration, whether it would be most proper to chuse the commissioners in a full House, or that every Estate should separate and chuse such as should represent themselves; and inclined to prefer the last, because they were sure to carry what Barons they pleased, but might run the hazard of losing all the other way. Yet such was their confidence in, and deference to, the Duke, that before they would determine themselves positively in it, they dispatched the Earl of Strathmore, George Lockhart of Carnwath, and George Home of Whitfield, to acquaint His Grace of what had passed amongst them, and desire his opinion: but His Grace being abroad when they came to wait upon him, the message was not communicated to him, till just as the Parliament sat down. Mr. Lockhart meeting him accidentally in the outer house, delivered his commission; to which he gave this answer: "Tell "these gentlemen, 'twill be time enough for us to consider on "that affair; for it shall not be in this day." I never yet could hear of any reasonable excuse he made for this his behaviour. 'Tis true indeed, he endeavoured to vindicate himself, by alledging, that after the Parliament had rejected the several clauses that were proposed to be added to the Act, he thought it to no purpose to strive any longer; for since the Court would have had a majority to give the nomination to the Queen, he might be allowed to give her the compliment. And next, that he thought it better; because, if the commissioners that were named by the Queen did what was not approven of in the subsequent Parliament, we might better and more severely take them to task, than if we had named them ourselves. But, with His Grace's permission, this will not stand the test; for, to

consider the last part of the argument first, it cannot be admitted, that the leaving the nomination to the Queen was preferable to the Parliament's having it; because it was obvious and plain, that if the Queen had the nomination, she would take care to pitch upon such as would be very pliable, and do what was desired of them: and since it was as plain, that there was too great an inclination in the House to have a Treaty, and accept of an Union, there was the greater need to have some well-chosen persons upon it, that would be an awe-band over others, and represent matters fairly and fully, both at the Treaty, and in the subsequent Parliament; and next, His Grace had no reason to imagine that the Court was able to carry it to the Queen. For he knew that the absence of some of the Cavaliers was the only reason of losing the restricting clause, and that there were several others that voted all along with the Court formerly, would have left them upon this occasion; and consequently, if those members I spoke of had not deserted the House, the Cavaliers, instead of the Court, had carried the vote by eight voices; and then he might have been sure of having had all the Barons, such as were his friends, and would have been faithful and useful to the country. But I am afraid the true matter was, His Grace had a great mind to be one of the treaters himself; and, foreseeing he would not be named by the Parliament, he resolved to rely upon the Commissioner's and the Earl of Mar's promise, of his being named by the Queen, and therefore (whether by capitulation with these noble Lords, or merely a thought of his own, the better to recommend him to the Queen on this occasion, I shall not determine) took upon him to make the motion, that it might appear he had indeed made the compliment, and been the promoter and advancer of leaving the nomination to the Queen. And to confirm what I advance, let us remember, that we never heard of any other reason for the Duke of Argyle's not being named upon the Treaty, than his having represented to the Queen, that he had engaged upon his honour to bring the Duke of Hamilton to be upon the Treaty, or else that he would not be concerned in it himself: And the Queen refusing to name the Duke of Hamilton as he had promised, he resented it so far, that he would not suffer himself to be named, and even threaten'd, at that time, to oppose the Union upon that account, though ways and means were fallen upon afterwards, to induce him to alter his mind. But to return back to His Grace's defences: Let us suppose them to be good; yet I would fain ask, whence he got that new light, and that so suddenly? and why did he not communicate the same to his friends, that, if they had been of the same mind, all might have gone on that way, and the compliment to the Queen been the greater? Little did he consider their differing this time encouraged the Court, and

occasioned a thousand false reports, which did a great deal of harm, and, which was worst of all, was the foundation of that jealousy that in some measure contributed much to the bad success that attended the country's affairs afterwards. I have dwelt the longer upon this subject, because, as I said before, this fatal Act was the first successful step towards Scotland's chains; and all I shall add concerning it, is an old Scots proverb, "That sitting betwixt two chairs often occasions a fall;" which was the Duke of Hamilton's case at this time.

'Tis now high time to return to the Parliament. In consequence of

.. . . , Parliament.

quence of a preceding vote, an Address was approved to the Queen, craving she would use her endeavours with the Parliament of England, to rescind the Alienation-clause in their late Act. Then an Act being presented, prohibiting the treaters to enter upon the Treaty, until the alienating clause in the English Act was rescinded, a motion, that the Parliament should proceed to it, by an order of the House, and not by way of Act, was put in order of the opposition to it by the Court, and approved; and then the order thence

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was unanimously agreed to in these words: "That the commissioners to be named by Her Majesty, should not commence the "Treaty of Union, until the clause in the English Act, declaring "the subjects of Scotland aliens, be repealed." After this the Parliament continued to sit some few days upon private business, The Parliament was at last on the twenty-first day of September prorogued, and adjourned.

Immediately thereafter the Earl of Mar was made secretary of State, in the room of the Marquis of Annandale, who had enjoyed the office only during the time of the Parliament, and was succeeded by

. turned out.

out because it was thought he held a private correspondence with the Squadrone, being rather inclined to favour the Succession without, than with an Union, and would not follow the Duke of Queensberry's and his partizans' dictates further than he pleased.

He was a man framed and cut out for business, extremely capable and assiduous; or a proud, aspiring temper, and when his character. affairs and politicks went right, haughty to a great

degree; and,

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*vice versa*, the civillest, complaisantest man alive, and a great affecter of popularity; he had gone backwards and forwards so often, and been guilty of such mean, ungentlemanny compliances, to procure the favour of that party with which he designed to engage, that no man whatsoever placed any trust in him; even those of the Revolution party only employ'd him as the Indians worship the devil, out of fear; and as soon as they found themselves strong enough without him, they kicked him out of doors: and though honest men welcomed a guest so capable to serve them, and willing to do their, and now his, adversaries all the prejudice he could, yet they were secretly glad to see one that had been so severe to them, humbled. As it was plain his being turned out of the secretary's office was the cause that induced him to oppose the Union, so, upon that account, he was much caressed, but little trusted, by the Cavaliers.

During the short interval betwixt the Scots and English Parliaments, let us give a particular account of two or three worthy Scots patriots, that have shewn great zeal for their country's service, and made a great appearance in it; and these are the Earl of Errol, Earl Marishal, and the Lord Balmerino.

Eari of Error. Charles Earl of Errol begun his life with general applause, and, by a constant tract of honesty and integrity, gained the esteem of all men. He did not make a great outward appearance at the first view, yet was a man of good understanding, of great honour and loyalty, well-tempered, courteous and affable, and deservedly much trusted by all that wished well to the Royal Family. His own family was always loyal, and had so great a concern in the welfare and prosperity of the kingdom, (being these many years hereditary constables of Scotland) that it was natural to expect he would prove a faithful subject and a good countryman.

Eari Maruhai-s The Earl Marishal of Scotland was master of a quick and lively spirit, a great vivacity of wit, an undaunted courage, and,

character.

character.

Lord Balme-  
rino's cha-  
racter.



in shoit, of a soul capable of doing great things; but his misfortune was, he could not seriously, at least for any tract of time, apply himself to business, being loose and irregular in his measures, and too bent upon his pleasures. However, being a man of honour and capacity, he was always faithful to his Prince and Country, did them both great service, and merited much from them.

Lord Balmerino did not take the oaths, and comply with the V><sup>r<</sup>!

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Government after the Revolution, till the year 1704 that he was perswaded to it, merely to give his assistance to prevent the Court's designs, of settling the succession of the crown on the family of Hanover. He was a man of excellent parts, improved by great reading; being perhaps one of the best lawyers in the kingdom, and very expert in the knowledge of the Scots Constitution, he reasoned much and pertinently in Parliament; and testifying, on all occasions, an unshaken loyalty to his Prince and zealous affection to his Country, he gained the love and esteem of all good men.

But turning our thoughts to the Parliament of England, (which Proceeding? met the twenty-eighth of October) all men were anxious to know, Parliament. whether or not that House would repeal the clause in their Act complained of by the Scots, upon the doing whereof the commencement of the designed Treaty depended. This happened to be the first session of that Parliament, and the Court was afraid to propose this affair, till once they knew a little of the temper of the members, of which this new House consisted; for which reason it was not moved till about the latter end of this year. But by that time it was evident enough by their proceedings, that the Court and Whiggs now conjoined together had a vast plurality of voices; and so Mr. Secretary Harley moved, that the clause of the Act, passed last session, declaring the Scots to be aliens after the twenty-fifth of December, should be repealed. To which Mr. Bromley and several others of the Tories returned answer

to this effect; that they had remonstrated against this Act last session, because they thought it a piece of unnecessary and unwarrantable injustice done to the Scots, and an irregular procedure towards perswading them to meet, and treat in a friendly manner, and with a disposition of agreement; but since the House was then of another opinion, they were obliged to submit. But they would gladly know, what was the matter now and why these very people that proposed it last year, and told us it was absolutely necessary for the honour and security of England, are the first that propose the

repealing of it now. To this, little return was made, save that the Scots seemed to be of a better temper, and more disposed towards an amicable agreement and a Treaty of Union, than formerly, and, in general, that it was necessary; and so it was at last found, and accordingly repealed by both Houses. The Tories indeed gave little or no opposition to it; for they knew that the obstructing any measure that would promote a Treaty of Union with Scotland, would be mighty displeasing to the people of England, who were very fond of it; and next they considered, that if the projected Union did not come to pass, (and indeed there was not then, nor a long time after, e're a man in Britain expected it) they had a fair occasion to blame and attack the ministry, for thus prostituting the honour of England, by first promoting this Act as so necessary for England, and then repealing it, to gratify the stubborn humour of the Scots, and no good following thereupon to England.

The Parliaments of both kingdoms having thus passed Acts, empowering the Queen to appoint commissioners to meet and treat with the commissioners of the other kingdom, and all obstructions being remov'd, that could impede the Treaty's commencement, in the month of March 1706 Her Majesty issued out commissions, (one for Scotland and another for England) appointing the following persons to be commissioners for treating of an Union betwixt the two kingdoms of Scotland and England, For Scotland: the Earl of Seafield (chancellor), the Duke of Queensberry (privy-seal); the Earls of Mar and Loudoun (secretaries of state), Sutherland, Morton, Weemys, Leven, Stair, Roseberry, and Glasgow; Lord A. Campbell (since Earl of Hay), the Viscount of Duplin, the Lord Ross, Sir Hugh Dalrymple (president of the session), Adam Cockburn of Ormiston (justiceclerk), Robert Dundass of Arnistoun; Mr. Robert Stuart of Tillicultry, Sir Alexander Ogilvy of Forglen, (lords of the session); Mr. Francis Montgomery of Giffin, Sir David Dalrymple, Sir Patrick Johnston (provost of Edinburgh), Sir James Smollet, George Lockhart of Carnwalh, William Morison of Prestongrange, Alexander Grant younger of Grant, William Seton younger of Pitmedden, John Clerk younger of Pennycuick, Hugh Montgomery (provost of Glasgow), Daniel Campbell, and Daniel Stuart, (taxmen of the customs).

For England: the Archbishop of Canterbury; the Archbishop of York; W. Cowper (keeper of the great seal); Lord Godolphin (treasurer); the Earl of Pembroke (president of the council); the Duke of Newcastle (privy-seal); the Dukes of Devonshire, Somerset, and Bolton; the Earls of Sunderland, Kingston, Carlisle, and Orford; Viscount Townshend; the Lords Wharton, Grey, Powlet, Somers, and

Hallifax; John Smith (speaker of the House of Commons); W. Cavendish, Marquis of Hartington; J. Manners, Marquis of Granby; Sir C. Hedges, and R. Harley (secretaries of state); U. Boyle (chancellor of the Exchequer); Lord Chief Justice Holt; Lord Chief Justice Trevor; Sir E. Northey (attorney-general); Sir Simon Harcourt (solicitor-general); Sir J. Cooke (advocate-general); and Stephen Waller, doctor in the law. All these were of the Court or Whigg interest, except Mr. Lockhart, in the Scots, and the Archbishop of York, in the English commission. This last, as was reported, was named merely out of respect to the dignity of the office he bore, but would not be present so much as once

at the Treaty; the other, because being my Lord Wharton's nephew \*, they expected to carry him off; and as he was surpriz'd at his being named, so he had no inclination to the employment, and was, at first, resolved not to have accepted it; but his friends, and those of his party believing he might be serviceable by giving an account how matters were carried on, prevailed with him to alter his resolution. He however—foreseeing that several things would occur during the Treaty, that were contrary to his principles, as the business of an incorporating Union, and, in consequence thereto, the succession of the House of Hanover to the crown—conven'd together the Earls of Home and Southesk, the Viscount Stormont, Mr. Cochran of Kilmarnock, Mr. Fletcher of Salton, and Mr. Henry Maul of Kelly, (who were the chief instruments of perswading him to attend the Treaty) and wrote to the Duke of Hamilton, who was then in Lancashire: and having communicated to them his difficulties, he desired their advice and direction how he should behave, and particularly whether or not he should protest and enter his dissent against those measures, being resolved to receive instructions from them, as a warrant for his procedure, and to justify his conduct: to whom they all unanimously returned this answer, that if he should protest, he could not well continue longer to meet with the other commissioners; and if he entered his dissent, it would render him odious to them, and that they would be extremely upon the reserve with him, so as he would be utterly incapable to learn any thing that might be useful afterwards in the opposing the design; whereas if he sat quiet, and concealed his opinion as much as possible, they, expecting to perswade him to leave his old friends and party, would not be so shy, and he might make discoveries of their designs, and thereby do a singular service to his country; therefore they agreed in advising him neither to protest nor dissent, nor do any thing that might

discover his opinion and design, unless he could find two or three more to concur and go along with him (which was not to be expected) but to sit silent, making his remarks of every thing that passed, and remain with them as long as possibly he could: and then at last, before signing of the result of the Treaty, to find out some pretence or other of absenting himself. Mr. Lockhart having thus accepted of his employment only to gratify the desire of those of his party, and that he might serve them; and having regulated his conduct as they directed, having exactly done all, and nothing more than they required of him, and it being evident that upon this account he drew upon himself the displeasure and malice of the Court in a particular manner, it was hard that the Cavaliers likewise should have objected against him: “What! (said they, after he came down to Scotland from the Treaty, and continued so saying, till they saw him as keen as any in Scotland against the Union, when under the Parliament’s consideration) he of the Country party, and suffer an incorporating Union to be agreed without opposing it? What! he a well-wisher to the Royal Family, and hear the Succession of the Crown given to Hanover, without protesting against it?” These and such like were their sayings of him: I believe indeed they did not, and there are but few still that know the grounds upon which he went: but these gentlemen were to blame, (tho\* ‘tis what they often fall into) and ‘tis very discouraging to censure and condemn the actions of those that they have no reason to distrust. It is impossible, at least improper, to discover all the secret springs and motives that induced such and such measures to be taken by all that are well wishers to that cause; and if they have observed the persons doing

\* The author’s father Sir George Lockhart, lord-president, married the Honourable Philadelphia Wharton, youngest daughter of Philip fourth Lord Wharton. Her brother Thomas, fifth Lord Wharton, was created Marquis of Wharton, and was the father of Philip first Duke of Wharton “the scorn and wonder of mankind.” He was the last male representative of that ancient and noble family, whose fortune he and his father greatly impaired. Editoh.

The first rise of the Treaty,

The motives that induc’d the Court of England.

The Whiggj in England.

things for which they do not understand the reasons, to have formerly behaved honestly, they ought to rest some time in suspence before they give their judgment. However, Mr. Lockhart was so well

warranted for what he did, and his constant behaviour since he came to be a Parliament man so unblaineable, that he has no cause to be uneasy at so rash and unreasonable censures, and might rather have expected from the Cavaliers their kindness than displeasure. But to wave this digression, which I thought necessary, because of the unjust censures of some upon that gentleman's behaviour, let us proceed to the matter we are upon.

Yet before we come to give an account of the Treaty it self, let us enquire more narrowly whence it had its rise, what was designed by it, and who were the promoters of it?

By all the accounts I could ever yet learn, the Treasurer of England and Court party there, did not at first design the Treaty of Union should have gone the length it afterwards did, it being a mighty stroke to the power of the monarchy, and consequently to them, who advised and directed the Queen in all matters: but the treasurer being extremely blamed for allowing the Queen to pass the Scots Act of Security, and concerning Peace and War, into laws, knew the Tories, who waited only for a proper time, designed to lay hold on this as a handle wherewithal to pull him down; and therefore to save himself, by amusing England with the hopes of an entire Union, he set this Treaty on foot with a design to have spun it out so long as he was in hazard of the attempts and malice of his enemies. But the Whigg party joined most sincerely in the measure of an incorporating Union: they knew the Scots would not settle the Succession of their crown as it was in England, without either such limitations upon the sovereign as would secure them and their interests from the influence of English councils, or good terms from England in relation to trade and commerce, (the first of which did not suit their designs, and the other they had no mind to bestow that way;) and therefore preferred this of an entire or incorporating Union, to all the measures that had been proposed for reducing Scotland to England's beck and obedience; for they thought it not only secured England from the dangers that might arise from thence, but made likewise for their own private designs and projects: for if that party had only projected the security and interest of England, a foederal Union (which would have been more acceptable to Scotland) would have done that as effectually as an entire one; for they had the same baits of communication of trade and other advantages, wherewithall to tempt the Scots to yield to them, the one way as well as the other: and after having perswaded them on the faith of this foederal Union to settle the succession of that crown as it was in England, all fears of a separate interest and a Pretender to the crown vanish'd; and in a little time thereafter, when once affairs were

settled, they might easily, by an Act of the English Parliament, deprive the Scots of such priviledges as they thought tended too much to their own disadvantage, by virtue of their enjoying this communication of trade (as they did formerly by their Act of Navigation in King Charles the Second's reign) and by these means gain their ends of reducing the Scots to their measures, and at the same time continue them (their old enemies, whom they still do and ever will heartily hate and abhor) under the bonds of slavery they've been expos'd to these hundred years by past. But the Whigs had somewhat in view besides the general interest and security of England, or establishing the succession of the House of Hanover on the two thrones of this island (all monarchs and race of kings being equally odious to them) their design being sooner or later to establish a Commonwealth, or at least clip the wings of the Royal prerogative, and reduce the monarch to so low an ebb that his power should not exceed that of a Stadtholder of HolVol. L. u

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land, or a Doge of Venice; and it was plain and obvious such designs could be more easily executed when the legislative authority of Scotland was abrogated, by reducing the Representation of that nation to a small and inconsiderable number, incorporated with a much greater, and subjecting her to the laws, regulations and government of another kingdom, of which they had the chief management and direction, than if the Scots nation and Parliament remain'd a distinct and independent people and judicature, and were thereby in a capacity to assist their sovereign in maintaining his just rights and prerogatives in that as well as his other kingdoms. They remembred how the Scots in the reign of King Charles the Second did cast the balance and defeat their design of secluding the Duke of York from succeeding to the crown, and were resolved by this incorporating Union to remove that obstacle to their future projects and designs. Thus the Court and Whig parties in England agreeing (tho' upon different topicks and views at first) in the measure of a Treaty of Union betwixt the two kingdoms, the latter prevail'd to have a plurality of their own party in both commissions, particularly the Scots, who so frankly yielded to the demands of the English, and prostituted the honour, and surrendred the interest of their country, that the terms of the Treaty proved so advantageous for England and destructive to Scotland, that the Treasurer and Court party could not, without giving a greater handle against them than what they propos'd to evade by this measure, so much as connive at, or countenance any person that endeavour'd to obstruct the Union's taking effect.

The Scots On the other hand, the Scots statesmen and Revolutioners were

so sensible (as was remarked somewhere else) of their own guilt in betraying their country, and acting contrary to its interest, these many years by past, that they thought themselves in no security from being call'd to an account for their actions, unless

they remov'd the Parliament, and rendered the nation subservient and subject to a people whom they had serv'd, and from whom they look'd for protection.

The Treaty being now brought to its commencement, before six\* of scotwe enter into the detail of it, let us a little cast our eyes upon the temper and disposition of the Scots nation, and observe how much the interest of the distress'd Royal Family increas'd in that Favours the kingddm; it being apparent that four parts of five of the nobility and gentry even in the western shires, and many more than half of the commons over the whole kingdom, did on all occasions express their inclination and readiness to serve that cause, accounts of which were from time to time transmitted to France; and the French King being much straiten'd by the success of the confederated arms against him, seem'd more sincere French King. in promoting the interest of the Royal Family than formerly, when his affairs went clearly on. Whether this proceeded from his regard to them or his own particular interest, I leave it to the charitable reader to determine, after he has call'd to mind this prince's behaviour to King Charles the Second during his exile, and what little he has done, besides the giving of a yearly pension, for the late King James since the Revolution 1688. But sure it is, he gave out as if he were in earnest to do something at this time for the Royal Family's interest, tho' perhaps the true design was to give the English arms a diversion at home; and for this end he dispatch'd one Hookes, who arriv'd at Edinburgh in the iiokcs M-nt month of August or thereby, 1705, with letters from the French toscmiand. King and King James to the Duke of Hamilton, the Earl of Errol, the Earl Marishal, and the Earl of Home, exhorting them to stand up and act for the interest of the distressed Royal Family, and promising to assist the Scots (his dearly beloved ancient allies) in so good a design as the restoring their King to his thrones, empowering Hookes to receive proposals, and desiring

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them to send over to France one fully instructed to treat, and conclude with him for that effect.

H» character. This Hookes was one of the Duke of Monmouth's chaplains, when he invaded England; whether he was taken prisoner and pardon'd, or made his escape after the defeat of that rebellious enterprize, and when it was that he turn'd Roman Catholick, and enter'd into the French service, I cannot tell; but at this time he was actually a colonel, and commanded a regiment of foot in the French army; and being a mettle-pragmatical fellow (as is easily to be credited by his raising himself to such a post) he had gain'd credit at the Court of France, and was pitch'd upon to manage the correspondence with Scotland. In conversing with him it appear'd he was a man of good enough sense, but extremely vain and haughty, and not very circumspect in the management of so great a trust, being rash and inconsiderate; which will appear from a proposal he made of being admitted to the meeting of the Cavaliers and Country party in Pat. Steel's (the place where they rendezvous^! to concert their measures every day before the Parliament met) to propose their owning the King's interest, and moving his restoration in the Parliament; and it was with difficulty he was perswaded to refrain from it, and likewise from his informing the Duke of Argyle, when he was a prisoner next year after the siege of Menin, that he had been the year preceding in Scotland, treating with the King's friends, and saw His Grace when he was commissioner to the Parliament. In all his proposals he shew'd a great deal more concern to raise a combustion in the kingdom, and so give a diversion to his master's enemies, than what did really and solidly tend to the advancement of the King's affairs.

cavaliers their However, the Cavaliers, to whom his letters and message were deliver'd, not being then in a condition to give a positive answer to his demands, told him in general terms, that they were willing:

answers to him:

to do every thing that could in reason be demanded of them for advancin<sup>g</sup> the King's service, and would, as they were desired, send over one in a little time to confer with King James and the King of France; with which answer he return'd to France.

The Cavaliers resolving, as they had engag'd, to send one over seni capiat to see what offers of assistance the French King would make, France. unanimously made choice of Captain Henry Straton, being a person of entire honour and honesty, and every way well qualify'd for



such an employment; and accordingly next day, after Mr. Lockhart return'd from the Treaty, which was some time about the latter end of July 1706, Straton (having waited till he came down to get a full account of what had pass'd there) set sail from Leith, in Captain James Tait his ship, and arriv'd safely in France. Mr. Lockhart, besides what concern'd the Treaty, Mr. Lockhart\* was desir'd to pump the Tories in England and see how they tiom when he stood affected, and what they'd do, in case the King came over, don. and the Scots declar'd for him; and accordingly having found means to understand the Duke of Leeds, the Lord Granville, and several other of the Tories sentiments on that point, he inform'd Captain Straton that they were much more cautious, and not near so forward in England as in Scotland; all there being of opinion no attempt was to be made during Queen Anne's life. Captain Straton was kindly receiv'd, but could bring nothing to captain straa conclusion, the battles of Ramilies and Turin having so disconcerted the French King's measures, that he was not in a capacity to afford either men or money at that time, for our King's service. However, King James told him he long'd extreamly to be amongst his Scots friends, and oblig'd him to give in writing, and sign'd, a character of every man in the Scots Parliament, as they stood affected to him, and were capable to serve him; and then he was dismiss'd, with fair promises from the French King of doing all that could be expected at another time, and with letters from King James to the Duke of Hamilton, Earl of Errol,

Earl Maris)ml, and Viscount of Stormont; which last had likewise two letters inclos'd in his, one to the Duke of Athol, and the other to the Marquis of Montrose, to be deliver'd as he saw proper. The first was deliver'd, and kindly receiv'd; but the other person was turn'd such an obstreperous renegado, that it was to no purpose to make any attempt on him; besides, there was a visible danger of his discovering all to the ministers of state, who, tho' they knew that Captain Straton had been in France, took no notice of it, he having been furnished with credentials from honest merchants in Edinburgh, to act as supercargo in the ship which transported him, wherein was a considerable quantity of lead, and by these means sufficiently able to give an account of the occasion of his voyage: however, they did not doubt but this his first voyage concern'd something more than trade; but having no proof, they did not prosecute him; and thus these two negotiations came to no effect at this time. In the interim, the peoples inclination towards King James still increased, and his interest prevailed daily more and more, over all the kingdom. The Trcatj re-

But 'tis high time to reassume the Treaty, the first meeting of which was on the sixteenth of April, when the Lord Keeper of England and Lord Chancellor of Scotland made the following introductory speeches. "My Lords, The Keeper of "We the Commissioners appointed by Her Majesty and authorized by the Parliament of England to consult and treat

"with your Lordships, as impowered in the like manner by Her Majesty and Parliament of Scotland, concerning an Union of "the two kingdoms, and such other things as we the commissioners on both parties shall think convenient and necessary "for the honour of Her Majesty and the common good of both "kingdoms, do apprehend, there never was in any assembly of "this nature, so little reason as at present, for the commissioners "of England to give any verbal assurances of their zeal to promote and complete (so far as in their power) the great and "good design we are met about, since it cannot be doubted but "we bring along with us the same sentiments which so lately "appear'd in the Parliament of England, where they took care "to manifest by a solemn Act, that they did postpone all other "considerations to their evidencing a good and friendly disposition towards Scotland; the Parliament of England in making "that unexpected advance, seeming resolv'd, if possible, to attain that Union, which has been so long thought necessary by "all that wish well to the prosperity of both kingdoms. And we "most sincerely assure your Lordships, we do accordingly meet "your Lordships with hearts fully resolv'd to use our utmost endeavours to remove all the difficulties in this Treaty, to prevent "all misunderstandings, and cherish and improve the good dispositions to one another, and to have the general and joint "good of both kingdoms solely in our view, and not the separate of either, but to act as if we were already united in interest, and had nothing left, but to consider what settlements "and provisions are most likely to conduce to the common safety "and happiness of this whole island of Great Britain. Which "measures, if pursu'd on both parts, we hope may enable us to "prepare such terms of Union, as may prove satisfactory to Her Majesty and the Parliament of both kingdoms." "My Lords, "The Lords Commissioners for Scotland have desir'd me to assure your Lordships, that they meet you on this occasion with "great willingness and satisfaction, to treat of an Union "betwixt the two kingdoms, and of such other matters and concerns as may be for Her Majesty's honour, and the maintaining a good understanding between the two kingdoms: We "are convinc'd that an Union will be of great advantage to both; "the Protestant religion will be thereby

more firmly secur'd; "the designs of our enemies effectually disappointed, and the

"riches and trade of the whole island advanc'd. This Union "hath been often endeavour'd both before and since the king" doms were united in allegiance under one sovereign, and several treaties have been set on foot for that end, tho' without "the design'd success; but now we are hopeful, that this shall "be the happy opportunity of accomplishing it Her Majesty "hath frequently signify'd her good inclinations towards it, and "we are the more encourag'd to expect success in this Treaty, "by the good disposition which appear'd in the Parliament of "Scotland to it, and by the friendly proceedings of the Parlia" ment of England, which give general satisfaction. We have "a great confidence in your Lordships good intentions, and we "shall be ready on our parts to enter into such measures with "you, as may bring this Treaty to such a conclusion as may be "acceptable to Her Majesty, and the Parliament of both king" doms."

The English, before they open'd their pack to shew the golden •loners. ware the Scots were to get from them, first proceeded to demand and secure what they wanted of the Scots, and for that end made the following proposal: "That the two kingdoms of En" gland and Scotland be for ever united into one kingdom, by "the name of Great Britain; that the united kingdom be repre" sented by one and the same Parliament, and that the succes" sion to the monarchy of the united kingdom (in case of failure "of heirs of Her Majesty's body) be according to the limitations "mention'd in the Act of Parliament made in England in the "twelfth and thirteenth years of the reign of King William, en" titled ' An Act for the further limitation of the crown, and the " \* better securing the rights and liberties of the subject.'" The Scots demanding time to consider of a reply, and being conven'd together for that end, there was not any that appear'd against this proposal; all of them (except Mr. Lockhart, who, as was before observ'd, had orders from his friends to sit silent and make his observations) positively declaring for this scheme of an entire (as the English term'd it,) or incorporating Union, as the Scots term'd it. But because they knew the Scots nation was rather inclined for a federal than this kind of Union, and that the clause propos'd to be added to the Scots Act of Parliament empowering the Queen to nominate commissioners, which would have restricted the commissioners from treating on any subject that should any ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties and dignities of the nation, was rejected by a plurality of only two voices; they all agreed and thought it necessary once to make a proposal for a

foederal Union; and having accordingly agreed upon the draught of the proposal, order'd the Chancellor to give it in to the Board in name of the Scots commissioners: but, lest the English commissioners should be offended at their not giving a direct answer to their first proposal, and to let them understand the true cause of their proceeding after this manner, and that they did not design to reject what was propos'd by the English, they order'd the Chancellor, after the proposal was read, to make the following discourse.

“My Lords, I am commanded to acquaint your Lordships “there is nothing contain'd in this proposal (of a foederal Union) “but what the Scots had always claim'd as their right and pri” vilege, as being under the same allegiance with England; but “that by making this proposal, they did not reject the other pro” posal (of an entire Union) made by your Lordships, but are “of opinion this scheme would be most effectuall to facilitate the “English Succession’s being establish’d in Scotland.”

Now let God and the world judge, if the making this proposal after such a manner was not a bare-fac'd indignity and affront to the Scots nation and Parliament. “Tis true indeed, they did it out of regard to them; and it was the only regard they shew'd, during the whole Treaty, for them; but it proceeded more from

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r fear of, than love to them; else, since they knew ‘twould be so much more acceptable than the other scheme, why did they propose it with a design, and actually afterwards, upon the English commissioners telling them in a saucy manner they did not incline so much as once to take it into consideration (their very words), resile pittifully and meanly from it without saying one word to enforce it? For even if there had been no previous agreement ‘twixt the two sets of commissioners, and both had met on equal terms, without any dependance the one upon the other, for places, pensions, &c. yet this very preliminary step was sufficient to encourage the English to have propos'd and expected such conditions from the Scots as they pleas'd, and thought convenient for England. And the Scots commissioners were so sensible of the meanness of this proposal, and so fearful of informing the world how little regard they had for the honour and interest of their country in a matter whereupon her future misery or happiness depended, that they conceal'd this discourse which they order'd the Chancellor to make in their names, and did not, as usual in all other occasions, record and engross it in their Minutes: however, I found a way to get a copy of it in these very words, as I have set it

down.

The English commissioners, as I said before, having refus'd to take this proposal under their consideration, the Scots made no further delay, but agreed to the proposal of an entire Union, as contain'd in the proposal made first by the English commissioners; which being the main game the English were in quest of, and the ground-work upon which all the structure was to be built, the Lords Commissioners of both kingdoms set about the regulation of the trade, respective laws, taxes and debts of the two kingdoms, wherein the Scots commissioners agreed to and accepted of such terms as the English commissioners were pleas'd to allow them. 'Tis needless to recapitulate all the articles, and heads of this Treaty, they having been so often publish'd in print,

and canvass'd upon by people of all persuasions and professions, that none can be ignorant of them.

'Twill suffice here to make some few remarks upon the behaviour of the commissioners at the Treaty. In doing of which, I crave leave once more, in the first place, to observe, how pitifully they abandon'd their proposal of a federal, and accepted of an incorporating Union, basely betraying and meanly giving up, the sovereignty, independency, liberty, laws, interest and honour of their native country, in defence whereof their fathers had chearfully exposed their lives and fortunes, and gain'd immortal praise and glory throughout all the world, bravely maintaining and defending the same, against all attempts of the Britains, Romans, Saxons, Danes, Normans and English, and all other foreign and domestic enemies, for the space of above two thousand years. But from the commencement unto the conclusion of this Treaty, 'twas as plain as two and three make live, that the Scots commissioners were resolv'd (for the reasons already mention'd) to agree to and accept of a scheme of Union, tho' upon never so unequal and unreasonable terms; for at the separate meetings of the Scots commissioners, if a difficulty was at any time started or an objection made to what they were concluding, all the answer you receiv'd was to this purpose, "'Tis true it had better be so and so, but we must not be too stiff; the English won't agree otherwise, and I'm sure you would not break the Treaty for this:" and thus they proceeded all along, without having any regard for the true interest of their country; endeavouring only as much as possible to palliate their own knavery and hood-wink the nation from discerning

the same; for which end sometimes they pretended to differ from the English commissioners, and reports were industriously noised abroad, that the Treaty would break up without concluding on any scheme, particularly when the Scots did insist to obtain a greater abatement of taxes, and the English by piecemeal, and as with reluctance consented to it. And in regulating

the number of the Scots representatives in Parliament, the English propose thirty-eight Commoners, the Scots make a great noise about it, and a solemn conference must be appointed to debate on that subject; whereas all this was contriv'd to deceive the world with a belief, that both sides stood zealously for the interest of their respective countries, and that this was no pack'd up commission, but consisted of persons upon an equal footing, who had no dependency upon, nor secret correspondence and project with, one another. It consisted with my certain knowledge, that the English did design from the beginning to give the Scots forty-five Commoners, and a proportionable number of Peers: but had the Scots stood their ground, I have good reason to affirm that the English would have allow'd a much greater number of representatives and abatement of taxes; for the English saw too plainly the advantage that would accrue to England by an union of the two kingdoms upon this scheme, and would never have stuck at any terms to obtain it. And indeed they cannot be blam'd for making the best bargain they could for their own country, when they found the Scots so very complaisant, as to agree to every thing that was demanded of them, managing all matters in a private club, so that when the Scots commissioners met amongst themselves, a paper containing an answer to the last demand of the English commissioners was presented by the Chancellor or one of the two Secretaries, which being read, was immediately approved of, and then given in to the general meeting, without being discoursed upon (as matters of such weight and importance did require) or the commissioners allow'd copies or the least time to consider what was contain'd in it; and thus they drove on headlong to a conclusion, which they effectuated on the day of 1706. Many were the

handles to bubble over the Scots to it, such as repeated assurances from the leading merchants in London, of erecting manufactories and companies for carrying on the fishery. The communication of trade was magnified to the skies, and the East and West India gold was all to terminate in Scotland: but the equivalent was the mighty bait, for here was the sum of three hundred ninety-one thousand eighty-five pounds sterling to be remitted in cash to Scotland; tho' the Scots were to pay it and much more back again in a few years, by engaging to

bear a share of the burthens impos'd on England, and appropriated for payment of England's debts. This was a fund, say they, sufficient to put Scotland in a capacity for prosecuting trade, erecting manufactories, and improving the country: but in reality here was a swinging bribe to buy off" the Scots members of Parliament from their duty to their country, as it accordingly prov'd; for to it we may chiefly ascribe, that so many of them agreed to this Union. The hopes of recovering what they had expended on the African Company, and obtaining payment of debts and arrears due to them by the Scots Government (it being articed in the Treaty that it should be expended this way) prevail'd with many to overlook the general interest of their country.

The Treaty being thus brought to a period, the Scots statesmen and true blue Revolutioners, and the English ministry and Whigs, upon the same considerations that mov'd them first to enter upon this measure, and thereafter conclude it in those terms, resolv'd with their utmost vigour to prosecute, in their respective Parliaments of both kingdoms, the design of uniting the two nations, according to the articles agreed to by the commissioners, tho\* I know they were very diffident of success, and did not expect to have carried it thro', at the time the Scots Parliament met; and had it not been for some very particular unexpected accidents, they'd not have come off as they did, of which we'll hereafter have occasion to give a more particular account; only let me remark at this time, that there seem'd to have been a chain of accidents all tending directly to the ruin and overthrow of this poor people, among which, none of the least was the death of Charles Earl of Home. rariofHome'i One cannot imagine how great a loss the Roval Family and

death and cha- ^3. ,,.... “

racter. Country party sustain'd by it, for tho' he was one that did not

express himself with any tolerable share of eloquence, yet he was master of a sound judgment and clear conception, and had a particular talent of procuring intelligence of his adversaries most secret designs, so that generally he inform'd his friends of them, and thereby gave them an opportunity to thwart them: this proceeded from his being esteem'd by people of all parties, on account of his eminently unbyassable honesty and integrity in both private and publick matters; and the want of this intelligence was an unspeakable disadvantage to those that oppos'd the Union in the ensuing Parliament. He had given evident proofs that no temptation could seduce him in the least from

prosecuting and adhering with the utmost vigour, to what he own'd to be his principle and opinion, and was so zealous for the interest of his country, that he never deserted it, tho' he might, more than once, have made his own terms with the Court; he was so faithful to the Royal Family, that he suffer'd much upon that account, and was more rely'd upon than any other; and so well was his reputation establish'd, that he prov'd an awe-band over others, and frequently oblig'd the Cavaliers to suspend their private grudges and joyn cordially in one measure. state of affairs Before the Parliament met in Scotland, the statesmen return'd latingtothe hither from London, and took all imaginable pains to give false glosses and representations of what was agreed to in the Treaty, and put such a face upon, and gave such accounts of it, (though the articles themselves were kept a mighty secret, no copies being allow'd of them, and in England a proclamation emitted, prohibiting all books and wagers on that subject) that at first it took generally with the Scotch-men; but no sooner did Parliament

Union.

meet and the articles appear in publick, but the nation, seeing how different they were from the accounts they first had of them, became universally averse to the project, as will be seen in the sequel. The Squadrone likewise about this time pretended as much as any to dislike the Union; but as they never scrupl'd to serve their own interest, tho' at their country's cost, no sooner was the Marquis of Montrose made president of the council (which place had been vacant from the time the Marquis of Annandale was remov'd from thence and made secretary of state, and which he had often refus'd to accept of again, after he was laid aside from being secretary of state to make way for the Earl of Mar) I say no sooner was the Marquis of Montrose invested with that office, and a letter come down from the Duchess of Marlborough to the Earl of Roxburgh, assuring them of being taken into favour, and intrusted with the government, if they would concur with the measures of promoting the Union, than they struck in with the Court and forwarded the Union with the greatest heat and zeal of any in the Parliament. A gentleman on a certain occasion, having privately argued with my Lord Roxburgh, and answer'd all his arguments for the Union, concluded that posterity would curse his memory, if he concurr'd with measures which so infallibly brought his country to ruin; to which His Lordship reply'd, that he did not value what was to come after he was gone, provided he could obtain his ends now and be rcveng'd of the Duke of Queensberry, which he had reason to believe would be more easily attain'd, if the Union had



once taken effect. I have mention'd this story as a sample of the motives which induc'd the venerable Squadrone to enter into this measure. The Presbyterians appear'd most zealously against the Union; the ministers were every where apprehensive of the Kirk government, and roar'd against the wicked Union, from their pulpits, made resolves and sent addresses against it from several presbyteries and the commission of the Assembly, as we shall hear by

and by; but no sooner did the Parliament pass an Act for the security of the Kirk, than most of their zeal was cool'd, and many of them quite chang'd their notes, and preach'd up what not long before they had declar'd anathema's against; yet with no effect, for their auditories stood firm, and the clergy lost much of their reputation by shewing so much selfishness and little regard for the interest and honour of the country.

The differences likewise and envy that arose 'twixt the two Dukes of Hamilton and Athol contributed not a little to the obstructing the opposition the Court party would have met with; but nothing so much sav'd the Union from being totally demolish'd, as the season of the year; for had not the Parliament met and sat in the winter, and the weather prov'd very rainy and tempestuous, 'twould have been impossible to have kept the country people from coming to a head from all parts of the kingdom, and tearing in pieces all those that promoted it. This by the by; but when we come to the Parliament it self we shall have these particulars more under our consideration, and then it will evidently appear, that tho' the articles of the Union were approv'd of in Parliament, yet the whole nation was altogether averse to them.

We come now to the Parliament it self on which all men's ' eyes were fixed, expecting to learn the fate of the nation; whether

it were to remain free and independent, or under the colour and pretext of an Union be altogether at the discretion of another stronger and richer people, its avowed enemies, and be render'd altogether incapable to exert it self and defend its liberties as became a free people. These considerations brought together an unprecedented number of people of all ranks, sexes, ages, and persuasions, from all corners of the land to Edinburgh, and every one now pretended to understand the politicks and give their opinions freely and avowedly of the state of affairs, parliament The Parliament met the third of October 1706, to which the

Duke of Queensberry was appointed commissioner. The Queen's

meets.

letter and the Commissioner's and Chancellor's speeches consisted chiefly in setting forth the advantages that would accrue to the nation by being united with England, and therefore recommended the Treaty as agreed to by the commissioners, and crav'd Pr«««dini\* subsidies. The Court prevail'd in the first *sederunt* to have the articles of Union read, and proceeded, immediately to the consideration of them; and it was not without some struggle obtain'd, that all records relating to former treaties betwixt both kingdoms should be laid before the House, and that in the in\* tervals of Parliament they might be seen by all that call'd for them in the lower Parliament House, where the Lord Register should order some of his servants to attend. On the fifteenth the Court mov'd, that in the terms of the resolve past the twelfth, the House should proceed to the consideration of the articles of Union. Tiere were many oppos'd this as too hasty a procedure Motion that

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in so momentous an anair, and crav d liberty, now they had seen advise »im

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the articles, to consider and advise with their constituents con- <''<■>''\* »'><»u

the Union.

cerning them; from whence arose a hot debate, whether or not the Parliament, without particular instructions from their con- ArpimPnli constituents, could alter the constitution of the government. The asa>>cl ' Courtiers alledg'd the affirmative, since the members had ample commissions to do all things for the good of the country, and that one of the reasons assign'd in the proclamation for summoning this Parliament, was to consider on ways and means to unite the two kingdoms; to which it was reply'd, 'twas true the For it. commissions were ample, but the very nature of them bound up the commissioners from overturning the Constitution of the kingdom or disposing of what did not belong to them; viz. the representatives of the shires and boroughs; the design of sending them there being to preserve their constituents' rights and privileges, and give advice to their sovereign in making laws and supporting and upholding that Constitution, by virtue of which they first receiv'd their commissions, and accordingly met and

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Parliament proceeds *to* consider the Treaty.

General aversion of the people in Ildinurgh to the Union.

acted: and as for the reasons alledg'd from the summons of Parliament; every body knew the nation had nothing of the Union in their view at the time this Parliament was chosen; besides, it was so long ago, that it was not strange the barons, freeholders, and burghs expected their representatives should advise with them; and since they were not allow'd to have a new election, that thus their sense of this weighty affair might be known in Parliament, that it would tend much more to the honour of the commissioners of the Treaty, if it was approv'd of in a Parliament called for that purpose, or by members who had receiv'd the fresh instructions and opinions of the nation, than by a Parliament which had continued so long, and thereby so many of its members corrupted by bribes, pensions, places, and preferments. A great deal more to this purpose was urg'd and insisted upon; but at length a vote was stated in these words, "Proceed "to consider the articles of the Treaty, or delay." But it carried in the affirmative by a plurality of sixty-four voices, and all that the Country party could obtain, was that the House should not proceed to vote and approve any of the articles until they were all once read and discours'd on by the members; after which the House proceeded to, and in few days finish'd the reading of them. The Country party, particularly the Dukes of Hamilton and Athol, the Marquis of Annandale, the Lords Bel haven and Balmerino, Mr. Fletcher of Salton, and Sir David Cunningham of Milncraig, took a great deal of pains to expose the unreasonableness of the several articles as they went thro' them; but the Courtiers very seldom made any reply, having resolv'd to trust to their number of led-horses, and not to trouble themselves with reasoning.

During this time, the nation's aversion to the Union increased; the Parliament Close, and the outer Parliament House, were crowded every day when the Parliament was met, with an infinite number of people, all exclaiming against the Union, and speaking very free language concerning the promoters of it. The Commissioner, as he passed along the street, was cursed and reviled to his face, and the Duke of Hamilton huzza'd and convey 'd every night, with a great number of apprentices and younger sort of people, from the Parliament House to the Abbey, exhorting him to stand by the Country, and assuring him of his being supported. And upon the

twenty-third of October, above three or four hundred of them being thus employ'd, did, as soon as they left His Grace, hasten in a body to the house of Sir Patrick Johnston (their late darling provost, one of the commissioners of the Treaty, a great promoter of the Union, in Parliament, where he sat as one of the representatives of the town of Edinburgh) threw stones at his windows, broke open his doors, and search'd his house for him, but he having narrowly made his escape, prevented his being torn in a thousand pieces. From thence the mob, which was increas'd to a great number, went thro' the streets, threatning destruction to all the promoters of the Union, and continu'd for four or five hours in this temper; till about three next morning, a strong detachment of the Foot-guards was sent to secure the gate call'd the Netherbow Port, and keep guard in the Parliament Close. 'Tis not to be express'd how great the consternation was that seiz'd the Courtiers on this occasion: formerly they did, or pretended not to believe the disposition of the people against the Union, but now they were throughly convinc'd of it, and terribly airraid of their lives; this passage making it evident that the Union was cramm'd down Scotland's throat. For not only were the inclinations of the elder and wiser known by the actions of the rasher and younger, but even the very soldiers, as they march'd to seize the Port, were overheard saying to one another, 'Tis hard we should oppose those that are standing up for the Country, 'tis what we can't help just now, but what we won't continue at. The mob being once dispatch'd, guards of regular forces were placed in the Parliament Close, Weigh-House, and Netherbow Port, and the whole army, both horse and foot, was drawn together near Edinburgh, and continu'd so all the session of Parliament: nay the Commissioner (as if he had been led to the gallows) made his parade every day after this, from the Parliament House to the Cross, (where his coaches waited for him, no coaches, nor no persons that were not members of Parliament being suffer'd to enter the Parliament Close towards the evening of such days as the Parliament was sitting) thro' two lanes of musqueteers, and went from thence to the Abbey, the Horse-guards surrounding his coach, and if it was dark, for the greater security, a part of the Foot-guards likewise. This mob was attended with bad consequences to the Country party; for falling out before the nation was equally inform'd of the state of affairs, and equally inflam'd with resentment, it was the easier dissipated, and discourag'd others from making any attempts for the future, and gave occasion to the Courtiers here, to represent to the ministry of England not to be alarmed, for it consisted of a parcel of rascally boys, no others being concern'd in it, tho' the chief of the Country party had encourag'd and hir'd them out; besides the placing

of these guards overaw'd many, both in and out of the House. The  
conclusion Tho' it was plain to all unbiass'd people that this mob had its

end a pro- . . . /•!«•

riamion rise very accidentally, yet the Government was not fond  
of any

against mobs:

such amusements, and therefore the next day after it happen'd,  
Appoint. the Privy Council met and ordained these guards to be  
continu'd, and emitted a proclamation against tumultuous meetings,  
wherein they commanded all persons to retire off the streets whenever  
the drum should beat and give warning, order'd the guards to fire  
upon such as would not obey, and granted an indemnity to such as  
should on that occasion kill any of the leidges; and next day the  
Chancellor acquainted the Parliament with what had happen'd, and  
what the Council had done on that occasion, and then the  
proclamation being read, a motion was made that the Council should  
have the thanks of the House for providing for the safety of the  
Parliament, and that it be recommended to them to continue their care  
therein. No body pretended to justify, on the contrary every one  
condemn'd mobs; but it was alledg'd, that since the mob was  
dispers'd, and no further fear of it, there was no need of those guards  
being continued, especially in the Parliament Close, which seem'd an  
overawing the Parliament, and was never practised in any kingdom  
save by Oliver Cromwell, when he design'd to force the Parliament of  
England to his own ends; that it was the town of Edinburgh's privilege  
to maintain the peace within its own districts, and that the inhabitants  
were willing to undertake it; and that the sole privilege of  
commanding and placing guards about the Parliament House belongs  
to the Earl of Errol as high constable, and to the Earl Marishal as  
marshal of Scotland. However, the Courtiers being deadly affraid of  
their bones, gave no ear to decency, reason, or justice, but press'd a  
vote, and the motion was approv'd, reserving never- ApprovM in  
theless the town of Edinburgh's right to their privileges on other <sup>ar</sup>  
<sup>iamel</sup> occasions: but before voting, the Earl of Errol protested that the  
Protest by ti.«

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<sup>a r</sup> Karl of K.rrol

continuing of standing forces within the town of Edinburgh, and  
as<sup>5</sup> keeping guards within the Parliament Close and other  
places within the town in the time of Parliament (as is done at present)

is contrary to the right of his office as high constable, by which he had the only right *of* guarding the Parliament without doors as the Earl Marishal had within doors, and was an incroachment on the rights and privileges of Parliament, and on the particular rights and privileges of the town of Edinburgh; and if any vote should pass contrary to his right, or the Earl Marishal's right, or the Parliament or town of Edinburgh's rights and privileges, that it should not in any time thereafter prejudice the same, or be any ways drawn in consequence; and he desir'd this protestation might be inserted in the Minutes and recorded in the books of Parliament; to which protestation adher'd the

Dukes of Hamilton and Athol, the Marquis of Annandale, the Earl Marishal, the Earls of Wigton, Strathmore, Selkirk and Kincardine, Viscounts of Stormont and Kilsyth, the Lords Semple, Oliphant, Balmerino, Blantyre, Bargeny, Belhaven, Colvil, Duffus and Kinnard; George Lockhart of Carnwath, Sir James Foulis of Colingtoun, Andrew Fletcher of Salton, John Brisbane of Bishopton, William Cochran of Kilmaronock, John Stuart of Kilquinlock, John Graham of Killearn, James Graham of Bucklivy, Robert Rollo of Powhouse, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, Sir Thomas Burnet of Leys, Alexander Gordon of Pitlurg, James More of Stony wood, Patrick Lyon of Auchterhouse, David Graham of Fintree, James Ogilvy of Boyn, Alexander Mackie of Palgown, James Dunbar of Hemprigs, and George Mackenzie of Inchcoulter, Barons; Alexander Robertson, Alexander Edgar, Alexander Duff, Francis Molison, Robert Kelly, William Sutherland, Archibald Shields, John Lyon, John Carruthers, George Home, James Bethune, John Bain, and Robert Frazer, Burrows. indignitici to Notwithstanding this precaution of the Government, and that

the Commis- . ,

sioner. several boys were incarcerated, as being accessory to the late

mob, and a Committee of Parliament appointed to make enquiry after such as had, or should be guilty of such tumultuous meetings, or of shewing any disrespect towards my Lord Commissioner, yet His Grace was constantly saluted with curses and imprecations, as he pass'd through the streets; and if the Parliament sat till towards evening, then to be sure he and his guards were well pelted with stones, some whereof even enter'd his coach and often wounded his guards and servants; so that often he and his retinue were oblig'd to go off at a top gallop and in great disorder. If now we leave the town, and make a tour through the country, tho' the badness of the season

prevented their coming together and proceeding to acts of violence, yet there we shall find the same, if not a greater aversion to the Union, which amongst other things appears from the addresses that were presented during this session of Parliament, from several shires, stewardries, burghs, towns, and parishes situated in all corners of the land, Whig and Tory, Presbyterian and Episcopal, South and North, all agreeing against the Union. I know very well that the author of the History of Europe for the Year 1706, and that vile monster and wretch Daniel De Foe, and other mercenary tools and trumpeters of rebellion, have often asserted, that these addresses and other instances of the nation's aversion to the Union, proceeded from the false glosses and underhand dealings of those that opposed it in Parliament, whereby the meaner sort were imposed upon and deluded into those jealousies and measures. I shall not deny, but perhaps this measure of addressing had its first original, as they report; but 'tis absolutely false, to say that any sinister means were used to bring in subscribers; the contrary is notoriously known, for the people flock'd together to sign them, and express'd their resentments with the greatest indignation: neither was it from a mobbish humorish fit that this proceeded; for the barons and freeholders, being deny'd the liberty of giving instructions to their representatives, enter'd into this measure, as the most proper to signify their inclinations to them, and it is not to be express'd what a value, I may say veneration, the Commons shew'd for the sovereignty, which they express'd by exclaiming against the taking away the crown and the laws of the land. But I'd ask these hawkney scriblers, if they reckon the barons and freeholders of the nation among the number of these led horses; if they do, what shall become of the *vox populi*, will it continue *vox Dei*? I'd further ask them since these addresses were carried on, as they alledg'd, why did not the promoters of the Union bring counter addresses to the Parliament? Sure it won't be said that they wanted inclination, interest, or reason on their side; this measure had taken away the argument

of the nation's dissatisfaction from the Anti-unioners and justified the promoters of the Union, that they did what was agreeable to the nation, at least to so many as should address for it; but the truth of the matter lies here: They did attempt it, but could prevail in no place but the town of Ayr, where they got one subscrib'd, but by so pitiful and small a number, that they thought shame to present it, especially when one, a little thereafter against the Union, was sign'd by almost all the

inhabitants of that town; neither did they omit any thing in their power to obstruct the addresses against the Union, but without success, except in the shire of Ayr, where the Earls of Loudoun, Stair, and Glasgow, prevail'd with most of the gentlemen to lay it aside, (tho' otherwise they express'd themselves as oppositetotheUnion,as in any other place) and in the town of Edinburgh, where after an address was signed by many thousands, they prevail'd with the magistrates to prohibit it, by threatning to remove the Parliament and Judicatories from thence; and lastly in those shires, where the great men that were promoters of the Union had their estates and interests (such as Argyleshire, Bute, Sutherland, &c.) and are as it were petty sovereigns themselves; yet they could not, tho' they endeavour'd to, persuade their vassals and tenants to sign an address for the Union, and were oblig'd to compound with them not to sign against it. Address to Having said so much of these addresses, 'twill not be improasain"t theTM ' per to insert a copy of one of them, (which was for the most part

Union. pi -i r 1

made use ot every where, excepting that some ot the western parishes added the inconsistency of the Union with the national and solemn leagues and covenants) and likewise the name of the places from whence these addresses came; and then it will appear, that all those places of the nation that were not under the dominion of some Highland powers who promoted the Union, did shew their aversion and unwillingness to enter into it,

" To His Grace, Her Majesty's High Commissioner, and Right "Hon. the Estates of Parliament, the humble Address of— "Humbly sheweth, "That we, undersubscribing;, have seen the articles of the Form of the

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\*' Union agreed upon by the commissioners nominated in behalf uTM<sup>rav</sup> ad,

"of Scotland, and the commissioners nominated in behalf of

"England/in which they have agreed that Scotland and England

"shall be united in one kingdom, and that the united kingdom

"shall be represented in one and the same Parliament: And see

"ing it does evidently appear to us, that such an incorporating

"Union, as contain'd in these articles, is contrary to the honour,



“fundamental laws and constitutions of this kingdom, claim of  
“right and rights and privileges of the barons and freeholders  
“and burrows of this kingdom and church, as bylaws establish’d,  
\*’ and that the same is destructive to the true interest of the na  
“tion; therefore, we humbly beseech Your Grace, and Honourable  
“Estates, and do confidently expect, that you’ll not allow of any  
“such incorporating Union, but that you’ll support and preserve  
“entire the sovereignty and independency of this crown and  
“kingdom, and the rights and privileges of Parliament, which  
“have been so valiantly maintain’d by our heroick ancestors for  
“the space of above two thousand years, that the same may be  
“transmitted to succeeding generations, as they have been con  
“vey’d to us; And we will heartily concur with you for supporting  
“and maintaining our 60veraignty and independency and  
“church government, with our lives and fortunes conform to the  
“establish’d laws of the nation.”

This draught being fram’d so as to comprehend every body’s  
Aiiistofthe

. . . , several places

wish, was heartily approv’d and sign’d by the far greater majo-  
addressing. rity of the barons, freeholders, heretors, farmers, and  
others of the shires of Edinburgh, Dunbarton, Stirling, Renfrew, Fyfe,  
Aberdeen and Kincardine, the barons and freeholders of the siiires of  
Perth, Forfar, upper and nether wards of Lanark, RoxVol. j. z

burgh, Berwick and Linlithgow, and stewardries of Annandale and  
Kircudbright, the inhabitants of the burghs of Dysart, Dumferling,  
Linlithgow, Forfar, Crail, Air, Ruglen, Glasgow, St. Andrews,  
Culross, Stirling, Innerkeithing, Annan, Lochmaben, Dunbar,  
Bruntisland, New Galloway, Lauder and Perth, the inhabitants of the  
towns of Dunkeld, Falkland, Hamilton, Borroustounness, Paisly,  
Maybole and Peterhead, the masters of families and others in the  
parishes of Tullyallan, Blantyre, Evandale, Cambusnethan,  
Cambuslang, Kilbryde, Bothwell, 01d and Easter Muncklands,  
Stonehouse, Dalserf, Covington, Symington, Libertoun, Carstairs,  
Quothquan, Dunsire, Carnwath, Crawford, Crawford John,

Out-Barony of Glasgow, Carnoch Force, Saline, Lesmahagoe, the four Glenkens, Douglas, Carmichaell, Pettinane, Capuch, Lethendy, Alith Kinloch, Errol, Kilspyd, Kinnard, Inchtane, Longformacus, St. Madoes, Kinfauns, Logie, Airth, Tarbet, Dunnipace, Dennay, Chainhilkirk, Calder, Kirk-Michael, Girvan, Kirkeswald, Barr, Clackmannan and Biggur. Such a number of addresses so unanimously signed, was, as I said before, a sufficient indication of the nation's aversion to the Union; but its progress must not stop on that account; such as had at first contriv'd it, or were since brib'd or bubbled over to it, must not be affrighted at the scarecrows of reason, justice, laws, rights, privileges, inclinations of the people, instructions of constituents, or the advice of even an angel from heaven; for, as the poet says,

“Rebels, like witches, having sign'd the rolls, Must serve their masters, tho' they damn their souls.”

For the Parliament had no more regard to these addresses, which contained the inclinations and earnest supplications of the people, than if they had indeed served for no other use than to make kites, which was the use my Lord Duke of Argyle was pleased to assign them publickly in Parliament: nay the Earl of Marchmont had the impudence to oppose their being allowed a reading in Parliament, alledging they were seditious; which was accordingly for some time deny'd, till that worthy gentleman Sir James Foulis of Colington ended the debate by acquainting the House, that if the addresses were not received from those members that were entrusted with them, he did not doubt but those that subscribed them would come and own them at the door of the house, and crave liberty to deliver them out of their own hands. Besides these addresses already mentioned, there were likewise addresses presented from the Commission of the Royal Boroughs in relation to Trade, from the Commission of the General Assembly in relation to the Church, and from the Council General of the Company trading to the East and West Indies (once the darling of the nation) in relation to its particulars, and all of them met with the usual reception; but because each of them did give an account wherein they were lesed by this Union, and best explain their own concerns, I shall insert them at large.

“The humble Address of the Commissioners to the General Convention of the Royal Burrows of this ancient kingdom convened the twenty-ninth of October 1706, at Edinburgh, upon the great concern of the Union propos'd betwixt Scotland and England, for concerting such measures as should be esteem'd proper for them to take, with relation to their trade or other concerns, “Humbly sheweth,

“That as by the claim of right, ‘tis the privilege of all subjects AdaTM from

. . . . 7 the Convention

“to petition, so at this time being mostly impower’d by our con-<sup>of</sup> B«n»wi. “stituents, and knowing the sentiments of the people we repre” sent, it is our indispensable duty to signify to Your Grace, and “Honourable Estates of Parliament, that as we are not against an “honourable and safe Union with England, consisting with the “being of this kingdom and Parliaments thereof, without which “we conceive neither our religious nor civil interests and trade, “as we now by law enjoy them, can be secur’d to us and our “posterity, far less can we expect to have the condition of the

“people of Scotland, with relation to these great concerns, made “better and improv’d without a Scots Parliament: and seeing by “the articles of Union now under the consideration of the Ho” nourable Estates it is agreed, that Scotland and England shall “be united into one kingdom, and the united kingdom be repre” sen ted by one and the same Parliament, by which our monarchy “is suppress’d, our Parliament extinguish’d, and in consequence “our religion, character, government, claim of right, laws, li” berty, trade, and all that’s dear to us, daily in danger of being “encroach’d upon, alter’d or wholly subverted by the English in “British Parliament, wherein the mean representation allow’d “for Scotland can never signify in securing to us the interests re” served by us, or granted to us by the English, and by these ar” ticles our poor people are made liable to the English taxes, “which is a certain insupportable burden, considering that the “trade is uncertain, involv’d, and wholly precarious, especially “when regulated as to export and import, by the laws of “England, under the same prohibitions, restrictions, customs and “duties: and considering that the most considerable branches of “our trade are differing from those of England, and are and may “be yet more discourag’d by their laws, and that all the con” cerns of trade and other interests are after the Union subject to “such alterations as the Parliament of Great Britain shall think “fit, we therefore supplicate Your Grace, and Honourable Estates “of Parliament, and do assuredly expect that you will not con” elude such an incorporating Union as is contain’d in the arti” cles propos’d, but that you will support and maintain the true “reform’d Protestant religion and church government, as by “law establish’d, the sovereignty and independency of this crown “and kingdom, and the rights and privileges of Parliament, “•which have been generously asserted by you in some of the “sessions of this present Parliament; and do farther pray that “• effectual means may

be used for defeating the designs and at

“tempts of all Popish Pretenders whatsoever to the succession of  
“this crown and kingdom, and for securing this nation against “all the  
attempts and encroachments that may be made by any “persons  
whatsoever upon the sovereignty, religion, laws, liber- “ties, trade,  
and quiet of the same. And we promise to maintain “with our lives and  
fortunes all these valuable things, in oppo- “sition to all Pop sh and  
other enemies whatsoever, according to “our laws and claim of right.

“Sign’d by order, and in presence of the Convention, by Samuel  
M’lellan, Praeses.”

Thus the trading part of the nation were either (as some would have  
it) such knaves, or such blockheads, as not to see the great advantages  
that would arise from this Union. Let us now see what was the opinion  
of those concern’d in the Church.

“The humble Representation and Petition of the Commission “of  
the General Assembly of this National Church, “Humbly sheweth,

“That besides the general address made by us for securing  
Addrewof “the doctrine, worship, discipline and government of this  
Church, »i»n of General “and now under your consideration, which  
with all gratitude “we acknowledge, there are some particulars, which  
in pur- “suance of the design of our said address, we do with all humi-  
“lity lay before Your Grace, and Lordships.

“1. That the sacramental test being the condition of access “to  
places of trust, and to benefits from the Crown; all of our  
“communion must be debarr’d from the same, if not in Scotland, “yet  
thro’ the rest of the dominion of Britain, which may prove “of the  
most dangerous consequence to this church.

“2. That this church and nation may be expos’d to the further  
“danger of new oaths from the Parliament of Great Britain, unless “it  
be provided that no oath, bond or test, of any kind, shall be “requir’d  
of any minister or member of the church of Scotland, “which are  
inconsistent with the known principles of this church.



“3. There being no provision in the Treaty of Union for the se”  
curity of this national church by a coronation oath, to be taken by the  
sovereigns of Britain, they be engag’d to maintain the doctrine,  
worship, discipline and government of this church, and the rights and

privileges of it, as by law are now establish'd. "4. That in case the propos'd Union be concluded, the church "will suffer prejudice, unless there be a commission for plantation of kirks, and valuation of teinds, and making up the registers of that court that were burnt, and a judicatory in Scotland, for redressing of grievances, and judging causes, which were formerly judged by the Privy Council, such as the growth "of popery and other irregularities, and with which judicatory "the church might correspond about thanksgivings and fasts.

"5. Likewise we do humbly represent that in the second part "of the oath of abjuration in favour of the succession in the Pro" testant line, there is reference made to some Acts in the English "Parliament, which every one in this nation, who may be oblig'd "to take the said oath may not so well know, and therefore can" not swear with judgment; as also there seems to us to be some "qualifications requir'd in the successor to the crown, which are "not suitable to our principles.

"6. And in the last place, in case this propos'd Treaty of "Union shall be concluded, this nation will be subjected in its "civil interest to a British Parliament, wherein twenty-six pre" lates are to be constituent members and legislators; and lest "our silence should be constructed to import our consent or ap" probation of the civil places and power of church-men, we "crave leave in all humility and due respect to Your Grace, and "Honourable Estates of Parliament, to represent, that it is con" trary to our known principles and covenants, that any church" men should bear civil offices, or have power in the common" wealth.

"These things we humbly beseech Your Grace and Lordship

"to consider, and provide suitable remedies thereto, and we shall "ever pray, &c.

"Signed in name, in presence, and at the appointment of "the foresaid commissioners of the General Assembly,

"William Wisheart, Moderator."

When this address was fram'd, there were several of the ministers did sincerely promote this and every other measure against the Union, judging it against the interest and honour of the nation, particularly Mr. John Ballantyne, minister at Lanark; yet as I observ'd elsewhere, no sooner did the Parliament pass an Act for the security of their Kirk, wherein the danger that might arise from what was included in the second, third, and fourth articles of their address was provided against, than most of the brethren's zeal cooPd, thereby discovering,

that provided they could retain the possession of their benefices, they care'd not a farthing what became of the other concerns of the nation. When the Commission of the General Assembly first met, the ministers to one man, excepting some few in or about Edinburgh, did declare against the Union, but could do nothing effectually and to purpose, because the ruling elders (who were for the most part dependers on the Government, none of the Cavaliers ever desiring such an employment) thwarted and overrul'd them in every thing, but at last the abovemention'd representation was made: after which the ministers dwindled away in their number, most of them that came from the country returning thither; and little besides the representation was done by the Commission in this critical juncture, only some few presbyteries, such as Lanark, Hamilton, Dumblain, and some others, address'd the Parliament against the Union; but the brethren for the most part were guilty of sinful silence, which so enrag'd the populace against them, that they did not stand to tell them to their faces, that they were selfish and time servers.

I come next to

« The humble Representation of the Council General of the "Company trading to Africa and the Indies. Addr«. from "Finding by the fifteenth article of the Treaty of Union, agreed company. «« upon by the commissioners appointed by Her Majesty on behalf "of Scotland, with those appointed likewise on behalf of England, "that upon the payment of such a proportion of the equivalent "therein mention'd, as will answer the principal stock advanc'd v? by us and our constituents, with interest thereof at five per cent. "per ann. our Company is to be dissolv'd, we think ourselves "bound not to be silent on this occasion, and therefore, tho' it be "not necessary to trouble Your Grace, and Right Honourable "the Estates, with a recital of the many valuable rights, powers, . "privileges and immunities granted, ratify'd, and confirm'd to "and in favour of our Company, by several successive Acts of "Parliament, nor with a recapitulation of the many injuries and "discouragements which we have met with, and the just de"mands we have by the laws of nations for reparation of the "great losses and damages which we sustain'd by means thereof, "nor with a repetition of the several publick assurances given, "during the last and present reign, of a hearty concurrence in "repairing our losses and maintaining our rights; all these "having been on former occasions fully represented to Your "Grace, and Right Honourable the Estates; yet, as being mat"ters of great concern to us and our constituents, we humbly "crave leave, at this extraordinary juncture,

to put you in mind “thereof in general, and withall to make the following remarks “upon that part of the said article which doth more immediately “relate to the concerns of our Company.

“1. We humbly conceive that the sum propos’d to be paid to “ us out of the said equivalent is not adequate to the great losses “and damages already sustained by us, and to the taking away “likewise so many valuable privileges as we now enjoy, the be” nefit of which must accrue to the English East India Company,

“2. It may be thought hard, that we should not be allow’d the “full interest of our money, when in the computation of the equi” valent all the interest is stated at six per cent, and the payment “thereof yearly; whereas our interest is computed only at five “per cent, tho’ the most part of our stock has been advanced \*\* without any profit, upwards of ten years ago.”

The third and fourth articles, consisting chiefly of the security of being paid that sum, in case the Company be dissolv’d, ‘tis needless to insert ‘em here.

“5. We do not find that any provision is made for the security “or safe conduct of any persons, ships or effects belonging to our “Company, or to such other persons as do or may trade, by vir” tue of permissions already granted by the Court of Directors of “our Company, before the real dissolution thereof.

“Lastly, Tis humbly conceiv’d, that the subsisting our Com” pany upon the same foot with the East India and other trading “Companies in England, is no ways inconsistent with the trade “of the united kingdom.

“All which premisses being matters of great concern to us and “our constituents, we do therefore in all humility and with great “earnestness recommend the same to the serious consideration of “Your Grace and Honourable Estates of Parliament.”

Having dwelt so long on these addresses, ‘tis time now to leave them, and turn our thoughts unto the Parliament; only allow me once more to remark, that as the addresses are a sufficient indication of the nation’s aversion to enter into this Union, so they contain the reasons and motives that induced the several interests, persons and communities to it.

The Parliament (as I have already narrated) having in a very proceedings in superficial manner given the articles a reading, the Court resolv’d now to do something to purpose; but before we enter upon their proceedings, let us remark, that as during the first reading

of the articles the Courtiers were not at the pains to solve the

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doubts, and answer the objections raised by the Country party, so they continued the same method throughout the whole remaining part of the session, allowing' the Country party to argue some little time upon the matter under the Houses consideration, and then moving a vote upon it. If it was objected that the affair was not sufficiently understood and ripe for a vote, the answer was, The House is best judge of that, and so proposal a vote whether they should proceed to vote the matter under debate or delay it, the first branch whereof being sure to carry, away they drove <sup>on</sup> by their majority of voices, carrying every thing after what manner they pleas'd; and to tell the truth of it, their designs would not stand the test, if canvass'd upon, and therefore those modest gentlemen chose rather to carry on their work by the power of numbers, than that of reason; and as this unprecedented method made their game more sure, by not exposing the weakness of their arguments, so likewise it prov'd a very expeditious way, which they much affected, their guilty consciences suggesting that all delays were dangerous: thus discovering, that tho' they did not value, yet they were conscious of the great prejudice which would arise to the nation from the measures they were then pursuing; which puts me in mind of what happen'd two years thereafter; when my Lady Orkney came to Scotland, the Earl of Selkirk speaking to her of the town of Edinburgh, was pleas'd to say she could make no judgement of what Edinburgh was, for he could not, had he not seen it, have believ'd, that the effects of the Union would have been so soon seen to its prejudice. Impudent or imprudent wretch, thus to acknowledge his own villainy! 'Twas a pity the nation should be altogether undone so soon, and that there's no more mischief for him and his partizans to accomplish; and 'twill be as great a pity, if sooner or later, he and they be not as high erected on a gibbet as the honour and interest of the nation are by their means dejected. This being premised, my reader won't be surpriz'd to find so great a work accomplish'd in so short a time, and serves to inform him how fairly matters were manag'd; sure I am, since the creation of the world, never was there so much partiality, disorder and folly in any meeting that pretended to a legal establishment. To return now to the Parliament: on the first of November a Proceeding or



Parliament.

motion was made, that the House should proceed to the further  
and more particular consideration of the articles: against which  
Anidei under

<sup>1</sup> ° consideration.

a delay was propos'd by the Country party, till once the sentiments of the English Parliament were known, they having once before rejected the terms of Union, which the commissioners of both kingdoms had agreed to and the Scots Parliament approv'd, and till the members had consulted their constituents, which was urged as more necessary now than formerly, when the motion was made, since several shires and boroughs had already address'd, and many more were preparing to address, and did shew an utter aversion to the Union: but this delay being refus'd, the next resource to postpone the ratification of any of the articles, was to begin at the security of the church; but that not doing either, the last of all was to urge the unreasonableness of agreeing to a Union of the two kingdoms till once they had gone thro\* and found, that the terms thereof were for the interest of this kingdom, of which being once perswaded, all the rest would go glibly down: besides, if they should in the first place agree to the Union of the two kingdoms, subverting the monarchy and sinking the Parliament (which was the contents of the first article) who knew but the Royal assent might be given thereto, and the Parliament be adjourn'd, and so the nation be united upon no terms, or at best upon such as England of themselves should condescend to give us afterwards, which was compar'd to a young maid's yielding upon a promise of marriage, which was seldom perform'd. There being so much reason in the motion, the Courtiers knew not how to get over it, and the House generally inclin'd to it, by taking the terms of the Union previously into consideration before they approv'd of the Union itself; but the Lord Register found a back door whereby to make their retreat by presenting a resolve in these terms: "That it be agreed that "the House in the first place proceed to take the first article of "the Treaty into consideration, with this proviso, that if all the "other articles be not adjusted by the Parliament, then the "agreeing to and approving of the first article shall be of no "effect:" which, after a long debate, being put to the vote, was approv'd; and next day the consideration of the first article being resum'd, many learned discourses were made, proving to the conviction of all unbyass'd persons (nay, of the Courtiers themselves, who did not, as I observ'd before, make any answers besides calling for a vote upon the

question) that this and every scheme of an incorporating Union was altogether inconsistent with the honour of this nation, and absolutely destructive to its interest and concerns both civil and religious; nay some affirm'd that this scheme wou'd infallibly be a handle to any aspiring prince to undertake and accomplish the overthrow of the liberties of all Britain, since if the Parliament of Scotland could alter, or rather subvert its Constitution, it afforded an argument why the Parliament of Britain might do the same; and that the representatives of this country being reduc'd to a poor miserable condition, must and would hang upon and obey those who had the power of the purse, and having shew'd so little regard for the support of their own Constitution, 'twas not to be expected they would much regard that of any other. The Duke of Hamilton outdid himself in his patheticall remonstrance: "What," says he, "shall we in half an hour yield what our forefathers maintain'd "with their lives and fortunes for many ages? are none of the "descendents here of those worthy patriots who defended the "liberty of their country against all invaders, who assisted the \*' great King Robert Bruce to restore the Constitution and \*\* revenge the falshood of England and usurpation of Baliol? "Where are the Douglasses and the Campbells? Where are the "Peers; where are the Barons, once the bulwark of the nation? "Shall we yield up the sovereignty and independency of the "nation, when we are commanded by those we represent, to "preserve the same, and assur'd of their assistance to support "us?"

Thus and with a great deal more to this purpose, he endeavour'd to rouse up the pristine courage of the Scots Parliament, and drew tears from many of his auditors' eyes, nay from some who were resolv'd, and actually did vote for the article, particularly the Lord Torphichen; but all would not do; *Quos Deus vult perdere, prius dementat*. The leopard may change his spots, and the Ethiopian his colour, but 'tis impossible, at least very rare, that any thing will alter a rebel and traitor; and accordingly a question being stated, Approve the first article or not, it carried in the affirmative by a plurality of thirty-three voices: but first before the vote was stated it was agreed that the state of this and all other votes, and a list of the members as they voted upon the question, should if demanded be printed, that the nation might know who were for and who against the Union; and likewise the Duke of Athol protested for himself and all that should

the Duke of

adhere to him, that an incorporating Union of the crown and Athol. kingdom of Scotland with the crown and kingdom of England, and

that both nations should be represented by one and the same Parliament, as contain'd in the articles, is contrary to the honour, interest, fundamental laws and constitution of this kingdom, the birth-right of the Peers, the rights and priviledges of the Barons and Boroughs, and is contrary to the claim of right, property, and liberty of the subject, and third Act of Her Majesty's Parliament 1703, wherein 'tis declar'd high treason to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the claim of right or any article thereof;

and he craved that he and such as adhered to him might renew their protestations against further proceedings in this matter, and adjoin their reasons for the same, and that this be inserted in the Minutes, and recorded in the books of Parliament. And the Duke of Hamilton, the Marquis of Annandale, the Earl of Errol, the Earl Marishal, the Earls of Wigton, Strathmore, Selkirk, and Kincardine, the Viscounts of Stormont and Kilsyth, the Lords Semple, Oliphant, Balmerino, Blantyre, Bargeny, Belhaven, Colvil, and Kinnard, George Lockhart of Carnwath, Sir James Foulia of Colingtoun, Andrew Fletcher of Salton, Sir Robert Sinclair of Longformacus, Sir P. Home of Renton, J. Sinclair of Stevenson, J. Sharp of Hoddam, Alexander Ferguson of Isle, J. Brisbane of Bishopton, William Cochran of Kilmaronock, Sir Hugh CoU quhoun of Luss, James Graham of Bucklivy, J. Sharp of Houston, Sir Patrick Murray of Strowan, J. More of Stony wood, D. Beaton of Balfour, J. Hope of Rankeiller, P. Lyon of Auchterhouse, J. Carnegie of Phinhaven, D. Graham of Fintrie, J. Ogilvy of Boyn, and G. Mackenzie of Inchcoulter, Barons; A. Robertson, W. Stuart, A. Watson, A. Edgar, J. Black, J. Oswald, R. Johnson, A. Duff, F. Molison, William Scot, G. Smith, R. Scot, R. Kellie, J. Hutchison, W. Sutherland, A. Sheilds, J. Lyon, G. Spence, W. Johnstoun, J. Carruthers, G. Home, J. Bain, and R. Frazer, Burrows, did all adhere to this protestation.

But now I must not omit to remember, that just when the vote was to be call'd, the Marquis of Annandale offer'd a resolve in the following terms: "Whereas 'tis evident since the printing, "publishing, and considering the articles of Treaty now before "this House, this nation seems averse to this incorporating "Union in the terms now before us, as subversive of the so— "vereignty and fundamental constitution and claim of right of "this kingdom, and as threatning ruin to this church as by law "establish'd; and since 'tis plain, that if an Union were agreed "to in these terms by this Parliament, and accepted of by the "Parliament of England, it would in no sort answer the peace" able and friendly ends propos'd by an

Union, but would on “the contrary create such dismal distractions and animosities “amongst ourselves, and such jealousies and mistakes between “us and our neighbours, as would involve these nations in fatal “breaches and confusions: therefore resolved that we are will” iug to enter into such an Union with our neighbours of En” gland as shall unite us entirely and after the most strict man” ner in all our and their interests of succession, wars, alliances “and trade, reserving to us the sovereignty and independency “of our crown and monarchy and immunities of the kingdom, “and the constitution and frame of the government both of “church and state, as they stand now establish’d by our funda” mental constitution, our claim of right, and the laws following “thereupon.” Or if the House did not relish this resolve, he propos’d another in these terms, continuing the same narrative as the former. “Resolved this House will proceed to settle the same” succession with England upon such conditions and regulations “of government within ourselves as shall effectually secure the “sovereignty and independency of this crown and kingdom and “indissoluble society of the same, with the fundamental rights “and constitutions of the government, both of church and state> “as the same stands establish’d by the claim of right, and other “laws and statutes of this kingdom.”

When my Lord presented this resolve he knew well enough the Court would not go into it, and therefore did not press it, in opposition to the article, lest it had been rejected and thrown out of doors; but having read it to the House, he enforc’d it with; a few arguments, and mov’d it might lie upon the table as a motion: his design being to let England see, that tho’ this nation did not incline to enter into an incorporating Union in the terms of the articles, yet some advances had been made, which shew’d a disposition of adjusting and agreeing matters with them; and we shall hereafter see of what use this might have been, had measures been duly concerted, or after they were concerted, adhered to.

The first article of the Union being now over, the House imArtfnrs<>- mediately took under consideration, an Act for the further

curit, of the . . .

quarch. security of the Kirk, which being mgross’d into the articles of Union, ‘tis to no purpose to transcribe it here; all that I shall say of it is, that many additional clauses for its better security Mere offer’d and rejected, being oppos’d by the Earl of Marchmont, the Justice Clerk and others, whose greatest glory was to have been zealous

sufferers for the good old cause; these and the other Courtiers being affraid to give the church of England too much cause of jealousy, if greater and better terms were demanded for the church of Scotland, than the church of England; and tho' many of the well-meaning brethren were, or seem'd satisfy'd with this Act, yet it did by no means please those of more mettle and understanding, so that still the bulk of the ministry were picqued, tho' they bore it quietly, and made not so much noise as at the beginning. The House thereafter went upon the second article of the

Union. Treaty (whereby the succession of the crown of Scotland was establish'd as in England) upon which arose a hot debate: the Country party insisting that before the succession was settled, the limitations upon the crown of England ought to be taken previously under the Houses consideration, that it might be known how they suited with the circumstances of this nation, and if any others were fit to be added. The Courtiers would by no means allow of this, for now that they were in a fair way of carrying thro' the Union, the fewer clogs upon the sovereigns much the better for them, who esteem'd themselves worthy of, and expected great rewards and marks of favour should be pour'd down upon them, which restrictions on the sovereign might have prevented. They argu'd that the Parliament of Great Britain would be more competent judges of what was necessary for the united kingdoms than this House, and were clear for leaving it wholly to them: but it was reply'd, that any limitations by the Parliament were alterable by a subsequent Parliament, but if the articles of Union would be so punctually observ'd during future ages (as was alledg'd by some) that not the least pin of them could or would be alter'd without demolishing the whole structure, then it follow'd that it was the general interest of all Britain to have such limitations as were necessary to be put upon the successors of the crown, inserted and stipulated in the articles: and as to what concern'd Scotland in particular, the general objection against the whole scheme of an incorporating Union, viz. that its Representation could but act precariously in the Parliament of Great Britain, was as pat on this occasion as any other. While this subject was warmly debating, a motion was thrown in, that since the different sentiments of people were like to run so high, a short recess might be granted to inform the Queen of the present state and temper of the nation in respect to the Union, and beg Her Majesty, thro' her great wisdom, would be pleas'd to consider upon ways and means to prevent the fatal consequences that might thereupon ensue. This of all proposals was most disagreeable to the Courtiers, for they had

heretofore been at great pains to conceal the true state and inclinations of the people from their friends in England, lest while they were engag'd in a bloody war abroad, the fears of raising a civil one at home might divert them from prosecuting the Union, which project had so exasperated the nation against them, that they knew they had lost all their interest, and, if it miscarry'd, could not expect safety at home. For these reasons they all oppos'd this motion, and most eagerly demanded a vote upon the article, not allowing the members to speak their thoughts and give their arguments .in behalf of the motion, but call'd out in a mobbish disVol, i. 2 B

orderly manner, "A vote, a vote," which was at last stated and Approver the article approven. Earimarshais The Earl Marishal (in the terms of the Act of Security) pro  
protestation

against it. tested that no person could be design'd successor to the crown of this realm after the decease of Her Majesty and failing heirs of her body, who is successor to the crown of England, unless that in this or any ensuing Parliament, during Her Majesty's reign, there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency and power of Parliaments, the religion, liberty and trade of this nation from English and foreign influence: and he thereupon took instruments, and the adherers thereto were as follows; the Dukes of Hamilton and Athol, the Earls of Errol, Wigton and Strathmore, the Viscounts of Stormont and Kilsyth, the Lords Salton, Semple, Oliphant, Balmerino, Blantyre, Bargeny, Colvil and Kynnard: of the Barons, G. Lockhart of Carnwath, A. Fletcher of Salton, A. Ferguson of Isle, J. Brisbane of Bishopton, W. Cochran of Kilmarnock, J. Graham of Killearn, J. Graham of Bucklivy, R. Rollo of Powhouse, J. Murray of Strowan, J. More of Stonywood, J. Hope of Rankeiller, P. Lyon of Auchterhouse, J. Carnegy of Phinhaven, D. Graham of Fintrie, J. Ogilvy of Boyn, J. Sinclair of Stemster, and G. Mackenzie of Inchcoulter: of the Burrows, A. Edgar, J. Oswald, A. Duff, J. Molison, G. Smith, R. Scott, R. Kellie, J. Hutchison, A. Sheilds, J. Lyon, J. Carruthers, G. Home, J. Bain and R. Frazer. The thw arti- Then the third article (which appoints both kingdoms to be sidenuion?<sup>011</sup> represented by one and the same Parliament) falling under consideration, the Country party did all that men could do to shew what destruction this alone, supposing there was no more,

would bring infallibly upon the nation: that it was unequal for us to sink our own Constitution when the English would not allow the least alteration in theirs, which was an example to teach us how sacred all who value their liberty esteem the smallest point in their fundamental Constitution, and of how dangerous a consequence it is to allow the least alteration thereof: that it could not be expected that the small proportion which the members of this kingdom (even supposing this whole House was transplanted) did bear to the members of England, would ever enable them to manage and carry affairs so as to provide for the several cases that might exist in this part of the island, since they were to be incorporated with a set of men who had even different interests amongst themselves, and would certainly much less regard the circumstances of us, to whom all factions bore a natural antipathy: that in all nations and under every form of government, there were some things which could admit of no alteration by any power whatsoever, without which there could be no authority or durable establishment; that these were call'd fundamentals, (or according to the modern phrase) the original contract, whereof the Constitution being rights and privileges of Parliament were the most valuable and considerable, and that accordingly no Parliament or power whatsoever could legally prohibit the meeting of Parliaments in all time coming, or deprive any of the three Estates of its right of sitting and voting in Parliament, or give away, transfer or surrender the rights, powers, and privileges of Parliament; but by this Treaty the Parliament of Scotland was entirely abrogated, the rights and privileges thereof surrender'd, and those of England substituted in their place; that if the Parliament of Scotland can alter or dispose of their fundamentals, the British Parliament may do the same, and how then had we any security that what was stipulated in the Treaty with respect either to the representation of Scotland in that Parliament, or any other privileges and immunities granted to Scotland might and would be continu'd and perform'd as England pleased? and how did we know but that for the utility of the united king

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dom, these privileges and immunities might be rescinded by this almighty power of Parliament, and the Scots members be declar'd useless and sent a packing home? That altho' the Parliament had a power to make alterations of its fundamental rights and constitution, yet the same could not be done without the consent of every member; for tho' the legislative power is indeed regulated by majority of voices, yet the resigning or surrendering of the rights and privileges of the nation (which these of the Parliament may be justly stil'd) was not

subject to suffrage, being founded on dominion and property, and could not be legally done, without the consent of every member, who had right to vote, nay, of every person who had the right to elect and be represented in Parliament: and that the representatives of shires and boroughs were at least but delegates, empower'd to meet and make laws for the good of the people they represented, and for preserving their rights and privileges, and supporting and maintaining the constitution of that government, by which their constituents were united Into one body, and from whence their own authority to meet and act was deriv'd, and therefore they could not alienate the rights and privileges of their own constituents, without a particular warrant for that effect: but that by this Treaty the constitution of Parliament in general was not only wholly alter'd, or rather surrender'd, but the Barons and Burghs did suffer in their particular rights and privileges; for supposing the twenty-second article (which restricted the quota of the Peers, Barons and Boroughs that were to sit in the Parliament, to a certain number) should be rejected, yet nevertheless the Barons and Boroughs were forfeited of their judicative capacity, to which they had an undoubted right and title, as ancient as the origin of this Kingdom and Parliament, and of which they could not deprive their constituents without their own consent and allowance. Further the Barons urg'd, that tho' for their own conveniency they consented to the settling a certain number to represent and act in their names in Parliament, yet they had as good a right to sit and vote and advise their Sovereign, when they pleas'd to reassume the same, as the Peers; of which this and the twenty-second article depriv'd them: and it was also represented that the members being oblig'd to reside so long in London attending the Parliaments, was of it self sufficient to drain and exhaust the whole specie of money in the nation. These, I say, and many other arguments were insisted on to shew the dishonour, inequality and prejudice that would arise to the nation, from this article, but all to no purpose: the Courtiers had ears and would not hear, hearts and would not understand, nay, mouths but would not speak few or no answers were to be made, but a vote requir'd, whereby the sense of the House was to be known and the matter determin'd; and thus they drove furiously on to approve the article: but before voting, the Marquis of Annandale enter'd the following protestation upon the foot and in consequence of his last mentioned motion, and bearing the same narrative.

“Whereas it does evidently appear, since the printing, publish” ing and considering of the articles of the Treaty before this “House, this nation seems generally averse to this incorporating “ Union in the



terms now before us, *as* subversive of the sove<sup>r</sup>reignty, fundamental constitution and claim of right of this “kingdohi, and as threatening ruin to this church, as by law “establish’d; aud since it is plain, that if an Union were agreed “to in these terms by this Parliament, and accepted by the Par<sup>l</sup>liament of England, it would in no sort answer the peaceable “and friendly ends propos’d by an union, but would on the con<sup>tr</sup>ary create dismal distractions and animosities amongst our<sup>s</sup> selves, and such jealousies and mistakes betwixt us and our “neighbours, as would involve these nations in fatal breaches “and confusions; therefore, I do protest for myself, and in name “of all those that will adhere to this my protestation, that an incorporating Union of the crown and kingdom of Scotland with

of AnnSutitnle<sup>’</sup>i protestation againit it.

“the crown and kingdom of England, that both nations shall be “represented by one and the same Parliament, as contain’d in “the articles of the Treaty of Union, is contrary to the honour, “interest, fundamental laws and constitution of this kingdom, is “a giving up of the sovereignty, the birth-right of the Barons “and Boroughs, and is contrary to the third Act of Her Majesty’s “Parliament, 1703; as also that the subjects of this kingdom, by “surrendering the sovereignty and Parliaments, are depriv’d of “all security, both with respect to such rights as are by the in<sup>te</sup>nded treaty stipulated and agreed, and in respect of such other “rights, both ecclesiastical and civil, as are by the same Treaty “pretended to be reserv’d to them; and therefore I do protest, \*’ that this shall not prejudice the being of future Scots Parlia<sup>me</sup>nts and conventions within the kingdom of Scotland at no “time coming.” To which the Dukes of Hamilton and Athol, the Earl of Errol, the Earl Marishal, the Earls of Strathmore and Selkirk, the Lords Salton, Semple, Oliphant, Balmerino, Blantyre, Bargeny, Belhaven, Colvil and Kinnard, G. Lockhart of Carnwath, Sir J. Foulis of Colingtoun, Sir J. Lauder of Fountainhall, A. Fletcher of Salton, Sir Robert Sinclair of Longformacus, A. Ferguson of Isle, J. Brisbane of Bishopton, W. Cochran of Kilmarnock, J. Graham of Bucklivy, R. Rollo of Powhouse, J. Murray of Strowan, J. More of Stonywood, J. Forbes of Culloden, D. Beaton of Balfour, H. Balfour of Dumbrog, J. Hope of Rankeiller, P. Lyon of Auchterhouse, J. Carnegy of Phinhaven, D. Graham of Fintrie, J. Ogilvy of Boyn, A. Mackie of Palgowan, and G. Mackenzie of Inchcoulter, Barons; A. Robertson, W. Stuart, A. Watson, A. Edgar, J. Oswald, F. Molison, R. Kellie, R. Scot, J. Hutchison, A. Sheilds, J. Lyon, J. Carruthers, G. Home, J. Bain and R. Frazer, Burrows, did all adhere. Proceedings These three

preceding articles (which comprehended the uniting

on the other - ■ \_ . . • /• i j

► nicies. the two kmgdoms, the succession of the two crowns and representation of both kingdoms by one and the same Parliament) being thus approv'd, the other articles of the Treaty fell under consideration, which did settle and regulate the taxes, trade and method of dispensing justice in this part of the island, with regard to the different civil laws, forms and constitutions of the two nations; but so many books and pamphlets were publish'd, and have been collected and read on these subjects by people of all ranks and persuasions, that I may refer the reader to the Articles of the Union, and forbear resuming the several arguments tha\* were *hinc inde* alludg'd and adduc'd. 'Tis sufficient to observe, that the Parliament would not regard the intolerable burthen they laid upon the nation, by subjecting it to the same taxes as in England (a few inconsiderable ones already impos'd in England, being only provided against) but no care was taken of what might and will come upon it, tho' it was made evidently appear to the conviction of all who had the least concern for their country, that Scotland never was, nor ever would be in a condition to bear them, both because of the height and extensiveness, and likewise the nature of them, there being many species of trade and domestick commodities, which, altho' indifferent with relation to the interest of England, yet were absolutely necessary to Scotland, such as salt, foreign and domestick, the last whereof the Scots proportionably make greater use of than in England, and the other was necessary for their fishing; but by taxing it, the Dutch, who have no duty upon salt, can and will easily undersell them. 'Tis true, indeed, a drawback was allow'd for such fish, beef and pork cur'd with foreign salt, as should be exported; but it had been much better there had been no duty at all upon the foreign salt. The high duties likewise upon tar, iron, lintseed, timber, &c. (part of which the English stand not so much in need of as the Scots, or are provided with them at home) were downright ruin to Scotland; and the opening of a door, for importing English cloths and other goods, and the prohibition of exporting Scots wool, did all stand in a direct opposition to Scotland's welfare. In short, it was obvious that by these taxes, customs and prohibitions, the nation parted with its own certain little, but improvable, trade, upon the imaginary view of another, which many asserted never would answer the pretended expectations: and as to the laws and dispensing of justice in the nation, all was Iodg'd, with liberty and power of cutting and carving, in the hands of the British Parliament, in which only a small insignificant number could know or have any regard for

the Scots constitutions and circumstances; so that the College of Justice and other heritable jurisdictions did all, notwithstanding the provisions made for them, stand for the future upon a very precarious footing, all being expressly provided to be under the regulations of, or alterable by, the British Parliament, when the utility of Great Britain requir'd it,- which is a handle to be made use of upon any occasion, or for any design. The example of the fate of Wales and Ireland was often mention'd, and many other instances illustrated, to shew the inevitable confusion and destruction that must consequently follow; but all to no purpose: for tho' such as undertook and promoted the scheme of uniting the two kingdoms, pretended to see what none else saw, and not to see what every body else saw, and thus sold and betray'd the sovereignty, liberty, trade, wealth, and every thing that is esteem'd dear and sacred by a free people, to be manag'd and dispos'd of by a people generous to none, and avow'd enemies to our country; yet there was nothing alledg'd, or could be alledg'd, as an argument to disprove the hardship and unreasonable\* ness of Scotsmen's engaging to subject themselves to these burthens, which were appropriated for payment of England's debts contracted before the Union, save the sum of money advanc'd by England, which was call'd the equivalent, because it amounted to three hundred ninety-one thousand and eighty-five pounds sterling, the sum computed to equal what Scotland, by being

subjected to those taxes which were appropriated for payment of England's debts, would by its customs and excise contribute thereto. But if Scotland was to have had an equivalent, for what she lost by the Union, at least such particulars as redounded to England's advantage, where was the equivalent for her sovereignty, the removal of her Parliaments and seat of government, which kept the great ones and consequently the money at home? Was it the communication of trade? No; so far otherways, that this very particular (when restricted to the regulations of England) was of itself sufficient enough to ruin Scotland, being opposite to her interest in all points, excepting the liberty of trading to the Plantations, and even that was said to be but precarious, and only as interlopers, the Companies monopolizing the same. And where was the equivalent for the dissolution of the Scots African Companies? Was there any reparation made for the barbarous treatment Scotland receiv'd from her neighbours of England, and the ruin of her colony, the blood and lives of her people, and

disappointing her prospect of a fair and profitable colony, of which they were the principal cause? 'Tis true indeed, part of the equivalent was appropriated for paying the several sums of money that had been advanc'd by the subjects of this nation, for carrying on that great work, with five per cent, of interest; but no thanks to England for that; for Scotsmen by this means purchased their own Company themselves, and made a present of it to the English, since the fund from whence this sum had its rise did flow from Scotland. But the truth of the matter lies here, a sum of money was necessary to be distributed amongst the Scots; and this distribution of it amongst the proprietors of the African Company, was the cleanliest way of bribing a nation to undo themselves; and alas! it had the design'd effect.

Having traced the Parliament so far, let us now turn our state of the thoughts again upon the temper and behaviour of the people of this nation, and there we shall find every body enraged and dis

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pleased, especially the Commons, who exclaimed against those of greater rank, that they gave them not encouragement enough to conle into Edinburgh in a body to raise the Parliament. Mob in The first that made any formal appearance was the town of

Glasgow. .

Glasgow; for the provost and town council opposing the subscribing of an address to the Parliament against the Union, great numbers betook themselves to arms, dre<ve the magistrates out of town, insulted every body that they thought favoured, or was so much as lukewarm in disclaiming the Union, mounted guards, and rambled about for two or three days together; but a strong detachment of dragoons being commanded thither, surprised two of the chief leaders, Findlay and Montgomery, (both mean artificers) and brought them prisoners to Edinburgh Castle; and the mob soon thereafter dwindled into nothing. About the same time, the shires of Dumfries, Kircudbright, Galloway, Ayr, and Clydesdale, were all ready and keen to take up arms, and a considerable number, near to two or three thousand, of the comArtkifs burnt mons came in arms to the town of Dumfries, where they pub

at Dumfries. .... ~>

lickly burned the Articles of the Union, and affixed upon the cross a paper entituled "An account of burning the Articles of Union at Dumfries;" wherein they at large gave their reasons for protesting against this Union; and because from this paper we may make an

estimate of the opinion the inferior rank of people had of the Union, and thereby see it was no ways such as has been industriously represented, I shall insert it word for word as it was affixed on the cross, and is as follows, protestation “These are to notify to all concerned, what are our reasons for and designs in burning the printed articles of the proposed Union with England, with the names of the Scots commissioners, subscribers of the same, together with the minutes of the whole treaty betwixt them and the English commissioners there anent. • “We have herein no design against Her Majesty, nor against

Union.

“England, nor any Englishman, neither against our present Parliament in their acts or actions for the interest, safety and sovereignty of this our native ancient nation, but to testify our discontent with, and protestation against the twenty five articles of the said Union, subscribed by the foresaid commissioners, as being inconsistent with, and altogether prejudicial to, and utterly destructive of this nation’s independency, crown rights, and our constitute laws, both sacred and civil: we shall not here condescend upon the particular prejudices that do and will redound to this nation, if the said Union should be carried on according to the printed articles, but refer the reader to the variety of addresses given into the present Parliament by all ranks from almost all corners of this nation against the said Union; only we must say and profess, that the commissioners for this nation have been either simple, ignorant, or treacherous/if not all three, when the minutes of the Treaty betwixt the commissioners of both kingdoms are duly considered, and when we compare their dastardly yieldings unto the demands and proposals of the English commissioners, who on the contrary have valiantly acquitted themselves for the interest and safety of their country: we acknowledge it is in the power of this present Parliament, to give remissions to the subscribers of the foresaid articles, and we heartily wish for a good agreement among all the members of the Parliament so as it may tend to the safety and preservation both of church and state, with all the privileges belonging thereto within the kingdom of Scotland. But if the subscribers of the foresaid Treaty of Union, with their associates in Parliament, shall presume to carry on the said Union by a supreme power over the generality of this nation, then, and in that case, as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties, purchased and maintained by our ancestors with their blood; \*’ so we protest that whatever ratification of the foresaid

Union “may pass in Parliament, contrary to our fundamental laws, liberties and privileges concerning church and state, may not “be binding upon the nation now, nor at any time to come; and “particularly we protest against the approbation of the first article of the said Union, before the privileges of this nation contained in the other articles had been adjusted and secured; and “so we earnestly require, that the representatives in Parliament, “who are for our nations privileges, would give timely warning to all the corners of this kingdom, that we and our posterity “become not tributary and bondslaves to our neighbours, without acquitting our selves as becomes men and Christians. And “we are confident that the soldiers now in martial power, have “so much of the spirits of Scotsmen, that they are not ambitious to be disposed of at the pleasure of another nation; and “we hereby declare we have no design against them in the “matter.”

Whoever is at the pains to consider this paper, may easily discern that it’s of a rustick composition; but yet it evidently shews what a regard those people had for the sovereignty of the nation, and that they were willing to lay aside their private differences, and join for the common interest thereof.

There were none appeared with so much zeal against the

•ion to the .<sup>tr</sup>, ^

union. Upon, as the western shires, where a vast number of people, and

chiefly the Cameronians, were willing to have ventured their all against it; and for this purpose they had several meetings among the ringleaders of them; divided themselves into regiments; chose their officers; provided themselves with horses and arms; mentioned the restoration of the King as the most feasible grounds to go upon to save their country; were so far reconciled to the northern parts (whom formerly they hated heartily upon account of their different principles of religion) and episcopal party, that they were willing to join and concert measures with them for the defence of their common native country; and had appointed correspondents in all places, from whom, and to whom, they might receive and give intelligence, and sent their emissaries throughout all the kingdom to strengthen and encourage their party, and such as would joyn in defence of their country, particularly dispatching some on whom they did most rely, to try the pulses of those members of Parliament who were against the Union. There was one Cunningham of Eckatt, who had been a design to

° raise the

very instrumental in promoting the late Revolution; but upon the Parliament. late peace of Ryswick, the regiment whereof he was major being broke, he went to Darien, and after the fatal ruine of that enterprize, returning to Scotland, he lived privately at his country house in none of the best conditions; he had often applied for a post, but notwithstanding of the levies that were made after the war broke out again, could never obtain so much favour as to be provided for in the army, which he and every body believed to proceed from his being faithful in the discharging of the trust the Company placed in him when he went to Darien; for thus did they treat all that were not inclined to betray this, and every other project that tended towards Scotland's advantage. This gentleman being a little disgusted at this treatment, and taking the ruine of his country mightily to heart, was soon known to these western negotiators, and (being altogether of the Presbyterian principles) entirely trusted by them. I know there are many do think that he was a creature of the Courtiers, and employed by them as a spy, because about this time he was often with some of the leading men of the Court, and had, since the commencement of the Union, a company of foot bestowed on him: but in my opinion he was sincere; and for his being often at Court, that, he told his friends, in the mean time, he was obliged to do, because he understood they suspected him; and if he got this employment, it has been by some interest that I cannot discover: but whether he was sincere or not in his heart, is what I cannot determine, but sure I am by his actions it appeared he

was, and he brought matters to such a consistency, that provided concerted measures had been kept, he had raised the Parliament with a vengeance. But to go on with the story: This gentleman being well acquainted with Mr. Brisbane of Bishopton, discover'd to him his earnest desire of doing something on this occasion to save his perishing country', and signalize himself, and told him, that he was sure he could ingratiate himself with the western shires, and be able to persuade them to rise in arms and march under his command to Edinburgh, he having throughly discoursed with the negotiators, and found them of opinion (to which he likewise agreed) that there was no way to save the nation, but first by raising the Parliament, and then declaring for King James. Mr. Brisbane having communicated what he had thus learned to Mr. Cochran of Kilmarnock and Mr. Lockhart of Carnwath, they desired him to encourage Cunningham to persevere in his design, whereupon he resolv'd to make a progress through the western shires to sound the people himself, and prepare them to draw

together upon a proper occasion; for which cause they advanced him fifty guineas, and gave him assurance, if any misfortune befel him, his wife and children should be taken care of and provided for, which was all he demanded as a recompence at that time: but before he went off, he was desirous to know what part the two Dukes of Hamilton and Athol would bear, if he should meet with opposition either before or after he had raised the Parliament, particularly if, as he marched towards Edinburgh from the west, the Duke of Athol would cause his Highlanders secure the pass of Stirling, and so open a passage for, and communication with the northern parts. Mr. Cochran was sent to acquaint the Duke of Hamilton; and Mr. Lockhart told Mr. Murray of Strowan, and he the Duke of Athol, of all that had passed, and what Mr. Cunningham desired: the former appeared somewhat shy in making any promise and engaging, but seemed to approve the measure, and insinuated he would do ever)'thing that an honest man could desire: the other frankly undertook what was demanded, and seemed *very* keen to have the project executed; of which Mr. Cunningham being inform'd, thus fraughted and instructed, away he went from Edinburgh into the country, and having soon obtained and gained entire credit with the ringleaders, the first discovery he made was, that the Court fearing a storm from hence, had gained over Mr. Hepburn a mountain Cameronian minister, and the darling of the people, to their side, and he serv'd them as a spy, and tho' he roar'd as much as any against the Union, did nevertheless oppose all their measures of appearing openly against it: and Cunningham having acquainted several, particularly Mr. Mac-millan, (another Cameronian minister, who was sincere in his opposition to the Union) of Hepburn's villainy, they soon withdrew the people from Hepburn, and Mac-millan became the leading man and oracle. Mr. Cunningham having traversed through the country, and finding all as he wished, concerted that all should be ready to rise in arms on the first call, that he should have the chief command of them until they met with such other parts of the kingdom as should join for the preservation of their common liberties, and that some person of most eminent quality and capacity should be pitched upon to command all. After this he returned to Edinburgh, and having acquainted his three Mends with his successfull negotiations, they communicated it to such as they thought proper; to some particularly all that had passed and was concerted, and to others only in general terms, that something would be done very soon. By this time the Parliament had advanced far, and approved several of the articles; and as it was plain, such a desperate disease required a desperate remedy, Mr. Cunningham goes again to the country with a design to put his formed enterprize in execution;



and having dispatched his emissaries, and appointed the precise day wherein they should all privately march and meet at the town of Hamilton, in order to march for

wards' with all speed to Edinburgh, above seven or eight thousand men well armed (all with guns and swords, five or six hundred with bagonets for the muzzles of their guns, and twice as many of them on horseback) were just upon the wing, and would with Brokr by the out doubt have kept the tryst, had not the Duke of Hamilton,

Duke of \* \*

Harmon. a day or two before the prefixed time of their rendesvouz, sent expresses privately (without acquainting any of those who he knew were conscious of the concert) thro' the whole country, strictly requiring them to put off their design at this time; and His Grace being entirely trusted, by these means so thwarted and broke the measure, that not above five hundred, who were more forward than others, came to the place appointed. Mr. Cunningham returning soon to Edinburgh, gave a full account of all he had done, and by what means he was disappointed, which at once both baulked and surprised a great many honest men; and some indistinct accounts of this preparation and other rendesvouzes coming to the Governments ears, the Parliament repealed that clause of the Act of Security which allowed and ordained

HrHmion. rendesvouzes of the fensible men. What induced the Duke of Hamilton to this measure, I shall not deternune; some swore he was under capitulation with the Court; others will tell you, he was afraid to venture, because of his estate in England; all I ever heard alledged on his behalf was, that he thought the nation was by no means in a stale fit for such an enterprize at that time, because the English had sent their troops to the Borders, and more forces would be wafted over from Holland, and so the nation be undone, and all that joynd cut in peices; but others said, that by this argument, all opposition to the Union was in vain, for if the English had a mind for it, why it must be swallowed down: but even supposing it were so, His Grace ought to have advertised his friends of it, before he had counteracted what had been contriv'd by them. Others again maintained, there was no such .hazard in the attempt, because England being engaged in a bloody war, would have dropped the Union rather than drawn on themselves a civil war. But supposing it otherwise, they thought Scotland might have defended themselves for

some time, till France had counteracted the troops that were to come from abroad, especially since the nation was unanimous and cordial in the cause, and not seven thousand standing forces in all Britain, of which those that were in Scotland were so dissatisfied with the Union, that every body knew, and the officers had acquainted the Government, that they could not be trusted, nine parts of ten being inclined to joyn with those that opposed it. But to pass over these things, this I may assert, that had not the Duke of Hamilton taken this course, the Parliament had been at once set a packing, and the projected Union demolished; in which case all those that had appeared most forward for it would have fled, having horses laid and always ready to carry them *off* from the danger they had reason to dread and justly deserved.

The preceding project being thus broke, the next measure  
Ade^nof

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the Country party in Parliament thought upon, was (according <sup>^J^1</sup> to the precedent in the minority of James the Vth,) to invite as  
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many of the barons, freeholders, and heretors, as could possibly be got to Edinburgh, that they might in a body wait upon the <sup>Union,</sup> High Commissioner, and by a prolocutor intreat His Grace to lay aside the designed Union, at least grant a recess until they had informed the Queen of the present temper and disposition of the nation, and obtained an order for calling a new Parliament to settle and provide for the calamities that were too likely to follow; and they resolved, whether His Grace granted or refused this just and reasonable demand, that a national address representing the same things, should be signed and forthwith sent to the Queen. This measure came first from the Duke of Athol and Mr. Fletcher of Salton, and was relished and recommended by the Duke of Hamilton, and generally approved of by every body; so that all hands were set to work to acquaint their friends in the country Vol. i. 2 D

the Barons of the kingdom to

of the design, and desire them to come privately to Edinburgh against a certain prefixed day. In the mean time, Mr. Henry Maul (brother to the Earl of Panmure, a person of great honour and merit, and every way fit for such a task) was pitched upon to be the prolocutor, and the form of an address to the Queen concerted and agreed to by all who were upon the concert of carrying on the project,

in the following terms: Andrew upon « ^r\_e noblemen, barons, gentlemen, burgesses, and other

the same to the ‘ ‘ & .

Queen. « subscribers, Your Majesty’s most dutiful subjects of this your

“ancient kingdom, do beg leave to lay before Your Majesty, our “deep concern and sorrow, and unexpressible regrate, that Your “Majesty seems to have been prevailed upon by misrepresenta” tions which have been made to you of the nature of an incorpo” rating Union, so far to favour the articles of the Treaty now be” fore the Parliament, that your signification of your approbation “of them, is like to bring that affair to a conclusion, which will “not only be highly dishonourable to this nation, by the suppress” ing of the Sovereignty and Parliaments, but sink the rents, de” stroy the trade, and subject the people of this kingdom to in” tolerable taxes; and, considering the almost universal aversion “to this Treaty, is more likely to be the occasion of separating “these kingdoms for ever, than of uniting them in affections: “We do further beg leave, with all imaginable respect, to repre” sent to Your Majesty, that an Union so little founded in the “affections of the people, and which consequently must be main” tained by force, may be very dangerous to the liberty of Bri” tain; for though we have nothing to apprehend from Your “Majesty’s just and benign government, yet a designing prince “may easily make use of that force which awes one end of this “island, to subdue the other, and so enslave the whole; though “to obviate such a design, we hear there are many who make “no bones of proposing to dissipate and destroy the people of this “nation in a few years. Therefore in order to prevent such a “chain of miseries as is like to be the consequence of a forced “Union, we Your Majesty’s most dutiful and loyal subjects make “our most humble supplication to Your Majesty, that in consi” deration of these things you would be pleas’d graciously to “yield to the most earnest prayers of your loving subjects in this “your kingdom, by discountenancing this treaty, and calling a “new Parliament in this your ancient kingdom according to our “claim of right, by which we are intituled to frequent Parlia” ments, and likewise a general assembly of the church of this “kingdom; and we shall always pray for Your Majesty’s long and “happy reign over us.”

Against the time appointed, above five hundred gentlemen Broke by the

& rr ‘ to Duke of Ha

were come actually to Edinburgh, and many more a coining; but <sup>u,ilton</sup>just as the business was ripe, and the next day appointed for execution, the Duke of Hamilton acquainted those in concert with him, that unless they'd add a clause to the address, intimating their willingness to settle the succession in the House of Hanover, he'd by no means be concern'd in the measure; alledging, that without it the English Tories, who it was expected would oppose the Union in the English Parliament, could have no foundation to go upon. You may easily imagine it was no small surprize, after all things had been adjusted, even to His Grace's satisfaction, to find this objection thrown in the way; and it was generally believed that it was done a purpose to break the design, since His Grace and every other body could not be ignorant that the greatest part of those gentlemen who were come to town to forward this matter, would never condescend to such a clause: besides, it was to no purpose, since the petitory part of the address it self, was the calling of a new Parliament, whose province it was to take this affair under consideration.

Whilst two or three days were spent in endeavouring to reconcile and adjust this difference, the country gentlemen grew weary of hanging on to no purpose in Edinburgh, so many of them dropt off and went away to their country seats: and the Government (confounded to see such numbers in the streets) coming to understand the design, resolved to obstruct it, and for that end the Chancellor on the twenty-seventh of December acquainted the House that notice had been sent to the Commissioner that several letters had been sent and dispersed through the country, inviting persons of all ranks to come to Edinburgh and demand an answer from the Parliament to their addresses; that such meetings might occasion disorders and trouble, for Proclamation which cause he presented a proclamation, discharging any such

against people . . . . . , . . , .

coming to meetings and gathering together during the sitting oi Parliament, which was approven of, but protested against by George Lockhart of Carnwath, in the following terms: rotcitation "I do protest for myself and all that shall adhere to this my f'roTgeLo'ck-  
 "protestation, that this proclamation now to be emitted, diswath! ar"  
 "charging the barons, freeholders, and heretors, from coming to  
 "Edinburgh in time of sitting of Parliament, shall no ways pre" judice  
 the rights and priviledges of the barons, freeholders, and "heretors of  
 this kingdom, competent to them by the laws of "this nation;" and  
 took instruments thereupon, to which the adherers were the Dukes of  
 Hamilton and Athol, the Earl of Errol, the Earl Marishal, the Earls of

Wigton and Selkirk; the Viscounts of Stormont and Kilsyth; the Lords Oliphant, Balmerino, Blantyre, Bargeny, Belhaven, Colvil, and Kinnaird, Sir James Foulis of Colingtoun, Sir J. Lauder of Fountain-hall, A. Fletcher of Salton, Sir Pat. Home of Renton, John Brisbane of Bishopton, W. Cochran of Kilmarnock, J. Graham of Bucklivy, R. Rollo of Powhouse, Sir Pat. Murray of Auchtertyre, J. Murray of Strowan, A. Gordon of Pitlurg, J. Forbes of Culloden, Dr. Bethune of Balfour, H. Balfour of Dunboig, J. Hope of Rankeiller, P. Lyon of Auchlerhouse, J. Carnegy of Phinhaven, D. Graham of Fintrie, J. Ogilvy of Boyn, A. Mackie of Palgown, J. Sinclair of Stempster, and George Mackenzie of Inchcoulter, Barons; A. Watson, F. Molison, J. Lyon, Sir R. Anstruther, J. Carruthers, G. Home, and J. Bain, Burrows.

The letters to which the Chancellor in his discourse referred, were writ by Hay of Craignethan Sheriff Deputy under the Dutchess of Hamilton in the shire of Clydsdale, to most of the heretors in that shire, (and a copy of one of them brought to the Commissioner by one Cunningham of Haperfield) in the same terms as the Chancellor asserted; and truly I must acknowledge both the stile and method of giving this advertisement were very improper.

Other people upon the concert took other ways privately to advertise their friends without running the hazard of thus exposing and discovering the whole design, and that too in such a strange stile.

But many adding this piece of management to the Duke of Hamilton's conduct in relation to the address, concluded it was done on purpose to elude the project; but be that as it will, the foresaid bone that was thrown in the address's teeth, and this publication of these letters, rendered the whole of no effect.

A guilty conscience is a strange thing, and still discovers it self; for the Government not sufficiently secured by this proclamation, gave orders to the officers of the guards, if they saw any considerable number of gentlemen approaching the Abbey of Holyrood House, to stop them and deny them access: but they might have spared their pains, for the discord that on this point arose betwixt the two Dukes of Hamilton and Athol, who were after this so jealous and out of humour with one another, disconcerted all, and the measure was entirely dropt, .the country gentlemen returning home highly enraged at their being thus baulked, and exclaiming as highly against those whom they believed the chief instruments thereof.

ment.

During the time that the country had been thus, though to

no purpose, employed in endeavouring to obstruct the designed of the Union, the Parliament went fast through the articles, and being advanced to the twenty-second article, (wherein the quota of Scotland's representatives in the British Parliament was adjusted) there was no more time to be lost; whereupon the Duke of Hamilton convened a good number of the most leading men of those who had opposed the Union, pathetically exhorting them not to look backwards upon what might be thought done amiss by any, but to go on forwards now at the last hour to do something to save the nation just come to the brink of ruin.

To which, after all present had declared their chearful concurrence, tho' the consequences should be never so fatal, His Grace did propose that the Marquis of Annandale should renew his motion of proceeding to settle the succession of the crown of Hanover; and as it was not to be questioned but the same would be rejected, that a protestation should be entered and adhered to by all that were against the Union, who should in a body together, immediately thereafter, make a separation from the other members, by leaving the House, not to return again; which being done, that the national address that was concerted when the Barons were to have waited on the Commissioner, should be forthwith signed by as many hands as possible, and dispatched to the Queen. His Grace told them he was perswaded that if any thing would weigh with the English and prevail upon them to let the Union drop, 'twas this measure; for they might remember the last Treaty of Union which was authorized by the Rump Parliament 1702, came to no effect, and one chief reason was, that the English ministry thought they had no security in treating or agreeing with commissioners who derived their power from a Parliament against whose proceedings and actings so many and such considerable members had protested; and concluded that this separation upon the back of so bold a protesta

tion would startle the English more than any thing besides, and convince them that the Union would not be founded upon a secure and legal basis, a back door being left open to evade the same whenever a fair occasion should offer; and then His Grace offered the draught of the protestation.

I know the Marquis of Annandale put it into his hands; but whether

His Lordship or some other person was the author of it is more than I can tell; only I was informed, but I can't affirm it is a truth, that it was drawn by Sir James Stuart the Queen's Advocate, who tho' he could not be persuaded to speak and declare his mind against the Union in Parliament, yet was heartily averse to it, and as soon as it came under serious consideration deserted the House, and could not be prevailed upon, either by the threats or cajoling of the Court, to return and assist them in promoting it: but be the author who will, the paper well deserves to be inserted at large, and was as follows:

“Whereas the peace and safety of mankind, and the security Draught of the “of all well established nations, and their governments civil and taiation. <sup>Pr</sup>o “ecclesiastical, do chiefly depend upon the careful and religious “preservation of those original, fundamental, and indissolvable “constitutions, by which men are joined in societies amongst “themselves, these fundamental constitutions can never be shel” tered from the precarious vicissitudes and insults of factions, “unless they are placed above the reach of the ordinary course “of administration and legislature; and whereas it does evidently “appear by the ancient constitution and practice of this king” dom, that tho’ our Parliaments are empowered to enact all “manner of laws for the security of the constitution, yet they “were never impowered, nor never did attempt to lessen or in” vert the priviledge which the Peers have of sitting and voting “in Parliament, which priviledge is a part of their property, and “canuot be touched without impeachment and forfaultrie.

“Neither hath the Parliament been impowered, nor have they

“ever attempted to lessen the number of representatives of the “Barons or Burrows, seeing no representative can lessen or ali” enate the power by which they represent, without express power “and warrant for that effect from the constituent.

“Neither have our Parliaments ever been empowered, nor “have they at any time attempted to lessen or transfer the power “and authority of Parliament; and whereas it appears by the “same ancient constitution and practice, that when ever any ex” traordinary juncture did occur, or any incroachment was made “upon our fundamental laws and constitution, or that any ex” traordinary remedy or innovation was found necessary, there “was always a convention of Estates called upon such an ex” traordinary juncture, as being”a representative cloathed with a “more than ordinary power, and instructed with a more imme” diate sense of the nation; and whereas many noble and worthy “members of this House, and the subjects of

this nation of all “ranks and qualities, have generally shown an utter aversion to “any such Union as is contained in the Articles of Union now “lying before the House, as appears by several protests entered “in this House upon the fourth, twelfth, fifteenth, and eighteenth “days of November last by past, by an address from the Com” mission of the General Assembly, by several unanimous Presby” terial addresses, by an address from the Royal Burrows (the “third state of the nation) and by an unprecedented number of “addresses subscribed by the generality of the freeholders, ma” gistrates and burgesses, especially of all those shires which had “shown themselves most early and active in the late Revolution, “and all declaring their aversion to the present Treaty of Union; “and whereas to prevent these threatening disorders and dan” gers, and to calm peoples minds, and to show our neighbours “of England that there is a more expedite, safe, and certain “method for establishing a good understanding betwixt these “nations, there was an offer made on the day of

“for settling the succession of the House of Hanover upon such “limitations as should be thought necessary.

“I do therefore for my self, and in the name of all those who “shall adhere to this my protestation, protest against this Union “in the terms of these articles now before this House, as mani” festly tending to subvert that original, fundamental and indis” solvable Constitution, by which the people of this ancient king” dom are joynd together in a society amongst themselves, and “tending thereby to divest our establishment, civil and ecclesias” tical, of all manner of security, as tending to lessen and forfeit “the right of the Peers of this nation without crime or impeach” ment, by inverting their proper rights of a constant share in “the legislature to a precarious right; as tending to expose the “whole rights and property of the nation to be forfeited and “taken away upon pretext of bettering the condition of the na” tion; which precedent might be of dangerous consequence, “and might one time or other affect the whole rights of the na” tion, from those of the meanest subject to the sovereign rights “of the crown; as tending to invert and annul the grants of Her “Majesty’s royal predecessors, and to dishonour and impair « Her Majesty’s royal prerogative in Scotland, by subverting “the nature of her patents and grants; as tending to debase the “whole nobility of Scotland, by degrading them to a spurious “state of peerage, subaltern and inferiour to the peers of En” gland; as tending to lessen the representative of shires and “burrows, where those shires and burrows themselves have “given their recent and immediate instructions in private, and “addresses in public to the contrary; as tending to translate, “surrender, and subjoin



the power of our Legislative and Parliaments (after they were thus dismembred and lessened) to the “entire Parliament of another nation; as tending to subject the “security and administration of two incompatible church establishments, and the security and administration of different municipal laws, and judicatives, to the vote of one and the same Parliament, to the unavoidable confusion, jealousy, and danger of these nations; as tending to drain this nation of a considerable part of its small stock of money, for defraying the charge of sixty-one representatives; as tending to drain this nation of the far greater part of the product of the customs and excise which formerly remained at home towards paying our own ministry and other necessary charges of the Government, but must hence forward go out, seeing upon the event of this Union our government and ministry must be translated forth of this kingdom; as tending to ruin the trade and subjects of this kingdom, by engaging them into insupportable customs and burdens upon foreign trade and home consumption, and by involving the trade of Scotland under the regulations of the trade of England, tho’ the funds, export and import, and the common means of living in the South and North are of such different natures, that the regulations that are necessary in the South will be ruinous to the trade and living in the North, and generally as tending to lay a foundation of perpetual grudge and animosities amongst people, whose happiness in that united state is pretended to consist in their being absolutely and entirely united in all manner of interests, while at the same time they are and must be kept separate in their most valuable concerns both civil and ecclesiastick.

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“And I do for my self, and in name and behalf of all those’ who will adhere to this my protestation, protest and declare that we will not lessen, dismember, or part with our Parliaments, or any part of the power thereof, or with any part of the just rights and properties of the peers, barons, or burrows of this kingdom, and that no pretended laws, acts, or resolves, to be past, or settlements to be made in all time coming in, or by any pretended Parliament of Great Britain, can be of force or effect to bind the subjects or property of this nation; and that “if any person or persons whatsoever of our fellow subjects, of \*\* whatsoever degree, rank, or estate, under any pretext whatsoever, or by any manner or means, endeavour to dismember or “withdraw themselves from us, and go into any other constitution of their own invention, inconsistent with, or destructive “to, and subversive of our present fundamental constitution, we “do look upon them as breakers of our indissoluble fundamental “society, against which we cannot

nor ought not to transgress; “and that it shall be lawful for us by all legal and lawful means “in Parliaments, Conventions, and Meetings of Estates, or other” ways as our ancestors in the like cases have usually done, to “vindicate and assert our ancient rights and liberties, and to “support, redintegrate, and certify our said fundamental constitution, and indissoluble society, in which we have been united “and knit together for so many hundreds of years; and that we “will in the confidence of those our sacred and indissoluble “rights, under the blessing and protection of the divine Vindi” cator of all rights, maintain, support, and defend the constitu” tion and authority of our Parliaments, Her Majesty’s sove” raignty and government, and the present settlement both of “ church and state in this nation, according to our claim of right “and other laws following thereupon, against all opposition “whatsoever.”

When the Duke of Hamilton made this proposal, there were to the best of my remembrance present, the Duke of Athol, the Marquis of Annandale, the Earls of Errol, Marishal, Wigton, Galloway, and Selkirk, the Viscounts of Stormont and Kilsyth, the Lords Belhaven and Balmerino, Mr. Cochran of Kilmarnock, Mr. Lockhart of Carnwath, Mr. Ogilvy of Boyn, Mr. Lyon of Auchterhouse, and likewise the Earl of Pan mure, the Lord Nairn, Mr. Henry Maul, and Mr. James Graham of Newton sollicitor to the late King James; who, though the two first of these four had not sworn the oaths and taken their places in Parliament, and the other two were not members thereof, were all very capable to be assistant in their advice. These, I say, having demanded a day or two to take the proposal into consideration before they came to a final resolution, the Duke of Hamilton was in the interim at great pains to convince them and such others (who were not present when the proposal was first made) to whom he thought fit to communicate it, of the reasonableness of the measure. The greatest difficulty with some was the mentioning their having been willing to settle the succession on the House of Hanover, which they said was a kind of obligation upon them to make their refuge to that family to protect them in opposing the Union’s taking effect, and endeavouring to restore the nation to its ancient rights and constitution; whereas their design was, and had ever been, to preserve the nation, and at the same time to restore the King to the throne, which they thought the present temper of the people would much advance. To this the Duke of Hamilton returned, that it could draw no obligation upon them to adhere to the interest of the House of Hanover, since they did not protest against the motion’s being rejected, the narrative only bearing the true matter of fact, viz. that

such a proposal had actually been made; and even supposing it were otherwise, it was not the first time they had made greater stretches with a design that good might come of it, and he hoped this would be the last; for, added he, (to such as he was intimate with) this bold and clear protestation, backed by the separation, will not only confound the English, but likewise encourage our own fellow subjects, and engage them to stand by and support us; and for his part he was of opinion, that if the English did not desist from prosecuting the Union, they must have recourse to arms and call over the King; and he doubted not but the nation, to save themselves from utter ruine, would concur with them, and he was willing to venture as far as any. By these and such considerations all were brought over, and at the next meeting

declared their approbation of the measure, promising to adhere to the protestation, which it was taken for granted the Duke of Hamilton would present; only the Duke of Athol could by no reasons be prevailed upon to adhere to the protestation, because of that clause in relation to the House of Hanover; but he engaged to join in the measure of leaving the House, and all that should be afterwards thought necessary and demanded of him.

All things being thus prepared and adjusted, next day was appointed for the execution, which being communicated to a great number of those which were against the Union, it caused an universal joy, and great numbers of gentlemen and eminent citizens flock'd together that morning about the Parliament House to attend the separating members, and assist them in case . they should be maltreated as they came from the House. But all their hopes soon vanished and came to nothing, for that morning The the Duke of Hamilton pretending to be seized of the toothach, DukcofHiTrefused to go to the House; but some of his friends having freely expostulated with him upon this his conduct, telling him this double dealing and wavering would convince the world that what was said concerning his grandfather in the reign of King Charles the First was true, and that he play'd the second part of the same tune, he was at last prevailed upon to go to the House and prosecute the measure; but when he came there he called for his friends that were upon the concert, desiring to know from them who they had pitched upon to enter the protestation. They told him there was none so proper as His Grace, being the person of the first quality and most interest in the nation, begging and imploring

he'd lead them on at this time, and assuring him they'd stand by him with their lives and fortunes: yet nothing would do, he still persisting in this resolution not to be the presenter of it, though he swore he should be the first adherer; and so much time was spent in wrangling upon this point, that the Par

measure

broke by the Duke of

mil ton.

liament had met and advanced so far upon business that the opportunity was lost.

Tis not to be expressed what a rage all those that had been upon the concert, nay, I may say, the whole nation (For it was soon spread abroad) were in, to see the Duke of Hamilton thus three times, one after another, break the designs and measures that were laid down for opposing the designed slavery of the nation; and I was told by the Earl of Seafield, that if the measure had been pursued and executed, the Commissioner and other ministers of state had resolved to prorogue the Parliament and give over the prosecution of the Union. I was likewise assured by one who had it from one of the ministers of state, that the reason why His Grace changed his mind, and made so short a turn in this affair, was, that after his friends had left him, the evening before the protestation was to be entered and the separation made, either the Commissioner himself or one from him (but I have forgot which) came privately to His Grace, and told him he had intelligence of what was in agitation, and could assure him if it was not let fall, England would lay the blame of it upon him, and he would suffer for it; and that this threatening induced him to change his mind, and confound the measure himself had concerted, promoted, and engaged people of his principles to enter into. Whether this truly was or was not the reason is what I cannot assert; but this behaviour of his gave occasion for people to talk far and wide, that he had made his terms with the Court, and betray'd the Country party; and did so exasperate and discourage them, and create such jealousies and dryness betwixt him and the Cavaliers, that for the future no other measures were concerted, and every one did that which was good in his own eyes; and in a few days great numbers of those that had appeared zealously against the Union, deserted the House in despair: so that when the twenty-second article (which took the House up two or three days in adjusting) came to be approved,

there was little or no opposition against it; only before voting

it, Mr. Lockhart of Carnwath entered a protestation, with relation to the privileges of the barons in these terms: twenty-second

~ Article by Mr.

“I do protest for myself and such other barons as shall adhere to the twenty-second article of this Treaty of Union, and I crave that this my protestation may be admitted and recorded.” To which most of the barons that were against the Union did adhere.

Mr. Carnwath.

“to this my protestation, that neither this vote, nor any other vote, conclusion, or article in this Treaty of Union, shall prejudice the barons of this kingdom from their full representation in Parliament, as now by law established, nor in any of their privileges, and particularly of their judicative and legislative capacities, of which they are deprived by the terms of this Treaty of Union, and I crave that this my protestation may be admitted and recorded.” To which most of the barons that were against the Union did adhere.

There were likewise five protestations entered; the first by the Duke of Athol, with relation to the several branches of this article, in these terms;

“Whereas by my protest given in the fourth of November last, before voting the first article of the Union, I did reserve liberty to renew my protestation against any other article of the Treaty; and as I protested for the reasons therein mentioned, so I do now for myself, and all others who shall adhere, protest against any vote for approving the twenty-second article of this Treaty of Union, and against all the parts thereof, for these reasons: Because the Peers of the realm who are hereditary members of Her Majesty’s great Council and Parliament do hereby become elective, and so Her Majesty is deprived of her born councillors, and the Peers, of their birth-right; and whereas they are at present one hundred and sixty in number, they are by this article reduced to sixteen, and are to be joined with the House of Lords in England, whose number at present consists of above one hundred and eighty; whereby ’tis plain that the Scots Peers share of the legislative and judicative powers in the British Parliament, is

is

« very unequal with that of the English, though the one be the representatives of as independent a nation as the other, and that it is a plain forfeiture of the Peerage of this kingdom: And as it is the height of injustice, and against the laws and practice of this, and all well

governed nations, to forfeit any person without an “heinous crime, so ‘tis against all laws to forfeit either the Peers “that are now present, or those that are minors and absent, with” out so much as being called or cited for that end: it is likewise “contrary to the true honour and interest of Her Majesty and the “monarchy to suppress the estate of Peers, who have formerly “been the greatest supporters of the monarchy; and it is dis” honourable and disgraceful for this kingdom,- that the Peers “thereof shall only have rank and precedency next after the Peers \*’ of the like order and degree in England, without regard to their “antiquity, or the dates of their patents, as is stipulated by the “following articles of this Treaty.

“In the next place, each shire and royal burgh within this “kingdom have the number of their representatives determined “by Acts of Parliament, whose number at present being one hundred fifty-five, are by this article of Treaty reduced to forty” five, and to be joyned to five hundred and thirteen in the House “of Commons, where they can have no influence, by reason of the “vast disproportion *of* their numbers; besides that the Barons “and Burgesses 4)f this nation, by this way of uniting, are de\* prived of their inherent right of being fully and individually “represented in Parliament, both in relation to their legislative “and judicative capacities: and they are not only highly pre”judged in lessening their representation, but also degraded “from being members of the Parliament of this kingdom, where “they sit as judges in all causes civil and criminal, to be joyned “to the Commons of another nation, who are accustomed to supplicate for justice at the bar of the House of Lords.

•” The barons and burrows are further prejudged in this, that

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“whereas now every shire and royal burgh have their own repre” sentatives, one commissioner will hereafter represent several “shires and burghs, who, it cannot be supposed, will understand “the several interests and concerns of the said several shires and “burghs whom they may represent. And further, for the present “representatives of the barons and burrows in Parliament, to “offer by any vote or deed of theirs to incapacitate their consti” tuents, or deprive them of any part of their inherent right, is “that which their constituents may and do justly disallow, they “only having their commissions with the ordinary power of ma” king or amending laws, and giving supplies; but no ways to “alter fundamental constitutions, or to take away or diminish “their representation, which is also a plain forfeiture of their con” stituents, of their inherent rights and undoubted priviledges, and

“is contrary to the fundamental laws of this nation, which are “the birthright of the people thereof. From all which it is plain “and evident, that this, from a sovereign independant monarchy, “shall dissolve its constitution and be at the disposal of England, “whose constitution is not in the least to be altered by this “Treaty, and where it is not to be supposed the Scots shall have “any weight in the making of laws, even though relative to their “own kingdom, by reason of the vast disproportion and disparity “of their representation aforesaid; and therefore I do also protest, “that no vote may hinder or prejudge the noblemen, barons and “burrows as now represented in Parliament, to retain, bruke, “enjoy, and exercise all their rights, liberties, and priviledges as “fully and freely as hitherto they have enjoyed them; and since “it evidently appears, not only from the many protests of the ho” nourable and worthy members of this house, but also from the “multitude of addresses and petitions of the several parts of this “kingdom of the barons, freeholders, heretors, burrows, and “commons, and from the commission of the general assembly, that “there is a general dislike and aversion to the incorporating Vol. i. 2 F

“Union, as contain’d in these articles, and that there is not one “address from any part of the kingdom in favour of the Union, I “do therefore protest against concluding this and the following “articles of the Treaty, until Her Majesty shall be fully informed “of the inclinations of her people, that, if Her Majesty think fit, “she may call a new Parliament to have the immediate senti” ments of the nation, since these articles have been made publick, “where it is to be hoped they may fall upon such methods as may “allay the ferment of the nation, satisfy the minds of the people, “and create a good understanding betwixt the two kingdoms, “by an Union upon honourable, just, and equal terms, which may “unite them in affection and interest, the surest foundation of “peace and tranquility for both kingdoms; and this my protesta” tion I desire may be received and inserted in the Minutes, and “recorded in the books of Parliament, as a testimony of my dis” sent, and the dissent of such as shall adhere to me.” By the Eari of The next protestation was made by the Earl of Buchan, with relation to the rights of the Peers, as follows:

“Forasmuch as the changing of the rights of the Peers of this “realm, from a constant and hereditary right, to one that is elec” tive, and the debarring all or any of them from taking place “and voting in parliament, conventions, or publick councils, is <sup>c?</sup> subversive of the birth-right and undoubted privilege of the “Peers, dishonourable to the whole kingdom, and contrary to “the fundamental laws and constitution thereof, as well as to all “justice and equity; I do therefore

for myself, and in name of “all who shall adhere to this my protestation, protest, that the “aforesaid right of the Peers of this kingdom to sit and vote in “all parliaments, councils, and conventions, do after the intended “Union with England, and notwithstanding thereof, continue in “full force, and remain to them as their undoubted right and pro” perty, and that no vote pass in this House to prejudice all or “any of them from claiming the same in time coming.”

Buchan.

The third protestation, with relation to the priviledges of peers, barons, and burrows, was entered by Walter Stuart of Pardovan, representative of the town of Linlithgow, in these words:

“I do protest for myself, and in name and behalf of all By waiter “others, who shall adhere to this my protestation, that the re- dovan. “striction of the representatives in Parliament for this king” dom, as contained in the twenty-second article of the Treaty of “Union, is contrary to the birth-right of the peers, and rights “and priviledges of the barons and freeholders, and royal burrows, “and fundamental laws and constitution of the nation; and if any “vote shall pass, approving of the said article in the terms that it “stands, that any such vote shall not prejudice the birth-right of “the peers, the rights and priviledges of the barons and freeholders “and royal burrows, competent to them by the laws and consti” tution of this kingdom, and I take instruments upon this protes” tation, and desire it be inserted in the records of Parliament.”

The fourth protestation by the Earl of Errol, with relation to his heretable office of high constable, in these terms:

“I do hereby protest, that the office of high constable of Scot- By the Eari oi “land, with all the rights and priviledges of the same, belonging “to me heretablyand depending upon the monarchy, sovereignty, “and ancient constitution of this kingdom, may not be weakened “or prejudged by the conclusion of the Treaty of Union betwixt “Scotland and England, nor any article, clause, or condition “thereof; but that the said heretable office, with all the rights “and priviledges thereof, may continue and remain to me and “my successors entire and unhurt by any votes or act of Par” liament, or other proceedings whatsoever relative to the Union; “and I crave this my protestation may be admitted and recorded “in the registers and



rolls of Parliament.”

The last protestation was by the Earl Marishal, with relation to his heretable office of mareshal of Scotland, in this manner:

“I do hereby protest, that whatever is contained in any article By the r<sub>a</sub>ti

*J r J* Marishal.

“of the Treaty of Union betwixt Scotland and England shall in “no manner of way derogate from, or be prejudicial to me or my “successors in our heretable office of great marishal of Scotland “in all time coming, or in the full and free enjoyment and exer” cise of the whole rights, dignities, titles, honours, powers, and “•privileges thereto belonging, which my ancestors and I have “possessed and exercised as rights of property these seven hun” dred years; and I do further protest, that the Parliament of “Scotland, and constitution thereof, may remain and continue “as formerly: and I desire this my protestation to be inserted in “the Minutes, and recorded in the books of Parliament, and there” upon take instruments.”

To the three first protestations, viz. the Duke of Athol’s, the Earl of Buchan’s, and Mr. Stuart’s, most of these members that had been opposite to the Union, and had not left the house, did adhere; but the Courtiers being unwilling to let the world see the good grounds that moved them to oppose the Union, refused to allow those three and Mr. Lockhart’s protestations and the names of those that adhered to them to be printed (as was always usual) in the Minutes of Parliament; and having a majority on their side, the said protestors were obliged to compound the matter thus: That provided the protestations were recorded in the books of Parliament, they should not be printed at length, but that mention should be made, in the Minutes, of such protestations being entered by such persons, and of the adherers’ names. But the Earl of Marchmont, not satisfied with allowing this, entered his protestation against it in a most virulent stile, asserting that these protestations were presumptuous, illegal, and unwarrantable, and tending to raise sedition. But the Lord Bahnerino enter’d another protestation against receiving this of Lord Marchmont’s, as the same was unmannerlie and illegall; and the members, as they favoured the parties and cause, adhered to the one or the other of these two protestations.

From this day forward the House was almost quite drained of Represent\*

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the Anti-unioners, and so the Courtiers acted how and as they \*.<sup>h</sup>r  
oex<sup>f</sup>. Bri<sup>-</sup>.

‘ - lish Parliament

listed, till they had finished and approven all the articles of the  
ch<Men - Treaty, and engross’d them into an Act, and that they had re-  
ceived the Royal assent, without meeting<sup>1</sup> with much opposition; only  
when the method for chusing the representatives for Scot- land to the  
next British Parliament was under consideration, the Duke of  
Hamilton and Mr. Cochran of Kilmarnock did each of them protest  
against their being chosen out of the Parliament by the members of the  
House, as being contrary to the twenty- second article of Union,  
wherein the method of electing the peers is regulated and determined,  
inconsistent with the birth-rights and privileges of the barons and  
burrows, and contrary to the principles of common law and diverse  
Acts of Parliament. To which the Earls of Errol, Marishal, Buchan,  
Eglinton and Gal- loway, the Viscount of Kilsyth, the Lords Semple,  
Balmerino, Blantyre, Bargeny, Belhaven, and Colvil, Sir John Lauder  
of Fountainhall, A. Fletcher of Salton, Sir R. Sinclair of Longfor-  
macus, J. Brisbane of Bishopton, Sir H. Colquhoun of Luss, J.  
Graham of Killearn, R. Rolloof Powhouse, T. Sharp of Hous-  
toun, Sir T. Burnet of Leys, Sir D. Ramsay of Balmain, J. Forbes of  
Culloden, T. Hope of Rankeiller, D. Graham of Fintrie, A. Mackie of  
Palgown, J. Sinclair of Stemster, J. Dunbar of Hemp- rigs, Sir H.  
Innes of Innes, and G. Mackenzie of Inchcoulter, Barons; A. Edgar, J.  
Scott, F. Molison, R. Scott, J. Hutchison, A. Sheilds, J. Lyon, G.  
Brody, and J. Carruthers, Burrows, did adhere. But the Courtiers  
being conscious to themselves, that the nation was so displeas’d with  
them, that they could not ex- pect any of their stamp would be  
returned from the shires or bur- rows, were resolv’d not to *swallow a  
cow, and stick at the tail*; and as they had begun, carried on, and  
finished their projects, contrary to all the ties of justice and honour,  
and the wellfare of the countrey, so they continued the same well  
pathed road, and

commenced the Union with as great an invasion upon the rights of  
the subject, by depriving them of the powers of naming their own  
representatives, as ever was done to a free people; for they pick’d out  
sixteen peers, thirty barons, and fifteen burgesses, of this present  
Parliament, that were thorough paced and altogether at their becks;  
whereby it came to pass, that some shires had their whole number of  
representatives as in the Scots Parliament, such as Argyleshire, &c.  
while some had two, some one, and some of the chief shires, such as  
Edinburgh, Fyfe, Stirling, &c. none at all.

Having brought affairs so far, I have now no more to say to the Parliament's actings: only let me add, that notwithstanding the Commissioner had solemnly engaged to the Duke of Hamilton, that he would not hinder any person from giving him his vote to be one of the sixteen peers; yet just as they were going to elect, he produced a letter from the Queen, which he had, as he pretended, at that instant received, discharging any of her servants from voting for him, under the penalty of her displeasure; and thus several who had engaged to vote for the Duke of Hamilton were obliged to resile, and His Grace was balked, to the great satisfaction of many, who thought he had been too much imposed upon, and were glad to see him cheated by the Court.

It is not to be doubted, but the Parliament of England would give a kind reception to the articles of the Union as passed in Scotland, when they were laid before that House, as was evident from the quick dispatch in approving of and ratifying the same; and so the Union commenced on the first of May 1707, a day never to be forgot by Scotland; a day in which the Scots were stripped of what their predecessors had gallantly maintained for many hundred years, I mean the independency and sovereignty of the kingdom, both which the Earl of Seafield so little valued, that when he, as Chancellor, signed the engrossed exemplification of the Act of Union, he returned it to the clerk, in the face of Parliament, with this despising and contemning remark, "Now 'there's an end of an old song."

I have now brought the affairs of Scotland from Queen Anne's accession to the throne, to the conclusion of the last Scots Parliament. I proceed next to give an account of what happened after the commencement of the Union, particularly of the projects that were set on foot to subvert the same, and restore the King. It is not to be expected I can discover all the secret transactions at the time I write this, for many of them were carried on in France, and others, though at home, were kept very secret; yet you'll perceive I have come at the knowledge of so much as will sufficiently enable you to understand the true origin and progress of the designed invasion from France, in March 1708.

To begin then; no sooner was the first of May past, than the state of affairs Ministry (now of Great Britain) took care to establish the Union<sup>Union</sup> of the two kingdoms; and as by the articles it was agreed, there should be the same regulations, impositions, &c. of trade, throughout the united kingdom (that is to say, that the laws relative to trade in England should take place in Scotland) a set of commissioners was immediately appointed, one for managing the

customs, the other the excise of Scotland, consisting partly of English and partly of Scotsmen, though these latter had no pretensions to intitle them to that name, save their being born in that country; they and all that were employed afterwards as commissioners for managing the equivalent, or advanced to any of the new posts, being downright renegadoes, and rewarded on no other account than the assistance they gave in selling their country. At the same time vast numbers of surveyors, collectors, waiters, and in short, all or most of the officers of the customs and excise, were sent down from England, and these, generally speaking, the very scum and canalia of that country, which remembers me of a very good story: "Sometime there

after a Scots merchant travelling in England, and shewing some apprehensions of being robbed, his landlady told him he was in no hazard, for all the highway-men were gone; and upon his enquiring how that came about; Why truly, replied she, they are all gone to your country to get places." These fellows treated the natives with all the contempt, and executed the new laws with all the rigour, imaginable; so that before the first three months were expired, there were too apparent proofs of the truth of what had been often asserted in relation to the bad bargain Scotland had made. 'Tis true indeed some particular merchants made vast gain at this juncture; for the duties upon wine and most other foreign commodities being much less in Scotland than in England, great quantities were imported into the former before the commencement of the Union, and being afterwards carried into England, returned an extraordinary profit. But as discerning people saw that was only the accidental consequence of what could not be well avoided at this juncture, and that these sun-shine days would be soon over-clouded, (as the merchants have since effectually experimented,) it did no ways lessen the dreadful apprehensions of the consequences of the Union; and The people of all ranks and persuasions were more and more chae^wperateT<sup>6</sup> grin'd and displeas'd, and resented the loss of the soveraignty, union. and were daily more and more perswaded, that nothing but the

restoration of the Royal Family, and that by the means of Scotsmen, could restore them to their rights. So that now there was Faronr the scarce one of a thousand that did not declare for the King; nay the Presbyterians and Cameronians were willing to pass over the objection of his being Papist; for, said they, (according to their predestinating principles) God may convert him, or he may have Protestant children, but the Union can never be good; and as the reader may remember the commons shew'd a greater alacrity and

readiness to join against the promoters of the Union whilst it was in agitation, than did those of better rank and qua

King.

lity, so were they at this time more uneasy at their subjection, and zealous to redeem the liberty of the country; and thence it was, that on all occasions, in all places, and by all people of all persuasions, nothing was to be heard throughout all the country, save an universal declaration in favour of the King, and exclamations against the Union, and those that had promoted it.

Nay, so great a length did their indignation lead them, that the Presbyterian ministers became universally hated and despised, and lost all their interest with the commons; these not sticking to tell them publickly that they were time-servers, and had preached up against the Union whilst they thought their Kirk not well enough secured, but that once being done, they valued not the country nor the people's liberties; and thus were the commons come to this lucky pass, that they would have entered into and prosecuted any measure without the previous advice and constant concurrence of their ministers, who formerly, on all other occasions, acted only with a view to themselves, could never be guided by the nobility and gentry, and rendered the commons ungovernable by the influence they had over them.

As these were the people's inclinations, so likewise was there an universal expectation of the King's coming over to them: whence this came I cannot tell, but people were over all parts prepossessed, and pleased themselves with an opinion it would happen very soon; so that for several months they were in constant expectation of him, and this was before any measure for the purpose was finally concluded, and in such countries where few or none were privy to the concert: besides, they acted consequentially to this their belief and expectation, in preparing themselves to receive and assist him; for the western shires had their private delegates from each parish to meet and concert measures together, and amongst others, they appointed several of their number to apply themselves towards getting of intelligence-; they named their officers who should head them, till once the nobility and gentry took the command upon them; they had arms making in all places, and appointed people to buy horses; so that a worthy friend of mine, in the shire of Ayr, assured me that very summer twelve or fifteen hundred good horses had been brought over from Ireland, which were picked and brought up by country people, and carried where no body knew; and some of these ringleaders and delegates in Clydesdale did come to Mr. Lockhart of Caruwath,

telling him they were ordered by a considerable party to enquire of him against what time he thought the King would land; and upon his answering that he wondered how they could ask such a question of him, and that he knew nothing of these matters; they answered, he might indeed be shy in divulging his mind to them, but they doubted not but he knew, and they would be glad to know likewise, that each of them might spare one or two of their best horses from work, and have them in good condition against he landed. And on another occasion, one of the chief Cameronians told him, they were content to join in an army with the Episcopalians, for it was not now a time for Scotland to be divided amongst themselves.

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I have instanced these two particulars to shew the inclinations of the people, the like to which happened to several other people in all parts of the kingdom; so that I may well aver that the commons were most impatient at the King's delay in coming over, and were most sincerely ready to have made him welcome, by assisting him to the utmost of their powers; and tho' the commons appeared with less caution and more barefacedly, yet were not the nobility and gentry less desirous to have him amongst them, so that never was a prince or deliverer more longed for by a people; and what Ovid observed long ago,

“Nescio qua natale solum dulcedine tangit Humanas anitnas . . . .”

was remarkably evident on this occasion; for from hence arose that unanimity amongst the Episcopalians, Presbyterians, Cavaliers, and many of the Revolutioners, so that according to the Scots proverb, “They were all one man's bairns,” had the same desire, and were ready to join together in the defence of their country and liberties.

It is not to be doubted but these accounts would soon reach Account.

, thereof sent

the ears of those at St. Germain and Versailles; for in the first °  
France.

place, during the time that the Articles of the Union were under the consideration of the Scots Parliament, the English Ministry allowed or rather encouraged their news-mongers to ascribe the

opposition they met with to a spirit of Jacobitism; and next care was taken to inform how averse the people were to the Union and press the King's coming over as the luckiest opportunity for restoring of him and advancing the affairs of France, by giving a diversion to the English arms; and the French King by the bad success of his arms, during the last campaign (wherein he lost the battles of Ramillies and Turin, and several strong towns) being brought to a weak pass, began to relish the proposal, and The French

seemed in earnest to do something; for our King; for which end some

o . . . . . King for our

he sent over Colonel Hookes to get intelligence, and treat with the people of Scotland.

I have elsewhere given an account of this gentleman, and I have good grounds to believe he was palmed upon the Court of St. Germans, being pitched upon by the French King, as one that would follow his directions and be true to his interest; and indeed he was not disappointed, for the Colonel show'd more concern to raise a civil war at any rate (which was what the French King chiefly wanted) than so to manage and adjust measures as tended most for King James's service and to encourage his subjects to do something for him.

Now it will be proper to remember that the two Dukes of Hamilton and Athol

<sup>11</sup> (ween the

Hamilton and Athol had for sometime been on bad terms with one another, the first claiming merit upon the account of his past actions, his interest, and qualifications, (which are seldom undervalued by great men) and the other thinking that he was to be valued and would yield to none, because of the interest he had of late got with the North Country gentry, and the great number of men he could raise; but he never considered these would have joined the King, not out of affection or obedience to His Grace, (tho' he might have a considerable stroke with them, and was therefore to be valued,) but from a principle of loyalty which they had manifested on all occasions.

Hamilton and

These Dukes had their several friends; and some honest men, being disgusted at the Duke of Hamilton on the account of his behaviour during the last Parliament, inclined to think the Duke of Athol would venture further for the King; which, as it picqued the one, so it elevated the other, nay, to so great a degree, that the Duke of Athol and his partizans railed openly against the Duke of Hamilton, and pretended to do all themselves.

There were others again, who remembering the Duke of Athol's conduct at, and on several occasions since, the Revolution, were afraid he was not thoroughly well founded, but acted more from a desire of revenging himself of the Courtiers who had slighted him, than a true principle of loyalty; and considering that he was by no means qualified to be the head of a party, tho' in general an useful man in promoting so good a design, thought he was to be humoured, but not so as to disgust the Duke of Hamilton altogether. For though the last's behaviour in all points was not approved of by them, yet being thoroughly convinced that he was altogether loyal, and tho' perhaps a little too cautious or rather timorous in concerting of measures, would infallibly join the King, and venture as far to serve him as any man alive; and it being evident to a demonstration, that he was absolutely necessary to be with the King, because of his interest, courage and conduct, and particularly his dexterity in managing the different parties in the kingdom: upon these considerations, I say, they thought he was to be valued, respected, and advised with; and having notified the same to the Earl of Middleton, (who agreed with them in it,) and he again to the King, the Duke of Perth, who was of a quite different interest from the Earl of Middleton, soon made up with the Duke of Athol; and having more interest with the priests and Roman Catholicks than the Earl of Middleton, prevailed so far with the Court of France, or at least with Hookes himself, that when Hookes arrived in Scotland he should make his chief application to his correspondent the Duke of Athol.

It may seem strange that such divisions should have lasted amongst those of the Court of St. Germain's; but the same happened during the exile of King Charles II. and is a clear proof that nothing can separate statesmen from that selfish ambitious principle that overrules all their projects, tho' often to the prejudice of their master and (as on this occasion) of themselves; for sure unanimity and concord were necessary to people in their circumstances.

These being premised, I go on to acquaint you that Hookes co set



sail from France, and landed in the Northern parts of Scotland >rn  
to Scotland.

land some time about the latter end of February or beginning of March 1707; and being conducted to Slains Castle, after he received some further account of the present posture of affairs from the Countess Dowager of Errol, (who was entirely of her brother the Duke of Perth's interest, and a very pragmatical woman;) and acquainted some of those with whom he was to traffick, of his arrival, he set out towards the South, and came into the shires of Perth and Angus, where he met with great numbers of gentlemen (who were for the most part of the Duke of Athol's party) with whose frankness and hospitality he was so much taken, and they again with his business and errand, that he openly avowed the same, and was caressed as an ambassador indeed; and I have been told, he took it well enough to be called His Excellency.

After he had remained some time in this country, felt people's  
pulses, and pitched upon those with whom he'd treat, he fell to

Art.c icsagreed business. I cannot indeed say that he had a personal  
interview

by him and

«ou»c scots. with the Duke of Athol, but certain it is they concerted  
measures together; but there were several with whom he met, and to  
whom he made his proposals. The first thing he produced was a letter  
from the King, and another from the French King, being his  
credentials, empowering him to treat with the people of Scotland in  
order to bring about the King's restoration, and recover the nation's  
sovereignty and ancient privileges; then he produced a long paper,  
containing several queries drawn by Monsieur De Torci, relating to  
the number of men that could be raised in Scotland, the conveniency  
of subsisting troops with meat, cloaths, and quarters, and their  
carrying on the war, and the number of men, sum of money, and  
quantity of arms, ammunition and other warlike stores necessary to be  
sent from France: These and such like matters being concerted and  
adjusted, an answer to M. De Torci's questions was compiled, which  
gave a distinct resolution to each query, contained a full account of  
the state of affairs, particularly the inclinations and forwardness of the  
people to venture all for the King's service, and earnestly enireated  
hiin to come over as soon as possible.

I should be glad I were master of a copy of tho9e papers, so Ahat I  
might insert them at large: however, I have often read them, and this is

a short abstract of the most material heads contained in them.

This paper was signed by about fifteen or sixteen noblemen and gentlemen, viz. the Duke of Athol, Lord Drummond, the Earls of Errol and Strathmore, Viscount of Stormont, Lord John Drummond, Lord Nairn, Fotheringhame of Powrie, Lyou of Auchterhouse, Graham of Fintrie, Drummond of Logie, Ogilvy of Boyn, and others, whose names I have forgot, and was lodged in the hands of Colonel Hookes, to be by him transported to France.

While all this was a doinff, they kept not their affairs so secret, Reiu-ciiom on

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but that great numbers at that very time, and afterwards every little body that pretended to be a Jacobite, knew of Hookes being here, and tho' not all the particulars, yet the main design and result of his negotiations; and tho' I am very far from derogating from the honour and praise those gentlemen deserve upon account of the evident demonstration they gave of their loyalty upon this occasion; yet I must join with those who are of opinion, that they took too much upon themselves, it being too much for a few private men in a corner of the country to negotiate and lay down schemes upon so weighty an affair, without the advice and concurrence of others, whom they knew to be as loyal and as capable to serve the King as they were themselves, nay, without whom they could not pretend to influence other parts of the kingdom; and I can ascribe it to nothing so much as the Duke of Athol's ambition to be thought the chief and first promoter of the King's restoration, and to the other gentlemen's great zeal and firm perswasion, that if they could have the honour of bringing the King over, the nation was so dissatisfied and disgusted at the Union, that every body would join with them, and they be each of them valued as another Monk: and indeed afterwards, when people argued with them upon this point, alledging they had not acted prudently with regard either to the King's or their own interest, thus to foment divisions at a juncture when every body was to be pleased, and, as far as possible, honoured, some of them did not stand to answer, that they did not value that, they doubted not of success, and as they had run the hazard, they expected the honour of it. If Scotland had been only concerned, they might have ventured to do what they did; and done the

King's affairs with a small power; for in deed I do believe there were very few that would have oppos'd them: but, alas! they little consider'd that England was in the play, and the united strength of all

Scotland little enough to effectuate the great design. 'Tis true, Hookes brought over letters from the King to the Duke of Hamilton and Earl Marishal; but before he transmitted these letters to them, he had so closely attached himself to the ether set and made such advances in the Treaty, that those noble Lords could not but see how much they were despised and mal-treated, and therefore did not think fit to send their answers by him, but chose another hand to communicate their opinions to the Earl of Middleton; upon which Hookes sent them more than once or twice impertinent, haughty, threatening letters; and so great was the schism upon this account, betwixt those that carried on this business with Hookes, and such as enclined to correspond with the Earl of Middleton, and were thus neglected, particularly the Duke of Hamilton, the Earl Marishal, Viscount Kilsyth, Cochran of Kilmarnock, Lockhart of Carnwath, Maul of Kelley, and Captain Straton, that the former in all companies where they used the freedom to tell their minds (which was indeed too many) and by the accounts they gave to the Court at St. Germain, made no bones of calling the other people cowards and lukewarm, and giving them all the harsh epithets imaginable; tho' the Duke of Hamilton and his friends bore them no enmity, and wished them good success, and were very far from envying any man the honour, provided he brought the King home in safety, and did so regulate matters as that he might become successful.

And therefore in all their accounts to the King they told him, they would strive with none that were doing him service, save in out-doing them in that point, if it lay in their power; assuring him they were ready to venture all when he required it, and advising him, as they thought themselves in duty bound, not to hazard his royal person, unless he were so attended and in such a capa

city as to be able to accomplish his design, in order to which they at least thought ten thousand regular troops absolutely necessary (the other set having demanded only six or seven thousand) to be brought over with him, and recommending to him to fall upon measures to satisfy the people as to the security of their religion and civil rights, (which by the others was wholly neglected,) without which he could not expect to succeed, and in doing which there were great difficulties, because of the different parties in the kingdom. These gentlemen thought it their duty to represent matters thus to the King, since a faint attempt might ,

have proved fatal to the King's person, and if it miscarried, ruined the future prospect of his affairs and the hopes of recovering Scotland's rights, by rivetting Rebellion and the Union; since it was clear, if once they drew their swords, as Duke Hamilton expressed it, they must throw away their sheaths, and therefore they continually remonstrated, that it was better to suspend making any attempt, than not to do it to purpose. Now let God and the world judge, if these gentlemen, by giving such advice, did deserve to be slandered and misrepresented as they were: however, they had this satisfaction, that they could not blame themselves, and were, notwithstanding, resolv'd to join with the King upon his landing, tho' he should not bring such a force as they thought necessary for him: the truth of which would have appeared, had not the design miscarried.

Hookes had no sooner finished his negotiations, than he took Hook« return

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his leave of his friends, assuring them that the King should be in  
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Scotland by the next August, and went in a French ship which waited upon him on the north coast, to France, where he arrived in May 1707, and having given an account of his embassy, and the reception he met with, triumphed no little over the Earl of Middleton, whom and his friends in Scotland he accused of backwardness to serve the King.

In the mean time every body expected to have heard of the Vol. i. %  
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designs being put in execution; but some weeks before the month of August (the time appointed for making the attempt) notice was sent that it could not be done then; and thereafter several diets were prefixed, which took as little effect, and it was next to a miracle, that so long delay and so many off-puts did not bring all to light, and occasion either then, or at least afterwards, when the attempt was made and miscarried, the ruin of many people; for, as I said before, the design was known to so many people and so much discoursed of in common conversation, that it was strange, witnesses and proofs should be wanting to have hanged many honest men. But such was the loyalty and affection of the people to the King, that tho' the Government knew there had been a correspondence with France, yet could they not procure any certain intelligence, nor afterwards the

least accusation against any one of the many who they knew were deeply dip'd and concern'd in it.

But to proceed: After several times had been appointed for making the attempt, and nevertheless no appearance of its being executed, people began to think, that the French King's affairs being somewhat retrieved by the battle of Almanza, which happened during the time Hookes was in Scotland, he was resolved to reserve this design in favour of the King to another occasion; and this proceeded from reflecting on Hookes's behaviour here, and a jealousy, I'm afraid too well grounded, that the French King only minded our King in so far as his own interest led him, and made use of him as a tool to promote and be subservient to his own private designs. Thrdnkeof None was more of tins opinion than the Duke of Hamilton;

Hamilton at- . . . m

msed, and having waited (without seeuig any reason to believe the French King was in earnest) till the end of January 1708, his affairs in England requiring his presence, he set out about that time from Kinniel to Lancaster. I know his enemies have upbraided him highly on this account, as if he had fled or at best retired just when he saw the King a coming; but as I have not spared him when I thought he deserved it, so I hope my reader will believe me when I vindicate him from this aspersion.

Before he was positively determined to go away, he committed his design to the Viscount of Kilsyth, Mr. Cochran of Kilmaronock, Mr. Lockhart of Carnwath, and Captain Straton, asking their opinion, and whether they believed the King would come over to Scotland, in which case he would not stir; and those gentlemen seeing no reason to believe what they desired would happen so soon, could not obstruct his going to a place where they knew his affairs so necessarily required him. What induced them to that opinion was, that some little time before, from a letter by the Earl of Middleton's direction to Captain Straton, they understood that the King and his ministers often pressed the French King and his ministers (with whom they had frequent conferences) to enable the King to recover his crowns, and that though they got good words and fair promises, they had come to no determination as to the time or method of accomplishing it: besides, Mr. Ogilvy of Boyn (being so straitned in his circumstances that he could not reside in Scotland, and trusted by the Duke of Athol and his friends to negotiate for them and press the execution of what had been agreed to by them and Hookes) had likewise wrote from France to the same purpose to liis

correspondents.

Matters being in this posture, the Duke of Hamilton resolved, and did make his journey, as I have said, and with him his Duchess and family; but on the third morning after he set out, as he was preparing to move on from Sir David Murray of Stanhope's house, where he had been all night, an express from Captain Straton overtook him, intimating, that by the post which came in the night before, he had received letters with an account, that at last the expedition was resolv'd on, and would be executed betwixt then and the middle of March. Mr. Lockhart of Carnwath having convoy'd His Grace so far, he shew'd him Captain Straton's letter, and seem'd extreamly puzzled how to behave; but after some consideration, resolv'd to proceed on his journey; for, said Jie to Mr. Lockhart, the design cannot be long a secret, since the preparations for it will be publick to all the world; and if I, after I am come so far on my journey with my family, do all of a sudden return back, every body will conclude it is with a design to join the King, and so I shall be exposed to the malice of my enemies and be certainly clapt up in prison, and sent to England; whereas, if I go on, perhaps they may think I am not very forward in hazarding, and have stept out of the way on purpose, and an express can be easily at me in two or three days. I shall be always ready, and am able to force my way through England to Scotland. Besides, the people of Scotland are all ready enough to join the King, at the instant he lands, and I do not know but I may do him better service by being in the north of England, to excite his friends there to appear for him. Mr. Lockhart having little to say against these reasons, His Grace desired him to communicate the same to Captain Straton and his friends, and that they should send off an express to hiin as soon as they had reason to believe that the King was ready to sail, and another as soon as he was landed; and he concerted with Mr. Lockhart, that upon the King's landing, he should instantly repair to the shire of Lanark (where both their chief interests lay) to raise and lead their friends and such as would take arms to meet the Duke at Dumfries, where he promised to meet him, and where he was sure to be joined with a great number of horse and foot, both from that country and the western borders of England, and would instantly proclaim the King there, and thus be in a condition to defend the borders of Scotland against any attempt from England, until a Scots army was formed, the Parliament convened, and the King's affairs settled. Thus they two parted, and you shall see by and by His Grace would have executed what he then proposed.

It is beyond my reach to determine the cause of this sudden change

in the French King's councils; some were pleased to say, that it was long e'er he could be prevailed upon to make the attempt; others again, that he all along designed it, but the time of its being accomplished was kept a mighty secret as long as possible from any body but his own ministers, because of the divisions that were at the Court of St. Germain's and the intelligence that was bound to have gone too often from thence to England. It won't be much out of the way to leave them for some time in France, busy in making preparations for the design, and have Kings sue under consideration what probability the King had to expect success.

In the first place then, he was sure to be made welcome in the state

of Scotland;

Scotland, to have his right asserted by the Parliament, and an army of thirty or forty thousand men (picked out of the many thousands that would have offered their service) raised, the nobility, gentry, and many of the commons, being prepared to receive him, and having provided themselves with good horses. The regular troops wanted ammunition and other warlike stores, and did not exceed two thousand five hundred men, of whom at least two thousand would have infallibly joined with him; nay, the very Guards done duty on his person the first night he had landed; all the garrisons were unprovided, and must have yielded at the first summons; the equivalent money which came down the preceding summer from England was still in the country, and a good part of it in the Castle of Edinburgh, and would have helped well to carry on the war; and a fleet of Dutch ships had some time before run aground on the coast of Angus, wherein was a vast quantity of powder, cannon, and small arms, and a great sum of money, all which the gentlemen in that country would have secured: in short, all things concurred to render the design successful in Scotland.

of England; In England the regular troops were scarcely five thousand men, and those for the most part newly raised; and the opposite parties and factions so numerous, and jealousies and animosities so great, that it might reasonably be expected (as it actually happened) all would be in the greatest confusion imaginable, for every party suspected the other was privy to the design; so that in all appearance, every body would have succumbed, or if any resistance had been made, the Scots would have given such a diversion to the English arms\*, that France had a fair opportunity of reducing Holland, and by that means breaking the confederacy, and

then the hardest part was over. It would appear odd that England should be thus catch'd napping, when, as I told you before, they knew what temper Scotland was in, and that there had been trafficking with France was no secret: for besides that the design was too much divulged at home, the Duke of Hamilton was assured by a certain general officer, that during the last campaign, the Duke of Marlborough had information of the whole project, from a person belonging to the Earl of Melfort. Whether the English did not believe that the French King would have prosecuted the measure, or, as some think, that the Duke of Marlborough and the Earl of Godolphin were privy, and had consented to it or were content it should go on, resolving e'er it ended to provide for their own security; or what other reason to assign for England's being so unprovided, is what I can't determine: but certain it is, that England was no ways in a readiness to oppose such a storm; and it's more than probable, if the King had but once set his foot on the Scots shore, all his subjects would have soon submitted, the fatal Union been dissolv'd, and himself restor'd to his crowns.

from<imt wu The King's part was to hasten over to Scotland, to bring mo

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Kings part- ney, arms and ammunition, for the men he could raise, where,

upon his lauding, to march strait to Edinburgh, there to proclaim himself King of Scotland, declare the Union void and null, emitt a declaration or manifesto, promising to maintain and govern his subjects of both kingdoms by the established laws thereof, calling a new and free Parliament, to whom should be referr'd the determination of all religious affairs, and further providing for the security of both civil and religious concerns; lastly, requiring all his good subjects to assist him in his design of recovering his own and the nation's rights and priviledges, and as soon as the Parliament had adjusted affairs, and form'd an army, to march without delay into England. These then being the grounds whereupon the King was to form his design, let us return to where we left off.

No sooner did the French begin to make their preparations at French p nDunkirk, than all the world, save Scotland, was amazed; En-Dunkirk. gland was confounded, and Holland afraid of their own



territories; but upon the King's coming to Dunkirk in person, the design was clearly discover'd in Scotland, and nothing was to be The effects heard but prayers for a lucky voyage: and when the time drew Scotland; near, most people of note slip'd privately out of Edinburgh to the country, to prepare themselves for joyning the king. In England m England. the consternation was general, the publick credit gave way to so great a degree, and there came such a demand of money upon the Bank, that had the news of Sir George Byng's having chased the French off the Scots coast come a day later, it had broke and been shut up, and with it the credit of the Government, which alone was a sufficient compensation for all the exf)ence the French were at. However, it being high time to pro- Preparation\* vide against the storm, Major-general Cadogan shipped in Holland ten British battalions to be ready to, and which actually did, sail for Tinmouth, as soon as they were in form'd the French fleet was sailed. Among these troops were the Earl of Orkney's regiment and the Scots Fuziliers, who declar'd they would never

draw their swords against their country; but before these troops could have come to Scotland the first brush had been over, and all things in a readiness to have given them a warm reception; neither could the forces which were order'd to march from England (most of them being in the southern parts of it) and from Ireland, have come in time to prevent Scotland's being in arms, and drawn together to support their King and country: and in that case it would have been no easy matter to have dissipated them; for as the quarrel was just, so were all men bent to hazard the utmost in defence of it. But that on which England depended most was the fleet, and indeed it is incredible how soon a mighty one was fitted out, which prov'd too strong for the French, and the only means to frustrate the design and undertaking; though had not several cross accidents happen'd, the French might have landed notwithstanding the English fleet. As soon as the French fleet was ready to sail, the King dispatched Mr. Charles Fleming (brother to the Earl of Wigton) to acquaint his friends in Scotland thereof, and with him he sent several copies of a paper containing instructions to his subjects how they were to behave, particularly desiring them not to stir till they were sure he was landed, and that then they should secure all the money, horses, arms, and provisions, that were in the hands of such as were not well affected to him, and even their persons if possible; and Mr. Fleming was to cause provide pilots to meet him at the mouth of the Firth of Forth, and guide his fleet up the same, being resolv'd to land on the south side thereof, at or about Dunbar. Mr. Fleming arriving at Slains, the Earl of

Errol immediately sent him to Perthshire, where he communicated his instructions to such as he thought proper. The Earl of Errol likewise sent Mr. George, a skipper in Aberdeen, to be ready to go from Fifeness with Mr. Malcolm of Grange, to pilot the King up the Firth, and further desired him to make a trip over the Mater to Edinburgh, and advertise Captain Straton and Mr. Lockhart of Carnwath, of Mr. Fleming's arrival and instructions; which having accordingly done, instead of returning immediately to his post, he was so elevated with the honour of his employment, that he remained drinking and carousing with his friends in Edinburgh till it was so late he could not have liberty to repass the Firth, for by this time the publick letters were full of the French preparations to invade Scotland; nay, the French King had solemnly taken leave of the King, and wishing him a prosperous voyage, concluded with a wish that he might never see him again; and had ordered his ambassadors at foreign Courts to notifie his design to the princes at whose Courts they resided.

All things being prepared, and the French ready to sail, on F<sup>^</sup>nch a<sup>«</sup>t the twenty-eighth of February the English fleet came before Dunkirk; whereupon the French admiral Forbin sent an express to his master, from whom he received orders, that notwithstanding the English fleet, he should endeavour to get out of Dunkirk. But in the interim the King became indisposed of the measles, whereupon the troops disembarked for some few days, by which time the English fleet was returned back to the Downs, so that without any opposition the French fleet sailed out of Dunkirk on the sixth of March about four o'clock in the afternoon; but the wind chopping about in the evening, they were detained in Newport Pits till the eighth, at which time the wind proving fair they set sail, and on Friday the twelfth, in the afternoon, arrived in the Firth of Forth, where at night opposite to Crail they dropt Atm at the

...,«,/ Firth of Forth.

anchors, designing next morning to have sailed further up the river and landed their men and ammunition; but early next morning, perceiving the English fleet was come upon them, they immediately cut their anchors, and having a good breese of wind, stood out to the ocean, and the French fleet consisting of lighter and cleaner ships than the English, soon out-sailed them, only the Salisbury (formerly taken from the English) during the chase, which lasted all day, fell into Sir George Byng's fleet, and yoL. L 2 i

was taken, aboard of which was the Lord Griffin, the Earl of Middleton's two sons, Mons. La Vie a major-general, Colonel Francis

Wauchope, some more officers, and three or four hundred soldiers. The French fleet during the diase being separated, did not rendezvous till the fourteenth, at which time being council of war at a good distance from the English fleet, a council of war (as ircnachet. <sup>we</sup> are informed by a letter from Mons. Gace, now Marshal

The King's  
undaunted  
courage.

The fleet returns to Dunkirk.

Slate of Scotland.

Montignon, then commander in chief of the land forces aboard the fleet, to Mons. Chamillard, printed in the History of Europe for the Year 1708) was called, wherein the Marshal proposed to the Admiral, that since they had been prevented landing in the Firth, they should land elsewhere, and Inverness was proposed: which the King agreeing heartily to, pilots were sent for. But, in the mean time a storm arising, there was no getting to land to procure them, and the Admiral fearing great inconveniences might happen in case the fleet should be separated, (notwithstanding the earnest and pressing desires of the King at least to set him, and such as were his own subjects, ashore) steered his course directly to Dunkirk, where he safely arrived. This is the French account; but after this we shall take occasion to examine their conduct particularly, whether they might have landed in the Firth had they managed their affairs right. One thing is certain, had not the wind chopt about and kept them bound up in Newport Pits, they might have been in Scotland before Sir George Byng knew of their sailing from Dunkirk; for having sailed from thence in the evening, e're next day they'd have been out of land's sight; but being wind bound in these Pits occasioned their being discovered from off the steeples of Ostend; notice of which being immediately dispatched to Sir George Byng, he instantly sailed with the English fleet and arrived at the mouth of the Firth in the night time, some few hours after the French.

No sooner did the French fleet appear in the Firth, than an express was sent from Dunbar to notifie the same to the Earl of Leven, commander in chief of the Scots forces, and His Lordship was at a great deal of pains to make the world believe he could and would make a vigorous defence; but it was well enough known that his army, altho' willing, was of too small a number to prevent the King's landing, or stand before him after he was landed; and of this he himself was so conscious that he was positively determined to have

retired with as many (which indeed were few) as would have followed him, to Carlisle or Berwick. It is impossible to describe the different appearances of peoples sentiments: all this day, generally speaking, in every person's face was to be observed an air of jollity and satisfaction, excepting the General, those concerned in the government, and such as were deeply dipt in the Revolution; these indeed were in the greatest terror and confusion. And it was no great wonder that the Earl of Leven did afterwards, in one of his letters to the Secretaries of State, complain that the Jacobites were so uppish he durst hardly look them in the face as they walked in the streets of Edinburgh; for uppish they were indeed, expecting soon to have an occasion of repaying him and his fellow rebels in the same coin he and they had treated them for these twenty years past.

But next day advice was sent from Sir George Byng, that he The Knjiish had come up with and was then in pursuit of the French fleet, the urth. and then it was that every body was in the greatest pain and anxiety imaginable; some fearing it would, and others that it would not, determine as it did. In this perplexity were people, when on the next day, being Sunday, a great number of tall ships were seen sailing up the Firth. This put our General in such a terror and confusion as can scarcely be well expressed: he drew his army up in battle array on the sands of Leith, as if he'd oppose a landing, and in this posture did he remain for several hours, when at last his fears, which truly had almost distracted him, vanished by the landing of a boat, which acquainted him

that it was the English fleet returned from chasing the French. For Sir George Byng, after a day's pursuit, finding the French out-sailed him, tackt about for the Firth, which was the place he designed chiefly to guard; besides, he had sailed so unprovided that most of his ships wanted water and provisions. Here he lay several weeks, and for the most part the wind was easterly, so that he could not well have sailed down the Firth; and the French might, and every body believed would have landed in the north, or sailed round and landed in the west; but instead of that, they went sneakingly home, without doing any good, but on the contrary, much harm to the King, his country, and themselves. ii>>flertions on You have heard the reasons for the not landing alledged by di?''''1,\*con'' Marshal Montignon, in his letter to Mons. Chamillard, but these will appear too frivolous: and yet consider the want of resolution and firmness that has of late appeared in the French councils, and 'tis not improbable; that having mist of the first aim of landing in the Firth, and being afraid of the English fleet's falling upon them, they might- be at a stand, and despair of

succeeding. But is it not strange they should have undertaken such an expedition, and not reflected upon, and been provided with orders for all accidents that might happen? and was it so extraordinary a thing that they could not foresee that the English fleet (which was then at sea) might have endeavoured to prevent the landing in the Firth, and yet on such an emergency leave all to the Admiral's own disposal! • But since, as I mentioned before, the King was so pressing to have landed on the north, I'm apt to believe Forbin had secret orders from his master which he did not communicate to the King. And therefore I can't altogether condemn those who are of opinion that the French King did never design the King should land; for being fully perswaded and satisfied that the Scots were zealously bent to rise in arms, he might think that upon his fleet's arrival on the coast,

they'd have appeared; and having once set the island by the ears together and kindled a civil war, he might spare his men and money, and reserve the King in his power to serve him on another occasion: else, say they, why did he not send such a number of forces as was capitulated? for the treaters demanded six or seven thousand, and others ten thousand, which was promised, and yet they were but betwixt four and five thousand\* and those none of the best: neither was the sum of money nor quantity of arms, and other warlike stores, near so great as was demanded and agreed to. And since he had been at so much charges in equipping this expedition, and made such a noise of it all the world over, why did they not land in the north or west, where they could meet with no opposition? 'Tis true indeed, the south side of the Firth was the place advised, and most proper (tho' other places, both in the north and west, had been spoke of too) because the north country was secure against any attempts, and well inclined to serve the King; and the landing on the south side of the Firth gained them Edinburgh, and opened a communication betwixt the north and the south, and the west of Scotland, and north of England; but sure the difference 'twixt west, south, and north, was not so great, that if any one failed the whole design was frustrated.

But not to insist farther on the French King's secret designs (which are all misteries to us) this is certain, that had the French managed their affairs right, they might have landed even in the Firth; for had they sailed their course directly from Newport Pits, they might have reached it a day sooner than they did; but in place thereof, tho' they knew the English fleet was in quest of them, and that England and all the world knew of their design, stood out so far to the North Seas, for fear, as they since alledged, of alarming England, that the first sight they had of Scotland was near thirty miles to the north of Aberdeen;

and so tho' they had the start by near a day of Sir George Byng, yet he arriv'd in the Firth in a few hours after them, and one of their ships which proved leaky, and was obliged to return to Dunkirk, and remained there two days after they sail'd, reached the Firth several hours before them: and if it was true, as I have been inform'd, that the French King's orders to Forbin were, that provided he could land on any place on the south of the Firth, rather than lose the opportunity, he allowed him to destroy his ships and join his seamen to the land forces, why did they drop their anchors at the mouth of the Firth, and lose half a day and a whole night? For had he sail'd on, he might have reached the windings in the head of the Firth, before the English fleet could have come up to the Firth, and lain sometime concealed from them who we saw knew not where the French were, but dropped their anchors too: but supposing the English had discovered them next day, they'd at least have got so many hours sailing of them, that before they could have come up, their great ships might have been unloaded, and the lesser ones run into creeks and shallow places (which abound there) where the English big ships could not have come at them: lastly, it was unaccountable in them to come from Dunkirk, where were abundance of Scots seamen, who would have been glad of the occasion, and not bring a pilot who knew the coast, with them, the loss of which they found when they arrived there, and were obliged to take in some fishermen for that purpose off Montrose. I know some have attributed their not landing, to the Duke of Perth, whose heart, they say, failed him when it came to the push; but for my part, I cannot conceive how his opinion or inclination (supposing the fact was true, though at the same time it is not probable) could have had such weight in the managing a matter of such importance. Again, it has been said that the Earl Marishal omitted to answer the signal of a ship which was sent by agreement to the coast near his house, to learn intelligence from him of the state of affairs. 'Tis true indeed His Lordship failed on his part: but can it be thought,

that the vigorous execution of the project could stop on so slight a disappointment? Besides, Mr. Malcolm of Grange did actually go aboard that ship which I told you came after the French out of Dunkirk, and arrived in the Firth before the fleet, and informed them of all that was needful. But to leave these speculations with this animadversion, that the French might have landed, if they had pleased or managed their affairs right, and that time must discover the true

reason of their not landing, of which (by the by) none of the Court of St. Germans, tho' often wrote to on this subject, will give any return, which makes it the more mysterious; I proceed to tell you, never was a people so much disappointed as the Scots, for all were ready to have shown themselves loyal subjects and good Country men; particularly Stirling of Keir, Sea ton of Touch, Stirling of Carden, and many others, having, as they thought, receiv'd certain intelligence that the King was landed, mounted their horses, and advanced in a good body towards Edinburgh from the shire of Stirling, but being quickly inform'd of the bad news, returned home again: however they were imprisoned and brought to a tryal, as guilty of treason, by being in arms in order to join the Pretender, (the title now given to the King,) but the probation against them being defective, they were acquitted.

As soon as certain accounts of the French being ready to sail or the came to Edinburgh, Mr. John Hamilton son to Mr. Hamilton of "Wishaw was dispatched to the Duke of Hamilton, and having reached Ashton in Lancashire in three days, gave His Grace an account of the joyful news; whereupon he made all things ready, and sat up three nights expecting every moment the other express with the account of the King's being actually landed, in which case, he was resolv'd with about forty horses to have rid night and day, and forced his way from the messenger (His Grace . . . being put in messengers hands upon the first account of the invasion, by orders of the Council of England) and thro' the coun

Of the Revolutionen.

Many made prioneri.

Sent to London.

The Duke of Hamilton obtains releasmrnt.

try, till he had reached Scotland, which no doubt he might and would have accomplished; but, alas, the first news he had, was of the sad disappointment.

It is too melancholy a subject to insist upon the grief this disasterous expedition raised in the hearts of all true Scotsmen; the reader may easily conceive it was very great, since thereon depended the nation's freedom from oppression and slavery.

On the other hand, the Revolutioners were not able to bear the good fortune, but triumphed over all they thought inclined towards the King and against the Union. Immediately the castles of Stirling and Edinburgh, and all the prisons in Edinburgh, were crammed full of nobility and gentry. At first, no doubt, the Government expected to

have had proof enough to have brought several of them to punishment; but failing, blessed be God in that, the next use they made of them, was to advance their politicks; for no sooner did any person who was not of their party pretend to stand a candidate to be chosen a Parliament man at the elections, which were to be next summer, but he was clapped up in prison, or threatened with it if he did not desist; and by these means, they carried, generally speaking, whom they pleased. But to return to the prisoners: after they had been in custody for some weeks, orders came from London to send them up thither, which was accordingly done, being divided into three classes, and sent up at three several times, led in triumph under a strong guard, and exposed to the raillery and impertinence of the English mob; and now it appeared to what a fine market Scotland had brought her hogs, her nobility and gentry being led in chains from one end of the island to the other, merely on account of suspicion, and without any accusation or proof against them. Whilst this was a doing, the Duke of Hamilton being likewise brought up prisoner to London, and taking the advantage of the discord betwixt the Treasurer and the Whigs, struck up with the latter, and prevailed with them to obtain not only his, but all the

other prisoners liberation (excepting the Stirling-shire gentlemen, who were sent home again to undergo their tryal) upon their finding bail to appear again against a certain day (which was likewise soon remitted) and engaging to join with them (the Whigs) and their friends in Scotland, viz. (the Squadrone) in the election of the peers for the Parliament of Great Britain; which having accordingly done, several of the Court party were thrown out: this certainly was one of the nicest steps the Duke of Hamilton ever made, and had he not hit upon this favourable juncture, and managed it with great address, I am afraid some heads had paid for it, at best they had undergone a long confinement; so that to His Grace alone the thanks for that deliverance were owing.

Having thus finished the account I designed to give of the Scots affairs, I may appositely conclude with the words of iEneas, when he begun his melancholy story,

“Quis talia fando,

Myrraidonura, Dolopumve, aut duri miles Ulyssei, Temperet a lacrymis J”

And surely the consideration of Scotland’s present circumstances must be grievous to any true Scotsman that will but take a short view of the state from which that kingdom is fallen, and what it was before



England usurped such a dominion over it.

And first then, notwithstanding the false assertions of the English historians of old and the late attempts of the learned Usher and Stillingfleet, the great Mackenzie and others have made it clear, that the Scots nation is for its antiquity and upon the account of its being governed by a race of kings of one and the same lineal succession altogether independent, and, notwithstanding the many attempts, yet never conquered, nor under the dominion of any other prince or state whatsoever, preferable to all the nations in Europe. Old England indeed will tell you, that

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~~Scotland.~~

Scotland was not worth the pains of conquering; but I must beg leave to say, that such reflection is not to be regarded; for 'tis well known the English vanity and self-conceitedness reaches so far as to despise all kingdoms but their own and all people but themselves; on which account all the world hates them: but besides, there is no ground for this assertion; for 'tis plain the Romans were not of this mind, else they would not have been at so much pains to reduce the Scots. The Danes, Normans and Saxons (that is to say all the different nations that prevailed as soon as they attempted the conquest of England) did not remain satisfied with England, but spent much blood to reduce Scotland likewise. But to close up all, has England spared her blood? No; the many bloody battles fought in all ages with various success' manifests the contrary. Did she spare her treasury? No; the vast sums expended by her kings, and to say no more, the late equivalent, testify otherwise. Did she neglect any means fair or foul to reduce Scotland? No; King Henry VII. his preferring the Scotch to the French King, when both demanded his daughter in marriage; King Henry VIII. his earnest desire to marry his son to Queen Mary, and the great terms offered afterwards by that prince to obtain her; the treacherous dealings of their beloved Edward I. in the case of Bruce and Baliol; the inciting the subjects of Scotland to rebel against, and the ungenerous murder of Queen Mary, by their pious Queen Elizabeth; and the constant bribes bestowed by the ministers of England, since the accession of the Scots race to that crown, are all, besides many more here omitted, evident proofs, that England coveted nothing so much as a reduction of Scotland.

That this should be so, is no strange thing, for tho' Scotland good country, yet neither the worst country in Europe; and

God has blessed it with all things fit for human use, either produced

in the country itself, or imported from foreign countries,

Scotland a

by barter with its product; so that the necessaries, and even comforts and superfluities of life, are as plentiful there as any where else.

As for the inhabitants, none, I think, will deny them to have Scotsmen

\* brave;

been a brave, generous, hardy people; if any do, there's no nation in Europe but can furnish instances of heroic actions performed by Scotchmen, who have been honoured and employed in the greatest trusts in later and former ages; and that this has not been confined to some single persons starting up now and then, (which happens in the most dastardly countries) but that they have constantly behaved themselves well, the French and English may be allowed competent judges to determine. The former, in old times, owed much to the Scots valour, in assisting them against the latter; and these have in many pitched battles, besides a thousand skirmishes and incursions, found the sad effects of it; and even in this present age have not been a little obliged to the Scotch valour in the wars with France, tho' when they conquered for England, they did but drive the English chains so much the harder and faster upon Scotland; but I need not insist upon what all histories agree in, especially since a full account of the achievements of the Scots heroes is shortly expected from Dr. Abercrombie.

As the Scots were a brave, so likewise a polite people; every polite country has its own peculiar customs, and so had Scotland, but in the main, they lived and were refined, as other countries; and this won't seem strange, for the English themselves allow the Scots to be a wise and ingenious people, for say they, to a proverb, *They never knew a Scotsman a fool*. And if so, what should hinder them from being as well bred and civilized as any other people? Those of rank (as they still do) travelled abroad into foreign countries for their improvement; and vast numbers, when their country at home did not require their service, went into that of foreign princes, from whence, after they had gained im

mortal honour and glory, they returned home; and as it is obvious, that at this very time (which must chiefly proceed from this humour of travelling) the Scotch gentry do far exceed those of England, so that in the one you shall find all the accomplishments of well bred gentlemen, and in your country English esquires all the barbarity

imaginable, so doubtless the odds was the same, nay, greater in former ages, for the Scots took as great care to improve themselves then as now; whereas 'tis well known, that it is but of late that any inclination to travel has seized the English, (tho' not near to such a degree as in Scotland) and that the improvement of their gentry is much owing to their being employed of late in the armies abroad. At home the Scots King kept a Court, to which resorted ambassadors from foreign Princes, and to whom again ambassadors were sent from Scotland; and that the Scotch Court was sufficiently splendid, may be easily guessed at, were it from no more, but the stately fabricks of King James the Vth's palaces, (viz. Stirling, Linlithgow, Faulkland, and Holyrood-house) he being the best lodged prince of any in Europe at that time, from the Acts of Parliament regulating the apparel and attendants of people of all ranks, and mentioning the numerous offices belonging to the King's family, and from the high and honourable offices of state, learned; As Scotland was a brave and polite nation, so likewise from

thence arose great numbers, famous in all ages for all kinds of learning; here the Christian religion soon took footing, and was preserved in purity, when most other nations were corrupted; and tho' in process of time the church of Scotland became, as did the rest of Europe, subject to the Papal hierarchy, yet she was amongst the first that shak'd it off. The happy constitution of government, well digested laws, and regular courts and forms of justice, established in Scotland, are a plain proof, that the Scots were a wise and learned people: besides, the numerous colonies of learned men (as all histories, and particularly Dr. Mackenzie's

late treatise do give an account of) furnished by Scotland to foreign countries, is an undeniable testimony of it. Some may hence infer, that there was no encouragement for learning at home; but that is a great mistake; for 'tis well known, that the churches and universities of Scotland were not only adorn'd with noble fabricks, but likewise endowed with considerable revenues in the time of Popery; and even since the Reformation, there was a more orderly and equal distribution of the clergy's revenues in Scotland than in England. Tis true indeed in the former, none were so largely, or rather profusely provided as some in the other; but there was none but had a sufficient competency thereupon to live easily and conveniently (which can't be said of England); and before the abolition of

episcopacy, the bishopricks and deanries were a sufficient encouragement for study, and had the desired effect.

I proceed next to consider her power; and here we shall find powerful\* Scotland courted by all the neighbouring states, and the kings matching themselves and daughters with the greatest potentates. 'Tis true indeed, her situation led her to have most to do with England; and hence it was, that she always joined to prevent England's growing power. And this was the origine of the famous league entered into by Charlemain and Aehaius, a league which their posterity for many ages kept so inviolably, and proved so advantageous for both the kingdoms of France and Scotland, that no history relates the parallel of it. The Scots King was without doubt a powerful prince. 'Tis foreign to my purpose to debate whether he had an absolute or limited power; so far is certain he was endowed with a revenue consisting of duties upon trade, the reddendo's of his subjects estates (which all held of him as their supream lord and superior, and did pay a yearly rent, or feu) and the crown lands, which sufficiently enabled him to keep a splendid Court, and maintain the dignity of his royal character. 'Tis but a late practice to impose taxes thro' the

country, and formerly there was no occasion for them; for when the nation's service required, the subjects were obliged, and did attend the Royal standard, where they maintained themselves, and gave as signal proofs of fidelity and courage, as the mercenary troops now a days. In those happy days the king fought for the people, and they for the king, against the common enemy, looking upon their interests and prosperity to be reciprocal. And by these means they did, for many hundreds of years, defend themselves against the powerful attempts of the Romans, Picts, Normans, Danes, Saxons, and kingdom of England, bringing into the field armies consisting of ten, twenty, thirty, forty or fifty thousand men: nay, not only defended their own limits, but had men to spare for the assistance of their allies abroad, it being universally known, that not only private persons flocked over to the assistance of France, but even royal armies were sent, as during the captivity of King James I. and afterwards led in person by King James V. when he understood the French king was hardly put to it: and I'm told, there are still to be seen in France authentick records of that prince's having lent the French king eleven ships of war, one whereof was the biggest then in Europe; which leads me to mention, that not many years ago the Scots were able to keep their own with, nay, fight and defeat the English fleet at sea.

indutirom; Neither were those wanting who did prosecute trade, and brought home riches to themselves and the country; which is

sufficiently conspicuous from the many considerable towns situated over all the kingdom, where the merchants lived and followed their trades and employments, and from the stipulated regulations and priviledges of trade with France, Holland, Dantzick, and other places.

loyai.andas. To conclude: The Scots were a people loval to their king,

sorters of their *r r J ©*'

ibertiei. an(j) zealous asserters of their liberties: there needs no greater proof of the first, than the lineal succession of so many kings of one and the same race and descent; and where is the nation can boast of the like? and the other is as evident from the gallant opposition they made to all invaders. How manfully did they recover their country and liberties under the auspicious command of King Fergus II, when their enemies flattered themselves that the name of Scot was wholly extirpated out of the island! How highly did they resent Baliol's base surrender of the independency of the kingdom! ('tis more as probable these our progenitors would never have entered into an Union with England;) And how courageously did they stand it out under the happy conduct of King Robert Bruce, against the reiterated efforts of England, and, at last, after the effusion of much blood, drive those invaders out of the country, and fill their souls with such an apprehension of the Scotch valour, that even their own historians own fifty English would have fled before a dozen of the Scots! And now show me any country but Scotland that can boast of having defended their liberties so long and so valiantly against a more powerful and numerous people bent upon their ruin, and that frequently without the assistance of allies, and having nothing to confide in save their own heroick valour, and God's blessing, by means of which they always made good their King's

motto—

“Nemo me impune lacesset.”

In these happy circumstances, and under this glorious charac-  
Ructions on ter, was the Scots nation of old. But that kind Providence which Scotland's

. , ruin.

had supported her so many hundreds of years, at last grew weary and entirely deserted her after King James VI's accession to the throne of England. For the union of the two crowns may be reckoned the fatal aera from whence we are to commence Scotland's ruin: and whoever will consider the history of the two preceeding reigns, and

the minority of this, may perceive the face of affairs mightily altered, and paving as it were the way to accomplish the ruin of the kingdom. Formerly the animosities and feuds proceeded from the quarrels of one family with another, or the ambition of some aspiring great man; but then the authority of the king did dissipate and quash them, and they never, or at least seldom, failed to be suspended when the honour and defence of their king or country required it; and if there was any who did on such occasions continue obstreperous, or side with the enemy, they were esteemed by all their fellow subjects, and declared and treated by the states, as rebels. So that the English seldom or never reaped much advantage of intestine divisions; and to this unanimous and hearty concurrence of all the subjects towards the defence of the country, is chiefly to be ascribed the so long continuance and duration of the Scots kingdom and monarchy; but in these later days, differences of religion came in the play, which stirred up the consciences of some, and were a fair pretence to cover and carry on the ambitious and selfish designs of others; of which Queen Elizabeth taking advantage, so fomented and encouraged these divisions (by supporting the weaker party and keeping the contenders in as equal power *as possible*, that so they might destroy one another) that the nation was totally divided, and at odds; and such grudges and heartburnings arose as have never been abated, far less extinguished to this very day, and did at last bring the kingdom to ruin. When King James succeeded to the crown of England, people were weary of these disorders, and flattered themselves with the hopes that now he'd be in a capacity of establishing peace and order: but 'tis amazing that tho' the people were weary of these wars, civil and foreign, which had raged in the country for so many preceeding years, they did not foresee that to be freed thereof by the union of the two crowns was such a change, as to leap out of the frying-pan into the fire. For who is it that would not prefer the greatest hardships attended with liberty, to a state that deprived him of all means to defend himself against the oppressions that must inevitably follow? and who is it that could not foresee that such consequences would follow the union of the two crowns? We are told that when King James was preparing to go and take possession of his crown of England, his subjects of Scotland came to take their leave of him, and attend him part of his way thither with all the state and magnificence imaginable; but amongst these numerous attendants, deck'd up in their finest apparel and mounted on their best horses, there appeared an old reverend gentleman of Fyfe, clothed all over in the deepest mourning; and being asked why, whilst all were contending to appear most gay on such an occasion, he should be so singular? Why truly, replied he, there is none of you

congratulates His Majesty's good fortune more than I do, and here I am to perform my duty to him; I have often marched this road, and entered England in an hostile manner, and then I was as well accoutered in clothes, horses, and arms, as my neighbours, and suitable to the occasion; but since I look upon this procession as Scotland's funeral solemnity, I'm come to perform my last duty to my deceased and beloved country, with a heart full of grief, and in a dress correspondent thereto. This gentleman, it seems, foresaw that, by the removal of the King's residence from Scotland, the subject wanted an occasion of making so immediate an application to the fountain of justice, and the state of the nation could not be so well understood by the King; so that the interest and concerns of every particular person, and likewise of the nation in general, would be committed to the care of the ministers of state, who acting with a view to themselves could not fail to oppress the people: he foresaw that England being a greater kingdom, made (as said Henry VII. when he gave his daughter to the King of Scotland, rather than the King of France) an acquisition of Scotland, and that the King would lie under a necessity of siding with and pleasing the most powerful of his two kingdoms, which were jealous of and rivals to one another, and that therefore, ever after the union of the crowns, the King would not Vol. L 2 L

mind, at least dare encourage the trade of Scotland, and that all state affairs would be managed, laws made and observed, ministers of state put in and turned out, as suited best with the interest and designs of England; by which means trade would decay, the people be oppressed, and the nobility and great men become altogether corrupted. Besides these inconveniencies which would arise from the management of public affairs, he likewise foresaw that the very want of the royal presence necessarily would occasion other losses: it deprived the kingdom of a Court, where were spent the revenues of the crown, and which drew foreigners to the country, and was an encouragement for trade, artificers, and the manufactures of the country: so that the product of the country would prove a drug, the species of money be drawn from thence, and vast numbers be obliged to desert the kingdom for want of employment, and others flock to London to make interest at Court, to obtain redress of their grievances, or places, or preferments; which besides would not be so numerous as when the Court remained in Scotland.

As these and many more such like were the obvious and plain consequences of the union of the two crowns, it is strange the Parliament of Scotland took no care to provide at least, that after the decease of His Majesty the two crowns should disunite, and be

enjoyed by different stems of the royal line. This is what Other nations, nay private families, usually have done. But the truth on't is, the preceding gloomy, and the hopes of better, times, drew people in to neglect this measure, and King James proved so kind to his countrymen (many of them he advanced to great posts in England) that others, without thinking, drove on till they had run themselves and country over head and ears into the gulph, tho' they might easily have foreseen that as a Pharaoh arose who proved unmindful of and unkind to the Jews, so their beloved King (who being born and bred amongst them, knew and loved them) could not always live, and would be sue

ceeded by Kings, strangers to them, who would rule them as seemed most for the advantage of their other designs. Lastly, in process of time, the nobility and gentry turned, generally speaking, so corrupted by the constant and long tract of discouragement to all that endeavoured to rectify the abuses and ad<sup>v</sup>ance the interest of the country, that the same was entirely neglected, and religion, justice, and trade, made tools of to ad\* vance the private and sinister designs of selfish men; and thus the nation being for a hundred years in a manner without a head, and ravaged and gutted by a parcel of renegades, became, from a flourishing happy people, extreamly miserable, hewers of wood, and drawers of water; for at the union of the two crowns, the odds betwixt Scotland and England was computed but as one to six, whereas at the union of the two kingdoms, as about one to fifty; the plain reason of which was, that ever since the Scots King's accession to the English crown, Scotland has been on the decaying hand, and England (and all the states of Europe) advancing thorough the encouragement and protection they met with in advancing and carrying on their trade; but no sooner did Scotsmen appear inclined to set matters upon a better footing, than the union of the two kingdoms was projected, as an effectual measure to perpetuate their chains and misery.

It is beyond the reach of man to assign reasons for the good or bad fate that attends kingdoms, families, or single persons, for the ways of God are past finding out; yet there are two considerations that I have often reflected on, and which seem to have had a great share in bringing down those judgments which have of late fallen upon the kings and kingdom of Scotland; for since the union of the two crowns, many and heavy have been the misfortunes of both. The first is, the



mean-spirited behaviour of King James. VI. in not revenging his mother's murder. Ought he, with a view of not irritating Queen Elizabeth, been guilty of such an unnatural submission? Was it not a servile acknowledgment of England's dominion, to suffer the sacred person of the Queen of Scotland to be tried, condemned, and executed, without so much as daring to say it was ill done? And was it not a connivance at the greatest violation and encroachment that was ever offered to the divine rights of crowned heads, thus silently to see her treated after such a manner, who was accountable to none but God? How much was he degenerated from the illustrious and generous stock from whence he sprung! And which of his royal progenitors would not have resented it with fire and sword? For my part, I'm afraid the indignation of God was stirred up upon this account against his posterity, and that particularly in the case of his son Charles I. God visited the iniquity his father committed by shewing so little duty and natural affection to his mother, and regard and value for the sacred rights of crowned heads: for tho' we often read of conquerors having dispatched conquered kings, and subjects murdering their sovereigns; yet she was the first instance of a royal pannel, and the only precedent to the hard fate of her grandson.

The other consideration is the share the Scots had in the rebellions against King Charles I. and King James II. For sure it was both their duty and interest to have assisted and supported them against their rebellious subjects of England: but to act the part they did was, besides the folly, such a crime as I am afraid is not wholly as yet avenged, and has had no small share in bringing us to the miserable state to which we are reduced. The Jews were God's peculiar chosen people, and he assumed a more particular and immediate share in the administration of affairs in Jewry than in other nations; but upon their rebelling against him and his anointed, he gave them up to the power and laws of a foreign people, and at last subverted their monarchy, defaced their government, destroyed their country, and, as the greatest temporal curse, cut them off from having the name of a people on the face of the earth. How near a relation there is betwixt the gross and crying sins of the Jews, and those of Scotland, and what a resemblance there is in their punishment, let such who have been the instruments of the first, or executing the last, seriously consider. For the Almighty God, the wise and supreme Governour of the world, hath permitted such things to come to pass; yet I doubt much if the authors and abettors of them can produce any authority to justify their proceedings in the sight of God or man. Tis true that God hath in all ages and countries raised up wicked and tyrannicall princes and

rulers, and also rebellious and treacherous subjects, both of the clergy and laity, as a scourge to sin full nations; but their wickedness, tyrannies, rebellions, and treacheries were never to be esteemed the less criminal; and if so in preceeding times, those of the present age, when they reflect upon the part they have acted with respect to Scotland, have no reason to expect to be justify'd in this world or that which is to come.

FINIS.

THE

APPENDIX

i TO

THE MEMOIRS.

An the preceding Memoirs I have given a particular account of what appeared to me the origine of the Treaty of Union, and of the several views and designs of the Scots and English Whiggs and Courtiers in carrying on and concluding the same, and have taken notice of the many cross accidents and disappointments which happen'd to those who oppos'd it, and of the various illegal and arbitrary methods that were made use of to make the Scots members swallow it down.

But since the compiling these Memoirs, a further discovery hath been made, which evidently verifying what was with too much reason suspected, viz. that money was remitted to Scotland from England and employed in bribing Members of Parliament; I shall give a very distinct and clear account of the matter, as it was discover'd and reported to the British Parliament by the commissioners appointed in the year 1711 for taking, stating, and examining the publick accounts of the kingdom.

These gentlemen having got the scent, so closely pursued the game, that they discovered from Sir David Nairn, late secretary depute of Scotland, that the sum of twenty thousand pounds sterling was remitted by the Treasury of England to the Earl of Glasgow, in the year 1706, the occasion of which was this:

, After the Treaty of the Union was concluded at London, the Ministers of State in Scotland being sensible that they'd meet with great opposition in the carrying on their designs in Parliament, and chiefly in the affair of the Union, did conclude it was absolutely necessary to make payment of part of the arrears of salaries and pensions, lest some of the persons to whom these arrears were due

might prove humorous and ungovernable; and the Scots funds being all anticipated, they applied to the Queen, laid a state of her Scots revenue and debts before her, and prevailed upon her to lend her Scots treasury the sum of twenty thousand p<sup>ov</sup>mds, to be employed for payment of part of these arrears and salaries. That this was the origin and pretence of that loan and remittance of money, is evident from the Queen's letter to the Lords of that Treasury, a copy whereof the said Sir David Nairn did upon oath exhibit to the Commissioners of Accounts, which was by them delivered into the Parliament, and

is as follows:

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“Right trusty and right well beloved Cousin and Councillor,  
“Ilight trusty and entirely beloved Cousin and Councillor, “Righ,t  
trusty and well beloved Cousins and Councillors,

“We greet you well,

“Whereas there has many representations been made to us by<sup>ft</sup> our servants, and by those who have been employed in our ser<sup>tt</sup> vice} desiring payment of what is justly owing to them by us: “we did thereupon order you to lay before us the state of these “funds; and it appearing that they are entirely exhausted and “pre-engaged for some time to come, so that there remains ‘^’ nothing at present for defraying the charges of our govern” ment, or paying the debts of the civil lists, and being desirous “to do all that lies in our power for defraying the charges of our “government, which is so indispensible necessary for our ser” vice, and to enable you in some measure to pay such part of the “debts of the civil list as we shall by particular warrants direct, “we have therefore remitted unto you the sum of twenty thousand “pounds sterling, to be disposed of by you for the ends and uses “abovementioned, in such manner as you shall find most fit for “our service, and for which sum you are to hold account to us, “and you are to pass an Act of Treasury, acknowledging that < you have received the said sum in borrowing, to be refunded “to us out of the funds of the civil list, or for paying the debts “thereof, and that, at such time as we shall demand the same: “for doing of which this shall be your warrant, and so we bid “you heartily farewell.

“Given at our Court of Windsor-Castle the twelfth day “of August 1706, and of our reign the fifth year. “By Her Majesty’s command,

“Loudoun.”

After the Scots ministers of state had prevailed with the Queen to write this letter and advance this sum, they went to Scotland; and

finding the country extremely bent against, and averse to the Union, they conceived it improper to deliver and read the Queen's letter to the Treasury, and own the receiving of this money from England, least it had afforded a handle to strengthen and increase the opposition to the Union; for at that time of the day, every body would have believed that this money was remitted to bribe members of Parliament; to prevent which they proposed to change the course in which the Queen had placed this loan, and for that purpose wrote the two following letters to the Earl of Godolphin, then Lord High Treasurer of England, copies of which Sir David Nairn likewise delivered on oath to the commissioners of accounts:

“My Lord, “We are convinced, that what Her Majesty by her royal letter “to her Treasury here has promised to advance for defraying the - necessary charge of the government, and paying some part of “the debts of the civil list, is so needful that the government “could not subsist without it, all the funds of the civil list being “so far pre-engaged, as did plainly appear to Her Majesty before granting of that letter; neither can we think there can be “any reasonable objection to the doing it; but because opposers “will do every thing in their power to obstruct the Union, and “might probably make some noise if the letter were read in the “Treasury before the meeting of the Parliament, and before the “treaty is well received, we think it therefore necessary for Her “Majesty's service for some time to delay making use of the letter, and have thought it fit to represent this to Your Lordship, “and to desire that in the mean time ten thousand pounds may “be paid to Sir David Nairn upon his receipt to Your Lordship; “whereof the said Sir David is to retain four thousand five hundred pounds on my Lord Commissioner's account, which sum “His Grace my Lord Commissioner is to allow for his equipage “and daily allowance; and for the remaining five thousand five “hundred pounds, the said Sir David Nairn is to give an obligation to Your Lordship to remit the same to the Earl of Glasgow, “who has given us obligation to disburse the said sum by Her “Majesty's order, or acts of Treasury in Scotland, so soon as the “same comes to his hands; and the said Sir David's receipt and “obligation in the terms above mentioned, shall oblige us to “procure to Your Lordship from the Treasury of Scotland, a “receipt in the terms of Her Majesty's letter for the said ten “thousand pounds in a short time, when it may be more seasonable and convenient for Her Majesty's service to present it. “We earnestly intreat Your Lordship to grant this our desire, being so necessary for Her Majesty's service.

“We are, My Lord, “Your Lordship's most obedient and most

humble Servants,

“QuEENSBERRY. SEAFIELD. Mar,

“Loudoun. Glasgow.” Vol. L 2 M

“My Lord,

“Your Lordship having complied with what was in our for” mer letter has been of great use for Her Majesty’s service, we<sup>w</sup> now again find ourselves obliged to desire that the rest of that “sum agreed to be lent to the Treasury of Scotland, being ten “thousand pounds, be likewise remitted as soon as possible; we “have been obliged to give promises to several persons for a con” siderable part of arrears, and without this sum they will be dis” appointed, which may prove of bad consequence. We all “agree in this, that it is unfit as yet to make use of Her Majesty’s “letter to her Treasury here, or to have it known that Her Ma” jesty lends any money to her Treasury; but afterwards we “shall, in the safest and best method, advise in what manner “what Her Majesty proposes in her letter may be most effectually “done; and in the mean time no money to be remitted shall be “employed but for the Commissioner’s daily allowance, the pay” ment of the salaries of the other servants, and for payment of “a part of the debts upon the civil list, since Her Majesty’s ac” cession to the crown. We desire Your Lordship may pay in “the money to Sir David Nairn, and take his receipt for the “same, together with his obligation to remit the money to the “Earl of Glasgow, lord treasurer depute. And we hereby de” clare that his receipt and obligation, together with this let” ter, shall be effectual for the ends proposed in Her Majesty’s “letter to the Treasury here. We are with great respect, “My Lord,

“Your Lordship’s most obedient and most humble Servants,

“QIJEENSBERRY. Seafield. Mar.

“Loudoux. Glasgow.”

The Earl of Godolphin having nothing so much at heart as the preventing of every thing which might obstruct the Union, was pleased to grant the desire of these noble lords; and though the Queen had expressly required that the Scots Lords of the

Treasury should give her Treasury in England a publick security for the repayment of that money, did accept of these lords missive

letters as a sufficient security for the same, and ordered the money to be paid to Sir David Nairn, who carefully, about the time that the Scots Parliament met, remitted it to the Earl of Glasgow, to be employed by His Lordship for promoting his countries ruine and misery.

This money being remitted after this manner, was attended with another advantage besides the concealing it was from England; for had the loan, been as the Queen designed it, publicly owned and received, all the several persons who had arrears due to them would certainly have expected, and could not well have been refused, a share thereof; but now the ministers of state were absolute masters of it, and could secretly (which was a great point) dispose of it, to whom, after what manner, and to what purposes they pleased. And fatal experience teaches us, that they did it to the best advantage by distributing it after the manner, and to the persons contained in the following account, exhibited on oath by the Earl of Glasgow to the commissioners of accounts.

*£. s. d.* To the Earl of Marchmont . . . . 110415 7 To the Earl of Cromarty . . . » . 300 0 0

To the Lord Prestonhall 200 0 0

To the Lord Ormiston, lord justice clerk 200 0 0

To the Duke of Montrose 200 0 0

To the Duke of Athol 1000 0 0

To the Earl of Balcarras 500 0 0

To the Earl of Dunmoor 200 0 0

To the Lord Anstruther 300 0 0

To Mr. Stuart of Castlestuart ... 300 0 0 To the Earl of Eglinton 200 0 0

To the Lord Frazer. ‘: ‘i . . . . 100 0 0

*£. s. d.*

To the Lord Cesnock, now Polwarth . 50 0 0

To Mr. John Campbell 200 0 0

To the Earl of Forfar 100 0 0

To Sir Keneth Mackenzie .... 100 0 0

To the Earl of Glencairn 100 0 0

To the Earl of Kintore 200 0 0

To the Earl of Findlater 100 0 0

To John Muir, provost of Ayr ... 100 0 0

To the Lord Forbes 50 0 0

To the Earl of Seafield, lord chancellor 490 0 0

To the Marquis of Tweeddale . ... 1000 0 0

To the Duke of Roxburgh .... 500 0 0

To the Lord Elibank 50 0 0

To the Lord Bamf 11 2 0

To Major Cuninghame of Eckart . . 100 0 0 To the Messenger that brought down

the Treaty of Union . . . . /

To Sir William Sharp 300 0 0

To Patrick Coultrain, provost of Wigton 25 0 0

To Mr. Alexander Wedderburn . . 75 0 0 To the Commissioner for equipage”!

ami daily allowance J

20540 17 7

Which balance of five hundred and forty pounds seventeen shillings and sevenpence was, as the Earl of Glasgow did acknowledge, paid him by the Earl of Godolphin, when he accounted to His Lordship for the twenty thousand pounds he had received as aforesaid, and expended as by the particulars mentioned in the abovesaid account.

The commissioners of accounts in their report of this affair to the Parliament, do observe, that they are at a loss to explain some expressions in these letters, (meaning two letters from the Scots Lords to the Earl of Godolphin) such as that the opposers of the Union would make some noise if Her Majesty’s letter were read in the Treasury; that they had been obliged to give promises to several, and without the sum desired they would be disappointed, which might prove of bad consequence; and that they would not have it known that Her Majesty lends any money to her Treasury; and then these commissioners add, that they will not presume to guess at the reasons of these insinuations, but humbly conceive, that if the money had been fairly applied to the pretended purpose, there could have been no such occasion for so much caution and jealousy.

Such as endeavoured to justify the conduct of the ministers of state in this matter, seem to wonder how the paying of just debts can be reckoned a fault, and especially a bribing of members of Parliament.

To which I answer, that it may with far more reason be alledged, that the bestowing of employments would not admit of such a construction, since there must under all governments, and in all countries, be employments and persons appointed to officiate in them; and yet, who is it that does not know, that often, nay, for the most part, all pensions and employments have been bestowed, or continued, in order to procure friends to assist the designs of such as have the disposal of them?

But supposing that this matter, when taken in a general view, might be fair and could be justified, yet if the tables are turned, and you consider the particular case and circumstances of it, the reverse will evidently appear; for tho' the ministers of state in Scotland were very lavish in obtaining pensions to stop the mouths of hungry gapers, yet they seldom or never paid them, but as a particular favour, and upon particular views; and whoever will impartially reflect upon the grand affair under agitation when this pretended payment of arrears was made, the place from whence the money came, the clandestine manner of obtaining and disposing of it, and lastly, that all the persons (excepting the Duke of Athol) on whom it was bestowed, did vote for and promote the Union: whoever, I say, will impartially reflect upon these particulars, must conclude, that the money was designed and bestowed for bribing members of Parliament.

I mentioned that the Duke of Athol, notwithstanding he got part of this, did oppose the Union; and this some would urge as an argument, to prove that the same was not applied as hath been alledged.

But alas! *one swallow does not make a summer*; and tho' His Grace did nevertheless stand his ground, yet who knows what the managers did expect, and with what intention they gave it?

But what follows, puts this matter beyond all manner of controversy; for the commissioners of accounts having required from the auditors of the exchequer in Scotland, an account of all pensions and salaries due at any time, from the Queen's accession to the throne to the commencement of the Union, to the persons contained in the aforesaid account, exhibited by the Earl of Glasgow, and a particular account of all payments, and the time when made, to such persons, on account of such pensions and salaries, it did appear from the return, that several of those persons, such as the Dukes of Montrose and Roxburgh, Sir Keneth Mackenzie, the Earl of Balcarras, Patrick



Coultrain, John Muir, the Lords Frazer, Bamf, and Elibank, had no manner of claim, all that they on such pretence could have demanded, being paid to and discharged by them a considerable time before the distribution of this money; and others, such as the Dukes of Queensberry and Athol, Lords Eglinton and Anstruther, Mr. Stuart of Castlestuart, Lord Prestonhall, and the Marquis of Tweedale, gave no acquittance for, nor is there any notice taken in the records of the Treasury, of the money they thus received from the Earl of Glasgow; so that in a fevy months thereafter, when they obtained certificates from the Lords of the Treasury of what was due to them on account of arrears of pension\* and sa- laries, some of them had no regard at all, and others only in part, to what they had received from the Earl of Glasgow, and being thus entituled to the full of their arrears out of the equivalent,. many were consequently twice paid in whole or in part.

These facts being undoubtedly true, it evidently appears, that what was given in either of these cases, must have been with some other view, and on some other pretence, than arrears of pensions and salaries.

The Duke of Queensberry having after the Union received the sum of twenty-two thousand nine hundred and eighty-six pounds twelve shillings and twopence sterling out of the equivalent, being the full of his equipage money and daily allowance as high commissioner to the Parliament, did afterwards repay what he had received from the Earl of Glasgow on the same account. But was it paid back again to the treasurer, as the Queen first designed it? No; but, as the commissioners of accounts discovered, (after a great many oaths and examinations of the Earls of Godolphin and Glasgow, and Sir David Nairn, altogether repugnant and contradictory to one another) to the Queen herself, in a private clandestine manner; and since the said commissioners do affirm in their report, that it was not applied to the use of the public, people generally believe, that Her Majesty was pleased to return it to the Duke of Queensberry and the said two earls, as a reward for their good services in carrying on the Union.

*Murder will out*, and what is thus discovered, is sufficient to satisfie any man of the true motives that induced the ministry of England to lend this money, and directed the ministry of Scotland in the distribution of it.

It is abundantly disgraceful to be any manner of way a contributor to the misery and ruine of ones native country; but for persons of quality and distinction, to sell, and even at so mean a price, themselves and their posterity, is so scandalous and infamous, that

such persons must be contemptible in the sight of those who bought them, and their memories odious to all future generations.

FINIS.

## LETTERS AND SPEECHES,

&c.

VOL. I.

2 N

LETTERS AND SPEECHES,

&c.

LETTER TO ANE ENGLISH LORD. 1702.

A letter from a Member of parliament in Scotland to ane English Lord concerning the treaty for uniteing the two kingdomes.

My Lord

I Am so much for ane Union betwixt the two nationes upon equall terms that I cannot forbear to let your Lordship know that most people in Scotland are affrayed least the measures now gone into for carying

it on should funder divide us.

Your Lordship knows that the authoritie of our parliament which impowerd her Majestie to name comissioners for Scotland is questioned by a great part of the natione for the following reasones.

*First* because they did not meet according to the act which appoynted ther meeting positively within twenty dayes after the King's death; and since they did not meet at that tyme, ther was no authoritie by which they could meet at any other; nor was ther any occassione for ther meeting after that tyme, since the end of ther meeting was fully answerd by her Majesties peacable accessione to the Throne without any of those dangers which the parliament dreaded when they made that act. And if it happned to be otherwayes ther was tyme anugh betwixt the Kings death and the meeting of the parliament to have prevented the ill consequences, in a more legall way by calling a new parliament.

The second reason why that authoritie to act as a new parliament is questioned, is, that it appears by the act which ordred ther meeting, that they were intrusted only with ane executive or a gubernative power, but not with a power to make new laws, or to alter any of the old.

Upon these accounts ther meeting to act as a parliament was protested against by 88 Members, 79 of whom left the house, and 9 never came neer it, so that ther was only 9 continued sitting, and of them above 80 hade places or pensions from the Court; and besydes promisses and bribes given to others, the officers of the three new raised regiaments (new made with a view to that meeting, ther being about 30 officers left out who hade served in the late war) and severalls that never saw a company drawn up were putt in.

This was a dangerows invasione upon the freedome of our parliament which by parliament 8 James 6th No. 130 is declaired to be constituted upon the free votes of the Estates; wheras bribeing of Members and ther friends with places, pensiones, comissiones or promisses, and threatning and turning out others, is a direct invasione upon the freedome of voteing, and tends to the diminutione of the dignity, power and authoritie of the whole Estates, which is declaired to be treason by that same Act.

I must lykewayes informe your Lordship that the protestation of the Dissenters against the legality of that parliament was apr proved and adhered to by 300 of the most considerable of our nobility and gentry then in town who together with the 88 Protestors, besydes maney

more of the same sentiments, are resolved not to pay their proportiones of the money granted by that parr Hament except they be constrained to it by force; and what the consequence of that may be is easie to guess from what happned in England in K. C. the lsts ty me when ship-money was levyed by questionable authoritie. For your Lordship may depend upon it that the jjO members who continowed sitting are nothing neer so considerable for families, estates, or intrest in the kingdome as the 88 who left the house.

I come in the next place, my Lord, to the objectiones against this treaty; and first allowing the authoritie of the parliament to have been good, yet ther act impowring her Majestie to name comissioners to treat of, the Union was contrary to the limitationes of the act by which they were authorized to sitt, for it expressly deprives them of any power to alter or inovate the present constitutione of the Government or any pairt therof or lawes standing for the tyme, or to doe anything prejudiciallor contrairy therto. Wheras the act impowring her Majestie to name comissioners to treat of ane Union tends to the alteratione of our wholl constitutione. . . ;

A 2d objectione against the present treaty is this, that the act of the Conventione appoynting comissioners to treat of ane Union betwixt the 2 nationes is not yet repeald, and since ther is a sufficient quorum of those comissioners still alive, its a question in law whither any other act relateing to the Union cane take place befor that act be repeald. If it be objected that severalls of the comissioners appoynted by that act are deed, and that no quorum being fixed by the act, the death of those comissioners made it void, wee answer that in all cases wher a number of men is named and no particular quorum appoynted, the majority is alwayes reputed a quorum, and that this is comone in our law. I know lykeways that it is objected that this was only the act of the conventione, and therfor not of foi<sup>^</sup>ce, except ratified by a following act of Parliament. But we answer that this objection shakes her Majesties title which was only founded on the Claime of right inacted in that conventione and was never recognized



or ratified by any following act in King William's reigne; and it stricks also at the foundatione of all our liberties containd in that Claime of right upon which not only the late King William and Queen Mary but also her present Majestie accepted our crown.

Our 3d objectione against the present treaty is that we dont find that ther is that care taken of the intrest and honour of our natione that ther ought to be, by giveing instructiones to the comissioners. We might

instance in maney things, but shall only mentione one, which is that ther is no care taken to have us repossessed of our Collony of Darien, though the English might assist us in it now, as a compensatione for ther former oppositione, without giveing the Confederates any just cause of umbrage, since by ane article of the treaty with the Emperour the subjects of Great Brittain are allowd to retaine what they cane conquer in the West-Indies.

Our ffourth objectione against the treaty is, that the treaters have no power to agree to any thing that is ane inovation of the constitutione of our parliament or a diminutione of its authoritie, and are lyable to a charge of treason if they doe, as appears by Parliament 8 James 6th No. 130 abovementioned; and it is evident that to treat of uniteing our parliament with that of England is ane alteratione of its constitutione and a diminutione of its authoritie, since it subjects them to the controll of ane English parliament which is more numerows than ours; and to treat of haveing any less number than our full Representative is much more ane inovation upon its constitutione and a diminution of its authoritie.

I know my Lord its objected by some that the Queen by her own authoritie may nominate comissioners to treat of the Union; to which I shall make no other reply but this; that whatever authoritie her Majestie may have to appoynt comissioners, it is certaine that she has none to appoynt any persons to form themselves into a court or society to treat about any tiiing relating to the alteratione or diminutione of the authorise of our Estates, or any one of them without ther own consent.

Ther are other objections on our pairt against this treaty, both from the comissione itselfe and from the comissioners. Our objectione against the comissione is that the comissioners ought to have been chosen in parliament in the reigne of K. James 6th. and in the Conventione after the Revolutione. For though it be trew that in the tyme of K. C. the 2d. the parliament made ane Act impowring his Majestie to name comissioners to treat of ane Union, yet that was one of the wrong steps of that reigne; for to leave the nominatione of the treaters to the court of England or to a Scotch ministry under the influence of the court, may have the same effects and consequences as if the nominatione of all the treaters were in the power of England; and therfor it may be to us a dangerows precedent to leave the nominatione of comissioners in such a weighty affair to the Sovereigne alone without the consent of our Estates.

This objection is strengthened by the following instance, viz. that after her Majesty had, according to the power lodged in her by the Union act, passed a commission under the great seal wherein the traitors were named, the Scots ministry set aside that commission and made a new one by virtue of a blank warrant which they procured to themselves to alter the list that her Majesty had signed, as they thought fit, which they accordingly did and so made it up entirely of their own creatures and such as depend upon them without any regard to the capacity, quality or interest in the country. All which being so it is easy to perceive that no parliament or meeting of Estates could have gone into such measures but such a remainder of one as wholly depended upon the ministry; so that there's another question in law, whether her Majesty having once passed the commission according to the act, there was any room left for passing another

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without a new act empowering her Majesty so to do. And besides, it is evident that though the act empowered her Majesty to name commissioners it did not enable her to delegate that power to others. <sup>J</sup>,

As to the commissioners themselves we object that there are but few of them of our ancient nobility and gentry who have the most interest and authority in the nation, there being none of the great and ancient names of *Hamilton, Graham, Murray, Hay, Gordon, Keith, Erskine, Lyon, Lesslie, Sinclair, Scott, Seton, Home, or Sutherland*, and no considerable men of the names of *Steicart*, and *Montgomery*, none of the chief families of the name of *Douglas*, not above one of the name of *Ker*, or if your Lordship be better acquainted with our titles than our surnames, there are none of the families of *Hamilton, Montrose, Athol, Tweddall, Erroll, Marshall, Strathmore, Rothes, Roxburgh*, etc\* among them; whereas there are 6 or 7 of our modern new raised families and their relations. Besides, many of the present commissioners are obnoxious to the nation, some of them having been active in the arbitrary courses of the late reigns, as the dispensing power etc: complained of in our Claim of right; others of them apostatized from the Protestant religion; some of them were accessory to plots against the government since the revolution, as appears by undeniable evidence in the English Secretary's office; some of them are charged with accessions to the horrid massacre of Glencoe; and the people in general are dissatisfied with most of them for being made tools in the last reign by the English and Dutch ministry to the dishonour of our nation and the ruin of our Colony at Darien. .

So that your Lordship may consider whether it be probable that the

Parliament of Scotland will approve of a treaty begun upon a foot which tends to subvert our Constitutione and is carried on in such a manner, lykeways whither it be for the honour of England toconcurr in such a treaty and what security either of

the nationes cane propose to themselves by a treaty so manadged as makes its validity doubtfull and questionable by either of them if they have a mynd on any future occassione to depairt from it; and upon the wholl whither it be not better to deferr the treaty untill a new comission be agreed to by ane unquestionable authoritie on the pairt of Scotland. I am with all respect

My Lord

Your Lordship's &c\* Edinburgh, Nov. 20th. 1708.

INTENDED SPEECH IN THE SCOTS PARLIAMENT,  
1704.

In the Year 1704 ther was a designe to bring ane act into Parliament for settling the succession of the Crown, but a resolve which past prevented the motion. However I prepared the following speech for that occasion if it had occurd.

My Lord Chancellor

The reception which a bill of this nature met with in the last session of Parliament would, I thought, have discouraged any person from making the like attempt in this; but since this hath had no weight with the member who presented this act, I do concur with him in having the sense of this house upon it, and I make no doubt but it will receive the same treatment as the other did; for Pme certain that the arguments that were then used and did prevail in the last session of parliament are the same now they were then, only with this alteration, that severall supposi

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ions and assertions, such as England's designe to enslave and ruin us, are now fully evinced, from the treatment some of our countriemen have met with in that countrie and what has been done with respect to the Nation in generall, by presuming to concern themselves so much in Scots affairs as to pass votes of parliament upon them.

But before I proceed any further I must address myself in a

particular manner to such of the house as are elective members, by putting them in mind that they are but delegates, that they must answer to their constituents, that the eyes of this nation are upon them and they may expect little thanks if they quit any of the privileges which belong to them they represent. Now it is certain that it was the old and constant custom of our predecessors, to have a new Parliament called *ad hunc effectum* when either a new successor mounted the Throne to recognise and confirm his right and title thereto, or upon the failure of the Royall entail and line, to frame and settle a new one. And is it not highly reasonable that the subject should have his vote in the election of and give his instructions to the person whos impowrd to nominate and appoint those by whom he and his posterity are perhaps for ever to be ruled and subjected to? and shall we then upon this motion skip rashly into it? Every body knows that this Parliament was called on other designs; I believe there was not ten members chosen with a view to the Succession. Whoever shall be the person that is to succeed the Queen, let him be elected so legally and fairly and with so much justice to all concerned, that their may not afterwards be the least cause to doubt or impugn his right to and manner of obtaining the Crown.

My Lord Chancellor I do not in the least by what I have said pretend to dispute the power of this house to proceed to the settling of the Succession; all I mean is to shew the inconveniencies that may attend it at this time. And now, my Lord, I will proceed

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to consider the Act itself and I do averr that it is contrary to the interest and honour of this nation. For if we pass this act can we ever expect to regain our trade, and how much the same is decayd is visible from the miserable ruin of one and all our Royall boroughs and the scarcity of money which is felt I believe by every one that hears me. I know tis said that the Parliament of England has promised to unite the two kingdoms. I will not pretend to determine whether an Union will prove for Scotland's advantage or not, but I am of opinion if once we settle our crown on the H. of Hanover our fate will be the same with many a poor girl who allows herself to be debauchd on promise of marriage; generally the men ridicule them for giving so much trust, then they become despised, and afterwards common prostitute whores. But sure I am supposing that England would unite with us after we've settled the crown on the H. of Hanover, the terms will be of their own making which no man can imagine will be profitable to Scotland. And how dishonourable must the passing of this act be, when all the world must



conclude that wee, who so manfully stood up for our countrie in !

the last sessions, woud not retract, but either because wee were bribed or affrightned with the menaces of the English house of Lords. And I am perswaded this house will never agree to throw away or part with any part of the litle liberty and freedome left us, but will look on such as are enclined to enter into and advance such pernicious and dishonourable measures, as vultures and commorants, who delight to feed upon their own vitalls, by preferring their own private views to the interest liberty and honour of ther countrie; and for these reasons I freely declare that I am heartily against this act.

#### A SONG

to the time of "*Let the Souldiers rejoyce.*" June 10.1705.

1.

May th' Almighty defend, our Sovraign and send

him quicklie his Crowns to recover, and to his Peoples joy, may he wholly destroy

the Union the Whigs and Hanover.

2. ■ ‘

Lets be loyall to him, fill the glass to the brim

heavn save him from secret malice, and as the trumpets sound, may the bumper go round and wish him soon home to his palace.

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#### LETTER

from the Earl of Loudoun to Mr. Lockhart of Carnwath, that he was named one of the Treaters. 1706.

Sir ■ Mn: i..[in 'v.lhak .dnod

This is to acquaint yow that her Majestie by the Commission

which comes by this pacquet, has named yow one of the Treaters,

The first meeting is to be upon the Sixteenth of Aprile which

gives tyme enough to prepare for the Journey But there being

no time to be lost in the treaty, it will be necessar that yow be

here some dayes befor the first meeting, I doubt not but yow will

cheerfully embrace this opertunity of serveing your Countrie and

obleidging your freinds. Let me know that you have received  
this from Sir

Your most humble Serv<sup>l</sup>

Loudoun. Whitehall Martch 2d 1708.



#### SPEECHES IN THE SCOTS PARLIAMENT 1706-1707.

I spoke after the following manner when the Parliament of Scotland first enterd on the consideration of the Articles of Union.

My Lord Chancellor

In the last session of Parliament I freelie gave my assent to a clause which was proposed to be added to the act for a treatie. with England, by which the comissioners were restricted from treating on any subject that shoud any wayes derogat from any fundamentall laws, ancient priviledges, offices, rights, dignitys and liberties of the Kingdom; and the Queen having been pleased to name me one of the comissioners for treating with the comissioners of England concerning this Union I went to London with ane intention to agree to whatever woud be proposed for the honour of her Majestie and the interest and welfare of her two kingdoms. At the beginning of the treatie I was of opinion that ane intyre or incorporating Union of the two kingdoms woud prove the ruin of Scotland, but finding all the Scots comissioners of another opinion, when the English comissioners refused to treat on another bottom, I thought it needless for me singly to remonstrate against it, and did therfore suspend giving my finall judgement for sometime and untill I saw how these articles of ane intyre Union woud be framed.

Your Lordship knows I returnd to Scotland before the treatie was concluded. While I was present, the succession to the two crowns, the representation of both kingdoms in one and the same parliament (being a necessary consequence of ane intyre Union) several articles concerning the taxes and reservation of our laws and judicatories were treated of and agreed to. What was done

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after I came from London Pme as much a stranger to and have been as litle acquainted with as any within this house. My Lord I said in the begining that at the commencement of the treatie I was no great

admirer of an incorporating Union and I must confess that the articles contained in the scheme now laid before us, are not such as induce me to alter my judgement; nay I think them ruinous and dishonourable, by giving up all that is dear and valuable to a free and independent people, and having no return but what is precarious and imaginary. However I shall give a great deal of attention to what your Lordship and the other commissioners will say to enforce and prove the reasonableness of this scheme, and approve of every particular which I can conceive for the interest and honour of the Queen and the happiness and prosperity of this and her other kingdoms, having no tie or prospect to by ass me otherwise.

When I protested against the twenty second article of the Union my Lord Marchmont entered a protestation against receiving of my and other Lords and Gentlemens\* protestations, whereupon I spoke thus.

My Lord Chancellor

Notwithstanding all the pains your Lordship and some other members have been at to prove my protestation seditious illegal and presumptuous, I do humbly contend that it is none of these three. I am no Lawyer but reason teaches me that there is a great deal of odds betwixt a fact being illegal and seditious. Nothing can be seditious that is not illegal, but many things may be illegal that are not seditious. It is illegal to do any thing that is prohibited by the laws of the land, and yet there may be nothing of sedition either in the designe or consequences. 'Tis objected that my protestation is against a rule of parliament, but it cannot from thence be inferred that it is seditious, unless you'll say 'tis seditious to dissent from and protest against the proceedings of the majority of this house on any account whatsoever, or that you pretend to know my thoughts, which is going too far, since I am persuaded Your Lordship nor the noble Lord (E. of Marchmont) who protested against my protestation, tho you may indeed be Saints, will not pretend to be Prophets, and you cannot know my intentions without divine inspiration or the second sight, which being a diabolical science will not be admitted as a proof. In the next place my protestation is not illegal, for it does not strike at any preceding vote or resolution, for there are no preceding votes that in the least concern the rights of the Barrons, and so nothing in my protestation that is to be censured as illegal, for I may at liberty and have a right to protest against this article now before you if I think it encroaches on the priviledges of those I represent in parliament. 'Tis true in a foregoing article the United Kingdoms are to be represented in one and the same parliament, but it does not conclude the Scots parliament to be constituted as the English parliament, or the English parliament

as the Scots parliament, and therefore I have still liberty to dissent from the constitution of this new design'd parliament if I think it amiss. As for the word presumptuous, I don't understand the import of it as a term of law, but I know 'tis a word gentlemen of breeding shun in their ordinary private conversation and I cannot see what right any member hath to use it here, for I appeal to all who know me if I am accustomed to be guilty in or out of the house of any thing that deserves such a reflection. On what account then can my protestation be esteemed presumptuous? Is it because I insist against such measures as evidently tend to the ruin of my country? If that be

the matter, I'm indifferent what be said of it or me, I'm still of the opinion I was, that this article is an encroachment on the privileges of the Barrons, and to protest against it on that account is neither illegal seditious or presumptuous, but consistent with and agreeable to the trust reposed in me, and therefore I will never retract, but insist that my protestation be admitted and recorded.

COMMENTARYS

OF

GEORGE LOCKHART OF CARNWATH,

CONTAINING

AN ACCOUNT OF PUBLICK AFFAIRS

From the Union of the 2 Kingdoms in May 1707 to the Death of Queen Anne in August 1714.

Vol. i. 2 p

COMMENTARYS,

CONTAINING

AN ACCOUNT OF PUBLICK AFFAIRS

From the Union of the 2 Kingdoms in May 1707 to the Death of Queen Anne

in August 1714.

A Am not so vain as to imagine that either my abilities or the station in which I acted, were so conspicuous, as to afford matters of so much importance, that an account thereof will be of any great use to posterity; but on the other hand, as I had occasion to know the grounds and rise, as well as the steps and methods taken for the accomplishment of severall publick transactions, I believ'd an impartial account of what past, from the commencement of the Union

to Queen Ann's death, might be acceptable. Having also observed, that those who were thought to wish and design well towards the King's Restoration and at that time concerned in publick affairs, were frequently blam'd, for having been impos'd upon or negligent in the prosecution of an affair of such great importance, I reckon'd it necessary to sett these matters in a right light, that so posterity might judge and determine, how fair one and all of us, who were then concern'd, acted the part of zealous and faithfull subjects and true and -honest countrey men. In the prosecution of this design, I will confine myselfe to what relates to Scotland and Scotsmen and what was projected for the King's service, and will enter no further on what relates to England, than is necessary to discover the state of affairs and the springs and grounds of the severall measures which were then taken and prosecuted.

The first session of the British Parliament being the last of that triennial Parliament, before the dissolution thereof, interest was made towards the electing members for the new one, which was soon thereafter to be called. At first the King's friends did not encline to trouble themselves in that matter, believing the best service they could do his Majestie was to stay at home and improve the generall dissatisfaction which evidently then appear'd in Scotland on account of the Union, that so it might turn to his advantage when a proper occasion offered. But when they had reason to believe the King design'd to make an attempt, by an invasion, they chang'd their minds, resolving to be active in the elections, because no body knew what might be the result of the invasion; and if it should so happen that the new Parliament did meet before the King's affairs were entirely settled, it would prove of great use, that as many as possible of his friends were members of it. And whereas the design'd invasion was to be as long a secret as possible, that so the then British Government might not have time to put themselves in a condition to resist it nor imprison the King's friends, it was thought expedient to sett up as many of the Tories as they could, to be chosen, least the Government should judge they trusted to something else if they made no bustle at that juncture, and by that means discover what was intended. For these reasons it was that the Tories made interest to be elected severall moneths before the invasion, which happen'd in the spring 1708, tho at the same time they expected and hoped to have no occasion of putting their interest in the countrey to thistryall.

After the dissappointment of that design, matters took a quite different turn; a great many people had behav'd with so litle caution that ther was great reason to fear they were in danger, if the

Government enquir'd narrowly into what had happen'd. Great numbers of all ranks were thrust into prison and many of the principall nobility and gentry were carry'd up in captivity to London.

At first people were at a loss to know what could be the design of this conduct, when they could not be try'd in England or by the English laws, but it afterwards appear'd to have it's rise from hence. The Earl of Godolphin then lord high treasurer, and the Duke of Marlborough, to prevent the conjunction of the English Tories and Whigs against their administration, had lately made some advances towards the latter, and by assuming some of them, gave them more interest in the government than they had enjoy'd for some years bypast: which, inconsiderable as it was, they accepted of; but resolving withall not to sit therewith contented, still pusht further and further, and now that so many of the Scots Peers were in prison, prest their being carry'd to London with a design to gain them to their syde in the ensuing elections; in which case they resolv'd to procure their liberation, otherwise to leave them to the mercy of the laws. At the same time the other sett of ministers not being sure how farr their evidence would go against these Lords, and believing that after being imprison'd they'd unanimously resent that usage and vote against them at the elections, proposed by this method to frighten them into their measures, or at least prevent their being in Scotland, to appear active against them; and thus on these two opposite views the Scots Lords were carry'd up prisoners to Loudon.

They were not long there, before the Duke of Hamilton (who was also brought up a prisoner from Lancashire) findiing that the Whigs were most likely to preserve and relieve himselfe and his friends, clapt up a seperat Treaty with them, wherin the Whigs undertook to procure their release imediatly, and his Grace in

his friends name did engage to joyn in the elections with the Squadrone (the denomination given to the Dukes of Montrose and Roxburgh and the Earles of Rothes, Haddingtoun, &c.) against the Duke of Queensberry, the Earle of Marr and others devoted to Marlborough and Godolphin. After this- the Scots Lords were by the Whigg interest soon releas'd, and returu'd to Scotland to make good what they had undertaken. But as this, tho indeed a lucky step, did not exclude an inquiry afterwards, the King's friends thought it advyseable to have as many of ther number as possible in the House of Commons, and therupon prevail'd with severalls to stand candidats

in good earnest, and amongst others was my selfe for the county of Edinburgh, in which I prevail'd, tho the Court and the Presbiterians did their utmost to prevent it. But in the main the united Tories and Squadrone did not succeed so weel as they expected, having, if I am not mistaken, (the list not being by me) carryed only four, viz. the Dukes of Hamilton, Montrose, and Roxburgh, and the Earl of Rothes in the election of Peers, many of the Torie Lords who were not carryed up to London, such as the Earl of Aberdeen, the Lords Saltoun, Balmerrinoh, &c. being frighted over to the Court. Besydes, as these lay under no engadgments to the Whigs, they thought it a matter of indifference which of these two parties prevail'd, and not entring into the generall measure with the other Tory Lords, gave their votes to such particular persons as they mo9t affected. Neither did the Tory Commons come much better speed, for a great many gentlemen who at first stood candidates and others who enclyn'd to vote for the Torys, being threaten'd with and affraid of imprisonment, and at the same time conscious how much they were obnoxious, if prosecuted, did resolve to ly by, and not medle one way or other, wherby the Whigs prevail'd in most countys and towns. I was inform'd that they more than once design'd to have seissd on my selfe; but they stood at that time so much in aw of my uncle, the Lord Wharton, With "whom they knew I hv'd in good terms, notwithstanding our being of different principles, that they did not think fitt to proceed against me.

The elections being over, the Torys had nothing to do but preserve themselves, and were hopefull, as it happen'd, that the English Whigs would prevent any inquiry after the abettors and promoters of the design'd invasion, least, on discovering those concern'd therin, it should appear that they had hitherto supported and joyn'd with them in the elections, which they believ'd would have been somewhat of a reflection on them; and therfor the few Scots Torys who went to this Parliament had no instructions or project, but to take such measures and joyn with such persons as were most likely to be usefull in preserving their friends at home.

When these came to London they found three parties there engadg'd as it were in a German quarrell, that is, each against the other two, but withall threatning a conjunction of some two against some one, which all strove to obtain for themselves and obstruct in others.

The Torys had a few years preceeding been much weaken'd by Mr. Harry afterwards Earl of Oxfoord, and Mr. St. John afterwards Viscount of Bullinbrook, and severall more who followed them, breaking off, and being advanc'd to good posts, joyning with the

Court; but as there never was a hearty coalition amongst them, and Mr. Harley aim'd at more than was design'd for him and endeavour'd to supplant those who brought him in, these new converts were soon dismiss'd; and as they had lost themselves with both parties, few of them were chosen to this Parliament, and such as were, had but little credit with their old friends. The Tories had not the prevailing arguments of power and the purse to encrease and strengthen their interest; however so great a number were elected, they could cast the ballance by joyning with either of the other two contending parties\* There was no probability of their joyning with the Court, for these would not admitt them to share with them in the administration, well knowing they'd soon have got the better of them and kickt them out of all. The Whigs threaten'd to joyn with the Tories and call the Ministry to account for severall things in which they ithought them culpable, particularly that the nation was in such a defenceless state at the time of the invasion, tho they could prove that the design, many moneths before the execution therof, was imparted to the Lord Godolphin, for which his head ought and should pay. By these and the like arguments, especially that of refusing to give money for carrying on the beloved warr, which was so profitable to the Duke of Marlburrow, the Ministry was prevail'd on to joyn with the Whigs, at least to carry off\* some of their leaders, by preferring them to good posts; and these again accepted therof, as the way to get more and at last enhance all to themselves: And so by making Lord Wharton lord lieutenant of Ireland, and gratifying some more of the chief of that stamp, they made up a party strong enough for the Tories. But as all the Whigs, especially in the House of Commons, were not included, that is preferr'd, such as were neglected continued to exclaim against the Court and express a great resentment against their old friends, whom they term'd deserters of the cause and Court Whigs, assuming the name of stanch Whigs to themselves.

The Court being sensible that if these and the Tories joyn'd together they would still make a formidable appearance, and at least prove very uneasy by thwarting and retarding their measures, and not being yet thoroughly acquainted with their new allys the Scots (for tho they did not doubt their inclinations seperatly and man by man, yet they were not sure what friek they might take joyn tly as representing a new part of the Constitution) for these reasons, I say, the Court did not think themselves secure, imtill they had excluded a great many of the Tory and stanch Whig members of the House of Commons, on petitions against them as unduely elected; in winch, having no regard to law or justice, they turn'd out and brought in whom they pleas'd;



and thereby made up a certain majority in all events. Almost all the Scots members went along with them in this measure, and without them they could not well have effected it (what grateful returns they met with will afterwards appear) for at the beginning of this Parliament the Scots had the ballance in their hands, as was evident in the contraverted election of Westminster, where all the Scots (except Sir Gilbert Elliot of Stobs who deserted his countrymen) to shew their resentment of some impertinent words spoke in a former session by Sir Harry Duttoncolt, reflecting on the Scots nation, did unanimously vote against him, and with the help of the Tories found Mr. Medley elected, altho the Court and the Whigs exerted themselves to the utmost against them.

When the Court had thus established their power, they did what they pleased and baffled the Tories in every thing they proposed, W1k> amongst other things moved for a day to take into consideration the state of the nation with respect to the designed invasion. In which debate the Tories and staunch Whigs made it very evident, that the country was no way in a condition to make a resistance if the King had landed, and yet the design was, many months before, no secret, which appeared from extracts of letters called for and produced from the Secretary's office. However, the Court was strong enough to carry a vote justifying their own conduct. The Scots Tories were afraid this might have provoked the Ministry to look back and enquire after such particular persons as had been concerned in the invasion; but the Court Whigs for the reasons formerly assigned prevented it, tho they joyned in carrying the vote justifying the conduct of their new allies.

The first thing that occurred in this session, which met in November 1708, with respect to Scotland, was a petition from some gentlemen of the county of Aberdeen against the Lord Haddo, who had been returned from thence to sit in parliament. This paved the way to consider, how far the eldest sons of Scots Peers were, by the Scots constitution and rights of election, capable to elect or be elected in any county or burrow of Scotland. In this affair the Scots members exerted themselves so vigorously and unanimously that by a great majority they expelled the Lords Haddo, Strathnaver, and Johnstoun, and the Master of Ross, declaring them and all the eldest sons of Scots Peers incapable to elect or be elected for any county or burrow in Scotland. It was well that this happened in the beginning of the sessions, for (besides that the English Tories joyned with them) all such as had petitions lodged against themselves or their friends, and the friends of all such as were petitioners, assisted the Scots Commons, least they had shewed their resentment with the same unanimity as in the

Westminster election, by which means they carry'd this point, altho the Court (forseeing they must needs secure a great majority of the Scots Peers to favour their interest in the future election of Peers, and believing they might at the same time and with the same expence retain their sons, many of whom if capable would be elected) did all they could to preserve these young Lords. One can scarce imagine how heavy a stroke this was to the Scots Peerage, many of whom had been bubbled with the hopes of being themselves created British Peers, and making na doubt of enhancing the most of the elections to their sons, ex\_ pected therby to make a splendid figure at Court. But to be thus dissappointed and neglected was a terrible mortification to them, and as great a satisfaction to others, who thought they richly deserved such and worse usage, as they had been the chiefe instruments in selling and betraying their countrey. And Mr^ Dowgall Stewart (afterwards a judge of the session by the title of Lord Blairhall) did urge, as one of the reasons for expelling them, that (besydes that they could not be elected by the laws and usage of Scotland) the Scots Commons did not think their libertys safe in the hands of those persons or their representatives, who to gratify their ambition had ruin'd the nation and sold their own birthrights and priviledges. The Scots Commons, to make good the incapacity of the Peers eldest sons, did prove by acts of parliament, that none of the three Estates could encroach or be incorporated with another; and for proving that the eldest sons of Peers were rekoned a part of the same estate with the Peers themselves, produced an Act of Parliament regulating the apparell of the severall estates and ranks of persons in Scotland, in which the Peers and their eldest sons are expresly declared to be one and the same state. Lastly, they produced two extracts from the records of the Scots Parliament, by one of which it appear'd, that the Lord Livingstoun, chosen and return'd for the town of Lithgow, was on a petition against him declared incapable to be elected; and by the other that a wrytt for electing anew member was issued, in the room of Mr. M'kenzie, whose father, since his being elected to serve for some of the northern countys, had been created Lord Viscount of Tarbet.

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A considerable quantity of fish and flesh having been cured with forreign salt imported into Scotland before the Union, which and likewise some of the forreign salt itself being exported again by the merchants, they applyd to the Customhouse officers and then to the Lord High Treasurer for the premiums and drawbacks allowd by law, but without success, the English Ministry pretending that the salt

being imported before the Union, had not paid the high dutys and therefore had no just demand of these premiums and drawbacks. Whereupon application was made by the merchants to the House of Commons; and the Scots members appeal'd to the articles of Union wherein it is expresslie agreed that from and after the seventh of May 1707 the premiums and drawbacks therein stipulated should take place without any limitation or restriction whatsoever, and be paid out of the pro

duce of the Customs; and as the Scots merchants would not be allow'd to import goods (bought abroad and belonging to them before the Union) on payment of the easie Scots dutys, neither could they be refused the premiums for exporting what they had in their hands before the Union.. They said that in all such great affairs ther were some losses and advantages both to the publick and private men, the first wherof could not be prevented, and the latter were conniv'd at, and the present demand was of little consequence to England, but of very great to Scotland, in so far as it shew'd how much or little their new allies inclin'd to shew them favour, or rather do them justice; and therefore it was scarce worth England's pains to grudge so small a benefit arising from the two kingdoms being united under a communication of all priviledges belonging to trade. Tho these and the like arguments had at length their due weight, it was not without much wrangling that the Ministry condescended that an act should pass for a sum to be rais'd and apply'd towards paying these just demands of the Scots; and the truth is, the ill grace with which even that was done was but a sorry omen of Old England's inclinations to encourage and promote trade in Scotland.

About the latter end of this session, Mr. Lechmore one of the Court Whigs mov'd for a bill to render the Union more compleit, by declaring that the same species and forms of tryall in matters of treason should be extended over all the united kingdom, in which bill the English laws and forms were cramb'd down upon the Scots, and all their own laws and forms repeal'd. The Scots unanimously oppos'd all and every part of this act, asserting that their laws and judiciary court were secur'd by the Union; but by this bill, the one was to give way to the English laws, and the commissions of oyer and terminer were a manifest incroachment on the other; that their judges and lawyers were strangers to these laws and forms, from whence many inconveniencies might arise to innocent people, and that their own laws and

forms were in many particulars preferable to those of the English, and should rather become part of the English law, than be taken from the Scots. And those who had been instrumentall in carrying on the Union, represented to the Ministry and their friends in privat, that this Act would be most dissagreeable to all Scotsmen, and break their credit at home. But all that was said or could be said prov'd in vain; tho the Ministry had slur'd over the last invasion, they dreaded another, and were resolved to have it in their hands, to squeeze such as should be accessory therto. The Scots had help'd to strengthen the Ministry so much, they were in no fear of the consequences of their joyning with the Torys, and therfor regarding nothing that was said, and slighting all applications that were made by the Scots, insisted and prevail'd to get a law past in these terms.

After this, many of the Scots members pretended to regrave the measures they had followed; they now saw that the Union would not prove as they had been made believe and expected; they heartily regrated that by joyning with the Court and turning out so many members they had lost the opportunity of being significant, and were now contemptible and incapable to resent the in jury's done them; but they soon fell off and came to be of a better temper, joyning with the Court in the next sessions, as frankly as if no such thing had occur'd. And the truth on't is, no better was to be expected, for except Mr. Houstoun junior of Houstoun, Mr. Grierson junior of Lagg, Mr. Cochran of Kilmaronnock, Mr. Duff of Drummure and myselfe, who stood firm by the Torys, all the rest of the Scots Commons were in such a state of dependence or so corrupted in their principles with respect both to Church and State, that it was easy to foresee that they could not or would not fly heartily in the face of the Court. There were indeed some few amongst those, who afterwards when this ministry was chang'd chopt about with the new ministry, and, some few years therafter, ventur'd their all in the King's service; but at present they acted a quite different part. However, on account of their future merit and because it is nowise necessary for illustrating the history of these passages, I omitt to make mention of their names.

It will not be amiss, in this place, to take notice of the negotiations and transactions of Mr. Kerr of Kersland. He was the son of a privat gentleman in the shire of Ayr, and being marryed to the heiress of the Kerrs of Kersland, an inconsiderable but antient family and alwise violent Presbiterians, he sett upon that footing and aim'd at being a

ringleader of the Cameronians. During the sitting of the Union Parliament, he profess'd himselfe a great enemy to the Union, and thereby endeavoured to converse and gain credit with the Jacobites; but as he was known to be a person highly immoral and guilty of several base actions, such as forgery and the like, no person of any note would have the least intercourse with him, yet he found means to ingratiate himselfe with severall people of no great rank, from whom he pickt up storys. But his chiefe correspondence was with the Dutchess of Gordon and some Roman Catholick priests, who, tho' often advertis'd to beware of him, entred into projects and fram'd schemes with him, and communicated all they knew from the Court of St. Germans to him. Being thus sufficiently supplied with means to make himselfe acceptable and usefull to the Brittish Court, he was employed as their spy and intelligencer. After the invasion was over in the year 1708, he went to London to get a reward for his eminent services; and having solicited the same for a considerable time, he at length wrote the following letter to the Duke of Roxburgh, containing an abstract of his meritorious service:

“May it please your Grace, Having this morning honour'd myselfe by waiting on my Lord Thesaurer, I gave him as short an account as I could of the late transactions in Scotland and of all my pains and dilligence therein. His Lordship was pleased to desire me to lay the same before your Grace; which honour I accepted of with a great deal of chearfullness, since your Grace is well acquainted with the matter and all the difficullys that attended it. I hope my former from time to time giving an account of the steps of this matter in Scotland will save me some trouble; so can only compendize what formerly I wrote.

“Your Grace may remember I signified in October last, that there were new designs of an unhappy nature in Scotland, which was told me by a gentleman who was pretty much imbarck'd in the former design; the expectations of a reward might I believe be his motive. I shewed no inclination to credit him further than by keeping in terms till such tyme as I had certain advyce from some who I knew acted from a principle of conscience as well as true kindness to me, assuring that the Jacobites in all parts were of late fraughted with new hopes and had often consultations and meetings, some of the more open minded saying openly they had assurance of reliefe from France very soon; of all which I gave your Grace an account; and when I declare upon honour I have nothing in my view of privat interest in this, I assure myselfe the former experience you have of my honesty will entitle me to your Grace's credit; being at the same time very loth to tell the loss I am at, in not being reimburs'd of what I so necessarily

expended the time of the last invasion when the enemy were upon our coast, the sense of which were sufficient to exempt me from the suspicion of any such thought.

“I being honour’d with your Grace’s return, desiring me to give not only to Mr. Sempill, the gentleman who informed me and frankly offered his service, all necessary encouragement, but to use all other adviseable methods to get to the bottom of any such design; upon which I not only sett that gentleman on work, but also ording him to go on with the Jacobites and embark as heartily as they should requyre, but also employ’d some others whom I could trust and sent emissarys thro the countrey to furnish me with sure accounts of all that pass’d; from whom having pretty dismall accounts, I employed one Mr. Howison sometime secretary to Sir James Montgomerie of Skelmorlie, who hath wrote and received all his accounts to and from France the time of Sir James’s intriguing with that Court, who at my request renewed his correspondence with some of these with whom he formerly corresponded who are still on lyfe, and by him I had an account that the French King had condescended to an invasion to he made this year both in Scotland and Ireland, and that some gentlemen were to be dispatch’d to Scotland to prepare things for it in that countrey; and very soon thereafter I had an account from my emissarys in the North that they were landed and travelling in that countrey, viz. James Kid of Craigie, John Fotheringhame either nephew or cusen german to Powrie Fotheringhame, Leslie of Lumquhat, Father Durhame and Father Livingston. I caused tract the first three for above 200 miles, of which I gave your Grace an account, and in a few days was honour’d with one from you telling me I was ordred to discover these gentlemen’s names and haunts, to the Justice Clerk, that they might by his order be seized. And having had accounts from these who dogg’d them, where they were this and the other night from time to time, with all which I acquainted him; but he told me that since they were travelling in the North at a good distance and did not stay above a night or two in the same place, it was impossible to apprehend them till they came to town. At last the first three being come to Edinburgh, I caus’d Mr. Semple, who was their acquaintance and once on the same lay with themselves, to enquire about them, but I durst not communicat to him my design of seizing them, for fear he had told them of it; but that same day I had gotte an account of two of their lodgings by dogging my informer. They left the town and went to a meeting at Lintoun, and from thence to Traquair, as Mr. Kid’s letter from Traquair shews. So soon as I understood they were gone South, I dispatch’d a faithfull follower of

my predecessors to the coun trey in quest of them, and with him I sent orders to Captain Herries to observe what advyce the gentleman I sent should give him, and if they were in Traquair or any other place, he should imediatly draw a body of men together, surround and attack the house where he should be sure they were; and in the mean time I caus'd secure all the roads by my friends by which they, could return, having sent them the marksof the men. Within few days, the Justice Clerk came to me and told me that my Lord Traquair had sent an express to town, informing that the Cameronians were gathering in the South, and he fear'd his house would be ruffled, and demanded the Government's assistance; so he desyred me if I had given any such orders imediatly to countermand it, it being against law, and might bring me to trouble; which I imediatly obeyed. I mention this only to show your Grace how farr my zeal transported me. It was next to impossibility for me to find out Durham and Livingston's quarters; but at last gote notice they were in the Lady Pitfoddell's house: I told the Justice Clerk of it; who ordred the Captain of the Guard to apprehend them: but he manadging his bussiness with very great imprudence, they made their escape.

“■I s'hail send your Grace the coppys of Kids letters or the principalis which you please. So I hope you are satisfied I have done my duty, and asks nothing but to be excus'd from any farder meddling and to be reimburs'd of my expences: of which I send you an exact double of my accompts, hoping your Grace will do me the honour to present it to my Lord Tresurer. I did indeed foresee the manadging of these people, when the enemy were on the coast, would be very chargeable, as I told his Lordship, and was the true cause of the unwillingness I had to go at that time for Scotland, untill his Lordship seem'd to be dissatisfied with my staying here; and when I represented! could do nothing to purpose except money were given me, he was pleas'd to tell me, that as he had payed all my charges last year, so he should not only pay me for my charges and necessary expences but also reward my services, which I lookt upon like a banknote. And if the enemy had landed, never money would have been more profitably expended than what I did at that time. Your Grace may remember when I was desyred by you to go down, I told you it was to no purpose except I expended money. And for this last affair your Grace knows how unwillingly I undertook it till your Grace was pretty positive with me. For I love to undertake nothing but when I can go to the bottom, especially in matters of this importance; and I travelled so effectually unto it, that my emissarys trac'd them from house to house and what meetings were in the countrey, which

indeed put me to more charges. But if matters had gone any length it would have been of singular use to the Government. I charge nothing for my own personall charges, loss of time and neglect of my own privat affairs, referring that to my Lord Tresurer's generositie, and I hope he will remember my eminent services when the last Scots Parliament was sitting, the early discovery of all the steps of the enemys design on Scotland before the last intended invasion, the watchfull zeall I have at all times expressed for the Government, altho I never had a sixpence of profit by it. The debt I have contracted within these two years are too good evidences of it; I have drawn the inveterat malice of all dissaffected people in Scotland upon me; have rack'd my invention and ventured my credit with a giddy people who have a deference for my family, and made them friends to the Government, which was no small discouragement to the French and Jacobites, as your Grace sufficiently knows. I hope the considderation of all ther things^ will have weight with my Lord Tresurer to do me justice by your Grace's influence. And now when I am to retire myselfe from any farder meddling in ther matters, I beg dispatch, which shall not only make me for ever retain a very gratefull sence of my

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Lord Tresurers justice and honour, but also obleidge me to be ready on all occasions to express really how much I am at heart Your Grace's most humble faithfull and obleidged servant. Sic subscr. Ker of Kersland.

"London May 4. 1709\*."

\* Whilst these papers were preparing for the press, I accidentally met with "Memoirs of John Ker, of Kersland, in North Britain, Esq. relating to politicks, trade and history. In three parts. Part. I. containing his secret transactions and negotiations in Scotland, England, the Courts of Vienna, Hanover, and other foreign parts, with an account of the rise and progress of the Ostend Company in the Austrian Netherlands. Published by himself. The third edition. London 1727."

It is probable that the first and second editions were published in 1725 and 1720, for in Michaelmas Term 12th Geo. I. an information was exhibited in the King's Bench by Sir Philip Yorke, then Attorney General, against E. C. of St. Mary of the Savoy co. Middlesex, bookseller, (doubtless Edmund Curl the well known printer and bookseller, of that time) for publishing the first part of Ker's Memoirs, containing passages tending to vilify the King and



Government, by asserting that the affairs of this country were dispatched by foreign Counsellors alone, and the subjects of Great Britain unjustly compelled to sustain great expences and burdens in defence of the King's foreign possessions.

By a letter from Ker to the Secretary of State, dated King's Bench, 17 June 1726, and by another of 22d of the same month to his Right Honourable patron (meaning Sir Robert Walpole, to whom his book is dedicated), it appears that fifty copies of the first part of his Memoirs had been seized under a warrant from the Secretary of State, and that he was much distressed in his circumstances.

He died 8th July 1726, aged 52, a prisoner in the King's Bench for debt, and was buried in St. George's churchyard, Southwark.

He seems to have been an unprincipled man, immersed in speculation, intrigue and adventure, hesitating at nothing that could supply him with the means of gratifying his dissolute propensities, and turning his talents and acquirements (which were of no mean description) to dishonourable and fatal uses.—Editou.

Sir John Houstoun and I being informd that a lady of the town had told, that being kept by Mr. Kerr she had access to see severall papers of consequence, wee sent for her, and on promise of two guineas she brought us the originall of this letter, wrytt and sign'd by his own hand and ready to be sent fb his Grace the next day. Wee would gladly have kept it, but she would not allow us, least by his suspecting her she might lose her interest with him; so wee we were obleidged to rest satisfied with a copy. I was at some pains to enquire after the truth of the pretended discoverys in this letter, and I found some of them, particularly that relating to Mr. Kidd and the other two gentlemen's returning from abroad, altogether false, and that most of the other facts had something of truth in them, tho all of them were magnified, that his service might appear more meritorious. Mr. Kerr having gote, at sundry times, severall sums of money, making in all about 5 or 600*l*. start, and finding the Lord Godolphin was like to sitt up and would give no more, he tack'd about and made application to the Whigs and Torys, acquainting them he could make severall notable discoverys, which would evidently prove, that the Lord Godolphin was either in concert with the King, or highly remiss and negligent in not making better and more timeous provisions to defeat the design'd invasion, which he could make appear by a letter under his Lordship's hand, dated severall moneths before the invasion, in answer to one from him giving an account of that design. The Whigs and Torys leapt at this bait, and severall of the leaders of both, particularly the Earl of

Anglesea, gave him, unknown to one another, handsom sums of money to enable him to go to Scotland for these letters. At the same time the Lord Godolphin, not a little allarm'd and affrighted, us'd his utmost endeavours to get up this letter. Mr. Kerr in the mean time did traffique with and get money from both sydes, and at length, upon payment of at least 2000 guineas, gave up the originall letter to the Lord Godolphin. However,

the fears of this letter and of Kerr's evidence were none of the least motives that prevail'd with his Lordship to agree to the advancement I have mention'd, of some of the leading Whig Lords, and to enter furder into measures with them. I have mention'd this story at large, that it may appear after what manner the then Ministry behav'd, in order to make discoveries, and what a dishonorable part his Grace of Roxburgh acted in conjunction with so vile and mercenary a wretch; being an instance with what base miscreants great men will joyn, and what detestable measures they'l pursue to gain their own ends.

The Ministry having gotte all they wanted and desyr'd, the Parliament was prorogu'd in the spring 1709~

The King's friends in Scotland took care to let the nation know how they were us'd in Parliament, and what they were to expect from the Union, which in truth was all they could do, as affairs then stood, ther being nothing left for them but to wait patiently till it pleased God to bring about a better prospect of their King and countrey's circumstances.

During this summer's campaign, the Duke of Marlburrow pusht on the warr vigorously, and the Ministers of State enjoy'd the sweet of their labours at home.- Mr. Harly in the mean time was not idle; for as one of his chief talents lay in plodding and carrying on intrigues to undermine others, he found a way to enter into a correspondence with the Queen, who, tho forc'd against her will to lay him asyde from being Secretary of Slate, still retain'd a kindness for and a favourable opinion of him. This correspondence was conveyed by messages through the hands of Mrs. Masham, one of her Majesties dressers, and formerly introduced to Court by the Dutches of Marlburrow; by her he represented that her Majesties Ministers hemm'd her up from conversing with any but such as were tools or creatures of their own, so that in some respect she was a kind of State prisoner; that they did not treat her with the respect and deference which was due to her, seeing they did not desyre to know and follow her pleasure and

commands in matters of state, but dictated, as if it belong'd to them to prescribe, and incumbent on her to comply; that they had admitted into the Government a set of men (meaning the Whigs) who were enemies to herselfe, her family and all crown'd heads, and that these peoples maxims and designs would be prosecuted and terminat in her ruin and the subversion of the crown and mitre. The Queen being sensible that all or most of what he thus represented was too true, began to grow weary of the subjection she was then under, and not to have so great a value as formerly for those with whom she had entrusted the Government under her. But whilst this affair was in embryo, nothing for some time appear'd or was known of this correspondence or the effects of it. Mr. Harley in the interim had more irons than one in the fyre; whilst he represented these things to the Queen, he assur'd her that the Tories were willing and able to serve her with the respect that was due to a Sovereign, seeing they lov'd her person and respected the Monarchy, and that her people were displeas'd with those who rul'd under her, and the measures they took. And in order to make this appear to her, and at the same time enflame the nation, he got several of the clergy, in all corners, to inveigh against the times, and cry out the danger of the Church, from their pulpits; and amongst many others, Doctor Sacheverell preach'd two sermons in which he laid bitterly about him.

The Ministry being alarm'd at so much arrogance at a time when all things were entirely under their subjection, and knowing well what power the clergy in all places have over the minds and inclinations of the people, resolved to put a stop to such presumptuous boldness, and for that end pitch'd upon Dr. Sacheverell, designing to make an example of him, and hoping thereby to deter others from venturing on the like practises; but they fell into the pit which Mr. Harley digg'd for them, and by this resolution afforded a fair handle to pull themselves down.

No sooner did the Parliament reassemble in Nov. 1709, than the Doctor's Sermon (which indeed had nothing remarkable in it but a great deal of railing Billingsgate expressions against the Lord Godolphin under the name of Volpone) was complain'd of in the House of Commons, and some passages thereof read which were said to reflect on the Ministry and contrary to the Revolution principles, having asserted the doctrine of passive obedience and the hereditary right of the crown of Great Brittain. After which it was resolved, by a great majority, to impeach him for high crimes and misdemeanors. When the tryal came on, the mob got up and threaten'd all those who were promoters of it, and the rumour of persecuting a member of the

Church spread farr and near in the countrey and occasioned a generall disgust at the Ministry. All sydes concurr'd in having the tryall after the most solemn and publick manner; the Court to render themselves more terrible and powerfull, and the Torys to make the Court more odious and distastfull: so a place was erected in Westminster Hall, which, besydes the seats for the Lords, contained benches for the members of the House of Commons, and a vast multitude of spectators. During the time of the tryall the mobb of London and the inclinations of the people, in all places, appeared more and more against this measure; but as the Ministry had begun it, so they would go thorough, and to secure themselves rais'd the City train'd bands and sent parties of the horse and foot guards to patrol through the streets, which however did not altogether prevent the mob's insulting a great many persons; ther being dayly vast numbers betwixt the Gatehouse and Westminster Hall, who challenging all members, as they pass'd along, obleidged a great many, who were truely against the Doctor, to declare for him with oaths and asseverations.

The tryall having been publish'd, I will not enter into the detail of it; it will be sufficient far my purpose to observe, that the manadgers appointed by the House-of' Commons behav'd with all the insolence imaginable. In their discourse they boldly asserted, even in her Majesties presence, that if the right to the crown was hereditary and indefeasable, the Prince beyond seas (meaning the King) and not the Queen had the legall title to it, she having no clame therto, but what she ow'd to the people; and that by the Revolution principles, on which the Constitution was founded and to which the laws of the land agreed, the people might turn out or lay asyde their sovereigns as they saw cause. Tho, -no doubt of it, ther was a great deal of truth in these assertions, it-is easy to be believ'd that the Queen was not weel pleas'd to hear them mantain'd, even in her own presence and in so solemn a manner, before such a great concourse of her subjects. For tho Princes do cherish these and the like doctrines, whilst they serve as the means to advance themselves to-a crowiv yet being once possess'd therof, they have as litle satisfaction in them as those who succeed by an heretetary unquestionable title.

The Doctor on the other hand imployed Sir Simon afterward\* Lord Hareourt, and Sir Constantine Phipps as lus council, who defended him the best way they could, tho they were hard put to it to man tain the hereditary right and unlimited doctrine of Nonresistance, and not condemn the Revolution. And the truth on't is, these are so inconsistent with one another, that the chiefe arguments all edged in this and-other paraleel -cases, came to.no more than this, that the

Revolution was an exception from the nature of government in generall and the constitution and laws of Brittain in-particular, which necessity, in that particular case, made expedient and lawfull. But the Duke of Leeds, on this occasion, added also success, as an essentiall point for rendring.it legall. After the pleadings on all sydes were over, the Doctor vvas found guilty by a majority of the House of Lords; but the Ministry could not prevail in having the punishment halfe so high as they design'd and expected: for the Queen having interpos'd therin, influenc'd severall of the Lords to be tender in that point, which highly enrag'd the Ministry, who design'd nothing less than the pillory and being whipt at a cart from the Royal Exchange to Charing Cross, besydes a severe fyne, long imprisonment and deprivation of his livings, with an incapacity of any preferment in the Church for the future.

Tho the Tories had no expectation of being able to bring the Doctor so well off as happend, they were very desirous to get a considerable number to appear for him in both houses, and I was desir'd to speak to the Duke of Hamiltoun about him. As his Grace was fully convinc'd of my entire value and respect for him, he allowd me a good deal of liberty in expostulating and reasoning with him on matters of the greatest importance, and was pleas'd, I do believe, to be as free with me as with most men, and from thence I had often occasion to be fully convinc'd, that no man had better designs and a greater affection for his King and • countrey, and tho he was cautious in entring into dangerous measures, no man was more sincere in his good intentions or wou'd have outdone him when matters of consequence came to be attempted in earnest. I represented that the eyes of the world were on him at this juncture, and that much was expected from one of his character. He told me that he was much straitend in this affair, for his inclinations naturally lead him to vote for the Doctor, but he was apprehensive it woud be inconsistent with good policy, with respect either to private or publick veiws, for he had then a lawsuit of great value depending, and if he voted for the Doctor, the Ministry woud be displeas'd and certainly interpose to his prejudice: that he had endeavour'd all alongst to gain and maintain an interest with the Scots Presbyterians, in hopes of bringing them some time or other into right measures, and shoud he vote for the Doctor, they woud neverforgett it, nor Vol. i. 2 s

forgive him. I reply'd that as to his private affairs Lcou'd say litle, he was best judge of that matter himself; but as to his other consideration, I admir'd how he cou'd feed himself with such vain hopes. 'Tis true some of the Presbyterians pretended to keep fair with

him, to prevent his appearing too vigorously against them, but all the world saw and knew they never did nor wou'd trust him, they had secretly a better opinion of him than to think he ever was or cou'd be one of theirs, and he never did nor ever wou'd obtain any assistance from them when he needed it, of which he had so many repeated proofs, that all the world was surpriz'd how one of his Grace's sense cou'd be so impos'd upon; that although they might happen to do some litle thing for himself personally, they were so inveterately bent against the King, that neither he nor any pow'r under God cou'd ever prevail with them in his favour. I added that this was an occasion wherein he'd raise or sink his reputation with honest men, that he suffer'd too much already by his brother Lord Archibald voting with the Court; and if his Grace did the same in this affair, all the world woud believe he had deserted his old principles and was not fitt to be trusted by his old friends. His Grace was pleas'd to hear this and much more to this purpose at this and other times, and tho' I perceiv'd he was in great perplexity, I cou'd not, even the night immediately preceeding the day on which the Lords were to declare their opinions, have any ground to hope his Grace woud have acted the part which became him; and in truth I do believe he was determin'd to have voted against the Doctor; but when it came to the push, he wanted resolution to go thorough with a design so inconsistent with his former character and principles. So that when the question was stated, if the Doctor was guilty or not guilty, he voted in the negative with a very audible voice. All the rest of the Scots Peers voted against the Doctor, excepting the Earls of Marr, Weems, and Northesk. This was the first time any of these noble Lords had differ'd

from the Court either in the Scots or British Parliaments. People easily beleivd that Marr carri'd off the two latter, and some imagin'd there was a change to happen, which he wou'd forsee as soon as any man, seeing the Queen esteem'd him much and talkt frequently with him, and he was very intimate with Mr. Harley. Others said that he had allways a warm side to the distresst Royal Family and the Church, which he now manifested when there was an occasion for it; and had these people known the part he was afterwards to act, they might well have thought as they did; but without tliis farsight or foreknowledge it was hard how to conceive such an opinion of him, his outward behaviour at least having hitherto been directly opposite therto; but whatever were his motives, from this hour he began to be esteem'd by

the Tories as capable and willing to serve them. It will also be fitt to remember that the Duke of Argyle, tho he voted against the Doctor, was extremely active in mitigating the severity of the sentence against him. Whither this proceeded from a desire to render himself acceptable to the Queen, or out of picque to the Lord Godolphin and Duke of Marlborough, with whom he was then at open variance, I will not pretend to determine; but this is sure, that he followd the stroak and joind heartily with the measures that were taken to exclude the Ministry in a short time after this tryal was over. I have good reasons to affirm that the Ministry, before the end of the tryal, wish'd they had not drove matters so farr, but having begun they thought themselves oblig'd to go on, and indeed nothing did more contribute to their ruine, for the measure was universally distasteful to all England and created the Ministry many enemies.

After this tryal, the Parliament was soon prorogued, and during tliis Session nothing occur'd which particularly related to Scotland.' .-;. .  
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Mr. Harley laid hold upon the opportunity, renewing what he had formerly represented to the Queen, minding her Majesty how arrogantly the Managers of the House of Commons behav'd, and what rebellious doctrines they advanc'd, ev'n in her presence^, during this tryal. And some things had happen'd within the space of five or six moneths preceeding this critical juncture, which afforded fewel to the fire and blew the coal. The Whigs and other courtiers were become very insolent, even to the Queen herself; when she did not seem to approve such plans and measures as they offer'd, they told her she must comply, or they cou'd not and wou'd not serve her. When she declar'd her intention to bestow the late Earl of Essex regiment of dragoons on Colonel Hill, they withstood it, and by such arguments forct her to give it to Sir Richard Temple, one of their creatures. When she happen'd to have occasion to call for a small sum of money, the Dutchess of Marleborough, who kept her privy purse, wou'd tell her it was not fitt to squander away her money, whilst so heavy a warr lasted, tho', at the same time, a vast sum of the publick money was annually bestow'd in building the Duke of Marleboroughs magnificent house at Woodstock. I remember at that time one Mrs. Dalrymple brought up from Scotland a very fine jepann'd cabinet, which, being her own work, she presented to the Queen; but it was more than six moneths before her Majesty cou'd be mistress of fifty guineas, which she design'd to give *as* a return for the compliment, and which indeed was scarce the value of it. About this time likewise Sir Andrew Foster, her fathers old servant, died at London in so poor a condition, that he

left not wherewithal to defray the expence of a very private interment, and the Queen was forc't to borrow 20 guineas from the Lady Fretchwell to employ that way.

. The Ministry perceiving the Queen somewhat displeas'd and uneasy, grew jealous of Mrs. Masham, and requir'd the Queen to turn her out of her service; and on her refusal threatned to bring an address from the two Houses of Parliament to oblige her to it, and withall invite the Prince of Hannover over to London. As such treatment much chagrind the Queen against her Ministry, she was very desirous to secure herself against such attempts, and did avowedly sollicite a great many members of both Houses of Parliament, that they wou'd not consent to a motion to deprive her of the liberty allow'd to the meanest housekeeper in her dominions, viz. that of choosing her own domestick servants. I remember sometime before this session of Parliament mett, the Tories beginning to have some hopes from Mr. Harlies negotiations, procur'd from all parts, wherin they had interest, addresses full of loyalty and respect to her Majesty; and I receiv'd a letter, whilst I was in Scotland, desiring me to sett the like measure a foot there, and I accordingly procur'd an address in a very high monarchical style from the barrons and freeholders in the county of Edinburgh; and having brought it up with me when I came to Parliament, I was introduc'd by the Duke of Hamiltoun to present the same; and having read it to her Majesty, she seem'd very well pleas'd, gave a gracious return to the address, and then told me, tho I had almost allways oppos'd her measures, she did not doubt of my affection to her person, and hop'd I wou'd not concurr in the design against Mrs. Masham or for bringing over the Prince of Hannover. At first I was somewhat surpriz'd, but recovering my self, I assur'd her, I shou'd never be necessary to the imposing any hardship or affront upon her; and as for the Prince of Hannover, her Majesty might judge, from the address I had read, that I shou'd not be acceptable to my constituents, if I gave my consent for bringing over any of that family, either now or any time hereafter. At this she smil'd, and I withdrew; and then she said to the Duke, she believ'd I was an honest man and a fair dealer, and the Duke reply'd, he cou'd assure her I lik'd her Majesty and all her fathers bairns.

But now to return to Mr. Harley, he ply'd the Queen so close, and she at the same time was so much discontented with her present condition, and so highly resented the usage which she dayly receiv'd from her Ministry, that taking courage, she resolv'd to lay them aside and throw her self into the hands of the Tories, which the Whigs for a long time wou'd not believe, being perswaded she wou'd not venture



on it, and that none wou'd dare to advise or be capable to support her in the measure; but they soon found themselves mistaken, and that their fall was most agreeable to the nation, who joind heartily to enable her Majestie to go on with her design. And thus fell a sett of men, who were sufficiently able to support themselves had they us'd their Mistriss with any tolerable degree of common civility, and not pusht their revenge against a poor despicable clergy-man, who was scarce worth their minding: A sett of men, who being masters of all the money in the nation, enrichd themselves, and being terrible to all others, were no sooner discarded, than they became despis'd and detestable.

The Queen having discarded the old, did soon choose a new Ministry, amongst whom Mr. Harley was the chief man, and at first made chancelour of the exchequer; Mr. St. John was made secretary of state, Sir Simon Harcourt lord high chancelour, the Earl of Rochester president of the council, and the Earl of Jersey The Earl of Anglesey was design'd to be the other secretary of state, but he died much about this time, as did the Earl of Jersey in a few years thereafter, in whom the King sustaind a very great loss, both of them being very hearty and sincere to advance his interest.

After the Government was thus new modell'd and settel'd, the dissolution of the old and the calling of a new Parliament soon follow'd, and then all parties went heartily to work, the Whigs to make the be6t they cou'd of a loosing game, the Tories to appear formidable at their first setting out. The one bellow'd far and near that Popery and the Pretender were coming in; the other cry'd aloud that the Church and the Monarchy were rescu'd from the very brink of perdition, and that it was neepssary to confirm their establishment and prevent their being again expos'd to the like hazard. Altho the Whigs left no stone unturn'd to promote their interest, the Tories got the better of them by far in most of the elections in England. Neither were they less diligent on all sides in Scotland. The Whigs there, to the fears of Popery and the Pretender, added the danger that Presbytry was in. The Tories spoke litle above board, but under hand represented that now or never was the time to do something effectually for the King, and by restoring him dissolve the Union. The Duke of Queensberry did not meddle much in the elections; he had heartily concurr'd with the late Ministry in all their measures, but having contracted an intimate friendship with the Duke of Ormond and Earl of Rochester, they prevaild so far, that he was continu'd secretary of state for Scotland, and on these terms he was willing to desert the other party and join with them; but as he knew that his zealous appearance for the Union

had render'd him very disagreeable to his own country and consequently much diminish'd his interest there, he did not think fitt at this time to come to Scotland, whither the Dukes of Hamiltoun and Argyle and the Earl of Mar made all haste, and gave their utmost assistance to the Tories in their elections. The Whigs pitcht on some particular persons, such as Sir Hugh Paterson in the shire of Stirling, Sir Alexander Areskine lion king at arms in the shire of Fyfe, and myselfe in the shire of Edinburgh, against whom they exerted themselves to the utmost; yet we all three prevaild by a very great majority, and the elections of both Peers and Commons went much on the Torie side, the whole sixteen Peers being agreeable to the Ministry, and above two thirds of the Commons on the Torie lay. Some people however observ'd, which they, ev'n then, reckon'd a bad omen of the new Ministries intentions, that the Scots Tories (and indeed the same thing was likewise complain'd of in England) had no assistance from the Court. For most of the officers in the revenue having been plac'd by the late Ministry and continued in their offices by the present, voted against the Tories, tho application was often made to the Court that proper methods might be taken to dispose them otherwise, in which case the Scots Whigs wou'd scarce have made any figure at all in the ensuing Parliament. It was afterwards pretended that Mr. Harley did resolve not to interpose, on the pretence of leaving the nation to make a free choice of their own representatives; but some both then and since were of opinion that he did not desire the Tory party should be ev'n so prevalent as it happend, and woud have been much better pleas'd, if the two contending parties had been so equal, that those who depended on the Court, and were consequently under subjection to him, by joining with either, might cast the ballance; by which means they woud both stand in awe of him, and he might play his own game without depending much on either. Another observation was, that too many of the sixteen Scots Peers, such as the Earls of Loudon, Kinnule, Orkney and Roseberry, tho they wou'd probably enough concurr with what measures the Court proposd in favour of the Tory interest, had formerly acted a quite different part; and it was evident, they wou'd be Tories no longer nor no further than the Ministry directed them; and as these were recommended by the Court, people from thence concluded that Mr. Harley was fitting himself for all games.

When the Parliament was assembled, in November 1710, it soon appear'd that there was a great majority of the Tories; and all the former litle subdivisions of the two grand parties were united and made two opposites, viz. Whigs and Tories; and of the latter, so many

were private country gentlemen, chosen with no other view than to serve the nation, that had they united and entered jointly into measures, they had no reason to apprehend a conjunction betwixt the Whigs and those who depended on the Court, being themselves more numerous than both of these. But alas, they soon fell into parties and divisions, which being all that was left to the Whigs to hope for, they under hand fomented the same with great dexterity and too much success. Tho it must be acknowledged that it was chiefly owing to the unaccountable conduct of the Ministry, who not only neglected to confirm and establish the advantage which they had gained, but did many things to disoblige and discourage a great many, who at first had very good intentions. However at the beginning of this sessions matters had outwardly a quite different aspect, all striving who should shew the greatest zeal for the Monarchy and the Church, and the highest contempt and aversion to the late Ministry and their maxims.

In all their speeches and resolutions, they appear'd to think and act on a quite different footing from what had been formerly advanced. The last Parliament address the Queen, not to make peace with France till the house of Austria was in full possession of Spain and all the dominions thereto belonging, till Dunkirk was demolished and the Pretender remov'd out of France. Their hearts were sett upon the war, which brought them immense riches; and to bubble the nation to concur with them in continuing it, they mainuind that France must be pull'd down, and Lewis le Grand left title belter than tributary to Great Brittain and their dear allies the Dutch; and this, for many years successively, they attirmd wou'd be accomplished by the next ensuing campaign. This Ministry and Parliament said there was no necessity to depose Philip of Spain, since our being at warr with him was the only reason that forct him to strike in with the French, which otherwise the Spanish nation wou'd never have endur'd; that a way might be found out to prevent these two nations being ever united under the dominion of one and the same person; that the interest and ballance of Europe did as much call for supporting France in a due measure of powr, as to pull it down when too high; that France was by this time pretty well humbled, and those who insisted on continuing the warr

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aimd at continuing to themselves the great riches which accrued to them by it; that the nation was sunk in debt and overburden'd with taxes, and under an absolute necessity of making peace, if it cou'd be obtained on honourable and safe terms. These and such as these were the measures and maxims advanced, and by which the new Ministry

and Parliament modell'd and fram'd their designs; and the Ministry being supported therein by this session of Parliament, private agents were sent to and from France, and secret negotiations sett a-foot, which afterwards brought about the treaty at Utrecht, where the general peace was concluded and agreed to. And indeed the new Ministry was under an absolute necessity to endeavour after a general peace, for they saw that the Whigs, tho they exclaimd against a peace, woud, by opposing the funds, obstruct them in obtaining the means for prosecuting the warr, and if the success of their arms shou'd happen to be less under this than the other Administration, it wou'd inline them altogether; besides, as the nations debt was the cheif article of the charge against the late Ministry, an honourable peace naturally follow'd as the only proper remedy.

But as it was best making peace with the sword in hand, preparations were made for the ensuing campaign, and the command in Flanders was still continu'd with the Duke of Marlebrough. Whether it was that the Ministry cou'd not agree upon one to succeed him, or that they had hopes to gain him intirely to their side, I cannot say; but his Grace it seems was not so wedded to his old freinds, as to refuse that profitable employment from any who had the disposal of it. In this session, as I observ'd before, tho there was no appearance of divided interests amongst the Tories, seeing all concurr'd in the measures laid down to support the Queen and her new Administration, yet were there a great many who disapprov'd of the Whigs being continu'd in the enjoyment of those posts the late Ministry had left them in possession of; and these represented that it was necessary to strip them of all and bestow their offices on the Governments friends, whereby these woud be confirm'd and enabled to do more service, their enemies wou'd be discourag'd and weakend, and many wou'd be converted to join with the prevailing party. And these likewise pressed that some laws shou'd be made for strengthening the Torie interest and securing the Church against all attempts of Dissenters for the future; and these maintaind that there was no doing of things by halt's, and that a thorough steady Administration was necessary, and no time to be lost in executing it. But as Mr. Harley did not relish such doctrines, he us'd his utmost skill to divert, at least postpone, those measures, by telling those that insisted on them, that the Whigs were a daring inveterate sett of men, and must not be exasperated too much at one time; that the administration was not yet thoroughly settled, and a peace was necessary, and if the Whigs shoud break out during the war, it woud ruin all; and on these and the like pretences was very earnest that

gentlemen wou'd have a litle patience; and as he hop'd his inclinations to the Tory interest woud not be called in question, he undertook, when a proper season came, they shou'd have entire satisfaction in all they expected or desir'd.

Tho these arguments and reasons were easily confuted, the Tories, perceiving that Mr. Harley cou'd not be brought to think after the same manner they did, resolved by following him in his own way, to give him no reasons, from their conduct, to allege that they had oblig'd him to take measures which he did not incline to, or that they had any share in preventing the good things he pretended to aim at; and this they thought necessary and agreeable to all the rules of prudence, as he had been the chief agent in bringing about the late change, and was intirely trusted by and had the absolute disposal of all affairs under the Queen, on which account a breach with him wou'd have baffled all their hopes and veiws. Nevertheless from and after this time, as he never went into their measures, but when he was compell'd and

oblig'd therto for keeping up the reputation of the party and setting a good outward face on his correspondence and friendship with them, so they at first had some kind of diffidence of him, and at length became fully convinc'd that they had no reason to believe he was their friend; and thus, tho he appear'd to head the Tories and they to support him, neither valu'd, esteem'd, or trusted one another; which in the end ruin'd both.

The Tories, in consequence of the measures they had resolv'd on with respect to Mr. Harley, did establish a society, consisting of a great many members of the House of Commons, who being for the greatest part country gentlemen who us'd to drink good October ale at home, were call'd the October Club. These gentlemen resolv'd and engag'd to stand firm to one another, and to meet weekly in order to concert measures, in which the minority should yeild to the majority; and they first of all unanimously resolv'd to trust to Mr. Harley's management in accomplishing what they so much desird and expected, and for that end to support and enable him to obtain what he thought requisite for these purposes; and it must be confesst that the far greater part of this club did adhere firmly to their principles and engagements, acting the part of honest country-men and dutiful subjects, and that to their interest and pow'r Mr. Harley ow'd his being supported and capable to stand his ground against the many traps which were laid for him. How he requit'd this society, with respect to the particular members thereof or the publick veivs they affected, will afterwards appear.

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A great deal of pains was taken to blacken the reputation of the late Administration, by exposing the gross mismanagement of the publick money, and the nation's being bubbled, cheated and imposd upon by all the allies. To this end an infinite number of pamphlets and libels on these and other instances of their bad conduct Mere publisht and disperst, and an act was made appointing seven commissioners to state and examine the publick. accounts, and discover embezzlements of the public money for a certain number of preceeding years and annually whilst the commission subsisted. Mr. Harley, as I have been told, was not very fond of this commission, fearing it might ev'n inquire after his own conduct; but it being too popular for him to appear against it, he laid himself out to have such, at least some more or less, chosen commissioners as he coud depend on; which the October Club took care to prevent, by making choice of such, as they believd, were as much proof against him as his predecessors in the Ministry. The Scots members having demanded, in a private meeting, that one of their country shou'd be in this commission, the English agreed therto, on condition that I was the person to be chosen; not that they thought me more capable than many others to exerce the office, hut because all the rest of the Scots Tories, except Sir John Houston, who declind it, were strangers to them, some not having been members of Parliament formerly, and others but late converts; and the English beginning to be somewhat jealous of Mr. Harley's schemes and designs, wou'd have none in this commission but such as had given proof of their firmness. For my own part, I was very averse to engage in this affair; I foresaw it woud tye me down to a close attendance and almost constant abode in London, and expose me to the malice and revenge of many who wou'd be obnoxious to the commission; but I was obligd to yeild and accept when chosen.

The controverted elections were the first matters relating to Scotland which came before this session; and that which made the greatest noise was the election of the shire of Dumfries, from whence Mr. Grierson junior of Lag was return'd member; and Mr. James Murray, second son to the Viscount of Stormont, petition'd against him. Mr. Grierson deserv'd very well, having stood very firmly in the last parliament by the Tories; but the Duke of Queensberry, to whom

he was nearly related, having giv'n him his interest or rather sett him up as the most probable person to succeed against Mr. Murray, who had no dependance on his Grace, the Scots Tories resolv'd to exert themselves against him, on purpose to show how much they resented the Duke's having been the chief instrument in carrying on the Union. His Grace likewise had introduc'd a new custom of giving rights of freeholds to several persons in trust or redimable, on payment of a trifling sum; by which practice the Peers, who had great superiorities, might easily create so many sham voters, as wou'd carry all the elections; and the Commons thought it import'd them much to prevent such illegal incroachments on their rights. For these and the like reasons, the Scots laid themselves out and prevail'd to have Mr. Murray's right of election declar'd good and the other rejected. I was assur'd the Duke of Queensberry took this mightily to heart, and express'd a vast concern to percieve such a mighty zeal in most of his countrymen against him; but had he reflected on the miseries he had entail'd on them and their country, he had no reason to be surpriz'd at their resentment.

The next thing which occur'd and particularly concern'd Scotland was a bill imposing a duty for 32 years on all linnen cloath exported from Britain. Mr. Baily of Jerviswood and Mr. Smith (representative of Glasgow) oppos'd it, urging that besides the bad effects in generall of imposing burdens on the native produce and manufacture of any country, this tax in a particular manner affected Scotland; for tho' little or no linnen cloath was manufactured in and exported from England, it was the staple and cheif commodity in Scotland, and of the same moment ther as woolen cloath in England; and as it was a wise and constant maxim never to impose any dutys on English woolen cloath, it was equally just and to be expected that the Scots linnen cloath, now that the two kingdoms were united, wou'd meet with the same encouragement. This and much more was press'd to satisfie the House that this tax did principally affect and wou'd highlie prejudice the Scots, whose woolen manufactures being ruind by the Union (seeing therby those of England could be imported into Scotland) had little beside the linnen cloath to support them. After a long debate Mr. Harley said that he admir'd the debate shou'd last so long, "For have not wee (meaning and pointing to other English members) bought them and a right to tax them? (meaning the Scots) And pray for what end did wee give the equivalent?" I took him up and said that I was glad to hear a truth, which I had niver doubted, now publickly brought to light and own'd, for the honorable gentleman acknowledg'd that Scotland was bought and sold; but I much admir'd to hear from one of



his experience in business and who had so great a hand in the purchase, that the equivalent was the price, it being as certain as it was no secret that the equivalent arose and was paid to Scotland on account of a sum with which the Scots customs and excise were to be charged towards paying debts contracted by England before the Union, so that the English got an equivalent for this sum paid to Scotland, and therefore if Scotland was bought and sold, it must be for a price not yet come to light, and I would be extremely glad to know what this price amounted to and who received it. I added that before the Union the Scots were made believe fine things would attend the communication of trade; but thus to burden the native produce was to deprive them of the benefit they could expect; that it appeared from the fourteenth article of the Union (which I having called for was read) that it was understood and taken for certain, that in the imposing of taxes for the future a due regard would be had to the circumstances and abilities of the several parts of the United Kingdom, but this tax did wholly at least chiefly affect Scotland and that even in the most tender part, which no doubt the Scots might have prevented by making a better bargain; for I did verily believe the English would have exempted the linnen cloath from all

taxes and given the same encouragement thereto as to the woolen cloath in England, rather than wanted the Union; but the Scots trusted this and much more to the honour and justice of the English, and what in all probability would be the consequences of so unlimited faith, were by this and some former proceedings too apparent; but that in all events I was very glad gentlemen spoke plainly, for thereby the Scots saw what they were to expect, and it justified those who opposed this scandalous and pernicious sale of their country. The result of this affair was that the duty must be imposed; but in regard the price of cloath thus taxed was understood to be 40 yards long and that the pieces in Scotland were generally but about ten yards, a clause was added to relieve the Scots, by gratifying them so far as to allow them to pay but proportionably according to the length of the pieces. And this was even looked upon by some of the English as a singular favour and remarkable instance of their impartiality and justice.

Tho this affair was somewhat shocking to the Scots, they hoped that if they proposed what did not directly interfere with the particular interest of England and was beneficial to Scotland, it would be favourably received, and therefore a bill was moved for and presented by Mr. Yeaman (representative of Dundee) to regulate the working and making of linnen cloath in Scotland. This bill directed

the lengths and breadths, prohibited severall abuses in bleaching &c. appointed stampmasters to be named in the severall burghs and shires to revise and affix the publick seall on all cloath exposed to sale in publick markets, and stricklie discharged the exportation of linnen yearn into Ireland or other places. For severall dayes the bill went on without any difficultie; but at length when the House came to consider the report of the committee to which it was referd, it met with great opposition from all who had estates or any concern in Ireland. On this occasion these gentlemen argued, that the English Parliament having discharged the importation of Irish woolen cloath into England or the Plantations, had ruind the woolen trade of that countrie, but as ane equivalent for the loss did promise and had ever since on all occasions encouraged the linnen manufacture in Ireland, and therefore seeing the Scots linnen yearn was usefull to the Irish, the bill, at least the clause against exporting yearn, shoud be rejected. To these Mr. Baily of Jerviswood, Mr. Carnagy of Boisack, Sir Alexander Cuming and others replyd by repeating the arguments I mentiond before in the debate concerning taxing the Scots linnen cloath, and by adding that on these considerations it had been nothing extraordinary nor out of the way if the Scots had insisted that the Irish linnen shoud be on the same footing with the woolen cloaths as to exportation to Britain and the Plantations, and that a stop shoud be put to the sum of 10000/. given annually by the Crown towards improving the Irish linnen manufacture; and it was very hard the Scots shoud not be allowd to preserve the manufactures and improve the produce of their countrie to the outmost; that the effects of this clause coud be no new dissadvantage to the Irish, seeing the exportation of yearn had been long ago prohibited by the Scots laws.

The English answered, since the laws of Scotland were alreadye against this exportation, what was the use of a new law? Mr. Baily returnd, twas no new tiling but the daylie practice of this House to revive and confirm old standing laws. And then I added, that perhaps it was a question if the article of the Union, wherby the Scots were subjected to the English regulations of trade, did not repeal this law, and if so, it was just and proper to give it new life and vigor; but supposing this law was not repeald, the Scots Customs since the Union had been cheiflie in the hands of English officers, who for the most part were such a scandalous crew (being generally the very scum and outcasts of the people) that few or none of them did understand or woud

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take notice of a Scots law, and it was to be hopd theyd shew some

regard to a British act of Parliament. Then I told them that I admired to see so small and withall so just a demand meet with such opposition; that I always knew and belived that Scotland must yeild to England her elder sister, but expected she might have stood her ground against Ireland, tho now I perceived this and sundry other mistakes woud soon be cleared. . Mr. John Manley then spoke to this effect; that the sum of the present debate amounted to this, viz. that whatever were or may be the laws of Scotland, yet now she was subject to the sovereignty of England she must be governd by Englands maxims and laws, and Ireland must not be ruind to humour a few North British members. As he was proceeding I interrupted him, calling him down to order, and saying that he had dropd some expressions which never were nor woud be fact, for Scotland never was nor never woud be subject to the sovereignty of England; that before the Union Scotland was a free seperate and independent state, and since the Union ther was no more a sovereignty of England than of Scotland subsisting, both these formerlie distinct independent soveraignetys being now consolidate into the sovereignty of Great Britain. I told them I had often observd that gentlemen when they spoke mentioned the trade, libertie &c. of England, which I was inclin'd to belive proceeded from custom and inadvertencie, but now that ther was too much reason to belive some gentlemen did think the interest of England comprehended that of Great Britain, or at least that the other part therof was to be litle regarded, I was obligd to interrupt such as spoke in a stile contrary to the articles of Union and the present constitution of this Parliament and Kingdom. I concluded that the arguments adduced by the gentleman were as empty as his way of expressing them were unmannerlie, and I thought I might with better reason affirm Scotland was not to be ruind to gratifye a set of people who opposed this bill only to make their court and procure pensions by the means of some great man now in favour.

After this the question being put, if the clause prohibiting the exportation of yarn shoud stand part of the bill, it carried in the affirmative, which was cheefelie owing to the courage and unanimity of the Scots during the debate; and it shewd what they might do for their country if they still acted after that manner; for in the present case their interest was superior to that of the Irish, tho the Duke of Ormond and severall persons attended to sollicite the members against the clause at the door of the House.

The gentlemen who thus opposed the Scots, finding how matters were like to go in the House of Commons, delayd offering a clause in favours of Irish linnen cloath, resolving to push for it and for rejecting

the clause against exporting yarn when the bill was sent up to the House of Lords; and accordingly when it was under their Lordships consideration some of them repeated what had been alledged against the clause in the House of Commons, the substance wherof was that Ireland must not suffer for the sake of Scotland, or as the Earl of Sunderland said, what was to be reckond a countie of Britain. What the Scots Lords said was litle regarded, (which, as is elswer more fully observed, was in this and many other instances, all owing to their mean dependance on the Ministry) for after some debate, the question being put, the clause was rejected, and the Irish patriots not therewith contented offerd another clause asane amendment, to this effect and with this preamble, viz. Whereas the encouragement of the linnen manufacture in Ireland is highlie for the interest of that kingdom, be it enacted that the libertie of exporting linnen cloath from thence to the Plantations, duty free, be continued for six years longer after the expiration of the five years yet to run of the priviledge granted to Ireland by Parliament. The Scots Lords argued that this”priviledgehaving been granted before the Union, they did not require to have it recalld, but it was unreasonable it shoud be renewd and prolongd, being inconsistent with the communication and equality agreed to by the Union; since to allow Irish linnen cloath to go duty free to the Plantations, and by ane Act past not many dayes ago to impose a duty on what went from Scotland for thirty two years, was in effect to discharge the linnen trade of Scotland altogether; that this clause was forreign to the bill to which it was proposed to be added as ane amendment, the title and purport therof being for the improvement of linnen cloath in Scotland, wheras this was for the benefit of Ireland and quite contrary to the primary intent of the bill, as it tended to ruin instead of improving the Scots linnen; that the House of Commons woud look on this clause as a tack, and for its sake reject the whole bill, and that if the Irish had any thing to propose for themselves it shoud be a separate bill, and not be brought in as a clog to a bill calculated for Scotland. But all that was or could be said signifyd nothing, for the clause or amendment was added, not above six or seven of the English Peers voting with the Scots against it. Very soon after which the bill with these alterations was returnd to the House of Commons; but the Scots resolving it shoud not pass thus amended, and fearing they would not get these amendments rejected, put off the consideration of them to a long day, that the Parliament might be prorogued before it came, and so a great deall of time and trouble was lost and the bill let fall.

Another project in favours of Scotland was to have ane Act giving

the same encouragement for navall stores brought from thence to England as was allowd in the like case from America; and altho it was represented that it was highlie reasonable to encourage the improvement of the produce of the kingdom, that it was no loss but a benefit to England that her mony went to Scotland rather than America or the northern kingdoms, and that without such encouragement it was impossible to bring this matter to any account, the mountains and roads wher these trees grow being impassable without great charges bestowd on them, yet the bill after it past the House of Commons, met with such rubs and was clogd with such amendments in the House of Lords, that when it returnd to the House of Commons, the Scots were glad to drop it this session. Thus wee see the Scots linnen and woods had the same fate. However in a session or two therafter, these bills regulated reformd and clogd according to the will and pleasure of the Irish and English were past into laws, the Scots being under a necessity of making the best they coud of the bad state and condition to which they had reduced themselves, and of taking things as they coud get them.

These I think were the only bills of moment offerd this session with respect to Scotland, but some other things occurd in which that country was principally concernd, particularly a proposall made by Mr. Lownds secretary to the Treasury for a clause to be added to a Lottery Bill then before the House, directing such sallarys as Her Majestie or her successors had or shoud appoint to the officers for managing of the Customs and to the Judges of the Session, Exchequer, and Justiciary Courts in Scotland to be paid out of the produce of the Customs of that country preferable to the drawbacks and premiums on trade; which motion he made towards the latter end of this session one evening when the House had sate late and few of the members were present. And here previouslie it will be fit to observe, that by a law past in a former session, the Scots merchants had no right to their drawbacks and premiums out of the Customs arising in England but only from those in Scotland, which was directlie opposite to that article of the Union by which the trade of the United Kingdom was put on one and the same footing; and as matters thus stood, if the Customs of Scotland were not sufficient to pay the drawbacks and premiums for exporting of fish, flesh, corns, &c. the merchants have no funds from whence to draw them, which may ruin those beneficiall branches of trade; and that this was aimd at by this motion is pretty obvious. Wee the Scots not being apprized of his motion were surprized at it and knew not what to make of it; but as wee had reason to dread whatever came from that quarter, I first of all

opposed the clause, affirming that if it past the Scots fishing was undone and ther woud be no exporting of grain, for as the Scots Customs were managed, what by superflous offices exorbitant salarys and frauds committed by the officers, the produce therof was so very litle that if the salarys of the Judges were preferd ther woud be litle or nothing left for drawbacks and premiums on trade, without which it woud sink in some materiall branches, for the dutys on forreign salt were so high ther was a necessity of a drawback on fish and flesh therwith cured and exported, otherwise all other nations woud undersell us, and without these other premiums our grain coud not be exported and woud become a drug. I added that by this clause the salarys were left in the Crown's power to be increased without limitation, and a bad Ministry might easily swallow all up to gratifye ther friends; or if some people who shewd very litle inclination to favour nay do common justice to Scotland and opposed every measure which tended to advance the interest therof, shoud happen to get into the Ministry, the Scots had too good reason to apprehend this powr might be extended with a view to cut off the drawbacks and premiums and therby ruin trade. I represented that the Lords of Sessions salarys had lately been augmented considerably above the double of what they were before, tho I was sure that Judicatorie was as much respected and justice as equally dispenced when their salarys were not so high; and if all reported was true, I saw no reason that the trade of the nation shoud perish for the sake of a set of men whose chief merit arose from being accessory or at least coniving (on the hopes of this additionall salary) to a late measure which tended directlie to their countries ruin, and I shoud never consent that these shoud come in competition with, much less have the preference to trade.

Here I may take notice that few of my councitmen ventured to oppose this design in favours of the Session, so many had lawsuits depending and so many gaped after vacancies in that Court; and the truth is I found afterwards that the Lords highlie resented my opposing them, for it seems they wanted a sure fund for their additionall salarys, and that they did not value the trade of the country provided they were easie, and therefore resented the dissatisfaction they met with. It is indeed strange that men of their characters shoud act so barefaced a part, for they and all the world were sensible that tho their service was pretended, by and thorow them a mortall stab was levelld at the trade of their country.

Mr. Baily said he observd gentlemen were sometimes for acting as if the two kingdoms were united and sometimes as if they were not so,

and particularly on this occasion. From the nature of the Union he always understood that the civill list of Scotland as well as that of England became part of the civill list of Great Britain, and that both should be on the same footing; but this clause tended to make a distinction, which on other occasions wher taxes were to be raised was carefully avoided, and he could not conceive how gentlemen could think of sitting matters on the footing proposed; for if this clause should take effect, it was as much as to say that if there should happen to be no produce of the Customs in Scotland or at least not sufficient for the ends, that country was to be deserted and no Courts nor Government maintained in it, or no drawbacks nor praemiums to be paid. These he thought very odd kinds of schemes and unaccountable proceedings, and he could not comprehend what they were driving and aiming at; and as it was too probable something was designed which they did not think convenient to propose at this time, he wished they would explain themselves, that the Scots might know what they were to look for. Mr. Lowndes said there was nothing new in this clause and much noise was made about nothing, for the Lords of Session had before the Union a right to a part of the Customs for their salaries; to whom Sir Alexander Cumyng replied that they had no right to the Customs for their salaries, a small part thereof being only paid out of the produce of the Customs, and that for the remainder there was a fund or stock of money appropriated, which was and still is under their own management; but what now was demanded was on account of an additional salary according to a new establishment, which regularly should be paid out of the funds given for the civill list of Great Britain, and not by tearing from the merchants what they were legally intitled to. Many of the English joined with the Scots against this clause, saying that the merchants had a right to the drawbacks, the Customs imposed and granted to the Crown being burdened with the payment of them, so that when the merchants received them they got no more than what was their own property, and that this clause might be a bad precedent in England. They added that most of the branches in the Customs were appropriated as securities to such as had advanced on the faith thereof to the publick, and to apply them otherwise was to lessen their fund of payment. The clause at length was rejected, and the total ruin of the Scots trade prevented.

If you want to know what moved Mr. Lowndes to make and press this motion, the best account I can give of it is this, that the Scots Customs by mismanagement amounting then to a small matter and not being sufficient to pay both the salaries and the drawbacks and praemiums, if the salaries were preferred, the merchants could not demand the other out

of the English Customs or any other fund; but if the salarys were postponed and remaind unpaid, the funds allotted for the civill list of Great Britain were liable to make them up, so that here was a handsome contrivance

therby to save as much to the Goverment as the deficiencys of the drawbacks and praemiums amounted to, and at the same time ruin the trade of Scotland, which Mr. Lownds in particular and sevrall more his countrymen shewd on many occasions was agreeable to them, even wher<sup>v</sup>it did not interfere with that of England.

It will not be much out of the way to mention ane unaccountable enuff story which hapned this sessions. When the House of Commons voted a duty on coall exported from Britain, ane exception was made in favours of coall exported from the west of England to Ireland or the Isle of Man, declaring that such coall so exported shoud be lyable to a duty<sup>v</sup> much less than when exported elsewher. Dr. Oliphant (who represented the burghs of Ayr, Irvine, &c.) movd that the exception might also extend to the west of Scotland, by changing the words west of England into west of Britain, which was agreed to and in these express words reported from the Committee of the whole House, and approvd of by the House itself; but when the bill was engrossd and read a third time (during which thers usually so much noise and confusion no body scarce can hear a word that is read) the Doctors amendment was left out, and the exception ran only in favours of the west of England, and was in that man<sup>\*</sup> ner sent up to the House of Lords, wher it also past, and then received the Royall assent. Some weeks after which the Doctor by chance perusing the printed Act of Parliament discovered the fraud, and complaind therof to those who had the inspection and care of the mony bills (from whom he got cold shuffling answers) and afterwards to the House. As the making any the smallest variation in the engrossing of bills was of dangerous consequences, the House was inclind and did afterwards rectifye the mistake (if it deserves so easie ane appellation) by a clause in a subsequent bill. I calld it a mistake, but ther were not wanting who belived it was a wilfull one, when they considered

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how averse the Ministry was to extend the exception to Scotland, and afterwards to rectifye it when it was discovered and complaind of.



And I have heard some of the experienced English members say, that had the clerk or any other person done the like to an English member, it had not past without a severe censure at least. However, it made the Scots stand more on their guard, and take care not to be catchd in other matters napping.

Somelittle time after the commencement of this session of Parliament, a close and intimate friendship and correspondence was contracted betwixt Mr. Carnagy of Boysick, Mr. James Murray, Sir Alexander Areskine Lord Lion king at arms, Sir Alexander Cuming of Cantir, and my self. We engagd to stand firm to one another, to concert measures and prosecute them together, and enter into none without communicating the same. We resolv'd to shake off that servile dependance which the Scots Peers expected and had too much enjoy'd from the Commons, wherby they renderd themselves more significant to the Court and promoted their own designs, which for the most part were prejudicial to the interest of the countrey. It was absolutely necessary to conceal this correspondence and these resolutions, least we shou'd be thought to aim at more than became us; but in the mean time we made it our business to gain the friendship and favour of as many of our fellow-members both Scots and English as was possible, and we succeeded so well therin, that our opinions were askt and follow'd in most matters relating to Scotland; and the Ministry applyd directly to us in what they expected or desir'd from us and our countrymen, and did not, as formerly, employ the Scots Peers to direct the behaviour of the Commons. The Peers did not like us a bit the better, but they cou'd not help it; and whilst this correspondence lasted, they themselves, to their great mortification, were obligd to ask favours of that rank of men to whom they had formerly dictated.

After we had thus establisht our interest, we came next to think of the measures we were to prosecute, and I proposd that we shou'd move for a bill to tolerate the Episcopal Clergy in Scotland. The other four agreed to the motion, but at the same time objected that the Ministry woud not desire to have it brought in this session, and as the English had delayd what they were to insist on for their countrey, till a more proper season, the like wou'd be expected from us. I answer'd that our circumstances differ'd much; the English were in possession of what was most valuable to them, and wanted only to have these secur'd from future danger; but we being persecuted and opprest, wanted to be reliev'd without loss of time. However we fixt on nothing at this meeting, resolving, without communicating this particular design, to converse separately at a distance with the other

members of the House of Commons and the Scots Peers on this and the like projects, in general terms, and at our next meeting to report and come to some final resolution therein. When that happen'd, I perceiv'd Cumming, Carnagy and Murray were full of scruples and objections, such as the Earl of Marr and others in concert with the Ministry had insisted on to my self; and I concluded these three had imparted the design and were instructed to thwart it as much as possible. Whereupon I told them I was sorry we shoud differ so soon in our measures, that I thought it my duty and was resolv'd to press this matter as far as I cou'd, and if they wou'd not concurr I cou'd not help it, but nevertheless I was not afraid of success, for I knew that a bill for a toleration wou'd be acceptable to the House of Commons, and if once propos'd, the Ministry, tho they did not approve of the measure at this time, wou'd not dare be against it; and to this, my Lord Lion adherd, declaring his resolution to second me in it. The other three gentlemen desird they might not be mistaken, for if we were peremptorily determin'd to pursue, they woud join and assist in carrying on the bill, but wisbt we woud consider well before we began it. It was some time before the draught of the bill was right prepar'd and digested, so that the session drew near a close, and the design was so far discoverd that the Earl of Marr spoke of it to the Lord Lion and me, earnestly beseeching us to delay it this session; but finding us inflexible, he prevaild with the Duke of Shrewsbury and the Earl of Rochester to send for us next day. These noble Lords represented to us that the Queen had commanded them to acquaint us that it would be agreeable to her if we deferr'd this matter; that for their own parts, they wisht for nothing more than to see Episcopacy restord in Scotland, and what chiefly movd them to desire the toleration might not be insisted on at this time was, that they did not find Mr. Harley sp forward in advancing the interest of the Church ag was expected; and tho he wou'd not appear openly against this bill, they foresaw he wou'd fall on twenty ways to gett it postpond and retarded in passing thorough the two Houses, and that in the mean time the Parliament wou'd probably be prorogued; and they desir'd us to consider if such a disappointment woud not do more harm to the reputation of the party than ther was danger or inconveniency in delaying this affair till next session. As there was a great deal of weight in what they urg'd, the Lord Lion and I yeilded, but not without some seeming reluctance, and on this express condition that they shou'd report to the Queen, that in obedience to her Majesty, we wou'd not insist funder at this time, but did expect and demand her royal promise that she wou'd lay her commands on her Ministry to assist us vigorously in obtaining not only a toleration, but also the restoring of the patronages, in the

next session; and accordingly in a day or two thereafter they gave us solemn assurance in these terms from the Queen, but withal requir'd, we shou'd acquaint no person whatsoever of it, which was observ'd; for I dare say no body knew of this agreement but the Queen, these two Lords, my Lord Lion, and my self.

The Earl of Rochester very soon after this transaction departed this life, which was an unspeakable loss, being a great check upon Mr. Harley, as he had the greatest interest with the Tories^ was most confided in by them, and properly the head of that party. After his death, Mr. Harley (who about this time or soon after was made lord high treasurer and created Earl of Oxford, by which appellation we will afterwards mention him) being free of th, is rival, stood in awe/of none, and being the first Minister and cheif favouritev, a, cted without cpntroul, whilst the Tories, like a parcel of sheep without a shepherd or a ship without a ruther, spent their fire in random shots and prosecuted no certain measure.

The Duke of Hamilton having earnestly desired to be made a Peer of Great Britain, the Queen a litle before or after the begining of this session designd to gratifye him therin and ordered his patent to be drawn. Tho the like had been done to the Duke of Queensberry since the Union, and he as such sat in the House of Lords, tho indeed under a protestation against it by severall Peers, the design in favours of the Duke of Hamilton w. as na sooner known, than the greatest part of the English Peers, Whig^ and Tories, exclaimd against it, declaring they woud oppose, his being introduced and allowd to sit in, the. House; which. ac-» cordingly was done when the attempt was made, and His Grace excluded by a vote of the House. In the meantime the Duke did not take his seat as one of. the, Sixteen • chosen in Scotjand. A, t first veiw it may seem probable that this opposition arose from; i grudge personally at this Duke; but this by no means was the reason; for severall opposed him in it that highly valued him, so that it did wholly proceed from a dislike to the Scots nation and ane unwillingness that any more of that nation shoud be admitted into that House. And to justifye this conduct they aledged that by the Treatie of Union the Scots Peers gave up all their title claim or priviledge of Peerage which then or in all time coming might entitle them to ane hereditary right of sitting in Parliament, resting satisfied lhat the Scots Peerage in generall shoud for ever be represented by sixteen of their number chosen by themselves for that end, and that being thus divested of their hereditary right, and another rule or constitution establishd in its room, they are incapable of having it restored to them. And they added that to make any of the Scots Lords Peers of Parliament was to

give them a greater share in the legislative than was designd and stipulated at the Union. To which it was replyd that the Queen was the sole unlimited fountain of honour, and coud bestow the same after what manner and on whom she pleased; that the Scots Peers did not resign but suspend their hereditary right of sifting in Parliament as Scots Peers, being as such to be represented by sixteen; but that how soon the Queen created them Peers of Great Britain, they relinquished their right to represent or be represented as Scots Peers in Parliament; and this without doubt was the sense of the Parliament when it was enacted, since the Union, on the Duke of Queensberry's creation, that no Scots Peer after being a Peer of Great Britain coud have right to vote at the election of a Peer to represent that body; by which it was yielded that a Scots Peer might be created a British Peer. To the other part of the argument that ther coud not be above sixteen Scots Peers in the House of Lords it was answered that the Scots so created did not sit as Scots but British Peers, and ther was no excluding them on account of their country, for it was not pretended but Scots Commoners were in a capacity of being created Peers. Besides, if the number of Scots Peers as Scotsmen must be confind to sixteen precisely, it folbwd of course that none can be added to the number of English Peers which subsisted at the commencement of the Union: it bein<r unreasonable and unequall that the number of Scots cannot, whilst the number of English Peers may be augmented; for the framing this Constitution was proportiond by a certain rule, which neither side must encroach upon. The quota of the representatives of Scotland in both Houses of Parliament was calculated and fixed according to the proportion which the revenue of Scotland did bear to the revenue of England after the following manner, viz. as the sum of the revenue of England, is to the sum of the revenue of Scotland, so *isjive hundred and thirteen*, the number of the English Commons in Parliament, to *forty five*, the number of Scots Commons. And as *Jive hundred and thirteen* is to *forty Jive*, so is *one hundred and seventy nine*, the number of the English Peers, to *sixteen*, the number of Scots Peers to sit in Parliament. Tis true by exact proportion the Scots shoud have been no more than fifteen and about seven tenth parts, but the English allowd a Peer for this fraction, which made the number sixteen; and this I think was the only point of favour they yeilded to the Scots during the treatie.

Now taking the case under this view, if the Scots must not encroach by their number on the English Peers, neither must they encroach on the Scots Peers or their representation, but both must stand for ever as they did at the commencement of the Union. Ther must be no more

than sixteen of those who were Scots Peers before the Union, and the exact number of English Peers subsisting at that time; otherwise an encroachment is made on the proportion which the Peerage of the two kingdoms was to have for ever in the House of Lords. But that this was not reckoned the state and condition of the Peerage at the making of the Union is evident, seeing it is too certain that severall of the Scots Peers were cajoled and amused with the hopes nay assurances (as is well known to severall English Lords) of being created hereditary Peers, and that it is provided that the Scots Peers should have the rank and precedence of all British Peers of the same degree created after the Union, by which tis plain it was then understood there was a probability of encreasing the number of hereditary Peers, which having been done in favours of the English, either an encroachment is made thereby on the proportion of the

Scots representation, or the restriction to a certain number must be given up; and then the only argument against any of the Scots Peers being vested with an hereditary right to sit in Parliament is from their having divested themselves of that capacity; which can never stand good, seeing no such thing is mentioned in the Treatie, and that the Crown still continues as formerly the sole fountain of honour, and is no wayes tyed up from bestowing the same on such persons as seems proper.

I have stated this matter pretty fully, as it serves to shew with what an eye of jealousie the English looked upon the Scots, and how little reason there was to imagine that this Union had effectually reduced the two kingdoms into one and the same nation with respect to interest and affection.

It will be proper here to take notice that the Duke of Argyle and the Earl of Mar affected and pretended to the disposal and management of Scots affairs, which soon occasion'd a total rupture. The Duke of Hamiltoun had little to say but with the King's friends, with whom he liv'd in a perfect close correspondence. The Duke of Queensberry made no figure at all, and did not long survive this alteration of affairs, having died some time this year; and his office of secretary of state lay long vacant, as there was no possibility of adjusting matters betwixt the Earls of Marr and Hay, who were both pretenders to it. In this posture were affairs situate at the end of the first sessions of this Parliament.

The Queen thought her self very happy; till now she knew not what

it was to be a sovereign; for tho this Ministry and particularly the Earl of Oxford managd and disposd of her will as absolutely as did his predecessors, yet still he shewd her great respect, laying all matters submissively before her and taking her directions, which he seemingly receivd, tho at the same time he brought them so about that they were agreeable to his own inclinations. 'Tis natural also to imagine that, this change of affairs was very agreeable to the King and his friends, there being reason to think these jealousies and divisions in England woud in the event turn to his account. For tho the King, perhaps, had no positive assurance from his sister, there was reason to expect better things from her when she was not in the hands of the inveterate enemies of his family, when there were some about her who at least wisht him well, and that it was known there were many in this Parliament intirely affected to his interest. And indeed it is a certain truth, that if the Queen had inclin'd to and concurr'd in the measure, there was in this House of Commons a great majority willing and able to o'erturn the Hanoverian succession and restore the King; but for the reasons I have mention'd, no advances were made towards it or any thing else of consequence. The Kings friends did likewise solace themselves from the following consideration, that the Earl of Oxford was a man of great parts and full of ambition and resolution; and as he cou'd not but remember that not long agoe the Whigs design'd and wou'd actually have cut off his head, had not his servant Grey fail'd them in making such discoveries against him as they desir'd, (and for which the poor fellow was hangd) the Earl, I say, cou'd not but believe they'd never forgive him this last trick he had play'd them, and wou'd certainly squeeze him if ever he again fell into their hands. And those who reason'd thus did not see where his Lordship cou'd possibly think to steer his course, and from whence he cou'd expect protection in an after game, but by restoring the King; especially since it was well known the Duke of Hannover was intirely in the Whigs interest and woud be absolutely directed by them if ever he came to the throne.

I must not omitt to take notice of what happen'd to Mr. Greenshields. This gentleman was the son of a Scots episcopal minister, who being rabbl'd out of his church at the Revolution and living afterwards in Ireland, educated this his son in the study of divinity; and he being admitted into holy orders by one of the Scots bishops, after he had serv'd a cure some years in Ireland return'd to Scotland, and at Edinburgh set up a meetinghouse where he us'd the Liturgy of the Church of England, which at that time was not practic'd in the other episcopal meeting-houses there. The godly having their

friends then at the helm of affairs, resolv'd to crush this enterprize in the bud, and for that end prevaild with the magistrates of Edinburgh to shut up the doors of the meeting-house and imprison Mr. Greenshields. And he having apply'd for the benefit of the habeas corpus law and being refus'd the same unless he found bail never to exercise any part of his ministerial office in that city, his next recourse was to the Lords of Session, before whom he brought an action of wrongous imprisonment against the magistrates; but their sentence being affirm'd by that court, he then appeal'd to the Queen and Parliament; and being releast when the magistrates were weary of keeping him so long in prison, he made haste to London to prosecute his appeal; but the House of Lords being then wholly taken tip with Dr. Sachavrell's impeachment, did this session only receive his petition and lodge his appeal. Next year .when the old Ministry was discarded and the face of affairs chang'd, the Tories thought it a seasonable opportunity to push Mr. Greenshield's affair and have his appeal discuss'd. The Ministry at the same time did all that in them lay to have this affair putt off. on the old pretence of waiting till a more proper season; and most of the Scots Peers, except the Earl of Eglington and Lord Balmerano, joiud with them; but these two Lords, seconded by the Commons, biioy'd up Mr. Greenshields and prevaild with him to stand his ground and not yeild in an affair which might be of so much, use to those of Iris profession.

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Some litle time after this Mr. Harley (not being then advanc'd to the peerage) took me one day aside out of the House of Commons into the Speakers chamber, and calling upon Mr. Secretary St. John, Sir Thomas Hanmer, and two or three more to come alongst, he adress'd himself to me in words to this puqiose: that he was much surpriz'd and very sorry to hear that I and others of my countrey were so violent in pushing Mr. Greenshield's appeal, which cou'd not fail to be attended with bad consequences, as the Church party in England woud take it ill if he was not protected, and the Scots Presbyterians wou'd highly resent any favour he niett with; and therefore he had call'd these gentlemen to be present that they might join with him in desiring it might be dropt till a more proper season. I answer'd that I cou'd assure him we were much mistaken if any bad consequences happen'd from supporting Mr. Greenshields in his just plea, for the contrary was design'd by those who pusht it; that the Scots Presbyterians were as much exasperate already as they cou'd be, and had neither ability nor courage to give any disturbance, for their interest in the countrey was very small, as sufficiently appear'd from

the great majority of Tories in this Parliament, which he knew was not owing to any assistance they gott from the Court, but arose wholly from the inclinations of the people; that as for himself he had no reason to shew them any favour, for they preachd and pray'd against him *riominatim*, giving him over to the gallows and the Devil from their pulpits, and I was confident, at least hopeful, he wou'd never give them reason to have a better opinion of him; that there was no time to be lost, for we were rather worse than better since the change of the Ministry, as the Lord Grange (brother to the Earl of Marr) who was lately made Justice Clerk, seem'd more violent than lus predecessour against the episcopal clergy; that the Ministry never had nor cou'd have so fair an occasion to relieve the episcopal party, without any apparent danger or inconvenience, if they thought it worth their pains to truckle under and wou'd be amuz'd with imaginary fears of the Presbyterians; for Mr. Greenshields had lodg'd his petition and expected justice ev'n during the late Administration, and the discussing of this appeal cou'd not properly be call'd an act and deed of this Ministry, seeing they cou'd not hinder any man from demanding justice in a legal way; and if this did not satisfy him, he was at liberty for me to let the Presbyterians know, we insisted much against his will. As for the season, I was no politician, but I allways believ'd no season improper for doing good, and whatever others might do, I woud regulate my measures accordingly, and I did not make the least question but the clergy and layety of the Church of England woud think themselves bound to assist their Scots brethren, who were persecuted for no other reason than being of their communion. Having thus spoke my mind very freely, the other gentlemen who were present, instead of condemning, approv'd my resolution, and promis'd to contribute all they cou'd to bring this affair to a right issue; whereupon Mr. Harley slipt off not very well pleas'd and much disappointed. • In the mean time the Scots Commons exerted themselves with the utmost vigour, supplyd Mr. Greenshields with money to defray the charge of his process, and encouragd him not to submitt or yeild on account of the money that was offerd and the promises of more money and preferment in case he'd drop his appeal. And when the day prefixt for discussing the appeal drew near, they divided themselves into several classes, to each of which was assignd a certain number of English Lords on whom they waited and gave a true and clear representation of the case, which had so much weight and produc'd such good effects, that the underhand dealings of the Ministry were intirely baffled; for the appeal was heard, the sentence of the Lords of Session revers'd, and the city of Edinburgh ordain'd to pay swinging coasts to Mr. Greenshields; to which



sentence the Ministry themselves were oblig'd to give their approbation, not daring to expose their reputations by appearing openly against an affair of tins nature and consequence.

After the prorogation of this session of Parliament the Commissioners of Accounts sett about executing the pow'rs vested in them; and that I may not afterwards be diverted from following out the thread of other public affairs, I'll at this time make mention of all I think necessary to say of this commission.

When first it was appointed their was great expectation of having matters of the highest importance discovered, and the truth on't is, the commissioners had a large feild before them, as tis certain that the embazling and misapplication of the publick mony were very frequent. That commissions of this nature and vested with powrs to enquire after such abuses, coud not fail, if duely executed, to prove a great check upon persons in publick offices, is very evident, provided they were kept alwayes or very frequentlie in being; but, as in the present case, when no such commissions have been for the space of 10 or 12 years preceeding, and the commissioners are directed to examine and state the receipts and issues of all publick mony during that time, the first year at least is almost wholly spent in constituting the office, laying down methods for executing the trust reposed, and calling in and receiving the state of the severall branches of the revenues and the accounts of the severall offices, thro which they pass. And as commissions of this kind have all such persons as were, or are, or expect to be in such offices as may be enquired after, either secret or avowed enemys to them, the commissioners are not able to bear the burden of the discouragements they'r exposed to, without being supported by a power superior to the opposition they meet with, which can only proceed from a majority of the House of Commons; but then, tho this may happen and at the beginning seem very hearty and zealous, in process of time the humour cools, whilst the ill will of others doth encrease, and the good effect of the commission is therby prevented. It may seem odd that so wise a body of men as the members of the House of Commons are reputed, shoud act after such a manner, and

whilst the nation pretends to enjoy and mantain a greater share of libertie than other people, the representatives therof shoud neglect any means necessary or expedient towards controlling the management of those in publick offices: but the truth on't is, tho the English please

themselves with the notion of libertie, it consists in nothing more than that they themselves are the instruments of their own slavery, being bubbled and imposed upon by those in authority over them, more than any other nation in Europe. As for example, they value their Constitution much, because no taxes can be raised but by consent of Parliament; whilst at the same time greater taxes are imposed, and greater abuses committed in the application of them, than if the power was solely vested in the Sovereign; for as the consent of Parliament is requisite, the Prince, to obtain the same, is obliged to bestow on the members thereof a great part of what is to be imposed; so that the burden becomes heavier on the people, by the Prince's being constrained to bribe the Parliament and to suffer those who embezzle the publick mony to pass unpunished, that so he may be enabled to obtain what is necessary for the support of his Government; and as the Sovereign doth not shew the peoples mony to gain their representatives, he no more fails of getting what he demands, than if he was an absolute prince; only with this difference, that the deluded people pay for the notion of libertie, as their representatives make bold with their constituents in order to procure riches to themselves. And this observation is not confined wholly to mony matters, for in all other things the King is obliged, by bestowing offices and pensions, to make a majority in both Houses of Parliament on his side, the expence whereof comes of the people. And as what I have said will be found a just enough character of the people of England's notion of liberty and government in general, the members of the House of Commons are much of the same temper, and manage their affairs after the same manner. For tho' all of them are vested with equal powers, a very few of the most active and pragmatical, by perswading the rest that nothing is done without them, do lead them by the nose and make mere tools of them to serve their own ends. And this I suppose is chiefly owing, to the way and manner of electing the members; for being intirely in the hands of the populace, they for the most part choose those who pay best; so that many are elected who very seldom attend the house, give themselves no trouble in business, and have no design in being chosen, but at a great expence, but to have the honour of being call'd Parliament men. On the other hand, a great many are likewise elected who have no concern for the interest of their country, and being either poor or avaricious, aim at nothing but enriching themselves; and hence it is that no assembly under heaven does produce so many fools and knaves. The House of Commons is represented as a wise and august assembly; what it was long agoe I shall not say, but in our days, it is full of disorder and confusion; the members that are capable and mindful of business are few in number,

and the rest mind nothing at all. When there's a party job to be done, they'll attend and make a hideous noise like so many Bedlamites; but if the House is to enter on business, such as giving of money or making of public laws, they converse so loud with one another in private knolls, that no body can know what is doing, except a very few, who for that purpose sit near the clerks table, or they leave the house and the men of business, as they call them, to mind such matters.

But now after this digression, to return to the Commissioners of Accounts, tho they met with all the opposition the Whigs could give them, and a great many even of the Tories were secret enemies to the commission, because they themselves were not commissioners, and tho the Earl of Oxford, then lord high treasurer, bore it no good will, because he did not like that the commissioners took the liberty of enquiring into his management, yet the commission and the same commissioners, by the power and interest of the October Club, were annually for the space of four years continued, during which time in sundry reports, presented by them to the Parliament, several matters, which would have been of great service and importance to the public, had they been duly improved, were laid open. But agreeable to the general character I have given of the House of Commons, such matters were intirely slighted, and no regard was shewn or notice taken of any thing that did not directly strike against the reputation of some considerable person of the opposite party. Of these and the like the House was very fond, and took great pleasure in passing a vote reflecting on such persons. This being a true account of the state of affairs with respect to this commission, I need not mention any of the particulars contained in the reports laid before the Parliament, except those that relate to the Duke of Marlborough and Mr. Wallpol, which made a great noise every where; and the best account I can give thereof is to insert the report itself which was by me presented, and read in the House of Commons, and is as follows.

“Your Commissioners in the course of their examinations relating to the affairs of the army have already discover'd some practices which they conceive highly detrimental to the public, and such as they are oblig'd to report to you. In obedience therefore to your order, your Commissioners here present a state of several facts which, with their circumstances and proofs, they humbly offer to the wisdom and justice of the House. Your Commissioners having ground to believe that there had been some mismanagement in making the contracts for the use of the army, summon'd and examin'd Sir Solomon de Medina the contractor for the bread and bread wagons in the Low Countries, who after expressing much uneasiness of the apprehensions he had of

being thought an informer and of accusing a great man, did depose on oath, that for the years 1707, 1708, 1709, 1710 and 1711 he had been solely or in partnership concerned in the contracts for supplying bread and bread waggons to the forces in the Low Countries in the Queen of Great Brittain's pay, and that he gave the Duke of Marlborough for his own use, on each contract, the severall sums following, part of which was paid at the beginning and part at the end of each respective contract, in bills or notes delivered by the deponent into the Duke's own hands; viz. for the year 1707, 66600 guilders; for the year 1708, 62625 guilders; for the year 1709, 69578 guilders 15 stivers; for the year 1710, 66810 guilders 19 stivers and 8 penings—total 265614 guilders 14 stivers and 8 penings; for the year 1711, 21000 guilders, which sum was in part of a like sum with those already mentioned intended to be payed at the end of the contract for this year. He further depos'd that he was obliged to allow twelve or 14 waggons yearly to the Duke, and give on sealing each contract a gratuity of 500 gold ducats to Mr. Cardonnell, secretary to the Duke; that for all the money he received from Mr. Sweet, deputy paymaster at Amsterdam, he was obliged to allow one pound per cent, as the former contractor Machado had done, and that he the deponent acquainted the Duke of this deduction of one per cent; that it appeared by the accompts of the forsaide Machado, who had supplied the bread and bread waggons to the forces in the English pay for the years 1702, 1703, 1704, 1705 and 1706, that he the said Machado paid as large yearly sums to the Duke, whilst he was contractor, as this deponent has done since.

“From whence it appears that the Duke has receav'd on account of these contracts from Sir Solomon de Medina (admitting the sum already paid and what is intended to be paid for this present year 1711 to be the same with that of the preceeding year 1710) 332425 guilders 14 stivers, and from Machado during the 5 years that he was contractor, the like sums, which together make 664851 guilders 8 stivers, and computed at 10 guilders 10 stivers to the pound sterling, amount to 63319/. 3s. *Id.*

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“Sometime after this evidence was given by Sir Solomon, your commissioners receav'd a letter from the Duke wherein he desyres that when they make their report they would lay some facts before the Parliament in a true light; and this justice they think they cannot better do than in His Grace's own words:

‘ Gentlemen, ( Having been inform'd on my arryvall here that Sir Solomon de Medina has acquainted you with my having receav'd

severall sums of money from him, that it might make the less impression on you I would lose no time in letting you know that this is no more than what has alwise been allowed as a perquisit to the Generall or Commander in Chiefe of the army in the Low Countreys, even before the Revolution and since; and I do assure you at the same time that whatever sums I have receav'd on that ac<sup>^</sup> count have been constantly employ'd for the service of the publick, in keeping secret correspondence and getting intelligence of the enemys movements and designs; and it has fallen so farr short, that I takeleave to acquaintyouwith another article that has been apply'd to the same use and which aryses from Her Majesties warrand, of which the enclos'd is a copy; tho this does not properly relate to the publick accomts, being a free gift of the for\* reign troops. You will have observ'd by the severall establishments, that before the late King's death, when the Parliament voted 40000 men for the quota of Inland in the Low Countreys<sup>^</sup> 21612 Were to be forreiguers and the rest English; for these last they gave 10000/. a year for intelligence and other contingents without account: but His Majestie being sensible by the ex-« perience of the last warr, this sum would not anywise answer that service, and being unwilling to apply for more to the Parliament, he was pleas'd to order that the forreign troops should contribute 2§ per cent, towards it; and being then his ambassador and commander in chiefe abroad, he directed me to propose it to them, with an assurance that they should have no other stoppage made from their pay. This they readily agreed to, and Her Majestie was afterwards pleas'd to confirm it by her warrand, upon my acquainting her with the uses it was intended for; and it has accordingly been imployed from time to time for intelligence and secret services with such success, that next to the blessing of God and the bravery of the troops, wee may in a great measure attribute the most of the advantages of the warr in this cuntry to the timely and good advyces procur'd by the help of this money. And now, Gentlemen, as I have laid the whole matter fairly before you, and that you will allow I have serv'd my Queen and cuntry with that faithfullness and zeall which becomes an honest man, the favour that I entreat of you, is that when you make your report to the Parliament, you will lay this part before them in it's true light, so that theysmay see this necessary and important part of the warr has been provyded for and carry'd on without any other expence to the publick than the 10000/. a year; and I flatter myselfe that when the accompts of the army in Flanders come under your consideration, you will be sensible the service on this syde has been carry'd on with all the oeconomy and good husbandry to the publick that was possible.

‘ I am, Gentlemen, <sup>1</sup> Hague, 10 Nov. 17ij.’ \* Your &C.  
MARLBURROW.

<sup>c</sup> Anne R. \* Right trustie &c. Wee greet you weel; Wheras pursuant to the direction you have receav’d on that behalfe, you have agreed with the persons authoriz’d to treat with you for taking into our service a certain number of forreign troops, that ther be reserved 2£ per cent out of all moneys payable to and for the said troops, as weel for their pay and intertainment as on any other account towards defraying such extraordinary contingent expences relating to them as cannot otherwise be provyded for. Now wee doe heirby

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approve and confirm all such agreements as you have or may heirefter make for reserving the said 2% per cent accordingly, and do heirby authorize and direct the paymaster generall of our forces to make deduction pursuant therunto out of all moneys he shall be directed to issue for the use of the forreign troops in our pay, and therupon to pay over the same from time to time according to such warrands and in such proportions as you shall direct, for which this shall be to you and to all others whom it may concern a sufficient warrand and direction. Given at Ouf Court at St. James’s the 6 of July 1702 By Her Majesties command.

« To our right trusty &c. John \* CHARLES HEDGES.

Earle of Marlburrow.’

“Your Commissioners having thought themselves obleidged to recite this letter and warrand at large, humbly conceave it will be expected that they should make some observations upon them. As to what therfor relates to the evidence of Sir Solomon de Medina, His Grace has been pleas’d to admitt it in generall, but with this distinction, that he clames the sums receav’d as perquisites to the generalls in the Low Countreys: on which your Commissioners observe, that so farr as they have hitherto been capable of informing themselves of the constitution of the army, the great sums which appear to have been annually paid to the Duke on account of these contracts can never be esteem’d legall or warrantable perquisites. For they do not Jfind, by the strictest inquiry they can make, that any other English generall in the Low Countreys or else where ever claim’d or receav’d such perquisites: But if any instance should be produced, they humbly apprehend it can be no justification of it, because the publick or the troops must necessarily suffer in proportion to every such

perquisite; and how agreeable this practise is to that oeconomy and good husbandry with which the service in Flanders is said to be carried on, remains yet to be explain'd. By the assurance His Grace is pleas'd to give that this money has been constantly imployed for the service of the publick, it must be either allowed that he relinquishes his right to this pretended perquisit' or that hes wanting to himselfe in concealling so great and unexpected an instance of his own generosity to the publick. The great caution and secresy with which this money was constantly receav'd gives reason to suspect that it was not thought a justifiable perquisit; for Mr. Cardonnell, the Duke's secretary and auditor of the bread accompt, has declar'd on oath that he never knew or heard of any such perquisit, till the late rumour of Sir Solomon's evidence before your Commissioners. By the contracts for bread and bread waggons the generall seems to be the sole check on the contracted; he is to take care that the terms of the contracts are duly perform'd; he is to judge of all deductions to be made from and allowance to the contracters; and whether in such circumstances he can receive any gratuity or perquisit from the contracters, without a breach of his trust, your Commissioners presume not to determine. The Generall may with equal reason clame a perquisit for every other contract relating to the army as for these of the bread and bread waggons; but His Grace being silent as to thisj your Commissioners ought to suppose he has not receav'd any sudh allowance, unless they shall understand otherwise when they come to examine into those contracts, which hitherto they have not been able to do, by reason the contracters are foreigners and constantly resident in Holland.

“As to what His Grace is pleas'd to say in the 2d part of his letter concerning the deduction of 2£ per cent from the forreign troops in Her Majesties pay, your Commissioners can only offer such remarks as occur to them on comparing what is urg'd in thei Duke's letter with the tennor of the warrand and with the method of accompting for other payments to the army. Your Commissioners in the first place take leave to observe that this warrand has been kept dormant for 9 years, and the deduction conceal'd so long from the knowledge of the Parliament, for which in their humble apprehension His Grace has not assign'd sufficient reasons. He is pleas'd to say that this 2£ per cent is a free gift from the forreign troops, and that it does not belong to the publick accompts. But the first of these assertions seems inconsistent not only with the words of the warrand, which supposes and expresses an agreement, but with that part of His Grace's letter which takes notice that he being ambassador and generall stipulated for this very stoppage by the late Kings orders; your Commissioners therfor must

be of opinion that a deduction so made is publick money and ought to be accounted for in the same manner as the publick money is. His Grace is further pleas'd to observe that the 10000/. granted yearly for the contingency^ of the army is without account and for the use of tije Brittish forces only; whereas this money was at first intended by Parliament, as your Commissioners with great submission apprehend, for the service of the 40000 men without distinction. ' And they find it is so farr from being alwise thought exempt from account, that in a privy seall dated 15 March 1706 for passing Mr. Fox's accompts, there is a clause to release and discharge the Duke from a sum of 7499 J. i9s. 10d. part of this money, which supposes His Grace would otherwise have been accountable for it. But your Commissioners nowhere meet with any mention of this deduction of 2^ per cent, and must therfor presume the reason why it has never been brought to an account is what His Grace is pleas'd to suggest, that he never considered it as publick money. Your Commissioners must submit to the House whether the warrand produced to justify this deduction be legall and duely countersign'd, or whether, admitting it to be so, either the stoppage or the payment of it has been regularly made. The warrand directs that it should be stopt in the hands of the paymaster and issued thence by the Duke's order only; but this method does not appear, by the paymaster's accompts, to have been at all pursued; so farr otherwise, that the payments to the forreign troops are alwise made compleit without any notice of this deduction. When any part of the above 10000/. contingent money is drawn out of the paymaster's hands for secret service, the generall's warrand and the secretarys receipt are the paymaster's vouchers; but Mr. Cardonnell, as he declares on oath, never gave any receipt for any part of this 2^ per cent, nor did Mr. Bridges, as he also declares on oath, ever see any warrand for that purpose or know any thing, as paymaster general 1, of this deduction. By the warrand this deduction is reserv'd for the defraying, extraordinary contingent expences of the forreign troops from whom it is stopt; and if the whole has been imploy'd in secret correspondence and intelligence there must have been some neglect of the other services for which it was originally design'd; and such a disposition being in no sort authorised by the warrand is a missaplication of it. Besydes your Commissioners apprehend that the article for secret service to which this deduction is pretended to be aplyed, was alwise included in the 10000/. already mention'd for the conjtingencys of the army; and if so the whole of the 2|- per cent remains to be accounted for, which on acomputation made from the whole sum of 11294659/. 4s. \\d. paid per Brittain to and for all the forreign forces since the 13 December 1701 (according to the returns



of the auditor and paymaster) amounts to 282366/. 9s. *Id.*: and on a computation made from the sum of 7107873/. 18\*. *ll\$d.* paid to and for the forraign forces from the time aforsaid (exclusive of Spain, Italy and Portugall) amounts to 177695/. 17\*. 3 farthings. . “Your Commissioners humbly lay before you some facts relating to the forrage contracts for the forces in North Brittain, made by Robert Walpole esq. late secretary at warr, pursuant to a power given him by the Earl of Godolphin then lord thesaurer. By the rate allowed in these contracts it appearing that Her Majestie had been put to an extraordinary expence above the pay of the souldiers, your commissioners thought it their duty to enquire whether in this part of the service sufficient care had been taken to procure the most advantageous terms for the publick, and being inform’d that John Montgomerie esq. was concern’d in these contracts, they examin’d him, and he declar’d upon oath that Colonel George Dowglass and himselfe were assumed partners with Sir Samuel M’clellan and Mr. John Campbell, in the contract made by Mr. Walpole to provyde forrage from the midle of May 1709 to May 1710 for all the troops in North Brittain at *Sid.* per horse for green, and *9d.* for dry forrage each 24 hours: that the said Colonel Dowglass and he the said Mr. Montgomerie were also assumed partners with the said Mr. Campbell in a subsequent contract, commencing in May 1710 and ending in May 17ij, made likewise by Mr. Walpole and at the same rates with the former: that the fjrst of these contracts was made by Mr. Walpole in London, with Sir Samuel M’clellan, who, before he went into Scotland, told the said Montgomery that Mr. Walpole, in making the contract, reserv’d a share for a friend of his who was to have the benefit of a 5th part, if not redeem’d by the contracters with a sum of money; and Sir Samuel soon after on his death bed at Edinburgh declar’d the same; wherupon Colonel Dowglass and Mr. Campbell directed Montgomery to pay 500 guineas to Mr. Walpole, and accordingly he delivered into Mr. Walpole’s own hands a note for that sum payable to Mr. Walpole or order; and the said Montgomerie afterwards paid the sum of 500 guineas to one Mr. Man (Mr. Walpole’s agent) who gave him up the note with the receipt on the back of it sign’d by Mr. Walpole: That the 2d contract was made by Mr. Walpole with Mr. Campbell, who therupon directed Montgomery to give a note for 500 guineas or pounds (he could not remember which) to Mr. Walpole, which he accordingly did, and made it payable to Mr. Walpole or order, and delivered it into

his own hands: That this 2d note was left with Mr. Man, of which the said Montgomery hath payed about 400/. He farder depos’d that

200 guineas were given by the contractors to Sir David Dalrymple, in consideration that his son in law Sir Alexander Murray was propos'd, but not admitt'd, to be a partner in the first contract.

“Your Commissioners cannot exactly state the loss the publick has sustain'd by these contracts, but find that if the forrage had been furnished in the year 1709 and 1710 at the rates setled by the contracts for the present year, ther had been sav'd to the Government more than 9500/. which is near a fourth part of the whole charge; and they do not apprehend that this difference has arisen from the scarcity of forrage in the two last years; for Captain William Prestoun, of Colonel Ker's regiment, hath declared before them on oath, that he agreed with the contractors to furnish green forrage for his own troop in those years at 2<sup>rf.</sup> per horse for 24 hours (which cost the Government 3<sup>eZ.</sup>) with an addition only of seven pounds each year for provyding extraordinary forrage for the officers horses belonging to that troop, and that the contractors assured him they had made the same agreement with other officers.

“How farr these practises have been injurious to the publick is humbly submitted to the consideration of the House.”

I need not add any thing with respect to the Duke of Marlebrough, his case being so clearly stated and reason'd upon by the Commissioners in their report, that 'tis an easy matter for any reader to judge how far his defences were relevant. But it will be fitt to take notice, that if His Grace was not much wrong'd by common fame, he never slipt any occasion of making a penny to himself, and that the stress of his defence in his letter to the Commissioners, or by his friends during the debate in the House, lay on the credit that was due to His Grace's affirmation of having employ'd these summs for the public service. The first hint theCom

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missioners had of this affair was by letters from unknown hands and particularly by one from a person of note in Ghent, whose name I afterwards learnt, directed to my self. And the Commissioners having reason to believe that such practices were not confind to these contracts, and I having observ'd that a much greater allowance was giv'n by the public to the contractors for forraging the troops in Scotland after than before the Union, tho the years were alike plentiful, did propose to enquire into that matter, and thence discover'd the charge against Mr. Walpoll, who having made no defence to the Commissioners, and they barely stated the facts, without making any observations upon them, as in the Duke of

Marlebrough's case, it will not be amiss to let the reader know that Mr. Walpoll's chief defence lay in his positive affirmation, that he design'd Mr. Man shou'd have been concern'd in that contract, but finding the Scots contractors unwilling to take in strangers, he agreed with them to drop his friend on giving him the compliment of 500/. which he averr'd was for Mr. Man's behove. To this, in the debate of the House of Commons it was answer'd, that if the matter had been as thus represented, it was much the same with that of Sir David Dalrymple's son in law: But how came it about that none of the contractors knew the name of Mr. Walpolls friend as well as Sir David's, and why did Mr. Walpoll make such a secret of it? Why was this money to Mr. Walpoll continu'd annually, whereas the other was only for the first year, and that the first payment was pretended in consideration of Mr. Man's being dropt? And why were the bills drawn payable to Mr. Walpoll and discharg'd by himself, if design'd for Mr. Man? As these were somewhat strange, it was at the same time publickly known that Mr. Man was Mr. Walpoll's agent and accusom'd to receive and pay out his cash, and he could assign no reason why he gave the contractors a greater allowance then that for which they contracted before and after these years, but in regard of the compliment which they gave him; and whether that was design'd for Mr. Walpolls own or his friend Mr. Man's use, it was all one to the public, being a notorious fraud and breach of trust. Lastly, tho Mr. Man officiously and without being requir'd did attend the Commissioners, desiring to swear to an affidavit which he had ready in his hand cook'd up and prepar'd in ambiguous terms for Mr. Walpolls vindication; when the Commissioners offer'd to put some quaeries to him and cross examine him upon oath, he positively refus'd to answer; and as this seem'd very strange, it at the same time ghew'd so much contempt of the authority of the Commission, that the House of Commons being acquainted therof did order him to be taken into custody; and 'tis observable that, altho he was a considerable trader, he choos'd rather to continue during this session under a long and expensive confinement, than apply to the House for his release; being afraid, as was believd, he might come to be examin'd at the barr and perhaps expose his patron.

And now having done with this commission of accounts, I return to take notice that during the interval of Parliament, the Whigs continued their clamour and endeavours -to terrifye the mob with the danger of their religion and liberties, and to draw them on to outrageous acts, for which end great preparations were made (at the expence of the leading men of the partie) to solemnize the annucessory of Queen Elsibeths

birthday, on which the Devill, the Pope, and the Pretenders figures richly adorn'd were to be carried about in procession thro the streets of London and publickly burnt, attended by a numerous train of people; and it was observed that matters were so tryated (whether by design or accident I shant say) that His Grace of Marlborow and many officers arrived that very evening from Flanders. But the Goverment hearing of ithe design'd cavalcade, in order to prevent the bad effects that might perhaps foLlow, sent and seized the baubles and therby disconcerted the project, so that nothing extraordinary hapned.

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About this time also the streets of London were infested with a sett of miscreants who stiled themselves Mohacks (the name of a barbarous Indian nation) and went about in troops with arms, beating, wounding and indecently treating all whom they met, without regard to sex or quality. At first and for some weeks this was generally belived to be no more than the frolicks of a leud dissolute company of wretches, but they at length became so frequent and outrageous that ther was no going out but with imminent danger; and the Ministry having some reasons to apprehend ther was more and greater matters aimd at, a severe proclamation was issued against such scandalous outrageous doings, and the cursed design was thus crushd in the bud. And that the Ministry's apprehensions were not groundless I have reason to affirm; for a certain person being accidentalaly in company with Mr. Baird, now Sir Robert, son to Sir James Baird of Saughton-hall, did learn that ther were great numbers of leud idle young fellows listed into this society and even distributed as officers into sevrall corps, and that this gentleman was captain of grenadiers in the regiment said to be under Sir Harry Cole's command, and that his commission written on parchment was lodged in ones hand of whose name he got notice. The gentleman who pickd up this story acquainted me therof; but the truth ont is I gave litle credit to it till he undertook and actually brought me the aforesaid commission, which I read, but was obliged to return so as to be restored to the person to whose custody it was committed. However I thought myself obliged to acquaint Mr. Secretary St. John therof; and it hapning that this Mr. Baird was two or three days afterwards seized and severely mauld by the constables, whilst he and others were going about in their nocturnall rambles in Essex street (with a design as was then said and belived, and which Mr. Baird hath since often ownd, to force open the Commissioners of Accounts office ther, and by burning all their papers put a stop to the report

against the Duke of Marlborough) Mr. St. John immediately called for me and desired me to go to Mr. Baird and tell him that as he believed he had rashly entered into that society, he hoped the son of a gentleman of so honest loyal principles would not adhere to them, and he empowered me to offer him a remission for the death of a gentleman he had sometime before killed in a duell in Scotland, if he would discover what he knew was the aim and design of that crew; not that it was desired or expected he should be any evidence or even discover particular persons, but only the design in general; and withall I was directed to tell him that as here was a great reward for doing a thing which in a private manner to me could be no imputation to him, there was enough to take away his life if he was obstinate, since the commission, which it could be proven he had accepted of, could be brought against him. I accordingly went and used all my rhetoric, but to no purpose, for I could bring him no further than that he would have no more dealings with them; but at the same time he would make no discoveries of any sort. When I reported this to the Secretary it was with the greatest difficulty I could (out of respect to Mr. Baird's father, my worthy good friend) prevail with him not to prosecute the young gentleman, as he indeed too well deserved.

I now proceed to observe that during this interval of Parliament, the Earl of Oxford continued to prosecute his old maxim of doing nothing to strengthen and encourage the Tory party, it being observed when the second session met, in December 1711, that the Whigs were so far from being turned out, that where vacancies happened they were generally speaking supplied with persons of that kidney; and as this much encouraged the Whigs, who did not stand to upbraid the Tories with it, saying, they had those at their head that did not dare support and reward them, so it much discouraged the Tories and occasioned a great rupture; for not long after the second session met, a

considerable number being wearied With expecting what they thought they deserved and had been often promised, sett up a club which they call'd the March Club, in contradistinction to the October Club, whom they termed creatures and slaves to the Ministry. In the mean time, the gentlemen of the October club continu'd to support the Ministry, not out of any regard to or a good opinion of them; but believing the peace Was absolutely necessary, they would not contribute to any measure which might lessen their power or credit in bringing it to pass. And here it will be proper to observe that not long after this, when a motion was made for a bill to reassume the many extravagant grants made by King William to his Dutch and other favourites, and to make it pass the better in the House of Lords, where the Ministry had more to say than in the other house, it was order'd to be tacked to a money bill ready to be sent from the House of Commons, the Ministry did what they could to have the order for tacking recalled; but finding the October club inflexible, it being, as they thought, the sure way to bring the Ministry heartily into a measure which was a matter of justice due to the nation, and would render its promoters very popular, as that was a fund sufficient, without burdening the people, to pay off a considerable part of the public debts: when the Earl of Oxford, I say, could not prevail with these, he apply'd to the March club, whom, by bestowing a few places on some and promising more to others, he brought over and persuaded to vote against that order which a few days before they had given their assent to; and thus, by the addition of these gentlemen and the Whigs (who joined with them because they saw this bill would light heavy on their own friends) to such as depended on the Court, this order was recalled; to which all the Scots members, even such as had likewise voted for the tack, gave their assistance, except the Lord Lion, Sir John Houston, Sir James Hamiltoun of Rosehaugh, and myself. The Ministry however still pretended to approve of the design to reassume the grants, and promised to forward it in a bill by itself in the House of Lords; yet when it came there from the Commons, it was rejected by a narrow majority, which some believed the Ministry took care to calculate and prepare, tho they seemingly advanced the bill with their own votes; and it was well known that several Lords, over whom the Ministry had influence in other matters, voted against it. This affair of the resumption was not long over before the March club saw that they were to expect no more favours from my Lord Oxford, so they once more wheeled about against him; but pretending still to be zealous sons of the Church of England, they concurred with every thing that was proposed for the interest thereof.

Having mentiond the design of resuming the grants, it will be no great digression to narrate a conversation I had on that subject with Mr. Johnston late secretary of state for Scotland to King William, seeing some things pritty extraordinary appear in it. That gentleman having got from King William a grant of the tyths belonging to the Bishops of Scotland for making up a certain summ of mony particularly ascertaind by the grant, had in collecting the same, miserably harrassd a great many gentlemen by tedious vexatious suits and compelling them to pay him considerable sums for renewing the leases of their tyths: and he was apprehensive the designd resumption woud cut off his right amongst others, wherupon he accosted me, desiring to know if his grant was designd to be comprehended within the act of resumption which Mr. Shippen and I had moved for and were orderd to bring in. I told him that I admird how he made any question of it; for as wee designd to strike at all grants in generall, his coud not fail to be comprehended. He returnd that he did not doubt but he woud be able to satisfye the House so far with the account he woud give, of the occasion of the grant, that they'd except it from the resumption, but at the same time he'd be obligd to discover some things to which none yet except the late King William and the Lord Portland were privy, and which woud appear so amazing that peoples hair woud stand ane end on their heads at hearing of them. I was therupon very curious to know what these wonderfull things were that woud appear so strange in ane age that was not very nice, and begd him to let me into the secret. He seemd to be exceedingly uneasie, but I coud bring him no furder than that if the resumption bill went on and he found himself obligd to make this discovery, he woud previouslie communicate the matter to me; and here he once more repeated that my hair woud stand in my head at it. I must confess the loss of the resumption bill was so much the more regrated by me, that I therby lost ane opportunity of discovering somethings that probably woud have appeard very extraordinary with respect to some secret transactions of King William's life.

About this time I began very much to suspect the integrity of the Ministry; at least I was of opinion that ther was or woud be soon ane absolute necessity of holding a rod over their backs and forcing them to mind what was their duty and interest; and many of the English gentlemen came to have the same thoughts and heartily wishd that the Scots Peers, who had the ballance in their hands in the House of Lords, woud be somewhat free with the Earl of Oxford, to whom all the bad measures were cheiflie imputed, Mr. Secretary St. John disclaiming publickly any concern therin; and I spake to severall of

them, but with no success, so much did they depend on and resign themselves to the Ministry, on account of what they either then received or expected in time by preferments. I did then cast about amongst the Commons, and finding them well enuff disposed to enter into measures for obliging the Ministry to do what was expected with respect to the King and other matters of moment, wee began to form a party for that purpose and concert measures to be prosecuted; when in a litle time thereafter, Mr. John Meinzie (who received the dispatches commonly from St. Germans) came and shewd me a letter to him from the Earl of Midleton, signifying that it was the Kings pleasure that all his freinds shoud join in supporting tthe Ministry and give them no uneasiness; requiring him to communicate the same to me and severall others. I told Mr. Meinzie that it was my duty to obey, but I was very sorry for this occasion of shewing my regard to the Kings commands, being now more than ever jealous of the Ministry, at least of the Lord Oxford; for I was perswaded, these directions did not proceed from any assurance that the King had from the Ministry (he himself, in a letter under his own hand to me, of a late date, having expressly said that he had none) but were procured by the French Ministry at the Lord Oxfords desire, in order to prevent the execution of what he perhaps had learnd was contriving against him. However this message to the Kings freinds did put a stop to the bustle which they designd to have made and which I dare say woud have been of some use to the Kings affairs, by obliging the Lord Oxford sooner to declare what he aimdat.

In the mean time, discontents and bad humour appeard and increasd dayly, and to such a height in the House of Lords, that the Earl of Oxford, in order to form a majority, was obliged to take the unprecedented method of making at one dash 12 new Peers, which, as it was ane unpopular way of managing, need not have been necessary, if he had made any tolerable good use of the power and means he enjoyd and had not slighted and neglected so many persons of distinction. But what is most amazing, the necessity he was now drivn to, did not influence him to alter his way, tor he still jogd on at the same rate, from the beginning to the end of his administration, by which, in a short time, he became odious and had less to say and fewer personall freinds in either of the 2 Houses, nay-over all the nation, than- any minister that ever sat at the helm of affairs. The truth on't is, he spake misteriouslie and in half sentences on most important subjects, and communicating Ms schaems and designs to

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few or none, he affected to do, nay really did, all things by him>



self, without admitting any co-adjutors; and it was impossible (tho he had not given himself up to so great intemperance, as scarcely to go sober once in a week and not before 4 in the morning to bed) it was impossible I say for any one person to dispatch the 20th part of the business that was not to be neglected; and thence it was that His Lordship being about this time a little indisposed, Dr. Ratcliffe prescribed to him to read a certain portion of the Old Testament, which, after the Doctor was gone, he found was the advise given to Moses by his father in law, to choose a certain number of wise men to assist him in the administration of affairs.

That he was a gentleman of great parts, learning and application in busines, and thorowlie acquainted with the Constitution of England and particularly the many various forms and orders of the House of Commons, his greatest enemys did freelie acknowledge. In all these he shined most conspicuously whilst he was speaker of the House of Commons and secretary of state; but it would appear his naturall temper and greatest dexterity lay rather in managing and dispatching such drudgery sort of business and in contriving snares to catch those he had a mind to undermine, than in being the chief minister of state and prime favorite; for besides (as I observed) that he was too reserved and assumed too few into his secret designs, he did not shew that politeness and address so necessary in one of that high station to which he was now advanced, and seemd more to affect to carry thorow his views, by his own cunning than by the influence, weight and authority of the Crown, and by supporting and encouraging the friends therof; from whence it came to pass (as is elsewhere taken notice) that he gained few friends and created many personall enemys. He was indeed very civill to all who addressd him, but he generally either spoke so low in their ear or so misteriously that few knew what to make of his replies, and it would appear he took a secret pleasure in making people hing on and disappointing them, of which there are two instances very remarkable, and will tend to give the reader an idea of his temper in such matters.

There was one Mr. James Anderson a Scots gentleman of very great merit, who had done his native country great service by a book asserting the independence of the crown and kingdom of Scotland, wrot in a good style and with great judgement and learning. This gentleman, by his application to the study of antiquities, having neglected his other affairs and having, in search after antient records, come to London, almost all the Scots nobility and gentry of note recommended him as a person that highly deserved to have some beneficial post bestowed upon him; nay the Queen herself (to whom

he had been introduced and who took great pleasure in viewing the fine seals and charters of the antient records he had collected) told my Lord Oxford she desired something might be done for him; to all which His Lordship's usuall answer was, that there was no need of pressing him to take care of that gentleman, for he was *thee* man he designed, out of regard to his great knowledge, to distinguish in a particular manner. Mr. Anderson being thus putt off from time to time for fourteen or fifteen months, His Lordship at length told him that no doubt he had heard that in his fine library he had a collection of the pictures of the learned both antient and modern, and as he knew none who better deserved a place there than Mr. Anderson, he desired the favour of his picture. As Mr. Anderson took this for a high mark of the Treasurer's esteem and a sure presage of his future favours, away he went and got his picture drawn by one of the best hands in London, which being presented, was graciously received (and perhaps got its place in the library) but nothing ever more appeared of His Lordship's favour to this gentleman, who having thus hung on and depended for a long time, at length gave himself no further trouble in trusting to or expecting any favour from him; from whence, when any one was asked, what place such or such a person was to get, the common reply was, A place in the Treasurer's library.

The other instance is with respect to an English gentleman (whose name I've forgot) that being very much noticed for his wit and poetry, and withall a man of no fortune, was recommended by a great many of the nobility of that kingdom, and being introduced to the Lord Oxford he asked him, if he understood Spanish; the gentleman replied, No, but that in a little time he could soon be master of it in such a degree as to qualifye him to serve in any station where His Lordship thought fit to employ him; and away he went and employed six or seven months in the close study of that language, and having acquired what he thought necessary (not doubting but he would be employed in some business abroad which he most desired) he waited on His Lordship and told him that now he believed he understood the Spanish language tolerably well; "Well then," replied my Lord, "you will have the pleasure of reading Don Quixot in the original, and tis the finest book in the world;" which was all that gentleman got for his long attendance and hard study. < .: uii: >

As these two gentlemen were of themselves men of great merit and had never disobliged him, the treating them in such an odd barbarous- manner, evidenceth that there was something very unaccountable • in his naturall temper. And the truth is, such kind'of usage was not confined to men of middle degree, but he treated even

the best after much the same manner, of which there is a remarkable instance, in the way and manner he used a certain number of Scots lords and gentlemen on the following occasion. ■ ■ ■ \ ■ ... .. •-. «

About a year after the management came into his hands, a commission was granted by the Queen, vesting in a certain number of the Scots lords and gentry of the two Houses of Parliament the powers of the office of the lord high chamberlain in Scotland, to which were added several other powers with respect to the encouraging of trade &c. Tho' this commission might have been very usefull, especially! by calling the magistrates of the severall burghs to account for their management of their burghs common stock, and thereby obliged them to serve the Queen in the election of members of Parliament, yet people mostly believed this commission was revived only for a plausible pretext to bestow salaries on these commissioners, - and they indeed took it as such themselves; but His Lordship took care that no salary was inserted in the commission, and during all his ministry they could never prevail with him to have a privy seal for that purpose. 'Tis true he promised it from month to month and thereby kept them in a state of dependence, but for any more he was their humble servant. The effects whereof were, these noble lords and gentlemen would not be at the pains to meet and constitute the mock court; they were highly shagreened at such scurvy usage, and their commission was a jest to all Britain\*. .;ii.'.:

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As these are a few instances of his administration, which was suitable thereto on most occasions, people may rather wonder he had so few than so many enemies; and here I may also remark that he gave very little pains to understand the affairs of the Treasury; these he left intirely to Mr. Lowndes the secretary of the Treasury, and seldom came to the office but when he was obliged to sign papers *virtute officii*, which he did as Mr. Lowndes presented them to him, whereby he knew so little of these matters that I have often known him call for and take aside some of the commissioners of accounts, to be informed of certain matters which casually came to be spoke of in Parliament. By this account of his particular way and manner of dealing in such matters, he must appear a very strange man; and since he was notwithstanding thereof a person of great capacity, ambition and resolution, and could not but, as the rest of mankind; perceive that the methods he pursued would in the end prove fatal to him and the party with which he was engaged, setting his naturall temper and inclinations aside, it neither was nor is still easie to assign any tollerable pretext or shadow of reason, for justifying his conduct, or to

conceive what induced him to steer his course after this manner. Some thought that whatever his intentions might be at the beginning, he did not long continue inclin'd to restore the King; and his cheif design being to continue himself in power, as the Torys only could and would support him, he projected to cajole and entertain them with expectations and at the same time preserve the crown to the Elector of Hannover (in which opinion they were confirm'd, by his sending none but his cusen Mr. Thomas Harley to that Court, to negotiate such affairs as were from time to time necessary, and who no doubt, said they, had private commissions from him with the tender of his service, otherwise he could not have expected to be acceptable to that prince) or that he proposed, by keeping the 2 contending parties in a state of equality, so as neither of them should overrun the other, to have the ballance in his own hands and the disposall of the crown, after the Queens decease, to which of the Pretenders he pleased. But fatall experience at length taught him, how vain and ridicolous such schemes were. That he might easily have done the Kings business is very certain, for he knew he could get a majority in both Houses; he might have modell'd the army as he pleased (besides, there was no great fear but one moiety thereof at least would have adhered to the Queen and her brother especially when supported by the Parliament) and he was not ignorant that the nation was much exasperated against the House of Hanover, when that princes envoy did what in him lay to obstruct the peace, and his troops in the Queens pay refused to continue under the Duke of Ormonds command, when he seperated the British troops from Prince Eugenes army. But these and many other opportunitys he neglected, as if he had been rais'd to bring tuin on the Kings affairs, confusion into the nation, and misery to himself and those who supported him.

After the campaign in 1711, the Ministry did not incline to continue the command of the army any longer with the Duke of Marlborough, having then, as tis presumable, some matters in veiw, such as the cessation of arms next summer, which they did not think fit to trust in his hands; but as His Grace had been mighty successfull and establish'd a great reputation, it was judg'd proper to blacken the same, and stir up as great an aversion to him, both in the army and countrie, as was possible; and as the Ministry were very desirous to convince the nation, by better proofs than bare assertions, of the late Ministrys having embazled, misapply'd and squander'd away the publick mony, they grasped greedily at the discoverys made by the commissioners of accompts with respect to the Duke of Marlborough and Mr. Walpole, resolving to push these matters as far as they could

in Parliament. The Report then, formerly at large narrated, having been read in the House and received with great pleasure, large debates in 2 several sederunts followd on the 2 different branches therof, which ended with the following resolutions, carried by a very great majority: viz, “Resolved that Robert Walpole esq. (a member of this House) in receiving the sum of 500 guineas and in taking a note for 500/. more on account of 2 contracts for forraging of Her Majesties troops in North Britain, made by him when secretary at war, pursuant to a warrant granted to him by the late Lord Treasurer, is guilty of a high breach of trust and notorious corruption: and for the said offence that he be committed prisoner to the Tower during the pleasure of this House, and be also expelld this House. Resolved that the taking severall large sums of mony annually, by the Duke of Marlborough, from the con traders for furnishing the bread and bread waggons for the armie in the Low Countries, was unwarrantable and illegall; and that the 2<sup>^</sup> per cent deducted from the forreign troops in Her Majesties pay, is publick mony and ought to be accounted for, and that this resolution be laid before Her

Majestic” Ane address having after this been presented to the Queen, that she woud order His Grace of Marlborough to be prosecuted on account of the 2<sup>^</sup> per cent stopd from the forreign troops, that the same might be applyed for the publick use, a process was accordingly commenced against him, but soon afterwards dropd, which was occasiond, as was then said and reasonably belived, by ane agreement betwixt the Lord Oxford and the Duke of Marlborough, that the process shoud be let fall, on condition His Grace woud next summer go out of the kingdom and give no furdur countenance to the Whig party; which he accordingly performed, to the no small displeasure of the Whigs, who therupon exclaimd terribly against him.

The Ministry forseeing that tho the peace was pritty far advanced, it woud nevertheless be expedient to have ane army in the feild next summer, supplys were askd, and granted by Parliament, and preparations were made to have the army timouslie readie and in good condition; and the command therof in Flanders was given to the Duke of Ormond. I was told by a pritty good hand, but will not affirm it as a truth to be absolutely depended on, that before His Grace woud accept therof, he required and •was fully satisfyed of Her Majesties good intentions towards the King, whose freinds, in the interim, were well

pleased and thought it portended some good designs in favour of him, that the command of the army was bestowd on the Duke of Ormond, of whose affection to the King ther was then no reason to make the least question, and who by his liberality and generous temper woud soon gain the love and favour, of the armie. (

8 other matters were also, soon after this discovered, which increased the hopes of the Kings freinds, who from thence began -to intertain a somewhat better opinion of the Earl of Oxford, as ■if he woud in the end do something to purpose for the King, tho they could not comprehend the reasons and designs of severall parts of his conduct . The first of these discoverys was the design of sending the Duke of Hamilton ambassador extraordinary to France; every body knew his attachment and zeall for the Kings service, and the Whigs lookd on this step as a sure sign that his restoration was intended, and verily belived His Grace was sent to bring His Majestie over; but the Dukes murder (of which more particularly afterwards) put a stop to ther fears and other peoples hopes from him: and ther were some who belived that after his death the Earl of Oxford laid the design wholly aside or at least thought less of serving the King then whilst he lived.

The other matter was that pensions were setled upon and commissions given to severall of the cheiftans of the Highland clans, empowering them to command and lead such a certain number of men, as each engaged to raise, when and wher Her Majestie should require. Some people were apprehensive that this was contrived to buy these off<sup>r</sup> from ther duty to the King, and prevent their rising in arms for him; but others belived it might, as it certainly did, admit of another construction, especially when Lord Oxford knew many of these gentlemen had been in arms under the Lord Dundee, always professd themselves Jacobites, and were men of honour and reputation in the world. But even supposing the worst\*as to the secret design of this measure, they were well pleased with it, for tho these Highland gentlemen might in the interim take the mony, ther was no fear of ther deserting the King when he had occasion for them, and in the meantime they were enabled and allowd to provide themselves with arms, it being certain that the Lord Oxford conived at arms &c. being imported and carried up to the Highlands. The Kings freinds drew also some confort from His Majesties being removed no furder than Lorrain; for tho the Ministry woud not venture to ask (what they were sure to obtain) a counter address to that I mentiond formerlie, viz. that he shoud be removd

S from France before the peace commenced, yet the allowing him to reside in Lorrain did not answer the Whigs design (who purposd to have him removed beyond the Alps) and seemd to look as if ther might be ane occasion for his being near at a call, and no body cou'd imagine that the Duke of Lorrain wou'd have intertain'd him with so much respect, if he had not known that it wou'd be acceptable to the British and French Courts.

But now to leave these matters and return back to this second session of Parliament. Soon after it's meeting, the five Scots members formerly mentioned renew'd their friendship and correspondence, and improv'd the same to very good purpose in this session. They quickly resolv'd to bring in bills for tolerating the Episcopal clergy and restoring the patronages in Scotland, and kept their design so secret, that no body knew any thing of it till a motion for the first of these was made in the House of Commons; after which the Lord Lion and I waited on the Duke of Shrewsbury, to desire him to put the Queen in mind of her promise to us the last year, which he accordingly did, and next day assur'd us of her hearty concurrence. But the Earl of Oxford seem'd much displeas'd and wou'd once more have perswaded us to wait for a better season. It soon appear'd that the bill wou'd pass, whither he wou'd or not, and that he did not dare oppose it: But to strike the nail to the head, and force His Lordship to appear for the bill, Mr. Carnagy, Sir Alexander Cumming and my self were sent from a great body of the Scots members to wait on His Lordship, and in their name demand his assistance, and withal to make an apology for their not having previously communicated the design to him, because they thought he might excuse himself so much the better to the Presbyterians (with whom it appear'd he had no mind to fall out) that he knew nothing of and had no hand in advising this bill. His Lordship was not very fond of this respectful message, well knowing what was design'd by it: however he put the best face on't he cou'd, and having promis'd, did indeed give his helping hand to the bill, which triumphantly pass'd both Houses.

On this occasion it will be proper to take notice that whilst this bill depended in the House of Commons, there was a meeting betwixt some of the Scots Tory members and the Earl of Hay, attended by Mr. Carstairs and two or three more Presbyterian brethren, who had been sent up to negotiate the affairs of the Kirk, expecting some blow wou'd be levell'd at it. In this meeting Mr. Carstairs had too much sense to offer any reasons against the bill in general in the present situation of affairs; so far otherwise, he appear'd very humble, pretending that the brethren were not for persecution, and as the

Dissenters were tolerated in England, there was much to say why the like favour shou'd be shew'd to the Church party in Scotland; but he thought the clause, which stood part of the bill, with respect to the pow'r of ecclesiastical judicatories, wou'd be prejudicial to the interest of religion, morality and vertue, seeing all who were not of the Presbyterian communion were by it exeemd from being subject to their judicatories; and as there cou'd be no Church judicatories but those of the Church establisht by law, this clause wou'd afford an occasion to evade all Church censures, when ev'n inflicted on the most scandalous persons; and he humbly submitted if it was not to be believ'd that the Episcopal ministers themselves wou'd rather desire that the pow'r of Church censures stood vested in the Presbyterian clergy, than that vice and immorality shou'd pass altogether unpunisht. Some of the gentlemen there present seem'd averse to make any alterations to please the brethren, and on that account wou'd not yeild a bit to Mr. Carstairs. I happen'd to be of another opinion, and told them I believd Mr. Carstairs had another reason than he expresst against this clause, viz. that by it all the scandalous fellows in the countrey, when they committed any crime which expos'd them to the Church judicatories, wou'd declare themselves Episcopalians, and therby escape being punisht, but at the same time prove a great reflection on that party and sett of men who skreend such offenders and coveted to add them to the number of their communion; that this I took to be Mr. Carstairs secret reason against this clause, tho for certain reasons he did not think fitt to own it; and for my own part I agreed heartily with him in it. He smild and said he wou'd leave me to make what judgement I pleas'd of his secret reasons, provided he cou'd therby make a convert of me against this clause. After some further arguing on this subject, it was agreed to drop this clause, and another shou'd be inserted in its room, viz. that the civil magistrates shou'd not interpose to compell any man by their authority to submit to the sentences of the Church judicatories, and it was thought that this clause woud leave the Presbyterians sufficient powr over those of their own communion, seeing they thought themselves in conscience bound to give obedience to their sentences, and it was absolutely necessary with respect to other people, because the Presbyterian ministers often harass'd and plagued many innocent people on groundless pretences and false accusations, whilst the real reason was that they were not good Presbyterians; neither cou'd this clause prove any encouragement to immorality, seeing the Presbiterians might pronounce what sentances they pleas'd, and the civil punishments might still be inflicted by the civil magistrate against all offenders, of whatever perswasion; and nothing was to hinder the pastors of



Episcopal congregations from publickly rebuking such as were guilty of scandal. Mr. Carstairs was oblig'd to accept of this change as the best that he could make of it, and in consideration thereof did promise that his own and such of his parties friends that he had interest with, shou'd not propose the abjuration or any other amendment to the bill, reserving nevertheless full liberty to oppose the bill in gross by all the methods they thought proper.

These preliminaries being solemnly agreed to, the bill was alter'd in the manner concerted, and pass'd the House of Commons without any other alteration being propos'd to it. But when it came to the House of Lords, and the brethren saw it wou'd be there treated in the same respectful manner as in the other House, it displeas'd them much. They knew the Episcopal clergy wou'd refuse the abjuration, on account of their principles, being firmly perswaded that the King had an unquestionable and the only title to the crown; and tho it was true, that several of the Presbyterian clergy were averse to this oath, because by swearing to the Sovereign on condition of his being bound to the limitations contain'd in the act to which the oath referr'd, they believ'd that they at least gave a tacit approbation of the King's being under a necessity to be of the communion and principles of the Church of England, which they said was contrary to their principles and repugnant to the solemn league and covenant, which they thought was and wou'd be for ever binding;—tho, I say, Mr. Carstairs and his brethren knew that several of their brethren in Scotland were, on account of these scruples, very averse to this oath, yet they hop'd to prevail with most of them to get over their nice objections, *ad majus honum Ecclesie*, and wou'd rather run the hazard of displeasing such as were obstinate, than want the satisfaction of getting something done which might prove harsh and uneasy to the Episcopal clergy. But that they might do what they cou'd for their scrupolous brethren, and because they had expressly and positively promis'd to the gentlemen whom they mett and convers'd with, as above narrated, that they shou'd not desire to have the abjuration oath impos'd, they directed their friend the Earl of Laudon or the Earl of Hay (I forgot which) to move for an amendement, which being read, tho it did not bear the title of the abjuration oath (by which they pretended to evade the promise they had made) was an oath in the selfsame express numerical words with the abjuration; only, hi

that part where the Succession is sworn to *as* it stands limited by another act therto referr'd, they left out the word *as*, and made it run, *which* stands limited; the word *which* being only narrative, whereas the word *as* (according to their scrupolous brethren's sense of it) was

relative and conditional; and this oath was to be impos'd upon all ministers Episcopal and Presbyterian. None of the Lords having observd any the least difference betwixt this and the abjuration oath, at least not knowing what was design'd by the aforsaid variation, the amendment was receivd and approv'd; but the Scots Commons, who interested themselves and took care of this bill, resolv'd to endeavour to prevent its passing in these terms. They knew, since the oath was once mov'd for, it was to no purpose to attempt to have it afterwards "laid aside, for the chicken-hearted Ministry wou'd never agree thereto; nay they had grounds to fear, that if this amendment was rejected, the Lord Oxford wou'd prevail with the Queen to refuse the Royal assent to the bill itself; wherefore they bent their thoughts to have the oath so amended, as to make it as uneasy to the Presbyterians as the Episcbials; and in order therto they waited on most of the English Tory Lords. To such of them as they knew design'd right things and with whom they might speak freely, they represented that if the oath pass'd in these terms, the bill wou'd do more harm than good, for none of the Episcopal clergy wou'd on any account swear that oath, and it was so cook'd up as to pass glibly with the Presbyterians, who, in that event, wou'd persecute the Episcopal clergy, if they claim'd the benefit of this law and did not swear the oath; but if what the Presbyterians scrupled at in the abjuration was inserted in this oath, a great many of the Presbyterians wou'd likewise refuse it, and in that event the Episcopal clergy wou'd not be molested, least the Presbyterian nonjurant clergy shou'd be treated after the same manner. To other Lords, vvith whom they were oblig'd to be more reserv'd, they represented that it was a bad precedent to allow any alterations in a general oath requir'd for the security of a Government, that in the present case such as wisht weel to the Church of England shoud desire to have her equally well secur'd with the State, and there was no reason why any alteration shou'd be made in the oath, so as to leave the enemies of the Church at liberty and under no restraint to destroy her, as their inclinations and the covenant, which they thought binding, led them to. These and the like arguments had the desird effect, for next day the oath was alter'd, by striking out the word *which* and inserting the odious word *as*. I have insisted on this passage to shew what little chirking Jesuitical shifts and evasions the godly can allow themselves to putt in practice, when they tend to cover their designs.

These Presbyterian ambassadours were enough displeas'd at the general design and consequences of this bill, but they were enrag'd at the disappointment of their beloved amendment, and wisht heartily

they had not movd it; for when their brethren at home came to know by whom and on what account this oath was imposed upon them, they were not a litle displeas'd. 'Tis true none of the Episcopal, and many of the Presbyterian clergy, did swear this oath; but a sa great many of the latter did also refuse it, they did not prosecute the Episcopal clergy, least their own noncomplying brethren shou'd be serv'd in the same sauce. And there arose a great schism betwixt the jurors and nonjurors of the Presbyterian clergy, to each of whom great numbers of layety, as they stood severally affected, did adhere; some justifying those that swore, others, and these not a few, refusing to own them as ministers, and esteeming them no better than hereticks and betrayers of the good old cause; which schism did continue several years and untill the oath was new modell'd for theii pallates in the next reign. 'Twere a pity to forgett that Mr. Carstairs and his brethren did present to the House of Lords a petition against the Toleration bill, printed copies wherof were by them and their friends handed about and delivered to the several Lords; which petition, tho contrary to their known principles and tender consciences on other occasions, was address'd to the Lords spiritual and temporal &c. But when they- came to Scotland and were challeng'd by some of the most zealous of their party, how they came to acknowlege and show so much respect to the English prelates by addressing them under the name of Lords spiritual, they had no defence but by denying the fact, until some people produc'd copies of the petition in the terms mention'd.

It is also well worth noticing that such of the Presbiterian bretheren as in compliance with this law became jurors, acted as odd a part in the way and manner of ther taking, as Mr. Carstairs did in obtaining the oath of abjuration; for as a great many, especially in and near to Edinburgh, woud not by noncompliance run the hazard of incurring the penalties in the act contain'd, they were at the same time very solicitous to retain ther reputation with the populace, and in order therto fram'd ane explanation, containing the sense in which they took the said oath, viz. in so far as it was consistent with their known principles, and no furdur. After the bretheren of the Presbytery of Edinburgh (and I was told they foliow'd the same method in most other places) had sworn and sign'd the oath, which to them was administred by a full meeting of the justices of peace, they retired to a corner of the court, where Mr. Carstairs repeated or rather whisper'd over the aforesaid explanation, in his own and his bretherens name, and therupon he took instruments in the hands of a publick nottar brought thither by him for that effect. This jesuiticall way of doing business, tho' it served as a pretext to justifye them to some poor silly

people, exposed them much to the censure of all sober thinking persons, it being evident from hence that tho they roard out against the mentall reservations of the Church of Rome, they could do the very same thing themselves, when it servd ther turns. It pro'vd that either they were scrub theologists, or men of no conscience; for seeing all divines and lawyers agree in maintaining that all oaths are takn and binding in the sense and terms of the lawgiver imposing the same, any explanation contrary to the plain literall meaning of the words and without the approbation of the lawgiver, hath no manner of import whatsoever. And moreover the explanation was not made publickly and adherd to in the face of the Court and at the time of swearing the oath, so as to stand on record; tho by the bye the Justices had no power to consent to and receive the same, being no furdur authorized and required than to put the laws in execution by administring the oath in the terms of the Act imposing the same. It is therfore evident, I say, that this explanation was altogether illegall and unwarrantable, a downright jugling with God and man, and a precedent for admitting the greatest cheats and performing the greatest villanies, for by the same rule, why might they not abjure Christianity and profess Mahometanism, provided they secretlie declared to be so only in so far as consisted with ther principles? and why might they not falsly swear away any mans life and fortune, provided they privately declared that ther oath was to be understood as probative, in so far only as it consisted with truth? But the baseness and bad consequences of such principles and practices are so conspicuous and so detested by all men of honour and conscience, ther is no need of enlarging furdur, the bare recitall of the fact (to which I was ane eye witness) being more than enuff to creat in such, a just abhorrence of it and all who act after that manner.

After the Toleration bill was past, a motion was made for a bill to restore the Patronages, which the Earl of Oxford likewise presst might be let fall, but it was pusht after the same manner and with the same success as that of the Toleration, to the great mortification of the Scots Presbyterians and the Whig party, who saw the Scots Tories wou'd not be putt off with my Lord Oxfords dilatures on which their cheif hopes were founded; not that I believe they were at this time in any concert with him or he with them, or that either of them had any concern or friendship for the other; but they saw and hop'd his odd unaccountable way of doing business, whatever might be his secret reasons and private veiws, wou'd prevent their own immediate ruine and retard nay probably frustrate the designs which they did not doubt were by some contrivd and wou'd be executed against the interest of

the House of Hannover.

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Before the prorogation of this session of Parliament, the Duke of Ormond having sett out for Flanders, was ther at the head of the army, and it was weel enough known that it would prove no bloody campaign, at least betwixt the Brittish and French troops. The Whigs had so zelously promoted and industriously prolonged the warr, that for justifieing their own measures they were obleidged to maintain the necessity of them, and before they knew the terms and conditions of the peace did not fail to exclaim against it and the abettors of it; as if indeed, no peace, be the terms ever so advantageous, was expedient for the nation, or rather acceptable to that party. They said that henceforwards Brittain would be destitute of allys, even in the greatest extremitys, for they were now deserted by her when the common enemy was reduced to the last gaspe; that all the vast trespure of the nation's blood and money was spent in vain, when the advantages gain'd therby were not followed out, and that now the old maxim would be verified, That tho the English gote the better of the French in their wans, yet these recover'd all or more by their treatys.

The Whigs having observ'd a great many fall off from the Court measures who, tho they did not profess themselves of the Whig interest, would be weel enough pleas' io humble the Lord Oxford, resolved to make one grand effort before the prorogation. For this purpose the Lord Hallifax, with a dejected countenance and tears in his eyes, acquainted the Lords, that having a matter of the greatest importance to impart to them, a matter which concerned the interest, honour and security of the Queen, themselves, the whole nation, and the constitution of both Church and State, before he would open this affair, he thought it propper to move, that all the Peers might be summonsed to attend, that the House might be full on so solemn an occasion; and an order was accordingly issued for all the Lords to attend at a dyet which they then appointed a day or two therafter, during which intervall various were the conjectures of this Lords grand affair. The Ministry knew their own circumstances, and were in the utmost apprehensions of what might happen; and as all men were very curious to know the result of this day's debate, I gote admittance into that House and gave so close attention to what past, that I may pretend to give a pretty just account of it; in order to which it will be necessary to remember that the Duke of Argyle had shoven sometime ago a litle disgust at the Earl of Marr's being so much in favour with the Ministry; and as His Grace did not use to be at odds or in good terms with any man or party by halves, the Whiggs caress'd him,

having some hopes of gaining him, whilst the Ministry in the mean time were not without fears of losing him; and their hopes and fears increased when they saw that some days before this motion he had retired, in discontent as was supposed, to his countrey seat not farr from London, and did not return to town till the House of Lords was actually mett, to hear my Lord Hallifax's motion; so that all sydes were ignorant and had both hopes and fears of the part he would act; believing at the same time, that to which syde so ever he adher'd, he would have great weight. After the House was constituted and prepar'd to give audience, my Lord Hallifax open'd the debate by representing at large the grounds, necessity and occasion of entring into the warr; then he enumerated the glorious successes which had attended the arms of the allys and brought the common enemy of Christendom to such straits. But, continued he, this pleasant prospect is totally defaced by the orders given to the Queen's generall, not to act offensively against the enemy. He told them that he pitied that heroick and gallant .gentleman, who on other occasions took delight to charge the most formidable corps and strongest squadrons and could not but be uneasy at his being fetter'd with shakles and therby prevented from reaping the glory he might weel expect from leading on troops so accustomed to conquer. He pityed the allys who had relyed upon the aid and friendship of the Brittish nation, perceiving that what they had done at so great an expence of blood and money was of no effect, as they would be expos'd to the revenge of that power against whom they had been so active. He pitied the Queen, her Royal successors, and the present and future generations of Brittain, when they should find the nation deep in debt, and that the common enemy, who occasioned it, tho once near being sufficiently humbled, did still triumph and design their ruin, and were informed that tins proceeded from the Brittish conduct, in neglecting to make a right use of these advantages and happy occasions, which their own courage with God's blessing had gain'd and put into their hands. He did not pretend to blame the Queen, but the councills and representations of those evil counsellors, who being confided in by her, manifested so litle concern for Her Majestie and her people's honour, prosperity and security, that they perswaded her to approve such measures and emitt such orders as were attended with these (and a great many other which he largely insisted on) disgracefull and pernicious consequences. And as he wasi fully apprysed of Her Majesties good intentions to rectify every thing that was amiss, and of her great regaird for their Lordships opinions in this weighty affair, he presum'd to move that an humble address should be presented to Her Majestie, setting furth the bad and dishonourable effects of the aforsaid order to her generall, and

beseeching her to recall the same and direct him to act

offensively in conjunction with the other allys against the common enemy.

The Duke of Marlburrow then stood up and spoke to this purpose; That after what had been said by the noble Lord, nothing' remain'd for him or any other person but to second his motion: however he would trouble them with some few things which occur'd to him on this subject. Then he told them that tho the negotiations of peace might be pretty farr advane'd, he could see no reason for the allys or raither Brittain's remaining unactive and not pushing on the warr with the utmost vigour; as the nation had been at the expence of continuing and recruiting the army for another year's service, it was now in the fields, and it had often fallen out that a successfull battle or siege produced good effects and manifold advantages, when treatys were further advanced, than was the present negotiation. And as he was of opinion they shoud make the most they could for themselves, the only infallible way to force France to an entire submission, was to carry the warr into that countrey, by besieging and consequently being masters of Cambray or Valenciennes; but as the enemy's army was now encamp'd, it was impossible to execute either of these designs, unless the enemy was removed from that camp. And as they could not be reduced by want of provisions, ther was no way to accomplish it but by attacking and dryving them out of it; for the truth of which he appeall'd to a noble Duke (meaning the Duke of Argyle) whom he was glad to see present, because he knew that countrey and was as good a judge of these matters as any man alive. These things His Grace of Marlburrow thought fitt to represent to their Lordships, hoping they might make some impression towards moving them to agree to the motion made by the Lord Hallifax, and which he took the liberty to second very heartily.

The Duke of Argyle spoke next to this effect; That not being apprized, he came unprepard for a debate of such moment, and probably woud not have troubled their Lordships with any litle thing he had to say on it, if he did not presume he was the person to whom the noble Duke who spoke last appeald; but since he was calld upon to declare his mind, he woud do it with that open and plain way to which he was accustomed. He then told them, that he indeed knew the country and the scituation of the enemys camp perfectlie well, and he agreed with the noble Duke, that it was impossible to remove the

enemy but by attacking and driving them out of it, and untill they were removd, it was impracticable to carry on any of the 2 seiges His Grace had mentioned. And he also agreed, that the taking of these towns was the most effectuall way to carry the war on to purpose, and woud indeed be a home stroak to France; but he wondered how His Grace came to be of that mind now and of another when he had ane occasion of executing it, and he could not but remember that he himself formerlie, several 1 years ago, proposed and perssd it to him, as the most effectuall and speedy way of procuring a safe and honourable peace; but His Grace had then other sentiments, and instead of marching into France and beseiging these fortresses, went rather backwards, losing much time, blood and treasure, in beseiging a few other towns of no great consequence. As for attacking the enemy, he must take the libertie to tell that noble Duke, that His Grace knows the camp and army are each of them stronger than when he last attacked them, and he need not be put in mind, with what difficultie he then gaind that camp, and what a vast expence of blood that victory cost the nation, even so much, that one or 2 such more woud undoe it; that if the allys shoud miscarry in the attempt and be defeat, the consequences woud turn much to the advantage of France; for as it was certain that if at any time, during this war, the allyes had received one heartie blow, they could never have recovered it, he durst affirm that a blow, even now, woud reduce them to a worse state than they were in 7 years ago, seing the enemy woud not fail to make the most of such ane advantage, by pushing on the war, and many nay most of the allyes woud be incapable to stand out and recover it; and if such a thing shoud happen, they woud be deprived of those beneficiall terms which they had no reason to doubt the Queen had demanded and woud obtain. Some people perhaps amused themselves with a fancy that the allys could not possibly have the worst out in a batle;—twas true they had been long successfull, but twas as true that fortune often took fits and turnd, particularly against such as were unsatiable; nay he had never yet seen a batle, even under the command of that auspicious Duke, but once in the day he thought affairs had a bad aspect, and he durst say even that noble Duke, tho he was indeed as much beholden to fortune as any man alive, woud not pretend to say, that he thought himself above the reach of fate, and that success must still, as formerly, attend his attempts and undertakings of all kinds. As for beseiging those towns, he saw no occasion more than fighting batles: the noble Lord who opened the debate did not pretend that the war was begun with a design to conquer the kingdom or dethrone the monarch of France. If that prince was alreadie brought so low, as to yeild so far and agree to such terms as woud secure the ballance of



Europe from the hazard of his future designs, there was no need of any further action, seeing after gaining a battle and 2 or 3 towns more, the terms of peace would be the same; for as the balance of Europe did as much require that France should enjoy a due, as be prevented from acquiring an undue measure of power, these towns might probably, out of good policy, be restored to France when taken, especially seeing Britain could not propose to keep them, and that there was no reason they should be taken from France (when once reduced to a competent measure of power) to increase the power either of the Emperor or the Dutch, who by such compliments may, in time, come to be as much dreaded as were the French some years ago. The time indeed was, when it was said some people loved sieges for certain reasons, and that the filling up vacant commissions and pillaging of towns filled many large coffers; but he was sure that the general who now commanded Her Majesty's army, was above such sordid views. To sum up all, he said the Queen was a very sufficient and the only proper judge when and on what terms to make peace, and there had been so much British blood spilt already, he thought that, without an absolute necessity, a period should be put to the further effusion of it; that, as matters then stood, he saw no public benefit could accrue by gaining battles or taking towns, whereas a defeat of the allies might break all the measures which had been taken and were in a fair way, he hoped, of being adjusted, and the people thereby eased of the burden of a war they could not well uphold any longer; and therefore he was against the motion. ■ .

'Tis impossible to express what effects this speech had, and how much it wrought on the minds of many Lords who were before inclined to take this opportunity of being revenged of the Earl of Oxford; but when they perceived the dangers so fully and boldly laid open, they did not desire to buy gold too dear; and others perhaps being persuaded that the Duke of Argyle would act a quite different part, finding their mistake, did not think fit to declare themselves on this occasion; and it now appearing that the far greatest part of the House was against the motion, the Whigs would willingly have dropped it, but the Ministry pressed a question and gave a negative to it; after which, they proposed and carried an address approving the measures Her Majesty had taken and the orders given to her general.

Thus ended this affair, which proved a mortal stroke to the Whigs, as it exposed their design to oppose and thwart the peace at any rate, and shewed that their power, even in the House of Lords, was not so great as was represented and perhaps imagined by them; though at the same time it must be acknowledged, that the

bad reception which this effort met with was in a great measure owing to the Duke of Argyle. And as it cannot fail to seem very odd, when he shall be found, even less than the space of 12 months after this, joining with and assisting that partie and set of men whom he so bitterlie enveighd against on this occasion, it will not be amiss to take a more narrow veiw of this noble persons conduct and behaviour; and in order therto wee must call to mind, that he was no wayes in freindship with the Duke of Marlborrow for severall years before the late change of the Ministry, and that he joind heartily with those who accomplished it, and for some considerable time thereafter appeard very well pleased; but as thers no end of ambition, he could not bear and sit with the favour and interest which the Earl of Mar pretended to and obtaind, and to this some people did ascrive His Grace first being discontented and at length falling off from the Court. But this account, methinks, is not very probable, for as it is certain that His Grace was extremely fond both of power and mony (tho he never made any arbitrary illegall use of the one, nor attempted to obtain the other by squeesing those under him or doing any action unbecoming a gentleman) it is not to be imagined that, on the uncertain prospect of what might prove the consequence of changing sides, or out of picque and revenge that he was not gratified in every thing which he desired and aimdat,—it is not I say probable, that on these accounts one of his temper woud strip himself of all his future hopes and veivs of being more in favour with and distinguishd by the Queen and this Ministry, to whom he had done such eminent service, and throw up the many great and good things he was even then possest of, which at a modest computation did exceed 12000/. sterling yearlie; for he was commander in cheif of Her Majesties forces in Scotland and Spain (to each of which ther was a particular sallary by the military establishment) and governor of the Castle of Edinburgh and of Port Mahon; he commanded a regiment of foot (which Vol. i. 3 E

, he afterwards sold for a good round sum of mony) and the Scots troop of horse guards; he enjoyd a pension of 3000/. sterling per annum; and the sum of about 600/. payable as a few duty out of his Scots estate, to the Crown, was not exacted; and his brother, Earl of Hay, was lord justice generall in Scotland, with a handsome sallary annexed to it. That His Grace aimd at being generalissimo of the Brittish troops, and his brother (whose interest, from a personall freindship and love towards him, he was equally earnest to advance with his own) to be secretary of state for Scotland, are not to be denied; but (besides that they had too good reason to know that the

Whigs never forgive, tho they may on certain occasions dissemble and postpone ther resenting of ane injury) they could not be ignorant that they would find as much, nay more opposition, from the pretensions, power and interest of the Dukes of Marlborough and Roxburgh, and could not propose to gratifye ther desires and obtain ther ends by reestablishing the Whigs; for which reasons I was and am of opinion, that ther was something more in the matter, than hath been hitherto roentiond, which influenced this Duke to chop about and alter his measures.

His Grace and I had contracted a very strict friendship from our very childhood, when we were play-fellows together, and this was continu'd so inviolably afterwards when we came to more years, that as on my part I constantly ownd a very great personal respect for him, he avowdly professt himself my friend, doing, me all the good offices which from time to time fell in his way, ev'n assisting me with his interest in being elected to serve both in the Scots and British Parliaments, when we were engag'd in opposite parties and measures. And as this uninterrupted state of mutual, personal, friendship, occasiond my being frequently in company with him and his brother, and that we convers'd together with all the freedom imaginable, I often observ'd, of late, that both of them did mention the King and his interest, without that acrimony and bitterness which on too good grounds they were formerly accusd of. I livd also about this time in a very intimate correspondence with Cornel John Middleton and Mr. William Stewart, two who depended absolutely on the Duke, being as it were of his own family and his constant companions. And as I knew their principles and inclinations lead them to wish the King's affairs all manner of success, tho they followd the Duke and voted in the House of Commons according to the measures he pursu'd, I could well enough perceive, they did believe that the Duke was now heartily dipt in those measures, which were most agreeable to their own sentiments. And as I could not but think, that the Duke and his brother had the same notion and opinion of my Lord Oxfords veivs and designs, as all the rest of mankind, and that it was certain all sides and parties did conclude that the Kings restoration was the only game His Lordship could with safety to himself and his friends pursue; and as His Grace had contributed to enable him to bring his projects at first to bear, and that the Duke and all his dependants joind and concurr'd with many notorious Jacobites, who opposd the late Ministry and supported the present, because they expected the King's interest would be thereby advancd;—on these, I say, and the like considerations I was and am still perswaded, that this Duke did expect

and believe that the Kings restauration was design'd; and as he contributed to advance the interest of those 'by whom it was to be accomplisht, 'tis but natural to inferr he intended to concurr in it. But in process of time, when he perceivd the Earl of Oxford behavd very abstractely, concealing all and ev'ry part of his designs from him, he became jealous that the work was carrying on without his participation, arid as he shou'd thus have none of the glory and consequently be depriv'd of the benefit which woud accrew to those who were accessory to it, he was not without some apprehensions, that he and his family might be left in the lurch and exposd to that resentment which he was conscious they too well merited from the Royal Family. And when he afterwards observ'd that the Earl of Marr was the principal favourite of the Ministry, and that this noble Lord did, on many occasions, endeavour to thwart and oppose him and lessen the pow'r and interest of His Grace and family, and that several of the Scots Tories who submitted to too tame and absolute a dependance on the Ministry countenanced and promoted these and the like measures in the House of Commons, His Grace's jealousies and apprehensions were therby increas'd, and he at length became firmly perswaded that nothing less than his utter ruine was designd, by exposing him and his family as a sacrifice to the resentment of the loyal party, which in process of time detcrmind him to break wholly with this Ministry and throw himself intirely into the hands of the Elector of Hannover. The Whigs no sooner observd that the Duke began to fall off from the Ministry, than they improvd it as they do every other occasion for their own advantage, by seeming to forgett all that had past, and insinuating that His Grace was the most proper person to be at the head of the Electors army when he came to the crown, seeing Marlebrough had sneakingly fled the kingdom and deserted his friends in their distress. That they made such insinuations I have reason to believe and affirm; how they performd them and requited His Grace a few years after, is not within the design of this treatise to mention, and is besides well enough known to the world.

I was so fully perswaded that what I have represented was the true state of the matter, that when Sir John Houston and Captain Dougal Campbel, two particular friends of the Dukes, and I my self did observe that the Duke began to shew a litle displeasure at the proceedings of the Ministry, and take umbrage at my Lord Marr's growing interest, we believing it was of the greatest importance that His Grace shou'd continue in that good disposition, which we reasonably presum'd he was then in towards the King, did propose to Mr. John Meinzie, that he wou'd inform the King, it was our humble

opinion, that a letter from His Majesty to the Duke, which any of us wou'd undertake to deliver, in a gentle benign style, desiring his assistance and promising his own royal favour, woud be attended with good consequences. But a few days after this, Mr. Meinzie's told us he had acquainted my Lord Middleton of the proposal, and insinuated that His Lordship did not think it consisted with the dignity and honour of a Sovereign to make the first advance to an undutiful subject. Whither the proposal was communicated to the King himself I cannot say, but I am apt to believe it was not, as I cannot but conceive a better opinion of His Majesties understanding, than to imagine he wou'd have such a notion of it, or have return'd such an answer. Being disappointed in this project, Sir John Houston and I laid hold on all occasions to represent to Colonel Middleton and to Mr. Stewart, who we knew woud report to the Duke, that His Grace cou'd propose no way to raise his own glory and the grandeur of his family, so honourable and certain as adhering to the King. For as he was a generous and martial prince, he wou'd have occasion for His Grace's services, and woud not neglect to requite them; that he cou'd not fail of being the most considerable man in the island, as the Highland clans woud all join with and depend on him, which was a much more valuable and formidable interest than what he cou'd expect from the dastardly deceitful Scots Presbyterians; that it was true His Grace's family had made a great figure at the head of the Republican disloyal party, for a tract of years by past; but it had cost them two heads, was attended with the hatred and malice of all peacable and wellmeaning persons in this nation, stirrd up the revenge and malice of all who suffer'd for the Royal interest, expos'd them to the censure and condemnation of all the disinterested part of Europe, and had brought an everlasting stain on his family; wheras, till his great grandfather the Marquiss of Ar

gyle, all his progenitors had been remarkably loyal, and on all occasions, in the greatest extremities, adher'd firmly and done eminent service to the Royal family; and thence it was that their memories were dear to all men, and their glory mention'd with pleasure; thence it was that his predecessours had such priviledges and dignities conferr'd on them, and which still remain in his family, that no Scots subject can pretend to the like. We told them that as this was a short but true account of His Grace's family, *he* shou'd seriously reflect on it and take his measures accordingly; that there was no imaginary fear or doubt of the Kings being willing to forgett all that was past, and His Grace by his actions might have a just claim thereto, and to His Majesties esteem and favour for the future; that His

Grace need be in no apprehensions of my Lord Marr, his Lordship's interest was not near so great in Scotland as His Grace's; he had been as zealous and active as any other in all measures against the King, and cou'd not expect to be confided in by the Kings friends, till they had greater proofs of his conversion than yet appeard; and wee assur'd them, there were several of the most considerable Tories in the House of Commons who wou'd stand by His Grace and support him, if he wou'd sett himself at their head, and wou'd soon let my Lord Marr see the folly of his attempting to force His Grace to submit to his measures. Wee added, that the Whigs wou'd never forgive what His Grace had done, and particularly the speech I lately mention'd against the war, and tho they seemd to dissemble a litle at this time, they abhorrd him and wou'd be revengd, if ever they had an occasion.

These and the like, Sir John Houston and I frequently insisted on to these gentlemen, by whom, I know, they were communicated to the Duke and my Lord Hay, who observing that several of the most Jacobite Tories did on some publick occasions stand up for His Grace and avowdly oppose my Lord Marr, they were somewhat softer and did not seem, for a considerable space, to be

in so bad a humour as they, sometime before, and sometime after this appeard in. But in process of time, when the Duke perceivd that my Lord Marr and his adherents did openly attack him and his family's interest (of which more particularly hereafter) he then laid aside all thoughts and veiws, but what tended to secure another foundation to stand upon and revenge himself of the Ministry.—I have dwelt so much the longer on this subject, because I thought it very material to the present treatise, and that it showd to what height ambition will drive persons of the greatest sense, ev'n in matters of the greatest importance. I know the greatest part of the world do believe that His Grace acted from an inveterate hereditary malice which he bore to the King; but I have offerd some reasons to shew that it did not, at least wholly, arise from thence; and I cou'd add some more very pregnant, nay unanswerable arguments to fortify what I have advancd, but that I am under engagements not to propale them. No body will pretend to say that what I have represented was a just cause to influence the Duke to act after the manner he did; but on the other hand, if my Lord Marr and those other gentlemen of the House of Commons had then their King's and countrey's service primarily in their veiw, they deserve the highest censure, who so unreasonably

provokd a person, so capable to serve the King by his personal courage and experience in the field, his interest with the officers of the army and with the Scots Presbyterians, and his high station and great character in the world, to think himself under any the smallest necessity of striking in with any party or joining in any measures opposite to those of the Royal interest.

It is now high time to return from this digression to the Parliament, which, soon after the above mentiond motion for an address in the House of Lords, and without either of the Houses entering upon any other matter of moment, was prorogued; not long after which the Earl Marishal, a true friend to his King and countrey, having died, the Earl of Findlater was chosen to succeed him, as one of the representatives of the Scots Peers. This noble Lord had been a faithful follower of the late Ministry in all their measures; but as he allways liked that side best which prevaild, tho he was not chosen at the beginning of this Parliament, he joind with the Tories in the elections, was very much a humble servant of this Ministry, and as high a Church man as the best of them. And the Ministry, believing he might be useful in the House of Lords as he was well acquainted with the laws and constitution of Scotland and under no scruple of concurring with them, whilst uppermost, against his old friends, tho they had heapt immense favours on him, did recommend him, and he was accordingly elected, and some litle time thereafter he was appointed lord high chancelour of Scotland. This commission had been sunk since the Union, being immersd in that of Great Brittain; but now it was thought proper to revive it, tho the powrs and priviledges therof extended no furdur than preceeding in all the Scots courts of judicature; designing therby to set him up as a check on the pow'r and authority of the president of the session, who since the Union was become very arbitrary and lay heavy on all the Tories who had any affairs depending in that court. And it must be own'd this measure had good effect?, and was agreeable to all indifferent unbyass'd persons, as the Earl dispatcht business very quickly and with great justice.

After the prorogation of the Parliament all the different parties, nay the very armies were in suspence waiting for the success and result of the negotiations of peace at Utrecht. Till the terms of peace were known and the negotiation concluded one way or other, no man nor no party cou'd form a judgment and resolution of the measures which were to be severally prosecuted by them. However the King and his friends, on the grounds I formerly mention'd, had still greater hopes that the result of the present confusions and divisions woud terminate to his ad vantage. So that during this intervall and general expectation

there was a kind of suspension of arms amongst all sorts of people, who waited with impatience to know where and how to begin the prosecution of what they aimed at.

During this interludium, as the treaty of peace was near adjusted, and several particulars therein contained, with respect to Spain, were to be solemnly ratified in France, in presence of the British embassadour, the Duke of Hamiltoun was ready to set out in a few days from London on that errand; which, as I hinted before, did afford abundance of pleasure and discontent, as people stood severally affected towards the Kings interest; every body presuming that something, beside being a witness to these ratifications, was committed to His Grace's management. But all these hopes and fears vanished by his fatal death, which by reason of the critical juncture at which it happened, and some things very extraordinary in the way and manner of it, made then a great noise, and an account thereof is fitt to be particularly narrated. In doing of which I need not mention the particulars of the quarrel betwixt His Grace and the Lord Mohun; 'tis enough that in general it be known, that there being a law suit depending betwixt these two Lords, of a long standing and great importance, they met at the examination of some witnesses, where some high words having past, a challenge was sent to the Duke, who accepting thereof, they accordingly met and fought.

When they were come to the spot of ground agreed to in Hide Park, and were throwing off their coats, the Lord Mohun said to the Duke, that he hoped these two gentlemen (meaning General M<sup>c</sup>kertny his own, and Colonel John Hamiltoun the Dukes, second) were only to look on and not be personally concerned in any part of the quarrel. The Duke answered, he believed Mr. M<sup>c</sup>kertny was the chief occasion of their coming on this errand, and since it was so, he had brought his (M<sup>c</sup>kertny's) old friend to entertain him with a share of the dance. All four immediately fell to work, and Hamiltoun having soon disarmed M<sup>c</sup>kertny and looking about to see what was become of the other two, he perceived Mohun lying dead or expiring on his back, and the Duke fallen on his face on the top of the other. Then throwing down his own and M<sup>c</sup>kertny's swords, he ran and lifted up the Duke, who he observed was wounded in two places, and faint with the effusion of blood from the wound in his thigh. Whilst he was performing this good office, M<sup>c</sup>kertny took up one of the swords, and coming behind Hamiltoun, whilst he supported the Duke by the back in his arms, stabbed His Grace, who walked nevertheless some little way to a tree, where he soon after expired, and as soon as the keepers of the Park and some others came up, which was just as the Duke reached the tree,



M'kertny went off. This account Hamiltoun gave of the matter; but the Whigs took a world of pains to save M'kertny's reputation and person, by denying that part which the other second did averr he had acted, and hiding him so carefully, that, tho all means were us'd to discover him, he was securely conceald and at length safely conveyd beyond sea.

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The Whigs laught at Hamiltoun's story, and indeed it seem'd very odd, that he who was known to be personally as brave as his sword and a devoted servant of the Duke's, did not himself seize M'kertny or call out to those who came up, that they shou'd apprehend him. To which, when I challeng'd him on it a few days after, whilst he lay conceald and saw none but some of the Dukes friends, whom he sent for to advize with, he reply'd that he cou'd not apprehend him himself, for the Duke was so lame and faint with the loss of blood, he wou'd have tumbled down if he had not supported him. And when the people came up, he was so confusd and in such a consternation and withal so apprehensive of what woud befall himself, after the death of two such great men, that he did not know what he was doing, and after two of the Duke's servants came up to take care of His Grace's body, thought of nothing but getting off with himself.

But notwithstanding all the Whigs endeavours (who by the by were extreemly well pleas'd at what had happend and woud have bestowd half a dozen of such lives as Mohun's and M'kertny's for such a good job) the unbyass'd part of mankind did credit Hamiltoun's account, believing that the Dukes death was a wilful premeditated murder; and for illustrating the same, I will mention some particulars that seem to make it unquestionable.

1st. It is a certain truth, that frequently and for a long time before this happend, the Whigs were heard say that they had many irons in the fire to hinder His Grace's journey; and some two or three days before his death, the Lord Hinchingbroke, a notorious Whig, being lately come from London and talking with some people at Boristouness about the Duke's journey, told them they might depend upon it His Grace wou'd not see France at this time. . - .

2d. The offensive words were given by the Lord Mohun to the Duke, who frequently, upon former occasions, to my hearing, declar'd his positive resolution to bear evry thing but blows from the other, during the dependance of the law suit, and did accordingly (and likewise no doubt because of the public character he bore and the great trust committed to him) resolve to pass over<sup>5</sup> the injurious words

he had then given him. Which the Whigs perceiving, buoyed up the Lord Mohun, perswading him to turn the chace and send the challenge j and as His Lordship Was never thought a hero (having, ev'n but very lately, been publickly affronted and ill us'd by <a certain gentleman, Without resenting it, dnd never done any thing renlarl&ible but stabbing a poor actor" as he came out of the play houseisoine ydars agoe) M°kertny and two or three more of that gang, neve\* left him, from the time!

that he was with the Duke, till the duel was fought, keeping him (as was deposd by the evidences) flusht with wine during all that time, which was two nights and a day and a half, and calling upon him, when he took fitts of being grave and melancholy, to chear up, take the other glass, and not be afraid.

3d. When the Elector of Hannover came to the crown, the Whigs prevaild with him to take off the sentence of outlawry against M°kertny, tho all the Scots nobility, Whigs and Tories, opposd it; and when M°kertny came afterwards and stood his tryal, sent orders to his attorney and solicitor generals not to appear and plead against him, allowing them however to appear for him if they pleasd. And as particular directions were giv'n to pick up a favourable jury for him, a great many of the Whig Lords and most considerable commons did attend him at his tryal. Now can it be imagin'd, that so much pains wou'd be taken and such respect shown for a person of such an infamous and detestable character, had he not done something to merit it? And indeed it was loudly talkt, that he threatend to discover the whole story, if he was not acquitted, which prevaild with the Whigs to carry him thorough his tryal.

4th. It was impossible for my Lord Mohun to give the Duke the wound which killd him, for he was run in at the very top of the left breast, near to the collar bone, sloping down so far towards his belly, that had the wound been but an inch or two deeper, it had peirc'd his belly above his navel; and Mohun cou'd not plant such a thrust, unless he had stood up very high above the Duke, or having enclos'd, had shortend his sword. But that this did not happen, appeard from General Gorg's groom's deposition, that as soon as their swords were drawn, the Duke attacqued and Mohun retir'd till he fell, and he was found dead with his arm strecht out and his sword in his hand. Besides I heard Doctor Garth (before he reflected on the share his friends the Whigs were to have in the story) affirm, a few days after it happend, that it was impossible for my Lord Mohun to grapple and give that wound to the Duke, after he himself had receivd the wound of which

he died, and that the Duke after receiving of his wound in his body, could not be able to make a pass with so much vigour, as was necessary to give the wound which killd the other. So that, as I said before, by the groom's testimony, they did not enclose, without which that wound could not be given to the Duke by the Lord Mohun; and in Doctor Garth's opinion, which ever of them received the first wound, was not capable to give the other, and consequently Hamiltoun's account may be the better credited, seeing it is not so much as pretended that any thing unfair was done to Mohun. But to put the matter out of all controversy, the sword which was found in Mohun's hand, and known to be what he usually wore, was a Saxon blade, whereas the wound in the Duke's body, whereof he died, was with a three corner blade, which, being the only one of that kind amongst them, belonged to Hamiltoun, and was snatcht up by M<sup>c</sup>kertny to perpetrate the execrable deed.

5th. It was observed that several of the most violent Whigs, such as the Duke of Richmond, Sir Robert Rich, and others, were that morning, about the time of the duel, seen riding disguised in Hide Park, which made some people think, there were other snares laid for His Grace, if he had escaped M<sup>c</sup>kertny. And a hackney coachman did depose, that whilst he waited that morning for a job in St. James's street, a hackney coach came up to him, and passing easily by him whilst he sat on his box, the other coachman asked him if he had heard of the two Lords being killd, and on his answering No and enquiring who had killd them and how he knew it, the other replied that the Duke had killd Mohun, and M<sup>c</sup>kertny the Duke, that he had driven out Mohun and M<sup>c</sup>kertny, was standing by and saw it. The coachman who carried out my Lord Mohun, being found out by the number of his coach, but having by this time got his lesson, denied it. The other, when they were confronted, did still affirm upon oath, that a coachman had said so to him, but would not take upon him to assert, that this was the person, for that coachman was a stranger to him, and spoke to him after he was past by him, so that he could not see his face so fully, that he could swear that the coachman now confronted with him was that person.

6th. M<sup>c</sup>kertny was devoted to the Whigs, and at the same time so scandalous and infamous a wretch, that he had been guilty of all the crimes one can possibly imagine; and that he was capable of so base an action, the Whigs could not well deny; which put me in mind that, some years agoe, he had undertaken to murder the Duke of Marleborough, and tho His Grace was reconciled to him, whether out of fear, or that he might be useful in executing his designs against others,

if his occasions requir'd it, I shall not determine; yet still, one who did certainly undertake so villanous an action then, might be suppos'd willing and capable to cominitt the like now. And indeed his character agreed with the action he committed; for besides that he was one of the most profligate wretches alive, he was more to be reckon'd a bully than a man of courage; and tho it is not to be deni'd that he was a good officer and had behav'd well enough in some public actions, it was certainly and publickly known, that as he was of a haughty, quarrelsome and blustering temper, he had been often kickt and cufft by this same Colonel Hamiltoun, Lord William Hay and other officers of the army, without his daring to resent the same.

I have been more particular in the account of this dismal story, that it may thence appear, there's too much ground to believe the Whigs are a set of men, who stand at nothing to accomplish their own ends. As this great man's death was joyfully receivd by all the Kings enemies, it was a severe stroak to him and all his friends (and he did not fail, very soon after it happen'd, to condole the same in a most gracious letter to Her Grace the Dutches

of Hamiltoun) for besides the general expectation of what was to be done by him, I have particular reasons to believe, that he was entrusted with the execution of some matters of the greatest importance. For I having waited upon him some litle time before his tragical exit, to acquaint him, that having got liberty from the commissioners of accounts to go to Scotland for a few weeks, and resolving to sett out next day, I was come to receive His Graces commands, he told me he had several things to say to me, but that I must wait three or four days till he was better prepar'd to talk with me, which I consented to, and calld upon him evry day, but was allways putt off, till at length, after I had staid out the time he prefixt, I told him I cou'd stay no longer, having much to do in the lille time I was allowd to stay at home, and woud therefore positively take post that evening; wherupon we enterd into a long discourse concerning the state and prospect of affairs at that time, and I told him that every body was full of His Graces journey and honest men expected happy consequences from it, and as his Scots friends wou'd probably ask a great many questions at me concerning him and it, I wanted to 'know from His Grace, what I shou'd say and how I shou'd behave towards them. After a considerable pause he told me, I must carry with a great deal of caution in that matter, for as people knew the friendship and

trust which were betwixt him and me, many endeavours wou'd be us'd to pump me, and therefore I was to take all imaginable care to let nothing drop from me, ev'n in the most general terms, that might in the least insinuate that I hop'd and believd he had any commissions that were not publickly known. But as this caution was chiefly with respect to the Whigs, I might give such honest men as I had reason to confide in, some litle hopes and encouragement, but these even also, in very general terms, except to Mr. Hary Maul and Captain Straitoun, in whom he plac'd entire confidence; and to these he allow'd me to say, that he had got all his instructions concerning the negotiation of peace, and he understood there were some things besides of the greatest importance to be committed to his management; and tho the Lord Oxford had not yet spoke fully out, nevertheless by His Lordships innuendo's and some private conversation with the Queen, he cou'd guess at the import and design of them, and he cou'd not then say any more to me or them, but desir'd us all to hope and look for the best, and be assur'd he never undertook any matter, with so much pleasure as this journey; and be the consequences what they will, he woud faithfully execute what was committed to him. In the mean time he desird all the Kings friends wou'd take care to do nothing to expose themselves, and by living quietly expect such an issue as it shou'd please God to give to what was now in agitation, and of which, he hop'd, very soon, to give a good account. After some more such general discourse, he told me, he was to ask a favour of me, but before he acquainted me of it, he must have my promise to conceal and also grant it. I answer'd that His Grace askt what was not very reasonable to do; however, as I was assur'd His Grace wou'd require nothing of me, that was unfitt for him to ask and me to grant, I gave him my word and honour in the terms he desir'd. Then he told me, that he beleivd he might have occasion for some person in whom he cou'd absolutely confide, to come over to him in France, and he desird I wou'd make what haste I cou'd out of Scotland, and when he shou'd write to me, that, without losing any time I shoud make all the haste, I possibly cou'd, in going to whatever part of the world he directed me to meet him; I answer'd, that His Grace did me a great deal of honour, and he might depend on it I woud readily and punctually execute his orders, tho I cou'd not comprehend what he intended by it; but as I presum'd they were matters of consequence he had under his veiw, it was fitt to have more strings than one in his bow, and least I shou'd be indispos'd or any accident befall me, that he shou'd pitch on another person to be ready in that event to attend him. He reply'd, as he confided in me, I shou'd, without asking questions, confide in him, and how did I know but he might have occasion to send me back on an

errand and message of the greatest importance, and which would be both agreeable and honourable to me. And as for the proposal I had made, he approved of it, and desired I would think on some clever honest young fellow fit for it. I returned, that I knew none better than Sir John Houstoun or Sir James Hamiltoun, and if His Grace pleased, I would so manage matters as without letting them know any thing of it, prevail with one or both of them to come up, sooner than usual, to the ensuing Parliament, where he might send, if he had occasion, for them; which he agreed to and recommended to my care. After this I took my leave of him; and as he embraced me with great kindness, I don't know from what secret impression on my mind it proceeded, that I parted with him with a more than usual concern, and he called me twice or thrice back from the door, though he had nothing more to say, than to bid me again and again farewell and recommend him kindly to all his friends.

After I came to Scotland, I received several letters from him, but at length he desired and pressed exceedingly that I would haste up to London, for since he was to stay a week or ten days longer than he once expected, he wanted much to speak somewhat more to me on the subject of our last conversation, and did not know but he might be obliged to desire me to accompany him in his journey, for time was precious and the iron must be struck whilst hot. And I accordingly began my journey a week sooner than I designed, but to my unspeakable grief, whilst I was on the road I met an express with the melancholy fatal news of his death. I have no excuse for so large an account of this conversation, but that I think it will from thence appear more than probable, that His Grace was entrusted with some matters concerning the King. To conclude: The more that I reflect on this great man's qualifications and disposition to advance that interest, I am the more convinced, that divine Providence, not having as yet poured down the full of that vengeance which this island deserves, permitted this heavy stroke, that we might be thereby deprived of one who was so capable and desirous to promote the true interest of his King and country.

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But now to leave this melancholy subject, I will only take notice that some little time before this Duke's designed journey to France, he was elected one of the Knights of the Garter, but he positively refused to accept of the same until he was allowed to continue to wear the badges belonging to the order of St. Andrew. On this occasion he told the Queen, that he would never lay aside a Scots, to make way for an English, honour, and that her Royal Father wore both, which prevailed with Her Majesty not only to allow him but to do so likewise herself.

The Duke of Argyle some years ago had acted quite otherwise, for he demitted being Knight of St. Andrew to be made Knight of St. George, and shewd thereby how much he preferred England to Scotland.

I now proceed to mention that the Earl of Linlithgow, a worthy honest loyal person, was elected in His Grace of Hamiltons room, as one of the sixteen Scots Peers of Parliament, and the Duke of Shrewsbury was pitcht upon to succeed him, as ambassadour to France, and see what was requird by the treaty of peace duely performd there. But as for other matters relating to the King, I do firmly beleive the Duke of Hamiltoun's death put a stop to them at this juncture, nay I question if ever they were so heartily reassum'd by my Lord Oxford. This I know, that His Lordship regretting to a friend of mine, the Duke's death, next day after it happend, told him, that it disorderd all their schemes, seeing Great Brittain did not afford a person capable to discharge the trust which was committed to His Grace, which sure was somewhat very extraordinary; and what other than the Kings restoration could then be of so very great importance or require such dexterity in managing, is not easie to imagine. And indeed it is more than probable that before His Lordship could pitch upon one he might depend on, in such weighty matters, the discord and division which happen'd 'twixt him and the other ministers of state diverted or suspended his design of serving the King.

When the terms of peace were agreed to and the third and last session of this present Parliament was shortly to meet, divers and sundry were the consultations and resolutions of the several parties, concerning the method of following out their several designs. The Whigs resolv'd to make all the noise and bustle they could against the peace, and by gathering up all the discontented stragglers from the Court, make their power as formidable as possible, without being determin'd on any particular measure, save that of opposing the Ministry in all their designs, whatever they should be.

The Earl of Oxford had hitherto kept matters much on the same footing he found them, for, except that he himself and a few more enjoyd some of the cheif posts in the government, the far greatest part of all other offices, nay of the commissions of the peace and of the army, were still in the Whigs hands. And here I must take notice, that tho he bestow'd some few offices on the Tories, yet these, for the most part, were such as made no great figure, and were really no ways capable to do much service. To give one instance for all; after he himself was appointed lord high treasurer, he pitcht on Mr. Benson, now Lord Bingley, to succeed him as chancelour of the exchequer, a

post that requires a man of great understanding, experience and activity, with an establish'd character and reputation, as he is reckon'd the first man of the House of Commons, when a member of it; whereas Mr. Benson was one of the most confus'd speakers ever open'd a mouth, and was rather, or at least affected more to appear, a man of wit and pleasure than of parts and capacity for business. But the truth is, the Lord Oxford did not seem fond of employing men of great sense and eminent characters in the world, committing his chief negotiations to Mr. Prior, Mr. Arthur Moor, and two or three more such inferior sort of people.

Several of the leading men of the October club thought it now high time to push matters a little more briskly; they had hitherto supported the Lord Oxford, and now that the peace was concluded they represented to him, that they expected the performance of what was often promis'd and was absolutely necessary for the Queen's, his own, and their security. In return he made them great compliments on their behaviour, but withal desired they would have a little more patience. 'Tis true, said he, the peace is concluded, but the articles have not been laid before the Parliament, and it was as necessary to have them approv'd of there, as any step that had been hitherto taken. He told them he was desirous that matters went easily in this session, and assur'd them as soon as this Parliament was dissolv'd and before the time for electing the members to the next, he would make thorough work and set affairs on such a footing that they and all the Tories in Britain should be pleas'd with his conduct. These gentlemen were not satisfi'd, and I dare say would not have so quiesc'd in his Lordship's scheme, had they not perceiv'd that Mr. Secretary St. John, lately created Lord Viscount Bolinbrook, began openly to condemn my Lord Oxford's conduct, and they thought they gain'd a great point, if they could draw him in to sett himself at their head; and this he was ready enough to do, as by his frank way of behaviour he had already gain'd a great interest, affected daily to be more and more popular, and aim'd at nothing less than being prime minister of state. When these gentlemen represented the grounds of their jealousy and dissatisfaction with the Lord Oxford, the Lord Bolinbrook agreed perfectly with them, and assur'd them he would use his utmost efforts to bring the other to pursue more resolute and steady measures; but as he had great interest with the Queen, this affair must be manag'd with great caution and gentleness, and therefore he entreated them not to fly in the face of the Ministry, seeing it might probably prevent matters being brought about to their satisfaction. The Tories foreseeing that in all probability the Lords Oxford and Bolinbrook would not long



sett up their horses together, resolv'd to depend on and support the latter, and to follow his directions on this occasion. And indeed at that time and during the rest of the Queens life, whatever part he is said to have acted afterwards, I am firmly perswaded, he really design'd the King's restauration; and the Tories being apprehensive, if they thwarted the Ministry, it might probably induce them, at least the Lord Oxford to throw himself into the Whigs hands and reunite with them, thought it more prudent to keep in with Lord Bolinbrook, and patiently wait for the effects which might in time be produc'd from the measures he was then pursuing; and from hence it was that this ensuing third session, which met in Aprile 1713, jogg'd on as formerly, granting every thing that the Ministry demanded. For tho it was no great secret that the Lords Oxford and Bolonbrook began to set up against each other, and that the Tories of the October club were much displeas'd with the first and entirely in the interest of the other, there was no seeming outward discontent or opposite veiws amongst them, especially in public matters, in which all these concurr'd towards supporting the present administration.

The Scots Tories were of different opinions amongst themselves, as to their conduct; the Lord Bolinbrook's influence weigh'd with a goodly number, who fawn'd and depended upon hi in in a very servile manner; but others, tho they were heartily glad that His Lordship design'd to exert himself in prosecuting what they very much long'd for, did not however incline to slip this session, without doing something to strengthen and secure their interest at home. But they were constrain'd to drop, all such veiws, on an occasion which requir'd them to unite with their,

other countrey-men, in opposing what was of the utmost bad consequence to Scotland, and that was the malt tax.

This tax, for many years bypast, had been annually impos'd in England, but was not hitherto extended to Scotland, it being expressly provided by the articles of the Union, that whilst the war, then in being, did continue, Scotland shoud not be liable to this tax; and now that the peace was agreed to, a bill was brought in imposing it over all Brittain. The Scots, being sensible it was a burden which they cou'd nowise bear, oppos'd it with all their might, and the English, on the other hand, insisted upon it, saying that according to all equity and constant usage, taxes shoud be equal, there being no reason why one part of the kingdom shou'd pay and another be exempted, and that the

Scots had no ground of complent, having got free of this tax these several years bypast. In answer to whom, the Scots represented, that the exemption they hitherto enjoy'd was not a favour done them, being obtain'd by express capitulation, and if they had askt it for a longer term of years, nay evn for ever, it woud not have been deny'd; but the truth ont was, too many of their countrey men trusted to the generosity of the English, and were satisfid with that clause in the articles of the Union, wherin it is mentiond, as a maxim to be absolutely depended on, that the British Parliament, in imposing of taxes, woud have a just regard to the circumstances and abilities of the people; that an equality of taxes consisted in imposing them according to the several abilities of the people, and not in the general exacting of one and the same duty equally from all: Thus in a poll, the heads of the rich are tax'd at a higher rate than the poor; and where the produce of one countrey is of a greater intrinsick value than that of another, it were highly unreasonable to tax them equally: Or if a tax was laid on acres of land, it wou'd be highly unequal to levy as much from the barren countreys of Wales and Scotland, as from those situate near to London, the produce wherof doth far exceed the other, both in quantity and quality; and consequently it is altogether unreasonable to impose as great a duty on the Scots as the English barley, since it is certain that it will not afford near so much nor so good eal as the latter, and is in many places sold at a less price than the tax now propos'd doth amount to. They said that this tax, tho as easy and convenient for England as any other which raisd so great a sum, in so far as it came directly off the farmers, and being therby diffusd into many parts became less burdensome and sensible, yet was quite otherwise in Scotland, where a great part of the rents being paid in kind, it fell heavy and immediatly on the heritors, who cou'd get no releif by raising the price, because in that case the brewers must raise the price of their eal, which brought them out of the frying pan into the fire; for then they must pay the high excise, tho in truth the eal was no better than the English small bear, according to which it is now valu'd and tax'd. Besides, if the price of the eal shou'd be proportionably raisd, the people had not money to buy it, being in no condition to purchase it at a dear rate; and thus a stop woud be put to all brewing for retail: From all which it appear'd that the duty arising from this malt tax woud be very inconsiderable and at the same time much diminish the revenue of the excise, and ruine the landed interest of Scotland; that they were willing to come into any other tax, which their countrey was able to bear, and thought their case and circumstances, as thus stated, did deserve a particular consideration. They further represented, that it being stipulated that this tax shou'd not be imposd

on the Scots whilst the war lasted, it could not take place this year; for tho it might be true that the peace was agreed to, it was not yet proclaimed, and till then the war was presum'd to last. But supposing it was proclaimed, the greatest part of the money to be raised from this fund, being appropriated for the last years public service during the war, it cou'd not be extended to the Scots, without breaking in upon that article of the Union which exempts them from being burden'd with it during the war.

To these and such like arguments the English reply'd by calling for the question, and indeed they treated the Scots with the utmost contempt, and evidently shewd that they valu'd the tax so much the more and were keener to impose it, that they saw it wou'd be a heavy burden on the Scots. This was the first instance, since the Union, of a national disposition against Scotland; for tho the treason law was a hardship great enough in its kind, yet all the English Tories joind with the Scots against it, being rather a party than a national measure; but in this affair, almost every man voted against the Scots. For tho the English Whigs promis'd fair things at first, they fell off and joind to a man for the tax, and the Tories (excepting some few who were govern'd by reason and equity) presst it from the beginning with the greatest violence. And tho the Ministry pretended to be very sorry at what had happen'd, and seem'd to concurr in having no more than the half of the duty impos'd on the malt in Scotland, yet so many of the members who depended absolutely on them voted otherwise, that the motion was rejected and the duty in its utmost extent laid on all the kingdom. The Scots Commons uniting cordially to oppose this measure, withstood it very boldly; and tho they could not outvote such great numbers as sett themselves up against them, they behav'd like gentlemen who had their countreys interest at heart, and severely crubd some of the English members, who began to insult and speak bigger than, as was told them, they woud dare stand to singly when call'd to account for it. When this bill was carri'd up to the House of Lords, the Scots there spoke and voted against it very heartily; and cou'd they have been prevail'd with, as they were often desird, to deal plainly with the Ministry, by threatning to leave them and join the Whigs, if they did not support and re-, leive their countrey at this juncture, as their number woud have cast the ballance, it woud no doubt have had the desird effect, by prevailing with the Ministry to free the Scots of this heavy burden. But the truth is, the Scots Peers did frequently more prejudice than service to their countrey; for as they, under the several different administrations, voted allways plumb with the Ministry, those on the other side, out of picque to them, took

their revenge of the countrey, whilst the Scots Peers had not the courage to demand and interest to obtain the friendship and assistance of those, on whose account they suffer'd, nor the spirit to resent it, when thus slighted and oppressd.

Whilst this affair was in agitation, as it created a great gum and coldness betwixt the members of the two nations, it occasiond a friendship and unanimity amongst the Scots Commons\* They mett frequently to consult of measures, and on these occasions expressd a thorough sense of the wretched state and condition of their countrey, and a high resentment of the uncivil, haughty treatment they mett with from the English, which render'd the intolerable burden imposd upon them more irksome to bear. They cou'd not say that what had happend was the effects of the malice or other particular veiw of any one party, but the joint act and deed of all England. And as this fell out in so short a time after the terms of peace were agreed to, they were confounded at the apprehension of what might be their countreys fate when the peace was establisht and England had no forreign enemies to stand in awe of. These reflections had been more a propos some years agoe, before the Union was made, and when many expected nothing less than now occurrd. But according to the old proverb, Better late thrive than never, such as were the King's friends and against the Union were glad to see what in> pression these and the like dismal apprehensions did make on many, who heretofore sett up on other interests.

As my cheif nay only design, by engaging in public affairs, was to serve the King so far as I was capable, I had that allways primarily in my veiw, and at the same time I was very desirous, when a proper occasion happen'd, that the Scots nation shou'd have the honour of appearing as unanimously as possible for him; and in order to prepare those who I knew wou'd not assist the King out of a principle of loyalty (I mean the west countrey Presbyterians) for receiving impressions that might prevail with them oji other topicks, I had in concert with Dr. Abercromby, been at a good dale of pains to publish and disperse amongst these people, papers which gave, from time to time, full accounts of what were like to be the consequences of the Union, and shew'd how impossible it was for the Scots to subsist under it. *And I presst the Toleration and Patronage acts more earnestly, that I thought the Presbyterian clergy wou'd be from thence con\inc'd that the- establishment of their Kirk wou'd in time be overturnd, as it was obvious, that the security therof was not so thoroughly establisht by the Uuio», as they imagined; and I beUe.vd this nliiir of the mall tax, as it toucht evry mans copyhold and Wjas*

a,gen#ifaj, grievance, woud be the best handle to inflame ajad keep up, the spirit and• resentment of the Scots against the L nion: the effects whecpf (in>m the disposition that I observ'd of the people towards the King about the time of the designd invasion 1708, which in many was then cheifly occasiond by 11 ir-i r fresh indignation at the Union, tho the same began now tp cool, as is commonly the fate of all redue'd and accustom'd to slavery) I did conclude w'oud, certainly tend to advance the King's interest.

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I took therefore,. whilst this affair of the malt tax was depending, the opportunity, of ten or twelve of the Spots Tories being roett together, to tell them that I thought it was our duty to; show our utmost resentment of the usage we had receivd, and if we made a right use of what had happend to.uSj it cou'd not fail to render us very popular and ingratiate us with our eouptreymen at home^ Every body knew that the Spots Tories had opposd the Union, and by so doing had gaind the esteem of a great many, who formerly had an aversion or at best Were very indifferent towards them; and if they shou'd now evidence to the world, that as they were against the Union, because it was destructive and dishonourable to their countrey, they did likewise resent the bad treatment they mett with and the hardships impos'd on thbse they represented, and did what in them lay to recover and restore the antient constitution, it woud infallibly strengthen their party and gain them many friends in Scotland, and therefore it was my opinion we shou'd move for a bill to dis>solve the Union. The gentlemen who were present agreed 16 what *I* advane'd, and approvd of the proposal I made. Yet some there were who apprehended that if such a motion was not seconded unanimously by all the Scots members, it wou'd be reckond a party business or the humour of a few discontented people, and it was to be fear'd that neither the Scots Peers nor the Scots Whigs wou'd come into the motion. I reply'd, that I differd from them; for the design was so popular, I imagin'd none of these wou'd venture to appear against, nay refuse to give their concurrence to it; and if it happen'd otherwise, it wou'd be a bad recommendation against the next elections, which were soOn to come on, this being the last session of this triennial Parliament; and this I thought was, of it self, a sufficient motive to engage us\* to prosecute this measure. Having diseours'd some further on this subject, we at length agreed to follow it Out, but withall under great secesy, till once We had a general meeting of all the Scots Commons, where the proposal shoud be made and vigo\* rously seconded by those who were present at this consultation, and such other of our friends as were absent and we

knew woU'd heartily join as soon as it was proposd.

In order to bring about this general meeting, I was directed (as representing the shire of Edinburgh,- which in the Scots' Parliament had the precedence of aH the othe\* shires-ffnd'br%hs) to write a letter to each of the Scots Commons, to the following purpose:—that having found by my conversation with diverse of our countrymen, that it was thought very proper, there shoud be a general meeting of all the Scots Commons, jointly to consult and resolve on such measures as were fitt to be prosecuted for the service of their countrey at this critical juncture, winch calld for their utmost zeal and most vigorous efforts, I did therefore take the liberty to propose and desire he wou'd be present at a general meeting (which I had also proposd to the other gentlemen) at a certain place and time in the letter particularly mentiond, and where I did not doubt he'd find his friends punctually conven'd. —This letter having the desird effect of bringing all the Scots Commons together at the time and place prefixd, I did first of all recapitulate and enlarge on the grounds and reasons hinted at in my letter for calling them together. Then I told them, that I beleivd it was needless to mention the particulars of what we had too just occasion to complain of; the debates in the House of Commons and the bad usage we had mett with from all parties were so well known, and the resentment therof, I was assur'd, so great in every Scotsmans breast, it was but losing of time to resume or enlarge upon them, and the ruine of our countrey was so palpable and inevitable, it was not necessary to illustrate it. In these things, as I took it for granted we were all of one mind, I hopd we'd be as unanimous in endeavouring to obtain redress, by coming into such resolutions and taking such measures, as shoud be jointly prosecuted with the greatest vigour. And as I was of opinion that these were the proper subjects for our present consultation, and had taken so much upon me already, I wou'd further presume frankly and ingenuously to impart my sentiments to them, notwithstanding wherof, I was ready to be guided and directed by the judgment and opinion of the majority then present, and wisht other gentlemen wou'd resolve and declare the same; which all having accordingly done, I went on and told them, that as it appear'd that the Scots trade was sunk and destroy'd by the many prohibitions, regulations and impositions on it, and the heavy taxes imposd on the native produce and manufacture (all which were calculated and adapted to the conveniency and circumstances of England, with which those of Scotland did no ways correspond) and that the countrey was exhausted of money, by the remittance of so great a part of the public taxes, and the great recourse of so many Scots men to London; if

matters stood long on such a footing, the ruine and misery of Scotland was unavoidable; that from the haughty and insolent treatment we had lately receivd, it was sufficiently evident, we cou'd expect no just redress from the English, who, beside their natural aversion to us, which made them snap at all occasions of bearing hard on Scotland, had told us that all and ev'ry part of the united kingdom must be equally subject to the taxes imposd, and that no ease or consideration were due to any part therof on account of its particular abilities, circumstances or condition; that as this was the melancholy state and prospect of Scotsmen, the cause and occasion therof did as obviously appear to arise from our being united with a nation, superior to us in power, naturally bent against us, and whose interest and maxims of government and trade did directly interfere with ours, to which we being nevertheless tied down and bound, there was, consequently, no way under the sun to prevent our future misery, but by breaking of these shekels and redeeming our selves out of this state of bondage; that I did not mention this to put any value on my self because I was against the Union when it was made, or to reflect on those that were for it; I wishtto God I had been mistaken in the bad notion I had all alongst entertaind of it, and that others had not been disappointed of these good fruits, which I in charity did beleive they expected from it; that we were now to look forwards and not backwards and every man put to his helping hand to draw us out of the ditch we were

fallen into, which alone cou'd be accomphsht by dissolving the Union. As for the method of setting about it, I submitted my self to the judgment of others, but in my opinion it ought first to be demanded and attempted by the same method it was establisht, I meant a legal parliamentary way; and that the Parliament of Great Brittain cou'd dissolve its united constitution, by restoring the two kingdoms to their former distinct states, as well as these two states cou'd dissolve their several constitutions by conjoining and incorporating them into one and the same, was by parity of reason undeniable. And tho I cou'd not feed my self with the hopes that it might take effect at this time, yet, as I made no question but, some time or other, the Scots nation wou'd assert and, I hopd, recover their liberties, it became us to shew them a good example, and I reckon'd it a good step towards dissolving the Union, if it was once fairly tabled and sett a going: that after all, it was not impossible, but something might be done to very good purpose, even at this juncture. Every body knew the divisions in England, and if matters were right manag'd, it was not improbable that some considerable party might take us by the hand and carry our business thorough. I told them that my principles and practice with respect to

church and state were well enough known, but in the present situation of affairs, I thought it my duty to lay them aside, and as our first and main concern and endeavour shou'd be to recover and restore our kingdom, in that I hoped we wou'd all unite, and that being once done, we might then prosecute our several opinions and notions concerning the way and manner of governing it; and for my own part, I declar'd solemnly upon honour, that I was willing and ready to support and join with any sett or party of men that wou'd assist us in this project, and on the other hand oppose all such, without respect of persons, that shou'd act against us in it. I acquainted them, that I foresaw there might be some both Scots and English who wou'd startle at the motion, apprehending it might unhinge the security of the Protestant succession as then established which was one of the main veivs and designs of carrying on the Union; but these, I thought, might be sufficiently aatisfid with the dissolution's being burden'd with this express condition, that the succession of the two separate crowns, as it was then by law establishd in the united kingdom, shou'd still continue. I concluded, that as I had sincerely discover'd the true sentiments of my mind to them, I wou'd nevertheless chearfully submitt my self to their judgments and readily concur with what resolutions they took.

After I ended, the Lord Lion seconded me with his wonted warmth and zeal, and several others supported what had been said, declaring their opinion that it was necessary and reasonable to move for a bill to dissolve the Union. No body spoke against it; yet it was easy to perceive that some of the most eminent Whigs and dependants on the Ministry were thunderstruck with the unexpected motion. However, after some discourse, in which some litle difficulties were started and fully ahswerd, all present at this meeting seemd to approve of the proposal; only Mr. Baily of Jerviswood urg'd, that in a matter of this nature and of such consequence, the greater appearance that was made for it,, the greater success wou'd attend it, and as the- Scots Peers had an equal share and concern in the prosperity of their couuntry, it was expedieat and reasonable they shou'd be acquainted and advisd with in this matter; and therefore he proposd that before we came to any resolution, letters shoud be writt by me to the sixteen Scots Peers.of Parliament, desiring, in name of the Commons, a conference with their Lordships on some weighty affairs. To which I repli'd, that as I perfectly agreed with what Mr. Baily had said and proposd, if it was likewise agreeable to the sentiments of other gentlemen (which they all declar'd it was) I shou'd write in the terms he desird, but nevertheless, I thought we shoud make some advance and progress in



this matter at this meeting, by declaring (on which a question might be stated if unanimity did not appear) that it was our opinion that a bill for dissolving of the Union should be moved for, but that we would not determine ourselves absolutely till we conferred with the Peers; and if this declaration was made, for preventing of future mistakes, that some one of our number should be directed, in our presence to write down our several names and the resolution taken. I added, that tho we were to meet and consult with the Peers, I hoped they were not to have a negative upon us, and that whatever their opinions were, we might be at liberty to follow out our own, unless their Lordships would, as in the Scots Parliament, intermix themselves with us, and subject themselves to the opinions and resolutions of the majority of both Peers and Commons jointly taken; and if this was the intention of other gentlemen, it would be proper to signify so much to the Peers, previous to all other matters, when they met with us.

These proposals being agreeable to the meeting, they did all accordingly declare that it was their opinion to move for a bill for dissolving of the Union, and a list of their names and a minute of their resolution was made, publicly read, and committed to the trust of one pitched upon for that purpose, who, I think, was Mr. Abercromby of Glassoch; and they directed me to acquaint the Peers, at the ensuing meeting with them, of what had been done in this, and the method proposed concerning their Lordships and the Commons coming to joint resolutions; after which the meeting was adjourned.

Next day I wrote in the manner directed, to the 16 Scots Peers of Parliament and also to the Duke of Argyle, tho he sat in Parliament as an English Peer, and received a message from the Lord Oxford to come and speak to him; which having accordingly done, His Lordship told me that he understood what was doing amongst us. I answered I did not doubt of it, seeing there was no secrecy designed and we saw Mr. Pringle of Haining go away before the meeting was dissolved; which we were all well pleased with, supposing that as he was devoted to His Lordship, he went to let him know every thing that passed. He then told me that I was chiefly blamed. I replied I could not be blamed, for I knew nothing amiss that was done; if His Lordship thought otherwise, he would find all the Scots members equally guilty, as they heartily agreed to the measures we were resolved to follow. He then, somewhat briskly, said that we were driving too far and too fast, would bring down an old house about our ears, and that the Queen

wou'd highly resent our conduct. I return'd, that we cou'd not weel be in a worse state than we were, and there was an absolute necessity of doing something to extricate our selves out of the difficulties which invirond us: if, since His Lordships administration, he had thought fitt to encourage and protect our countrey and been hearty in preventing or redressing . the late injury we had sustaind, affairs wou'd have had a better prospect; but as we had been slighted and oppresd, we were resolv'd to bear it no longer, and wou'd make the best we cou'd of an ill bargain: as for the Queen, I had all the regard for her that became a dutiful subject; I was sure she design'd the happiness of her people, and if matters were fairly represented to her, wou'd not be displeasd that the Scots resented the bad usage they had mett with and endeavour'd to prevent their countreys utter mine: but if Her Majesty, through misinformation, did entertain any dissatisfaction at us, it was our great misfortune, but we were nevertheless bound in honour, duty and interest to prosecute our just designs. He answer'd, that as we might expect all opposition and discouragement, the Queen and her Ministry wou'd shew their resentment against all who were active in this matter, and he wisht we wou'd for our own sakes let it fall. I reply'd, that I expected opposition and discouragement, and they were no new things to Scots men, but I hop\*d His Lordship shoud find them Vol. i. 3 I

positive and resolute, especially when I acquainted them what kind of arguments he us'd in this matter; and as for the resentment he tbreatend, if it was against the Scots nation in general, tley had no reason to expect any favour or justice, whither this affair had happen'd or not; and if it was against particular persons, I hopd they had courage to suffer any thing for the good of their countrey.

Having left His Lordship in no good humour, I went strait to the House of Commons, where I was immediately call'd aside by Mr. Bromley the Speaker, Sir Thomas Han mere, and some others, who attacqued me very warmly, much in the same manner, and had the same kind of answers as in the conference I had just before with the Lord Oxford. At length Sir Thomas Hanmere said, that we were embarking our selves in a project which it was impossible to accomplish; for tho he was against the Union when it was made, and wisht it had never been, he did not see how the Parliament, by dissolving it, cou'd alter the constitution. I replyd, that in my opinion he hadyeilded the point, for if he was against the Union, it was certainly because be thought it prejudicial to the interest of England, or rathec of the whole island; and if it truly was so> the legislative authority cou'd not be tyed up in this, n»ore than other matters, which,

they said, the generall interest of the kingdom renderd expedient to alter, altho the Scots tUd, with good reason, affirm that the: articles of; Union were infringed thereby:, for if in smch cases (as..was. pretended) no particular stipulation coud bind up a Parliament from doing what was reckoud proper and convenient for the generall interest and safety of the kingdom, ther was no reason why it shoud be restrained from doing what the Scots now desired, if it appeard necessary and expedient for the prosperity and security of the nation; the rule and maxim being generall, and the present or any other case no exception from it: in the next place, if the present Constitution coud not be dissolv'd by the Parliament of Brittain, neither coud the Parliaments of the two separate kingdoms dissolve their respective Constitutions: it was true the constitution and laws of England remaind much *in statu quo*, tho after all, the addition of the Scots members to sitt and vote in Parliament, was without all doubt a very great innovation; but as for Scotland, the very being and nature, as well as the forms of the constitution and effects of the laws were totally subverted, which, by his manner of arguing, the Scots Parliament had no powr to do, and consequently the Union was illegally establishd. Mr. Bromley said, he was not very fond of the Union in all respects, but since there were some advantages to England from it, and that they had catcht hold of Scotland, they wou'd keep her fast. I return'd, it was too true that Scotland sufferd first, but in the event, England woud pay the pyper with a witness; for they might depend on't the Scots wou'd assist any ambitious prince to deprive the English of what they call their liberties; for that being done, they wou\*d both be on ane equal footing, which wou'd be some satisfaction to the Scots, nay, these wou'd be gainers by the princes being arbitrary; for as they wou'd serve cheaper, being poorer, the prince wou'd employ them to keep their rich haughty neighbours in awe. Mr. Bromley reply'd, that the Scots were not less divided amongst themselves, and he did not apprehend their being more unanimous than the English, in which case there Was no fear that what I alleg'd wou'd come to pass. I answer'd, that oppression and interest wou'd at length reconcile and unite them, and I desir'd him to consider what advantage 45 sure votes in the House of Commons wou'd be to an aspiring prince, and that in the House of Lords, the 16 Scots Peers were of more value to him than 20 new created Peers ev'ry year; for these became aS haughty and ambitious in a litle time as if they had been Peers from the Conquest, and obligd the prince to open bis purse as liberally to them, as their predecessors, otherwise they turnd tail to him, so that the encreasing the number of the hereditary peerage, tho it might serve a job at a particular season,

brought a vast burden upon the Crown, and was in truth one of the cheif causes of all our late troubles and the great encroachments upon the power of the monarchy; whereas the 16 Scots Peers, whilst the triennial Parliaments lasted, cou'd continue but three years, and if they shou'd presume to kick out, the prince cou'd drop them at the next elections, by which means he woud keep them in due subjection, and they woud prove as so many sure cards in his hand for any game he had a mind to play; in short, that the gentlemen of England might depend upon it, that the Scots, what thorough necessity, subjection, interest and revenge, wou'd join with all measures for subverting the constitution of England, on which account they were as much concern'd as the Scots to gett rid of the Union.

These gentlemen, with whom I thus convers'd, had not, I believe, enter'd before this, so far into the consideration of the probable effects of the Union, and as they made no reply I cou'd easily perceive they thought there was too great reason to apprehend what I foretold. However they told me, that for certain reasons they wish'd the dissolution was not propos'd at this juncture, being afraid that the Whigs might take advantage of it, to the prejudice of the Queen's affairs and the interest of the Tories; and as they had a personal friendship for me, they advis'd me not to be the person to move it, being afraid I might be sent to the Tower. I reply'd, that the Scots woud rather join with the Tories than the Whigs, but if the Tories oppos'd and the Whigs wou'd assist them in this matter, they must be allow'd to accept of it. I told them, that my countrey men had not yet come to any positive resolution; but if they did me the honour to direct me to move it, I was not afraid of the Tower, nay I shou'd be glad that was the result of it, for it woud be a great deal of honour to myself, and I was morally certain, it wou'd exasperate and cement all Scotsmen that one of their number was so us'd, on no other account than asserting the rights and appearing in behalf of his countrey. After which we separated, and several of the Scots members having mett and compar'd what had occur'd to them, did find they had been severally attack'd in much the same way and manlier I have represented.

Next day the Scots Lords mett with the Commons, and I acquainted their Lordships of the occasion of this meeting, and what had past at the proceeding meeting of the Commons amongst themselves, and that I was particularly directed to know if their Lordships wou'd submit themselves to be determin'd by the opinions of the majority of their countrey men there present, or if they inclin'd to act seperately in a body by themselves. If they chose the first method, the Commons were ready to consult and conclude on measures to be jointly follow'd

out for retrieving the honour and interest of their countrey; if they pitchd on the other method, the Commons wou'd communicate to their Lordships their opinions of and resolutions concerning the present state of affairs, but wou'd not think themselves under any obligation to be determin'd by their Lordships, or consent to their having a negative upon them; each state, under these circumstances, being left to do what they pleas'd and as they thought most consistent with their own honour and the interest of their countrey. After which, the Duke of Argyle was the first who spoke; he said, tho he satt in the House of Lords as an English Peer, yet being a Scots-man and likewise a Scots Peer, as such he was willing to submitt himself to the judgment of the Scots Peers and Commons now assembled together; as for the matter under consideration, he wou'd freely confess that he was much disappointed in the effects of the Union, being now fully convincd it was destructive both to Scotland and England, and as he was a Peer of both realms, out of regard to both he heartily agreed to a dissolution of it, and woud concurr with ev'ry person and agree to ev'ry

measure, that shou'd be thought expedient for accomplishing it; and for his own opinion, he thought the resolution of the Commons, to move for a bill in Parliament to dissolve the Union, was the proper and regular method of introducing it; if the success did not answer their hopes, they were then to consider what was next to be done.

Tho I make no manner of question of His Graces sincerity in what he spoke, having frequently in private conversation, long before this, declar'd how sensible he was of the bad effects attending the Union, and protested how sorry he was at his being so instrumental in making it, and that he wisht for nothing more than the two kingdoms being again separated, yet were there some, who beleivd he took the occasion to declare himself so early and clearly at this meeting, with a design to break an egg in the Earl of Marr's pocket; and for my own part I will not affirm, but that His Grace might likewise have that in his veiw; but be that as it will, if the Earl of Marr, which I am far from asserting, stood in need of such a spur, it had the desird effect; for His Lordship having spoke next, did second the Duke of Argyle in ev'ry point, making great professions of his sincerity and zeal to concurr heartily with such measures as his countrey men shou'd agree to.

Most of the other Lords and Commons declar'd their approbation and resolution, in the same terms, and indeed there was scarce ever so great an unanimity, to outward appearance, in any Scots assembly, compos'd of so many different interests; tho at the same time this unanimity was occasiond by this diversity of interests; for tho some, I

don't say all the Whigs, were not very fond of returning back to the Scots Constitution notwithstanding the fatal consequences which attended the Union, because they were afraid it might be prejudicial to the Hanoverian succession to which they gave up ev'ry other thing, and altho those who depended on the Ministry were afraid of offending their patrons, nevertheless the measure was so very popular, none of these wou'd venture to appear against or even obstruct it, apprehending they wou'd thereby give their adversaries too good a handle to lessen their interest and character with their countrey men at home, who, on the first news of what was intended, manifested an universal approbation of the design; and hence it was that this meeting unanimously resolv'd to move for a bill to dissolve the Union, and directed a minute to be made thereof, containing likewise the names of all there present and concurring with it.

But before this was done, Mr. Baily of Jerviswood said he was Well enough pleas'd and wou'd concurr with the motion, but he observ'd some people spoke of other measures to be taken if this did not answer what was design'd by it, and he desir'd these might be explain'd and particularly mention'd, for he cou'd not tie himself down to follow the majority impleitely, seeing these measures, perhaps, might be such, as, in his opinion, did not tend to- the interest of his countrey and consequently cou'd not be approv'd of by him. Mr. James Murray reply'd, there was *no* forcing any man either now or afterwards, and he cou'd not conceive how that gentleman cou'd suppose he wou'd not concirar with the majority of his countrey men, unless he rmagin'd, they did not value or did not understand the true interest of their coun<sup>^</sup> trey, or that he had something secretly at his heart dearer to- and of more value with him than the redeeming of his countrey from its present bondage: as for the particular measures after this to be taken, it was impossible to fix positively on any, till they saw how matters were like to go; however he wou'd state a case or two, which might probably occur, and leave it to them to consider what part it became them to act. Supposing then, said he, when this affair comes to be pursu'd, a bargain can be made with the Ministry, that we shall support them in what they have todemand in this session of Parliament, and they join and- enable Us to carry thorough the dissolution of the Union, how far will we think ourselves bound unanimously to agree therto and perform accordingly? On the other hand, if the Ministry will not come into this measure, and the Whigs will take us by the hand and support us, how far will it be reasonable for us, on that condition, to join unanimously with them against the Ministry? 'Tis needless, continu'd he, to determine either of these two

points at present, it being time enough when it appeared which of them was most likely to do our business; but as it was probable one of them wou'd occur, it was hop'd that the Lords and Gentlemen present wou'd lay hold on such of the opportunities as seemd most for the service and interest of their countrey. Many other things, said he, might happen, which cou'd not now be forseen, and nothing more was now necessary than to lay aside private, separate veiws, and resolve jointly to concurr with any measure and any party that cou'd and wou'd contribute to so good an effect. He said any measure and any party, because he presum'd no measure nor no party cou'd be bad, which wou'd terminate in. so desirable an issue.

Mr. Baily having made no answer, the meeting thought fitt to appointsome of their number to wait upon and acquaint the Queen of the resolution they had taken and the reasons which indued them to it, having for that purpose nam'd the Duke of Argyle, the Earl of Marr, Mr. Cockburn junior of Ormistoun and myself, being two Peers and two Commoners, and a Tory and a Whig of each state, to shew therby the unanimity of the meeting.

Wee accordingly sett out, soon after the meeting, to Kingsintoun, where the Queen then was, and tho we made what hast we cou'd, the Earl of Oxford, having been acquainted with the design, was gott before us with the Queen, from whom coming out, as we were admitted, he told us he understood our errand, and that the Queen was prepar'd to give us an answer. Being intro^due'd to the Queen, the Duke of Argyle laid open to Her Majesty the many fatal consequences of the Union, the bad treatment the

Scots had receivd in the matter of the malt tax, and the measures the Peers and Commons had unanimously resolv'd to follow out, and acquainted her, that the Scots having the utmost respect for Her Majesty, and being fully convinc'd of her good intentions towards all her subjects, had appointed some of their number to wait on her and communicate the same to her, earnestly imploring her protection and concurrence with a measure so absolutely necessary for the welfare and honour of her antient kingdom. My Lord Marr spoke next much to the same purpose, and then the Queen reply'd, she was very sorry that the Scots beleiv'd they had reason to complain, but she was of opinion they drove their resentment too far, and wish'd they did not repent it; after which we withdrew.

There being next day another meeting of the Scots Peers and

Commons, the Duke of Argyle reported Her Majesty's answer to the message they had sent by their commissioners. After which the meeting took into consideration, in which of the two Houses and by whom the motion shou'd be first made. The Earl of Marr propos'd it shou'd begin in the House of Commons, and that I shou'd make the motion. I told him, if it was thought proper to begin it there, I shou'd not decline the office, but I humbly conceivd it was better to begin it in the House of Lords; for in affairs of this nature it was of great moment to sett well out and appear at first with a good grace; and as it was but too certain that the Ministry and those who affected to be thought of the Church party, viz. the countrey and discontented Tories, wou'd all oppose us, these had so great numbers at their devotion in the House of Commons, there was too much reason to fear we shoud make but a poor appearance, ev'n tho the Whigs joind us; whereas in the House of Lords, their power and majority was not so great, and the Scots Peers, by joining with the Whigs there, might come to carry the point, wou'd at least run it so near, that the measure might, with good ground and more hopes of success, be reassum'd afterwards. Besides, as the parties were more equal in the House of Lords than in the House of Commons, the Ministry wou'd be more alarm'd at a conjunction of the Whigs and Scots Peers, and consequently more ready to come into our measures for preventing of it.

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What I thus offerd being approvd of, I askd the liberty to propose that the Earl of Findlater shou'd make the motion, as he was Chancelour of Scotland, and therefore the fittest person to be the mouth of the Scots in an affair of that nature. This task being accordingly laid upon His Lordship, and a day appointed for performing of it, he was both well arid ill pleas'd with it; well pleas'd, because he hopd, he might therby take off part of that odium he lay under, for being so instrumental in promoting the Union; and ill pleas'd, because he wou'd be oblig'd to unsay many things he had formerly advane'd; and might perhaps offend the Ministry. On the other hand, other people were diverted by seing His Lordship brought to this dilemma.

This meeting being adjourad, all hands were sett to work, and application was made to both English Whigs arid Tories for forming a party and gaining friends. The Ministry and most of the Tories wou'd not come in to the measure at any rate. The Whigs were glad to see the division, and told the Scots they wou'd take them by the hand and support them, nay procure what they desir'd, provided they wou'd join heartily with them against the Ministry in all things. But as the



Scots saw the Whigs proposd to perform nothing till once they had discussd the present Ministry and were in full pow'r themselves, answered, that their mutual good offices and services must go hand in hand together; for they had great reason to suspect the Whigs if they were again at the helm of affairs, seeing they had been the chief instruments of bringing upon the Scots, what they now so much wanted to. gett free of. After this manner they treated, without either breaking up altogether, or coming to any agreement with one another. ,

And now the day for making the motion being come, the Earl of Findlater did represent to the Lords, the several grounds and reasons for which the Scots did beleive they had reason to complain, the many inconveniences that attended the Union, and the reasonableness and necessity of the motion he was now to make, for leave to bring in a bill to dissolve the Union of the 2 kingdoms. It is impossible to express His Lordships uneasiness during this speech; he made so many apologies for what he was to do, that it quite spoil'd the grace of it, there being no appearance of that zeal and earnestness which a subject of this nature did require, and seeming more like a party motion and measure, than that it proceeded from a reall conviction and sense of the calamities and injuries he complaintl of. . . .

- - On the\* other hand, the Duke of Argyle, with a great deal of eagerness, told their Lordships, he was at first for the Union, because tie beleivd it woud enrich one countrey and secure the other, but now for certain reasons which he at large assignd, he clearly perceivd it wou'd beggar Scotland and enslave England; and as he had a particular concern in both countreys, he cou'd not be thought partial to.either, and did most sincerely out of respect to both second the motion! made by the Lord Findlater. His Grace, indeed, outshot himself in part of this speech; for where he took notice that the Union was so far from being a security to the Hanoverian succession, that it did, at the late invasion, and wau'd again on tl>e like occasion, procure to King James (whom he call'dthe Pretender) a•greatmany friends who wou'd never without it have had the least thought towards him, he expressd himself very bitterly and disrespectfully against, and had some personal and unbecoming reflections upon the King, which I know many of his friends, particularly his brother, did regrete and condemn, alleging it was not out of any design, but heat and want of consideration that led him to do it. The Earl of Marr spoke also for the motion, representing very warmly and fully the many indignities offer'd to the Scots, and pressing the dissolution of the Union, as the only means to preserve the peace of the island.

Whether the Scots Lords did acquaint the Ministry, and that the Whigs suspected, their appearance in this affair was only from the outside, in order to preserve their reputation at home and that they would not continue long in that bad humour nor carry on that resentment which they threatend, I will not take upon me to affirm, tho, I'm afraid, there were some such underhand dealings by some who were deepest concern'd in the administration of publick affairs. And hence I beleive it proceeded that the English did not enter far into the merits of the motion. The quest ion, without much debating on their part, being stated and put, if leave shou'd be giv'n to bring in the bill, it was carried in the negative. Tho the Scots, who pusht on this affair only with an intention to keep up the spirit of their countrey men against the Union, did not expect greater success, they gain'd however one grand point, even with regard to the dissolution, that a precedent was admitted for such a motion in time coming when a fair occasion shou'd offer for it, seeing it was once receivd by the House, and was not rejected as a motion for doing that which the legislature had no pow'r to perform, and for that reason improper to be made or receivd.

At a meeting of the Scots, next day, it was consider'd what steps shoud be next taken, and they resolved not to move this affair in the House of Commons this year, because they had made some advance, in so far as the motion was receivd by the House of Lords; and being afraid it might meet with a worse reception in the House of Commons, it was thought expedient to let it stand on the present footing; but in order to reassume it next year, it was agreed that the utmost endeavours shou'd be us'd to bring up addresses for the dissolution of the Union, from the several shires and towns of Scotland, to the Queen and ensuing two Houses of Parliament. How it came to pass that the measure was not prosecuted, and that no addresses were proposd and consequently obtaind but from the shires of Edinburgh and Lanark, I cannot tell; except it be that some, who appeard outwardly zealous enough for the dissolution at London, thought fitt to crush the design of addresses, by their secret influence, when they return'd to Scotland. When this affair was over, there appeard some litle dryness, occasiond by it, betwixt the Scots and English Tories in the House of Commons; and tho such of the former as depended close on the Ministry voted and concurrd with them as formerly, yet were there a good number who express t their resentment of the usage they had mett with, and by joining with the Whigs and discontented Tories, on some occasions, carried several votes, to the no small dissatisfaction of the Ministry.

I observd, some time agoe, that a custom was lately introduc'd of splitting freeholds and granting rights of estates (redeemable on payment of small elusory sums or altogether in trust) in order to create and multiply votes at the election of Barons to serve in Parliament for the shires of Scotland. And as by this illegal practice the Scots Peers, being in possession of great superiorities, wou'd soon have enhaunc'd the representation of all the shires to their families and dependants, it was thought absolutely necessary to put a stop therto, and for that end I brought in and carried thorough an Act of Parliament, by which for preventing the splitting and dividing of estates (which frequently happend when the elections approacht and the several candidates and parties became very keen and zealous) it was declar'd that no person shou'd be capable to elect or be elected, but such who stood infest and whose seizine was registrated at least a year and day before the diet of election; and to prevent sham conveyances and deeds of trust, it was enacted that no conveyance or right, except proper woodsetts being redeemable or in trust, shou'd entitle any person to elect or be elected; and all who pretended therto were obligd, if requir'd, to take and subscribe an oath, declaring that their estate was not in trust nor they under any obligation directly or indirectly to reconvey the same\* The whole Scots Commons join'd in carrying on this act, but the Peers bore it no good will, weel knowing it was cheifly design'd to retrench their pow'r. However they gave it no opposition, forseeing that the Commons woud carry it over ther bellys. , All the affairs of importance being over, and this the last session of the triennial Parliament, the same was first prorogued and then.dissolv'd; soon after which, in summer 1713, writts were issu'd out for calling a new Parliament. • « '•

Every body now expected that my Lord Oxfoord, evn for his own sake, wou'd perform what he had so frequently and solemnly undertaken; but His Lordship joggd on in the old way, nothing being done to encourage and strengthen those by w<sup>r</sup>hom the Ministry had teen hitherto supported, and without whom they were not in a condition to stand their ground, and whose cheif designs and veivs were to secure and advance the prosperity of the church, the crown, and the countrey. The breach betwixt him and the Lord Bolinbrook growing more conspicuous dayly, tho they did not declare open war, yet each of them took more care and pains to get their own particular friends and dependants elected, than to encrease and cherish those of the Church and Torie partys, and lessen and depress the pow'r and interest of the Whigs in general. So that these being very diligent in strengthning their party, became more insolent and uppish, tho at the

same time the heads of that party reckon'd that their affairs were in a very tottering condition.

The chief alterations which happen'd at Court, were that Mr.

Benson, chancelour of the exchequer, being created Lord Bingly, was succeeded by Sir William Windham, a person having neither experience nor a character sufficient for such a post, tho in other respects a very deserving young gentleman; and the Earl of Marr was appointed secretary of state for Scotland, vacant since the death of the late Duke of Queensfrefry. Sir William Windham, it was believ'd, was preferr'd by the Lord Bolinbrooks interest, and the other by the joint concurrence of His Lordship and the Earl of Oxfoord; the former expecting to gett him on his side, because he believd the measures he was to follow wou'd be agreeable to him; and the other confiding in him on account of the friendship which was formerly betwixt them; and both being convincd he was the most proper person for managing the election of the Scots Peers, in which a grand and succesful effort was made to prevent the Earl of Hay's being reelected; and this again occasiond a total rupture betwixt the Duke of Argyle and the Ministry. Of the 16 Scots Peers now chosen, the greatest part by far depended so much on the Court, that it was not to be expected theyd move further or faster than was prescribd unto them. When all the elections were over both in Scotland and England, it appeard that the Torie partie, tho it was not so numerous as in the last Parliament, consisted of a set of gentlemen very tight and more zealous for the Kings restauration, there being a great many young members keen and eager and wanting only to be led on to action. So that tho the Tories had not so great a majority as before, they consisted of a much more united, hearty, sett of men, than had been assembled together for manv years preceeding, and were willing and sufficiently able to have acted their parts, had not the Court trickt them with dilatures, till the golden opportunity was lost.

When this Parliament was assembled in the spring 1714, the Kings friends were much offended, and jealous of the Ministries designs, on account of two things which then happend, viz. Sir William Daws bishop of Chester's being made Archbishop of York, and Sir Thomas Hammers being pitcht upon to be Speaker of the House of Commons. Both these, tho they pretended to be Tories and of the Church partie, were zealous promoters of the Hannoverian interest, and in the last session of Parliament voted in most material points against the

Ministry, which rendered it unaccountable and unexcusable in them, to prefer men of such principles and practices to posts of so great weight in Church and State. I never yet heard any other reason assign'd for the first, than that the Ministry hop'd by this favour to draw him off" to their interest, but dear bought experience might have taught them the contrary; besides, this prelates intrinsick worth was not of ane equall value to so great a price, even tho it had, as it did not, answer the design of getting him to join with the measures. As for the other, it was pretended that it was not prudent to hazard their interest and expose their power and strength at the beginning of a new Parliament; and the Whigs and discontented Tories being a formidable party if united, as the first design'd to make court to the latter by declaring in favours of Sir Thomas Hanmer their leader, the Ministry by agreeing to him did hope to deprive the Whigs of that game, and gain him and the di\$N, contented Tories to their own side: but it had just the contrary effect; for these knowing that what was done was more out of fear than favour, returnd no thanks for it, and the Whigs became insolent and arrogant, perceiving that the Ministry were so irresolute and submissive. Whereas had the Ministry sett up a person to be Speaker, of known good principles and a fair character, they cou'd not have faild of success and raising therby the reputation of their powr and interest, which now by their fawning chickenhearted conduct, made a poor appearance at the beginning of this new Parliament. But after all, I beleive the true and cheif reason of the Ministries concurring with Sir Thomas Hammers being Speaker was this, that the Lords Oxford and Bulinbrook not being in such terms as to adjust matters and agree jointly on another equally acceptable, Sir Thomas was pitcht upon as alike ill-affected towards both.

Some of the members of Parliament, who had the Kings restauration much at heart, mett and consulted together what measures they shou'd take and prosecute at this juncture. When they reflected that the Queen, during the preceeding winter, had been extreamly ill and at the very gates of death, and that it was more than probable her days wou'd be few, they concluded no more time shoud be lost in accomplishing the Kings restauration, at least in having matters put on such a footing, as might naturally introduce and pave the way for it, when the Queen died; and for this end they thought it proper to apply directly to my Lord Bolinbrook, by letting him know, that as their patience cou'd last no longer, something to purpose must be quickly done, or he was not to expect that they woud longer support an Administration which did more harm by dilatures and offputs, than they cou'd by an open profess'd opposition. And they

particularly complaind, that most vacancies of the army had been hitherto supplyd with men of dangerous principles, insisting as the one . . . {ring needfull, that, with all convenient speed, the army shou'd be purgd and put under officers known to be well affected to the Crown and Church. Sir John Packington and I were directed to represent these matters to His Lordship, which we, both jointly ■and separately, did in as plain and ample a manner as possible. His Lordship told us he was sufficiently sensible that a great deal of precious time had been lost and many good opportunities neglected; and for his own part, he was innocent therof, and the whole blame lay upon my Lord Oxford; what that Lord's private veiws might be, he cou'd not divine, but he beleivd, he had now in a good measure convinc'd the Queen that they were not such as she wisht and approvd of, and woud terminate in her own and her familie's ruine; and he hopt that Lord woud not have it long in his pow'r to retard business, as he had done hitherto. In the interim it was necessary to manage matters with the greatest caution and prudence, till the Queen, who could not easily be brought to lay aside the good opinion and confidence she formerly had in my Lord Oxford, was fully satisfy'd and assured of what he and others had represented to her against hiin, and till the administration was lodg'd and settled in such other hands, as wou'd and cou'd go thorough with what was designd for the interest of the Crown and Church, least my Lord Oxford in the mean time shou'd break off, and by joining with the Whigs occasion a great deal of trouble. And therfpre the Lord Bolinbrook begg'd they wou'd have a litle more patience, assuring them they shou'd not have reason to complain much longer. These gentlemen, being no manner of way satisfy'd with what His Lordship represented, told him plainly that tho they wou'd not desert the Queen, but wou'd still enable her to support her government, they wou'd nevertheless think of and prosecute such other measures as they thought reasonable; if His Lordship and the Queens servants wou'd not concurr, let them answer to God and their countrey for iV But when these came to talk with other members, who they did reasonably imagine wou'd have readily contributed to such measures, they found so many evn honest well-designing persons, whiddled over by my Lord Bolinbrook, that they were constrained to suspend the execution of several material projects, winch they had form'd.

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There was in this Parliament the Court-party, consisting of such as adher'd, some to the Lord Oxford, and some to the Lord Bolinbrook, and tho these join'd in most votes, it was well enough known that their

two leaders were endeavouring to supplant each other, and woud soon break out into an open rupture. There were likewise the true blue Whigs, who resolvd to oppose the Court in all things they pretended to or aimd at, and endeavourd by all means to blacken their reputation, by crying down the

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peace, setting furth the danger of Popery, and exposing the bad administration of the public revenues. The discontented Tories made a third party; these however pretending to be true Church men, did join with the other Tories in all things which related to the interest of the Church, but in all other matters, they concurr'd with the Whigs in opposition to the Ministry, and particularly affected an extraordinary zeal for the Hanoverian succession, distinguishing themselves by the name of Hanoverian Tories, at whose head Sir Thomas Hanmer the Speaker appeard. The Ministry, however, whilst assisted by the other Tories, who in opposition to the Hannoverian may be call'd the Jacobite Tories, carried all points by a great majority. So that ev'ry thing which related to the government, such as granting of supplies and addresses and votes approving the peace and the measures which the Queen from time to time had taken, went very currently.

The Scots Tories tho they concerted and went alongst with the English in these general matters, had their own particular meetings and projects concerning the state of affairs in Scotland; and the five gentlemen I took notice of before, mett as formerly to consider and conclude on the measures they were to take. I took then occasion to represent how litle reason we had to be satisfy'd with the Ministry, and to tell them that as we had forct the Scots Peers last year to concurr with the motion for dissolving of the Union, I was of opinion, we shoud again revive and pursue that project; and as the parties now were more equall, if we cou'd prevail with the Scots Peers to exert themselves they might force the Ministry to do right things, seeing it was certain, these cou'd not stand their ground, in the House of Lords, without being supported by the others, who having thus the ballance and ball at their foot, might gett any thing they pleasd fur their country. And I enlarg'd a good deal on the necessity of this method with the Ministry, who without they were compelld to alter their ways woud by doing nothing ruine us and themselves likewise. Mr. Murray, Mr. Carnegy, and Sir Alexander Cuming oppos'd what I aimd at with a great deal of warmness; they said that my Lord Bolinbrook was a good man and a wise man, and knew what was fitt to be done and when to do it; that for us or any private sett of men to pretend to drive the Ministry, was taking too much upon them; that for

their parts, they woud have no concern in such measures, and if others did pursue them, they did not doubt but they'd repent it . The Lord Lion and I reply'd, we were sorry to find them of that mind, and did not doubt but they wou'd in time repent their giving so much credit to a sett of men who by no action shew'd that they intended right tilings and had good designs and purposes in ther veiw; and that there was no need of any future consultations, seeing they were determind to do nothing\* The truth on't is, these three gentlemen had been at a good deal of pains to ingratiate themselves with the Lord Bolinbrook; they fawn'd upon and flatter'd him to an intolerable degree, and devoted themselves absolutely to him; which suiting with his vanity, they became his particular favourites, and looking upon him as the rising sun, they expected mighty things from him, and gave themselves prodigious airs, as if nothing relating to Scotland shou'd have its rise and proceed but from and by themselves. The Lord Lion, Sir John Houston, Sir James Hamiltoun, my self and several others, quickly perceiving what these gentlemen aimd at and intended, resolv'd to let them see, on a proper occasion, that they were much mistaken, if they imagind to whiddle others from prosecuting what they thought expedient for the interest of their King and countrey.—Having said so much of Scotsmen, I will now once for all mention what was done in this session, with respect particularly to Scots affairs, and then proceed to more general matters.

For the space of 7 or 8 weeks after the conversation I have just now mention'd, when the correspondence betwixt the afore

said five gentlemen broke up, there was no appearance of any design with respect to Scots affairs this session; most of the Scots and a great many of the English were out of humour, and an universal dissatisfaction and irresolution seem'd to have seizd them. At length Mr. Murray, Sir Alexander Cuming and Mr. Carnegy desir'd that the Lord Lion and I woud meet and converse with them on some matters of consequence they were to impart to us. Having accordingly mett, they represented that my Lord Marr and several of our friends, both Peers and Commons, thought this a proper season and were very earnest to have a bill brought in to the House of Commons, for resuming the Bishops revenues in Scotland, and applying the same towards the releif of the Episcopal clergy and the support of such ministers as shoud accept of and lay claim to the benefit of the Toleration act. They then laid open the many advantages which wou'd



arise from thence, and assur'd us the Queen was sincere and hearty in the measure, looking upon the application of these revenues to other uses as nothing less than sacrilege. The Lord Lion and I return'd, we were glad to find them in this temper, and wisht they had been so at the beginning of the session, at which time it wou'd have been much more seasonable than now, when it was so far advanc'd that there was some danger it might end before the bill cou'd pass both Houses, especially if it melt with the opposition we too justly expected: however, if they had a mind to try it, we wou'd concurr very heartily. Mr. Murray reply'd, there was no fear of success, for he knew so much of both my Lords Marr and Bolinbrook, that he wou'd assure us and we might depend upon their utmost assistance to the bill. Then directing his discourse to me, he said that he knew I had design'd to push this affair these several sessions by past, and as I was a commissioner of the public accounts, I had opportunity and had been at pains to understand the true state of these revenues and had a bill for resuming the same lying prepar'd by me, and it was desir'd and expected I wou'd produce it, that my Lord Marr, themselves and others might peruse it; and furder that I wou'd take upon me the management of the bill, and move the House for leave to bring it in, and that the Lord Lion shou'd second the motion. I answer'd that it was very true I had long desir'd such a bill, and they knew what reasons and persons had hitherto prevented it; that I had the bill ready which they had often seen and was by them approv'd of last year in all its clauses and articles, and that it was at their service if it cou'd be of any use to them, but as for making the motion and presenting the bill, I hopt they wou'd excuse me, it being what I neither cou'd nor wou'd do, tho at the same time I wou'd freely communicate all that I knew of these revenues and do all that lay in my power to forward the bill's passing. They presst me again and again that I wou'd not refuse to move for the bill and appear at the head of it, and on my still declining it, they told me that the Ministry expected it of me, and if I persisted in refusing it the design wou'd be probably dropt, and people must and wou'd beleive I was not firm to the party and principles I had heretofore adher'd to and profest. I reply'd, they were much mistaken, and at the same time I was very litle troubled if such sentiments were entertain'd of me, since no action of my life gave any grounds for them; that I had ever professt and aim'd at one and the same thing, and what it was, was no great secret, and I cou'd not accuse my self of having deviated from a close and steady pursuit of it; but since they wou'd know my reasons why I wou'd not comply with them at this time, I wou'd freely acquaint them therof; how they might relish them I did not know and was very indifferent. I then told them, I was far

from being satisfy'd with any one of the Ministrie's conduct, and it was well enough known I was not at that time much in their favour; and as I was not sufficiently certify'd of their present, much less future, sincerity in promoting the bill, it might happen to miscarry, in which case I wou'd be exposd and left in the lurch, to bear the malice of all those who enjoy'd grants out of these revenues and wou'd have suffer'd by this bill; and it wou'd be highly imprudent in me to run such a hazard. On the other hand, said I, directing my discourse to Mr. Murray and his two friends, if some one of you, who every body knows are much in the Ministrie's favour, wou'd make the motion and take the management of the bill, it woud appear with a much better grace, and a great many thinking therby to please the Ministry wou'd be more easily perswaded and ready to favour it. Besides, the Ministrie's favour and friendship to the gentleman who mov'd it woud be an additional motive to make them firm and active in promoting it, and therefore as I wisht the bill good success, I declind what they desir'd of me, and I hopt it woud be put into hands more capable to advance it than I cou'd pretend to.

At this time the meeting broke up, not being very well satisfy'd with one another. But as I was afterwards attack'd by several of the Ministry and many of my particular friends, giving me at the same time most solemn and repeated assurances of exerting themselves to carry the bill thorough, I was at length prevaild with, and did undertake to move for it. Having therupon communicated the draught of it to my Lord Marr and some others, His Lordship, Sir John Areskine, and a few more took exception that the resumption was too general, for as I had prepaid it in such terms as to resume the whole of these revenues from whatever uses they had been applyd to, these inclind and desird that such parts therof as were appropriated to the universities might continue so. I told them, if that was done, we were to make a great bustle and noise about nothing, for these appropriations exhausted the far best part of these revenues, and were the worst use they cou'd be applyd to, seeing these universities at present were seminaries of rebellion and schism; and I assur'd them positively I wou'd not alter the bill as they desird, and if they did not agree that it shou'd pass in the terms I propos'd, I woud not trouble my self less or more about it. I couM not imagine what induc'd my Lord Marr and those other gentlemen to propose this alteration; but the Lord Lion at length told me that Mr. Charles Ereskine brother to Sir John, and Mr. Patrick Hadden a friend and kinsman of his (the same who was afterwards the famous commissioner of enquiry) had, as professours in the universities of Edinburgh and St. Andrews, salleries out of these revenues; and not knowing how to distinguish

these gentlemen from others in the like circumstances, rather than these should loose their salleries, they woud mine and disappoint all the other good effects of this bill. When the Lord Lion came to understand this, he exclaimd bitterly against it to my Lord Marr, telling him he did not know wherin these two gentlemens merit lay, but if they had merit unknown to others, they might be rewarded out of some other fund. My Lord Marr finding that the Lord Lion and I wou'd not yeild, insisted no furder, tho I have some reasons to beleive His Lordship became henceforwards more cool in this affair than he at first pretended, and that even this trifle was partly the cause why this bill afterwards miscarried, which happend as I am now to tell you.

Two or three days after I had movd and got leave to bring in the bill (to which the Speaker and Tories of all designations gave a hearty concurrence) as I was stepping in at the door of the House of Commons with the bill in my hand to present it, having bespoke the Speaker and acquainted several of the members to be present and support me if it mett with opposition, Mr. Rate my Lord Marrs servant stopt me, and told me his Lord desird to speak with me immediately at his house in Whitehall. I desird him to acquaint His Lordship that I woud wait on him very soon, but I had a bill in my hand which I must first present, it wou'd take up but very litle time, and then I wou'd attend him. Mr. Rate therupon told me his Lord must necessarily speak with me before the bill was presented, and earnestly beggd I

wou'd come to him. On this I immediately went, and with His Lordship I found Mr. Murray, Mr. Carnagy lately made Her Majestie's solicitor general in Scotland, Sir Alexander Cuming, and the Lord Lion, the last of whom I soon perceivd was much out of humour. My Lord Marr told me he was sorry at what had happend, for he was at the beginning and still very hearty for the bill; but some people, particularly the Earls of Laudin, Findlatore, and Orkney, had been with the Queen and given her so bad an impression of the consequences of it, that, expecting a rebellion wou'd follow, she was frightned out of witts, was resolv'd not to give it the Royal assent tho it shou'd pass in the two Houses, and commanded all her servants to oppose it, which he as one of that number was oblig'd, much against his will, to do, and therefore he wisht I woud push it no furder at this time, it being better to let it fall than have it rejected. I smiled and answered I was not at all surprizd and woud blame no body but my self for being so simple as to beleive the assurances givn me of the Ministrys assistance, having too offten and too long experienced how litle they were to be depended on; but as for dropping the bill, since at ther desire I had moved for it, I woud be as headstrong, as they were

fickle, in pushing it on, even tho all shoud desert me, of which however I was in no feaf,-being well assured ther were a great many both Scots and English that woud not submit to be thus tamely led by the nose. The Lord Lyon se\* conded me, adding that such ussage was intolerable and not to be suffered. The other 3 gentlemen said litle more than that they did not expect and were sorry for what had hapned, tho now, as the case stood, there was no help for it, and nothing left but submission. I answered that they were most to blame that wee were reduced to such a dilemma, and if they woud concurr in resenting such ussage, as it deserved, weed be treated better afterwards. My Lord Mar said a great dcall to vindicate himself, but the Lord Lyon took him up short, saying that every body Vol. i. 3 M

knew the Queen was much advised by and gave great credit to His Lordship and the rest of Her Ministry, and if they had fairly represented how false and ridicolous were these storys which allarumd her, she woud not be thus led away by imaginary groundless apprehensious, and ther freinds baulked of what they expected and was so necessary for them. After a good deall of such conversation, wee seperated, and the day being far spent I coud not then present the bill. Before I came to the Lord Mar, the Earl of Eglinton had been with him, and finding what turn this affair had takn so suddenlie, he went strait from thence to St. James's, and getting admittance to the Queen, he told her that he was sorry to hear Her Majestie gave any credit to the representations which had been made of the powr and inclinations of the Scots Presbiterians; that they wishd destruction to her and her family was true enuff, but God be thanked, they coud not effectuate it, and he coud assure Her Majestie, she had no reason to be in the least apprehensive of them. The Queen answered, she was told His Lordship was violentlie bent against them, and had a great aversion to them; he replyd, if zeall for the Crown deserved such aconstruction, he ownd it, but at the same time he did not doubt but perhaps Her Majestie might have heard another part of his character, viz. that he loved his mony very well, and if that was true, no body woud imagine he woud press a measure which woud probably raise a rebellion, and consequents lay his estate wast, as it was scituated in the most Presbiterian country of Scotland: but as that gave him ane opportunityto know these people better than others did, he woud pawn his life and honour that they coud not and did not dare give Her Majestie any the smallest disturbance on account of any measure she was pleased to set on foot. But the Queen, notwithstanding of all this noble Lord coud say, and the great dissapointment and displeasure of many who she knew were intirely well affected towards her,

continued her resolution of opposing this bill, and next day the Lord Lyon and I got a message from Mr. Secretary Broomley to come to him at his office in Whitehall, wher he told us the Queen had commanded him to desire us in her name not to push the bill any fnrder at this time. Wee represented to him how ill wee were used, which he acknowleged, and withall told us, that if wee woud not yeild to the Queens desire, he for his own part woud serve the bill all he coud, having acquainted Her Majestic that with a good conscience he coud not do otherways; but as he was our personall freind and wishd the bill all success, his advice was that wee shoud delay it till next sessions; for as wee might assuredlie expect opposition from the Lord Oxford, who made strong court to both Scots and English Presbiterians, the bill woud meet with so many rubs and delays in passing the 2 Houses, and the Session was now so far advanced, that it was more than probable the Parliament woud be prorogued before the bill coud get thorow; wheras if wee woud begin earlie with it next year, for his own share he woud assist us with all his might, and as he was hopefull the Queens fears woud be ere then removed and affairs in a much better situation than at present, he made no question of our success. The Lord Lyon and I being sensible that ther was great weight in what he thus advanced, resolved to drop the bill and proceed no furder in it; but wee at the same time took care to let my Lord Mar and others kiow it was not done to gratifye them, and that in due time weed shew our resentment of such ussage.

What moved His Lordship, the Lord Bollingbroke, and other gentlemen to act after such a manner is not easie to account for. I am apt to belive they did not at first reflect on the opposition this bill woud meet with from the Presbiterians, such as enjoyd grants of the Bishops revenues, and such as were affraid this might prove a precedent for resuming King Williams grants Of the Crown lands in England. And as it is too true that sevrall of the Lords being but occasionall Tories, laid more to heart the

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pensions which they or ther freinds enjoyd out of these revenues than the interest and good of the Church, these used ther utmost interest to prevail with the Ministry to turn ther backs on the bill; and as some or rather most of the Ministry were so much affraid of doing any act and deed, by which they might demonstrate their being what they at other times affected to be thought and I belive realy were, freinds to the Episcopall and Jacobite interest, they had not courage and resolution to undertake, at least persevere in, prosecuting such measures; being so desirous and accustomed to keep on the mask, it

was become habituall to them and as partof ther naturall bodys; and thence I presume it was, that some allarumd the Queen with dismall storys concerning the consequences of this bill, and others, whose office and interest it was, did not undeceive her, by setting matters in a true light before her.

After this affair was thus laid aside, the Lord Lyon and I had no furdur intercourse, but in common conversation, with those who brought us at first into it and then deserted us; but they, 2 or 3 weeks afterwards, took courage, and without communicating ther design to any that I know of, moved for, brought in, and carried thorow the House of Commons, a bill to appoint commissioners to enquire into and report to the next sessions, the state of the Scots Bishops revenues, in which they themselves were nominated commissioners with sallarys therto annexed. But when it was carried up to the House of Lords, it stuck so long, that the Parliament was prorogued before it made any advance in that House, and so came to nothing.

The next matter was the Militia Bill; the Lords Marr and Bolinbrook and some others had taken it into their heads that it was proper to settle the Scots militia on the same footing, and to appoint Lords Lieutenants with the same powrs, as in England, and the design was kept so very secret that none but a few chief favorites knew any thing of it, till Mr. Carnagy mov'd for leave to bring in a bill to these purposes. After it was presented and I had seriously perus'd and considerd it, having soon after occasion to converse with some of those that were most earnest for it, I told them I cou'd not understand what was their design, and for my own part I cou'd not approve of the bill, for the Scots militia was regulated and establisht by the Scots Privy Council and Parliament after mature deliberation and full experience and knowledge of what wou'd most conduce to the service of the Crown and be most convenient for the subject; whereas the English militia was calculated for England, which no more suited with the circumstances and abilities of Scotland, than the English maxims and regulations of trade; that I had made an estimate of the number of men that wou'd be rais'd by this new scheme, and I durst venture to affirm it wou'd not amount to the half, and yet coast tribble the expence of the militia according to the present Scots establishment; and that as I represented the gentlemen of the shire of Edinburgh, I shou'd think they had good reason to accuse me of giving up their priviledges, if I consented to a law which vested these Lords Lieutenants or any other persons with a power to search their houses and take away their horses and arms when ever any freak seizd them. In answer to this I was told that it was necessary the militia of

the united kingdom shou'd be settled upon one and the same footing, and under the same regulations; that I need not be apprehensive of the Lord Lieutenants, for such wou'd be nam'd as were our friends, and the powers lodg'd in them were design'd for disarming of the Whigs, which they were sure I wou'd approve of. I reply'd, that I thought e'er this time all men were sufficiently convinc'd of the pernicious consequences which attended the introducing of English forms and regulations into Scotland; that when the Crown wanted the service of the militia, it was no matter after what manner it was rais'd; if the men once rais'd were ready to march and be commanded as the Sovereign directed, it

was all that was necessary: as for the Lords Lieutenants, be they friends or foes, it was all one to me, for I wou'd never consent that such a power over me or those I represented shou'd be lodg'd with any fellow subject; they might be friends now, but we did not know how long, and if we were to judge of futurities from what had happen'd, there was litle reason to expect that such persons, even at this time, wou'd be nam'd as were agreeable to our friends: for since the Ministry thought fitt to continue and supply vacancies in the standing army with Whigs, there was no ground to imagine they wou'd act otherwise in the militia. As for disarming of the Whigs, such a measure wou'd infallibly encrease and continue our divisions at home, which we shoud prevent as much as possible, seeing England had aim'd at nothing so much, and had therby oppress'd us these hundred years by past. Besides, I did firmly beleive if right measures were taken, allmost all Scotsmen wou'd unite against the oppressions and hardships they were expos'd to by the Union, and therefore I wisht every Scotsman was armd, being perswaded that sooner or latter both the King and countrey woud find the benefit of it.

The gentlemen with whom I had this conversation having reported the same to the Ministry, I was vigorously attack'd by the Lords Marr and Bolinbrook and allmost all my countrey men of the Torie party; for at the beginning I had the misfortune to be of a different opinion from all my friends, tho several at length came to be of my mind and joint with me against this bill, which the Ministry pursuing more eagerly than any other project I had hitherto observ'd, as I stood my ground and wou'd not yeild, they were highly enrag'd at me.

Whilst this bill was in the House of Commons, and before there had been any debates upon it, or I had publickly declar'd against it, the

Duke of Argyle came and told me, he did not desire or expect I was to leave my friends, or to act against that interest and those views, which he well enough knew I favoured and aimed at, and therefore he would say nothing against the militia bill in general, if so be it was thought a proper means for bringing to pass what I and others of my stamp did design; but if some things were contained in it of no significance to the main purpose and purely calculated to do a personal prejudice to him and his family, as there had ever been a friendship betwixt him and me, he hoped and expected I would stand his friend. I answered, that I had no hand in that bill, I was a stranger to the general or particular views of those who promoted it, and His Grace might assure himself that wherein I could serve him in this matter as he stated it, I would readily undertake it. He then acquainted me there was a clause empowering the Queen to name Lord Lieutenants in the several shires, that by rights and charters from the Crown he and his predecessors had for these several hundred years been vested with that power in the shire of Argyle, and as the civil hereditary rights of Scotsmen were reserved by the articles of Union, he did not see how he could be deprived of what was thus his undoubted right and property. He added, that this matter was at best but a trifle, for it signified very little who under the Queen's authority commanded the few men that the militia of that shire amounted to; but since this clause was particularly designed against him and his family, and on no other view whatsoever, he was obliged to assert and defend his right, and desired I would present a clause for saving the hereditary rights of such persons as were, by former grants from the Crown, appointed Lord Lieutenants of any shire.

I undertook what His Grace required, and having communicated the contents thereof to the Lords Marr and Bolinbrook and Sir William Windham, I told them that what His Grace demanded, could not in justice be refused, and as it was a matter of no importance it was not worth the insisting on, and a denial would occasion a greater clamour than any benefit could possibly arise from it. They flew out in a passion, telling me they wondered how I came to set up for my Lord Argyle against the public interest. I answered, that I did not see where the public interest was concerned in this matter, and as I own'd a personal respect for the Duke, I would serve him in such matters wherein the public had no concern, and I was afraid their Lordships' personal picques and grudges at him on this and former occasions, was the chief cause of his entering into measures not to their mind; and by so doing I was sure they had not acted for the public interest. My Lord Marr said it was unreasonable that any, but such-as the



Sovereign was pleas'd to appoint, should have a right to command any part of the military power. I reply'd, I saw no odds betwixt a command in the militia and of garisons, and yet I believ'd His Lordship thought Tie had a good title to the government of Stirling Castle by vertue of his hereditary right coritain'd in the old charters of his family; and as I was sure the command of that important pass was of more consequence than the command of the militia of any one countie, especially when the other officers were nam'd by the Crown, His Lordship wou'd do well to consider what was sauce for a goose wou'd be sauce for a gander, and what he did to others might one day, nay even at (his time, happen to himself; for he might depend upon it ther were "those who wou'd use ther utmost endeavours that the lieutenancy of Argyle shire and the government of Stirling Castle wou'd have one and the same fate. After some more such wrangling on this subject, Sir William Windham said they wou'd carry the bill thorough in spite of all the opposition it might meet with, and the Duke of Argyles clause shou'd be rejected, for with it he wou'd not give a halfpenny for the bill. I return'd, that I was sorry to see their zeal spent on such small game, when there were many other more proper subjects to exercise it on. At length they told me they wou'd press, and believ'd carry what they design'd, and if I oppos'd them, it cou'd liear no other construction than that I was gone over to the other side. I reply'd, I cou'd not help what they thought, but when any thing was to be done, I wou'd act the part I had ever profest, let them say or do what they pleas'd; but for the bill now under consideration, on the grounds already mention'd and which I then repeated, I reckond it no ways servicable to the Queen and Very prejudicial to the countrey; and as to my Lord Argyles part of it, his demand wag just, and the public was concern'd that all private rights shou'd be preserv'd, on which accounts I .wou'd do what I cou'd to oppose the bill in general\* and if it shou'd nevertheless seem likly to take place, I wou'd endeavour to have the saving clause added. After which we parted highly displeas'd with one another- >. r

I afterwards mett with some gentlemen who I knew were very well inclin'd to the King, and I endeavour'd to convince them that these and the like triffling attempts, arising from private personal grudges against the Duke of Argyle, had indue'd him to strick in with the Whigs, and wou'd more and more exasperate him against the King, and at the same time do no manner of service to the King's friends and interest; and by these and the like considerations I prevail'd with several to declare against the bill. In the mean time it was presst and carried on very vigorously, but it happening to be order'd to be

referr'd to a Committee of the whole House on a certain day, which was likewise appointed for reading a long engross'd money bill, and it being probable that nothing more than this money bill wou'd be dispatcht that diet, a great many, and particularly the Scots members, who were for the militia bill, left the House, which being perceiv'd by those who were against it, to prevent suspicion, they resolv'd likewise to go away, and that they wou'd all return again in the evening before the House was adjourn'd. Which having accordingly done, and the order of the day for committing the militia bill being read, I rose up and represented that the day was so far spent and the House so thin, that it was not proper to take an afVol. i. 3 N

fair of such moment into consideration, and I mov'd it might be delay'd till that day fourtnight, in which I was immediately seconded by one appointed for that purpose. Mr. Secretary Broomley and Sir William Windham perceiving that my design was to cast out the bill altogether, because the Parliament wou'd be prorogued before the day I propos'd, spoke warmly for a shorter day, and such as were of their mind made long winded speeches to gain time, having sent all the footmen and porters they cou'd gett to run about and call in their friends to their assistance. But a great deal of time being spent and no recruits coming up, and those who seconded my motion calling aloud for the question, it was at length put, and on a division carried in the affirmative by a majority of seven or eight voices; and what more shagrin'd the Ministrie, whilst the door was shut, on the division, there came twelve or fifteen of their friends, who by being there some five or six minutes sooner wou'd have turn'd the scales: however, the design was thus frustrated, and those who promoted it were exceedingly displeas'd and disappointed.

Here it may be proper to add that during this session Mr. Thomas Kennedy and Mr. John Carnagy of Boisack were appointed advocate and solicitor generall in Scotland. The first of these offices had been in the hands of Sir James Stuart, from the beginning of King William's reign till about a year after the Union that it was conferr'd on Sir David Dalrymple, who was removed and Sir James restored by this Ministry. *And* after Sir James's death (who by the bye was a great man and profound lawyer, the cheif supporter of Presbytery and the most virulent enemy to the royall race of Stuart) it lay vacant for (if I me not mistaken) above a year, and it was rumour'd that the Ministry intended to let it fall into desuetude and thereby save the salary to the Government; but the Scots made so great an outcry that they at length, on my Lord Mar's recommendation, bestow'd it on Mr. Kennedy who, tho not perhaps so tight a Tory as could have been

wishd, was much preferrable to any of his predecessors, and ther was litle reason to doubt his concurring with the Queens measures. Young Sir James Stuart (son, but in all respects inferior, to the other Sir James) was solicitor, and tho severall remonstrances had been made against him, yet coud they neyer prevaill till now that having made in the House of Commons a virulent senseless speech against the Queens administration, I was sent to tell my Lord Oxford that if he was not immediatly laid aside wee woud move the House to address the Queen to that purpose, which had the desired effect, and Lord Bolingbrokes friend Mr. Carnagy succeeded him.

Having mentiond these two alterations in the civill goverment, it will not be amiss likewise to take notice that much about this time the Duke of Argyle was at his desire allowd to sell his Scots troop of Horse guards, and the Ministry pitchd on the Earl of Dundonald to buy it, as a person to be confided in; and the Earl of Stair was orderd to sell his regiment of Scots Gray dragoons to the Earl of Portmore. The Lord Bolingbroke had hitherto supported the Earl of Stair and kept him in the possession of this regiment, altho his behaviour had been in no sort suitable to the Queens measures; but now he became so very outragious as openlie in all companys to attack her conduct and administration; and ther being also a surmise that he was pitchd upon to command in case any insurrection was set afoot in Scotland, it was thought high time to lay him aside. On this occasion, the Whigs exclaimd highlie against the injustice of turning out ane experienced officer that had served long and well; but such as impartially considered after what manner he behaved and that the Queen allowd him to get six thousand guineas for his commission (tho he had paid nothing for it) coud not deny but he was very tenderlie dealt with; and tho he and his associates made a terrible clamour and seemd scarce to reckon any thing of the price he got for it (and which in these dayes was absolully necessary to prevent bis creditors seizing all he had in London) he himself not long after the Queens death, without any reluctancy accepted of the regiment commanded by Lieutenant Generail Ecklin, who was a much elder officer than Lord Stair, and without any other charge against him but that of beeing a Tory, was removed to make way for the other, and not a farthing paid or allowd to him, tho he was poor and had not wherewithall to subsist himself and his family.

These being the only matters of any consideration with regard to Scotland during this session, I return now to other more general affairs.

Whilst the Parliament was taken up in laying on taxes and

dispatching such other matters as came before them, the breach betwixt the Lords Oxford and Bolinbrook grew wider and more conspicuous, and tho they joind in obtaining the supplies and what was requisite for the support of the Government, they secretly endeavour'd to supplant and make interest in opposition to each other, so that every body saw one or t'other wou'd soon fall.

The Lord Bolinbrook profest himself a very high Torie, that -with these he woud stand or fall, and with these he consulted and concerted measures. In his private cabals he gave hints and innuendos that the Kings restauration was much at his heart and wou'd be accomplisht, frequently diverting himself and others with jests and comical stories concerning the Elector of Hanover and his family; and he usd his utmost endeavours to perswade the Queen to entertain no longer a good opinion of his rival. But that his bow might be strung for all events, in case his designs against the Lord Oxford shou'd happen to fail (on which depended the success of his grand project) he made up matters with the Duke of Maryborough, who therupon left Germany and came to Ostend, that on notice from the Lord Bolinbrook, he might be near and ready to come over to give his assistance in forming- a party and making head against the Lord Oxford, in which events tis more than probable that all the Lord Bolinbrooks designs for the King wou'd have been dropt, and other schemes laid down and pursud. I have heard it likewise affirind by prilty good authority (but how far to be relyd upon I cant tell) that His Lordship endeavoured also to bring His Grace into the King's measures, and that he did make advances therin; but the King having too good grounds to know how litle he was to be depended on, demanded as a pledge of his fidelity the loan of 100,000/. which His Grace refusing nothing was concluded.

On the other hand, the Lord Oxford still professt himself a friend to the Church, and made the best shifting plausible excuses he cou'd to the Queen and others concerning the way and manner of his management, and flatter'd himself with the hopes of being able to make good his interest with the Queen and disappoint his enemies. But at the same time he underhand, by his cousin Mr. Thomas Harley (who on all errands was sent to the Court of Hanover) made strong court to and endeavour'd to gain the favour and good opinion of that Elector, and he had his emissaries with the English Dissenters and Scots Presbyterians, who represented that tho His Lordship joind with the Tories, he was descended of a Presbyterian family, and himself of Presbyterian principles, and had done that party many good offices by preventing the measures which their enemies had design'd, and, but

for him, wou'd have accomplisht to their total ruine. At the same time the leading Whigs of both Houses and His Lordship had some litle secret correspondence, and tho he did not break off from the Tories whilst he retaind his white staff being perswaded to the last hour that he wou'd be able to stand his ground, there were good reasons to beleive matters were so prepar'd and adjusted that the Whigs were ready to receive him how soon he shoud declare against the other ministers and the Tories mea

asures; so that privately these understood, tho at the same time they personally hated, each other.

Tho my Lord Marr did not declare publickly either for or against the Lord Oxford or the Lord Bolinbrook, he privately favour'd the latter and seconded his remonstrances to the Queen, tho at the same time he kept in fair terms with the other.

This being the then situation of affairs, my Lord Bolinbrook thought it proper to do some overt act by which he might ingratiate himself with the Church of England and put my Lord Oxford under a necessity of declaring himself on one side or other. And in order therto, his friend Sir William Windham mov'd the House of Commons for a bill well known by the name of the Schism bill; as this was calculated against and wou'd indeed have prov'd a mortal stab to the enemies of the Church, had not affairs soon after taken another turn by the Queens death, the Whigs and all the several sorts and species of Dissenters made a terrible cry and exerted themselves against it. But as the Hanoverian Tories still desir'd to answer the character of true Churchmen, they joind for the bill, and it past both Houses by a great majority. Tho the Earl of Oxford voted for it himself, he concurr'd with those who endeavour'd to restrain some parts which they reckon'd too severe, and his friends in both Houses, particularly his brother Auditor Harley, spoke and voted against it very earnestly.

The Whigs reckon'd this affair a declaration and forrunner of what they dreaded and expected wou'd soon follow, and in order to oppose and if possible prevent what woud terminate in their ulter ruine, they sett all hands to work, and great sums of money were advanc'd by the heads of the party towards providing arms and ammunitiion, which were accordingly got ready to be distributed amongst their friends, and they caused make several 1 thousand figures of a small fusie aboot two inches long in brass, and some few in silver and gold,

which were to be dispersed amongst the chiefs and move zealous of the party as a signal in the day of trial. A friend of mine being let into the secret, acquainted me thereof and brought me three of them, one whereof by my Lord Mar was given to the Queen. Some few days afterwards I tied one of them by a small ribbon to the breast of my westcoat and put it within the same yet so as it might be observed by Sir Robert Pollock (a true staunch Whig, tho at the same time my near kinsman and personal friend) when I sat down by him in the House of Commons. When he first took notice of it he seemed much surprized, and I pretending to conceal it, he at length asked what the Devil I meant and if I was in jest or earnest. I still making as if I would not understand him, he asked if I was come over to them. I told him he had no reason to doubt it, seeing I carried the mark of the beast. Well, replied he, I don't know what to make of you, but either our secrets discovered or you're a convert. I answered that he had hit it, but I would leave him to guess which was the case; after which he frequently seemed very inquisitive to know how I had got that toy (as he called it) for he had reason to believe they would not have fallen into such hands; and in discoursing with him at divers times on this subject, I found that the accounts I had of its being designed as a mark of distinction was very well grounded; and that this was with a view to some hellish design, is no hard matter to be imagined.

About the same time the Ministry consented to a proposal of an Act of Parliament declaring the Electoral Prince of Hannover (who was formerly created Duke of Cambridge in England) the first Peer of Great Britain, and it was believed that the Lord Oxford suggested it to the Queen, whether at the desire of the Whigs, or to make his court to that prince, I shant say; and the other set of ministers agreed to it, pretending, according to their old timorous way of acting, that otherwise their designs would have been discovered. This bill was no sooner past than the Whigs brag'd that seeing the prince could now appear in the rank and with the honour due to his station, he would come over and take his seat in Parliament; and having apply'd to him for that purpose, the measure was approved of and truly designed to be executed; and by the preparations which were made for receiving him, it was pretty plain that nothing less than a total subversion of Her Majesty's government was intended. For the Whigs dispatched a great many of their emissaries to ride about and engage their friends in all the neighbouring counties, and such places of the country as he was to pass thorough, to be in readiness to shew their respect to the first prince of the royal blood, when he arrived in Britain, by meeting and attending him to London; and they secured a great many reduced

officers, who were to be well accouterd in horses and arms and offer themselves as a guard to his person; by which precautions and the conjunction of their friends in London, they propos'd that the prince shou'd pay his respects to the Queen at St. James's, attended with *no* less than 40 or 50 thousand arm'd men, the consequences wherof it is very easy to imagine. The Queen being appriz'd hereof was frightned out of her witts, but at length found means to perswade the Court of Hanover to lay aside the design; and I was then told that what prevaild chiefly with the Elector, was his apprehension that bis son might step in betwixt him and the crown, which he by no means inclining to, wou'd not suffer him to come oven And indeed if we reflect upon the litle confidence and friendship and the many jarrs and quarrels that have ar> peard since that time betwixt this father and son, this account of the matter does not seem improbable. Some well designing people were much alarmd at this project, but others were glad of it and sorry it was not actually attempted. For as it was certain that the Queen wou'd not bear with that princes coming over and that he and his friends wou'd probably have enter'd upon some rash and extravagant undertakings, it wou'd certainly have created, a public breach and total rupture betwixt her and .that family. And as there was no fear of her being sufficiently able to overpower and crush her enemies, it was likewise more than probable she wou'd have declar'd openly for her brother, calld him over to her assistance, and therby hastend and secur'd his restauration.

Whilst these things were doing in England, the party was not idle in Scotland; several of the leading Whigs exercisd and traird their servants and tenants, and enterd into engagements and associations, and a considerable quantity of arms and ammunition being bought up in Holland, the importation therof was conniv'd at by the commissioners and officers of the Customs, who were still, for the most part, notoriously disaffected to the Queens present administration. But the principal and most active persons in this matter were much disappointed when they found the countrey people, even in the western shires, not very fond of taking these arms off their hands and engaging to use them on certain occasions proposd to them; and therefore it was that they much desird something were done, that wou'd afford a handle to excite and stirr up the most bigotted and hot headed of the people to rise in arms; beleiving that the least commotion woud confound the poor Queen and her dastardly disunited Ministry.

It was much about the time when these matters were in agitation in Scotland, and the Prince of Hanovers expedition into England talkt off

that the Lord Lion shew'd me a letter from Edinburgh writ to him by the Lord Grange, wherein was enclosed the draught of an Act of Parliament -obliging all persons in Scotland enjoying any office civil, military, or ecclesiastick, all magistrates of burghs, and all electors of members of Parliament, magistrates and ministers, to take and subscribe an oath abjuring the solemn league and covenant as contrary to the laws of God and the land, and declaring that nothing therein contained was binding on them. And His Lordship offer'd a great many arguments to shew the reasonableness of the proposal, and the great

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benefit which wou'd from thence arise to the Episcopal and Torie partys. I told the Lord Lion I was not a litle surpriz'd that such a scheme shon'd come from such a hand, and I was afraid there was something design'd under and by it, which we cou'd not then be appriz'd of and foresee. For tho the Lord Grange was well enough pleas'd with his brother my Lord Marr's interest at Court, in so far as from thence he enjoy'd the office of justice clerk, yet he had allways, nay at this very time, appeax'd very violently against the Episcopal clergy; and as he was certainly a true blew republican and, if he had any religion, at bottom a Presbyterian, it seem'd very odd that such a motion shou'd proceed from him. He had likewise propos'd this act to his brother the Lord Marr and some others his particular friends who spoke to me of it; before which time having discours'd and advis'd with some of my friends concerning it, I was prepar'd to tell my Lord Marr that *I* cou'd not approve of it, being of opinion that oaths for the security of a government shou'd be extended in the same terms and equally as to the persons subjected to them in all the different parts of the kingdome; for if ane oath was cook'd up, fram'd and adopted for any particular set of men or part of the kingdom, and of these and in that place only requir'd and impos'd, it follow'd of consequence that an oath might be parties larly calculated and only impos'd on a shire, nay parish, family, or single person; which, sure, no body wou'd pretend was reasonable or expedient. Besides, I was not fond of pressing oaths, for I saw no good attending them; and the truth was, there had been so many contradictory oaths impos'd in Scotland, that it was scarce possible to frame one that wou'd not be perjury to the half of the nation. Many besides me having argn'd against this bill, my Lord Marr was easie in the matter, and so it was wholly laid aside. For several years after this happen'd, I had no knowledge of what was design'd by it; but at length I was told by a gentleman of credit, and who knew nothing of this passage I have mention'd, that it consisted



with his knowledge that the Lord Grange had frequent private meetings with the heads of the Presbyterians, and that their earnest endeavours were to fail upon some pretext or other to irritate and incite the mob to an; insurrection; and when I join'd this information to the story I have related, and found that these meetings and this letter were much of a date, I did and do conclude that the scheme he propos'd was to answer the ends and purposes of these meetings.

Some little time after the Prince of Hanover's journey was stopt, the House of Commons took into consideration, how far it was reasonable to pay the subsidies and arrears due to the foreign princes and troops for their service during the campaign, when the Duke of Onnond commanded Her Majesties forces in Flanders and the cessation of arms with France was agreed to; The Whigs alledg'd, they shou'd be paid during the whole campaign according to the treaties with them made, for the great expence of recruiting and bringing these troops to the feild was expended before the cessation. The Tories said that these troops had not obey'd the orders of the Queen's general in marching off with him from Prince Eugenes army, and since they were payd all the time they remain'd in the Queens service and gave obedience to her general, no more in reason cou'd be demanded. The Whigs, perceiving it was like to go against them, did seperate the arrears due to the troops of Hanover from those of other foreign princes, alledging that a particular mark of distinction shou'd be shown towards that Elector, as he was next heir to the crown; and a refusal to pay his troops wou'd be an affront and a manifest indication of the little regard they had to him. The furder consideration of this affair being adjourn'd to another day, in the interim a great many of the Tories mett together at my Lord Bolinbrcok's office, and unanimously resolv'd they woud not grant these arrears to the Hanoverian troops. And as this became no secret, the Whigs made a terrible outcry upon it, affirming that now the riiask was pulld off and the Tories might a\*

well declare for the Pretender; and they stated this matter, as a test to discover who was for or against the Hanoverian Succession. And, indeed, the Tories were likewise content and willing" it past as such; so that both sides us'd the utmost zeal and industry in making interest, against the debate was renew'd, and all persons were agog to know the result of an affair which seem'd to determine the fate of the Succession to the crowns of these realms. And when the debate came

on again, it was manag'd with a great deal of heat and concern on both sides of the question. The Whigs insisted on the indignity offer'd to the Protestant successor of the crown, if his troops were not paid, and that it wou'd evidence how litle the House valued him, if he was us'd in such a manner. They affirm'd popery, slavery and arbitrary power were at the very doors, and desird gentlemen wou'd consider that their all was at the stake, and depended on the result of this debate, as it wou'd encourage or crush the enemies of the serene House of Hanover. The Tories again maintaind, that the Succession was no wise concern'd in the affair, but if gentlemen were pleas'd to putt that construction upon it, they were at liberty for them; that the Elector of Hanover cou'd not, with any shadow of reason or justice, demand pay for his troops longer than they serv'd the Queen and nation, and he had no pretence to favour, seeing Her Majesty and the nation might have expected better things from him who was bound by so many obligations to them, and if he us'd the nation in such a manner before he succeeded, what might they expect from him when he was actually in possession of the Crown! Honest old Sir William Whitlock expresst himself after this manner, that he admir'd to see gentlemen so mealy-mouthd in a matter of such importance; if these troops, said he, were not in Her Majesties service and under the command of her general, there was no reason to demand their pay; but if they were hir'd by her, and in her actual service, and afterwards refus'd to obey her general, they in truth were nothing less or more than a parcel of deserters, and their proper reward was the gallows. If they pretended their Dukes orders, it might, perhaps, serve as an excuse for the poor fillows, they being more immediately bound to obey him; but it wou'd not however afford them a title to demand their pay, and their Duke was to answer for what was done. Old England, continued he, hath sent their kings a packing for deserting and giving up the honour and interest of the nation; and what did one deserve who us'd them so, whilst he only expected the crown, and what might they look for from such a prince when he was possesst of it! If he had any regard or love for Brittain, it wou'd appear as much now, when such occasions offer'd, as afterwards; and if he now preferr'd his German interest and dominions to the interest and honour of Brittain, he'd do the same when he was king and had it more in his power to do them good offices at Brittain's expence. He concluded that King Williams extravagance to his Dutch favourites had cast him a fair copy, and least he shou'd come to the crown, which he hopt he shou'd never do, it was necessary to check him in the bud. Some of the most violent Whigs having challengd this last sentence, and calling out that Sir William shou'd be brought to thebarr, he stood up in his own defence,

and told them he wou'd go back in nothing he had said; for as the Queen was younger in years, he hopt she wou'd outlive that prince, and he wou'd be so bold as to say that in comparison with her he did not value all the princes of Germany a farthing.

The debate lasted long, and many bitter invective speeches were made on both sides; at length a question in these or w<sup>r</sup>ords to this effect was mov'd; That the pay demanded for the Hanoverian troops, from and after the time they went off<sup>r</sup> from being under the Duke of Ormonds command, shoud be granted; which, on a division, carried in the negative by a great majority. And here it is to be observ'd that tho the Whigs and Hanoverian Tories were chapterly conven'd, and all the Earl of Oxfords dependants join'd and voted with them, there were a great many of the other Tories absent at that time in the country. So that if these had been equally well conven'd and present, they had run the Whigs and Hanoverian interest out of sight.

This affair made a mighty noise, and was esteem'd a tryal of skill and a declaration against the Hanoverian succession, which was reckon'd now undone; and, indeed, had the Lord Bolinbrook followd out the blow, ther was nothing too difficult to be accomplish Many of the Tories then in the country hasted to town, regretting that they had not been present to give their testimony in that debate, and it was observ'd that a great many who heretofore trembled if the Kings name was but mention'd, after this, freely and openly drank his health. And several who formerly voted with the Whigs began now to tack about, looking on that interest as ruin'd; so that the Tories growing dayly stronger, expected and desir'd that a motion shou'd be made for the Kings restauration, which without all peradventure Wou'd have been approvd of by a vast majority in the House of Commons; and that the House of Lords wou'd have followd their example, will not admitt of any doubt. But the Lord Bolinbrook desir'd a litle more patience, acquainting some of those he us'd most freedom with, that there were several things yet to be done; the army must be purgd, the Earl of Oxford laid aside, and the government establisht in sure hands, before they proceeded so great a length. As there was an absolute necessity of humouring and carrying him alongst, his directions were followd, and indeed people were not now uneasy at a small delay, for they concluded he had gone too far to lno<sup>k</sup> back or *td* stop, and perceivd there was no want either of power or inclination to accomplish what was so much desird and so very necessary for the future tranquil-; lity of these kingdoms, I mean the Kings restauration.

Whilst the Jacobites solac'd themselves with these hopes and expectations, and were impatiently waiting for the word to fall on, and

effectuate what they had so long desired and aimed at, their wine was suddenly mixed with water, and they met with what surprised and vexed them exceedingly. For a proclamation by the Queen and Council was, without any previous notice or suspicion thereof, issued forth, containing an offer of a reward of five thousand pounds to such as should apprehend the person of the Pretender, dead or alive, if he attempted to land in any part of Her Majesties dominions. And this measure was the more unaccountable, that about the beginning of this session, the Whig Lords taking the opportunity one evening, when most of the Tory Lords had left the House (expecting no more business that day) had moved for and carried an address desiring Her Majesty to settle forth a proclamation in these terms, and that next day, when the Ministry knew what had happened, they were much displeas'd; however to make the best they could of it, when the address was prepar'd and presented to the House to be approv'd of, they got a clause added, by which it was left to the Queen to issue this proclamation at such time and on such occasions as to her should seem proper; so that no body expected ever after this to hear more of it, and the Ministry valued themselves much that they had disappointed the Whigs by giving it this turn.

When the proclamation I have mention'd came out, the Whigs took heart and next day mov'd in the House of Commons, that the sum of a hundred thousand pounds should be paid to such as apprehended the Pretender in the terms of the aforesaid proclamation, and that the treasurer for the time being should pay the same, engaging the faith and credit of the House to refund it; to which motion all the dependants of the Ministry gave their assent, and it was consequently agreed to by the House. And the Whigs likewise took this occasion to malign and asperse the King, representing that as there, was no question but the Queen had a warm side to her brother, it was now evident she was convinced of his unfitness to succeed her, and the fatal consequences which would attend his reigning over us. Nay, they impudently affirm'd that he had positively refused to give the Queen the satisfaction and assurance she demanded, of his intentions to maintain and protect the Church of England, which had mov'd her, of her own accord and from a principle of conscience and not from the interposition of the Parliament or on account of any other motive, to settle forth this proclamation. It is impossible to express how great an impression these representations made on the ignorant vulgar; and the Whigs lookt on this as so mighty a turn to their affairs, that I heard the Earl of Stair say, in the Court of Requests, that it was the most glorious day Britain had seen of a long time.

The Tories were enrag'd and at a loss to know the rise and design of this step. The Lord Bolinbrook pretended that the Lord Oxford had prevail'd with the Duke of Shrewsbury (if I'm not mistaken) to make the proposal in the Council, on purpose and with an intention to put a thorn in his (the Lord Bolinbrooks) foot; and he was oblig'd to agree to it, least he had too soon and too much discover'd himself and his designs; and he promis'd matters should be quickly sett to rights again. The Tories were far from being satisfied with these, reasons and excuses; some were apprehensive that His Lordship had appear'd against the Hannoverian troops with a design to let that Elector see what he was able to do against him, and that perhaps he had now made his peace and bargain'd with him, and was tacking about to his interest. But whatever was in that, they all condemn'd the measure and were once determin'd to pay him home in his own coin, by moving for an address to invite that Elector into Brittain. But on second thoughts they were afraid this was a dangerous expedient, and a revenge that might be follow'd with bad effects, and therefore laid it aside\* However about 40 or 50 of these gentlemen enter'd into a close concert, solemnly engaging to take and follow joint measures, resolving in the first place to shew their resentment and dissatisfaction with the Ministries conduct, by opposing them in the carrying on and obtaining their money bills. And having accordingly joind with the Whigs in such votes, they recommitted several funds which were just ready to be granted, and for some time retarded all the Ministries affairs.

A day or two after this proclamation was emitted, I happend in the House of Commons to sitt by and talk with a gentleman of the first rank both as to parts and estate, and a zealous Hanoverian Torie. Our conversation at first was concerning the national debts; and he told me there was nothing in the world he so much desird as to see those debts pay'd off; for whilst so vast a sum of money as the interest of those debts, the revenues of the Crown, and the supplies granted annually for the service of the Government, came yearly into the exchequer, an ambitious ill designing prince had nothing more to do but to stop the payment of the interest of these public debts and the sallaries of his servants, and he had a fund all at once in his hand sufficient to purchase or reduce the liberties of the people and make himself absolute. I return'd, If the case stand thus, we had better wanted the Revolution; for if these debts were contracted to uphold and preserve the Revolution constitution, and if such effects were like to be the consequences therof, we were in a worse state than before, for now we'd be slaves with empty pockets, whereas before the Revolution

we'd at least have commenc'd our slavery, if it had come upon us, possess'd of some of that ready money which hath since been taken from us, and with fewer taxes over our heads than are now impos'd upon us, and which in his opinion might likewise contribute towards enslaving us. But, added I, you may be easy, being convinc'd by the Ministries late conduct that they have no design to restore the Pretender, and that the Elector of Hanover will succeed the Queen; from which illus

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trious family, sure, there was no apprehension of danger. He told me that he admir'd how I came to jest on so material a subject. I reply'd, I was in great earnest, being told that the princes of that family were all the most gracious, generous, wise princes in the world. He return'd, with some heat and an oath, that the Elector was one of the most absolute princes in Europe, and our liberties wou'd be in greater hazard from him than any king that ever satt upon the throne. I answer'd, if that was true, the blood and treasure which had been spent in securing the succession to him were ill bestow'd, and I cou'd not but admire what inflienc'd him, and many other gentlemen of good sense to be so very zealous in it . He said, there was no remedy: it being absolutely necessary to seclude the late King James and all Papists, this Elector was the next Protestant heir. I reply'd, that King James and all Roman Catholicks were seclud'd from the Crown, not on account of their principles and faith with respect to religion, that is, as these were not orthodox and conform to the Holy Scriptures and the practice of primitive Christians, but because the principles and maxims of that Church, and which those of that communion were suppos'd to prosecute with respect to civil government, were such that our liberties were in danger under a prince who professt himself a member of that Church. So that it was not religion with respect to God, but the state maxims and politick veiws of these of that communion, which, for the better security of our liberty and property, renderd the seclusion of so many of the royal line necessary and justifiable; and for my own part, I knew no odds of being a slave to a Protestant or a Papist, and slavery was to be avoided, whosoever or whatsoever was the promoter or occasion of it. He answerd, that what I said was true, but there was no help for it in the present case; for the Elector was the nearest Protestant of the royal line, and how cou'd we get by him? I return'd, By the same rules we gott by the many scores of Papists, who were nearer to the

crown than he; and since it seem'd probable, we'd be as much .slaves under him as under these, he shou'd be serv'd in the same sauce, which was easily done by extending the parenthesis a litle furder, skipping over him and all others till we lighted upon and stopt at one of the royal line, of whom we had no reason to entertain such dismal apprehensions. Ay, answerd he, that were right, if it cou'd be done; but the Devil's in't; the furder we go we're so much the worse. Nay then, said I, you're indeed in a woeful condition, and, as I observ'd in the beginning, it had been better for you to nave joggd on with old King James, for you cou'd not have been worse with him than what you now expect, and wou'd have sav'd a great deal of blood and treasure; and truly, for my own part, I thought we'd best go back again and try the old way; perhaps the misfortunes which had befallen King James and his son may make that race a little cautious for a generation or two, whereas you seem to expect no mercy from the Elector. He return'd, smiling, You're a foul-mouth'd Jacobite, and I shoud not have spoke to you on this subject; but now I must tell you, we have gone too far to do what you propose. I answer'd, I have argued with you on your own principles, and if you do not agree to my proposal, but continue in the course you have hitherto taken, I may reasonably affirm, that by so doing you aid and assist those by whom the slavery you forsee and suspect will be introduc'd into these nations, and you are accountable to God and man for all the bad effects that may follow.

I have related this conversation, to shew what strange principles directed, and unaccountable notions influenc'd, these odd animals call'd the Hanoverian Tories. And the truth on't is, their actions were so inconsistent with their professions, they lost their characters and became the jest of all mankind. They pretended to reconcile the doctrine of nonresistance and passive obedience, with the principles on which the Revolution was founded and by which the deposing of kings was justifyd; they maintain'd that the succession to the crown was indefeasible and hereditary, and that the settlement therof on the family of Hanover was no infringement; they professt a great zeal for the church and the laws and constitution of old England, and yet they broke in upon them dayly, and prosecuted those measures, which they themselves forsook wou'd terminate in the utter destruction of them. These are plain paradoxes, and nothing but downright infatuation cou'd move men of sense and figure in the world to act and think so inconsistently.

But now to leave this digression I return to the Parliament. I mention'd formerly that a good number of those Tories, who had the King's service most at heart, having, after the late proclamation against the King, joind with the Whigs in voting against the supplies, the Ministry were therby reduc'd to great straits, and knew not well what hand to turn to. About eight or ten days after this, the Lord Bolinbrook sent for me very early one morning, and I was no sooner enter'd his room than he askt me what in the name of God mov'd me and so many other honest gentlemen, to act so unaccountable a part. I answer'd that if His Lordship and his friends woud give a tolerable reason for their conduct of lale, I beleivd we might do the like. He said what had past was unavoidable in the present situation of affairs, and was wholly, at least, originally to be ascrib'd to the Lord Oxford, but affairs were now come to a crisis, that Lords business was done, and he wou'd soon be laid aside, and such alterations made and measures laid down, that they might safely venture to undertake and, he hopt, accomplish what, being necessary, was truly intended, but it was not advisable to turn out the Lord Oxford and his partizans, and enter upon these measures whilst the Parliament satt; for His Lordship woud certainly join with the Whigs, and make a terrible clamour and bustle in the Parliament, and several other difficulties might occur which cou'd not now be forseen, and might do much harm. Whereas if the Parliament was prorogued, there was no power in being to thwart and interfere with the Queen, and she both cou'd and wou'd soon so settle matters, that she wou'd be at liberty to do what she pleasd, and being once done, the Parliament might again be reassembled in a litle time to ratify and approve her proceedings, which there was no doubt of obtaining, as our interest wou'd encrease, and many come over to us when they saw the thing done and the game secur'd. 'Tis true indeed that His Lordship did not particularly name the King's restauration, yet he expresst himself after such a manner, and gave such hints and innuendos, that it was obvious he intended I shoud understand what was the great thing he design'd and aimd at. And he concluded his discourse by beseeching me to speak to these other gentlemen, with whom I was in concert, to dispatch the supplies\* that so the Parliament might be prorogued, till which nothing of consequence cou'd be done. I answer'd, we had so often been putt off and deceivd with fair promises, that no faith remaind in us. He reply'd, Pray do but consider the case as it stands, what will be the effects of you Tories joining with the Whigs and proving perhaps strong enough to disappoint the Ministry? Will it advance what you aim at, or is it not more probable it may break the Ministries credit, and by defeating their schemes, put them under a necessity of entering



into measures which may prove more disagreeable and prejudicial to the Tories, or pave the way for the Whigs getting once more the administration into their hands? In all events you can never propose to reap any benefit by it; on the other hand, I here solemnly declare to you, that I think it absolutely necessary to have this session of Parliament ended, and that great prejudice may arise from delaying it, and I pawn my honour you shall find matters go to your satisfaction. If I fail therein, I shall never desire to be trusted again, and am

willing to lie under the severest censure; and is it not better to take my word and follow my advice for once, than run the hazard of baffling the Queens designs, when 'tis a certain truth they are such as will be agreeable to you? If what I say, continu'd he, doth not come to pass, you're at no great loss by the delay, and may take what measures you please afterwards. I return'd, that for my own part I wou'd incline to make the experiment and trust him for once more, but that I cou'd not promise to His Lordship, for I was engag'd to prosecute joint measures with a sett of gentlemen, whom I neither cou'd nor wou'd desert. Why, said he, that is just the answer I got last night from Sir John Mordaunt. But pray then, added he, let me begg of you, as I do of him, that these gentlemen may be got together as soon as possible, that what I have said being represented to them, they may come to some resolution upon it. I went immediately to Sir John Packington, and we having gott the greatest part of our friends together, he told them what my Lord Bolinbrook had said and propos'd, which being seriously consider'd and reason'd upon, we concluded there might be hazard and no great benefit cou'd arise from our appearing against the Ministry; and therefore we agreed to reunite with them and dispatch their affairs as fast as cou'd be. Upon which we went directly to the House of Commons, and voted quite contrary to what we had done before; and as the Whigs did not know what to make of our unexpected joyning with them at first, tho they imagin'd it proceeded from our being dissatisfied with the Ministry, they were as much surpriz'd to see us so suddenly change our notes, and afraid that satisfaction had been given us, which they dreaded wou'd prove to their cost. In a few days after this, the money bills and all other affairs of moment being dispatcht, the Parliament was prorogued, on which occasion the Queen came to the House of Lords, lookt extremely well, and spoke to both Houses in a style more brisk and resolute than on other the like occasions, acquainting them that she was determin'd to call them again together before it was long.

About an hour after this, I mett General Stanhope walking all alone and very humdrum in Westminster-hall. I askt him what the matter

was with him, for he seem'd to be out of humour, when ev'ry other body was glad to get into the countrey? He answerd, that he thought all true Brittain had reason to be out of humour. I reply'd, that I thought my self a Brittain true enough, and yet was in a very good humour. Why, said he, then it seems you have not considered the Queen's speech. Yes, said I, I have, and was pleas'd with it, for I think she spoke like herself. That's true, answerd he, for from what she said, I look upon our liberties as good as gone. I wish with all my soul it were so, said I. Why, returnd he, do ye declare openly for the Pretender? The Pretender, said I; I was not so much as thinking of him; but as you Englishmen have made slaves of us Scotsmen, I wou'd be glad to see you reduc'd to the same state, and then we shou'd be both on an equal footing, which you know in other cases is thought necessary for making the Union more compleat. Well, well, said he, 'tis no jest, you'l get your Pretender, and you'l repent it, I dare answer for it, e'er long; and with that he went off in a prodigious fury. The truth is, this gentleman was not the only person; for all, both Whigs and Tories, lookt upon the King's restauration as determin'd by the Queen and her councils, and were anxious to see the success of such an important affair and the event of so critical a juncture.

In a day or two after the Parliament was prorogued, the rupture betwixt the Earl of Oxford and Lord Bolinbrook came to its full height; and it was the common news and subject of conversation that he and all his friends wou'd be suddenly turnd out of their offices, and plenty of candidates were nam'd to succeed them. The Lord Oxford, however, tho he was sensible of the designs against him, and had capitulated, in the worst event, for a reception amongst the Whigs, had not hitherto joind with them in their measures, still feeding him self with the hopes of being able to maintain his interest and credit with the Queen. In which imagination he still continu'd, tho all the world, besides himself, believ'd and knew the contrary, until the very day that his white staff was actually broke, and the Duke of Shrewsbury appointed to succeed him. His Grace, I dare say, was not the person at first design'd for supplying that office; but the Queen fell ill much about the very time the Lord Oxford was removd; and before the important post cou'd be disposd of according to the intended scheme, all hopes of Her Majesties recovery were past, and the staff was given to this Duke, that he might officiate in the mean time during the confusion of that sad disaster which put an end to all that was then intended and ready to be executed for the Kings service and the future tranquillity of these realms.

That the Queen did of a long time design her brothers restauration,

I do not in the least question, but was prevaild with to postpone and delay it, partly by her own timorous nature, partly by the divisions and discord of her Ministry» and partly by the tricks, intrigues and pretences of the Lord Oxford, in whom for a long time she plac'd entire confidence, and cou'd scarce at last be perswaded that he did not deserve it. And I have mention'd the particulars of several private conversations and litle emergencies, which happen'd to my self and consisted with my knowledge, by which I think it may appear that my opinion therin is not ill founded, tho it pleasd God, by the Queens death, to blast all our hopes and expectations. And, indeed, on a review of the causes of the many disappointments of all the designs in favour of that prince and his father, it wou'd seem that Provi<sup>n</sup>denee, as a punishment to these nations, wrought against them. For they were more occasion'd by the immediate interposition -and visible hand of God, than the power and contrivance of their <sup>n</sup>emies. Not to mention the winds, which alone hinderd the late King James from making his descent from La Hogue, when iie brought a good army alongst with him and had many friends ready in Brittain to join and declare for him, nor how the same cause stopt the present King in Newport Pits and afforded therby time and opportunity for the English fleet to come up and prevent his landing in Scotland, when it was more than probable his attempt wou'd have succeeded;—I say, not to insist on these and the like subjects, the deaths of those who inclind and design'd to serve the King, and the critical junctures at which these likewise happen'd, doth alone sufficiently illustrate my assertion. For without going further back than the time when the Queen discarded her Whigish Ministry, the Earls of Anglesey and Jersey, who were intirely on the King's interest, died, the one just at, and the other not very long after, the time of that change, when their advice and interest were necessary and useful in framing and settling the new model of government, and measures to be prosecuted by it; after this, the Earl of Rochester died and Left the Lord Oxford without any of whom he stood in awe, or of power, credit and a character sufficient to controul him. Then the Duke of Hamiltoun was murder'd, when there's reason to beleive that the execution of matters of the greatest importance in favour of the King was committed to him; and now, the Queen, when so many years work and the effects of so many consultations and contrivances were just ready to be executed, was remov'd, and the nation left in a state of the utmost confusion; and it will not be far out of the road to take notice, that about a year afterwards the French King died, and by his death rendered abortive what was then, with such a prospect of success, contrivd and ready to be executed for the Kings restauration.

In the Memoirs publisht under the name of Monsieur Mesnager, an account is given of the steps that were taken, during the negotiations of peace, towards accomplishing the Kings restau

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ration. But he barely mentions the facts, without assigning any reason why nothing in these negotiations was concerted and stipulated with relation therto. Whereas by reflecting on severall passages in the forgoeing relation I have given of affairs, it will appear that some, with too much probability, did imagine that the Lord Oxford's principal veiW and cheif aim, at least after the Duke of Hamiltoun's death (when he laid aside or suspended and never heartily reasumd what he formerlie designd for the Kings service) and during the last half of his administration, was to keep the contending parties as equal as possible. And tho he was obligd to support and side with the Tories, seeing by them only he cou'd stand his ground against the Whigs, yet at the same time he took care to retrench their pow'r, and prevent their growing too great, least they had fore'd him into measures inconsistent with his imaginary project of having the crown, after the Queens discease, at his disposal to any of the two candidates he pleasd, or rather his intention of giving it to the Elector of Hanover, expecting from him such a grateful return as the breaking or stiffling the opposite schemes and designs of the Queen and the Tories did deserve; and taking matters in this view, a very obvious reason occurs why nothing was done for the King in the negotiation of peace.

But if it appear incredible that a person of the Lord Oxfords sense and experience shou'd form to himself so ridicolous and extravagant a project, the next reason to be assign'd is, that before the Ministry was well form'd, at least thoroughly establis'd, and the negotiations of peace like to bear and take effect, the Ministry became divided, and the Lords Oxford and Bolinbrook, beginning to envy and turn jealous of each other, wou'd not venture to treat and confide jointly in a matter of such importance and danger, as the King's restoration; and each of them designing and endeavouring to be the author and sole manager of so great a work, if it was to be brought about, thwarted one another, and nothing at all was done in it.

Lastly, as the peace was absolutely requisite for the security of the government and to enable the Ministry to prosecute their respective designs, all, even such of them as were most hearty and furthest

engag'd to promote the Kings service, were afraid of evry thing that might afford the Whigs the smallest handle to obstruct the peace or give them any disturbance, beleiving that if once the peace was concluded, the army purg'd, and the government lodg'd in steady able hands, the Queen might either signify to the Parliament her inclinations that her brother should be immediately restor'd or succeed after her decease to the crowns of these realms, or might of herself bring him over and make a surrendry to him; and that there was not the least reason to apprehend but the Parliament would readily concur with her sentiments, and desire whichsoever of these methods she hallow'd. And that one of these, particularly the last, was design'd and intended by the Queen and her Ministry, but retarded for some time by the discord and divisions of her servants and at last altogether obstructed and prevented by her fatal death, is, I humbly presume, more than probable from what I have related.

Having thus gone thorough the Queen's reign from the commencement of the Union to her decease, I do not pretend to know or give any account of what occur'd afterwards. For tho the Parliament of which I was then a member, was immediately on the Queen's death reassembled, I did not attend it, but retir'd to my country-house, being fully determin'd to have no concern in public affairs under this new administration; and I would here end this treatise, if I did not think it incumbent on me to give a short account of my conduct and behaviour with relation to the measures that were laid down and executed for the Kings and nations service in 1715; because I have reason to believe some people out of malice, some throw ignorance or misinformation, and others, to exculpate themselves, as if I had been the cause of their not joining the Kings armie, have been pleased to censure and misrepresent me; and as I am conscious of my *own* innocence, I am hopeful my defence will be credited, seeing it consists of facts, which no body can or will presume to controvert, being known for the most part to severall gentlemen. who can and will if required attest the truth of them.

To begin then: after my return to Scotland and whilst I lived at my country house, from the time of Queen Anns death, I was daylie expecting to hear of the Kings design to make a push for recovering his crowns; and various, from time to time, were the accounts we heard of the time and manner of his doing it; and during this intervall I conversed as usuall with my old freinds, but I soon perceived that some (particularly Captain Henry Straton) who were trusted in carrying on the correspondence betwixt the King and his freinds, were not so communicative to me of these matters, as formerlie, when they

acquainted me with evry intelligence they received and desired my advice in all they did; and I having dropd something of tliis kind to my old freind Mr. Harry Maul, he told me, he was used in the same manner, and belived that some people were now ingaged in the Kings service, who were not fond of us his old servants, and inclined to manage with a sett of new converts, such as themselves. As this did not seem improbable, neither Mr. Maull nor I were in the least disgusted at it, being glad that the Kings friends increased, and wishing him and them all imaginable success; and thus he and I lived in profound ignorance-of all schacmes proposed and concerted for the Kings service.

About the month of May 1715, the report of the Kings design, with many different particulars, relating therto, and of great preparations for it in France, England and Scotland, became very publick; and I taking it on common credit, began to prepare and provide my self in arms, horses, &c. in which I was obliged to act very cautiouslie, having severall nighbours who were spys on me and gave account of every thing I did and what company I kept, to the Goverment, who I knew woud, on the first pretence, fall upon me. The accounts and reports, as I observed, of the Kings designs being variouslie related, and often failing in the truth of them, I went in August to Edinburgh to meet with Mr. Walkinshaw of Barrowfeild, who had sent to desire I woud come in and who I knew woud conceall nothing from me he knew. He told me he was desird by severall of the Kings freinds in Sterlingshire and other places, to come to Edinburgh, to bring them from thence ane account of the state of affairs and what was intended to be done, that they might concert and lay down measures accordingly; and whilst he and I were together, wee were informd that a gentleman (wlto I afterwards learnd was one Mr. Paterson) was come express the day before, or much about that time, from the Earl of Mar, then at London, to Captain Straton, and wee got some imperfect undistinct account of his errand and instructions; and the truth ont is, for my own part, tho I entertaind good hopes of the Earl of Marr, this was the first time I had ever heard of his being actually ingaged in the Kings affairs and trusted with the direction of them in Scotland. Mr. Walkingshawand I being very desirous to learn what intelligence this messenger brought, went imediatly to Leith to see the Captain, but he, pretending to be under physick, denyd us access; and tho it surprised Mr\_ Walkinshaw, I took it to be of a peice with that reservedness he for some time by past had shewd towards me, and I designd to return immediatly home to my country house, but was prevaild with by the other to stay all night with him in town, and make

a second attempt on the Captain next day, being Sunday the day of August, which we accordingly did, with the like success. That day Mr. Walkingshaw and I met with Mr. Hall (alias Carnagy a Famish preist) who shewd us a letter which had come by that days post from Father Innes at Paris, from which we could not discern that any time was fixd for the Kings attempt, or that even measures were concerted and concluded in order to it, the letter containing in generall fair promises and good hopes that something woud be done ere it was long. I returnd home that evening, and, as I concerted with Mr. Walkinshaw, sent on Teusday next my brother to him, from whom I was told that as yet he had learn'd nothing to be depended on of moment, but that they expected to hear great and good news in a very few dayes. J

Solacing my self with the expectation therof, oh Thursday thereafter, by 3 in the morning, my house was surrounded by a strong detachment of Lord Shannons regiment of foot, and I was carried in prisoner to Edinburgh Castle, by virtue of ane order under the Elector of Hanovers own hand; after which, in a day or 2, I was informed that the intelligence Paterson brought from Lord Mar was, that he himself design'd to be speedily in Scotland, and advised the Kings friends to act very cautiously and by all means take care to avoid falling into the Governments hands, he having certain information that a great many sign'd warrands, for seizing some and citing others, were, at the time this messenger set out from London, in the secretarys office, readie to be dispatch'd to Scotland, wher they woud soon be executed; and I could not but regrave and be vexed that Captain Straton had kept this up from me, and thereby given occasion for my being surpris'd in my bed; however, as I liv'd so near Edinburgh, and was the first that was apprehended, it had this effect, that accounts therof being dispatch'd quickly to all corners of the country, it put others on their guard; so that no more were then taken up except the Earls of Hume and Wigton. The moment I was made prisoner, I dispatch'd my brother to acquaint the Viscount of Kilsyth, Mr. Walkinshaw, and Mr. Thomas Bruce (who were then in Edinburgh) of what had hapned to me, that they might take care of themselves and apprise others; and I desird their opinion and advice how far it was proper for me to write to my good friend the Duke of Argyle to use his interest for my liberation) which they approving of, I wrot to His Grace, setting furth, that I had given the Government no reason to seise me, for I was living quietly at my own house, and therefore begd his friendship: this letter had the desired effect, for the Duke, glad to get ane occasion of repaying the zeall I shewd for his service in the aforesaid affair of the militia bill, made

application and obtained a warrant, signed by the Elector of Hanover\* for my being set at liberty, which was accordingly done, on my finding bail for 6000 merks Scots, after I had been 15 days in the Castle. Whilst I was there, my brother met privately with the Earl of Carnwath and others of the South Country, and assured them that if I did not obtain my liberty, he would bring what horses and men belonged to me to meet with them or any that declared for the King: and in the evening after I was released, I went privately to the house where Captain Straton was concealed, whom finding still much on general terms with me, I told him I designed to go in a day or two to my estate in Clidsdale, where I would be less obnoxious to the malice and spies of the Government than at my house in the shire of Edinburgh, and though I could not pretend to raise any considerable number of men in that Whigish country, I believed I might have so much influence as to hinder a great many from appearing against the King (and in so far I was not mistaken, for whilst I was in that country there were few or none of the common\* men would appear at the rendezvous which were appointed^ and I added that I would send to him for intelligence, and if he received any commands for me, he knew where to find me.

I went accordingly to Carnwath, and I sent frequently, sometimes Dr. Montgomery, sometimes Mr. James Ogston, and sometimes my wife\*, to the Captain, but he still remained very cross, having, as he said, nothing particular worth relating, by which

\* The right honourable Lady Euphemia Montgomery, third daughter of Alexander, ninth Earl of Eglintoun, by his first wife, Margaret daughter of William Lord Cochrane.—Editor.

means I lived a considerable time in the dark, being ignorant of every thing that was designed, and at a loss to know what measures to take, though I understood afterwards that he had revealed to others (some whereof I am sure were ill-keepers of secrets) what *he* concealed from me. However in the interim I set about putting myself in the best condition I could to do the King all the little service in my power, if so be an occasion offered, having, for that end, conveyed my arms, horse furniture, &c. from Dryden to Carnwath (where I got them safely hid) and I bought up several good horses and bespoke others to be ready on a call, and I met with and sent and received messages to and from several gentlemen of good interest in the shires of Edinburgh and Tweeddale, who being all of opinion that it was to no purpose for them to expose themselves their houses and families, to the insult of the mob



and militia in and about Edinburgh, did resolve not to stir till the King was actually landed in Scotland (when it was expected that every body who had the least regard for him or the country would go to arms) or the Earl of Mar had past Forth with his army (both which we were made to expect soon) and they directed me immediately on notice of any of these 2 events, to send expresses with accounts thereof to them, at the same time engaging solemnly to meet me when and where I appointed. As I had thus formed, and was the center of intelligence and correspondence amongst a considerable party, I believed we would make together a good body of horse.

About this very time Sir James Hamilton of Rosehaugh came to confer and concert measures in name of the Lord Blantyre and severall others in the low parts of Clidsdale, with me; he told me there was a good body of men in the town of Glasgow, and the like in the Duke of Hamilton's estate, that would declare and rise for the King, that the Lord Blantyre and the other gentlemen in that country were all in readiness to take up arms, and that they had declined going to Perth with the Lord Kilsyth and Sir Hugh Paterson, because they were not summoned in by the Government to surrender themselves; for since they could stay at home, they believed they might do the King more service than if they had gone with a few domestick attendants to the Lord Mar. Sir James and I agreed that those he came from, should be ready on notice of any the 2 events aforesaid (which we were to communicate to each other as we first got the intelligence) and that I should wait for them at Carnwath, or march down the country with my men, to form a body and protect those that should first take arms, till a sufficient number was got together; and this he seemed to desire of me, apprehending the town of Glasgow might send out parties to hinder honest men getting together in their neighbourhood, which he thought might in some measure be prevented by my joining him and those he would get on a call from and near to Hamilton.

In a few days after Sir James left me, my brother, Captain Simon Frazer and Major Nairn came to me from Glasgow; I provided the last with a horse and he went straight to Perth; Captain Frazer remained with me, and as he was an eye witness of my zeal and sincerity, when he arrived in France, after he escaped out of the Government's hands (having been ill wounded and afterwards made prisoner at Preston where he acted as my brother's lieutenant), he gave an account of my conduct to the King, who was graciously pleased to approve thereof. My brother had, for severall months preceeding, been at more than ordinary pains to ingratiate himself with the reduced officers, and as he had a good character, and was liked in the army, he improved it by

giving a bottle and lending a little money now and then to such as wanted it and whom he had hopes to bring over to the King; and by these means he had made a good interest amongst them. At this time he told me there were severall officers at Glasgow, who knowing his inclinations, had declared their willingness to go with him where he pleased, provided they had a little money

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and were assured of being provided for and advanced by the Lord Mar. I answered that as officers were what I imagined His Lordship wanted most, I would advance them money to go, and I thought he might assure them of being provided for and advanced, seeing they'd be so wellcome and usefull guests to His Lordship. My brother replied, he could not and would not make gentlemen, who confided so much in him, trust to more than he had instructions to promise them; whereupon I sent to communicate this matter to Captain Straton, desiring him to let it be known forthwith to Lord Marr, that such instructions and commissions might be sent to my brother as His Lordship should think proper; whether the Captain sent the information, or it reach'd my Lord Mar, I know not, but I never heard more of it; the consequence of which was, these officers, who might have done so much good service at Sherriffinoor, staid still at Glasgow.

Much about this time Mr. William Dunlop came from Captain Straton with a message to me, the import whereof was that severall honest sensible men were of opinion that an insurrection on the south of Forth might be of great service to the Kings affairs, and desired I would draw together what number of men I could raise, and form a body of horse at or about Linton; and it was not to be doubted but the Earl Carnwath and others from the southern countries would join me. I returned, that I did not see what this proposall would answer, for I was affraid the number I could bring myself, or depend on certainly and timously to join me, would not be so considerable as to be able to make head against such detachments as the Duke of Argyle would certainly send from Stirling to oppose them, neither did I think that I or any other person could presume to rise in arms and form a body, without the Kings or my Lord Mars authority and untill one was appointed to command; and for these reasons I could not engage to do what he desired of me; however, if the measure vijas follow'd out" by others, tho I did not approve of it whilst there was no directions nor commission from the King or his generall, I should take my hazard with them, but till I heard that they were actually in arms or that I received the Kings or my Lord Mars commands, I would not stir a foot length.

In 2 or 3 dayes after Dunlop was with me, I received a letter from the Duke of Argyle, acquainting me that information was brought of my harbouring severall dissaffected persons and buying up horses &c, and that the Government was jealous of my intentions, for which reason he required I should forthwith repair to my usuall residence in the shire of Edinburgh. If I had slighted this message, I might as well have declared war, and no doubt I had been quicklie apprehended if I could not have escaped by concealing my self, which however would have much discomposed my measures, in so far as I could not then have used half so much diligence in drawing together the gentlemen, with whom I was in concert, when a fit occasion offerd; and therefore I thought it better to keep my self free as long as I could, by justifying my self in my answer to His Grace of Argyle and at the same time obeying him in what he required of me; so I immediatly disposed of my freinds, servants, and horses, in such places wher they might be safe and readie to meet me on a call, and I went my self to Dryden, wher next day Mr. Dunlop brought me a letter from the Earl of Mar, acquainting me that a rising in the South was thought necessary and that my assistance was expected, and Dunlop told me the Lord Kenmure and others desired I would be in Edinburgh that night to meet and confer with them. I accordingly went when it was dark, and was present at a meeting of severall of the Kings freinds, in which, after the commission appointing the Lord Kenmure to command was read, the subject of discourse was concerning the time and place of the generall randevouz, what numbers might be expected, and whither to march when met. As to the first, it was proposed to be on the Monday or Tuesday after that day, which was Friday; that those near to Edinburgh should meet at Biggar and march next day to join those of the south countries at Moffet, from whence they might go to Dumfriese (wher theyd get mony, arms, and ammunitiion) and then towards Glasgow to join the Highland clans, who twas belived were to bend ther march towards that town. As to the numbers, they seemd to be a litle uncertain. The Earl of Winton said severall gentlemen had sent to tell him they were readie to follow him so soon as he sent for them, that he had about a dozen or 15 of his own retinue, but could not tell howmany the others might make. Some said ther were a great many readie in and about Edinburgh, but neither ther names nor number could be ascertaind. The Lord Kenmure said he expected a considerable number out of Nithsdale, but that was so dissaffected a country, it would be necessary that a good body of men marchd in, to facilitate our freinds getting together. I told them I could answer to have a troop of horse together at any place or time they appointed, but I foresaw a great many gentlemen in the shires of Edinburgh and

Twedale would not join, seeing none of the 2 events before mentioned (which I then repeated) was come to pass, and therefore I was of opinion it was proper to delay the rendezvous for a few days, unless any present knew that the Lord Mar was instantly to march in order to pass the Forth. However, if they resolved otherwise, my troop under my brother's command should meet them, but I could not promise to come amongst my self, for as I could not send to the gentlemen who trusted me but in the terms they allowed me, I thought it better for me to stay a small time behind them, and make it my endeavour to persuade these gentlemen to get on horseback, which I was afraid would not be so effectually done if I was away, seeing I was the only person who carried on the intelligence, without letting them know of each other but in general terms; and they would be shy and many mistakes happen if the bringing them out was committed to any other. I objected further against so short a delay, because the Lord Blantyre, Sir James Hamilton and several others in the west could not be apprized thereof in such time as to get together their friends, servants, arms and horses, which were dispersed and concealed at a great distance from one another; but Mr. Hugh Hamilton (Sir James's brother) undertook for them and a great many more near to Edinburgh, of whom I told him I was afraid he would be disappointed.

There was another meeting next evening, being Saturday (at which I being somewhat indisposed could not be present) where it was determined to meet first at Biggar on Tuesday night, and next day march to Moffat to join Lord Kenmure and his friends in that country; and Mr. Hamilton was sent off on Sunday morning to advertise his brother; but, as I foretold, neither he, Lord Blantyre, nor any from that country, nay nor Mr. Hamilton himself, kept the appointment, and could not after that have an opportunity of joining them when they changed their measures and did not direct their march towards Glasgow; and I was afterwards told by these and a great many more with whom I was in concert, that they had not time to get ready on so short a warning and that they waited for the call they had directed me to give them; and as the Lord Kenmure and the other gentlemen were satisfied with the reason and probable good effects of my staying a few days behind them, no body, I humbly presume, can with justice censure me for it, seeing I could not, without breach of trust, take on me to send to these my friends but in the terms they allowed me, and therefore the next best course I could take was to try to bring them into new measures and join with their countrymen who had broken the ice and were in arms.

The meeting having held, as agreed to, at Biggar (where my brother

joind them with his troop from Carnwath earlie on Wednesday) in order to render me as litle suspected as possible, I that very day sent Mr. Francis Montgomery to let the justiceclerk know, that as I did design to give the Goverment no reasonable grounds to molest me, I desired to know from him, whether I shoud continue in Edinburgh or reside at Dryden; and he, as I wish'd for, having named the last, I went ther that evening, having reserved 2 horses for my self and a servant to ride about and carry me to severall gentlemen whom I had trysted to meet and conferr with me in a private secure place next day in the country. But the last thing I did before I left Edinburgh, was to call on Captain Straton, and having told him my reasons for staying, which he approvd of, and with whom I was to meet next day, I desired to know if he had any thing to suggest that I coud use as ane argument to perswade these gentlemen to join our freinds; all the answer he made was, that we had a just cause and ther was a just God.

I had all the reason in the world to imagine my person woud be safe, for I was discharged from my confinement by a warrand under the Elector of Hanovers own hand, and I had the justiceclerks allowance to go home; but to my great surprise, I was apprehended by a troop of militia horse next morning ere I was out of bed and when I designd to have mett with severall of my neighbours. As ther coud be no legal warrand to seize me, the captain woud not tell me by what authority he came, but he promised to let me know the reason of his orders when I was in Edinburgh, and accordingly, when I was just entering the Castle gate, I put him in mind therof, and he told me that as M<sup>c</sup>kintosh had past the Firth that night and landed at North Berwick, the Goverment belived I had staid at home in order to join him, and had therefore given him orders earlie that morning to search for me. As this was the first account I had ever heard of M<sup>c</sup>kh> toehs design, I was much out of humour, as I thought it very odd that Captain Straton, who no doubt knew of the design, did not think fit to impart any thing of it to me when I told him that the

gentry of this country were shy to rise in arms till my Lord Marr had crossd Forth and eovul protect ther houses and familys, and that this attempt of M<sup>c</sup>kintosh's woud have affoorded ane argument to solve ther doubts and to encourage them; and indeed most of them have since declared solemnly that if they had known of it, theyd have lookd on it as the same thing with my Lord Mars having crossd; but afterwards, when I was taken up and that ther was no other person to

negotiate amongst them, every one was left to himself, and the country being in arms they could not singly get up to the Lord Kenmure; and if I had known any thing of M<sup>c</sup>kintosh, I would have taken care to prevent my being seized a second time. By all which it appears that it was not thro want of inclination, but with a design to serve the King, that I did not join in person, and that Captain Stratons reserved<sup>ness</sup> occasioned my second as well as my first confinement, and at the same time prevented a very considerable number of gentlemen well mounted and armed from being amongst the number of those who declared for the King.

I have great respect and will always honour all these worthy persons, who hazarded what's most dear to them, I mean their lives and fortunes, in their Kings and countries service, and tho I was not, for the reasons mentioned, personally amongst them, yet my inclinations and zeal do, I presume, sufficiently appear\* from my having at a considerable expence provided and set forth a troop, which, in respect of the goodness of the men and horses and arms, and being commanded by 3 brave experienced officers, besides severall private men that had served in the army and whom I prevailed with and engaged, at no small charge, to\* enter into that service, was reckoned the best troop in that little army, whereas the gentlemen who went out themselves on this expedition took only a very few of their domesticks along with them. And tho I was not tryed for my life and condemned, I suffered a tedious imprisonment (where I contracted a dangerous sickness occasional by bad accommodation and the unkindness of Brigadier Preston, a person that lay under the greatest obligations to me in Queen Anns time) and the Government left no stone unturned to make discoveries of my being an aider and abettor of what they called rebellion, having employed Sir William Meinzie to try if he could find evidence of my having bought and furnished horses, and offered Mr. Foulis of Ratho a pardon if he'd make discoveries against me, which he contemned and refused like a man of honour, and the other failed in obtaining what he sought after. And tho my estate was not forfeited, I was put to a great expence, besides the first setting out of the troop, in supporting and maintaining a great many of those that belonged to it and were prisoners, and enabling as many as I possibly could to purchase their freedom either before or after their transportation.

And lastly, I lost a brother who, had he lived, had been a credit to his country, being a person of great worth and merit. And I may be indulged so far as to be allowed to do some little justice to his memory, by taking notice that he dyed like a saint and hero. For at his tryall he

told his judges, that he was no officer under ther King, for the half pay which he received was only a recompence which the Parliament thought fit to give him on account of his having faithfully served Queen Ann, and therefore he was not legally subject to a court martiall; at the same time (and also after he was condemnd when they offerd to reprove him, if hed own he had been guilty of rebellion) affirming he had done nothing but what was his duty to his King and country. When he was led out to the place of execution, the of<sub>T</sub> ficers of the other side, who were his old companions, ownd he walkd with the same lively genteel air as he used at the head of his company, and having told them he was never affraid of powder and much less now in so good cause, he declined tying a napkin over his face, and having, with great devotion, recommended himself to God, he cockd his hat and calling on them to do ther last, he lookd death and his murderers in the face and received the shots which put an end to his dayes in the 25 year of Jus age\*.

L cannot perhaps justifie my terming those murderers who, being under command, were obliged to be his executioners, but I may very well apply that name to those who condemnd and orderd the sentence to be put in execution, seeing he was not legally tryd and convicted; for besides what he alledged for himself as to his not being ane officer, the Chancelor of England and some others, when his and the other 3 officers sentence was under the councills of Englands consideration, did declare that they did not think they were officers; and the Chancelor having askd at the Duke of Marlborrow if these half pay officers cou'd be members of a court martiall, by vertue of ther receiving half pay, tho ther commissions all ceased when the regiment was reduced, and being answered in the negative, he from thence inferrd and mantaind that neither were they subject to a court martiall, not being reputed officers, but gentlemen who received a military pension for ther former services, and His Lordship was therfore of opinion, that the sentence of the court martiall shoud be suspended and these gentlemen tryd by the ordinary judges, who woud not want ground sufficient to condemn them by the laws of the land in a legall manner. And for a furder proof that he cou'd not be lookd on as ane officer, he had forfeited his commission, if any such he had; for by a late Act of Parliament, all officers were required to take out new commissions under the Elector of Hanover within a time prescribed, otherwise ther commissions were declared void; and. he having done no such thing, had therefore no commission. These and the like arguments had no weight with this bloody Goverment, which wanted to make ane example of my brother and the 3 other gentlemen,

and the court martial was the quickest way.

\* Of this unfortunate sufferer for the Stuart cause, there is, says Granger, a print inscribed "Philip Lockhart, Esq. son of Sir George Lockhart, &c. by Philadelphia, youngest daughter to Philip, late Lord Wharton."—Editor. VOL. I. 3 S

I have now done, and I hope this impartial account of my behavior and conduct will leave no room for any credit to the malicious aspersions of my enemys, or those whod excuse themselves at my charge. I have the satisfaction to know that the Kings service was the only motive that induced me to be a Parliament man in 1703, and to continue such at a great expence for above ten years, and that I never had a veiw in all the publick transactions and affairs wherin I had any concern, but to advance his interest; and I give all the world a defyance to make one instance wher I ever spared my pains or my mony, stood at dissoblitgling my nearest relations (particularly the Lord Wharton my uncle who tis well known woud have done for me whatever I pleased or desird if I woud have concurrd with his measures) consulted my own private gain, or was backward to enter into any measure when his service was intended and likly to be promoted by it. . . ;

SPEECHES, LETTERS,  
&C.

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SPEECHES, LETTERS,  
&c.

A SONG

at the time of the invasion 1708, to the tune of "Britains strike -\n?••. ■ . home."

' i," i ■ ■;. ■ \* . . '

Advance illustrious JAMES the Eight

noW take possession of your right, Old ALBION for you declares,  
tor you declares,

the rebel rogues confounded are with fears.

• • • t . ■



SCOTLAND unite gainst all, gainst ail that dare oppose, Fight, fight and orecome your Kings and Countries foes.

SPEECHES IN THE BRITISH PARLIAMENT, 1709.

In the year 1709 the House of Commons having under ther consideration the papers relating to the invasion designd by the King upon Scotland, I spoke in the following manner.

Mr Speaker,

I Was in hopes to have heard some satisfactory reason to justify the conduct and proceedings of the Ministry with respect to the noblemen and gentlemen that were imprisoned in Scotland. But when instead therof I find those gentlemen, who seldome fail to put a good at least the best face on all the actions of the Ministry, fail so much on this occasion, I must conclude ther was; something else in view than the security of the goverment. Severall worthy members have spoke fully to what is singular in this matter, viz that no particular crime was laid to the charge of these prisoners from the begining to the end of ther confinement, and yet most of them were imprisoned long after the French fleet was beat off the coast and returnd to Dunkirk, and that they were at last led up in triumph to London, tho by the articles of the Union they must have returnd to Scotland tove been tryed, had ther been any accusation wherupon to found ane indictment against them. These and a great many other facts have been so weel spoke to, I will not insist upon them, but I must observe what fell from a noble Lord (Coningsby ane Irish peer) who spoke last. Every body knows hes a person of great capacity and so much confided in by the Ministry that without doubt he must be thorrowlie acquainted with the inclinations and tempers of Her Majesties subjects in all her dominions, and since His Lordship was pleased to assert that ther were ten times more dessaffected persons in Ireland than Scotland, I am readie to belive it. And if it be so, I woud gladly know why the Scots were handled after a more severe manner than the Irish, or if common prudence required it in the one case, why not also in the other. A rebellion in Ireland woud Ime sure be attended with equall if not more dangerous consequences than in Scotland, for the latter being on the same continent with England, might be more easily reduced, but the other being a distinct island was more exposed to the attempts of the common enemy and must have occasioned a great deall more trouble and expence, besides that tis inhabited by vast numbers of Papists and dissaffected persons, as the noble Lord represents it. Yet notwithstanding of all this the prisons in Scotland were crowded full of people who for the greatest part were qualified to the Goverment,

whereas in Ireland a few only of the most remarkable Roman Catholics were summoned to Dublin and admitted to bail. If this unequality of proceedings in the two countries is to be imputed to negligence and remissness, I must confess that in my opinion even that is a very great crime in the Ministry; but for my part I do not believe it lies there, and I am inclined to think and believe that none but one of the two following reasons can be given, viz, that the great riches which flowed to some persons by the last Irish war made them afraid of crushing the hopes of another in the bud, which would have deprived them of forfeitures and other branches of that beneficial trade; or, the kingdom of Ireland not being united to England and having consequently no right to choose members to sit in this or the other house, did not so much affect our Ministry, and occasioned the favour that country met with. If either of these reasons hold, I should be glad to know what security we have for our liberties or properties. Shall Ireland be given up and neglected in hopes the enemies of the present constitution may prevail with the Queen's subjects to rebel against her that their estates may be a prey to those who by deserting them were the occasion of their misfortunes? or shall Scotsmen be treated like slaves unless they knock under to the Ministry and choose such representatives to Parliament as the Court desires? Neither of these I hope will ever be admitted in this house, and therefore I cannot approve the Ministry's conduct during or after the time of this invasion.

An Act was brought into the House of Commons for paying the drawbacks for the salt imported into Scotland before the Union, which met with opposition, and occasioned the following speech in the year 1709.

Mr. Speaker, ,

I have listened very attentively to this debate and heard several arguments adduced, why in right reason the drawbacks should not be allowed on the exportation of such foreign salt as was imported into Scotland before the Union, and which was not liable to the high duties imposed since the Union. I have also heard several answers given to these arguments; but I stand up to affirm that if it be found, as it is most undeniably manifest, that by the articles of the Union the merchants have a right to demand these drawbacks and premiums, because on the very minute that the Union commenced there was an equality of trade with respect to export and import over all the United Kingdom, I say if this be the case, we are to suppose the Parliaments of the two kingdoms had enough of right reason to induce them to make this an article of the Union; and we ought strictly to obey the letter of

the law. Mr. Speaker, it was on the faith of the articles of the Union that the Parliament of Scotland entered into this intyre Union; and tis on the faith of those articles, that wee the forty five representatives of Scotland come to this House

and meet with you the five hundred and thirteen representatives of England. And as I must own this House hath done us justice with respect to our constitution, by voiding the election of the eldest sons of the Scots Peers, so I cannot doubt but wee shall likewise be supported and protected in what relates to trade; especialy when our demands are not against but agreeable to the articles of the Union. For now that wee are united, wee should reckon ourselves one and the same people and shun every occasion of giving jealousie to one another, and if wee designe to be happy, keep every article of the Union sacred and unviolable; the Union being like to a vault which is a foundation very strong and capable to bear a mighty structure, but the alteration of the least stone looses and brings the whole to ruin. And tho perhaps wee in Scotland may be the first sufferers, yet what calamitys may ensue and how far they may reach, no body can determine. The articles of the Union will appear plain to any person that considers them with a sincere design of improving them for the reall advantage of the united kingdom; but no doubt ont, any person who hath a bye view may raise a thousand difficulties and objections; for the very Bible itself, tho the word of God, is subject to such commentaries and glosses as make for the opinions or rather designs of different opposite factions. But I hope ther are no such here; and therefore I will conclude by affirming, that as the great advantage which wee were assured woud arise from the fishing was one of the cheif arguments to perswade the people of Scotland to come into this intyre Union, so the refusing to do them justice in this of the drawbacks will for ever discourage them from attempting the improvement of that trade, which yeilds so much advantage to other nations and woud likewise to every part of this, had wee the same encouragement and protection.

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When the House of Commons was on the Treason bill for Scotland, I spoke as follows. 1709.

Mr. Speaker I Do acknowlege that I am very uncapable to speak on this so nice a subject; but ther being some things in this bill which I woud gladly have explaind before I give my assent or dissent to it, I presume to trouble you a litle. In this bill it is plain that the Justiciary court in Scotland is subverted by the clause relating to the commissions of Oyer and Terminer which are hence forwards to take

place, since by the articles of the Union tis expresslie provided that this court shall continue. But gentlemen pretend to clear this point by saying that this court is nevertheless subjected to the regulations of the Parliament of Great Britain. Regulate indeed it may, but not overturn and confound; and the new buildings at St. James's may be as well calld a repairing of Whitehall, as this bill a regulation of the Justiciary; since tis obvious that both are equally erected on new foundations, tho indeed designd for the same purposes as the former. Gentlemen again tell us thers ane article which declares that all laws relating to publick policy may be made to take effect over all Britain, and conclude that nothing can be more necessary for the publick policy than to have the same species of treason and the same forms of tryall over all the united kingdom. That the same species of treason be extended over all, none ever opposed; but that thers the least necessity of altering the forms of either part of the united kingdom is denied. In the next place, this woud suspend that article which preserves the Justiciary court, unless gentlemen will say that a generall proposition can be construed as ane exception from a particular proposition; and it appears plain to me that the clause in the articles of Union which declares that the laws relating to publick policy may be extended, is as generall a proposition as can be laid down, and the reservation in favours of the Justiciary court ane exception fruni it. If I be mistaken, I wish gentlemen who understand gramar and good English better than I or any of my countrie can pretend to, vvoud be pleasd to set me right. And I woud gladly know, if the case be not as I have stated it, what was the use and designe of any of the articles besides those which united the two Kingdoms and Parliaments; for if the article which sayes that the laws relating to publick policy may be extended, be not a generall proposition, then all the other articles which were declared unalterable, were superfluous and to no purpose; and perhaps wee may hear that the publick policy does require that all the united kingdom pay the landtax after the same manner, be governed by the same civill laws and judged by the same judges, and so all the articles calculated and adapted for the conveniency of Scotland taken off the fyle at one dash. Sir, if this is the footing wee'r to stand upon, the greatest favour you can do Scotland is plainly to say so; and then perhaps a proposall may be made, which some gentlemen will I hope think necessary for the publick policy, that the forty five Scots Commoners be directed to stay at home, and not attend the service of this House. I shall readily go into this motion, for twill save our countrie so much mony as must be spent by our annuall attendance, and prevent some gentlemens being seized with the spleen when they hear any thing mentioned with relation to Scotland. I will summ up

what I have said, by declaring that without having any regard to the contents and design of this bill, whether it be for the benefit or disadvantage of my countrie, I must be against it, if tis founded on this maxim, that the article relating to publick policy is left as a backdoor to confound or overturn all the articles in favours of Scotland.

#### VERSES

addressed to Queen Anne, during Dr. Sacheverell's tryall. 1709.

Sacheverell Anna's fortune doth presage,  
As Laud did Charles's in the former age.  
The factious, when theyd monarchy suppress,  
The Monarch flatter, wheedle and carress,  
But all the Crowns true faithfull friends oppress,  
And having once monopolisd the powr,  
The Monarch next infalibly devour.  
Madam take heed, keep down those cruel foes,  
Such are not wanting as will them oppose  
And make them, what they think so certain, lose.  
But slip no time, the jest is gone too farr,  
Take a good heart and let them see you dare  
Declare yourself ane enemy to such  
As woud destroy the Monarchy and Church  
And ruin Britain, to make up the Dutch.

Behold the great effects of Phebus rays When he his glory to the world displays, Fogs, frosts and storms unto his powr do yeild And nature's works appear serene and mild, But then no sooner doth he disappear Than they return and boldly domaneer.

You'r the immediat Phebus of this land, All will obey if You will but command, The awfull lustre of the scepter will Disperse all tumults and all clamours still, But if below this horizon you stay, Your subjects will forget how to obey, And faction rule with ane impetuous sway. Then I'ie foretell the event of all the plot, Yourself, the Church, the State will go to pot.

## LETTER.


The Queen having dissolved the Parliament after its second session in the year 1710, discarded the old Ministry, and struck in with the Tories, I printed the following letter, to render the elections more favourable for the Scots Tories; in which I was oblig'd to disown and deny severall good things which they hop'd and expected from this change, thereby to elude the arguments the Whigs propagated amongst people misled by their fears and opinions, and at the same time advance severall doctrines and propositions no ways suitable to reason and my principles. This was entitl'd A Letter to a Lord of the Session.

St. Kilda, August 2d 1710. My Lord,

I Had the honour to rece<sup>v</sup>e yours and I perused and considerd the enclosed printed letter \* which you sent me, directed to a Presbyterian minister at Edinburgh, as seriouslie and impartially as possible; and without your express commands it had been too great a peice of presumption in me to have offerd you by this, my shallow judgement of it; but as obedience is better than sacrifice, I do not make any scruples to acquaint you that I humbly conceive that paper handsomely wrot and full of certain undoubted truths; such as—1<sup>mo</sup>, that the Queen (as all our sovrains) hath ane unlimited powr of dissolving Parliaments and of appointing continuing and changeing her ministers and officers of state as often and after what manner she in her great wisdom shall think fit, and that its ane hainous offence and presumption in any of her subjects to murmur on this account, especially because these repinings cheiflie proceed from the dissapointment of those who have been or woud be at the helm of affairs to gratifye ther own selfish sinister designs tho under the specious pretext of ther concern for the publick welfare, and because they directlie tend to disturb Her Majestic in that just serene mild and flourishing course in which she has held the administration of government since the commencement of her glorious reign to this very time. 2<sup>do</sup>, that ther is not the least reason to apprehend any danger from the dissolution of the Parliament, because the nation is at libertie to choose and instruct ther own new representatives to the next Parliament which none doubts must and will be appointed,—nor any ground to be allarumd from such ane alteration of the Ministry as is talk'd of, because wee have no reason to doubt but what the Queen does in this matter is for all her subjects good, as wee have undeniable proofs of her inclinations to make her subjects happy during her reign and to leave them in a flourishing condition at her decease; and wee cannot but in justice to her great wisdom conclude that as she is the

spring which moves all the engines of Government, the source from whence all resolutions and maxims of state arise, and the center in which they all terminate, she, I say, must be the best judge both of men and measures; and tis surely on this account that our laws have lodgd such powers in our sovereigns,—so that as the case now stands, wee may reckon ourselves safe in the Queen's hands, as she knows and inclines to do what is best for us.

\* Nota—This letter was belivd to be wrot by the Earl of Hay, and the Whigs endeavourd to answer it in severall pamphlets.



But to descend to particulars, I know you are so fond of our Revolution principles and constitution that you'r aflraid they be shaken and subverted both as to Church and State. For my part I cant see any grounds for these suspicions 5- if I did I woud be as much concernd as any other. As for the Church, so long as the Union subsists I think it must stand, and that no partie, tho never so episcopally inclind, will entertain a thought of subverting it, because the security and continuance therof is so fundamentall an article of the Union that it is declared unalterable and cannot be broke in upon without shaking nay demolishing the whole fabrick; for I cannot see but by parity of reason that article wherin tis agreed that the Scots shall pay but two months cess for one shilling in the pound on all the land rent of England and the other articles granting eases to the Scots in severall branches of trade and taxes, may be alterd by the British Parliament, if they can, or, contrary to faith, will make any alteration of the Church government in Scotland. And as a certain minister, after having preachd a learned sermon against Popery, did add that if it was introduced into Scotland it woud make many a poor lord and gentleman, and therupon concluded the Protestant religion secure, I on the same account do conclude the Presbyterian goverment secure, since the subversion therof woud inevitably open a door and affoord a precedent to strip the Scots of all the priviledges and immunitys they enjoy by the Union; for I never heard but that secular gain had great weight even in religious concerns. Neither do I fear the Presbyterian goverment in Scotland in any danger from England, because I cant conceive any alteration will be formd without the concurrence of at least a considerable part of the Scots nation (which for the aforesaid reasons will not I presume be easily obtaind) and because the security even of the Church of England, I mean the legall security, stands on the same basis with the Church of Scotland in the articles of the Union, and to oreturn them with respect to one, necessarily implies

that the other is subject in the like manner and lyable to the same fate, and so the Church of England is left to uncertainty, which no doubt the Scots nation and English dissenters woud improve and make ane handle of, when a fit conjuncture hapned. As to the State, I conceive the apprehensions of any danger to it are as frivolous; for as to the Queen, as she never gave occasion for such suggestions, tis but a sorry requitall \o load her with reflections, and I presume no person will be so hardy as to dare to own them; therfor the danger must arise from the change of the Ministry, the good inclinations of the old and the bad of the succeeding. Now before I consider these two points I must put you in mind that the Queen is still at the head of affairs, and as sl>e will not longer endure what perhaps she thinks amiss in the old, neither will she allow any measures to be accomplishd but what she approves of by the new Ministry, and on this account weer safe. But to come to the matter a litle closser; is our security lodged solely and cheifly in the old Ministry? if so, weer reduced to a low pass, consider them in the bulk or separately. Are they not men subject to the same passions, humours, ambitions, inclinations and appetites with other people? are their not amongst them many both Scots and English who did oppose the Revolution, made speeches and voted in both conventions against tl>e abdication and forefaulter of the late King James? Tis true when the Revolution prevaild, they got grace to repent, and struck in with the prevailing partie; but the question is, which I leave to the determination of all thinking and unbiassd people, did this proceed from a conviction of their error, or to gratifye ther private ambitious designs? Are their not severall in the old Scots and English Ministry who have been aspersed (I dont say justly, but as all the fears of the new Ministry proceed from suggestions and reports, what is sauce for a goose is also sauce for a gander) with being concerned in plots to restore the late King James and the Pretender? and did not many of these thwart and oppose the measures of King William as much as any set of men whatsoever? Whoever doubts the truth of these things let him read the history of the designd invasion from La Hogue noCmany years after the Revolution, and the history of the Revolution in Scotland by the Earl of Balcarras; and let him call to mine } the defenceless state

of the island, which appeard on the debate in Parliament occasiond by the Pretenders late designd invasion, and let him then form a judgement of the fidelity and care of the old Ministry and ther stanchness to the Revolution principles. I dont care for naming persons, but you may easily guess whom I point at, and I have heard it confidently averrd that the truth of all this generall charge may be



easily evinc'd from particulars which are well known to such as are conversant in publick affairs.

If you say the danger doth arise from the succeeding Ministry, why truly that is as obscure to me as any of the former; for in the first place wee dont yet know who all the persons are Her Majestie will employ. I am sure such as she hath promoted of late are no wayes to be feard, and I am as sure those spoke of to be employd and those who are said to be very industrious in opposing and crushing the old Ministry are as litle to be feared, since most of their persons or familys are so deeply dipt and interwoven with the interests of the Revolution, that it cannot enter into the heart of their greatest enemys to conceive how these can be enemys to this establishment or carry on designs to overturn it. But the cry is, O the Tories are coming in and the Whigs going out; and thats enuff to allarm the mob; but pray consider a litle, is it not certain that most of these Tories have given as great proofs of ther being stedfast to the Revolution as any other set? If thers any who have in their livetimes appeared otherwise, will not the same allowance of sincerity be granted to them as to the converts in the old Ministry? But to consider the Tories in generall, who was it that carried thorow the Act of Succession in the Protestant line and that for abjuring the Pretender, and then tell me who hath done most for the Revolution principles and constitution? Nobody will pretend but that the English Torys were the cheif and greatest instruments of bringing the Revolution about.

The ground of our fears proceeds from a notion (industriously but without ground propagated) that all the Tories are Jaco

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bites; the origine of that name was to distinguish those who were for supporting monarchy against the republicans, and tis upon this very bottom they still stand. They oppose the designs of all who woud strip the monarchy of its royall just and necessary prerogatives, and they defend the sovereign from the insults ' of arrogant and ungrateful 1 subjects and servants. And if this be the case, I am sure wee Presbiterians will never oppose such Tories, if wee woud have the world belive what is certainly asserted and alledged by us, tho wee have been often upbraided otherwise, viz, that our principles are not inconsistent with monarchy, and that ourpredecessours were not accessory to the hardships imposed on King Charles first by the Independents and other sectaries. Thers another mistake in the matter, which is this, that we belive the English Whigs are all good Presbiterians, and therefore weer uneasie that our bretheren shoud be

out of favour and power. But how great an error is this? Doth not twenty to one of them in their speeches and publick professions pretend to be true sons of the Church of England? Do they not frequent the churches (except such, and indeed these are not a few, who attend no religious assemblies at all) and maintain Church of England chaplains who use the English liturgy in their family devotions, and doth any of them scruple to communicate with the Church of England, on receiving a beneficial post? If these be our Presbyterian bretheren, I pray God deliver us from them, for at best they are guilty of the greatest hypocrisy and dissimulation imaginable in matters of the highest concern, I mean, religious, in the sight both of God and man. But the short and long of the story is this, the English Whigs generally speaking, for there is no rule without an exception, have no religion at all and are enemies to all revealed religion whatsoever, though they can above board cry aloud for the Church when 'tis their interest to delude the people, and underhand swear fealty to the Dissenters, not the Presbyterians singly, but all the Dissenters however

opposite, when they're to use them as tools and properties, which they've too, too often attempted with success. I don't deny but that there are many Presbyterians in England and as good men as in the world, men that abominate the principles and practices of the Whigs with respect both to religion and the state; but at the same time I may affirm there are a great many who pretend to be Presbyterians, that are greater enemies to monarchy and all monarchs, than is consistent with Presbyterian tenets. For these reasons I think neither the Church of Scotland nor the Revolution constitution in any danger from the designed dissolution of the Parliament and the alteration of the Ministry. If you ask me whence and on what account this change must then have its rise I answer, The Queen the best and only judge, and no doubt hath good reasons for it; perhaps the old Ministry was grown too saucy and imperious, and designed bad things; but if you'd have my private notion, I have a bad opinion of all statesmen, and I believe the mighty struggle and the many professions we've heard of late are only so many handles to promote the interest of the respective parties and sets of men, whose chief and only quarrel is about ruling the roast, and that if there was room for all, they would agree better; and if this be the case, I am very indifferent who be out and who be in, for 'tis the same thing to me and to my fellow subjects.

Thirdly, another undoubted truth in the letter which you sent me is, that there can be no danger from a dissolution of the Parliament and alteration of the Ministry at this critical juncture; for if we judge of

future events from bypast occurrences, it is very evident that as great changes have hapned in as criticall junctures without one word being said against them or any bad consequences following, and since nothing thats bad was or is designd, why are wee to dread now what did not occur before? For my own part lie be so bold as to say that I think such malicious suggestions and false reports as are now a dayes spread about, are very good arguments for removing those from all posts of trust who by themselves or partizans woud hector ther sovereign into a compliance with ther designs.

Fourthly, tis as certain a truth that it is bad policy in our Scots Presbiterians thus to foment jealousies against the Queen and fly in the face of her measures; it being undoubtedly ther interest to endeavour after the continuance of her favour and protection by a hearty submission to Her Majestie in all her lawfull and just undertakings. I have often heard it asserted (how truly I cant tell) that the Presbiterian clergys thwarting and bearing too hard on King James sixth during his minority and before his accession to the English crown, was the cause of his establishing Episcopacy afterwards; if that be true, let us not bring ane old house on our heads, by provoking the Queen to destroy us.

Thus, my Lord, I have enlarged on some of the heads contained in the letter which you sent me; and since I have proceeded so far on this subject, allow me your patience a Mtle longer. I think if this be so criticall a time as is represented, all Scotsmen shoud seriouslie consider what hath been hitherto the cause of their countries ruin and misfortunes, and avoid them for the future; and that these are our domestick animositys and divisions no body will deny. These were the cause of the civill wars in King Charles first's reign. These drew many fatall consequences after them during King Charles seconds government. These encouraged King James to follow the courses he split on. These occasiond the loss of Darien. These introduced forreign councells to intermedle in all our affairs. These occasiond the pretended necessity of entering into ane incorporating Union with England; and these still haunt us, tho wee were in hopes to be freed from them after the Union. Unanimity is the greatest blessing can attend a society; it makes it easie at home and gives reputation abroad. From hence wee expected great things after the Union; for wee did and had good reasons to conclude that if wee were unanimous amongst ourselves, the contending parties in England woud regard us; and tis plain wee might have done much at the beginning of this Parliament, as wee had the ballance in our hands at the tryall of the Westminster election, wher the Scots by joining unanimouslie carried

it against Sir Harry Dutton Colt (to let him see they resented the impertinent speeches he had made concerning them and their country in preceeding Parliaments) altho the Court and Whigs used their utmost endeavours to support him. But alas! how soon did they lose the golden opportunity, by dividing amongst themselves and entering into bad measures, for which they smarted soundly when the Treason bill came under consideration. However, what I have said is enuff to shew what Scotsmen should and may yet do if they please, I remember that I was told by a gentleman who was at London some little time after the commencement of the Union, that meeting an old English friend, he asked him how he liked the Union, and he replied very ill and cursed it heartily; but about the latter end of the first session of Parliament after the Union they met again, and then his English friend told him that now he liked the Union very well, for England was delivered from some dangers to which she was exposed from Scotland's being in a separate independent state, and he was not now apprehensive of any hazard from the unanimity of the Scots in Parliament, for he perceived the Scots were as great fools and knaves as the English members and as much at odds with one another, and so both countries on an equal footing;—the application is easie.

But the question is how to redress this grievance, and truly, my Lord, I know no way but that care be taken to choose such members of Parliament as will probably suspend all unhappy differences and animosities (which have byassed our inclinations and blinded our judgements these many years by past) and join heartily with one another for their countries service; and the only way to obtain this is that our shires and burghs (for I meddle not with the Peers) would endeavour to find out and elect as their representatives to the next Parliament,—men of honour and integrity and having a good character, and that whatever such persons private opinions may be in some cases civil or ecclesiastick, they will still prove Scotsmen and regard their neighbours and their countries prosperity;—men of estates, for as such have a stake to lose, they will not so easily be brought over by places and pensions, and will scorn dependance. And they must be careful not to elect—men that have given themselves up to ambition and preferred their own gain to their friends and country—men who have no principle, but have chipped about with every tide and wind—men who are picqued and chagred at the loss of a place or pension or whose chief design is to get or keep one —men who're in such a necessary state or post of dependance either on the Court or some subject that they dare not act as they incline to—men who have small estates to hold out the expences of attending the Parliament and

must therefore vote for their boardwages—and lastly—men who'r avowd enemys to monarchy. If these rules be observed in the choice of representatives in Parliament, I dont in the least doubt but a new Parliament will turn to good account, and prove both for the honour and interest of Scotland; and on the other hand, if these rules be neglected, w<sup>f</sup>ee'l continue despised, and entail misery on our posterity.

Before I end, your Lordship, I hope, will indulge me to exclaim against all undue intermedling in elections. A free Parliament is the bulwark of Britains liberties; and without a free election wee cannot have a free Parliament. Bribery has not yet reachd this part of the island, but weeve been too much of a long time accustomed to threats and other indirect practices from our great men and persons in authority; and what a scandall is it for our clergy, by interesting themselves so much, to be guilty of what they justly condemnd in the bishops, I mean meddling in state affairs! Besides, from what I have said before, it appears to be a bad policy and may meet them when they dont look for it. But I have been told some of your bretheren of the bench have also overshot themselves in this point, and (not to mention their private solicitations) that one of them\* presumd lately to threaten a gentleman with the loss of a lawsuit he had then depending, if he did not vote for the person he recommended. I hope this is not true; but if it be (and if he is guilty let him take it to him) give me leave to say, and I can give it no softer term than, that it is scandalous thus to pervert and make a tool of justice; and I think such a judge shoud at least once more be remitted to his studys; not to study the law but those other qualifications necessary to intitule him to the charactar of a just, equall and prudent judge. I am perswaded if such a matter was fairly represented and clearly made out (and if such practices continue either by plain threatnings or shrewd innuendos, no doubt in time they will) to the House of Commons, the person so accused woud pass his time but indifferently. And were I the person so threatned, as his blustering menaces woud give me a bad impression of the person and cause he thus recommended, and shoud make litle impression on me, I vow I woud endeavour to bring it to light, as a service done to my countrie. Besides, such practices are not only a publick noisance but are likewise a reflection on the judicature, and may endanger its constitution. I know your Lordship doth abominate such doings, and therefore I have takn more libertie with those that are obnoxious and richly deserve to be exposed.

I come now to beg your Lordship's pardon for so tedious a letter, and I know you'l excuse what is well meant, especially since your

commands gave the first rise to it. You dont, I flatter myself, doubt my sincerity, beeing free from all partiality and having

\* Sir Gilbert Elliot of Minto, who was remitted to his studys when he first attempted to be admitted ane advocate. >

no design nor veiw but the interest and prosperity of my native country. These every body knows are sufficient recommendations to your Lordships favour, which at all times will be very much valued and respected by

Your Lordship's most humble servant.

I printed the following pamphalet when Mr. Greenshiels' appeal was heard by the House of Lords. He was ane Epi«copall minister qualified to the Government and who prayd. for the Queen; nevertheless the magistrates of Edinburgh shut up his meeting house and imprisoned him. He brought ane action before the Lords of Session who justified his imprisonment, and therupon he appeald. The title was, A letter from a Scots gentleman in London to his freind at Edenburgh.

c:,, London, February 3, 17-f^.

By the date of this youl perceive I have made a pritty hasty journey betwixt this place and Edinburgh; and now tho Ive been here some dayes and conversed-with all manner of company, and have been present at some debates in both houses of Parliament, yet I rau9t confess I find it a hard task to answer your request of giving you a thorow information of the present state of affairs here; for by all the accounts I can learn, the designs of the leading ministers of^tate are as great a secret and as misterious as ever, and wee are in the dark whether weer to have peace or war. Thers no great appearance that any thing will be done this sessions to secure the Church or the Monarchy from being again brought to the low condition to which wee saw them lately reduced. And tho the late Ministry was complaind of because .the rnuagement of affairs was engrossd by a few hands, jet if whats reported be true, the fault is far from being mended, it being certain that few of those who have been advand of late to posts of power and profit or of the vast majority of the Church interest which prevails in the House of Commons, are let into the secrets of the cheif favourite ministers. The Church party resting satisfied that they have it in ther powr to do good when they please, seem to think that no more is necdfull at this time. From thence it is I

conjecture that there is not so much life, vigour or concert in the House of Commons as usual. But we hoped affairs would be long in this posture and that gentlemen's eyes will be opened to see the necessity of providing for their future security, against the attempts of our enemies who are not at all discouraged by their late disgrace, and that those who have been the chief instruments of this glorious turn of affairs will be more open and communicative when a proper occasion offers for putting what is certainly designed for the nation's good, in execution, that all who wish well to their Queen and country may have an opportunity to applaud their conduct; and it is hoped this happy time comes on apace, now that the two Houses are applying themselves to discover the mismanagements of the late Ministry in the prosecution of the war and application of the funds; and until they make some further advance on these heads I can say no more to you on this subject.

As to what concerns Mr. Greenshields' appeal, of which you were likewise desirous to be informed, I cannot give you a better account thereof than by relating, as far as my memory serves me, the heads of a conversation on that subject, to which to-day I had the honour to be admitted. The company consisted of several Scots and English noblemen and gentlemen, whose characters I need not give, because they plainly appear from their several arguments. One thing however I must previously remark, that though they did differ in their opinions and that from several distinct views on this subject, yet they all go on hand in hand and

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designe to maintain a good correspondence on all occasions for Her Majesty's service and that of their country.

The first subject of their conversation was on the points of law insisted on for and against Mr. Greenshields, in relating of which I need not be very particular, since you have often had your thoughts on them, and it is enough to tell you those who argued against him were beaten from all their strengths particularly—that this affair was not of such a nature as to be judged only by an ecclesiastical judicatorie, since it had no concern with any point of the government of the Kirk as by law established in Scotland, but was truly a civil cause, arising from the natural rights of mankind to worship God after any form not expressly prohibited by the laws of the land; and the sentence of the Presbitery of Edinburgh could never militate against him who was not of their communion nor under their jurisdiction further than the laws directed, of which the magistrates of Edinburgh took upon them to be

judges and to determine; and the Lords of session, by confirming their sentence of imprisonment, plainly proves that the case was civil and not ecclesiasticall, and from them regularly brought by an appeal to the House of Lords. The second point was whether the laws of Scotland do discharge the exercise of any religious worship save that of the Presbyterians; here it was obvious that the law, on which the sentence against Mr. Greenshields was founded, runs expressly against intruders into churches and uplifters of stipends or legall maintenance belonging to any parish, which includes Presbyterian as well as Episcopall intruders. And the reason for making that law was brought to remembrance, viz, that after Episcopacy was abolishd and many of the Episcopall ministers were turnd out of their churches by the legall authority, in the north of Scotland (wher you know the people of that perswasion are fifty to one) others of that order slept into the ministers houses with their familys, and preachd in the churches, to whom the people resorted and the heritors paid the stipend or legall maintenance, and woud not call a Presbyterian minister after the Presbyterian popular manner. To prevent this practice a law was made against intruders into churches, but by no means designd to hinder an Episcopall minister from preaching or praying in a private meeting house, and this being the only crime alledged against Mr. Greenshields, it could never come within the meaning of the law; besides, the law abolishing Episcopacy did only strike at that particular goverment in the Church, but did not pretend to divest that set of men of their spirituall charactars, so that—the third argument against Mr. Greenshields, that he was ordaind by an exauctorated bishop was ridiculed as inconsistent with the principles of Christianity and the dayly practice of the Church of England and the whole Christian Church in all ages, nay even of the Kirk itself since its last establishment in Scotland, which has admitted presbiters ordaintt by exauctorated presbiters and also presbiters ordaind by exftttctorated bishops, in severall instances.

These points being thus over, one\* of the Scots Lords told us that for his share he was very indifferent about Church goverment, but he and his family had been allwayes in good terms with the Presbyterian party, and they were usefull to him, and if he did not stand by them on this occasion wher they thought their honour as well as interest concerned theyd think he had deserted them and their cause and from henceforwards woud no longer be advised and directed by him, and therefore he must look to his own interest by opposing Mr. Greenshields. Why then, answered another Scots Lord, allow me to look to my interest too. I am in tH same terms with the Episcopall



partie, and besides, I do not think this a matter of indifferency, for I am in my conscience perswaded that Mr. Greensheelds hath been sore oppressed; but what is more, if he be not redressed, it will encourage the Presbyterian faction to continue nay increase ther persecuting tempers against the Episcopall ministers, so that in a short time none of that perswasion will be allowd to exercise ther ministerial functions; and thus all the laity shall be debarrd from serving God and receiving the Sacraments after ther manner and from such hands as ther consciences will allow.

\* The thoughts and proposal! of the Duke of *Argyle* and his party in the Parliament.

Here another Lord\* interrupted him, saying he must own what His Lordship alledged was certainly true; for it woud be of the very worst consequences if the House of Lords shoud ratifye the sentence against Mr. Greenshields; and on the other hand he was not desirous that this sentence shoud be reversed; for tho he was a Tory and would still support that interest, yet he had alwayes endeavoured to make use of the Presbiterians, and if this affair shoud go against them and he concur in it, they woud be disobliged at him for ever, and therfor he earnestly wishd that Mr. Greenshields woud drop his appeal. To which a Scots gentleman answered, My Lord, I think your argument is of a very strange nature; you'r pleasd to own yourself a Tory, but at the same time youd maintain ane interest amongst the Presbiterians; but pray, my Lord, shew me ane instance wher you or any of your kidney ever had it. Did they ever trust you or any other that was not heartily of ther principles and a freind to the good old cause? Did you ever, or will you ever get ther assistance at ane election of Parliament men? Are they not the best party men alive? Can they be made tools to serve any interest on earth but ther own? Has not experience often manifested these truths, and will you yet truckle under and trim with them? On the other hand, who but the Tories have supported you and your friends? State the case then; what if the Tories shoud resent your deserting them (*I say deserting them by being unactive in ther cause*) and be as much disobliged at you as the Presbiterians may be\*

\* The thoughts and proposal! of the Duke of Hamilton.

wher are you then? Will the Presbiterians trust you a bitt the more for that? No—they'l despise you, and no side will trust you for the future. Come, my Lord, lay your hand to your heart; matters are now so far advanced, thers no trimming; you and all mankind must declare for one side or t'other, so let justice and your own undoubted interest prevail and guide you in opposition to such far fetched and uncertain

views in politicks.

After this, an English Lord spoke to this effect: I have given a great deal of attention to what you my Lords and Gentlemen of Scotland have said on this subject, and I must own from what I can gather from your arguments that Mr. Greensheelds hath been ill used, and that to affirm the sentence against him would have bad consequences with regard to the Episcopall party in Scotland; but these I hope are so sincere friends and wish so well to the Queen and Monarchy, that they will rather bear their misfortunes patiently a little longer, than be the occasion of any disturbance to the Government at a time when affairs are in such confusion, the late happy changes in the Ministry not firmly settled, and so dangerous a war on your hands; and they have no reason to doubt but the Queen will take care of them when a proper opportunity offers; and therefore I wish Mr. Greensheelds were gratified with some equivalent, provided he would drop his appeal; for as I am unwilling the sentence should be affirmed, so I would not have it reversed, because we know the tempers of your Presbyterians, that on the least occasion they will throw off their allegiance, and I have been assured nothing would provoke them more; so that their opposing Her Majesties measures and even rising in arms against her would be a certain consequence of reversing the decree against Mr. Greensheelds; so much I think myself obliged to say as being amongst the number of Her Majesties servants.

All this time I sat silent; but observing that none of the others who were present inclined to speak, I addressed myself to the noble Lord who spoke last, in the following manner: Those who spoke before your Lordship have fully, I think, cleared the case as it stands between them; but I presume to take notice of what was hinted at by your Lordship. I find you fully satisfied of the justice of Mr. Greensheelds' case and of the concern all those of the Church party have in his fate, in short that by it they stand or fall; but from considerations (of which I will take notice before I end) you are pleased to wish he would be persuaded to drop his appeal, which you think would prevent all inconveniences on either hand; but believe me, that in this, you are far mistaken; for on the one hand the Presbyterians are not such fools, nor want they intelligence to know that this can proceed from nothing but faintheartedness and the present exigencies of the times, and they will rather be more arrogant and persecute the Church party to a greater degree, so that one part of your design will not take effect; and on the other hand those of the Episcopall party will certainly be of that ancient opinion, that such as are not for you are against you, and thus you will miss your aim, and gain friends on no side,

but displease both. Therefore the considerations that moved your Lordship to wish for such an event of this affair are, that to do Mr. Greenshields or rather the Episcopall party justice, would so irritate the Presbyterians that they would fly in the face of Her Majesties Government and even rise in rebellion; but believe me, and I appeal to my countrymen, that there is no such hazard. No, my Lord, the spirit of Presbitery does not rage as it did, the interest of the Presbyterian clergy is much diminished, nay it is so little that had it not been supported from England, it had long ere this dwindled into nothing in Scotland; and how could it be otherwise when not a tenth part of the nobility and gentry and a third of the commons are thus affected? Presbitery, my Lord, was established in Scotland in a time of confusion, and hath since been protected and cherished by our statesmen, whom the Presbyterians supported in their managing of the nation; and thus they played and imed

(would play into one-anothers hands, contrary to the inclinations of the people. But besides, the Clergy have not that credit they formerly had, and I dare be so bold as to affirm there is not one or at least very few who would leave their ordinary callings to shew their resentments against any measures to the prejudice of Presbitery; so that all these stories of danger are nothing but bugbears to frighten children and amuse strangers. And as to the Presbyterians their opposing the Queens measures, all here can bear me witness that tis not in their power to do it more zealously than they have done these twelve months by past. Did they not pray, preach, denounce anathemas, sollicite and use all indirect practices to influence elections? And the little success they had is an evident demonstration of the smallness of their power and the inclinations of the people. But if the case did not stand as I have represented it, yet your Lordships argument is wholly built on that pernicious doctrine of making much of your enemies and neglecting your friends; a doctrine that has been and will be at all times fatal to the Monarchy and all who advance it; a doctrine in which (pardon the expression) there is neither reason nor justice; a doctrine which, if observed in this case, must have this consequence, that for the future the Episcopall and Tory party in Scotland will never again exert themselves as they did at the last elections, since the consequence is that they must be given up for a prey to their enemies, who are also enemies to those who thus desert them. The changes and vicissitudes in this age are so great there is no sure game but acting honestly; and who can tell if the great majority of English members who are true Churchmen will last all the three sessions, and far less if it will appear in a new Parliament? And if the Tory party in Scotland be thus used,

you may depend on it theyl be at no pains for the future to mind the elections, nor any of ther number be at the charge and trouble of coming to London; so li at henceforwards Scotland will certainly send up forty five Covenanters, and what youl make of them is easie to judge, and how far they may come in time to cast the ballance no man alive can determine at this time of the day and in the present situation of affairs. In short, my Lord, before the elections, wee had all the fair promises imaginable from those in the Ministry, both English and Scots, that the Episcopall partie in Scotland shoud be protected, and ther never was a better occasion than this affair of Mr. Greensheelds to make good the same. His case is just, and the Ministry cant be bland; they did not introduce it; it was laid before the House last year whilst affairs were under another management; it now comes by chance to be determined under the present Ministers of state who are bound to do justice to all; and tis hoped the Church of England party wont stand neuter, but that the danger from which theyve been lately rescued will stir them up to have a more zealous compassion for ther afflicted bretheren in Scotland, and that theyl join in solliciting protection for them and in vindicating ther just quarrell; from all which I applaud Mr. Greensheelds' resolution and constancy in standing to his right, since the Church of which hes a member is so much concern'd in it; and I will not doubt but justice will be done him.

I had no sooner done than the Lord who spoke first told us he was as much as any man against oppressing the Episcopall partie in Scotland, and if Mr. Greensheilds woud drop his appeal, he woud undertake that the Queen woud give private orders to her servants in Scotland that they shoud not disturb the Episcopall meeting houses ther. To this, the second Lord who had spoke, replyed, the case before them was this, in a few words; either ther was or ther was not a law against Episcopall meeting houses; if ther was } he doubted much if any person woud advise the Queen to give such ane order; if ther was no such law, ther coud be no prejudice in declaring so, by finding that Mr. Greensheilds was illegally imprisoned; and this seemd necessary, because otherwise the Episcopall partie would still be on a precarious footing, exposed to the insults of every hot headed Presbitery, and in danger of being imprisoned by the priest-ridden judges when ever they thought it proper and safe. Then my Lord added, that for his part he cond not see that this was ane unseasonable time; this was ane old weather beaten argument, to put off any matter which was not agreeable; he thought it a very proper time, since the Queen, Countrie, Ministry and both Houses of Parliament were so much for favouring the Church; delays were dangerous, and he was alwayes for dping

right things when a right opportunity offerd.

After this the subject was changed, and wee soon separated. This may serve to let you know upon what grounds and with what veiws people move here in this affair; and as for my part in the discourse, Ime sure you know I advanced nothing but what is truth, and that the conslusions I drew will inevitably follow.

Remember me to all freinds. I am yours.

I printed the following letter, to convince the Scots that they could not expect good treatment from England, and of the necessity of breaking the Union. The title was, A letter from a Scots Gentleman residing in England to his freind at Edinburgh.

g. London June 12, in 1.

I Keceivd yours, but I must beg youd forgive me that I cannot comply with your desire of giving you my opinion whether or not the Union, after four years tryall, is most likely to turn to the advantage or prejudice of Scotland, for I have no mind to dip into such matters; and besides, they are so plain in themselves that one who runs may read them, provided he be acquainted with the transactions of the British Parliament; and since this will enable you or any other man to make a clear and full judgement of this matter, I will give you all the information I can, of every thing that past therin relating to Scotland. In doing wherof, you may depend on it I will assert nothing but such facts as can be attested by all who reside in this place and know any thing of the affairs of the world. But before I begin, I must advertise you that I will not concern myself with matters of Church goverment or party-bussiness, and therefore I will not say one word of Mr. Greenshields' affair or of the determination of the elections, nor will I give my opinion whether the Tories or Whigs are the best men, but confine myself altogether to the management of affairs with relation to Scotland; neither will I trouble you with ane account of the first session of Parliament after the Union in 1707.

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I will begin therefore with acquainting you that the new Parliament having met about the latter end of the year 1708, the Whig party was supernumerary in the respective representations of both Scotland and England, and its interest prevaild in both Houses of Parliament. At the comencement of this Parliament, the Whigs of both countries were very civill and promised mutuall freindship and assistance to each other. On the other hand, the English Tories, when they had occasion to mention the Union in ther debates, did declare that tho they were

against uniting the two kingdoms, yet since the Union was made, they would preserve the articles thereof sacred and inviolable and impartially protect and do justice to both the now united kingdoms. Thus, you see, both parties courted the Scots; and how well either of them made good these fair promises will afterwards appear.

At the beginning of this Parliament the strength of the English Whigs and Tories was so equal that the Scots had the balance and could give the majority to either side, which was evident on the tryall of the Westminster election. The Whigs and Court united and exerted themselves to carry it in favours of Sir Harry Dutton Colt, but the Scots (resolving to shew their resentment of some scandalous reflections Sir Harry had cast in a former Parliament on the Scots nation) did all (except Sir Gilbert Elliot who deserted his countrymen) oppose him, and, by the addition of their number to the English Tories, carried the election in favours of Mr. Medlicott, by a majority of twelve voices. This was a happy occasion to have got something done for the good of Scotland; for it will evidently appear that the best political maxim the Scots can lay down in Parliament is to join with the weakest party in the elections and keep the power of the contending parties as equal as possible, that so the Scots may have the balance and be respected by both. But the Scots took other measures, and soon lost this golden opportunity; for after this election was over, they ran into the Whig elections, turned out of the House forty Tories and Country or (as others called them in opposition to those who went along with the Court) staunch Whigs, and brought in the like number of Court Whigs, who becoming thereby so very strong and numerous in the House that they needed not the assistance of the Scots, acted a part quite opposite to their fair promises at the beginning. For by them a bill was brought in under the specious title of rendering the Union more complete, the purport of which was to abrogate the Scots laws and forms of tryall in cases of high treason and impose those of England for the future. The Scots unanimously opposed this, alledging that by the articles of the Union the Court of Justiciary was expressly stipulated to remain within Scotland as it was then constituted by law and with the same authority and privileges as before the Union, which was not performed if the Sovereign was empowered to appoint a commission of Oyer and Terminer (that is a particular number of such persons as the Sovereign pleases to sit and judge with one or more of the Lords

of the Justiciary); it being an evident diminution of and encroachment upon the power belonging by law to the Lords of Justiciary. They further objected it was a breach of the Union (by

which the Scots laws were reserved intire) to impose the criminall laws of England on Scotland, and that from thence great inconveniencies woud happen, the Scots judges, lawers and every other body being wholly ignorant of the nature and extent of them; and therefore the Scots desired that those laws which were to take place for the future shoud at least be expresslie enumerated, in order that ther lives and fortunes might not be tryed and exposed by old, unknown, obsolete laws, of which thers plenty in the English statute books; but this was denyd them. These and many more such arguments did the Scots urge against this bill; nay some of the best and most eminent English lawers did maintain that the Scots laws were in many cases preferable to the English, and desired that if ther was a necessity for a coalition of the laws, the English woud take what was good in the Scots law and add to ther own; but all that was said (and particularly by Sir David Dalrymple and Mr. Dougall Stuart with great learning and eloquence) signified nothing; down the bill must go, and was accordingly crammd over the Scots throats. It was remarked that the English Torys stood very firm to the Scots in all this matter; but not so much as one of the Whigs, whom the Scots had assisted or rather enabled to carry ther elections in the House, appeared for them; one and all of them having alwayes voted against them, which, as was reported, made many of the Scots repent, when too late, that they had gone so plumb, right or wrong, into the Court and Whig elections. Some did also say, how true I cant assert, that this affair occasiond a great alteration in the minds and opinions of the Scots members with relation to the Union; many of those who had been zealous promoters of it, openlie and avowedly pretending to regrave the same, of which number, Sir David Dalrymple was the most remarkable, with regard both to his charactar and the sincerity of the repentance which he professd.

Every body knows with what difficultie the Scots prevaild with the Court to allow them the drawbacks for fish exported from Scotland since, and cured with salt imported before, the Union, tho the articles therof were express that from and after the twenty seventh of May 1707, a free communication of trade and commerce betwixt the two kingdoms shoud take place and that the drawbacks stipulated in the articles, without any limitation or restriction whatsoever, shoud be paid out of the customs for all fish exported and cured with foreign salt, so that it was hardly worth England's pains to grudge so small an advantage which necessarily arose as a consequence of two independent kingdoms being united in a mutuall communication of all priviledges belonging to trade; and tho indeed the Parliament did at

the long run condeshend to pay these drawbacks, yet ther wanted not such who pretended the compliment was spoild by being done with so bad a grace.

The next session of this Parliament was cheifly takn up with Doctor Sachevereirs tryall; so that litle or nothing either good or bad was done in Scots affairs; and now I come to the next Parliament, at the,opening of which, the English (now prevailing) Tories did assure the Scots that they need not apprehend the least hazard of ther being used in this as they were in the last Parliament, this being a free Parliament consisting of landed gentlemen, who woud impartially do justice to all parts of the united kingdom. After what manner they performd these fair promises, ane account of what has since occurrd must direct you to make a judgement.

The first thing of moment which particularly concernd Scotland was the imposing a duty, to last for thirty two years, on all linnen cloath exported from Britain. Mr. Baily of Jerviswood and Mr. Smith the representative of Glasgow opposed it, urging that besides the bad effects in generall which attended the imposing of dutys on the export of the manufacture and produce of any countrie, this tax did in a particular manner affect Scotland; for tho litle or no linnen cloath was made in and exported from England, yet linnen cloath was the staple and cheif commodity of Scotland and of the same regard ther as woolen cloath in England; and as it was a constant maxim, never to impose any dutys on English woolen cloath, it was hoped and but reasonable that the Scots linnen cloath, now that the two kingdoms were united, shoud meet with the same encouragement. This and a great deal more was said to satisfy and convince the House that this tax woud particularly affect and highly prejudice the Scots, whose woolen trade being ruind by the Union, had litle besides ther linnen cloath left to support them. Wherupon Mr. Harley, then chancelor of the exchequer and since Earl of Oxford, spoke to this purpose; that he wondered the debate shoud last so long, “for have not wee (meaning and pointing to the English) bought them and a right to tax them? (meaning the Scots) and for what purpose did wee give the equivalent?” To whom Mr. Lockhart of Carnwath replyd thus; that he was glad to hear a truth, which he had always belivd, at length come out, and the honourable gentleman, who spoke last, acknowledge that Scotland was sold; but he admired to hear him who had such a share in the buying of it, say that the equivalent was the price, since it was certain and no secret that the equivalent was paid as a sum correspondent to what the Scots customs and excise were to pay of the English debts contracted before the Union; so if Scotland was bought



and sold, it must be by a price not yet come to light, and he should be glad to know what the price amounted to and who the persons were that received it. Then he added, that before the Union the Scots were made believe great things would attend the communication of trade; but thus to burden the export was wholly to deprive the Scots of all advantages arising from it; that it appeared from the fourteenth article of the Union (which he called for and was read) that it was understood and taken for certain that in the imposing of taxes for the future a due regard would be had to the circumstances and abilities of each part of the United Kingdom; but this tax on the linnen cloath did wholly, at least chiefly affect Scotland and that even in its most tender part, which no doubt the Scots might have prevented by making a better bargain; for he did believe the English would have exempted the linnen cloath from all duties, and given the same encouragement to it as to woollen cloath rather than have lost the Union, but the Scots trusted this and much more to the honour and justice of the English; and what in all probability would be the consequences of such faith was by this and some former proceedings too apparent; that however he was glad gentlemen spoke plainly, for thereby the Scots saw what they were to expect, and it justified those who had opposed this scandalous and pernicious sale of their country.

The result of these debates was that the duty must be imposed; but because the piece of cloath thus taxed was understood to be forty yards long, and that the pieces in Scotland were frequently but about ten yards long, a clause was added to relieve the Scots, by indulging them so far as to allow them to pay proportionably for the length of the pieces; and this was even looked upon, by some of the English, as a very singular favour and remarkable instance of their justice. /

The Scots, notwithstanding of what had implied in this affair, believing that in other matters which did not interfere with the particular interest of England, if they could propose any thing for the advantage of Scotland the same might be favourably enough received, resolved to bring in some bills to the House for that purpose. And first, a bill was moved and presented by Mr. Yeaman, representative of Dundee, to regulate the making and working of linnen cloath in Scotland; this bill directed the lengths and breadths; prohibited several abuses in bleaching, appointed stamp-masters in burghs and shires to revise and affix the publick mark on all cloath exposed to sale in publick mercats, and strictly discharged the exportation of linnen yarn into Ireland or other places. For a long time the bill went on very easily; but when afterwards the House came to consider the report of the committee to which it was referred, it met with a

considerable opposition from all who had any concern in Ireland. On this occasion these gentlemen argued that the English Parliament having discharged the exportation of woollen cloath from Ireland had ruind the woollen trade ther, but, as ane equivalent for ther great loss, did promise and had ever since on all occasions given encouragement to the linnen manufacture in Ireland; that the Scots linnen yarn was usefull to Ireland, and therefore the bill ought not to pass. To these, Mr. Baiiy of Jerviswood, Mr. Carnagy of Boisack and Sir Alexander Cuming spoke very fully, repeating the arguments I mentiond before in the debate upon taxing the linnen cloath, and adding that since the Scots demanded nothing from Ireland, twas hard they shoud not be allowd to preserve the manufacture and improve the product of ther own countrie; that the consequences of this clause coude be no new disadvantage to Ireland, as the exportation of linnen yarn had been long ago prohibited by the Scots laws. Sir Gilbert Dolben answered, since the laws of Scotland were already against the exportation, what was the need of this clause? Mr. Baiiy replyd, twas no new thing, but the daylie practice of this House, to revive and confirm standing laws; and Mr. Lockhart added that perhaps it was a question if the article of the Union wherby the Scots were subjected to the English regulations of trade did not repeal this Scots law, and if so, it was but just it shoud be revived; but supposing this law was not repealed, the Scots customs since the Union had cheiflie been in the hands of English officers, who for the most part were such a scandalous crew (being generally the very scum and outcasts of the people) that few or none of them did or woud understand how to execute a Scots law; but it was to be hoped theyd have some more regard for a British act of parliament. He admired to see so much opposition to so modest a demand, that he alwayes knew and belived Scotland, as the youngest sister, was to yeild to England, but he hoped she might have stood her ground against Ireland, but now he saw this and his other mistakes woud be soon cleared. Mr. Manley then spoke to this effect, that the sum of this debate amounted to this, that whatever was or may be the laws of Scotland, yet now that she was subject to the sovereignty of England, she must be ruled by England's laws, and Ireland must not be ruined to humour a few North British members. As he proceeded, Mr. Lockhart interrupted him, calling him down to order, and saying he had dropd ane expression which never was nor woud be fact, for Scotland never was nor never woud be subject to the sovraignty of England; and since the Union, ther was no more a sovereignty of England than of Scotland, existing; both these previous independent and distinct soveraigntys being now consolidate into the sovereignty of Great Britain; that he had often observed gentlemen, when they

spoke, did mention the trade, libertie, &c<sup>a</sup> of England, which he was inclin'd to believe had proceeded from custom and inadvertence; but now that he had reason to suspect that some gentlemen did think the interest of England comprehended all that of Britain or at least that the other parts thereof were not to be much regarded, he was oblig'd to interrupt such as spoke in a style contrary to the articles of the Union and the present constitution of this parliament and kingdom. After this, the question being put if the clause prohibiting the exportation of yarn should stand part of the bill, it carried in the affirmative, which was chiefly owing to the courage and unanimity of the Scots during the debate. • . .

The gentlemen, who oppos'd the clause, finding how matters Vol. i. 3 z

were likely to go in the House of Commons, delay'd offering a clause in favour of the Irish cloath, resolving to push for it and to endeavour to reject the clause against the exportation of yarn, when the bill should be before the House of Lords; and accordingly when it was under their Lordships consideration, some of that House repeated over the substance of what was said in the House of Commons, the sum whereof amounted to this, that the kingdom of Ireland must not suffer for the sake of Scotland or (as the Earl of Sunderland term'd it) a Countie of Britain. What the Scots Lords said in behalf of the clause was little regarded, which was altogether their own fault, for they had the ballance betwixt the Court and Whiggs, this Parliament, in their hands, and might have made themselves valuable and done good things for their country. If they had improv'd this opportunity to resent the bad treatment which their country received, both it in gene\*ral and themselves in particular woud have fared the better for so doing. But to leave this digression; after some further debate, the question was put and the clause rejected; and the Irish patriots, not satisfy'd therewith, offer'd a clause, as aue amendment, to this effect and with this preamble, Whereas the encouragement of the linnen manufacture in Ireland was highly for the interest of that kingdom, be it enacted that the libertie to export linnen cloath from Ireland to the plantations be continued for six years after the expiration of the five years yet to run of that priviledge granted to Ireland by Parliament. The Scots Lords argued that this priviledge was granted before the Union and should not be renew'd and prolong'd, being inconsistent with the communication and equality of trade stipulated by the Union, since to allow the Irish cloath to go to the plantations duty-free whilst a duty was by this very Parliament laid on Scots cloath for thirty two years, was in effect to discharge the linnen trade of Scotland altogether; that

this clause was foreign to the bill to which it was proposed as an amendment, the title and purport whereof was for the improvement of the liimen in Scotland, and such a clause would be reckoned a tack by the House of Commons; and that if the Irish had any thing to propose for themselves, it should be in a bill by itself and not added as a clog to a bill calculated for Scotland. But all that was said signified nothing and was to no purpose; the question being put, it went in the affirmative, not above six or seven English Lords voting against it. Very soon thereafter the bill with these amendments was sent down to the House of Commons; but the Scots, resolving that it should not pass thus amended, and fearing they should not be able to get these amendments rejected, prevailed to have the consideration thereof put off to so long a day that the Parliament would be prorogued before the day came on; and so the bill was lost.

Another project in favour of Scotland was to have an Act passed giving encouragement for naval stores brought from thence to England, as was allowed in the like cases from America; and altho it was represented that it was highly reasonable to encourage the improvement of the product of the kingdom, that it was no loss but rather an advantage to England that her money went to Scotland rather than America and the Northern kingdoms, and that without such encouragement it was impossible to bring this work to any account, the mountains and roads where these trees grow being impassible without great charges bestowed on them, yet the bill, after it past the House of Commons, met with such rubs and was clogged with such amendments in the House of Lords, that when it came down to the House of Commons, the Scots were glad to drop it this session and move no further in it. Thus the linnen and woods of Scotland met with the same fate; however in a session or two thereafter these bills regulated and clogged according to the humours and purposes of the Irish and English, were enacted; the Scots making the best they could of the ill state and condition they had brought themselves into.

So much for trade; and now let us see what was done in relation to other matters. The Scots brought in a bill for regulating their elections, to prevent the tricks and frauds which had been practiced since the Union, which bill got a first and second reading and was committed; but the Scots could never prevail, tho they often required, that the House would resolve itself in a committee of the whole to take it into consideration, the order for that purpose being postponed from day to day, and every little trifling affair relating to England or the meanest Englishman being preferred to it, and the bill left unfinished, and so did not pass till the last session of this Parliament.

A petition being presented from the Commissioners of the Equivalent setting forth that they had expended the whole equivalent money and praying their accounts might be stated and examined in order to their being discharged of their intromissions, the same was remitted to a committee, from whom Mr. Lockhart reported that great inconveniences and charges appearing to arise if the vouchers of these accounts were brought from Scotland to London, it was the opinion of the committee that the Barons of the Exchequer in Scotland should be empowered and appointed to state and examine these accounts and make their report to the next sessions of Parliament. To this the House of Commons agreed, and a bill for that effect did pass that House, but the Lords rejected the same and ordered the Commissioners of the Equivalent to attend the next sessions with their accounts.

But now I come to the most surprising step of all. About the latter end of the sessions one evening when the House had sat late and few of the members were present, Mr. Lowndes, secretary to the Treasury, proposed a clause to be added to the lottery bill, directing such salaries as Her Majesty or her successors had or should appoint to the officers for managing of the Customs and to the Judges of the Session, Exchequer, and Justiciary in Scotland to be paid out of the produce of the Customs of that country preferable to the drawbacks on trade. And here, by the by, I must inform you that, by a law past in a former session of Parliament, the Scots merchants are declared to have no right to demand their drawbacks out of the customs arising from the British customs in general, but only out of the Scots customs, which was directly opposite to the article of Union by which the communication of trade was set on the same footing. Mr. Lockhart was the first who opposed this clause, affirming that if it passed, the fishing would be entirely ruined, for the duty on salt imported was so high there was an absolute necessity of drawbacks on the fish cured with that salt and exported, otherwise all the world would undersell them; and as the customs in Scotland were managed with extravagant salaries and superfluous offices, the produce thereof amounted to so little that if the salaries of the judges were preferred, there would be nothing left for the drawbacks, and there was no other fund for paying them. He added that by this clause the salaries were in the Sovereigns power to be augmented without limitation, and a bad Ministry might easily swallow up all, to gratify their friends; or if some people who shew very little inclination to favour, nay, to do common justice to Scotland and opposed every measure which promoted the interest thereof should happen to come into the Ministry, the Scots had all the reason

imaginable to expect this power would be executed with an intention to exclude the drawbacks and consequently ruin the Scots fishing trade. He represented that the salaries of the Lords of Session had been lately augmented considerably above the double of what they had before, for reasons that were not known, and altho that Judicatorie had as much credit, and justice was as impartially dispensed when their salaries were not so great. But if all that was reported be true, he saw no reason that the trade of the nation should be prejudiced in favour of a set of men whose merit in this particular did arise from their assisting or coniving at a late measure which tended directly to the ruin of their country. Mr. Baily said he observed gentlemen were sometimes for /

acting as if the two kingdoms were united, at other times as if they were not so, and particularly on this occasion. From the nature of the Union he always understood that the civil list of Scotland as well as that of England became part of the civil list of Britain; but this clause tended to make a distinction which, on other occasions where taxes were to be imposed or any thing got from Scotland, was constantly avoided. He did not conceive how gentlemen could put matters on such a footing as was proposed; for if this should take place it was as much as to say that if there should happen to be no produce of customs in Scotland, that country should be deserted and no Courts or Government maintained in it. These he thought odd doctrines and unaccountable proceedings, and he could not comprehend what gentlemen were driving at, but wished they would explain themselves, that the Scots might know what they were to look for. Mr. Lowndes answered that there was nothing new in this clause, for the Lords of Session before the Union had a right to a part of the customs for their salaries; and Sir Alexander Cuming replied that they had not a right to a part of the customs for their salaries, having only a part of their salaries paid out of the customs, and that it was a very small part, there being a fund or stock of money appropriated for paying the remainder and which still continued under their own management; but what was demanded now was an additional salary according to a new establishment and should be paid out of the funds given for the civil list of Great Britain and not by tearing from the merchants what they were legally intitled to. Many of the English joined with the Scots against this clause, saying this might turn a bad precedent, and that the merchants had a right to the drawbacks, the customs being burdened with the payment of them, and when they received them they got nothing but what was truly their own property: besides, most of the branches of the customs were appropriated as a security to such as had

advanced mony on their faith to the publick; and to apply them otherwise was to lessen their funds of payment. After which the clause was rejected, and the totall ruin of the Scots fishing prevented. If you want to know what induced Mr. Lownds to make and press this motion, the best account I had of it was that the Scots customs by mismanagement amounting to no great matter and not being sufficient to pay both the salarys and drawbacks, if the salaries were preferd, the merchants were not intituled to demand their drawbacks out of the English customs, but if the salaries were postponed and remaind unpaid, the funds allotted for the civill list were liable to make them up; and this was ane handsome contrivance to save so much mony to the Government, as the drawbacks were unpaid, and at the same time ruin that branch of the Scots trade, which Mr. Lownds and many of his countrymen shewd on many occasions was very agreeable to them, even wher it did not interfere with England.

I had near forgot to acquaint you of a very unaccountable accident; when the House of Commons voted a duty on coall exported from Britain, ane exception was made in favours of coall exported from the west of England to Ireland or the Isle of Man, declaring that such coall so exported shoud pay a much less duty. Wherupon Doctor Oliphant, who represented the burghs of Air, Irvine &c. moved that this might also extend to the west of Scotland, by changing the words west of England to west of Britain, which was agreed to and in these express terms reported from the committee of the whole House and approvd of by the House itself. But when the bill was engrossd and read a third time (during which thers usually so much confusion and noise that no member can hear one word thats read) the Doctors amendment was left out, and the exception ran only in favours of the west of England and was in that manner sent up to the House of Lords, past also in that House and afterwards received the royall assent. Some considerable time after this, the Doctor by chance reading the printed act discovered the fraud and complaind therof to those who had the management of the supply bills (from whom at first he got cold shuffling answers) and afterwards to the House itself; and it being of so dangerous a consequence thus to make alterations in the engrossing of a bill, the House was inclin'd and did afterwards rectifye the mistake (if it deserves so easie ane appellation) by explaining it in favours of the west of Scotland, by a clause in a subsequent bill. I calld it a mistake, but ther were severall who belived it was a wilfull one, when they considered how averse the Courtiers were at first to extend the exception to Scotland and afterwards to rectifye it when discovered and complaind of. And I have heard some of the

experienced English members say, had the clerk or any other person done the like to any English members, it had not past without a severe censure at least. However it is hoped this accident will have this good effect, that the Scots members will be on ther guard and take care not to be catchd napping.

Thus I have given you a short account of what was most remarkable in Parliament with relation to Scotland, and I refer it to yourself or any impartiall man if I have not made out what I asserted in the beginning of this letter, that ther was no difficulty in making a judgement of the consequences of the Union as to Scotland; and so I leave you to make your own reflections.

The Scots representatives are not to blame that nothing has been done as to their country but imposing of heavie taxes; forty five may propose and debate, but cannot out cry and out vote five hundred and thirteen.

If you ask me how the Scots members were used by the English, I answer you, very civilly in common conversation and personally on private occasions; but this short account will instruct you what regard was had to them in generall as the representatives of Scotland; and I must here take notice that some people observed Mr. Bromley, the Speaker, behaved with some partiality towards the Scots, endeavouring at all times to put off Scots business and showing an unwillingness to allow the Scots members to speak; which was thought the more strange and was the worse takn that they had been so very civilly nay kindly used by Sir Richard Onslow his predecessour.

If you ask me funder whether I think the Whigs or the Tories are most enclind to favour Scotland, I reply that I look on it as a needless question after you have perused this letter; but to satisfye you for once I will tell you that in truth I belive ther is not a bit of odds betwixt them; and so I bid you heartily Adieu.

P. S. Since I wrot what is above, a very remarkable peice of news is come to my knowledge and which is well worth communicating to you, and tis this. You may remember wee heard long ago that the Duke of Hamilton aimd at being a Peer of Great Britain, and lately that the Queen had resolved to grant his desire and had orderd his patent to be drawn. This was no sooner publick than the greatest part of the English Peers (Whigs and Tories) exclaimd against it, declaring ther resolution vigorouslie to oppose his admission when introduced to the House of Peers, and for that reason it was thought proper to delay the taking out of his patent this session of Parliament, in hopes that the English Peers might be brought to a better temper by the next.



At first veiw you may find some difficultie to discover the reasons that movd the English Peers to make this opposition, or conclude it did arise from some particular grudge and picque at His Grace of Hamilton: but as that by no means is the case, I will tell you that I have good grounds to belive it doth only proceed from a dislike to the Scots Peers in generall and ane unwillingness that any more of that nation shoud be admitted into that House; and to justifie themselves they alledge that by the treatie of Union the Scots Peers gave up all ther title claim or priviledge .of Peerage which then or in all time coming did or might intitile

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them to ane hereditary right of sitting- in Parliament, resting<sup>s</sup> sa<sup>a</sup> tisfyed that the Scots Peerage in generall shoud for ever be represented by sixteen of ther number chosen by themselves for that purpose, and that being thus divested of ther hereditary right, and another rule or constitution establishd in its room, they are uncapable of having it restored unto them; and they add that to make any of the Scots Lords Peers of Great Britain was to give them a greater share of the legislative authority than was designd and stipulated at the Union.

To this it was replyd that the Queen was the sole unlimited fountain of honour and coud bestow the same after what manner and on whom she pleased; that the Scots Peers did not divest themselves of a capacity to be created Peers of Great Britain, having only condeshended to suspend ther right of sitting in Parliament as Scots Peers and that as such they shoud be represented by sixteen; but that how soon the Queen created them PeeFs of Great Britain, they relinquished ther right to represent or be represented as Scots Peers in Parliament, which was doubtless the sense of the Parliament when they enacted that no Scots Peer, after being a Peer of Great Britain, shoud have right to vote in the election of the Scots Peers to represent that body, by which (tho many indeed of the Peers protested against it in the case of the Duke of Queensberry) it was yeilded that a Scots Peer was in capacity to be created a British Peer. To the other part of the argument, that ther coud not be above sixteen Scots Peers in the House of Lords, it was answered that as the Scots Peers, so created, did not sit as Scots but as British Peers, ther was no exclusion of them on a nationall account (as they did not pretend i)ut Scots Commoners might be created Peers) and if this maxim of confining the Scots Peers, as Scotsmen, to this precise number of sixteen was laid down, it followd of course that none coud be added to the precise number of the English Peers which subsisted at the commencement of the Union; it being unreasonable to affirm that the number of the Scots Peers

must not, but that the number of the English Peers might, be increased; for the framing of this constitution was proportiond by a certain rule which neither side must encroach on. The quota of the representatives of Scotland in both Houses was calculated and fixd according to the proportion which the revenue of Scotland did bear to the revenue of England, after the following manner. As the revenue of England is to the revenue of Scotland, so is five hundred and thirteen (the number of the English Commons in Parliament) to forty five (the Commons of Scotland); and as five hundred and thirteen is to forty five, so is one hundred and seventy nine, the number of English Peers, to sixteen, the number of Scots Peers to sit in Parliament. Tis true, by the exact proportion the Scots shoud have been no more than fifteen and about seven tenths; but the English allowd a Peer for this fraction, which made the number sixteen; and this I think was the only point of favour which they veilded to the Scots during that treatie. Now this being the case, as the Scots must not encroach by ther number on the English Peers, so neither must the English by ther number encroach on the Scots Peers or ther representation, but both must stand as they did at the commencement of the Union, for ever. Ther must be no more than sixteen of those who were Scots Peers before the Union and the exact number of English Peers that were created at that time, otherwise ane encroachment is made on the proportion which the Peerage of the two kingdoms was to have for ever in the House of Lords. The consequence of this maxim is that therby the Sovereign in all time coming is stripd and divested of ane undoubted prerogative of the Crown, *viz*, the creating of Peers and calling any to be members of the Grand Councill; and it is obvious this was not pretended nor understood nay nor designd at the time of the Union, as it is too certain that severall of the Scots Peers were cajold and amused with the hopes day assurance of being British Peers, and that it

is provided that the Scots Peers shoud have “the rank and precedence of all British Peers of their severall degrees, to be created alter the Union; by which it is plain that ther was a possibility or rather probability of encreasing the number of those Peers which were to sitt by a hereditary right in Parliament; which is inconsistent with the aforsaid rule of proportion.

This is the best account I have had of this matter; how the Scots Peers will relish it I cant tell, and so I leave them to chew ther cud

upon it.

I printed the following letter at London, to pave the way for the Toleration; the title was A letter from a gentleman in Edinburgh to his freind at London, giving an account of the present proceedings against the Episcopall clergy in Scotland, for using the English Liturgy ther.

c: Edinburgh 19 November 1711.

You obligd me extreamly last year by the account you sent me (in your letter dated third February, 17 ) of a conversation between some Scots and English Lords and Gentlemen concerning Mr. Greenshields' appeall which was at that time depending in the House of Lords. In return to so great a favour I think myself bound to give you an account of whats remarkable in this countrie; and not to detain you any longer with a preamble, I shall in the first place take notice, that as the issue of Mr. Greenshields' appeall provd very agreeable to those of the Episcopall perswasion, because for the future they expected to be delivered from the tyranny and oppression of the Presbiterians, and not be disturbed in ther worshiping of God after the manner which ther consciences did direct, that is, according to the Liturgy of the Church of England; so, on the other hand, it did very much exasperate the Presbiterians for these reasons; First, because they concluded that a stop was put to their exercising a despotick, arbitrary and illegall dominion over the Episcopall clergy, by imprisoning, fining, and banishing of them, for no other reason than the performance of their ministeriall offices to such of the people as earnestlie desird the same and. whose consciences woud not allow them to comply with those of the Presbiterian perswasion. Secondly, because the Episcopall clergy and laity behaved themselves soberlie and discreetlie under this sunshine and gave them (ther enemyes) no occasion to misrepresent them to the Government.

But matters went quietly enuff on in all places; the Presbiterians bore ther grudge as secretly, and the Church party managed and improved ther affairs as prudentlie, as possible. The Episcopall clergy, being invited by the laity, did erect a great many meeting houses in and about Edinburgh and in most of the towns on the north side of the river Forth, to which great numbers resorted, praising God that now they were allowd in peace and without danger to worship him after the manner which they belivd orthodox and primitive; and. during these last six months the Church party in Scotland have enjoyd more peace and security than they have done for twenty years before. But behold, all of a sudden, and without any reason why, the case is

altered; for no sooner did Sir James Stuart (about two months ago) succeed Sir David Dalrymple, as Her Majesties advocat generall, than he began, as he left off when formerlie in that station, to persecute the Episcopall clergy with all the violence in his power.

Before I proceed to give you some instances how he has begun to oppress these poor people, it will not be amiss to say something particular of this gentleman's life and conversation. You must know then that Sir James Stuart's father was an eminent Covenanter and consequently a notable rebell during the late rebellion against King Charles the first and second, and, being provost of Edinburgh, did direct the execution of that villanous sentence by which the great Marquis of Montrose was condemn'd to dye for his loyalty to his Sovereign. This gentleman, the son, was educated at and imbibed all the pernicious principles of his father, and prov'd the cheif contriver and promoter of rebellion during King Charles second's reign; which being at length discovered, to save his neck, he fled from this island and was afterwards outlaw'd; but after King James's accession to the throne he made his peace and became a favourite, on the scandalous terms of concurring with the Popish Ministry at that time in their design of introducing Popery, and did for that very purpose write and publish a book in defence of the King's rescinding the penal laws against Popery by virtue of his own absolute power and authority, which was learnedly answered by Monsieur Fagell, then pensionary of Holland; both which books are no doubt to be had at London. 'Tis true indeed King James's affairs no sooner declin'd, than honest Sir James deserted him, and went over to the Prince of Orange; publickly valueing himself for being the author of that book and many pernicious counsells given to and follow'd by King James, with a design, as he said, to render him odious to his subjects and introduce his ruin. Whether or not he had this designe, I shall not take on me to determine; but this I may say, that taking it as he would have it, tho he may value himself as a good Protestant, such an action will not intitle him to the character of a good Christian in the opinion of any man who has the least regard to religion, morality or honour. However, for other good services never yet made publick, he was, soon after the Revolution, appointed King Williams advocat generall, and continued in that post till the year 1709, when he was removed by the then Whigish Ministry and succeeded by Sir David Dalrymple. . . .?../  
While Sir James Stuart was advocat generall, he on all ocea

sions persecuted the Episcopall clergy, imprisoning them and shutting up their meeting houses, and was indeed the oracle of the Presbiterians, supporting and directing them in all matters and

espousing their interest against all interests and persons whatsoever; so that he was more properly advocat for the Kirk than the Crown. Whilst Sir David Dalrymple was advocat, the Episcopalls had some ease (tho he was Whigishly cnuft inclin'd too) but no sooner does Sir James Stuart again appear on the stage than he opens the same scheme of oppression as formerlie. The turning out Sir David and bringing in Sir James hath afforded abundance of speculation here; some tell us Sir David was turn'd out because he had not prosecuted the facultie of advocats for what they did with relation to the Pretenders medall; this perhaps may be thought, by this Ministry, a good reason for laying him aside, but cannot be a reason for advancing Sir James, for he not only did oppose, and loose his clergys tongues against the present Ministry, but, if I be not mistaken, one of the reasons for turning him out in 1709, was that he had not done his duty in prosecuting the Stirlingshire gentlemen when accused of being in arms and ready to join the Pretender at the time of the invasion; a crime of a more heinous nature than what was laid to the facultie of advocates charge. Whether Sir James was truly guilty, or even so much as suspected by the then Ministry, of favouring these Stirlingshire gentlemen, I will not say; but the story was publickly reported here, and nobody was surprized; it being well known that he hath frequentlie as councill takn fees from both opposite parties in a civill action, and must consequently have betrayed either one or both of them; and who knew what he might have done in matters which concern'd the safety and honour of his Queen and mistress, seeing how he had served her father? There are others who tell us that Sir James was advanced by the interest which Mr. Carstairs (Her Majesties Presbyterian chapline who was a rebell and deeply concern'd in

the design'd murder of King Charles second, as appears in the History of the Ryehouse plot) hath obtain'd above with you at London wher he hath been for some months and still continues Resident for the Scots Presbiterians. For my part I cant affirm and I shall not pretend to say that any of the reasons assign'd is the true cause of Sir James's preferment, nor Ime to pry into the measures and maxims of this misterious Ministry; but this I may safely aver as a truth, that from Lands-end to Orkney, a greater enemy to the Monarchy, the sacred order of Episcopacy and the Church of England could not have been found, had all their calvehead feasts, kitcatt clubs and covenanting conventicles been search'd into for that very purpose, and that the consequences therof must be very fatall to the Church partie in Scotland, unless compassion stir up the Queen and ther bretheren in England to appear for and exert themselves in behalf of men oppress'd

for no other reason than that they believe it their duty to worship God after the same manner that they do themselves.

But that I may not detain you any longer on this subject, I proceed to acquaint you how Sir James hath behaved himself since he was last made advocat generall; and from thence you may form an idea of what will happen, if he is allowed to go on. 'Tis an old proverb, that what is violent cannot be lasting; God grant it may be true in the present case; for if he continue at the rate he has begun, there will be no living in this country. You must know then that Mr. Patrick Dunbreck, domestick chapline to the Earl Marishal of Scotland, being invited, by a great number of the best and richest inhabitants of the flourishing city of Aberdeen, to read prayers and preach to them, did for that purpose obtain the use of the earls house in that city, and fitted up a part thereof for the decent and convenient reception of such as were of the Episcopall persuasion and desired to worship God according to the forms of the Church of England; to which, great numbers resorted. This proved a shocking eyesore to the few but biggotted Presbyterians in the place, who resolving to endeavour by all means to crush this undertaking in the bud, had recourse to their trusty friend Sir James Stuart for advice and assistance; and he again, concurring heartily with them in their pious design, did in the first place write "ane honest and charitable letter" (as he terms it himself) to Mr. Dunbreck, wherein he exhorts him to desist from his undertaking, and not molest the peace of the establishd Church of Scotland; asserting in this letter that Mr. Dunbreck had no right to exercise any part of the ministeriall office, because he received his orders as priest and deacon from the deprived Bishop of Murray: secondly, that the laws of Scotland did expressly discharge all persons, who were not of the Presbyterian persuasion, to exercise any part of the ministeriall office; and thirdly, that the magistrates of Aberdeen might legally punish him for the breach of these laws; and he concludes by requiring him to desist from presuming thus illegally and irregularly to disturb the peace of the place. Sir James having thus broke the ice, the magistrates ordered Mr. Dunbreck to appear before them, and insisted on the same to-picks containd in Sir James's letter. But Mr. Dunbreck, resolving to stand his ground, answered Sir James and the magistrates, that the peace of the place was in no hazard, since he was invited to read prayers and preach by the greatest and best part of the inhabitants, that he was directed to repair thither by the Bishop of Aberdeen, whose authority he ownd, and being chapline to the Earl Marishal, he was in his duty when he read prayers in His Lordships house, nay had liberty to do the same in any part of the kingdom; that if there were any law

against the validity of a bishops ordination, erecting of Episcopall meetinghouses, or reading the prayers of the Church of England, he desired they would produce them; that for his part he knew of none and had reason to think there was none, since the Lords spirituall and temporall of Great Britain in parliament assembled had Vol. i. . 4 B

lately found so, when Mr. Greenshield's appeal was before them; and that for these and such like reasons he was determined, so long as he had the honour of being the Earl Marishals chapline, to read prayers and preach in His Lordships house and make all such welcome as came and desired to join in worship with him. But these answers not being sufficient to allay the violent temper of the party, the Presbitery of Aberdeen in a few days thereafter summons him to appear before them as being guilty of erecting a meetinghouse and using innovations in worship (as they term the English service) never allowed of in this nationall Church. If the said Presbitery hath not as yet proceeded to silence him by a sentence, it must proceed from some other reason than want of inclination to do it.

Were it needfull I could make severall remarks on this matter, but I will only observe I<sup>m<sup>t</sup></sup> that Her Majesties advocate generall presumes to declare there is a standing law against Episcopall meetinghouses and reading the prayers of the Church of England, nay requires Mr. Dunbreck (which must be as a publick minister) to desist from his undertaking which he asserts is illegall and irregular, altho the House of Lords in Mr. Greenshields\* case had found and expressly declared otherwise. Our Scots Parliament, when in being, would have looked on such proceedings as ane high indignity; how your House of Lords will resent them I cant tell. Secondly, that the Advocate and Magistracy of Aberdeen have had no regard to the Earl Marishals priviledge of a Peer of Great Britain, by summoning his domeslick chapline to appear before them for officiating as such in His Lordships house. This instance alone is enuff to manifest Sir James and the parties designs, and therefore I need not mention any more, but only in generall acquaint you that all the Episcopall ministers and meetinghouses are to be treated after the same manner, particularly the two Mr. Murrays in Perth, Mr. Honyman in Craill, Dr. Weddell in St. Andrews, and Mr. Lyon in Orkney: nay, Sir James hath proceeded so far as on the fourth instant to require the Lord Provost of Edinburgh to shut up all the meetinghouses in Edinburgh, especially such wher the English prayers are read; which the Provost boldly and honestly refused to comply with unless he had the Queens particular commands for it. I have heard that Sir James defends himself by alledging that he insists against none of the Episcopall clergy who pray for the Queen or have

taken the oaths. To which I answer that ther is no law requiring either; tho I am far from justifying such as do not pray for the Queen: but in the next place the fact is not as Sir James represents it; for I do assert that severall of the aforesaid Episcopall ministers do pray for the Queen *nominatim*; and it can never be thought that this measure proceeds from Sir James's zeall for the Queen's safety, since he and all the world knows that many of the Presbyterian ministers (who are in the actuall possession of the legall benefices) do not pray for the Queen, and that few or none of them have taken the oath of aledgiance, altho the law expressly requires it; and tis strange Sir James sees no reasons to insist against them tho they dayly in ther sermons assert the doctrine of resisting the supreme magistrates, and the intrinsick powr of the Church; so that this partiality to the one and severity to the other is a plain proof that thers something in his veiw besides the Queen's service, and tis as plain that this can be nothing else than the destruction of all who adhere to the principles of the Church of England.

Did these violent courses proceed from the hotheaded bigotted clergy, they might be accounted for; but that Her Majesties advocat generall shoud be the *origo mali*, the author and promoter of them, is very surprizing and attended with the following bad consequences. First, it induces a great many whor not well versed in politicks (and of these ther cant be a few in this countrie scituated at such a distance from the Court) erroneously, I woud fain hope, to conclude and believe that Her Majesties advocat woud not dare to presume so far, were he not encouraged or at least allowd to do so by some of the most leading statesmen. Secondly, it prompts and excites the mad extravagant Presbyterian mob to commit severall insolencies towards the Church party, of which I will give you but one instance instead of many I coud mention. On the first of this present November, the Earl of Carnwath received a letter at his countrie house in the shire of Dumfreise, from the heads and leaders of that enthusiastick violent sect of Presbyterians calld Cameronians, intimating that if His Lordship did not put away his chaplane Mr. Irving, and refrain from having the English service performd in his house, they woud come and burn him, his Lady, family and house. This is an extraordinary insult upon a person of His Lordships worth and quality, and I need make no inferences from it- But I must add that it is no great wonder the mob be excited to such extravagancies, for Sir James Stuart is not the only person that encourages them by doctrine and example, some even of our judges having of late publickly advanced rebellious tenets and perverted the laws, in favours of the "good old cause," of which,



take this instance. Sir Gilbert Elliot of Mihto one of the lords of session and justiciary, that is, judge of our lives and fortunes, sitting in judgement in one of the circuit courts held at Stirling, did, in presence of hundreds of witnesses, applaud the open rebellion at Bothwell-bridge against King Charles second of blessed memory, saying in these words, "it was a noble and laudable action, and " those that were in arms against King Charles second at Bothwell-bridge did good service to their country and deserved "thanks for that good service." Tho these rebels are indemnified by acts of Parliament or other indemnities since the Revolution, yet rebellion is still rebellion; and no person, far less a judge, should justify or applaud it; and such maxims advanced by judges from the bench may be reckoned by the commons as an invitation to rebel with authority. I have no mind to leave this worthy judge so soon, and therefore I must acquaint you of a notable instance of his justice at a circuit court held at Aberdeen. Mr. Hay an Episcopall minister was brought before him and accused of having christened some children. Councill was heard, witnesses adduced, and the jury (after being enclosed) brought him in not guilty. This so enraged the judge that he treated the foreman very severely and ordered him to re-assemble the jury, which being done above an hour thereafter (most of the persons of which the jury consisted having left the Court and being dispersed thro out the town) he told them they had acted unwarrantably, and commanded them to enclose themselves again and bring Mr. Hay in guilty, or he would send them all to prison, which so terrified the poor jurymen that they obeyed, and he immediately pronounced a sentence banishing Mr. Hay out of the kingdom of Great Britain. Now, Sir, if this is past over, what use have we for laws? what security in a jury? and how obnoxious are our lives and fortunes to the arbitrary will and pleasure of a factious furious and revengefull judge? ,

If this then is the miserable state and condition to which the Church party in Scotland is reduced, and He answer for it that all the facts, as I have related them, are literally true, allow me to expostulate a little with you and ask you a few questions. In the name of God, whence doth it proceed that such measures are ventured upon and conived at? Is the Queen what she professeth, a true daughter as well as mother of the Church of England and defender of her faith, and will any of her servants pass unpunished that presume to treat after such a manner any of her subjects for believing and acting as she does? Does the present Ministry remember that the Presbyterians in Scotland opposed them from the beginning and oppose them still, that the clergy accuse them publickly in their pulpits of being enemies to the country, and

continue to roar against the design'd peace, and will they support them and suffer them to run down the Church party who joind heartily with Her Majestie and her Ministrys measures and did signall services at the time of the elections and since in Parliament? Does the Ministry know that the Presbiterians in Scotland bear no proportion to the Church partie in number, wealth, or power? If they dont, let them but consider the principles of the Scots members in both Houses of Parliament (who were elected by the free voice and according to the naturall inclinations of the people, and not by the influence of the Court, from whom they were far from having the least assistance) and this will lead them to make a judgement of the inclinations of the country in generall; and will they suffer those who on all occasions provd therfreinds and are capable and willing to serve them, to be thus oppressd by a set of men, who by ther natures and principles woud see all crownd heads and all who adhere to them, at the divill, and in whose powr it is not to creatany disturbance in the countrie? Have the patriots and clergy of the Church of England no compassion towards ther afflicted bretheren in Scotland? Will they exert themselves to exalt the Church of England in one part of the island, and patiently behold her ruind and extinguishd in the other? Do they know that the Scots Presbiterian ministers assert the obligation of the Solemn League and Covenant to be still binding, and engage parents at the christning of ther childeren, instead of the apostolicall belief (which they have set aside with the Lords prayer) to adhere to it, and educate ther childeren in that principle, and that by ther said covenant they are obliged and sworn to endeavour the extirpation of Prelacy in England? Have they heard that the Presbiterian clergy in ther publick worship pray that God bring down that idolatrous superstitious whore of Babylon the Church of England, and rank her in the same class with Papists, Jews, Turks, and other infidels and sectaries whom they pray the Lord to convert or confound? Do they remember the behaviour of the Scots Presbiterian members in the last Parliament? Are these things, I say, known and remembered, and will they suffer such

a power to domineer and be rampant? a power which, as it at present crushes ther freinds and bretheren in Scotland, may in time prove once more fatal 1 to themselves in England?

If you answer these questions in the affirmative, it will amaze and confound me; for in my opinion they are plain paradoxes, and therefore I believe, at least hope, that our gracious and pious Queen, her wise

and, I hope, honest Ministry and the noble patriots and worthy clergy of the Church of England, will in the next sessions of Parliament provide effectually for the security and protection of the oppressed and distressed Episcopall clergy and Church party in Scotland, and think it reasonable to call the advocat generall and the aforesaid judge to account for their illegall, irregular and unwarrantable proceedings.

And that religion, generosity, compassion and justice may produce these good effects, is the earnest wish of all good men and of none more than Sir,

Your most obedient humble servant.

I introduced a motion in the session of Parliament 1714 for resuming all the grants of Bishops revenues in Scotland, to be applyd for the reliefe of the Episcopall clergy, in the following manner;

Mr. Speaker,

I Stand up in behalf of a very learned and deserving, but at the same time a very miserable and unfortunate set of men, the Episcopall clergy of Scotland. I will not take up your time in enumerating the many hardships these gentlemen have been exposed to for the sake of conscience; but I must take notice that many of them were turnd out of ther livings by no better authority than that of the mob; and that when the Parliament of Scot-. land came afterwards to abolish Episcopacy and setle Presbitery; so short a time was allowd for performing the terms on which the remaining Episcopall clergy were permitted to continue in ther livings that many were not apprized therof till the time was elapsed, by which means and the subsequent rigorous proceedings of the Kirk judicatories, both the laity and clergy of the Episcopall communion were reduced to very hard circumstances. The laity had not ane opportunity to worship God and receive the holy Sacraments after the manner and from the hands they approvd of The clergy (men in holy orders and dedicated to the service of "God) could not approach and have access to the .altar, and, to the perpetuall scandall of the reformd religion, were sent in a starving condition to beg ther bread throwout the Christian world, being destitute of all means to support ther indigent numerous familys, and were frequentlie rabled, imprisoned, find, or banishd for no other reason than performing divine service in a few private meetinghouses. And tho I may venture to affirm that no clergymen were ever treated after so barbarous a manner, in this deplorable condition did the Scots Episcopall clergy continue, from the time that King William came over to secure our religion and liberties, till they got some reliefe from the Act of Toleration which past about two years ago. This act hath

been attended with none of the dreadful consequences we were threatned with by those who opposed it; but its good effects have so well answered gentlemens hopes and designs, that it has givn generall satisfaction, and great numbers of all ranks and qualitys have com piyd with and declared for the Liturgy of the Church of England. So that nothing seems wanting to fix and establish the same but a fund for giving a reasonable allowance to such of the Episcopall clergy as do comply with the terms and claim the benefit of the Toleration Act: and ther being now no Bishops in Scotland ther revenues seem a proper fund and much .better bestowd after this manner than in grants to the laity and Presbyterian clergy, both which being diametrically opposite to the intention of these pious foundations, I take both, at least without all controversie the first, to be nothing less than a sa-craligious missaplication; and the Presbyterian clergy being still allowd to enjoy the benefices appointed by law for ther predecessors of the Episcopall communion may be well satisfied -therwith and have no ground to repine at what is done for the other.

None of my countriemen will, I hope, oppose this motion when they reflect that in the time of Episcopacy, the Presbyterian clergy were allowd to be presented to and enjoy legall benefices in Scotland, that at this very time Her Majestie is pleased to bestow a considerable annuall sum towards the maintenance and support of the Presbyterian clergy in Ireland, and that ther is nothing •containd in what *I* am now to propose, inconsistent with or contrary to the securitys provided for the Presbyterian church goverment by the articles of Union. And therefore I will conclude with a motion that leave be given to bring in a bill for resuming all grants out of the revenues of the Bishops in Scotland.

The House of Commons being on the danger of the Protestant succession in 1714, I spoke thus

Mr. Speaker,

I Heard so much noise and bustle about the Protestant successions being in danger and the Ministry so much blamed on that account, that I expected clear proofs of both: but after having attended to the debate, I find nothing but imaginary fear and groundless suggestions. Some gentlemen do conclude the Protestant succession in danger, because of the great increase of Popery in Scotland. If the fact be true, the Ministers of the Gos

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pell seem more blameable than the Ministers of State; for if thfe

Scots Presbyterian clergy were sufficiently qualified for the trust reposed in them, and did they perform their duties with zeal and knowledge, I cannot but be persuaded that the Protestant religion would stand its ground and that the Romish priests would make few converts. But I am afraid the Scots clergy spend more time in reading Mr. Steeles Crisis and such like seditious pamphlets and in distributing arms and ammunition than in defending or propagating the Gospel of peace. But after all I am persuaded that Popery is not increased in Scotland; I know indeed some of our zealous Presbyterians make little or no distinction twixt the Church of Rome and the Church of England; they call the former, black Popery, and the latter, white Popery; tis the idolatrous Church of England as well as the idolatrous Church of Rome; and if tis in this sense that gentlemen say Popery is increased, I will freely own it, it being in truth very certain that a great many come over daily to the service and liturgy of the Church of England; but I can apprehend no sort of danger to the Protestant succession, from this sort of Popery. Others affirm the Protestant successions in danger, because the Highlanders have lately provided themselves with arms and that Her Majestic hath thought fitt to distribute a small sum of money amongst them. As for their getting arms lately, I do not believe it, for I take it for granted they did not want them; it being a thing universally known that they never wanted arms, and were always ready to employ them for the service of the "Crown and in defence of the Monarchy. Tis true they did not submit for some time after the Revolution; but let gentlemen consider that they live in a corner, and at a great distance by themselves, and were not so soon apprized of the good design and happy consequences of the Revolution; but ever since they submitted to King William, they have lived quietly and peaceably. But supposing they were dissatisfied to the Constitution, how would gentlemen have them treated? Would they have them extirpated root and branch off the face of the earth? Or will they be pleased, by giving them a small sum of money, to gain them over and keep them in a good disposition? This was the method King William took with them, after other severe courses failed; and I cannot think what was not blameable in him can be reckoned so with respect to the Queen or her Ministry. I will not go back to enumerate any of the many barbarous hardships and severities these loyal people have been exposed to within these twenty-five years; they are well enough known, and some of them not to be paralleled; But I must take notice that not many years ago several of the Highland gentry were brought up prisoners at a great trouble and expence to London without any accusation or proof against them; and if Her Majestic thinks she was ill advised in that measure, tis but ane

instance offer royall justice and goodness to give them some recompence. For my part I cannot see, from any thing that has occurred in Scotland, that the Protestant successions in danger or the Ministry blameable, except it be in allowing or conniving at a vast quantity of arms being imported and distributed in other parts of the countrie than the Highlands, amongst men, many of whom, I me affraid, are enemys to monarchy itself and have something more in veiw than the Protestant or any other succession whatsoever. Gentlemen say thers no law against private persons buying of arms for ther own private security. That may be well so; but I me sure tis against law to list officers and souldiers and to rendezvous and muster publickly without any authority from the Crown; and yet these are dayly and avowedly done; nay Her Majesties troops have lately been obliged to give up the guardhouse in Glasgow, wher in ther stead the trainbands, or rather the mob, keep guard. Had any thing like to this been done in the Highlands, wee shoud have had a fine story of it; but ther are a certain sort of people in the world who presume to censure others while they do twenty times worse themselves. To conclude; if the Protestant successions in any kind of danger by the state of affairs in Scotland, tis not from the Highlanders, but from those men who are by principle enemys to Monarchy, and never to be more dreaded than when they pretend respect and zeall for the service of the Crown.

In the session of Parliament 1714 the Commons addressd the Queen to bestow the Assiento contract, obtaind by the late peace with Spain, on the publick. Betwixt the time of presenting this Address, and Her Majesties answer, she gave a grant therof to the Southsea Company, and then sent this answer, that she had disposed of it to that Company. Those of the Court movd for ane address of thanks and to approve of the disposing of it thus. The Torys (on what account I cannot tell) and others, to recommend themselves to the Ministry (and amongst those, such as were newlie elected on the Commission of Accounts) supported the motion, and the Whigs opposed it, and a hot debate followed. For my own part I coud not approve the way and manner which the Queen took in disposing of it; and as I thought the Torys were in that matter too\* submissive to the Ministry, I was resolved to oppose them in it, that they might see all the Commissioners of Accounts (I having been lately re-elected) were not Court tools; and I spoke to this purpose:

Mr. Speaker,

Ever since I had the honour to be a member of the Scots or British Parliaments, and in every station of my life, I have made it my profession and it has been my practice to support the Crown in all its

just rights and prerogatives. But at the same time I alwayes was and am still of opinion that more prejudice than benefit doth arise to the Crown by skrewing those above ther due height and measure, and coud never bring myself to say that was right which I judgd wrong, in order to palliate, justifie, and support the measures of any Ministry and ther advices and counsell by which the Sovraign ruled; nor can I by this days actions condemn and contradict what I have done on other occasions and declared I woud always adhere to. What I particularly mean just now is the eager desire I have at all times manifested to put a stop to all grants from the Crown. I was and will be ever of opinion that the usuall salarys annexd to the severall offices are sufficient to support nay amply reward those ministers and servants of the Crown who act with the greatest probity, zeall and success in publick affairs; and tis evidently apparent that the great number of these, and for the most part very exorbitantj grants, have by the enriching some few private familys, extremlie diminishd the revenues of the Crown and given rise to impose many otherwise unnecessary taxes on the people, and I coud never see any method to stop nay moderat such grants, but by reasuming what hath past within a certain number of years, and giving all manner of discouragement and opposition to all without distinction that may happen for the future. Now, Sir, I take the result of the debate before you to land in this praecise question, whether this House will confirm the grant which the Queen hath been pleased to make to the Southsea Company; For my own part I cannot, by giving my assent therto, condemn my ac- tions hitherto and bind up myself from prosecuting the like measures for the future; and I wish some gentlemen whom I have in my eye woud consider if their speaking and voting for this address be consistent with the great figure they made not many sessions ago and the just value they put on themselves on account of ther zeall and courage in reducing all grants in generall, and how they imagine they can with honour reasume that design when a proper opportunity happens, if they approve of this. It is fiot any particular grant, out of prejudice to any particular person or party on whom it is bestowd, or by whose influence it is obtaind, that I aim at reducing; for if each partie be allowd to support and maintain the grants bestowd under their own influence, the evill will never be remedied, for tho they shoud reduce what was granted by ther predecessors, they will inhance the same to themselves and thus take all, if not more, with one hand, than they give with the other. I am for wholesale work, by reasuming all that have past and discouraging all that may pass for the future, seeing they tend to impoverish the Crown and multiply taxes on the people; and for that reason I am against this address.

Mr. Secretary Bromley spoke after me to this effect—That I was much mistaken if I thought what was intended by this address was a confirmation of what I calld a grant from the Crown; for besides that what the Queen had given to the Southsea Company did not properlie belong to the Crown and consequentlie did need no confirmation, the House had formerlie addressd Her Majestie to bestow the Assiento contract for the benefit of the publick, which she having gratically done by assigning it to the Southsea Company, nothing was demanded or intended by this address but to thank Her Majestic for such an instance of her goodness, and it was the more reasonable, since Her Majestie was under no obligation to dispose of it for the publick use, as it did not appertain to the Crown.

To this I replyd that the honourable gentleman had done me a great deall of honour in thinking that any thing which I had said on this subject did deserve an answer from him, and that what I had said was only to justifye my dissenting from a great many of my good freinds, who I was sorry to see taking measures I could not accompany them in. However since that gentleman, by taking notice of what fell from me, had in some measure calld me up to justifye what I had said, I must beg his libertie to say I did not find any grounds from what he had said to alter my sentiments. He was pleased to say that this address would not be a confirmation by Parliament. That it will not be a legal confirmation I do acknowledge, nothing less than an Act of both Houses of Parliament being such; but this House by giving thanks to the Queen in the terms of this address did approve of the grant and did thereby justifye the counsells of those who advised Her Majestie to make it, and it rendered such members as approved of this grant, incapable to reasume it or any other grant that hath been or may be given. For I could not imagine how they could argue against all grants in generall if they approved of this; and thus in effect tis a confirmation of this and all other grants made or to be made, as it tends to prevent their being reduced and reasumed. The honourable member was pleased to say that this grant was given to the publick, in the terms of the late address of this House,, in so far as the Southsea Company is a publick company and most capable to manage and improve the subject of the debate now before us, to the benefit of the nation. But with all submission I differ from him; for this company doth not get this grant as a publick company, but as a set of private men sharers and adventurers in that company, seeing the benefit arising from thence doth access to their private particular profit and does in no manner lessen the demand this company hath on the nation. That this company would manage and improve it to the best advantage both to



the nation in generall and themselves in particular I was ready enuff to belive, and on that account woud willingly have approved the grant, had a reasonable equivalent been given for it; and that ther were grounds to expect it, gentlemen need only call to mind that a certain member of this House .(meaning Mr. Arthur Moor a leading director of the Southsea Company and great defender of the treaty of commerce made at the peace) illustrating the great-value of the Assiento contract, told us not long ago that the Southsea Company woud give £50000 for the priviledge and benefit of it, and I doubt not of its being truly worth so much of •intrinsick value and that this company woud have performd as that gentleman said, if ane easier way had not been falln on; I said ane easier way, because it did not appear that they had given even the Queen any consideration for it, and J hoped they had not gone to merkat with any other, so that I caud not but conclude this set of men had got by this grant that for which they woud have given the publick £50000, and consequentlie the publick is deprived therof. But that, Sir, which surprizd me most was to hear that gentleman affirm that the Assiento contract belongd to the Queen personally and the publick had no concern ■in it. This indeed is what I did not expect, and, with all submission to his judgement and knowledge of the laws and constitution, what I cannot assent to. For give me leave to ask that gentleman how and by what means she came by it. She did not succeed to it, nor does she claim it by ane hereditary right . Pray then how and from whom was it acquired? Was it not purchassd by the blood and treasure of the nation from ane «nemy? Is it not on the same foundation with Gibraltar and Portmahon, obtaind at the late peace? And will any say that the Queen can or shoud dispose of those to any private use whatsoever? For my part I must confess that *I* cannot see wher the odds lyes. I remember not long ago some gentlemen made a terrible outcry that the revenues arising from the conquered towns and provinces in Flanders were not applyd for the publick service; they were not satisfyd with being told that these were by agreement given to the Dutch, who in lieu therof were obliged to defray the charge of carrying on of seiges. This these gentlemen did not then think a sufficient excuse; they suspected, and I belive on too good grounds, that it was no more than a prastext for some military companys (if I may so term them) to put all or most of these revenues into their private pockets. And

“I shoud be glad to know why this trading company is to be

indulged in the like. In the other case there was no more but •suspicion, but in this tis plain that they reap the benefit of that for which they themselves would have given 50000 pounds to the publick. I do not oppose this address, as some perhaps do, because I have a pleasure or propose any particular benefit to myself or any party in thwarting Her Majesties measures, nor because the method which the Queen did take in disposing of this beneficial contract betwixt the time of this Houses first address and Her Majesties answer which gave rise to this second address, is not what might have been expected from her: No, Sir, I do not stand on these nicetys with my Souveraigne, whose good opinion of and favour to her faithfull Commons I do not in the least question; but I am against this address because *I* think it is a confirmation, at least an approbation, of a grant by which the publick is deprived of a great sum which might have been applyd towards sinking so much of the debt due by the nation to the Southsea Company or other creditors, or lessning the taxes proportionably for this years service.

In the session of Parliament 1714 Sir David Dairymple, speaking against the Schisism bill, did assert that no such law had ever been establishd in any Protestant country, and that it was contrary to the law of nature by which parents had an absolute right to educate their children after what manner and with whom they pleased; on which occasion I spoke thus.


Mr. Speaker,

I Did not design to have troubled you with any thing I had to say on this subject, had not some words dropt from a gentleman Vol. i. 4 D

who spoke not long ago (meaning Sir David Dalrymple) which I humbly conceive do need to be observed, tho none of the gentlemen who have spoke since have noticed them, and that I believe I can give the House some accounts which will sufficientlie refute what he asserted, I will therefore, but only by the bye, take notice of the last part of his discourse, wherein he affirmd that the law of nature stands directlie repugnant to the design and purport of this bill. That, Sir, I do deny; for tho parents are naturally vested with the care and inspection of the education of their children, yet the publick hath a nearer concern; and wher parents, by the way and manner of education, bring up their children so as to prove a nuisance rather than any thing else to the society, the publick legislator and magistrate can, nay ought to, interpose and prevent it; and if this be not ane uncontraverted maxim of goverment, agreeable to the laws of nature and nations, I should be glad to know why or with what colour of reason our laws against Popish seminaries and instructors of youth were enacted or can be

defended. Perhaps he may tell me that Papists are to meet with no quarters; that may be so; but it says nothing to the generall maxim he laid down; for tho they are, nay tho they were worse than, Papists, they are parents and of humane kind and have the laws of nature as much on their side as the best Protestants and cannot justlie be deprived thereof but for the publick good; and if the legislator and magistrate can lawfully invade their naturall right, his generall position will not hold, and these become judges how far this restraint can and should be extended to others besides Papists. What I have said is enuff to answer what he asserted with respect to Protestant nations, it being sure that these are not limited more than people of other professions; but since I suppose he did mean that no such law had taken place in Protestant countries with respect to other Protestants differing in principles from the establishd government of the place (for that Protestants do assume that power over Roman Catbolicks we know by the laws of this nation) I say, since I take this to be the meaning of the proposition he laid down, the weight of the argument does not lye on the extent of the laws of nature in favours of parents (which however I humbly suppose I have demonstrated to be subject to the municipall laws for the publick good) but doth stand or fall on facts; and as this was the cheif subject on which I designd to trouble you at this time, I will endeavour to satisfye that gentleman of his mistake, and in order therto I need not go further than to his and my native country, which I know he'll readily grant was a Protestant nay reformed, pure and holy Protestant people some years ago; and yet during those dayes, I mean during the rebellions against King Charles first and second, no person was allowd to instruct youth or be a chapline in a private family who was not of the principles and profession of the then rampant Kirk of Scotland. I will not pretend to affirm that ther was then a publick law for this practice, for the *majus bonum Ecclesie* in those dayes did not wait for laws in many things of the greatest importance, but that the Government of the Kirk and State did take upon them to act after this manner is too certain a truth to admit of a contradiction. But to come a litle nearer to our own dayes; since the late Revolution and establishment in 1688 a law to this very purpose was made by the Scots Parliament, and hath been alwayes executed on masters of publick schools and universitys, nay frequentlie on those of private schools and private tutors, of which last I can give a very good instance; for my own tutor was by publick authority removed from me on ane application for that effect to the Privy Counpill by ane English noble Lord to whom I had the honour to be nearlie related (meaning my grandfather the Lord Wharton) and who I am sure those who oppose this bill will grant was a good

Protestant, being a zealous Dissenter. Thus, Sir, you see that a law of this nature hath been establishd and executed in a Protestant countrie, even in the most reformed times, agamsf fellow Protestants, and that the gentleman was mistaken when he advanced the contrary. All I shall add is that since the Presbyterians take care to prevent the growth of Episcopacy in Scotland, it is lawfull nay reasonable and necessary for the Church of England to follow the like measures in order to secure herself. Sir James Stuart took me up and said that he knew nothing of the story I had related concerning my tutor; but if what I represented had been done, it must have been because of my tutors dissafection to the civill goverment and not because of his not being a Presbyterian; and he thought ther was no harm in pre\* venting, if possible, a young gentleman of my consideration from being educated in principles contrary to the establishd Goverment of the State; but hed venture to assure the House ther was no such law as I asserted, and he admired how I coud impose onthe House in saying ther was.



To whom I replyd, I was much surprized at what that gentleman had spoke, and did not know whether to ascribe it to ignorance or a design to use the House in the same manner he had accused me, by imposing most grosslie on it. I coud scarce imagine he was ignorant of the law, having been so many years Her Majesties solicitor generall; and I coud as litle think he had the vanity to belive his bare assertion woud pass> against the knowledge of so many members. But that the House might judge how far his knowledge or ingenuity were to be relyed on and whether he or I imposed on it, I appeal Id to the Act of Parliament, which woud end the contraversie and speak for itself. The clerk having then read the seventeenth Act of the second session of William and Mary, I proceeded thus—Now Sir it is plain, from the Act which hath been read, that no person can be a master &c. of any university or school, nor be intrusted with the education of youth, that does not take and subscribe the oaths to the civill magistrate and sign the Confession of faith and conform himself to the establishd Church; which two last particulars none but a Presbyterian will or can, with a safe conscience, perform. And all masters of publick schools and university's who did not comply in these precise terms, were deprived by the commissioners appointed by this Act for executing the same; nay when these did imagine that such as complyd did it more from a desire to keep ther posts than from principle and conviction, that is to say were occasionall conformists; by the other unlimited powers (and which cannot be alledged against the bill now under consideration) with which they were vested, they made havoke of and turnd out

summarilie whom they pleased; and this is so notorious I dare appeal to all my countrymen for the truth of it, and I cannot believe the gentleman who spoke last will be so imprudent as to deny it, no more than that by explaining the clause which in generall mentiond all intrusted with the education of youth they frequentlie comprehended private domestick tutors, as was done in the case I instanced, wher the libell drawn by and carried on at the instance of that gentleman's own father, then advocat generall,. does expresslie bear that my tutor had not signd the Confession of faith and did not conform to the established Church. And if I had imagind that gentleman had been so ignorant in some matters and uncredolous in others, I had come better prepared for him and produced the originall libell signd by his own father. But I hope the account I have given of it will not be a bitt the less credited from his contradicting it, since his ignorance or disingenouky was apparent in possitively denying ane Act of Parliament standing on record and which was read to the House; and I do submitt to you, Mr. Speaker, how far this gentleman's knowledge and candor deserves credit after this in other matters, and whether he or I are most guilty of that heavie charge wherewithall he accused me, of imposing on the House. I will add no more but that the bill under consideration doth vest no person or persons with such

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unlimited powers as are containd in the Act latly read and which besides is of much greater consequence than this bill, for this may be rescinded by a subsequent Parliament, wheras the other is a perpetuall law establishd unalterably for ever by the articles of Union; so that when this is past and becomes a law, it is but a temporary security to the Church of England, as it is lyable to be altered or even repeald, wheras the other is a standing and unalterable security for the Kirk of Scotland.

A letter from a Presbyterian minister to his friend at Edinburgh; publishd a litle after Queen Anne's death, when a design was set on foot of addressing to dissolve the Union.

Honoured Sir, November \*d, 1714.

Yours with ane account that thers a design on foot of attempting and some hopes at this time of obtaining a dissolution of the Union, was the most welcome news I have heard these severall years; for as I was against the Union whilst it was making, I have not seen any reasons, since it was made, to alter my opinion; nay I believe ther are many think now as J do, who at first had a quite different notion of it. But I am much surprizd at your insinuation as if some of the great and

leading men in Scotland, and the clergy, particularly such of the former as wee have delegated to Court, were not so forward as might have been expected and was to be wishd for in contributing towards so necessary and glorious a work. This indeed woud be a mistery to me, if true, but I cannot belive it; I take it to be a misrepresentation propagated by ther enemys to break ther credit and lessen ther interest in the country; nor can I give credit to it, because tis evident that the Union is attended with such heavie burdens on all interests, that in a very few years this country must go to ruin, and become a desert; and if so, what shoud tempt any of our great men to act such a part? Is it ambition that moves them? Why, if I am not misinformed, they had much more power and occasion of exercising ther authority before than ever they have enjoyd or can expect whilst the Union subsists, being now no more than subservient to the English Ministry, to whom all applications are and must be cheifly and primarily made and from whom all favour doth originally flow. Is it riches that they court? Considering the charges of living at London and the neglect of ther private affairs at home, thers few have or will be great gainers by ther salariys or pensions; wheras before the Union a great many did better nay raise ther fortunes altogether, by being imployd in the Scots goverment. But what tho I shoud ycild that they may (at least a few) get some mony by depending on the present Government of Great Brittain, yet I woud de\* sire these to consider that theyr cheating themselves, for wher they get a penny in England they lose three in Scotland, and what they gain in a few years at Court will not answer the constant decay of ther estates which must decrease proportionably as ther country decays, so that their posterity at least will be ruind. These and such like facts are so evident and certain that theyr obvious to the least serious and discerning person, and therefore I will not belive our great men will be against nay truckle or dissemble in this matter.

But what affects me most is the imputation cast on my bretheren of the clergy. For how is it possible to enter into the heart of any person to conceive reasons to tempt them to act after such a manner? As they are Scotsmen, they have ane interest in the prosperity of ther country, and they or ther childeren must suffer in the general 1 calamity. But let us consider them as pastors of the Church, and then weel find that of all the societys of men in this country ther are none so much concernd to forward and be zealous in advancing the dissolution of the Union. In the first place then, do they find the interest of true religion in a better state than it was before, and have wee fewer crying sins abounding amongst us? Is the authority of the Church more

regarded and the establishment of her government and discipline better secured? As to the first, the contrary is too evident, for alas, vice more and more predomines; nay some things are as a necessary consequence of the Union imposed on us, which many of the most eminent lights of the Church cannot comply with and maintain a good conscience; .and if these judge right, how many are guilty and what a load of iniquity is brought on this land! That I aim at the oath of abjuration is very obvious. But secondly, have not laws been enacted (which woud not probably have past in:a Scots Parliament) depriving the Church of her authority, so that the discipline therof is like to fall to the ground? And as to the third particular, hath not great encouragement been given to those of another perswasion, and a worship, I mean that of the English Church, which neither wee nor our forefathers coud swallow down, been introduced and establishd by law?

But some perhaps will satisfye themselves with that article of the Union in behalf of Presbyterian church government and with the favour of the present King and ministers of state; but if such will be pleased to reflect that this is but a paper security, that in this fluctuating world, acts, and treaties and leagues are made and repeald as occasions offer and what is made perpetual 1 today is abrogated with contempt tomorrow, and that this our King is not i minor tall, that he may not employ these same servants alwayes nor these perhaps prove constant in ther politicall veiws and intentions, I say if they will but consider these things, this security will appear imaginary and at best but very precarious. Besides tis a jest to imagine that the Parliament cannot, or, which is all one, will not alter any law or article of the Union, if to them it seems proper; and altho I readily grant that by law or equity they ought not and cannot do it, yet if it sboud so happen that they actually do it, wber is our releif and how shall wee help ourselves? What the Parliament does is law, and wee must either submit or rebell, and the consequences of either are obvious. Now if the Parliament of Britain can alter the establishd government of the Church of Scotland, let us next consider whether ther is any probability it will be done; for in matters of this nature and such vast importance wee shoud fear and provide against the most remote dangers. I- take it then for granted that nineteen parts of twenty of the English people are Episcopalians and that the interest of the Church of England is by very far more prevalent than all the severall Dissenters put together; a plain proof wherof is that even a Whig Ministry, consisting of persons who are not much on the Church lay or perhaps indifferent as to all matters of Church government or even religion itself, even these, I say, are

obliged to make as great profession of their zeal for the Church as the highest Tory of them all, otherwise they could not support their administration; at least 'tis probable that so matters stand, seeing 'tis certain they make such professions. Let us then imagine the Presbyterian clergy in Scotland should disoblige the laity, and these be prevailed on to address the King and Parliament to have Episcopacy restored amongst them. Let us suppose next that when this happens the High Church party prevails in England; is it to be doubted but the desire would be granted? Or let us suppose that the Whigs or Low Church party are in power, and the Tories crying out the danger of their Church, would even this Ministry make a scruple of getting over the article of Union in favour of Presbiterity? And is it not probable that they'd comply and, to shew their respect for the Church of England, enter into the measure, the refusal of which would render all their former professions and pretences suspected? If any man is so simple as to think; statesmen will not make such compliances to save their bacon or better- their interest, he has little experience of this world. ■ ..'•

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Now if what I have laid down be well founded, we are next to consider how our Presbyterian church government stands in the affections of the people of Scotland, and what it is that would most probably provoke them to appear against Presbiterity. I am hopeful (notwithstanding the braggings of the other party) that the Presbyterians are by far most numerous in Scotland, but at the same time it must be owned that there are many, and these, in some countries, of great power and interest, of another opinion; besides I am afraid they many who join with us now that are pretty much indifferent as to these matters and would tack about where their interests lead them; and it is not to be doubted but the first, out of principle, and the latter, out of interest, if they find it so, will improve every opportunity to our prejudice; and where can they get so proper and taking a handle as our clergys opposing the dissolution of the Union, which all ranks of people of every side and principle, in every part of the country, find grievous and complain of as intolerable? That this though short is a true representation of the sentiments and temper of the people of Scotland will not be controverted.

Let us then consider what may be the dangerous effects of opposing a measure which the people think so necessary for supporting themselves and their families. Will not such as are occasionally conformists and are but professed Presbyterians because 'tis the fashion and the established government, think they are ill requited if wee



are the instruments of their ruin? And will not such as regard their temporall more than any other interest (and alas, these are too many) desert us if we support measures inconsistent with their temporall welfares? These suppositions and inferences are evidently certain and cannot be too carefully guarded against; for let us fancy to ourselves what we will, our Church government, next to the protection of Heaven which allows nay requires secondary means, can have no such well founded security as the favour and inclinations of the people; and if we promote measures inconsistent with the interest of the country, they sooner or later turn against us and render us odious to the people, who will then be easily prevailed with to enter into measures prejudicial to us; and if their resentments run so high as that a considerable number of addresses should ever be got for restoring of Episcopacy, he is a fool that imagines it would not be obtained. He has a bad memory who forgets what divisions occasioned by the abjuration are still amongst us and how much we lost of our credit with our best friends, in that we did not so zealouslie as some others contend against the Union whilst it was in agitation. A second wrong step of this nature will work our ruin compleatlie; and let not our friends imagine that we can, tho we would, blind the people in this matter; no—their sufferings are so griveous and sensible they cannot be longer imposed upon, and I'll venture to affirm that in our western bounds, if we of the clergy should oppose addresses or other lawfull means for obtaining a dissolution of the Union, our churches would be deserted and we ourselves in hazard of our lives.

Besides what I have said to shew the little security our Church has from and under the Union, and the imminent danger we'll be exposed to if we counteract designs to dissolve it, there is another consideration which in the circumstance of a separate independent Parliament seems beyond all others a sure pledge for the security of our establishment. It is, Sir, a certain rule in the course of humane affairs that the establishment of the Church and State must mutually support each other, and therefore on reducing or rather restoring our State to a separate independency from that of England, it must naturally follow that our Church must be in the same manner separate. And as the nation will be universally pleased with that independent state, all wise men, when they find themselves free *of* their late bondage, will be carefull to widen that separation so as to prevent a relapse, and these must see that the greater the separation is in Church matters here those in England, the separation in those of the State will the more readily continue. I make so little doubt of the good effects of these considerations, that I persuade myself, not only all who are

indifferent (and these are not a few) but also a great many of the Episcopalian persuasion, will concur in supporting our present Church establishment; for the miserable condition of the nation under the Union carries so deep an impression, that all true Scotsmen will dread the thoughts of being driven back to it and will be eager and active to double their securities against it.

To sum up all, it appears to me so much the interest of the Church of Scotland (with respect to her legal security and preserving the inclinations of the people) to forward and promote every lawful measure for dissolving the Union, that I beseech Almighty God to put it into the hearts of all my bretheren to give a zealous, sincere, and hearty concurrence to it, by which they confirm their friends and dissipate all, nay perhaps convert some of their enemies, and obtain the blessing of God as a recompence of their Industry, integrity and fidelity. We have a Protestant King, and we're told he desires the welfare of his people; and as by woeful experience we find the Union detrimental to Scotland, and are also told it is far from being a solid advantage to England, we therefore have reason to expect His Majesty will hear our groans and redress our grievances. And as the Union was brought about to secure his succession to these Crowns, that being now established, there's no reason for continuing it; and as nothing can so much contribute to gain and confirm the affections of the people towards him, nothing will so much discourage the Jacobites; for believe me a great many in our parts of the country are so displeas'd with the Union that in hopes the Pretender would dissolve it they are not so averse to

him as might have been expected; whereas if they have hopes of redress from King George, the Pretender may put up his pipes, for any thing he can expect in Scotland.

Thus I have freely, sincerely and fully given you my thoughts of this matter, which I take to be so well founded on reason and good policy that (through the strength of the Lord) no consideration shall prevail with me to act otherwise than what I have advanced, being firmly determined (let others do as they please) in all places and on all occasions, in public and private, to maintain and advance that a dissolution of the Union is absolutely necessary for the welfare of both Church and State and accordingly behave and demean myself. And I venture to foretell that whoever acts otherways, or can so much as juggle in that momentous affair, will repent it sooner or later,

nay perhaps ere long.

I will conclude with praying that God would so direct one and all of us in this matter that the result may tend for the interest and prosperity of his Zion and the welfare and happiness of this poor country; and recommending you particularly to the care of the Lord, I rest yours.

Great pains having been taken by the Courtiers to stop addresses, anno 1714, for dissolving the Union, the following letter was published, entitled, A Letter to a minister in the country, in answer to a circular letter\* sent to the clergy perswading them to be against the dissolution of the Union.

, ‘; ‘ Reverend Sir, December 18, 1714.

I Received yours and with it a letter anent addressing against the Union in conjunction with the Jacobites, which you tell me

\* See this letter hereafter.

tis belived was compiled by a certain gentleman (Sir David Dalrymple) and a copy thereof sent to each clergyman in Scotland. At first I doubted a litle concerning the author; but after I had considered it more seriouslie, the loose incoherent stuff wherof it is composed from top to bottom, the many gross and false assertions containd in it, and the Billingsgate unmannerlie expressions with which it abounds, did soon convince me that he and he only was or could be the penman of it; for after this manner hath that celebrated gentleman appeared very often if not alwayes of late years in his speeches, pleadings and writings. He may flatter himself that this way of doing business will be agreeable to the mob; but Ime sorry he should treat men of your character In a manner, which, as it shews a contemptible and mean opinion of the persons capacitys for whom such stuff is prepared and calculated, is seldom or never approved by men of sense, who are apt to intertain a bad impression of the cause or the author, or of both, when such methods are taken to mantain what is contended for.

Ther are many whose conduct and behaviour before, at the time of, and ever since the Revolution, in standing up for the Protestant religion and the liberties of ther countrie, never did nor will allow them to lye under the least suspicion of being Jacobites, altho they are inclin'd, whilst they defend themselves and mantain ther principles, civily to treat those who differ from them, and altho they own that they alwayes were and ever will be against the Union. Hence it is that I cannot with patience hear a gentleman endeavouring to thwart a measure so necessary for the safety and preservation of his countrie, by allegations false in fact or forreign to the purpose. As far as tis

possible I am willing to allow some excuse in behalf of such who ignorantly complyd and contributed to the measure of uniting the two kingdoms (tho the consequences were plain and obvious to all who could number their own fingers) but after the fatal experience of the dismal effects attending it, what can be alledged in excuse for those who'r anxious and busy in defending and continuing it? Tis true indeed the author of this letter hath not the assurance to deny the unhappy situation of affairs and the dismal prospect Scotsmen have before their eyes. To have said otherwise, had been too gross even for this gentleman, not very acceptable to most people of all ranks, and too palpable a discovery of his secret design; and therefore he is pleased very emphatically to represent the bad consequences which have and will attend the Union, with respect to England as well as Scotland; and from thence he concludes and assures us that he himself and his honest friends (the appellation wherewith he honours such as are of his own opinion and party) must and will take measures, sometime or other, to redress this matter; but then he acquaints us that now is an improper season for it, and I may venture to add that this improper season will in his opinion continue whilst he and his honest friends are employed by the Government and enjoy places pensions and power.

And that I may not be thought to judge wrongfully in this matter I will give you my reasons for this assertion, which are in short these; that I cannot have the charity to believe or hope that this gentleman and his honest friends will do justice to their country so long as they enjoy these baits and allurements which tempted them to promote and accomplish its ruin. Tis true indeed they expressed themselves not long ago in a quite different manner from what they do now. They then saw the dismal effects of the Union so clearly that no time was to be lost in dissolving it; and they, poor souls! were much to be pitied, and deeply regretted their having any share in promoting it; and what would they not give to be free of the guilt of it? The dissolution of the Union was then the publick toast and the inscription on the wine glasses in the tavern. On the first surmise of an attempt to obtain it, such of them, and particularly the author, who did not think themselves bound to leave their private affairs and attend the service of their constituents in Parliament even whilst the malt tax was first in agitation, could then post in all haste to London, in order to put their helping hand to the designed attempt for obtaining the dissolution; and all this was said and done tho those who appeared most vigorously for the dissolution and stood at the head of the measure, lay as much under the imputation of Jacobitism as any now a dayes; yet then and

on that occasion it was no scarecrow, all assistance to so good a work being necessary. But when these things hapned, this author and his honest freinds had not opportunity's to gain; a penny to themselves by recommending and obtaining favours for ther freinds and dependants (with which Sir David Dairy mpie stood charged by the Commissioners of Accompts) and did not enjoy pensions and places of profit and power. And I leave it to you to judge and determine if ther behaviour then did pro-; eeed from a reall desire of reliving ther countrie, or to thwart the measures of a State Ministry, which had turnd them out of these offices and retrenched ther exorbitant power. If from the first, why are delays prest now? and can any reason be assignd for ther present conduct, but that the case is altered with them, as they are once more in possession of what moved them at first to give up and betray ther country, and for continuing of which, they are readie and endeavouring to drive our chains closser and faster? Are these the honest freinds with whom wee'r to advise and from whom wee may expect assistance and concurrance? No sure. If they repent of ther follys and crimes, let us embrace and receive them kindly; but untill we perceive some overt acts to perswade us of the sincerity of ther professions and intentions, let us give them no credit, but (if I may use one of this authors ©un phrases in his letter) believe that "deceit is in ther lips."

But let us now consider. what are the arguments by which this author woud move us not to join in addressing against the Union. Why in short they come to nothing more than this, that he says the Jacobites are for it, and none but such have as yet declared for it, and therefore all others shoud be against it. For proving of this assertion wee have only his affirmation as to the fact itself and as to the persons whom he reckons Jacobites; and this wee had likewise when the Union was carrying on; all who opposed it were styled Jacobites, a great many belived it, so the Union took effect and will (if our faiths pind to this authors and his honest freinds sleeves) be intaild on us and ours for ever. But with this gentleman's leave I affirm the fact is by no means as he has represented it; for as ther were a great many of the nobility, gentry, clergy and commons against the making of the Union who had never been guilty of those mean pernicious illegall compliances in King James's reign justly charged on some of this authors dearest honest freinds who afterwards were most active in carrying on the Union, and as these noble Lords etc\*, always professd and acted according to Revolution principles and heartily wishd for and avowedlie promoted the interest of the Protestant succession as now establishd, so these and many more (who were

formerlie seduced by being perswaded to have a better opinion of the Union than they now find it deserves) do sincerely desire and will heartily concur with every lawfull and reasonable measure for obtaining a dissolution of the Union; and to represent matters otherwise, as if none but Jacobites had been at first and were now against the Union, is doing them more honour and service than they merit.

No body I imagine will deny that the most proper method of setting about this necessary work, is to begin by ane humble address, setting furth the wofull condition of our country; what then, I pray you, shoud stop it? Because, says our author, the Jacobites will concur in it. Can any belive this answer was designd to take with men of common sense? and yet tis the *sum* of all he alledges, and does even, I me afraid, take with some.

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But for my own part I have no regard to it; for in distress I will embrace the assistance of all who offer to relive me, unless I run the hazard of falling into greater misfortunes, which is not to be seen in the present case, for the Jacobites can be no gainers by the dissolution, nay it effectually puts a bar to the Pretenders hopes and veiws in Scotland which were founded chieflie on the generall aversion to the Union; and if the Jacobites, notwithstanding therof go heartily and sincerely into this measure, I shall have a better opinion of them than hitherto, for then it will appear that they are true Scotsmen preferring the generall interest of ther country to ther own particular interests and politicall views, which is more, I me airraid, than ever coud or ever will be said of our author and his honest freinds.

In the next place, our authors reasoning has no weight with me, for I never will allow the Jacobites so much the whiphand of me, nor will I leave it in ther power to divert me from doing my duty to my God, my king, my countrie, my self and my posterity, by so easie a method as pretending to approve of and concur with measures reasonably calculated for these ends. If it is true that the Jacobites propagate this measure, I suppose it doth proceed from information, that our author and his honest freinds being obstinate and hardned will by no means comply with any proposall for bringing about the dissolution; from whence they may reasonably expect to foment and encrease our divisions and discontents and therby advance the interest of ther Pretender; and if this be the case, then sure tis the duty of all who wish well to the Revolution establishment of the Church and State to join cordially in advancing this address, by which wee'l turn the canon on

the Jacobites.

As our author proposes only a delay, he tacitly owns the lawfulness of the measure; why then a delay? All delays of a good thing are dangerous; this certainly is the proper time. Untill King George was settled on the throne, a dissolution of the Union might perhaps have been attended with some consequences prejudiciall to the security of the Protestant succession, and therefore, notwithstanding my aversion to the Union, I was not so very fond as our author and his honest freinds, in concurrence with the Jacobites, to push the dissolution when it was set afoot in the late Queen's time; but now that King George is in the peaceable possession of the crown, the end for which the Union was contrived, with respect at least to the publick, is obtaind, and tis proper now to apply for the dissolution, least our silence and submission should be interpreted ane approbation of our present circumstances and a tacite desire of continuing in them. If therfore addresses are legal 1 and reasonable, can a delay be proposed with any other veiw than to put the project out of people's heads and prevent ther giving instructions and making choise of representatives in Parliament readie to undertake and capable to manage so great and necessary a work? This is so barefaced that I hope no Scotsman will be deluded by it.

. Our author tells us the Jacobites are not serious; and to prove this he tells us a long story of what past when the dissolution was in agitation about eighteen months ago, which, I am assured by a gentleman who was concerned in the Administration of those times and was not reckond a Jacobite, is false in evry fact and representation of it. But let us suppose the Jacobites were neither serious then nor now; what shall wee do next? Why not, as our author and his honest freinds did then, put them to it and make them either fail in ther fair pretences and so become odious, or help to redeem the nation?

What reason this author had to affirm that many of the Scots members of Parliament were bribd by the late Ministry I cant tell; perhaps he judges of others by himself; but this Ime sure of, that wee have heard nay known of bribes given during the last Scots Parliament; wee have heard of gentlemen, who besides the salarys of ther offices, had swinging pensions, otherwise they woud not attend the British Parliament [meaning Sir David DaU rymple]; wee have heard that a great many offices have lately obtaind augmentations of ther salarys; what was the design of demanding and granting these and the like favours I know not, but if this Ministry make not better payment and prove more munificent than tis said of the last, I will have some hopes that even our author and his honest freinds will

concur in conjunction with those he now calls Jacobites, in pressing for a dissolution of the Union.

After what has been advanced by the author of a letter from a Presbyterian minister in the countrie to his freind at Edinburgh, I will not presume to add any reasons why the Clergy, of all men shoud be the first and readiest to promote and recommend this measure; and I perswade myself our authors letter will make no impression on them, but that on this occasion they will behave as becomes good Christians, dutifull subjects and true Scotsmen, wherby they cannot fail to gain the hearts and affections of ther country, the best security for ther Church. For my own part, tho I never did set up for any more than ane indifference in my private opinion as to matters of Church goverment, yet I must confess your bretherens good behaviour in this weighty affair woud endear them much to me and move me to support and mantain ther interest on all occasions, and I doubt not but it will have the like effects with others.

Let me beseech you therefore to exert yourself at this criticall juncture, by which youl advance your own reputation and character in the countrie, do eminent service to the Church wherof you'r a member, and the countrie wherof you'r a native, and very much confirm that respect with which I alwayes was

Reverend Sir, Youre &c.

#### SONG.

The following Song has no dajte affixed to it; but from a memorandum it appears to have been printed soon after the accession of King George the First.

1.

“““\*:

Shame fall my een

If ever I have seen Such a parcel of rogues in a nation,

The Campbell and the Grame

Are equaly to blame Seduced by strong infatuation;

The Squadronie and the Whig

Are uppish and look big And design for to rule at their pleasure,

For to lead us by the nose



Is what they now propose And enhance to themselves all our treasure.

2.

The Dalrymples come in play,  
Tho they sold us all away, And basely betrayd this poor nation,  
On justice lay no stress,  
For our country they oppress, Having no sort of commiseration;  
No nation ever had  
A set of men so bad  
That feed on its vitalls like vultures,  
Bargeny\* and Glenco  
And the Union do show To their country and crown they are traitors.

3.

Lord Annandale must rule,  
Tho at best a very tool, Hath deceivd every man that did trust him,  
To promise he'll not stick,  
To break will be as quick, Give him mony you cannot disgust him;  
It happned on a day,  
"Us Cavaliers "hed say And drink all their healths in a brimmer,  
But now he's changd his note  
And again has turnd his coat And acted the part of a limmer.

4. ' •

• ' .. • i ... ■ : • . i Little Rothes now may huff

And all the ladies cuff, .

Couly Black\ must resolve to knock under; Bel haven hath of late Found his father was a cheat ,

And his speech on the Union a blunder;

\* The Earl of Stair did suborn false evidence against the Lord Bargeny before the Revolution, who was tryed for his life, but the villany was discoverd, and Bargeny acquitted.

+ The Earl of Rothes fought and fell in the street with a Cadie,

called Black, because he wore a hat and white tracing, in mock of the Whigs who distinguished themselves as Hanoverians in the end of Queen Anne's reign.

Haddington that saint

May rore blaspheme and rant, He's a prop to the Kirk in his station,  
And Ormiston may hang

The Torys all and bang Every man thats against reformation.

Can any find a flaw

To Sir James Stuarts skill in law Or doubt of his deep penetration,  
His charming eloquence

Is as obvious as his sense, His knowledge conies by generation;

Tho thers some pretend to say

He is but a lump of clay, Yet these are malignants and Torys,

Who to tell us are not shy

That he's much inclind to lye And famous for coining of stories.

6.

Mr. Cockburn with fresh airs

Most gloriously appears Directing his poor fellow creatures,

And who woud not admire

A youth of so much fire So much sense and such beautifull  
features?

Lord Poll worth\* need not grudge

The confinement of a judge

\* Lord Pollworth and his comerads used frequently to strip naked and burn their shirts in the taverns, at bonfires, drinking to the House of Hannover j at one of which they abused two servant maids in a scandalous manner.

But give way to his lusts and his passion,

Burn his linens every day

And his creditors neer pay And practise all the vices in fashion.

7.

Mr. Baily's surly sense

And Roxburghs eloquence Must find out a designd assassination,  
If their plots are not well laid,  
Mr. Johnstoun will them aid He's expert in that nice occupation.  
Tho David Baily's\* dead  
Honest Kerslands in his stead, His Grace can make use of such  
creatures,  
Can teach them how to steer,  
Gainst whom and where to swear, And prove those he hates, to be  
traitors.

8

Lord Sutherland may roar  
And drink as heretofore For he's the Bravo of the party,  
Was ready to command  
Jeanie Man's trusty band In concert with the traitor M<sup>c</sup>kertny. ...,  
Had not Lothian the misshap  
To get a swinging clap

\* David Baily was employd as ane evidence by the Squadronie; and  
the Duke of Roxburgh sett Kersland after his death on the same  
villanous busiies, and decoyd several poor gentlemen.

He'd been of great use in his station,  
Tho he's much decayd in grace  
His son succeeds his place A youth of great application.

9.

In naming of this sett  
Wee by no means must forget That man of renoun Captain Monro,  
Tho he looks indeed asquint  
His heads as hard as flint And he well may be reckond a hero.  
Zealous Hary Cunninghame  
Hath acquird a lasting fame By the service he's done to the godly,  
A regiment of horse  
Hath been g'in away much worse Than to him who did serve them  
so boldly.

10.

The Lord Ross's daily food

Was on martyres flesh and blood, And he did disturb much devotion,

Altho he did design

To oreturn King Willie's reign, Yet he must not want due promotion.

Like a saint sincere and true

He discoverd all he knew And for more ther was then no occasion,

Since he made this holy turn\*,

\* Lord Ross was a great persecutor of the Whigs; then he joynd them at the Revolution, then plotted to restore King James, then turnd taill, and did accuse all he knew of that .party. VOL. It 4 G

His breast with zeal doth burn,. For the King and a pure reformation:

11.

The Lady Lautherdale,

And Forfar's mighty zeal Brought their sons very soon into favour,

With grace they did abound,

The sweet of which they found When they for their offspring did labour.

Thers Tweedale and his club

Who have given many a rub To their honour, their Prince and this nation,

Next to that heavy drone

Poor silly Skipness John Have establishd the best reputation.

13.

In making of this list

Lord Hay shoud be first, A man most upright in spirit,

He's sincere in all he says,

A double part ne'er plays, His word he'l not break, you may swear it.

Drummond, Warrender and Smith

Have servd with all their pith, And claim some small consideration;  
Give Hyndford his dragoons  
He'll chastise the Tory loons And refomi every part of the nation.

13.

Did ever any Prince His favours thus dispense

On men of no merit nor candour?  
Woud any King confide

In men that so deride All notions of conscience and honour?

Hath any been untold

How these our country sold And woud sell it again for more  
treasure?

Yet alias these very men

Are in favour now again And do rule us and ride us at pleasure.

EPITAPH upon Andrew Fletcher of Salton, who died in London,  
1116.

The brightest glory of the Scotish race And nation lyes intend  
within this place: Let no base miscreant that did ere combine With  
those who woud his country undermine, Adventure to approach his  
sacred shrine:

Gainst such he did with matchless valour fight, Gainst such he did  
most elegantly write, And, when declaiming, boldly did oppose  
Without distinction, all his countrys foes, Their frauds discover and  
their guilt expose. No bait seduce, no danger coud affright Hi in from  
pursuing what he thought was right. Immense endowments and ane  
ardent zeall Joind to promote his countrys commonweall; This was  
his only aim, in this did never fail.

Honour and virtue reignd without controll, And justice ruld each  
motion of his soull. Farewell, my freind, farewell my country too, To  
freedom now she bids the last adieu, As all her hopes were founded  
upon you.

But whilst ther does remain the name of Scot, Fletchers great worth  
shall never be forgot; Honour shall still attend the Patriots name,  
Remotest ages shall respect the same, And, spite of envy, eternise his  
merit and his fame.

A Letter concerning the Bishop of Salisbury's History of his own times.

Edenburgh, 27 July 1724.

Tho I have not the smallest inclinations to put in for being reckoned ane author, I wou'd not decline throwing in my mite towards discovering to the world a few gross errors in Bishop Burnets history, that have escaped Mr. Salmon in his remarks on that book, and which, if he pleases, he may add to the next edition.

In the first place then, wher, as this most loyall Bishop affirms that his father did strictlie adhere to the royall interest during the troubles in King Charles the 1<sup>st</sup> and 2<sup>nd</sup><sup>13</sup> reigns and did in no sort submitt to or acknowledge the then usurping powers (from whence I imagine he would have his readers belive he was loyally educated by this loyall father, and consequently deserved more to be credited in such accounts as he gives not very favourable to the royall cause) Mr. Salmon (p. 294) thinks U very strange that Oliver shoud incline to make a person so loyally and episcopaly inclined, one of the judges, and seems to doubt the Bishops account either of the father's charactar or the advancement offered to him. And indeed the first alternative of his doubt seems to be very well grounded, when tis known that ther is at this present time, extant in the hands of one of our judges, ane originall duplicate of the Covenant signd by a great many persons, and amongst them one Mr. Thomas Burnet second son to the Laird of Leys, the very loyall episcopall father of the renowned Gilbert Burnet Bishop of Sarum.

And as this is a truer indication of the fathers principles both a9 to Church and State than any charactar given by the son, tis also evident that the latter did suck in the true and genuine principles of the former and copy after him as he intimates in his history, if wee may credit what Mr. Woodrow tells us in the 521<sup>st</sup> page of the second volume of his history of the sufferings of the Church of Scotland lately published at Edenburgh, viz—Here (sayes that author) I cannot but observe what I have from two worthy persons present when the late excellent Dutchess of Hamilton more than once told the sentiments of Dr. Burnet since Bishop of Sarum signified to Her Grace upon our nationall Covenant, particularly once when the conversation fell in upon the sufferings of Presbiterians for adhering to the Covenant, the Doctor spoke of the nationall Covenant with a great deal of respect and said he belived it woud never be well with Scotland till wee returnd to that Covenant and renewed it. This, continues that author, was when the Doctor was last in Scotland. This passage Mr.

Woodrow produces to the honour of the Bishops memory; and if it is true that the Dutchess did narrate it, as Her Grace was a Lady of great honour and singular piety and whose word the Bishop certainly did design shoud be credited, seing he adduces her (tho falsly as I shall afterwards illustrate) to vouch part of his secret history, ther is not any the smallest reason to question the veracity of it, which, with what I have mentiond concerning his father, will serve to clear all doubts concerning the Bishops education and his secret principles, to which his veivs and actions were so very correspondent.

The reflections Mr. Salmon doth make (page 320) on the account which the Bishop gives of the Kings purchasing some abbay lands towards endowing the Scots bishopricks, are very just and obvious, to which give me leave to add that it is utterly false that he purchassd these abays with English mony, for as the Bishop produceth no voucher for this, and none he probably ever had or indeed coud have, the falsehood, at least in part^ is very certain; for the originall deeds are still extant and to be seen in the register of our publick records at Edenburgh, by which the abbay of Arbroath then enjoyd by the Marquise of Hamilton was resignd to the King, who in leiw therof gave the abbay lands of Lasmahagoe to this Marquise. So that here it is plain that these lands were not purchassd by either Scots or English mony but obtaind by ane exchange, to which it cannot be imagined that ther was any backwardness, as the Bishop re, presents, in the Marquise, nay it woud appear it was done out of favour to his family, seing Lasmahagoe was at least of equall value and scituated near the principall seat and adjoining to the best and greatest part of the estate belonging to him, wheras Arbroath was in another countie and at a good distance. But whatever was the way and manner of the King's obtaining this abbay, the Church had no concern in it or the consequences attending it, seing it was not, as the Bishop affirms, annexed to the archbishoprick of St. Andrews; for the King gave it to Mr. W. Murray afterwards Earl of Dysert who sold it to the Earl of Panmure in whose family it continued till the time of the late forefaulter and was purchased by the York buildings company. From what I have said it is apparent that the Bishops authority with respect to matters before his dayes is as lame and litle to be depended on as those in his own times.

What equivalent the King gave the family of Lennox for the lordship of Glasgow (which was indeed annexed to the see of Glasgow) I cant tell, tho woud one be at the pains to search the records for the resignation into the Kings hands, it might probably be discovered. However altho that shoud remain a secret, this wee know,

that the Duke of Lennox was then much in the Kings favour and enjoyd many great posts in both kingdoms-, being a fine gentleman, a faithfull subject and the Kings near kinsman, from which tis easie to be imagined that the Duke voluntarily resigned the lands to the King, who at the same time did him justice one way or other; and how that was done is a matter perfectlie indifferent, if no third party suffered by it, which the Bishop does not so much as insinuate.

In Mr. Salmons remarks, page 898, he hath omitted taking notice of a blunder in the account which the Bishop gives of the Earl of Argyle's tryall, viz that the Court consisted of a Justice Generall, a Justice Clerk and five other Judges—that the Justice Generall does not vote but when the Court is equally divided—that one of the Judges was deaf and so infirm he went home to bed—that the other four being equally divided in their opinions, the infirm Judge was sent for again and gave it against Argyle This is the Bishop's account of the story; but if the Justice Generall did not vote (as indeed is the practice of chairmen or presidents in all courts) and the infirm deaf Judge was absent, there still remained five voting judges (the Court consisting of seven Judges) and consequentlie there could not be an equality, that is two and two of a side as the Bishop affirms. Perhaps he has imagined the Justice Clerk was no more than clerk to the court, in which case there would indeed have been but four voting Judges; but it is strange the Bishop should reckon him amongst the Judges when he gives an account of the number that the Court consisted of, and forget him before he gets through his story; and it is as strange that the Bishop who pretends to be so well acquainted with the laws and constitution of his native country and interested himself so much in the tryalls of his persecuted friends, should he supposed ignorant of the Justice Clerk (so named because originally and until the time of the Reformation that office was (by the constitution of the Court) supplied by a clergyman) his being truly one of the Judges of the Court and as such voting in all cases except when the Justice Generall is absent, in which case, *virtute officij*, he presides and then does not vote, except on an equality amongst the other Judges.

It seems proper to add to Mr. Salmon's remarks, page 970, concerning the account which the Bishop gives of the Duke of York's cruelty in standing by and viewing the unhappy wretches whilst under torture, so contrary to the practice, on other the like occasions, of the Lords of Council, who used to withdraw from so shocking a sight. I cannot but think this altogether the Bishops own invention, because it does not correspond with the character which all others give of the Dukes natural temper, and because if he had in the least



behaved as is here represented, twas impossible but others as well as the Bishop must have heard of it and reported it. Wee see what a noise and clamour was made on the ill-grounded story of his favouring his dogs when he was shipwrackd; and such an extraordinary instance of his cruelty and barbarity, in so publick and conspicuous a manner, could not have been unknown to all the world but the Bishop; and that nevertheless it was so, I may safely averr, seing till the publishing of this infamous collection of malicious fabulous libells, no part of this calumny was ever so much as suggested or laid to the Duke of Yorks charge by any one of his many inveterate enemys before or since the Revolution. From whence I must conclude that the Bishop imagining this story woud make a good figure, in his secret history, and that it, as many others of the same stamp, woud pass current on his vWord, was carefull not to reveall or speak of it, in hopes ther woud be none to contradiet it at the time of publishing his book; and with a veiw to this and many other such notorious falsehoods, the imaginations of his own fruitfull malicious brain, it is to be supposed that he ordered Jiis book shoud not be publishd till seven years after his death.

It is not my intention to make any observations with a veiw of illustrating the genuine birth of the Pretender, it being, as Mr. Salmon affirms, of litle or no moment towards establishing or destroying the legality of the present Revolution settlement Which is founded on grounds no wayes dependant on that particular; but as I am .making animadversions on the Bishop of Sarum's history, I cannot but remark that his account of this matter is so full of possitive contradictions, straind inferences and improbable unattested facts, that whoever duly considers them, will easily perceive it flows more from ane unguarded unlimited zeall towards proving what he is so bent and thinks so necessary to have belivd, than from a just regard to truth, and will reckon it rather a collection of all the title tattle at that time industriously and politically handed about, than solid substantial proofs to gain credit to the supposititious birth of that child. In order to make good what I have laid to the Bishops charge, allow me to enlarge a litle upon one of the many passages he relates. He says the Countess of Sunderland did depose that the Queen whilst in labour did call on her to give-her her hand that she might feel how the child lay, which (added the Countess) "I did." From hence the Bishop observes that she did not say whether she felt the child, or not, that is, the Bishop woud have these words "I did" refer only to the Countesses giving her hand to the Queen; wheras to any other person that understands the language, they woud naturally refer to the whole preceeding period, that is, I did give my hand and did feel how the

child lay in the Queens belly (for that word belly is expresslie mentiond in the deposition, tho the Bishop thinks fit to ommit it); but if these words "I did" refer only to a part of the preceeding period, it must be Vol. i. 4 H

to.the latter part therof, and then the deposition is that she did feel.the\*child in the Queens belly. I mention this particular, to show what ane admirable logician our Bishop was. But that he might confirm the construction he hath put on the deposition, he tells us that the late Dutchess of Hamilton informed him that the Countess of Sunderland had frquentlie told her that when she went to lay her hand on the Queens belly, she (the Queen) did not suffer it to go lower than her breasts, so that in truth she could not know and judge whether or not she was with child. Now without insisting on the improbability of the Queen<sup>6</sup> desiring and then restraining the Countess from feeling her belly, that she might judge, according to the deposition, whether or not she was likely to be soon delivered, what notion did the Bi\* shop design wee should have of this Countesses veracity, or what credit did he imagine could be given to the second part of her story that clashd so diametrically with her praevius oath, when the same is not explaind away.by this ingenious Bishop? But in the next place, the Dutchess, tho a stanch Presbiterian and a heartie Revolutioner, at all times contradicted the story of the Queens false big belly, because, as she said, the Lady Sunderland (whom she reckond as good a woman as was in England) had often told her that she found the child in the Queens belly and was as sure she was with child as.ever she herself was, and that her daughter-in-law the late Countess of Arran had often confirmd the same to her. Now that the Dutchess hath often and often\* and always when the conversation was On this sub-> ject, expressd herself after this manner, can be attested by many persons of undoubted honour and veracity, and it cannot enter into the imagination of any, that she would affirm the direct contrary to the Bishop, And therefore Lmust conclude that the Bishop being sensible that ther was great need of some furderevidence. than his construction to carry off the Lady Sunderlands testimony, made up this story or rather inverted the account he had of it from the Dutchess; and it is presumeable that ane eye\* to this very passage was one of the reasons for his delaying the publication of his book; for tho the Dutchess did outlive him a? year or two, he knew well enuff that she was arrived to so great ane? age and withall so very infirm and that he was morrally assured she could not survive the term of seven years.

To conclude, as the delay of publishing this very singular history

was probably with a design to prevent any of hfe forged' stories from being contradicted by living witnesses, it had also this benefite, that not one single person (if I be not far mistaken) whom he cites as his authors (of whom the aforesaid Dutchess, I believe, was the last survivor) was alive to vindicate ther reputations by giving the lye to his impudent appeals to them.

These are a few of the many observations made in this countrie on the Bishops history; but woud any one be at the pains to collect the many falsehoods, both as to matters of fact and charactars of men, that are in most peoples mouths hero (wher what he relates as to Scots affairs and Scots men is best known) thers abundance of matter to make a third volume by way of Appendix to Mr. Salmon. To sum up all, I am credibly informed that a certain person finding the Lord J. C (one of the most eminent men in our countrie) reading this book, and asking how he liked it, His Lordship replyd, "By no means well, for he coud scarce turn up a page in which ther was not some passage that he knew not to be true, and that severall of the facts which the Bishop had ane account of from himself were not represented as he had told them." What these facts are I cant tell; but as the Bishop took the libertie of adding or impairing, he was so provident as not to cite his author, as in other cases when his pretended authors were dead or so advanced in years that he was not afraid theyd contradict him, by the time his book was publishd.

I do by thisj return Mr. Salmon the thanks of all honest Scots

men for his incomparable confutation of the Bishops history, which seems calculated for no other end than wounding the memorys of the whole royall family and giving forreigne nations such ane idea of the inhabitants of this island, that they cannot fail to bliss their good fortune in being seperate by a large ditch from them, if so be they are not apprised of the many gross malicious falsehoods containd in it, towards propaling wherof is the duty of every true Briton,

I am yours.

Letter written in 1729 and intended for publication in a periodical paper called the Eccho.

Ime the younger son of a family of rank and distinction, distant some 40 or 50 miles from Edenburgh; being somewhat untowardly in my younger years I did not follow out the business to which my father designd me; but instead therof I became soon one of these they call

your pritty young fellows, which leading me to keep better and more extensive company than suited with my finances, I was in a litle time obliged to go abroad and push my fortune, and I accordingly set sail from Leith in October 1703.

I had been for the most part of the two preceeding years in Edenburgh, and there being all that time, especially the last summer therof, a great deall of company in town, and many handsome equipages which, besides the noble cavalcade at the riding of the Parliament, frequently made a parade on the sands of Leith at the horse races which abounded every week for the diversion of the town, I sett out into the world with a strong idea of the politeness and grandeur of my native country; and tho I have rambled about thro most kingdoms in Europe and been many years in the service of a potent prince, the impression was so deep that what I afterwards saw did not deface it; and I used fo toast therof amongst my forreign freinds and companions. I observed to them that notwithstanding the dissadvantage of not having a Court and supreme seat of Government amongst us, no place whatsoever aforded better company in all respects than *Old Reeky*; that as the antient Scots nobility and gentry were of as noble extraction as any in Europe they lived like themselves and made a goodly appearance; that as our youth were generally educated abroad, they applyd themselves to their exercises, and on their return home made so handsome a figure on all publick occasions that I did not know if ever I had elswher seen so many young men that were mounted on horseback and made a finer appearance than on the sands of Leith at a horse course. And now after all I still imagine I did not magnifye this account of my countrymen beyond what they deserved, for as the frame and make of ther bodys is inferior to none and that they have capacitys for all manner of accomplishments as much as any other nation, after having spent some time at their exercises and falln into a forreign air, no people whatsoever make a better figure; and in those dayes, when they returnd from their travells; they were solicitous to keep what they had attaind, and make such ane appearance as shewed they had not mispent their time and mony; and hence it was that on all publick occasion's they appeard well dressd, particularly affecting to be well mounted and make a handsome show on horseback, than which nothing appears more suitable to a gentleman.

I returnd home a few dayes agoe to my native country, and bringing home the same notion I carryd away with me, I was overjoyd to hear that next day was appointed for the Kings plate. As I had not any one acquaintance in town, I provided myself in a

tollerable good haukney, and away I trudged (in compleat cog) by my self; after I had stalkd about for near ane hour and concluded that most of the company was come, by the time that the horses were nigh readie to start, I was not a litle surpris'd and began to doubt if what I had formerlie seen was reall or only imaginary. The few and scrub wheeld equipages did not affect me so much as that I could not see scarce one gentleman mounted and equip'd as formerly. I could not imagine that the rebellion had swept them all away, for sure, one side prevail'd and remain'd, nor could I suppose that they had universally takn a distaste for and forsaken such diversions, for then no such woud be. Whilst I was thus musing I observed a great number of young fellows cloath'd in green, with velvet caps, and as this was the habit and livery of the Lord High Commissioners servants when I left Scotland, I began to think there must be still some such office in being notwithstanding the Union, and I went about to search after the head and master of so many pages, lacqueys and grooms as I saw in all places, who, to my astonishment, seem'd to be the only men that took upon them at this assembly. I also observed that tho' ther were few or none but these green in livery, yet ther were great abundance of inferior rank distinguish'd by their caps; and tho' I, who had been so long abroad, wher these decorums of familys are strickly observed, could not approve that plain sort of equipage, I chiefly admir'd what was become of those to whom these fellows belong'd. Being at last curious to unridle this mistery, I made up, after the last heat, to ane honest grave like person, asking him to what family these in green belong'd; he answer'd, "To a great many." "It seems," says I, "green is become a very universall livery!" "Yes," reply'd he, "in the very best familys of the kingdom." "Pray," said I, "how comes this about? for in dayes of yore it was not so; each family was distinguish'd by its own colours according to the blazoning of their coats of arms, wheras here, they either almost all green or have nothing to distinguish them from gentlemen but caps." "Thats true," answer'd he, "but now adayes wee look upon our forefathers as A parcell of stiff formall fellows, and running cross to all ther rules and forms, amongst other innovations, these distinctions are laid aside, and weer so set on the levelling schemes and odd notions of libertie, that not only the inferior rank of mankind affect to appear on the same footing with the higher, but even these meet them downhill more than halfway, and so it is that one here can scarcely distinguish the master from the servant and the gentleman from the cobbler." As this account confounded me I told him I had been long out of the country, and begd hed explain this mistery. "Why, Sir," reply'd he, "these with caps are some of them the young nobility and gentry of this country, and others of them,

apprentices, pettifoggers at the law, and such like trash. These in green are some topping sparks who instead of minding the service of their prince and welfare of their country, have formed themselves into a society where drinking hard and riding hard is the utmost of their ambition and the sole subject of their conversation; instead of supporting the grandeur and respect due to their rank, they affect to appear in that poor despicable pickle; the horses and equipages usually on such publick occasions are changed into what you see, and the air and mein of a Marishall of France converted into that of a Yorkshire grassier or jockey. Do but behold, Sir, thers the E. of H.— thers the Lord S.— Sir J. C.— Mr. L.— Mr. D.— &c\ Observe how slovenly they sit two fold on their beasts with their legs dangling like two stilts; observe their mein, and tell me if they dont imetate ther originalls to the life?" "What I see and you have represented," said I, "astonishes me much; but Ime most affected with the thoughts that such an outward metamorphosis cant happen without the like inwardly. If these sparks had the same lofty towering thoughts and aims of their noble progenitors, sure they woud not debase themselves to such a degree, or else they universally become profound politicians and by this affectation have some deep intrigues *in petlo*." "Nay," answered my old gentleman, "you wrong them I dare say in this last particular, but for any more I wont take upon ine to dive into their minds or enter further into ther particular -character, but if you continue much longer in this country, youl see and hear enuff to ennabbe you to form a judgement:"—And so he went off, and I returnd to town and am now at my fathers house in the country, wher after reflecting on this passage, I resolved to give you, Madam Eccho, this short detail of what occurrd to me, beliving that if you think .fit to publish the same, it may have some weight towards rousing up in our youth more noble generous aims than those with which it seems theyr at present inspired, when they perceive how contemptibly they appear in the eyes of strangers.

Thoane outward good appearance is not all thats required\*© render the character of a gentleman compleat, yet ad decorum theria is absolutly necessary; and when he degrades himself in one article, the vulgar will take his example in others. The state of humane affairs requires that distinction and those degrees of higher and lower ranks which have been hitherto established in all ages and countries; and as too much familiarity begets contempt from the vulgar, a similitude in dress and behaviour lessens the respect justly claimd. and paid to those of a superior rank (for visible appearances work powerfully on humane minds) and in time produces that meanness in the one and

arrogance in the other, which terminates in an equality pernicious to both.

I do not expect a reformation during the short time I have to stay; so I shall probably carry away as low, as formerly a noble opinion of my countrymen, and will endeavour that they shall not be the subject of my future conversation abroad, lest I be obliged to retract what I used to advance, or deviate from the truth, neither of which is agreeable to Yours.....

Letter written in 1730 and intended for publication in the

•Eccho.

Of all the many vicious practices which abound, there is none so unaccountable as swearing and cursing in common conversation. There is something to be offered (tho indeed, when thoroughly canvassed, but trifling) as an allurements in most other vices, but in this, not one tolerable pretext can be assigned towards justifying or even excusing the practice. How atrocious it is in the sight of God, how repugnant to the nature and statutes of our holy religion, how pernicious with respect to civil society, are articles I leave to those whose profession and abilities render them more proper and capable to illustrate. There still remains more than enough to render it detestable in the opinions of all judicious persons, and to persuade the guilty to forbear a practice so inconsistent with common sense and good manners.

The persons most addicted to this vice are the underling canals of the people; these are to be reasoned with in a way peculiar to themselves, tho by the bye I cannot but observe that persons of power and authority are much to blame and accountable for the prevalence of this vice in these sort of people; for did they meet with the discouragement and punishment they deserve and should be inflicted by their superiors, they would be less offensive in this particular. But there is a rank of men no less guilty to whom I address myself on this occasion, and these are your young gentlemen who would fain pass for something more than common, vainly imagining that by swearing and cursing they get the character of pritty fellows; but in this they are so far mistaken that it has quite contrary effects. For as this rhodomontado way of conversing is affected by all your bullies and bravos, the practice thereof renders one very apt to be suspected as too nearly allied to that worthless gang; for as he carries the mark of the beast on his forehead, some particular reason must be assigned to remove the suspicion, and in that respect he is not on an equal footing with others. And in so far as honor is concerned, it is directly opposite thereto; truth and sincerity are so essential ingredients of the

composition of honor, that without these qualitys it cant possibly subsist nay have a being; and hence it is that to insinuate the least doubt of these is the highest indignity and imputation amongst men of true honor, who expecting that what they assert or deny on their simple affirmation or negation shoud be absolutely credited, think the requiring any collaterall conviction a reflection on their charactars. And this certainly is a wise and necessary maxim, as the allowing or even supposing it possible for a man of honor and honestie to deviat in the most minute degree from plain naked truth woud render all mutuall confidence in mankind precarious. Do not then these fine gentlemen, who on all occasions call God to witness or imprecate curses in confirmation of what they relate or profess, fairlie and openlie confess and declare that having no title to the charactar of true honor, they are not to be ranked with those who are belived to act and speak truely and sincerely? For if ther words were to be equally depended on, for what purpose is this additionall security offerrd? And why shoud they suppose it was needfull? I do not say that these swearing heros are all of them or at all times, nay perhaps some were never, guilty of affirming falsehoods, but I mantain that the practice against which I levell can proceed originally from no principle or motive but a self conviction of not meriting the credit due and allowd to men of honor, that is, truth and integrity; and what charactar more infamous and unbecoming a gentleman?

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And now if the case realie stand thus, let such as will persevere in this senseless practice lay their hands to their hearts and take up with the charactar of being persons on whose integrity, ac

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ording to their own concessions, ther can be no absolute dependence, and withall remember that volleys of oaths will not gain them one whit of more credite; for that gentleman who will tell a lye will not stand to add ane oath into the bargain, and thers good reason to suspect the truth of that which the relater owns doth require better testimony than his word. Some woud excuse themselves by affirming they have no ill design and that it cheiflie proceeds from a habit; but as it had a beginning before it became habituall, I cant take their word for its origine, being naturally and in prudence led to suspect the worst by doubting their having true notions of honor, and I jealous them the more that thers no vicious habit so easily shaken off as this of common swearing and cursing. Many instances may be produced wher persons remarkably notorious in this vice when hapning in



company with ladys, parents, clergymen and persons of rank and powr, whose charactars they respect, do abstain from this unmannerlie practice; and such, sure, cant alledge any excuse for reasuming that sort of conversation. I will conclude with a remarkable passage to this purpose, which I mention as much for the honor of one of the partys as for a reproach to the other. It hapned that a certain famous Collonell, whilst at the table of a person of rank and distinction, according to his usuall custom spued out ane infinite number of horrid oaths and imprecations; ane honest plain citizen of this place, surprised as not accustomed to such shoaking conversation, coud not stand it, and with a grave composed air he spoke thus. "Noble Collonell, I coud bear any freedom you might think fit to take with my self, rather than discompose the company, but I cannot indure to hear the God I adore as the supreme Being and the Author of all good, treated in so disrespectfull a manner." The Collonell was at once struck dumb; he sat silent, snorted and slabberd up his victuals and immediatly after dinner retired. When such were the effects of a well seasond rebuke on so notorious a sin

ner, what success might be expected if men of rank and discretion woud discourage a practice so odious to God and nauseous to all persons of virtue and a good tast in conversation?

The Editor having found amongst Mr. Lockhart's loose papers a manuscript copy of the letter mentioned p. 581, and ascribed to Sir David Dairymple, thinks it may with propriety be inserted here, as a curious specimen of the style which the writer of it may be supposed purposely to have chosen as best suited to the taste and habitual phraseology of those to whom the letter was addressed.

Sir,

There's no Scotsman can be ignorant what have been the restless contrivances of the Jacobite party in Britain these years past, 1k>w they have laid hold on every handle by which they could work out their projects in bringing in the Pretender to the outer ruin of our religious and civil privileges; they have been especially carefull to make use of the most popular argument, a bait wherwith to hook honest men into their measures from which they hope for quite contrary effects from what they themselves especially propose. Such is their cunning, and when Providence breaks one snare, so restless are they in their designs, they ready another for us.

The Lord God having lately in a wonderfull surpriseing yea almost miraculous manner utterly broke and defeated the cursed projects and execrable designs of these our cruel and mercyleless enemies even

when by their own confession they were at the very point of execution, and this in such a manner as made those among them who has any spark of ingenuity left acknowledge they were convinced the Lord God was on our side against them, and that it was in vain for them any more to struggle; one would have thought the conviction of this must have influenced them

to despair of success and give over their restless plottings and contrivances. Lyes are their refuge, and lyke the father of lyes, tho' he's sure he'll nere prevail against truth, yet he and they continue to work all the mischief they can to these who adhere to the cause of truth.

We have now in mercy a Protestant king to rule over us, of whose justice and good intentions to relieve us of all the griveances we have just reason to complain of, we have no manner of doubt; his voluntary bringing himself under the most solemn engagements to support, maintain and defend the Church of Scotland gave occasion to the malignant Jacobite spirit to shew itself in England by trumping up the cry of the Churches danger and down with the Presbyterian government in a furious manner immediatly upon the back of it.

That the Jacobites in England might not be wanting to themselves in embarassing the Kings measures by influencing the following elections, and also much as lay in their power raising disturbances all over the nation, while they inflame England with the cry of the Churches danger, they have set the Jacobites in Scotland to wark to promote the cry for dissolving the Union as indispensably necessary, and likewise as seasonable at this juncture.

The Jacobites could never hitt on a project on which all honest men are more generally agreed. Seven years experience of the fatall consequences of this unhappy Union hath so much opened the eyes of the nation to see it drawing a graduall ruin on us alongst with it, over and above the heavy yoaks therby occasioned which we now groan under both as to our civil and religious concerns, that not one thing so much employs the thoughts and time of honest men as a dissolution of the Union consistent with the safety of the Protestant succession and the peace and happiness of our poor country. But as this is an affair of the greatest consequence, in which so many valuable things are to be considered, honest men alhvays had it in their view to enter into a concert of this matter after the most deliberat manner, and to put the project upon such a foot as to have its rise and be carryed on wholly by honest men, and this we can only hope to be successfull.

However griveous the Union is to Scotland, yet it can be plainly made appear that its the Kings yea Englands interest to be rid of us, for, as if Providence had designed to put a mark of contempt upon this transaction, experience shews that neither that nation is gainer by the bargain, so that if we are not wanting to ourselves by taking imprudent measures we have no reason to despair of obtaining this valuable blessing which we all eagerly wish for and will heartily concurr to every proper measure which, after considering, will appear to answer the end.

The Jacobites are now with all their might promoting subscriptions to an address for dissolving the Union, tho', tho' its artfully enough expressed, yet by the whole strain of it plainly appears to be theirs, and they propose to make this a test for candidates at the ensuing elections, therby to divide us amongst ourselves that they may make ane advantage from our divisions and retrieve their interest in the country and esteem among the people which they have justly forfeaulted by their repeated villanous contrivances and designs.

A demonstration that this project of their contriving and carrying on must be infallibly disapointed, as to its success, necesBarly must determine every honest man by no means to concern himself in their councils; what will satisfie yow as to this point is to take a view of their honesty when this very affair of the dissolution of the Union was in agitation during the last Parliament, we shall only give yow ane hint of it here because a full account of the plain facts as they happened, well avouched, being taken from the original papers, will be speedily printed and sent you. The story is this:

In a meeting of the whole Scots Lords and Commons then at London, in which they came unanimously in to this measure That they were to push the dissolution of the Union to the utmost, and till this was obtained, in the most solemn manner they engaged to one another, as one man without distinction, to oppose whatever party should set themselves up against them in every rate, whatever should be the nature of it, that they should try the fate of our nation first in the House of Lords by moving for leave to bring in a bill for dissolving of the Union, which was accordingly done and a day appointed for it.

Our English friends told them they inclined to put no hardship on Scotland, and if the Scots would but give them reasonable satisfaction for the security of the Protestant succession, they would goe heartily into their measures, which in that event would have been successfull; but our Scots Tories not having given them satisfaction in that point occasioned the loss of the bill, for upon my Lord Seafield his opening

of the bill in the House of Lords, the previous question was put, proceed or delay. The Tories being afraid that if it was delayed the Scots might be induced to satisfy the English about the succession, all voted proceed, which was carried by two voices. For some few days only the Scots Tories kept with the Whigs in opposing the Court according to their former solemn agreement and thereby carried every vote against them which infallibly would have forced them into our measure; but this so alarmed the Ministry they had recourse to bribing promising and cajolling our Scots Tories, which, with the fears of disappointing their other darling Jacobite projects, at last prevailed with them to return with the dog to the vomit.

We'll all be agreed that its impossible for us to pretend to get the Union dissolved without the concurrence of our honest friends in England; the treachery and villany of the Jacobites is as well known to them as to us. It's therefore evident that they'll never joyn in a project of their hatching, so that to attempt it with them will render this great affair abortive, seing we have no reason to doubt the honest party will be the strongest in this Parliament.

When our friends arrive here from London we are of opinion there will be a numerous concourse of honest men here in Edinburgh where this affair will be under consideration, the measures for carrying it on solidly digested, and accounts thereof shall in due time be sent you. In the mean time we thought it our duty to transmitt yow this as the sentiments of a good number of your friends here, to be communicated to such as yow think proper, that honest men may not be dipt in Jacobite measures however gilded with specious pretences. Deceit is in their lips, villany in their designs, and a curse remarkably attends their actings. Has the Lord God in his providence led them out to discover themselves to be enemies to the Protestant religion, the Protestant succession, yea and to every thing that's dear to us as men and Christians? Has he remarkably delyvered us from their snares, and shall wee again joyn in a league and confederacy with these Egyptians? God forbid; what is our duty let us in his strength prosecute it in concert with honest men only and such as he has raised up to carry on his own work, and in so doing we shall have peace and no reason to despair of success.

END OF THE FIRST VOLUME.

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